



**Castle House
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Newark
NG24 1BY**

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Tuesday, 2 July 2024

**Chair: Councillor A Freeman
Vice-Chair: Councillor D Moore**

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor P Harris
Councillor K Melton
Councillor E Oldham
Councillor P Rainbow**

**Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor M Spoors
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 11 July 2024 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY
<p>You are hereby requested to attend the above Meeting to be held at the time/place and on the date mentioned above for the purpose of transacting the business on the Agenda as overleaf.</p> <p>If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.</p>	

AGENDA

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 28 May 2024 at 6.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington and Councillor T Smith

APOLOGIES FOR ABSENCE: Councillor M Spoors, Councillor L Tift and Councillor T Wildgust

1 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

2 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

3 IMPLICATIONS OF NEW EVIDENCE ON PENDING PLANNING APPEALS IN RELATION TO APPLICATIONS: 22/00975/FULM - CONSTRUCTION OF A SOLAR FARM, ACCESS AND ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE AT LAND AT KNAPTHORPE LODGE, HOCKERTON ROAD, CAUNTON, NEWARK ON TRENT, NG23 6AZ (KNAPTHORPE LODGE); 22/00976/FULM - CONSTRUCTION OF A SOLAR FARM, ACCESS AND ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE AT FIELD REFERENCE NUMBER 2227, HOCKERTON ROAD, CAUNTON (MUSKHAM WOOD)

The Committee considered the report of the Business Manager – Planning Development, which provided implications of new evidence on pending planning appeals in relation to the two applications, detailed above.

The two 49.9MW Solar Farm applications were considered by the Planning Committee on 9 November 2023 where Members resolved to refuse planning permission for both schemes, contrary to officer recommendation. The reasons for refusal were contained within the report. The appellant had submitted, as part of the appeal, amended plans for both applications which reduced the number of solar panels for each application. The amended plans were considered by Officers to meet the ‘Wheatcroft principle’ whereby the plans were not materially different to that considered by the Planning Committee.

AGREED (unanimously) that the report be noted.

4 EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of part 1 of Schedule 12A of the Act.

5 IMPLICATIONS OF NEW EVIDENCE ON PENDING PLANNING APPEALS IN RELATION TO APPLICATIONS: 22/00975/FULM - CONSTRUCTION OF A SOLAR FARM, ACCESS AND ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE AT LAND AT KNAPTHORPE LODGE, HOCKERTON ROAD, CAUNTON, NEWARK ON TRENT, NG23 6AZ (KNAPTHORPE LODGE); 22/00976/FULM - CONSTRUCTION OF A SOLAR FARM, ACCESS AND ALL ASSOCIATED WORKS, EQUIPMENT AND NECESSARY INFRASTRUCTURE AT FIELD REFERENCE NUMBER 2227, HOCKERTON ROAD, CAUNTON (MUSKHAM WOOD)

The Committee considered the exempt report of the Business Manager – Planning Development, which provided implications of new evidence and material considerations on pending planning appeals in relation to the two applications as above.

The two 49.9MW Solar Farm applications were considered by the Planning Committee on 9 November 2023 where Members resolved to refuse planning permission for both schemes, contrary to officer recommendation. The reasons for refusal were contained within the report.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

Meeting closed at 7.23 pm.

Chair

By virtue of paragraph(s) 3, 5 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 6 June 2024 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor L Dales, Councillor P Harris, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor C Brooks, Councillor S Saddington, Councillor T Smith, Councillor M Spoors and Councillor L Tift

6 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

7 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

8 MINUTES OF THE MEETING HELD ON 9 MAY 2024

AGREED that the minutes of the meeting held on 9 May 2024 were approved as a correct record and signed by the Chair.

9 FORMER ALLOTMENTS, BARNBY ROAD, NEWARK - 23/01514/OUTM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought a proposed residential development of nine units.

Members considered the presentation from the Assistant Business Manager – Planning Development, which included photographs and plans of the proposed development.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from the agent with proposed changes to conditions 5, 6, 8, 13, 14, 17, 19.

Councillor L Geary representing Newark Town Council, spoke against the application in accordance with the views of Newark Town Council as contained within the report.

Members considered the application and concern was raised regarding the wildlife on this site that would become displaced and the possible demand for allotments. Other

Members commented that this development was in the sub-regional area of Newark where there should be housing and growth.

AGREED (with 5 votes For, 3 votes Against and 1 Abstention) that Planning Permission be approved subject to the conditions contained within the report, including the amendments to conditions: 5, 6, 8, 13, 14, 17, 19 and the completion of a Section 106 agreement.

10 LAND AT GREENAWAY, ROLLESTON - 24/00402/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of two bungalows and the erection of five dwellings including parking provision and amenity spaces.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A site visit had taken place prior to the commencement of the Planning Committee, for the following two reasons: that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; and there were specific site factors and/or significant policy or precedent implications that needed to be carefully addressed.

Mr C Baillon-Saunders spoke against the application as contained as representations within the report.

Councillor R Steele representing Rolleston Parish Council, spoke against the application in accordance with the views of Rolleston Parish Council as contained within the report.

Members considered the application, and it was commented that discussions regarding the car parking issues had not taken place with Rolleston Parish Council. Concern was raised that two trees would need to be felled to allow this development to take place and there were also issues with pluvial flooding and sewage that had been found on the road and in residents gardens.

Members raised concern regarding the unauthorised car parking on the green area and the problem this would cause through the loss of that car parking area for the users of the village hall. It was suggested that the two spaces at the rear of the village hall could be cleared and used, and the children's play area if tidied could also be utilised. It was noted that the car park discussions related to land outside of the red line. Concern was raised that there was no over-flow car parking and there was no parking on the road. A Member commented that the village hall took three hundred bookings per year and would not want to see those bookings interrupted.

A Member sought clarification regarding the need for this development as there was already three empty properties in Rolleston, one of which had been vacant for some time.

Members commented on the lack of response from Severn Trent and proposed a deferral to allow them to answer the concerns raised regarding the drainage issue. Concern was also raised that the access road was in flood zone 2.

Councillor M Shakeshaft entered the meeting during the Planning Officers presentation and in accordance with the Planning Protocol took no part in the debate or vote.

AGREED (with 9 votes For) that the application be deferred in order for a response to be secured from Severn Trent.

Councillor P Harris and Councillor P Rainbow left the meeting at this point.

11 SHADY OAKS, EAGLE ROAD, SPALFORD - 24/00088/FUL

The Committee considered the report of the Business Manager – Planning Development, which proposed an additional five pitches for gypsy/traveller use.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mr J McArthur, representing Spalford Parish Meeting, spoke against the application in accordance with the views of Spalford Parish Meeting as contained within the report.

Members considered the application, and it was suggested that the item be deferred for a site visit to take place. It was commented that this was one of the most sensitive sites to be reviewed. It was a high-density site and the photographs presented to the Committee did not give the context of the development. This was a hamlet without any services or amenities. It was considered important that the community felt that the Planning Committee had fully considered all the implications.

AGREED (unanimously) that the application be deferred pending a site visit to take place Thursday, 13 June 2024 and the application to be considered at the 13 June 2024 Planning Committee.

12 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS AND DEVELOPMENT CONSENT ORDERS

The Committee considered the report of the Director – Planning & Growth relating to the proposals for managing the Council's involvement in two Nationally Significant Infrastructure Projects (NSIPs) and provided a summary of the Development Consent Order (DCO) process.

The report related to the two Solar Farm Nationally Significant Infrastructure Projects (NSIPs) known as One Earth Solar Farm (OESF) and Great North Road (GNR) Solar Park. It also sought to set out a protocol that would be used for any subsequent NSIP projects that were proposed in the district.

AGREED (unanimously) that:

- (a) Members of Planning Committee be provided with quarterly updates on the projects (or earlier if required in the opinion of the

Director for Planning & Growth) and the Council's input where there are substantive updates to be reported;

- (b) with the exception of Local Impact Reports, all the Council's representations (to the developers and Secretary of State) will be delegated to the Director for Planning & Growth (who may delegate to authorised officers), in consultation with the Chair and Vice-Chair of Planning Committee; and
- (c) the protocol as enclosed as an Appendix to the report be adopted and that it forms part of the agreed delegation for NSIP projects going forward.

13 NOMINATIONS TO THE PLANNING POLICY BOARD THREE MEMBERS OF THE PLANNING COMMITTEE TO BE NOMINATED TO THE PLANNING POLICY BOARD.

The Committee were asked to nominate three Members of the Planning Committee to sit on the Planning Policy Board.

AGREED (unanimously) that Councillors A Freeman (Chair), D Moore (Vice-Chair) and K Melton be appointed as the Planning Committee representatives on the Planning Policy Board for 2024/25.

14 PERMITTED DEVELOPMENT RIGHTS: IMPLEMENTATION OF VARIOUS AMENDMENTS TO EXISTING CLASSES UNDER SCHEDULE 2 - PART 3, (CLASS MA, CLASS Q, CLASS R: PART 6, CLASSES A AND B)

The Committee considered the report of the Director – Planning & Growth relating to the latest permitted development right.

On the 24 July 2023, the Department for Levelling Up, Housing and Communities commenced a consultation on six proposals concerning amendments to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), as amended. They were:

- a) Changes to certain permitted development rights that allow for the change of use to dwellinghouses.
- b) Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units.
- c) Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings.
- d) Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days.
- e) Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons.
- f) The application of local design codes to certain permitted development rights.

A paper was presented to Planning Committee on 7 September 2023 setting out the Council's response to that consultation. The Government had issued, on the 13 February, coming into force on the 5 March, a new Statutory Instrument 2024 No. 141 (The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024) setting out permitted development rights relating to a) above.

It had also issued, on the 30 April 2024, coming into force on the 21 May 2024, a further Statutory Instrument 2024 No. 579 The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 setting out permitted development rights relating to b) above.

The report covered the detailed changes with the Statutory Instruments.

AGREED that the contents of the report and the permitted development right changes be noted.

15 APPEALS LODGED

AGREED that the report be noted.

16 APPEALS DETERMINED

The Assistant Business Manager - Planning Development informed the Committee that to date the cost element of the Battery Energy Storage System application hearing had not yet been received, the Committee would be informed as soon as that information was known.

The Committee was also informed that the cost award for 11 Station Road, Collingham had been omitted from the Development Management Performance Report presented to the 9 May Planning Committee.

AGREED that the report be noted.

Meeting closed at 6.34 pm.

Chair

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Wednesday, 19 June 2024 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)
Councillor D Moore (Vice-Chair)

Councillor C Brooks, Councillor L Dales, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft, Councillor M Spoor, Councillor L Tift and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor A Amer, Councillor P Harris, Councillor S Saddington and Councillor T Smith

17 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chair informed the Committee that the Council was undertaking an audio recording of the meeting and that it was being live streamed.

18 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

The Chair advised the Committee of other registerable interests declared on behalf of Councillors L Dales, A Freeman and K Melton as appointed representatives on the Trent Valley Internal Drainage Board for any relevant items.

19 LAND OFF STAYTHORPE ROAD, AVERHAM - 23/00317/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure.

A site visit had taken place prior to the commencement of the Planning Committee, on the grounds that the proposal was particularly contentious, and the aspects being raised could only be viewed on site.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the local residents and agent.

Mr P Grant spoke against the application as contained as representations within the report.

Councillor I Bradey representing Averham, Kelham and Staythorpe Parish Council, spoke against the application in accordance with the views of Averham, Kelham and Staythorpe Parish Council as contained within the report.

Mr C Calvert agent for Pegasus Planning Group Ltd, spoke in support of the application.

Members considered the application and concern was raised regarding fire risk, if there was a fire from one of the batteries and the land was flooded at that time, the fire could spread through the flood water. 92% of the land was within Grade 3A agricultural land, it was commented that the cumulative impact regarding this should be studied. A Member commented upon the time frame of 40 years and stated that something had to be done regarding national policy to address that as it was too long. Lithium batteries were also discussed and the risk of them exploding, catching fire, and creating toxic gases, an issue of concern to local people. A Member commented that there was information contained on British Standards which covered the way the batteries were manufactured, a lot of issues in the past was reported to have been through the manufacturing process which had been resolved. The different types of batteries were discussed and the differing opinions about the spacing between the layout of the batteries from the 2.5 metres proposed to a suggested 6 metres. It was commented that with the flood zone in that area, if there was a flood, even letting the unit burn, it was felt that a larger configuration between units should be provided. It was commented that a low carbon future was key to this application, the grid implications were local and the proximity to the grid made sense.

Councillor L Tift left the meeting at the end of the presentation and was absent for the debate and vote.

AGREED (with 5 votes For and 5 votes Against, the Chairman used his casting vote in support of the application) that Planning Permission be approved subject to the conditions contained within the report, as amended by the Late Items Schedule and the completion of a Section 106 agreement for the matters set out within the report.

Councillor L Tift returned to the meeting at this point and then left the meeting.

20 LAND ADJACENT STAYTHORPE SUBSTATION, STAYTHORPE ROAD, STAYTHORPE - 23/00810/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Mr C Calvert agent for Pegasus Planning Group Ltd, spoke in support of the application.

Members considered the application acceptable.

AGREED (with 8 votes For and 2 votes Against) that Planning Permission be approved subject to the conditions contained within the report.

The Committee considered the report of the Business Manager – Planning Development, which sought the proposed additional five pitches for gypsy/traveller use.

A site visit had taken place prior to the commencement of the Planning Committee, as this was the reason to defer the determination of the application from the Planning Committee on 6 June 2024, to allow Members to view the context of the site.

Members considered the presentation from the Assistant Business Manager - Planning Development, which included photographs and plans of the proposed development.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the agent.

Mr J McArthur, representing Spalford Parish Meeting, spoke against the application in accordance with the views of Spalford Parish Meeting as contained within the report.

Members considered the application, and it was commented that Spalford had no services, amenities or bus network. There were also no footpaths or street lighting around this site and not enough proposed car parking. The site was also in flood zone 3. Shady Oaks referred to this site as a caravan park and not a GRT site. It was felt that the proposal would alter the nature of the hamlet. It was commented that the Authority had submitted a Draft Review of the Allocations and Development Management DPD in front of the Planning Inspectorate which should afford some weight. The cumulative impact of the proposal was not good for the hamlet community or for the people who would live on this site.

The Chair commented that the cumulative impact of the population on a small hamlet had never been tested. The proposed application could increase the population by an additional 36 people against a hamlet of 91 people.

A Member commented that given the location and what had been proposed would not dominate the village itself. There was a specific policy challenge regarding the GRT sites which was not being met in the district. The site was not being integrated with the community as it was hiding away behind a tall conifer hedge. Families would also choose to live here and not forced; the conditions therefore may be better than their current residence.

The Chair commented that not everyone wanted facilities where they lived, this was a hamlet, with developments around it. There was a shortfall in the district for GRT sites, however it was commented that we should not make do with bad sites to deal with that issue. The LA should try and get the best for the GRT community and the local community.

The Business Manager – Planning Development commented that the Review of the Allocations and Development Management DPD was with the Inspector and the examination would take place November 2024. Limited weight should be attached to this plan review, as the outcome of the plan was unknown at present and there could

be changes insisted by the Inspector. The plan would also need to be considered and agreed by Full Council.

A vote was taken and lost to approve the application with 9 votes Against and 1 abstention.

AGREED Proposer Councillor Freeman and Seconder Councillor Moore (with 8 votes For and 2 Abstentions) that contrary to Officer recommendation Planning Permission be refused for the following reasons:

- (i) the status of draft development plan, this site is not an allocated site;
- (ii) additional 5 pitches on hamlet with impact from additional population;
- (iii) development not well planned;
- (iv) does not promote opportunities for healthy lifestyle, e.g. does not include amenity block / amenity areas; and
- (v) the enclosure with existing soft landscaping created a sense of isolation.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
C Brooks	For
L Dales	For
A Freeman	For
K Melton	Abstention
D Moore	For
E Oldham	For
P Rainbow	For
M Shakeshaft	For
M Spoors	For
T Wildgust	Abstention

Meeting closed at 6.26 pm.

Chair



Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner (Development Management)

Report Summary			
Application Number	23/01755/RMAM		
Proposal	Submission of Reserved Matters (layout, scale, appearance, landscaping) for Phase 2 of 19/00854/OUTM for 309 dwellings including details to discharge Conditions 5, 12, 13, 16, 17, 22 and 24.		
Location	Flowserve Pump Division, Hawton Lane, Balderton, Nottinghamshire, NG24 3BU		
Applicant	Lovell Partnerships and CB Collier NK Limited	Applicant	Lovell Partnerships and CB Collier NK Limited
Web Link	23/01755/RMAM Submission of Reserved Matters (layout, scale, appearance, landscaping) for Phase 2 of 19/00854/OUTM for 309 dwellings including details to discharge Conditions 5, 12, 14 (in part), 16, 17 (in part) and 22. Flowserve Pump Division Hawton Lane Balderton Newark On Trent NG24 3BU (newark-sherwooddc.gov.uk)		
Registered	10.10.2023	Target Date Extension To	09.01.2023 19.07.2024
Recommendation	That Reserved Matters approval is APPROVED subject to the condition(s) detailed at Section 10.0		

The application is referred to the Planning Committee at the discretion of the Business Manager.

Summary of the Report

This report evaluates a reserved matters application for the erection of 309 dwellings and associated works on a former industrial site in Balderton. The report considers the detailed aspects of the proposal - layout, scale, appearance and landscaping, and assesses whether they comply with the relevant policies and conditions of the outline permission. The report examines the impacts of the development on matters such as the character and appearance of the area, the amenity of existing and future residents, highway safety and accessibility, ecology and biodiversity, and flood risk and drainage.

It concludes the proposal is in accordance with the outline permission and the relevant local and national policies, and that it would not result in any significant adverse effects on the

environment or the amenity of the surrounding area. It also states that the proposal would deliver a high-quality design that would enhance the character and appearance of the site and the wider area, and that it would provide a range of housing types and tenures to meet the local needs.¹

The Site

- 1.1 The application site is situated on the southern side of Hawton Lane, within the defined urban boundary of Newark Urban Area (NAP1) and within the built-up area of Balderton. The site lies to the south-east side of Newark and is approximately 2.2 km from the defined town centre. The wider site comprises a large swathe of former industrial land approximately 12.6Ha in size which surrounds the existing Flowserve Pumps Limited commercial premises and the Sports and Social Club (SSC) including its clubhouse and sports pitches (both of which are outside of the site).
- 1.2 The existing access to the site is provided off Hawton Lane where a lengthy access drive (c.400m in length) serves both the Flowserve factory and SSC site. This access runs through landscaped grounds and alongside a watercourse on the eastern side. To the western side of the access is the Local Wildlife Site 'Balderton Scrubby Grassland Local Wildlife Site (LWS 5/332)'. The site has been the subject of significant remediation and flood alleviation works in recent years and has the appearance of a relatively levelled and bare site with an attenuation pond in the south-west corner.
- 1.3 To the north and east of the site is suburban residential development and to the west is Middlebeck which is a strategic site for housing to be constructed in the plan period to 2026 c.3100 dwellings. Elsewhere, the site borders the countryside, except for an isolated pocket of residential development at the south-eastern corner on Lowfield Lane. The Sustrans cycleway, following the line of the former railway, spans the western boundary. Balderton Footpath 11 (FP11) crosses the site in an east-west direction between the SSC and the Flowserve factory site linking Mead Way to the development site, however the formal link to the Sustrans Route from the site has been extinguished as part of the Middlebeck development (an informal, manmade link exists to the Sustrans; however, this does not have any formal public right of way). Balderton Footpath 13 (FP13) links FP11 at its junction with Mead Way to Lowfield Lane to the south and follows the eastern boundary of the site in a north-south direction. The Newark Southern Link Road (NAP 4) abuts the south-west corner of the application site.
- 1.4 As a result of works carried out following a previous consent (18/01235/FULM), including the formation of a drainage pond in the south-west corner, de-culverting and re-formation of the watercourse and raising of the ground levels the Environment Agency have confirmed that the site is within Flood Zone 1.

2.0 Relevant Planning History

- 2.1. **24/01036/NMA** - Application for a non-material amendment to planning permission

¹ This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

23/00621/RMA for widening a 2m a footpath on the western side of the spine road in Phase 1 to create a 3m footway/cycle way – Permitted 12.06.2024

- 2.2. **23/00621/RMA** - Submission of reserved matters (layout and appearance) for Phase 1 of 19/00854/OUTM comprising a new spine road and enabling works – Permitted 28.11.2023

- 2.3. **19/00854/OUTM** - Outline application with all matters reserved except access for a proposed 322-unit residential development on land at Flowserve premises, Hawton Lane, Balderton, Newark – Refused 04.08.2020 and allowed on appeal 17.06.2021

This permission was subject to numerous conditions as well as an associated S106 legal agreement (dated 13 April 2021) which secured the following:

- Car Parking Provision for the Sports and Social Club: no less than 86 car parking spaces (no less than 44 spaces to be provided on the Property and no less than 42 spaces to be provided within the immediate and reasonable vicinity of the SSC).
- Provision and future management of not less than 37,794 square metres of publicly accessible on-site open space to include a Local Equipped Area for Play.

Associated discharge of conditions applications: 22/01109/DISCON (Speed Limit Reduction), 22/01090/DISCON (Generator Noise Mitigation), 22/01339/DISCON (Construction Management Statement), 22/01970/DISCON (Contamination).

- 2.4. **18/01235/FULM** - Demolition of existing buildings, remediation of site, formation of drainage pond, de-culverting and formation of new watercourse and raising of ground levels to create a development site – Permitted 05.03.2019

Associated discharge of conditions applications: 19/00836/DISCON, 19/00760/DISCON, 19/00726/DISCON, 19/00652/DISCON and 19/00502/DISCON - conditions discharged and permission implemented.

- 2.5. **19/SCR/00007** - Screening request for residential development – Environmental Impact Assessment not required 14.05.2019
- 2.6. **07/01840/OUTM** – Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Permitted 2009 (not implemented).
- 2.7. **06/01639/OUTM** - Demolition of existing factory, erection of new factory, relocation of sports facilities and erection of up to 210 new dwellings together with associated works – Refused 2007 for reasons related to lack of amenity open space, childrens play areas and sports facilities, impact on the amenity of future occupiers, highways matters and lack of affordable housing.

3.0 The Proposal

- 3.1 The application seeks reserved matters (scale, appearance, layout and landscape)

approval in respect of Phase 2 which relates to the entire housing development site comprising 309 market dwellings (following Phase 1 which related to the enabling infrastructure phase/spine road only). See pg. 5 for the proposed site layout plan extract.

- 3.2 The outline permission established that the site would be accessed via a singular vehicular point of access off Hawton Lane with emergency access only via Lowfield Lane in the south-east corner of the site. The access has already been approved as part of the outline permission and is not a matter for consideration in this reserved matters submission.
- 3.3 The proposal has been amended during its lifetime as discussed in the relevant sections of the appraisal below. An additional round of consultation has been undertaken on the basis of the revised scheme received April 2024. The proposal, as revised, seeks reserved matters approval for the detailed design of 309 dwellings divided into the following mix:

No. of Bedrooms	No. of Units	% of Total
1	22	7.1%
2	121	39.2%
3	131	42.4%
4	35	11.3%
Total	309	

- 3.4 The scheme would be delivered through 17 different house types that are mainly two storeys (being typically 8m in height) with five bungalows and twenty-nine 2.5 storey units interspersed within the development (up to 9.7m in height).
- 3.5 The proposal includes areas of open space including a Local Equipped Area for Play (LEAP) (located broadly centrally in the bottom section of the site), a footpath adjacent to the attenuation pond and provision for parking for the Sports and Social Club (SSC) (adjacent to the western boundary of the SSC and eastern boundary of the Flowserve factory) as required by the Outline S106 agreement. There is also provision for drainage features including an attenuation pond in the south-east corner of the site (that was approved under 18/01235/FULM and has been implemented).
- 3.6 The dwellings would include detailing such as feature gables, varied ridge lines and covered porches as examples. Materials would be predominately brick (mix of red and buff tones) with some rendered properties and a mix of grey and brown roof tiles. The site has been split into three-character areas as follows:
- Spine Road: this area sits to the inside of the central boundary facing the main spine route through the site and includes the use of some 2.5 storey dwellings. Key features of the house types within this character area include brick headers, stone cills, formal style windows and flat porch canopies with brick being the main facing material with some render features.
 - Rural Edge: this area sits to the inside of the external boundary area facing open

spaces and the edge of the site. Key features of the house types within this character area include brick headers and cills, cottage style windows and doors, gabled canopies, hipped bays, and brick as the main facing material.

- Formal Residential: this area forms the central areas of the site and facing existing development to the northeast. Key features of this character area include brick headers and stone cills, formal style windows, flat and pitched roof canopies, and brick as the main facing material.

- 3.7 A number of details have also been submitted as part of the reserved matters submission (which would avoid the need to discharge the outline conditions at a later date) and will be covered separately under each relevant section of this report.

NB: Any measurements above are approximate.

- 3.8 The Proposed Site Layout is shown for information below:



Fig. 1 - Proposed Site Layout Plan

- 3.9 The application submission has been accompanied by and considered on the basis of the following documents and plans:

Document Description	Reference	Date Deposited
Plans		
Site Location Plan	102-496LIV/(P)011 G	11 Jun 2024
Presentation Layout	102-496LIV/(P)013D	14 Jun 2024
Presentation Layout with Aerial	102-496LIV/(P)014D	14 Jun 2024
Proposed Site Layout	102 496LIV P 001 AF	14 Jun 2024
S106 Parking Strategy	102 496LIV P 015 O	14 Jun 2024

Building Heights Plan	102 496LIV P 016 O	14 Jun 2024
Tree Retention, Removal And Protection Plan 1 of 2	BEA 23 084 010 REV P05	17 Jun 2024
Tree Retention, Removal And Protection Plan 2 of 2	BEA 23 084 011 REV P05	17 Jun 2024
Detailed Tree Plan	BEA 23 084 013 REV P05	17 Jun 2024
Detailed Soft Landscape Proposals, 1 of 7	BEA 23 084 01 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 2 of 7	BEA 23 084 02 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 3 of 7	BEA 23 084 03 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 4 of 7	BEA 23 084 04 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 5 of 7	BEA 23 084 05 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 6 of 7	BEA 23 084 06 REV P07	17 Jun 2024
Detailed Soft Landscape Proposals, 7 of 7	BEA 23 084 07 REV P07	17 Jun 2024
Horizontal Geometry Assessment Sheet 1	FS LE GEN XX DR CE 001 P05	14 Jun 2024
Horizontal Geometry Assessment Sheet 2	FL LE GEN XX DR CE 002 P05	14 Jun 2024
Horizontal Geometry Assessment Sheet 3	FS LE GEN XX DR CE 003 P05	14 Jun 2024
Swept Path Analysis Sheet 1	FS LE GEN XX DR CE 005 P05	10 Jun 2024
Swept Path Analysis Sheet 2	FS LE GEN XX DR CE 006 P07	14 Jun 2024
Swept Path Analysis Sheet 3	FS LE GEN XX DR CE 007 P06	10 Jun 2024
Swept Path Analysis Sheet 4	FS LE GEN XX DR CE 008 P05	10 Jun 2024
Existing Levels Sheet 1	FS LE GEN XX DR CE 010	12 Feb 2024
Existing Levels Sheet 2	FS LE GEN XX DR CE 011	12 Feb 2024
Existing Levels Sheet 3	FS LE GEN XX DR CE 012	12 Feb 2024
Proposed Levels Sheet 1	FS LE GEN XX DR CE 015 P03	10 Jun 2024
Proposed Levels Sheet 2	FS LE GEN XX DR CE 016 P04	14 Jun 2024
Proposed Levels Sheet 3	FS LE GEN XX DR CE 017 P04	14 Jun 2024
Proposed Drainage Sheet 1	FS LE GEN XX DR CE 020 P03	10 Jun 2024
Proposed Drainage Sheet 2	FS LE GEN XX DR CE 021 P04	14 Jun 2024
Proposed Drainage Sheet 3	FS LE GEN XX DR CE 022 P04	14 Jun 2024

Materials Plan	102 496LIV P 004 O	14 Jun 2024
Boundary Treatment Plan	102 496LIV P 005 P	14 Jun 2024
Parking Strategy Plan	102 496LIV P 006 P	14 Jun 2024
EV Charging Plan	102 496LIV P 007 N	14 Jun 2024
Separation Distances Plan	102 496LIV P 008 O	14 Jun 2024
Open Spaces Plan	102 496LIV P 009 O	14 Jun 2024
Refuse Strategy Plan	102 496LIV P 010 O	14 Jun 2024
Proposed Leap And Central POS	23 084 P 14 REV P03	12 Jun 2024
Tree Survey Plan, 1 of 2 [existing]	BEA 23 084 008 P01	12 Feb 2024
Tree Survey Plan, 2 of 2 [existing]	BEA 23 084 009 P01	12 Feb 2024
Proposed Street Scenes	102-496LIV P 017 F	14 Jun 2024
Informal Parking Assessment	FS LE GEN XX DR CE 004 REV P01	17 Jun 2024
Proposed PRoW Illustrative Sections	FS LE GEN XX DR CE 018 P02	10 Jun 2024
House Type Plans		
RURAL EDGE - STOCKWOOD AS	102 496LIV (HT)1101A	14 Jun 2024
RURAL EDGE - STOCKWOOD OPP	102 496LIV (HT)1102	11 Jun 2024
RURAL EDGE - OMBERSLEY X 2	102 496LIV (HT)1103A	14 Jun 2024
RURAL EDGE - OMBERSLEY X 3	102 496LIV (HT)1104A	14 Jun 2024
RURAL EDGE - KINGFISHER X 2	102 496LIV (HT)1105	11 Jun 2024
RURAL EDGE - KINGFISHER X 3	102 496LIV (HT)1106	11 Jun 2024
RURAL EDGE - ELESHAM OPP	102 496LIV (HT)1107	11 Jun 2024
RURAL EDGE - HENBURY X 2	102 496LIV (HT)1109A	14 Jun 2024
RURAL EDGE - HENBURY X 3	102 496LIV (HT)1110A	14 Jun 2024
RURAL EDGE - PRESTBURY OPP	102 496LIV (HT)1111	11 Jun 2024
RURAL EDGE - PRESTBURY AS	102 496LIV (HT)1112	11 Jun 2024
RURAL EDGE - MILFORD AS	102 496LIV (HT)1113	11 Jun 2024
RURAL EDGE - MILFORD OPP	102 496LIV (HT)1114 A	11 Jun 2024
RURAL EDGE - LEASIDE OPP	102 496LIV (HT)1115	11 Jun 2024
RURAL EDGE - RICHMOND+	102 496LIV (HT)1117	11 Jun 2024
RURAL EDGE - LAMBOURNE X 2	102 496LIV (HT)1118	11 Jun 2024
RURAL EDGE - M4(3) BUNGALOW	102 496LIV (HT)1119	11 Jun 2024
RURAL EDGE - M4(3) BUNGALOW X 2	102 496LIV (HT)1120	11 Jun 2024
RURAL EDGE - RAMSEY+ OPP	102 496LIV (HT)1121 A	11 Jun 2024
RURAL EDGE - NEWBURY - LANSDOWNE+	102 496LIV (HT)1122 A	11 Jun 2024
RURAL EDGE - LANSDOWNE+OPP	102 496LIV (HT)1123	11 Jun 2024
RURAL EDGE - NEWBURY OPP	102 496LIV (HT)1124A	14 Jun 2024
RURAL EDGE - NEWBURY AS	102 496LIV (HT)1125	11 Jun 2024
RURAL EDGE - NEWBURY W V1	102 496LIV (HT)1126	11 Jun 2024
RURAL EDGE - NEWBURY W V2	102 496LIV (HT)1127	11 Jun 2024
RURAL EDGE - HENBURY-HENBURY- NEWBURY	102 496LIV (HT)1128	11 Jun 2024
RURAL EDGE – NEWBURY LANSDOWNE+V2	102 496LIV (HT)1129	11 Jun 2024

SPINE ROAD - NEWBURY W	102 496LIV (HT)2101	11 Jun 2024
SPINE ROAD NEWBURY AS	102 496LIV (HT)2102C	14 Jun 2024
SPINE ROAD - NEWBURY OPP	102 496LIV (HT)2103B	14 Jun 2024
SPINE ROAD - ELESHAM AS	102 496LIV (HT)2104A	14 Jun 2024
SPINE ROAD - MOTTRAM X 4	102 496LIV (HT)2105B	14 Jun 2024
SPINE ROAD - MOTTRAM X 3	102 496LIV (HT)2106	11 Jun 2024
SPINE ROAD - MILFORD AS	102 496LIV (HT)2107	11 Jun 2024
SPINE ROAD - MILFORD OPP	102 496LIV (HT)2108	11 Jun 2024
SPINE ROAD - RICHMOND+	102 496LIV (HT)2109	11 Jun 2024
SPINE ROAD - HENBURY X 2	102 496LIV (HT)2110	11 Jun 2024
SPINE ROAD - STOCKWOOD AS	102 496LIV (HT)2111	11 Jun 2024
SPINE ROAD - STOCKWOOD OPP	102 496LIV (HT)2112	11 Jun 2024
SPINE ROAD - MAYLAND-LEASIDE	102 496LIV (HT)2113	11 Jun 2024
SPINE ROAD - ELESHAM-MARYLAND	102 496LIV (HT)2114A	11 Jun 2024
SPINE ROAD - RAMSEY+ OPP	102 496LIV (HT)2115	11 Jun 2024
SPINE ROAD - KINGFISHER X 4	102 496LIV (HT)2116A	14 Jun 2024
SPINE ROAD - KINGFISHER X 3	102 496LIV (HT)2117	11 Jun 2024
SPINE ROAD - KINGFISHER X 2	102 496LIV (HT)2118	11 Jun 2024
SPINE ROAD - LANSDOWNE+ AS	102 496LIV (HT)2119A	11 Jun 2024
SPINE ROAD - LANSDOWNE+ OPP	102 496LIV (HT)2120A	11 Jun 2024
SPINE ROAD - LANSDOWNE+ X2	102 496LIV (HT)2121A	11 Jun 2024
SPINE ROAD - PRESTBURY OPP	102 496LIV (HT)2122	11 Jun 2024
SPINE ROAD - LEASIDE OPP	102 496LIV (HT)2123A	11 Jun 2024
SPINE ROAD - LAMBERHURST X 2	102 496LIV (HT)2124	11 Jun 2024
SPINE ROAD - OMBERLSEY X 2	102 496LIV (HT)2125	11 Jun 2024
SPINE ROAD - NEWBURY W V2	102 496LIV (HT)2126	11 Jun 2024
SPINE ROAD – NEWBURY-HENBURY-HENBURY	102 496LIV (HT)2127	11 Jun 2024
SPINE ROAD - NEWBURY W V3	102 496LIV (HT)2128	14 Jun 2024
SPINE ROAD – ELESHAM OPP	102 496LIV (HT)2129	14 Jun 2024
FORMAL RESIDENTIAL - ELESHAM AS	102 496LIV (HT)3101A	14 Jun 2024
FORMAL RESIDENTIAL - ELESHAM OPP	102 496LIV (HT)3102A	14 Jun 2024
FORMAL RESIDENTIAL - HENBURY X 2	102 496LIV (HT)3103	11 Jun 2024
FORMAL RESIDENTIAL - KINGFISHER X 2	102 496LIV (HT)3104A	14 Jun 2024
FORMAL RESIDENTIAL - KINGFISHER X 3	102 496LIV (HT)3105	11 Jun 2024
FORMAL RESIDENTIAL - LAMBERHURST X 2	102 496LIV (HT)3106	11 Jun 2024
FORMAL RESIDENTIAL - LAMBOURNE X 2	102 496LIV (HT)3107	11 Jun 2024
FORMAL RESIDENTIAL - LAMBOURNE X 3	102 496LIV (HT)3108A	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+-NEWBURY	102 496LIV (HT)3109	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+-X2	102 496LIV (HT)3110A	11 Jun 2024
FORMAL RESIDENTIAL - LANSDOWNE+ AS	102 496LIV (HT)3111	11 Jun 2024

FORMAL RESIDENTIAL - M4(3) BUNGALOW OPP	102 496LIV (HT)3112A	11 Jun 2024
FORMAL RESIDENTIAL - MILFORD AS	102 496LIV (HT)3113	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY-LANSDOWNE	102 496LIV (HT)3114	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY W	102 496LIV (HT)3115	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY AS	102 496LIV (HT)3116	11 Jun 2024
FORMAL RESIDENTIAL - NEWBURY OPP	102 496LIV (HT)3117	11 Jun 2024
FORMAL RESIDENTIAL - PRESTBURY OPP	102 496LIV (HT)3118	11 Jun 2024
FORMAL RESIDENTIAL - RAMSEY+ AS	102 496LIV (HT)3119	11 Jun 2024
FORMAL RESIDENTIAL - RAMSEY+ OPP	102 496LIV (HT)3120	11 Jun 2024
FORMAL RESIDENTIAL - RICHMOND+ AS	102 496LIV (HT)3121	11 Jun 2024
FORMAL RESIDENTIAL - STOCKWOOD AS	102 496LIV (HT)3122	11 Jun 2024
FORMAL RESIDENTIAL – LANSDOWNE+X2 V2	102 496LIV (HT)3123	11 Jun 2024
PROPOSED GARAGES	102 496LIV (HT)4001 B	11 Jun 2024
Reports		
Covering Letter From Agent 10 th Oct 2023		10 Oct 2023
Covering Letter From Agent 9 th Feb 2024		12 Feb 2024
Design and Access Statement	Rev. A	04 Oct 2023
Drainage Technical Note	LP405 FS LE GEN XX TN CE TN01 P03, by Link Engineering, 7 th June 2024	14 Jun 2024
Arboricultural Method Statement	BEA-23084-DP-AMS002 (P01), 19 th Sept 2023	12 Jun 2024
Tree Survey Report	BEA-23084-DP-TR001 (P01), 19 th Sept 2023	12 Jun 2024
Tree Survey Report	BEA-23084-DP-TR001 (P02), 19 th Sept 2023	12 Jun 2024
5+ Year Landscape Management Plan	BEA-23-084-TGW-LMP001 (P02), Sept 2023	12 Jun 2024
Confidential Site Walkover Letter Statement	By E3P, 7 th Feb 2024	12 Feb 2024
Ecology Site Walkover Letter	7 th Feb 2024	31 May 2024
Site Walkover Letter Statement	80-754-L1-3, By E3P, 11 th June 2024	2 Jun 2024
Ecology Ground Level Tree Assessment		22 Apr 2024
Ecological Mitigation, Management and Enhancement Scheme	80-754-R5-5 By E3P, 17/06/2024	17 Jun 2024
Construction Management Statement CMS Appendix A – Build Sequence CMS Appendix B – Paves Plan CMS Appendix C – HGV Routing Plan	Rev. B, 22 nd May 2023 BS100 Rev. B PP100 Rev. A Rev. A	22 May 2024

Reserved Matters Noise Mitigation Scheme	P23-331-R01 V4, by Hepworth Acoustics, June 2024	11 Jun 2024
Technical Note Response to NCC LHA Comments (Highways)	LP405 FS LE GEN XX TN CE TN04	10 Jun 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 123 properties have been individually notified by letter. A site notice has also been displayed near to the site and adverts have been placed in the local press.

4.2 Most recent site visit undertaken on: 25.04.2024

5.0 Planning Policy Framework

5.1. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 – Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Area Policy NAP 1 – Newark Urban Area
 Area Policy NAP 2 – Land South of Newark

5.2. Allocations & Development Management DPD (2013)

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
 Policy DM3: Developer Contributions
 Policy DM4: Renewable and low Carbon Energy Generation
 Policy DM5: Design
 Policy DM7: Biodiversity and Green Infrastructure
 Policy DM10: Pollution and Hazardous Materials
 Policy DM12: Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As

such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places (September 2019)

Newark and Sherwood Residential Cycle and Car Parking Standards and Design Guide SPD (June 2021)

NSDC Plan Review Publication Amended Allocations & Development Management DPD (November 2022)

Building for a Healthy Life (2020)

Technical housing standards – nationally described space standard (2015)

- 5.5. A number of the policies referenced above have been included for completeness as they were considered as part of the Outline proposal. Those relevant to this application are detailed and discussed within the report at section 7.0.

6.0 Consultations and Representations

Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. NCC Highways – No objection subject to conditions and informative notes.
- 6.2. Sport England – No objection.
- 6.3. The Environment Agency – No objection.

Town/Parish Council

- 6.4. Balderton Parish Council – Object, concerns raised:
- Access arrangements into the site, concerns relating to highway safety during construction, the Hawton Lane junction and lack of public transport to reduce private car traffic.
 - Loss of footpath 11 and loss of connectivity to the Sustrans Route.
 - Concern in relation to loss of trees and landscaping.
 - Concern over lack of detail for the play area and concern that disabled children will not be considered.
 - Concern that the layout is not fit for use by refuse vehicles.
 - Concern that the redevelopment of this site has increased run-off to surrounding land and that the site attenuation pond is not operating properly.

6.5. Representations/Non-Statutory Consultation

- 6.6. NSDC Tree Officer – No objection.
- 6.7. NSDC Ecology Officer – No objection.
- 6.8. NSDC Environmental Health – No objection.
- 6.9. NSDC Contaminated Land Officer – No objection, subject to conditions.
- 6.10. NSDC Parks and Amenities – No comments received.
- 6.11. NCC Planning Policy - No comments received.
- 6.12. NCC Rights of Way – No objection, subject to landscape management being secured.
- 6.13. NCC Flood Risk (LLFA) – No objection.
- 6.14. Nottinghamshire Wildlife Trust – No comments received.
- 6.15. Severn Trent Water – No comments received.
- 6.16. Trent Valley Internal Drainage Board - No comments received.
- 6.17. Ramblers - No comments received.
- 6.18. Nottinghamshire Police – reference to the Secured by Design accreditation.
- 6.19. Nottinghamshire Fire & Rescue Service – (A consultation was undertaken with this body in relation to the housing layout adjacent to the emergency services access onto Lowfield Lane) No comments to make as the fire authority are only consulted as part of the Building Regulations process, however, defer to Approved Document B (Volume 1) of the Building regulations (2010) for appropriate access design.
- 6.20. Newark Town Council – Object, concerns raised:
- Support original concerns raised by consultees due to parking for the sports club, S106 conditions not being met, concerns of the tree officer, public rights of way officer, highways, and sport England.
 - No amended comments have been received from the Town Council following re-consultation on the amended plans.
- 6.21. Comments have been received from **TWO** third parties/local residents that can be summarised as follows:
- Concerns in relation to the removal of the trees in the south-east corner of the site adjacent to Lowfield Cottages as they are a roost for Tawny Owls and bats which has not been considered in the application.
 - Request for the drainage scheme to resolve existing surface water run off issues from the eastern boundary.
 - Concerns that the new houses would receive noise attenuation to protect them from the Southern Link Road but existing houses on Lowfield Lane were not

required to be improved as part of the Southern Link Road permission which is double standards.

- Concerns about a ransom strip of land adjacent to the eastern boundary between Mead Way and the development site which could have been incorporated into the development if requested.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- Background Information
- Phasing of the Development
- Housing Mix, Type and Density
- Design, Character, and Appearance
- Landscaping and Ecology Matters
- Impact on Amenity
- Highway Matters (including Rights of Way)
- Flood Risk and Drainage
- Impact on Ecology
- Land Contamination
- Impact on Surrounding Land Uses
- Developer Contributions
- Other Matters

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF (2023) refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD (2013).

Background Information

7.3. Outline permission for a residential development of up to 322 units was allowed at appeal in June 2021 with all matters reserved except access. The principle of the residential use of the site and general parameters have been established and need not be considered further in any detail. Access was also established in the outline consent as being taken off Hawton Lane via the existing access drive at the northern boundary with emergency access only via Lowfield Lane in the south-east corner of the site. The route of access into the site has been approved and is therefore not a matter than can be revisited as part of this assessment.

7.4. Members may recall that the crux of the Outline appeal was that the scheme did not propose any developer contributions (in respect of affordable housing, healthcare, education, transport, community facilities etc.) because of development viability from

significant contamination and remediation costs. The Inspector resolved to allow the appeal in the absence of any developer contributions with only on-site open space (to include a Local Equipped Area for Play/LEAP) and car parking provision for the Sports and Social Club (SSC) being secured by a S106 agreement. As the outline permission was granted on this basis it is not possible to revisit this matter. The viability of the scheme remains an important consideration when assessing this reserved matters in relation to the overall quantum of development which was fixed at a maximum of 322 units.

- 7.5. Reserved matters approved for Phase 1 of this development was subsequently granted in November 2023 which related to an enabling infrastructure phase. This included provision of a new spine road and enabling works which would extend from Hawton Lane to the south through the top portion of the site connecting the existing SSC, Flowserve Factory and part of the residential development. Alongside this, the Phase 1 application also dealt with some of the requirements of the conditions attached to the Outline consent for this initial phase.
- 7.6. Following negotiations and discussions that have taken place as part of the assessment of this application a non-material amendment application was also submitted and approved in respect of Phase 1 to increase the footway along the spine road from 2m wide to 3m to accommodate a cycle route from the factory entrance (junction with Balderton FP11) and Hawton Lane.
- 7.7. This current proposal relates to Phase 2 which is for the entire housing development of 309 market dwellings to be delivered by Lovell Homes. The quantum sought is below the maximum quantum of 322 units set by the outline permission, however the proposed site layout shows all available land (that does not form part of any public open secured by the S106 agreement) occupied for housing, such that a future reserved matters for 13 dwellings would not be forthcoming. The initial 322 quantum was based on the potential inclusion of apartments as part of the outline proposal, however as the housing mix was not a matter for consideration and due to negotiations that have taken place to secure an acceptable housing layout the quantum has been reduced to 309 units.
- 7.8. As part of this assessment, only the reserved matters including appearance, landscaping, layout and scale of the development proposed are open for consideration as well as the internal highway layout (other than the extent of the road infrastructure approved under Phase 1). The access and principle of the development have been accepted.

Phasing of the Development

- 7.9. Condition 04 of the Outline consent required submission of a Phasing Plan with the first reserved matters application detailing how the development was proposed to come forward in each phase of the development. The phasing plan submitted under 23/00621/RMA (the Phase 1 enabling application) detailed the intention for the development to be split into two phases:

- Phase 1: providing the enabling infrastructure including the provision of a new spine road and enabling works which would extend from Hawton Lane to the south through the top portion of the site connecting the existing SSC, Flowserve Factory and part of the residential development.
- Phase 2: the entire remainder of the residential development and areas of public open space and parking.

7.10. Given the phasing details detailed above have previously been agreed there is no need to discharge Condition 4 attached to the Outline consent.

Housing Mix, Type and Density

7.11. Paragraph 60 of the NPPF states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Policy 3 (Housing Mix, Type and Density) indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need, namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the disabled and elderly population, but to reflect local need. It also states that housing mix, type and density will also be dependent on the local circumstances of the site, any localised housing needs information and the housing market at the time of delivery.

Density

7.12. The maximum quantum of overall housing was set at Outline stage and to a degree the density was also indicated. It is noted that this proposal would provide 309 units which is 13 units less than the maximum quantum set by the outline. Based on a developable area of 8.7 hectares (i.e., excluding open space and land reserved for the attenuation pond) this quantum would give a development density of around 35.5 dwellings per hectare which would comply with the requirements of CP3.

Mix and Type

7.13. The Council's District Wide Housing Needs Assessment (2020) forms the most up to date survey data (HNS) for the District. The site falls within the Newark Sub Area of this assessment which sets out the overall housing mix required for the sub-area. The following table is an assessment of the 309 units and mix proposed against the HNS (2020) data:

Housing Mix		
Dwelling Type	Proposed Number and %	HNS 2020 (%)
1 bed house	22 (7.1%)	19.5%
2 bed house	116 (37.5%)	
3 bed house	131 (42.4%)	30.7%
4 or more bed house	35 (11.3%)	25.5%
1 bed flat	-	4%
2 or more bed flat	-	4.9%

1 bed bungalow	-	-
2 bed bungalow	5 (1.6%)	7.4%
3 or more bed bungalow	-	6.7%
Other	-	1.3%

- 7.14. The proposed mix of the percentages would generally align with that shown in the recent housing needs evidence (i.e., the greatest delivery would be three bed houses) and provide family housing in addition to smaller housing of 2 bedrooms or less in accordance with the objectives of CP3.
- 7.15. The scheme also includes five bungalows which have been added following negotiations which have taken place during the life of the application. Officers sought the inclusion of bungalows in the overall mix given this accounts for c.14% of the overall housing need for this sub-area (and a consequential reduction in number of 2-bed units) to better align with the HNS (2020) data and make some (albeit small) contribution towards providing housing for the disabled and elderly population in accordance with CP3. Whilst it would better align with the housing need for a greater proportion of bungalows, Officers are mindful that the proposed quantum of 309 units is already below the maximum quantum of 322 units as set by the outline and that further reduction in number or amendment to the housing mix could compromise the overall development viability.
- 7.16. Furthermore, Officers consider it would be unreasonable to expect an exact match between the percentages cited in the HNS (2020) and the proposed housing mix, especially since the survey results cover the entire Newark sub-area rather than being specific to Balderton. Nevertheless, whilst there would be an over provision of 1-3 bed units and subsequent under provision of 4 bed units and bungalows, this would be marginal in comparison to the wider needs of this sub-area. When considered against the locality as a whole it is considered that the development would provide an appropriate mix for the area which would comply with the aims and objectives of CP3.

Design, Character, and Appearance

- 7.17. The site represents previously developed land once occupied by factory buildings associated with the Flowserve factory operations. Whilst the built form associated with this use has now been demolished, it is clear from aerial imagery that the site previously displayed very different visual characteristics. What is also clear is that works underway implementing the 2018 remediation consent, and the development of Land South of Newark/Middlebeck to the west has resulted in a difference in the character of the site and surroundings.



Fig. 2 (L) Aerial Image of the Site and Surroundings from 2009 (Insight Mapping)

Fig. 3 (R) Present day (D&A Statement)

- 7.18. The extant Outline approval accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to both the previous land use of the site, but more importantly, the site as existing which has been cleared and remediated to a development plateau.
- 7.19. To the north and partially to the east of the site is existing residential development off Hawton Lane and to the west is land which forms part of the Land South of Newark strategic housing site. At present the land to the north, north-east and west of the site is predominately residential in nature, this will only increase further with the forthcoming development of the residential allocation at Land South of Newark. Towards the southern half of the eastern boundary the site is bound by open fields and a public footpath spans the length of this boundary. It is also noted that outline planning permission for 151 dwellings is pending consideration on land to the east of the site ref. 22/02375/FULM, which if approved, would add to the residential character of the area.
- 7.20. Core Policy 9 (Sustainable Design) requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 (Design) requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Good design is one of the core principles of the NPPF, which para 131 stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 7.21. The NPPF also sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). The original 12-point structure and underlying principles within Building for Life 12 are at the heart of BHL. Assessment relates to Integrated Neighbourhoods; Distinctive

Places and Streets for All which will be considered below.

- 7.22. Neither local nor national policies are intended to be prescriptive in respect to matters of design. It is fully appreciated (and indeed expected) that the design of the proposed dwellings is based on an established product and indeed are similar to others delivered elsewhere in the Town. The development would deliver a number of different house types which would add visual interest to the scheme as evidenced by the submitted street scene plans and the site has been divided into three sub-areas to reflect the different character areas of the site and surroundings (as explained in the description of the proposal).
- 7.23. The applicant (Lovell Homes) is a major national housebuilder with a number of varying house types as demonstrated by the current submission which would employ the use of 17 house types across the 309 units.
- 7.24. The proposed layout relies on a central spine road from the access off Hawton Lane with associated cul-de-sac arrangements. There are also instances of a number of private drives serving plots directly from the spine road (for example Plots 295-307). At the entrance to the site, there are two plots which would address Hawton Lane (albeit set back behind the retained trees along the highway boundary and an area of landscaping) with a dual aspect dwelling also fronting the spine road which will create a welcoming gateway to the development and a green and verdant appearance to the site entrance – noting also that existing trees on the eastern side of the spine road would be retained in addition to the Local Wildlife Site (LWS) which lies to the north-west/adjacent to Hawton Lane). The spine road would feature a number of trees along its length and around the areas of public open space and attenuation pond to the west/south-west (as can be seen on the detailed landscaping plans).

Integrated Neighbourhoods

- 7.25. By virtue of having a singular vehicular access point into the site the development is inherently disconnected from existing residential properties that lie to the north-west side of the site. However, whilst the Applicant has explored potential connections into Hayside Avenue, Anderson Close and Mead Way to the east, these have not been successful due to third party land ownership (including a ransom strip which is owned by a third party, as referenced in one of the local resident comments received). Nevertheless, the outline planning consent was approved on the basis of the singular vehicular access into the site (with emergency access via Lowfield Lane) and therefore, whilst additional vehicular connectivity would be preferable, it is not considered to be fatal to the development given the principles accepted by the outline permission.
- 7.26. Nevertheless, the road hierarchy of the development has been designed to allow for a main spine road, leading to secondary cul-de-sac roads and tertiary private drives at the edges of the development. An emergency access route is provided to the south of the site onto Lowfield Lane (as secured by the outline consent) and would have bollards preventing general access. The spine road would serve the development site as well as preserving access to the Flowserve factory and the SSC and has been designed to accommodate factory traffic along the initial section leading to the factory.

- 7.27. The road network serving the development would loop around the majority of the site boundary (when shared drives are included) which does allow for positive elements of connectivity (in particular for pedestrians). Following negotiations, the revised plans also show additional pedestrian linkages onto the Balderton Footpath 13 which spans the majority of the eastern boundary and would be improved as part of this application. In this regard, Officers note comments received from the Parish Council which raise concerns about the closure of existing rights of way which, for the avoidance of doubt, is incorrect. The development seeks to materially enhance existing public rights of way across the site and encourage pedestrian and cycling connectivity.
- 7.28. Officers have also negotiated the creation of a footpath route north to south around the attenuation pond to create an attractive pedestrian route through the development and the incorporation of footpaths along existing pedestrian desire lines that can be seen in the north-west corner of the site to improve connectivity to the Sustrans network. The Applicant has also taken on board feedback about the improvement of pedestrian connectivity throughout the site and proposes to improve existing public rights of way to accommodate cyclists. Plots have been orientated to ensure passive surveillance for new and existing footpaths/PRoW which is welcomed and overall, there are minimal 'dead ends' (for pedestrians) within the layout such that the site would allow for easy navigation. Notably, Active Travel and Nottinghamshire County Council Public Rights of Way have both commented in support of the revised plans which have overcome their previous concerns in relation to connectivity and navigation.

Distinctive Places

- 7.29. Given the brownfield nature of the site, there are limited features to consider in the design of the scheme within the site itself. However, the site wraps around the retained Flowserve factory building (which is typical in appearance for a commercial building) and the SSC which lies to the north of the factory. The SSC is enclosed by mesh fencing and is set at a higher ground level than the application site. To the western boundary (outside of the application site/within the SSC fence line) is a row of trees that buffers the SSC from the site, and other areas of trees/landscaping exist to the north adjacent to Hawton Lane. To the west of the site access is an existing Local Wildlife Site (LWS), along with a tree protected by TPO and to the east is an area of landscaping and trees – all of which are proposed to be retained as part of the development. In the south-west corner of the site is the attenuation pond, which is a prominent feature within the site, beyond which is the Sustrans national cycle route which spans the western boundary (north-south).
- 7.30. The proposed layout plans have been designed to respond to the abovementioned features with plots at the site entrance both addressing Hawton Lane, facing westwards towards the LWS area, and addressing the spine road facing east to create an attractive entrance to the site. Properties along the spine road address the street scene and 2.5 storey units have been positioned adjacent to the factory building where massing of built form already increases – this represents an appropriate transition to the larger scale of the factory building.



Fig. 4 Street Scene Extract of Plots 219-236 which run adjacent to the Flowserve Factory Boundary

- 7.31. Properties on the western side of the 'Formal Residential' character area (i.e., the southern section of the site) have been designed to respond to the attenuation pond to the west with some properties fronting the pond for an attractive outlook. Properties at the southern boundary are orientated to front Lowfield Lane where some 2.5 storey buildings have been incorporated – whilst generally speaking the heights of development would typically reduce at the boundaries with the countryside, in this location it is noted that to the south of Lowfield Lane is an area of tree planting that provides separation from adjacent road infrastructure, such that this increase in height of development at the boundary is not considered to be harmful in this location. Properties on the eastern side of the site are also proposed to be orientated east to look out onto the adjacent countryside (past the PRow that spans the eastern boundary).
- 7.32. The house types proposed for this development are a mixture of standard Lovell products which are found on many other development sites but also a number of variations of standard house types to respond to site-specific plots. As set out above, the development is outward facing insofar as principal elevations are orientated towards the boundaries in a number of development blocks. Corner plots have dual frontages with windows serving principal rooms on the side elevations for added active surveillance.
- 7.33. The original plans showed some internal vistas which would terminate with a row of car parking spaces which has been largely resolved through the final revised submission. There are still a number of internal vistas which terminate with parking turning heads (for private drives) but given that the views beyond these would be towards the countryside edges, this is not considered fatal in design terms.
- 7.34. One of the biggest concerns in the design of the original scheme was in relation to connectivity through the development and the proposed parking provision (discussed further in terms of number of spaces in a subsequent section of this report). However, improvements have been made throughout the application such that the scheme now mostly complies with the Council's Supplementary Planning Document (SPD) on parking space design which specifically advises that every four spaces should be broken up by an area of landscaping the same size as a parking space. There are still some areas of non-compliance, for example for plots 260-264 which is at the end of a private drive, however, on a scheme of this size it is considered that the parking design is appropriate as a compromise to provide a better relationship of the spaces to the dwellings which they serve.
- 7.35. A large expanse of parking is proposed on the western side of the site, adjacent to the

eastern boundary of the SSC (i.e., opposite plots 59-73, see Fig. 5 below). Following negotiations, this has been broken up into blocks of 4 spaces with intervening landscaping but nevertheless results in parking spaces opposite each other in the street scene which is generally discouraged in the Council's Parking SPD. However, this area of parking would serve the SSC site and was specifically secured by the S106 agreement (which was based on an indicative plan showing parking in this location). The parking would serve a necessary purpose for the SSC and has been designed to incorporate landscaping to mitigate the expanse of hard surfacing which is acceptable in this case in light of the S106 requirement.



Fig. 5 Proposed Site Layout Plan extract showing part of the S106 Parking Area (adjacent to the eastern factory boundary)

- 7.36. The material palette proposed reflects the built form of Balderton and Newark (including the houses being developed as part of the adjacent strategic urban extension), being predominantly red brick, with some interspersed buff brick and rendered units. This use of materials will help to create a sense of place and add interest to the street scene and has been designed based on the three-character areas described in the proposal section to create visual interest and assist wayfinding. Details of the boundary treatments have also been provided which include the use of screen walls to the gardens of prominently located plots (rather than fencing) as well as boundary hedges/landscaping on prominent corner plots and acoustic fencing as required by the results of the acoustic assessment secured as part of the outline permission. In light of comments from the Highway Authority in relation to fencing surrounding the private drives and parking spaces the submitted boundary plan is being updated to align with the conditions recommended by the Highway Authority. For completeness, in the absence of this plan, a condition could be used to require the updated boundary plan to be submitted to and approved in writing by the LPA prior to occupation (and thereafter implemented prior to occupation), however should this be received prior to determination this will be reported as a late item to planning committee.
- 7.37. The drainage plan shows the proposed finished floor levels for the dwellings set against external levels. This demonstrates that the dwellings would also appropriately respond to the topographical changes across the site.

- 7.38. Overall, the revised plans have incorporated recommendations made to improve the character, layout and appearance of the development to result in a development with well-defined streets and spaces that is easy to navigate and responds well to the existing site context.

Streets for All

- 7.39. BHL acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. As already identified, the scheme has been amended to incorporate additional opportunities for pedestrians and cyclists as well as integrating existing and future desire lines. Whilst the development is designed around a central (vehicular) access point and spine road, the road hierarchy and connectivity with existing and proposed footpaths around the site, as well as around areas of public open space, provides areas for people to stop and socialise as advocated as an example of a good scoring scheme against the BHL criteria. The layout also incorporates active frontages and street trees, in addition to distinct areas of public open space to promote *healthy streets*.
- 7.40. Although the BHL document includes specific examples of what should be expected for cycle and parking provision, the Council has adopted a SPD on residential cycle and parking standards and therefore it is considered more relevant to assess the scheme against the provisions of this document. Nevertheless, BHL expects parking to be sufficient and well-integrated. In regard to the latter, the Council's SPD sets a number of expectations on design and quantum for residential developments.
- 7.41. In order to comply with the SPD, 4-bed dwellings should have three parking spaces, 2-3-bed dwellings should have two spaces and 1-bed dwellings should have one space. Single or double width spaces are required to be a minimum of 3m by 5.5m (with an additional 0.3m if they are bounded by a wall or similar obstruction). Internal garages should be at least 3.3m by 6m with a minimum door width of 2.4m for a single garage or 6m by 6m with a door width of 4.2m for a double garage.
- 7.42. The parking provision and design has been subject to lengthy discussions throughout the application noting significant issues with the original proposal including reliance on rear parking courts and triple tandem parking. The latest plans have been accompanied by a parking heat map which assesses the scheme against both NCC guidance and the Council's aforementioned SPD, which is a more accurate reflection of local parking demand.
- 7.43. The revised scheme demonstrates significant improvements from the initial plans in terms of parking provision. Internal garages and parking spaces have been increased in size to adhere to the SPD and parking courts have been removed in favour of on-plot solutions. This has resulted in 14 plots (4.5% of the total scheme) requiring a triple tandem parking arrangement (for example, plots 182-185 (see Fig. 6 below); however, these are predominately located off private drives). The SPD discourages tandem parking in general, however accepts that it can be necessary in some cases, provided it is not the predominate parking solution. In this case 126 plots out of 309 (i.e., 41%) would be served by double tandem parking spaces which, whilst not ideal, is not dissimilar to the approach taken on the Middlebeck development to the west (ref.

Fig. 6 Example of Triple Tandem Parking (Plots 182-185)

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would obstruct vehicles wishing to turn). Conditions relating to traffic management measures have also been requested to ensure overspill parking does not take place on the spine road/adjacent to the 3m wide shared foot/cycle way which are considered to be reasonable in the interest of highway safety.

- 7.47. In terms of cycle storage, each plot would be provided with a shed for cycle storage in accordance with the requirements set out in the SPD.
- 7.48. Another issue that was raised with the original plans submitted was the lack of street trees. Paragraph 136 of the NPPF sets the expectation that planning decisions should ensure that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees. There is an acknowledgement that solutions may need to be sought to ensure that planting is compatible with highways standards.
- 7.49. Following negotiations with the Council's Tree Officer the landscaping plans have been revised to incorporate significant additional planting (in excess of 600 trees across the development), including street trees of acceptable species to enhance the character and appearance of the development. The main spine road would include trees along areas of public open space, surrounding the attenuation pond and trees would also be included along the road network throughout the development (as can be seen on the Presentation Layout Plan and Soft Landscaping Plans).
- 7.50. At request, a plan has been provided showing where these trees would be in private and public ownership (i.e., where they would be within front gardens or within the actual street/public open space) and it is noted that the majority would be in private ownership where they follow the road network of the development which would not amount to delivering true tree lined streets (where the trees are positioned within the highway/footway). The proposed street trees would be within plots and therefore subject to private management by plot owners. The risk of this is that even if the trees are planted as envisaged individual owners may remove these later. However, it is noted that the Tree Strategy plan does show trees in public ownership interspersed around the development and particularly around the public open space to the western side of the development that would be maintained by a management company. In this case, it is noted that there will always be compromises in achieving street trees within the highway network and the latest iteration of plans have been carefully negotiated with the Council's Tree Officer and the Highway Authority to strike a balance of providing some tree-lined streets as well as a suitable and safe parking and highway design.

Landscaping and Ecological Matters

- 7.51. In relation to landscaping, the existing site is largely bare ground following the demolition of the former factories and the remediation works that have taken place. However, there are areas of existing landscaping – notably the LWS in the north-west corner of the site and the trees that exist to the eastern side of the access. The boundaries of the site with the Sustrans to the west and the far eastern boundary of

Balderton Footpath 13 are also formed by existing trees and hedgerows that assist with the transition of the site into the open countryside and surrounding land uses. Landscaping around the site access also comprises formal landscaping associated with the factory site.

- 7.52. Considering first the proposed tree removal, as set out above, there are existing areas of dense tree cover predominantly around the boundaries of the site but also along the previous access driveway. The application is accompanied by a Tree Survey which identifies the trees/tree groups on site that have been surveyed, the majority of which were identified as category B. No category A trees are identified; however, it is noted that the Oak tree to the west of the site access is protected by TPO (T78).
- 7.53. The previous Remediation Permission approved the clearance of the majority of vegetation from within the site (excluding the trees along the boundaries and access drive) and re-profiling to form a levelled construction platform. Whilst the site was dominated by bare ground which was becoming increasingly overgrown there were areas on the site which had some immature and semi-mature native trees in addition to some non-native tree planting associated with former landscaping. Most of the boundary trees were proposed to be retained, including those along the access driveway and at the access onto Hawton Lane where there is the TPO designation. The trees that were proposed to be removed were classified as Category B, C and U trees. Whilst regrettable, the trees approved for removal have now been cleared from the site as this was considered necessary, given the previous land use, to assist in the remediation of the land to remove any potential contaminants.
- 7.54. However, as part of the Remediation permission, as re-secured through the Outline consent, the long-term arboricultural plan was to replace and enhance the ecology on site. The Tree Officer reviewed the submitted details at the time and advised that mitigation planting around the proposed pond and any further proposed soft landscaping proposals submitted as part of detailed reserved matters applications should seek to further mitigate and enhance for the loss of habitat and biodiversity that would occur during this phase of demolition/remediation. The Tree Officer requested a number of conditions which were attached to the Remediation permission and subsequently discharged with agreement from Nottinghamshire Wildlife Trust and additional conditions were imposed on the Outline consent to ensure the arboricultural and biodiversity enhancements were carried through to the Reserved matters.
- 7.55. The trees on site have been re-surveyed and the following trees are proposed for removal:

Tree No. & Location	Species	Category	Picture/Location
T72 – located to the east of the site access in the existing landscaped area	Cherry Plum	U (major defects identified)	
T81 – located to the west of the site access	Apple	C (fair condition)	
T10 – located at the eastern side of the PRow that runs between the factory and the SSC	Oak	C (removal recommended to allow T09 (Ash) to flourish)	
G15 – located in the south-east corner of the site to the rear of Lowfield Cottages (partial removal only)	Cypress	C	

- 7.56. T72, T81 and T10 have been reviewed and are not considered to score sufficient highly to warrant preservation by a TPO. It is noted that the category of these trees are U and C (respectively). The tree survey explains that T72 has major defects and therefore its removal is considered to be acceptable. T10 is noted to be a young Oak tree which is growing into the canopy of T09 and therefore a recommendation is given for its removal to allow T09 to flourish. This is considered to be acceptable in this instance

and would be mitigated by proposed tree planting.

- 7.57. The main change in this reserved matters submission compared to the indicative plans proposed at outline stage is the proposal to remove the tree group G15 which is along the southern boundary of the site with Lowfield Cottages (i.e., the south-east corner of the site). These trees, which are shown in Fig. 7 (below), are proposed to be removed to improve the relationship of Lowfield Cottages with the plots proposed adjacent to this boundary.



Fig. 7 Tree Group G15 proposed for removal

- 7.58. These Cypress trees are categorised as 'C' category with an estimated remaining contribution of 10+ years. The survey noted these to be of fair physiological condition/ However it is noted that these evergreen trees, often planted as hedges to the boundaries of gardens due to their fast growth rate, can have ultimate height of up to 35 metres, require annual maintenance, are high water demanding, can affect building foundations and suppress other trees and vegetation from growing in close proximity.
- 7.59. The potential for the removal of these trees has divided local residents in previous applications with some wishing to see their removal to improve light levels into their properties and reduce maintenance requirements and others wishing for them to be retained for ecological reasons. Ultimately, the Tree Officer has reviewed the submitted details and advised that due to the species of tree they would not support the protection of this tree group by TPO. The trees are not otherwise located within a

conservation area and therefore could be removed without any prior consent of the LPA. Given the Tree Officer would not protect these trees it would not be possible to substantiate a reason for refusal over the proposed loss of these trees alone. Particularly given their loss would be mitigated by landscaping proposed across the development.

- 7.60. The trees have also been surveyed for potential protected species due to concerns raised by local residents and the Council's Ecologist has confirmed that they agree with the findings of the survey for protected species which has not identified any roosts or nests, but does identify one tree with suitable roosting features for bats - it is therefore recommended that this tree be soft felled under the supervision of an ecologist outside of the nesting bird season (or with prior clearance from an ecologist).
- 7.61. Save for those listed above, no other trees **within** the site are proposed for removal. It is noted that outside of the red line of the application, adjacent to the SSC access there is a group of trees (T30-T36, see Fig. 8 below) that is shown as being removed to provide parking spaces for the adjacent SSC. Given these trees are outside of the application site boundary their removal is not for consideration as part of this application, however it is noted that the proposed S106 Parking Plan submitted indicates that this land would be used to provide the parking spaces required for the SSC as part of the S106 agreement attached to the outline consent. These trees are a mixture of category U (3) and C (3) trees with <10-year life spans that would not warrant protection by TPO. Therefore, there would be no objection to their removal.

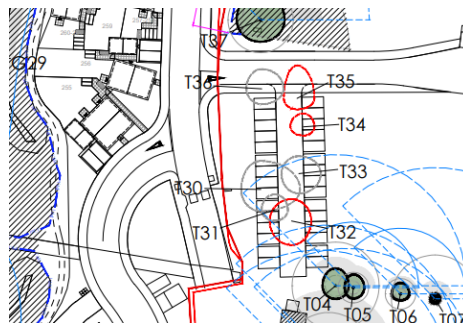


Fig. 8 Trees T30-T36 outside of the Application Site

- 7.62. All other trees within and around the site are shown as being retained. The Proposed Site Layout includes the retention of existing trees along the eastern edge of the site to assist with the countryside transition of the development and to retain the rural backdrop for Balderton Footpath 13. Clearly the buffer would not entirely screen the development noting that the proposed houses would be visible above the landscaping. However, along the eastern boundaries the dwellings are orientated to maximise views of the fields to the east creating a more attractive aspect of the development than the backs of houses and their residential curtilages.
- 7.63. The scheme also includes open space and landscaping starting from the LWS in the north-west corner of the site travelling south along the watercourse leading to the attenuation pond in the south-west corner of the site which is considered beneficial in terms of reinforcing the ecological diversity of the site and enhancing the sites existing natural features.

- 7.64. In addition, the incorporation of a landscaping along the western boundary is considered beneficial in terms of assimilating the built form of the development into the surrounding area and buffering the Sustrans network that runs N-S along the western boundary of the site.
- 7.65. The proposals also include the planting of 689 trees within the application site as set out below which would seek to mitigate for the loss of trees proposed as part of this application and the removal that was approved under the previous remediation consent.

Tree Species [latin name]	Number
Field Maple <i>Acer campestre</i>	91
Black Alder <i>Alnus glutinosa</i>	25
European Hornbeam <i>Carpinus betulus</i>	7
Judas Tree <i>Cercis siliquastrum</i>	10
Cornelian Cherry <i>Cornus mas</i>	18
Turkish Hazel <i>Corylus colurna</i>	12
Common Hawthorn <i>Crataegus monogyna</i>	96
Dove Tree <i>Davidia involucrata</i>	6
Ginkgo <i>Ginkgo biloba</i>	17
Holly <i>Ilex aquifolium</i> 'Nellie Stevens'	10
Golden Rain Tree <i>Koelreuteria paniculata</i>	3
Wax-leaf Privet <i>Ligustrum japonicum</i>	26
Sweetgum <i>Liquidambar styraciflua</i>	16
Tulip Tree <i>Liriodendron tulipifera</i>	16
Magnolia <i>Magnolia kobus</i>	17
European Crab Apple <i>Malus sylvestris</i>	69
White Mulberry <i>Morus alba</i>	4
Antarctic Beech <i>Nothofagus antarctica</i>	8
Persian Ironwood <i>Parrotia persica</i> 'Vanessa'	8
Dawn Redwood <i>Metasequoia glyptostroboides</i>	9
Stone Pine <i>Pinus pinea</i>	13
Scots Pine <i>Pinus sylvestris</i>	3
Bald Cypress <i>Taxodium distichum</i>	26
Common Holly <i>Ilex aquifolium</i>	7
Blackthorn <i>Prunus spinosa</i>	91
Elder <i>Sambucus nigra</i>	81
TOTAL	689

- 7.66. The Ecological Mitigation, Management and Enhancement scheme also details the proposed planting of shrubs and herbaceous planting, native scrub, hedgerow planting (including 6,497 tree species within hedgerows which will not reach full maturity but will be planted within hedgerows), grassland areas and wildflower meadows in addition to wetland areas. Collectively, the landscaping and habitat enhancement proposals would look to significantly enhance the landscaping and biodiversity of the scheme and aide in meeting the objective of reinforcing the ecological diversity of the site as well as the policy objectives of Core Policy 9 which

seeks to achieve sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.

- 7.67. From a landscape perspective, visually, the addition of houses amongst existing trees and vegetation would not be an uncommon expectation in this location where the site is otherwise surrounded by residential or commercial developments. Therefore, subject to existing vegetation (that is proposed to be retained) being protected in accordance with the details submitted and additional landscaping being planted in accordance with the detailed landscaping plans submitted (as described above), the transitional arrangement between countryside and built form is considered to be acceptable. Furthermore, following revisions made throughout the life of this application, the Site Layout shows the development would respect the urban grain of the surrounding area and that the incorporation of areas of landscaping and open space would aid in fragmenting any character impacts of built form from within the site.
- 7.68. In addition, the details submitted with this application address the tree protection, ecological mitigation and management and habitat creation and landscape management conditions attached to the outline consent. These details have been reviewed by the Council's Ecology and Tree Officers following detailed negotiations and they have confirmed they raise no objection to the submitted details which would adequately protect trees to be retained and ensure landscape and biodiversity enhancements to the site and LWS within the site boundary. The submitted scheme aims to secure ecological enhancements across the site which will improve biodiversity from the current site baseline. Conditions attached to the outline permission already require compliance with these submitted documents and strategies to secure these enhancements and therefore further conditions in this respect are not necessary.
- 7.69. Therefore, in light of the above assessment and considering the support from technical consultees, Officers are satisfied that the revised landscaping and habitat creation proposals have made a valid attempt at integrating the existing site green infrastructure and would result in a significant overall biodiversity enhancement, particularly when considering the baseline of the brownfield site to begin with. On this basis there would be no fundamental landscaping impacts on which to resist the proposal.

Impact on Amenity

- 7.70. An assessment of amenity impacts relates both to the relationship with existing neighbouring dwellings and land uses as well as the amenity provision for the prospective occupiers. Policy DM5 (Design) states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Policy context in respect of the impact on living conditions is set out in policies DM5 and CP9 (Sustainable Development) of the Development Plan as well as the NPPF.

- 7.71. Considering first the amenity of existing occupiers, the site context has previously been described above - whilst the site is immediately to the east of the development being built out at Land south of Newark, it is intervened by the Sustrans and its dense vegetated boundaries. The development at its maximum height would be approx. 9.7m and therefore will therefore be screened and well separated from the properties under construction to the west to a degree that the proposal would not impose overlooking or overbearing impacts on these future occupiers.
- 7.72. Similarly, to the north of the eastern portion of the development, properties on Richmond Close would be well separated from plots 1-10 which would be true two-storey dwellings (between 20-21m back-to-back and 15.5m back-to-side relationships). To the east, of this parcel of the development properties on Hayside Avenue, Anderson Close and Mead Way would be between 15.5m (where the relationship is front-to-side) and 20-21m (front-to-rear) from the properties that would face the eastern boundary, between which would be additional planting. The proposed relationships between existing and proposed properties is considered to be acceptable in this case and would prevent any overlooking or overbearing impacts on these existing properties. In addition, properties have been arranged to off-set any lines of sight away from private amenity spaces of existing dwellings.
- 7.73. Turning now to the properties on Lowfield Lane in the south-east corner of the site – these properties have their rear gardens facing the development site which is enclosed by a tall row of conifer trees that are proposed to be removed as part of this application. The relationship between plots 129 and 137 would be between 27-29.5m side-to-rear which would result in acceptable separation distances between properties to prevent any overlooking, overshadowing or overbearing impacts. Similarly plot 138 would be well separated from the side elevation of the westernmost property on Lowfield Lane which would be an acceptable relationship.
- 7.74. In addition to considering existing occupiers, consideration must be given to future occupiers of the new dwellings. Initially, Officers raised significant concern in respect to the size of the units proposed, a number of which fell significantly short of the Government's 'Technical housing standards – nationally described space standard' (March 2015) (NDSS) which is a material consideration. Following receipt of amended plans to address this issue 92% of the 309 units would now comply with the NDSS and where there are units that do not comply, the shortfalls are generally marginal which is a significant improvement. The Council has not adopted the NDSS in our Development Plan and therefore we cannot require adherence to these standards, but nevertheless, the improvements made throughout the course of this application are welcomed and Officers are mindful that these house types are a product of a national housebuilder which are known to sell and that there is an argument to say that the smaller units present the opportunity for being more affordable even at the market rate which may be appealing to first time buyers and smaller families. Without evidence outlining a specific required space standard for the District or indeed any evidence to the contrary in respect to national housebuilder product sales, it is considered it would be very difficult to resist the application solely on this basis. The Applicant would also have a case to make that any proposed occupiers would be aware of the size of the units prior to purchase, and this must be weighed in the overall planning balance.

- 7.75. For a development of this size there will clearly be numerous amenity relationships which require careful assessment. In terms of the relationships between the dwellings, the original plans showed numerous issues in terms of back-to-back and side to back distances which were raised with the Applicant and have largely been addressed through amended plans. On the whole, internal relationships manage to achieve back-to-back distances of 20m minimum and back-to-side, front-to-side, and front-to-front (across a highway) distances of at least 12m. This has been achieved through amendments to the house types on certain plots, careful alignment of plots and amendments to window positioning to ensure (where separation distances are tight) that there would be no unacceptable habitable rooms relationships.
- 7.76. Each plot would be afforded an area of private outdoor amenity space. As to be expected on a scheme of this size, the garden areas vary in size and shapes. Some gardens are significantly more compromised than others, for example Plots 63, 168-169, 194, 262, 271, 299 and 273 which would be constrained due to needing to be served by rear access paths and provision of sheds in rear gardens for secure cycle storage which takes up a significant proportion of the available space. Nevertheless, there would be an element of 'buyers beware' noting that the scheme is entirely for market dwellings. Amendments made throughout the course of the application have sought to improve relationships where possible and overall, it is considered that the revised scheme would secure appropriate amenity provisions for the proposed occupiers. However, acknowledging that for certain plots the garden areas would be substantially smaller than others across the development it is considered reasonable to restrict these Plot's permitted development rights to prevent the erection of any ground floor extension/alteration and the erection of incidental outbuildings to ensure the external amenity space is not further reduced.
- 7.77. The application submission also includes proposed boundary treatments for the site which include timber close boarded fences, brick walling with timber panels and post and rail fencing. Close boarded fences are used within the plots which will ensure the future occupiers have areas of private amenity space. The timber post and rail fencing, and knee rail fencing would be used around areas such as the LEAP, footpaths and attenuation pond and the brick wall/timber panel boundary treatment is proposed on the most prominent boundaries within the development in the public realm. The proposed boundary treatments are considered acceptable, save for the areas enclosing private drives and parking spaces which conflict with a condition recommended by the Highway Authority. As set out previously, a condition can be used to require the updated boundary plan to be submitted to and approved in writing by the LPA prior to occupation (and thereafter implemented prior to occupation) to ensure the boundary treatments are acceptable and are implemented retained as approved.
- 7.78. The application submission includes proposed levels plans which have been assessed and are considered to be acceptable in terms of the relationship between the proposed plots and existing residential properties on adjacent land. However, the Applicant has requested the plans not be included as a condition and instead a condition is attached to require submission of a more detailed levels plan including finished floor levels for properties as the levels may need to be altered once construction and groundworks commence. This is considered to be acceptable.

Noise

- 7.79. An important consideration for this site is the interrelationship between the retained Flowserve Factory (a commercial premises), the Sports and Social Club (SSC) and the proposed residential units. In the assessment of the Outline application a Noise Survey was submitted which considered the potential impacts of the surrounding land uses on future occupiers. The Council's Environmental Health Officer (EHO) reviewed the submission at the time and agreed with the recommendations made within the report in relation to future proofing residential properties through various noise mitigation measures particularly to the south and west of the retained Flowserve factory, adjacent to the SSC and the northernmost and southernmost parts of the site to mitigate against traffic noise.
- 7.80. Condition 22 attached to the Outline permission required submission of a Noise Mitigation Scheme that incorporated the noise mitigation measures set out in the original Noise Assessments (including the reports on the SSC and Flowserve factory generator) and Condition 23 required submission of a generator noise mitigation scheme to address an adverse noise impact identified within the initial assessments arising from factory workers accessing the generator building within the factory site.
- 7.81. An application to discharge Condition 23 has been approved on the basis of an updated Acoustic Report and Generator Enclosure Plan which will see the installation of an acoustic lobby around the access to the generator building within the factory site to prevent adverse noise effects arising when accessing the building. These details were assessed as acceptable by the Council's EHO and the condition was approved. Due to this work being required outside of the application site boundary (but within the blue line), the requirement is that these works are completed prior to the commencement of development on the application site in order to protect the amenity of future occupiers.
- 7.82. Furthermore, an updated Noise Mitigation Scheme (AMS) has been submitted to accompany this application to address the requirements of condition 22. To address the potential noise impacts of the Flowserve factory, the AMS recommends installation of upgraded double glazing with sound insulation, acoustic passive ventilation and 1.8m high acoustic barrier fencing to plots immediately to the east, south and west of the Factory site. To address potential noise from the SSC the AMS also recommends upgraded double glazing, acoustic passive ventilation and acoustic barrier fencing including 2.5m high barrier fencing for the rear private garden of Plot 10 which is in the northwesternmost corner of the north-eastern parcel of the site. The AMS also makes similar recommendations in relation to road traffic noise from Hawton Lane to the north of the development and the future bypass to the south of the site. For the remainder of the plots across the development the AMS states that standard thermal double glazing and trickle ventilation would be sufficient.
- 7.83. The EHO has confirmed their agreement with the contents of the submitted details and that subject to a condition requiring its implementation in full prior to occupation of the dwellings, they raise no objection to the acoustic mitigation strategy proposed which would ensure that future residents are not exposed to unreasonable noise impacts.

- 7.84. Officers note the comments received from a local resident which raise concerns that some of the new dwellings would receive noise attenuation to protect them from noise from the Southern Link Road, but existing houses on Lowfield Lane were not required to be improved as part of the Southern Link Road permission. Whilst this is noted, it is not for this application to remedy existing issues that are not directly related to the application.

Lighting

- 7.85. It is noted that permission was granted under 18/00235/FUL for the erection of floodlights around the football pitch which lies to the north-east of the SSC site (adjacent to the eastern part of the application site). The site plans submitted with this 2018 application showed the lights orientated inwards onto the pitch and at the time of determining the application, conditions were imposed in relation to the times in which these lights could be used and how frequently as a result of comments from the EHO. Impacts upon existing properties on Kew Gardens and Richmond Close were considered that lie to the north of the site, and it is noted that the application at hand would not introduce residential properties any closer to the approved floodlighting than appraised during this previous application. The floodlights are restricted to be used only between 14:00 and 18:00 and no more than 12 occasions per year during 18:00 and 22:00 which prevents the floodlights being on unnecessarily when the pitch is not in use and to prevent them being on late into the night. Officers are satisfied that this is acceptable in the context of the application at hand and that occupiers of the residential properties proposed on the Site Layout would not be unduly impacted as a result of the existing floodlighting – future occupiers would also be aware of the interrelationship with the SSC at time of purchase.

Recreational Amenity/Public Open Space

- 7.86. The timing of delivery and the quantum of public open space (POS) to be provided on site is controlled by the s106 Agreement. At outline stage an indicative proposed site layout was advanced showing how the scheme might look, and the scheme advanced in this submission is generally in accordance with the intended distribution of land uses. The outline submission was also accompanied by an indicative POS plan which indicated the inclusion of a Local Equipped Area for Play (LEAP) and amenity public open space around the site including around the attenuation pond. The S106 agreement secured the provision and future management of not less than 37,794 square metres of publicly accessible on-site open space to include a LEAP.
- 7.87. The submitted POS plan that accompanies this reserved matters submission shows 38,307.5 square metres of open space throughout the site including a 1911.5 square metre LEAP in the centre of the bottom parcel of the site. The S106 agreement requires a Management Plan and Specification for the Amenity Open Space and LEAP to be submitted prior to the commencement of development (which shall include the layout and programme for delivery of each element of POS, specification for planting and maintenance requirements and responsibilities).
- 7.88. This application is accompanied by a LEAP plan which details the play area equipment that is proposed to be installed along with the specification for soft landscaping which

is considered to be acceptable. The POS plan submitted appears, on the face of it, to exceed the S106 square metreage requirements, however this includes some incidental areas of landscaping adjacent to parking spaces and footpaths which would not typically be counted in this POS calculation. Nevertheless, overall, the amount of POS provided would align with the requirements of the S106 agreement and the Applicant would be required to discharge the requirements of the S106 through the submission of a Management Plan and Specification prior to the commencement of development.

- 7.89. Overall, following the negotiations and amendments as detailed above, Officers are satisfied that the scheme would deliver appropriate amenity provision for both proposed occupiers and adjacent existing neighbouring properties. The proposal would therefore comply with the relevant elements of CP9 and DM5 subject to conditions in this regard.

Highway Matters (including Rights of Way)

- 7.90. Spatial Policy 7 (Sustainable Transport) sets out that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems. This is reinforced by policy DM5 and supports the aims of the NPPF which addresses the issue of sustainable transport and safe and inclusive access.
- 7.91. The assessment of the Outline application included a detailed account of the impacts of the wider development on the wider highway network. At Outline stage a singular point of vehicular access into the site off Hawton Lane was fixed with emergency access/egress onto Lowfield Lane in the south-east corner of the site. The maximum quantum of development was also established at 322 units.
- 7.92. It is noted that the Parish Council and Local Residents have commented on this application raising concerns with the main and emergency accesses, however as set out above, these have been previously accepted by the Highway Authority and consented under the Outline permission. Following highway modelling, at Outline stage the Highway Authority raised no objection to the principle of the accesses as described which they concluded would be acceptable subject to conditions relating to the visibility splay on Hawton Lane (Condition 8), a speed limit reduction on Hawton Lane (Condition 9), provision of a revised travel plan (Condition 10) and details of the emergency link onto Lowfield Lane (Condition 11). It is noted that Condition 9 has been discharged under 22/01109/DISCON.
- 7.93. Notwithstanding the assessments already made above in respect to parking provision and legibility, it also remains necessary to assess the scheme from a highway's safety perspective, a matter which Nottinghamshire County Council (NCC) have commented on as the Highways Authority.
- 7.94. NCC's initial comments on this Reserved Matters application raised a range of issues

which were passed to the agent during the life of the application for review. Some of the issues related to design factors which have already been identified above (e.g., lack of overall connectivity and inadequate parking provision and parking design) and others related to the detailed highway design including traffic calming measures and visibility splays. Discussions have been undertaken with NCC prior to the formal re-submission of the amended plans in order to address their original concerns and the latest comments confirm that the Highway Authority have no objections subject to the imposition of a suite of conditions.

- 7.95. In order to achieve appropriate visibility along the initial length of the spine road, there would be areas outside a number of plots (e.g., 257, 263, 267, 271, 273, 279, 282, 290 and 308) where landscaping has been sacrificed for hard surfacing to ensure adequate visibility for pedestrians and cyclists along the 3m wide shared foot/cycleway (see plan extract below for an example). Whilst not ideal at the entrance to the development/along the spine road, these areas would be surfaced in block paving and have been kept to the minimum necessary for safety purposes (they are also a requirement to support the provision of the shared cycle/pedestrian route which is considered to be a safety benefit of the scheme). The frontage of the site entrance would otherwise retain a significant amount of landscaping and planting and therefore this is considered to be an acceptable compromise to ensure pedestrian/cyclist safety along the spine road (where there would be traffic associated with the Flowserve factory in addition to residential vehicles). For these specific plots the Highway Authority have also requested that permitted development rights are removed for the erection of fences/boundary treatments forward of the elevations fronting the highway, this is to ensure the splays are maintained free of obstruction and in this exceptional circumstance (noting the benefit of providing the shared cycle/footway) this is considered to be necessary to ensure cyclist/pedestrian/highway safety.



Fig. 9 Proposed Site Plan Extract showing Front Garden Hard Landscaping in Visibility Splays

- 7.96. Highways comments also acknowledge that the new cycleway link proposed to follow the existing desire line from the spine road to Hawton Lane will become part of the adopted highway and the footway section highlighted in blue below (approx. between the W-O) will require widening to 3m and constructed with a no-dig solution given the proximity of the path to highway trees along the northern site boundary. Details of the construction of the path are recommended to be controlled by condition and this

is considered to be reasonable to provide the improved link and to protect the highway trees.



Fig. 10 Proposed Site Plan Extract showing Cycle Link

- 7.97. NCC's final comments acknowledge that the Applicant has resolved original concerns raised during the life of the application and has worked collaboratively to make improvements to the proposed highway and existing PRow (see following section of this report). Their comments cover the negotiations in detail however, ultimately, they raise no objection to the development subject to a number of conditions which are considered to be reasonable and necessary to make this development acceptable in planning terms.

Rights of Way

- 7.98. In respect of Rights of Way (RoW), Balderton Footpath 13 (FP13) runs along the eastern boundary of the site in a north-south direction connecting to Lowfield Lane to Balderton Footpath 11 (FP11) which bisects the northern part of the development and runs east-west connecting Mead Way to the development site.
- 7.99. The application includes the design and treatment improvement of FP13 - the applicant is proposing a 'tarmac' type surfaced path of 1.5m within the green corridor of the existing path which will result in a surfaced path with a banked grass verge to the west and the existing hedge and verge on its east side. The Rights of Way (RoW) Officer has commented in support of these proposed improvements which they consider will be appropriate given the likely increased level of use this PRow would receive as a result of the development. The improved surfacing would also include drainage which would address concerns raised by local residents relating to the current poor drainage along the PRow. The RoW Officer's comments also explain that provision will need to be made in any future POS maintenance plan for vegetation maintenance along the eastern boundary to prevent future obstruction of the Public Right of Way. These details would be agreed as part of the discharge of the S106 agreement clause.
- 7.100. Turning now to FP11 – the original legal line of the public right of way is shown on the plan extract below in green spanning east-west between the Factory and the SSC site from Mead Way and then down the western boundary and connecting to the Sustrans National Cycle Network no. 64 as circled in black in fig. 11 below. Whilst this is the legal line of the PRow, for many years (since at least 2007, it would appear from reviewing aerial imagery) the public have utilised a more direct route to connect into

the Sustrans as shown by the blue line on the plan below. This informal 'trodden path' includes a makeshift palette bridge across the drainage ditch (which is in a poor state of repair).

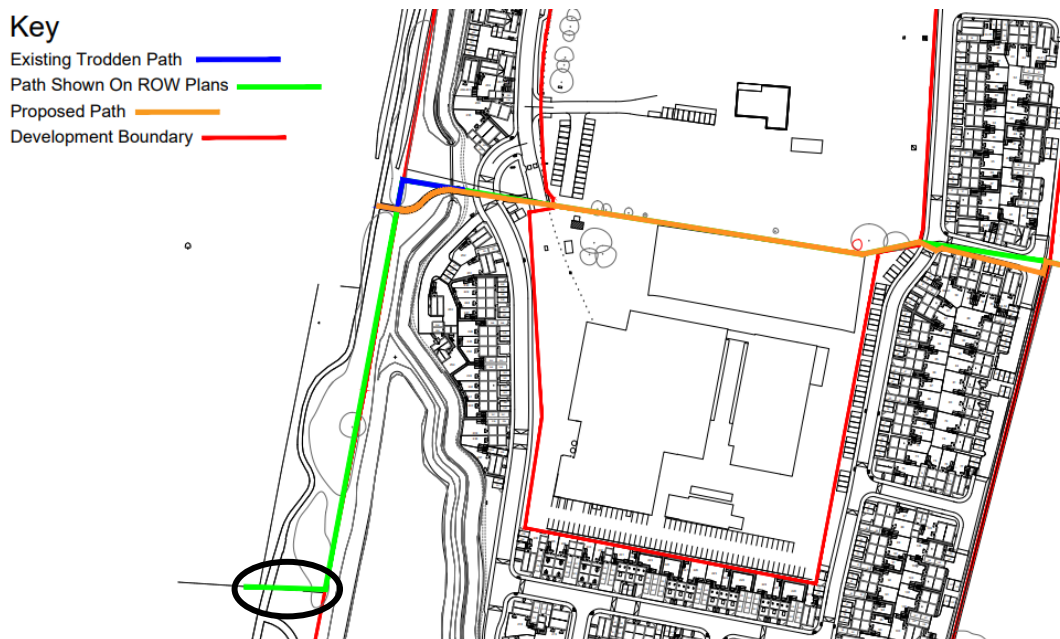


Fig. 11 PRow Plan Extract showing Routes described above

- 7.101. The RoW Officer has confirmed, as set out in the site description section of this report, that the 'legal' link into the Sustrans as shown circled above was extinguished as part of the development of Land South of Newark². There is therefore no existing legal public right to pass from the development site into the Sustrans network.
- 7.102. The Applicant's original intention as part of this application was to improve and formalise this 'trodden path' by creating a formal link to the Sustrans via the orange route shown above. For context, the Sustrans network is not a '*legal public right of way*' but has permissive path rights granted by the landowner which is Railway Paths Limited (and is ran by Sustrans). This means that the public can pass over the land with permissive rights granted by the landowner, but the Sustrans is not a formal public right on the definitive map. Officers have facilitated a number of meetings with the Applicant, RoW Officer and Sustrans to look to formalise the 'trodden path' link which would include third party land, however ultimately, Railway Paths Limited have not been forthcoming with the legalities the Applicant would need to go through to formalise the link and have indicated that, despite Sustrans enthusiasm for a new/improved link from the development site, there could be complications with establishing a legal agreement and a potential ransom figure for the Applicant to pay.
- 7.103. The Applicant has worked with Officers to explore a number of options to provide this new link into the Sustrans and despite the RoW Officer and Sustrans supporting the formalised connection, it is not in the Applicant's gift to be able to deliver this link without support from Railway Paths Limited. It has not been possible for the Applicant to secure an agreement with Railway Paths Limited during the course of this application and whilst Officers have considered the potential imposition of a

² Relating to application 15/02093/FUL for the Sustrans overbridge that crosses the Southern Link Road.

Grampian condition to require the connection be delivered as part of the development, in the absence of any certainty that Railway Paths Limited would give the Applicant consent to deliver this link it would not be reasonable to impose a condition requiring the Applicant to provide it. This would mean the condition (or any similar legal agreement) would fail the tests described in the NPPF i.e., it would be unlawful.

- 7.104. Officers note that the inability to secure agreement from Railway Paths Limited as part of the application to formalise this link is of great disappointment to the Applicant. Nevertheless, they intend on pursuing discussions with Railway Paths Limited and Sustrans in an attempt to deliver this link and the proposed site plan therefore includes the path connection up to the site boundary to be able to facilitate this link in the event that agreement is reached. However, for the purposes of the planning application, given there is no legal mechanism to secure this link it cannot be given any weight in the planning balance.
- 7.105. In the absence of the link from the development site to the Sustrans network at this point of the development the Applicant has included an increased width footway (3m) from the point that FP11 exists from between the Factory and the SSC north up the western side of the spine road existing onto Hawton Lane. This would mean that cyclists could exit the development site safely to connect into the Sustrans off the existing connection from Hawton Lane (in the north-west corner of the development site). Whilst not the most direct route of travel onto the Sustrans, this would still provide a safe route for cyclists through the development site and is supported by the RoW Officer and NCC Highways.
- 7.106. The proposals have also been reviewed by Active Travel England (ATE) who initially objected to the proposal due to insufficient connectivity within the development, concerns relating to the PRow surfacing within the site and provision of a Travel Plan. The applicant has addressed these comments with the revised layout which includes provision of additional footways within the site, formalising a trodden path in the north-west corner of the site from the spine road onto Hawton Lane and clarity over cycle parking which would be provided in the rear garden sheds (negating the need for one of the conditions suggested by ATE requiring details of cycle parking). The Applicant has not provided a Travel Plan as part of the application, however condition 10 of the outline permission requires submission of a travel plan prior to the occupation of any unit on site. Given this condition is already imposed on the outline consent, the re-imposition of this condition as recommended by ATE is not necessary.
- 7.107. On the basis of the revised plans submitted during the life of the application and the assessment above, the proposal is considered compliant with policies SP7 and DM5 in this regard.

Flood Risk and Drainage

- 7.108. Core Policy 9 of the Core Strategy requires that all new development through its design proactively manages surface water including, where feasible the use of Sustainable Drainage Systems. Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk. These policies

reflect the NPPF on the subject.

- 7.109. The groundworks permission (18/01235/FULM) at the site approved the construction of an attenuation pond in the south-west corner of the site along with the regrading of the land to bring the land out of Flood Zones (FZ) 2 & 3 and into FZ1, effectively altering the EA flood mapping. The works also included the decommissioning of approximately 465m of culvert, up to the access road running along the southern site boundary (Lowfield Lane) and re-alignment of the Middle Beck; and raising of the remaining part of the development site above the 1,000-year flood levels. Given the complexity of these works the Environment Agency (EA) were involved with the Flood Model submitted with the application which simulated how the proposed works would impact the flood risk on site. After extensive discussions and amendments made to the flood simulation model the EA agreed the model was adequate for its purpose and met the required standards, resulting in the site being remediated to FZ1. These works have been implemented and completed and the EA has confirmed that the site is now within FZ1.
- 7.110. At outline stage the indicative drainage details submitted were discussed and it was concluded that subject to appropriate conditions (particularly relating to the completion of the approved flood modelling works under 18/01235/FULM), the proposed development would not result in any unacceptable impact with respect to flood risk and foul sewage in accordance with the requirements of Core Policy 9 as no objections were raised by NCC Flood Risk Team (as the Lead Local Flood Authority/LLFA), the EA or the Trent Valley Internal Drainage Board (TVIDB).
- 7.111. Condition 5 attached to the outline requires submission of drainage plans for the disposal of surface water and foul sewage. The submitted drainage document states that development surface run off is proposed to discharge to the on-site drainage system including the attenuation pond which accommodates the 1 in 100 year plus 40% allowance for climate change (including a further 10% allowance for urban creep) without any flood water leaving the development site boundary or any proposed dwellings flooding. It is proposed to pump the foul water flows from the development to an existing foul sewer which crosses the development site.
- 7.112. The drainage strategy has been reviewed by NCC as the LLFA who have raised no objection to the proposal. Given the support of the LLFA and EA, Officers are satisfied that the drainage strategy deposited with this Reserved Matters application is sufficient in respect of this phase of development such that condition 05 of outline planning permission has been met.
- 7.113. Officers note that concerns have been raised by the parish council and a local residents in relation to surface water flooding experienced along the footpath on the eastern boundary. In this regard it is noted that the District has experienced heavy rainfall and extensive flooding in the earlier part of this year which has no doubt contributed to localised flooding in the area. It is noted that residents have concerns about run-off from the development site, however the drainage strategy is designed to discharge surface water into the on-site drainage infrastructure and the development of the site would inevitably reduce run-off experienced from the currently hard surfaced land which would be landscaped with sustainable drainage installed to manage surface

water.

Impact on Ecology

- 7.114. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 supports the requirements of CP12 and states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.
- 7.115. Under the groundworks permission (18/01235/FULM) extensive ecological investigations were carried out on the site in relation to the demolition of the existing buildings and ground clearance and remediation – recommendations and conditions from this consent were carried over into the outline consent which secured an indicative habitat and landscape creation and management plan in agreement with Nottinghamshire Wildlife Trust (NWT) to include the retention of the LWSs, replacement and enhancement of the LWS down the western boundary of the site, creation of an attenuation pond which would also provide an aquatic habitat to maximise the sites ecological value and creation of high quality community, foraging and nesting habitats. Conditions 12 (Updated Ecological Surveys), 13 (Ecological Mitigation, Management and Enhancement Scheme), 14 (LWS Buffer and Protection), 15 (LWS Contamination Management), 16 (Landscaping) and 18 (Tree/Hedgerow Protection Scheme) attached to the outline consent deal with ecology and landscaping.
- 7.116. This Reserved Matters submission has been accompanied by updated Site Walkover Reports, an Ecological Mitigation, Management and Enhancement Scheme (EMMES) and a 5+ Year Landscape Management Plan in addition to a suite of landscaping and tree protection plans.
- 7.117. The Council's Ecology Officer has reviewed these documents and following clarifications and submission of further documents during the lifetime of the application has confirmed that the proposals within the documents should ensure the protection of ecological receptors on site and provide enhancements to biodiversity through appropriate landscaping and habitat creation over the long-term. The Ecology Officer has confirmed that they are satisfied that the proposed enhancements would mitigate the partial loss of Balderton Scrubby Grassland LWS. For clarity, it is proposed to re-grade the boundary of Balderton Scrubby Grassland LWS where it is adjacent to the development and replant with a species mix, all of which, including management prescriptions have been included in the reports. The regrading of the LWS has been previously accepted and approved as part of the initial remediation consent on site and the EMMES and 5+ Year Landscape Management Plan aim to materially enhance the sites ecological value by providing biodiversity enhancements (through additional planting, wildflower meadow and wetland areas, tree planting, provision of bat and bird boxes and habitat creation for various species).
- 7.118. Other matters relating to ecology, general landscaping and trees have been discussed

in the landscaping section of this appraisal, however in summary following support from the Council's Tree and Ecology Officers, the revised landscaping and habitat creation proposals are considered to be acceptable, would result in significant biodiversity enhancements and have made a valid attempt at integrating the existing site green infrastructure. Overall, the proposed landscaping would result in an enhancement, particularly when considering the baseline of the brownfield site to begin with and this weighs positively in favour of the scheme.

- 7.119. For the avoidance of doubt, given this application was submitted in October 2023 Biodiversity Net Gain/BNG is **not** mandatory for this application (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)). The applicant is therefore not required to supply a BNG metric with the application or quantify any proposed net gain on the site. Nevertheless, when considering the existing baseline of the development site it is likely that the scheme would deliver a biodiversity net gain across the development which accords with the intentions of the NPPF and Development Plan (despite there being no legislative requirement for the proposal to do so).
- 7.120. Overall, in light of the additional information that has been supplied as part of this application it is considered that the proposal would comply with CP12, DM7 and DM5 of the Development Plan in this regard.

Land Contamination

- 7.121. Paragraph 180f of the NPPF confirms that planning decisions should contribute to and enhance the natural and local environment including in the context of remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 7.122. The groundworks consent (18/01235/FULM) secured full site remediation – this permission has been implemented and the remediation works to take the site to a development plateau have been completed with the contamination condition discharged under 22/01971/DISCON.
- 7.123. The Outline consent was accompanied by a Phase 1 Environmental Risk Assessment which the Council's Contaminated Land Officer reviewed and advised that the previous approval at the site agreed that following completion of the demolition and remediation a clean cap of 300mm was proposed to leave a building platform for the developer. The developer would then be required to complete the remediation by making up this clean cap to 1000mm in gardens including sourcing clean material and validating that it has been carried out to an appropriate depth and standard.
- 7.124. Condition 19 of the Outline Consent requires submission and implementation of a remediation scheme in addition to measures for the reporting of unexpected contamination for each Phase (prior to the commencement of development in that Phase).
- 7.125. The Reserved Matters submission has not been accompanied by any further report in relation to contamination and therefore the Council's Contaminated Land Officer has

advised that parts B (submission of a remediation scheme), C (implementation of the remediations scheme) and D (reporting of unexpected contamination) of the full phased contamination condition would be required – given these are already imposed on the outline consent (condition 19) it is not necessary to re-impose the condition on this reserved matters.

Impact on Surrounding Land Uses

- 7.126. The Flowserve factory and the SSC are both served by the existing access into the site of Hawton Lane which form the basis of the Phase 1 enabling works. Whilst neither of these facilities fall within the application site boundary it is important to ensure that they could continue to operate with no unacceptable detrimental impact from development occurring.
- 7.127. As part of the Phase 1 submission the agent confirmed that the construction of Phase 1 would include the construction of an initial haul road with passing points to the west of the existing road to allow for access to be maintained to the Flowserve Factory and the SSC. Upon completion of the roadworks the haul road would be diverted onto the new road ensuring access is maintained for both surrounding land uses throughout the construction period. This was considered to be acceptable and would ensure both the Flowserve Factory and SSC would be able to continue to operate with no unacceptable impact arising as a result of the proposed works within this Phase.
- 7.128. A Construction Management Plan (CMP) has been submitted with the application which covers the requirements of condition 24 (for example, storage of plant and materials, lorry routing, measures to control noise, dust etc., hours of operation etc.). The CMP has been amended throughout the lifetime of the application to include provision for how access would be maintained to the SSC and Factory throughout construction which shows a temporary haul road would provide access to both facilities (as was approved for the CMS for Phase 1). This is considered to be acceptable as this would ensure vehicular and pedestrian access would be maintained for the duration of the build programme.
- 7.129. The application is also accompanied by an indicative S106 Parking Plan which demonstrates that the parking spaces as secured by the S106 agreement (which requires no less than 44 spaces to be provided within the application site and no less than 42 spaces to be provided within the immediate and reasonable vicinity of the SSC) can be accommodated within the site without compromising the proposed site layout. Whilst the formal agreement of this plan would be through the discharge of the S106 agreement the indicative plan demonstrates that 86 car parking spaces can be provided with the housing layout as proposed in accordance with the S106 agreement clause. Spaces would be provided to the east of the Factory (38), to the west of the SSC in parallel parking spaces along the spine road (10) totalling 48 spaces and 38 spaces would be provided within the land owned by the SSC (spaces to be provided to the immediate south of the SSC access and within the SSC itself).
- 7.130. Ultimately the plan submitted is for indicative purposes only so that it can be demonstrated that the quantum of units sought, in the layout shown, can accommodate the requisite number of spaces within the development site and SSC as

per the requirements of the S106. Nevertheless, Sport England have been consulted on this indicative plan and have advised that they raise no objection to the indicative parking plan which demonstrates that spaces could be accommodated within the land owned by the SSC without compromising the usable playing space or areas where ancillary infrastructure was previously located (prior to vandalism damage). Sport England have noted that there are some spaces shown which are very close to the bowls green and could encroach on the fence around it, however this could be addressed when the formal parking plan is agreed as part of the discharge of the S106 agreement clause.

- 7.131. Overall, the development is considered to be acceptable in this respect, and details secured throughout the lifetime of this application (and as will be required as part of the discharge of the S106 agreement) would ensure no unacceptable impact on existing adjacent land uses.

Developer Contributions

- 7.132. It is noted that no developer contributions were secured as part of the outline planning permission which was allowed at appeal. This was due to the viability of the development in light of the significant costs relating to the remediation of this brownfield site. As such there are no contributions to consider as part of this reserved matters.
- 7.133. CIL - The Council's adopted Community Infrastructure Levy confirms that for residential development in this location is rated zero.

Other Matters

- 7.134. It is necessary to consider the implications of other matters pertaining to the discharge of conditions attached at outline stage and any pre-commencement conditions relevant to this phase:

19/00854/OUTM Conditions	Comments
01 Details	The current submission includes details of all reserved matters relevant to the land included within the Phase 2 application.
02 Time	The reserved matters application has been received within three years of the outline decision.
03 Implementation	In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.
04 Phasing Plan	Condition 4 of the Outline relates to phasing and requires submission of a Phasing plan detailing how the development is to come forward in each phase of the development. In line with the requirements of this condition a phasing plan (Construction Phase Plan Ref. PHP01 C) was submitted

	and approved under Phase 1 (23/00621/RMA) which showed the enabling spine road as Phase 1 and the residential development across the remainder of the site as Phase 2.
05 Drainage Plans	Condition 5 of the Outline relates to the submission of a surface and foul sewerage drainage scheme, this has been covered in a previous section of this report and is acceptable.
06 Compliance with the Flood Risk Assessment	The details submitted within this application do not conflict with the requirements of this condition and the completion of the flood alleviation works has been covered in a previous section of this report.
07 Approved Access Plan	This condition is for compliance only. The details submitted within this application do not conflict with the requirements of this condition.
08 Approved Visibility Splays	This condition is for compliance only. The details submitted within this application do not conflict with the requirements of this condition.
09 Speed Limit Reduction on Hawton Lane	The details of the speed limit reduction on Hawton Lane have already been agreed and discharged under 22/01109/DISCON.
10 Submission of Travel Plan	This condition requires details to be submitted prior to the first occupation of the development.
11 Details of Emergency Link with Lowfield Lane	This condition requires details to be submitted prior to the first occupation of the development.
12 Updated Ecological Surveys	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
13 Scheme for Ecological Mitigation, Management and Enhancement	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
14 Local Wildlife Site Protection	The requirements of this condition have been satisfied for Phase 1; however, no details have been submitted in respect of Phase 2. This condition therefore remains outstanding and will require discharging prior to the commencement of development within a 10m buffer around the Local Wildlife Site to the north-west of the site.

15 Local Wildlife Site Contamination	The requirements of this condition have already been agreed and discharged under 23/01231/DISCON.
16 Detailed Landscaping Plans (Planting Schedule)	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
17 Tree/Hedgerow Protection Scheme	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
18 Compliance with the Tree/Hedgerow Protection Scheme & Prohibited Activities	This condition is for compliance only.
19 Full Phased Contamination Condition	Part A of this condition has been discharged under 23/01339/DISCON for the entire development site. As part of the Phase 1 application Parts A-C of this condition were discharged in respect this Phase only. As set out in a previous section of this report Parts B-D remain outstanding in respect of Phase 2 and will require discharging prior to the commencement of development in this Phase.
20 Contamination Verification Report	This condition is for compliance following completion of the measures outlined in Condition 19.
21 Contamination Sampling and Monitoring for Verification	This condition is for compliance following completion of the measures outlined in Condition 19 and prior to first occupation of the development.
22 Noise Mitigation Scheme	The requirements of this condition have been covered in a previous section of this report and can be discharged in respect of this Phase 2.
23 Flowserve Factory Generator Noise Mitigation Scheme Implementation	Condition 23 of the Outline relates to the submission of a Noise Mitigation scheme for the Flowserve Factory Generator, details of which have already been agreed and discharged under 22/01090/DISCON.
24 Construction Method Statement	As part of the Phase 1 application a Construction Method Statement was agreed in respect of that Phase. A Construction Method Statement have also been agreed and discharged under 23/01079/DISCON.

	Phase 2 is accompanied by an updated CMS which has been discussed in a previous section of this report and can be discharged in respect of Phase 2.
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- 7.135. For the avoidance of doubt the conditions attached on the outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1. The site has an extant Outline permission to allow for the residential delivery of the site setting a maximum quantum of 322 dwellings with the means of access off Hawton Lane and emergency access via Lowfield Lane having been approved.
- 9.2. The Outline scheme was subject to a viability case which continues to limit the scope of what can be brought forwards in developing the site (i.e., Officer's suggestion to reduce the quantum of development/increase the number of bungalow units, for example, has been discounted). However, the scheme has been revised during its lifetime to improve the overall housing mix which is welcomed and will better align with the housing need for the area.
- 9.3. There have been numerous revisions to the original plans based on concerns raised by Officers and consultees. As well as the incorporation of bungalows, other improvements include better pedestrian connectivity; improved amenity relationships (with separation distances increased to provide acceptable interrelationships); and an overall improved parking layout (with spaces being better separated by areas of landscaping).
- 9.4. Nevertheless, the appraisal above identifies some compromises in respect of the site layout, private amenity spaces for certain plots and parking design/layout, however, in a scheme of this size there are inevitably compromises to be made and future occupiers would be aware of these circumstances prior to purchase/occupation.
- 9.5. The proposal seeks to enhance existing public rights of way and provide landscape and biodiversity enhancements as part of a habitat creation and management strategy. Whilst agreement from third party landowners to formalise a cycle link into the Sustrans National Cycle Network has not been successful, the development would secure infrastructure to enable this connection to be facilitated in the future and nevertheless would provide a cycle link along the spine road to enable cyclist to safely exist the site onto Hawton Lane where they can join the Sustrans via an existing link.

- 9.6. The Outline permission was allowed at appeal with no provision for affordable housing or development contributions and therefore this is not open for debate. The associated Section 106 did however secure provision of onsite public open space and parking spaces for the adjacent Sports and Social Club which will ensure that future occupiers have attractive open space to enjoy within the site and that the SSC could, if reopened, continue to operate unconstrained by the housing development.
- 9.7. The development will make a meaningful contribution to the housing delivery of the District, and it is noted that there have been no objections from any statutory consultee.
- 9.8. Significant positive weight must be attached to the residential delivery of the site in a sustainable settlement and in the absence of any harm arising from the details submitted to accompany the Reserved Matters submission, the Officer recommendation is one of approval subject to the conditions outlined below.
- 9.9. For the avoidance of doubt, as is already suggested above, the conditions imposed on the outline consent remain to be valid and for compliance as does the signed legal agreement (or indeed any subsequently amended agreement).

10.0 Conditions

NB – there is no requirement for a time implementation condition as this is imposed on the outline consent.

01

The development hereby permitted shall not be carried out except in accordance with the following approved plans:

- Site Location Plan Ref. 102-496LIV/(P)011 G, 11 Jun 2024
- Presentation Layout Ref. 102-496LIV/(P)013D, 14 Jun 2024
- Presentation Layout with Aerial Ref. 102-496LIV/(P)014D, 14 Jun 2024
- Proposed Site Layout Ref. 102 496LIV P 001 AF, 14 Jun 2024
- Building Heights Plan Ref. 102 496LIV P 016 O, 14 Jun 2024
- Tree Retention, Removal And Protection Plan 1 of 2 Ref. BEA 23 084 010 REV P05, 17 Jun 2024
- Tree Retention, Removal And Protection Plan 2 of 2 Ref. BEA 23 084 011 REV P05, 17 Jun 2024
- Detailed Tree Plan Ref. BEA 23 084 013 REV P05, 17 Jun 2024
- Detailed Soft Landscape Proposals, 1 of 7 Ref. BEA 23 084 01 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 2 of 7 Ref. BEA 23 084 02 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 3 of 7 Ref. BEA 23 084 03 REV P07, 17 Jun 2024

- Detailed Soft Landscape Proposals, 4 of 7 Ref. BEA 23 084 04 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 5 of 7 Ref. BEA 23 084 05 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 6 of 7 Ref. BEA 23 084 06 REV P07, 17 Jun 2024
- Detailed Soft Landscape Proposals, 7 of 7 Ref. BEA 23 084 07 REV P07, 17 Jun 2024
- Horizontal Geometry Assessment Sheet 1 Ref. FS LE GEN XX DR CE 001 P05, 14 Jun 2024
- Horizontal Geometry Assessment Sheet 2 Ref. FL LE GEN XX DR CE 002 P05, 14 Jun 2024
- Horizontal Geometry Assessment Sheet 3 Ref. FS LE GEN XX DR CE 003 P05, 14 Jun 2024
- Swept Path Analysis Sheet 1 Ref. FS LE GEN XX DR CE 005 P05, 10 Jun 2024
- Swept Path Analysis Sheet 2 Ref. FS LE GEN XX DR CE 006 P07, 14 Jun 2024
- Swept Path Analysis Sheet 3 Ref. FS LE GEN XX DR CE 007 P06, 10 Jun 2024
- Swept Path Analysis Sheet 4 Ref. FS LE GEN XX DR CE 008 P05, 10 Jun 2024
- Proposed Drainage Sheet 1 Ref. FS LE GEN XX DR CE 020 P03, 10 Jun 2024
- Proposed Drainage Sheet 2 Ref. FS LE GEN XX DR CE 021 P04, 14 Jun 2024
- Proposed Drainage Sheet 3 Ref. FS LE GEN XX DR CE 022 P04, 14 Jun 2024
- Materials Plan Ref. 102 496LIV P 004 O, 14 Jun 2024
- EV Charging Plan Ref. 102 496LIV P 007 N, 14 Jun 2024
- Separation Distances Plan Ref. 102 496LIV P 008 O, 14 Jun 2024
- Open Spaces Plan Ref. 102 496LIV P 009 O, 14 Jun 2024
- Refuse Strategy Plan Ref. 102 496LIV P 010 O, 14 Jun 2024
- Proposed Leap And Central POS Ref. 23 084 P 14 REV P03, 12 Jun 2024
- Proposed Street Scenes Ref. 102-496LIV P 017F, 14 Jun 2024
- Proposed PRow Illustrative Sections Ref. FS LE GEN XX DR CE 018 P02, 10 Jun 2024

House Type Plans

- RURAL EDGE - STOCKWOOD AS Ref. 102 496LIV (HT)1101A, 14 Jun 2024
- RURAL EDGE - STOCKWOOD OPP Ref. 102 496LIV (HT)1102, 11 Jun 2024
- RURAL EDGE - OMBERSLEY X 2 Ref. 102 496LIV (HT)1103A, 14 Jun 2024
- RURAL EDGE - OMBERSLEY X 3 Ref. 102 496LIV (HT)1104A, 14 Jun 2024
- RURAL EDGE - KINGFISHER X 2 Ref. 102 496LIV (HT)1105, 11 Jun 2024
- RURAL EDGE - KINGFISHER X 3 Ref. 102 496LIV (HT)1106, 11 Jun 2024
- RURAL EDGE - ELESHAM OPP Ref. 102 496LIV (HT)1107, 11 Jun 2024
- RURAL EDGE - HENBURY X 2 Ref. 102 496LIV (HT)1109A, 14 Jun 2024
- RURAL EDGE - HENBURY X 3 Ref. 102 496LIV (HT)1110A, 14 Jun 2024
- RURAL EDGE - PRESTBURY OPP Ref. 102 496LIV (HT)1111, 11 Jun 2024
- RURAL EDGE - PRESTBURY AS Ref. 102 496LIV (HT)1112, 11 Jun 2024

- RURAL EDGE - MILFORD AS Ref. 102 496LIV (HT)1113, 11 Jun 2024
- RURAL EDGE - MILFORD OPP Ref. 102 496LIV (HT)1114 A, 11 Jun 2024
- RURAL EDGE - LEASIDE OPP Ref. 102 496LIV (HT)1115, 11 Jun 2024
- RURAL EDGE - RICHMOND+ Ref. 102 496LIV (HT)1117, 11 Jun 2024
- RURAL EDGE - LAMBOURNE X 2 Ref. 102 496LIV (HT)1118, 11 Jun 2024
- RURAL EDGE - M4(3) BUNGALOW Ref. 102 496LIV (HT)1119, 11 Jun 2024
- RURAL EDGE - M4(3) BUNGALOW X 2 Ref. 102 496LIV (HT)1120, 11 Jun 2024
- RURAL EDGE - RAMSEY+ OPP Ref. 102 496LIV (HT)1121 A, 11 Jun 2024
- RURAL EDGE - NEWBURY -LANSDOWNE+ Ref. 102 496LIV (HT)1122 A, 11 Jun 2024
- RURAL EDGE - LANSDOWNE+OPP Ref. 102 496LIV (HT)1123, 11 Jun 2024
- RURAL EDGE - NEWBURY OPP Ref. 102 496LIV (HT)1124A, 14 Jun 2024
- RURAL EDGE - NEWBURY AS Ref. 102 496LIV (HT)1125, 11 Jun 2024
- RURAL EDGE - NEWBURY W V1 Ref. 102 496LIV (HT)1126, 11 Jun 2024
- RURAL EDGE - NEWBURY W V2 Ref. 102 496LIV (HT)1127, 11 Jun 2024
- RURAL EDGE - HENBURY-HENBURY-NEWBURY Ref. 102 496LIV (HT)1128, 11 Jun 2024
- RURAL EDGE – NEWBURY LANSDOWNE+V2 Ref. 102 496LIV (HT)1129, 11 Jun 2024
- SPINE ROAD - NEWBURY W Ref. 102 496LIV (HT)2101, 11 Jun 2024
- SPINE ROAD NEWBURY AS Ref. 102 496LIV (HT)2102C, 14 Jun 2024
- SPINE ROAD - NEWBURY OPP Ref. 102 496LIV (HT)2103B, 14 Jun 2024
- SPINE ROAD - ELESHAM AS Ref. 102 496LIV (HT)2104A, 14 Jun 2024
- SPINE ROAD - MOTTRAM X 4 Ref. 102 496LIV (HT)2105B, 14 Jun 2024
- SPINE ROAD - MOTTRAM X 3 Ref. 102 496LIV (HT)2106, 11 Jun 2024
- SPINE ROAD - MILFORD AS Ref. 102 496LIV (HT)2107, 11 Jun 2024
- SPINE ROAD - MILFORD OPP Ref. 102 496LIV (HT)2108, 11 Jun 2024
- SPINE ROAD - RICHMOND+ Ref. 102 496LIV (HT)2109, 11 Jun 2024
- SPINE ROAD - HENBURY X 2 Ref. 102 496LIV (HT)2110, 11 Jun 2024
- SPINE ROAD - STOCKWOOD AS Ref. 102 496LIV (HT)2111, 11 Jun 2024
- SPINE ROAD - STOCKWOOD OPP Ref. 102 496LIV (HT)2112, 11 Jun 2024
- SPINE ROAD - MAYLAND-LEASIDE Ref. 102 496LIV (HT)2113, 11 Jun 2024
- SPINE ROAD - ELESHAM-MARYLAND Ref. 102 496LIV (HT)2114A, 11 Jun 2024
- SPINE ROAD - RAMSEY+ OPP Ref. 102 496LIV (HT)2115, 11 Jun 2024
- SPINE ROAD - KINGFISHER X 4 Ref. 102 496LIV (HT)2116A, 14 Jun 2024
- SPINE ROAD - KINGFISHER X 3 Ref. 102 496LIV (HT)2117, 11 Jun 2024
- SPINE ROAD - KINGFISHER X 2 Ref. 102 496LIV (HT)2118, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ AS Ref. 102 496LIV (HT)2119A, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ OPP Ref. 102 496LIV (HT)2120A, 11 Jun 2024
- SPINE ROAD - LANSDOWNE+ X2 Ref. 102 496LIV (HT)2121A, 11 Jun 2024
- SPINE ROAD - PRESTBURY OPP Ref. 102 496LIV (HT)2122, 11 Jun 2024
- SPINE ROAD - LEASIDE OPP Ref. 102 496LIV (HT)2123A, 11 Jun 2024
- SPINE ROAD - LAMBERHURST X 2 Ref. 102 496LIV (HT)2124, 11 Jun 2024

- SPINE ROAD - OMBERLSEY X 2 Ref. 102 496LIV (HT)2125, 11 Jun 2024
- SPINE ROAD - NEWBURY W V2 Ref. 102 496LIV (HT)2126, 11 Jun 2024
- SPINE ROAD – NEWBURY-HENBURY-HENBURY Ref. 102 496LIV (HT)2127, 11 Jun 2024
- SPINE ROAD - NEWBURY W V3 Ref. 102 496LIV (HT)2128, 14 Jun 2024
- SPINE ROAD – ELESAM OPP Ref. 102 496LIV (HT)2129, 14 Jun 2024
- FORMAL RESIDENTIAL - ELESAM AS Ref. 102 496LIV (HT)3101A, 14 Jun 2024
- FORMAL RESIDENTIAL - ELESAM OPP Ref. 102 496LIV (HT)3102A, 14 Jun 2024
- FORMAL RESIDENTIAL - HENBURY X 2 Ref. 102 496LIV (HT)3103, 11 Jun 2024
- FORMAL RESIDENTIAL - KINGFISHER X 2 Ref. 102 496LIV (HT)3104A, 14 Jun 2024
- FORMAL RESIDENTIAL - KINGFISHER X 3 Ref. 102 496LIV (HT)3105, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBERHURST X 2 Ref. 102 496LIV (HT)3106, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBOURNE X 2 Ref. 102 496LIV (HT)3107, 11 Jun 2024
- FORMAL RESIDENTIAL - LAMBOURNE X 3 Ref. 102 496LIV (HT)3108A, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+-NEWBURY, Ref. 102 496LIV (HT)3109, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+-X2 Ref. 102 496LIV (HT)3110A, 11 Jun 2024
- FORMAL RESIDENTIAL - LANSLOWNE+ AS Ref. 102 496LIV (HT)3111, 11 Jun 2024
- FORMAL RESIDENTIAL - M4(3) BUNGALOW OPP Ref. 102 496LIV (HT)3112A, 11 Jun 2024
- FORMAL RESIDENTIAL - MILFORD AS Ref. 102 496LIV (HT)3113, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY-LANSLOWNE Ref. 102 496LIV (HT)3114, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY W Ref. 102 496LIV (HT)3115, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY AS Ref. 102 496LIV (HT)3116, 11 Jun 2024
- FORMAL RESIDENTIAL - NEWBURY OPP Ref. 102 496LIV (HT)3117, 11 Jun 2024
- FORMAL RESIDENTIAL - PRESTBURY OPP Ref. 102 496LIV (HT)3118, 11 Jun 2024
- FORMAL RESIDENTIAL - RAMSEY+ AS Ref. 102 496LIV (HT)3119, 11 Jun 2024
- FORMAL RESIDENTIAL - RAMSEY+ OPP Ref. 102 496LIV (HT)3120, 11 Jun 2024
- FORMAL RESIDENTIAL - RICHMOND+ AS Ref. 102 496LIV (HT)3121, 11 Jun 2024
- FORMAL RESIDENTIAL - STOCKWOOD AS Ref. 102 496LIV (HT)3122, 11 Jun 2024
- FORMAL RESIDENTIAL – LANSLOWNE+X2 V2 Ref. 102 496LIV (HT)3123, 11 Jun 2024
- PROPOSED GARAGES Ref. 102 496LIV (HT)4001 B, 11 Jun 2024

Reason: So as to define this approval.

02

No development shall commence in respect of the proposed plots until full technical details of the new roads have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority and retained for the lifetime of the development.

Reason: To ensure the development is constructed to safe and adoptable standards.

03

No works above damp-proof course level shall take place until a Highway Management Plan is submitted to and approved in writing by the Local Planning Authority. The Plan shall indicate which of the roads are to be in private ownership and the proposed surfacing and maintenance of them thereafter. The Plan shall also identify maintenance responsibility for the emergency accessway and the means to control access to it. The development shall be carried out in accordance with the approved Plan.

Reason: To ensure that the private drives and emergency access remain to an adequate standard in the interest of highway safety.

04

No dwelling forming part of the development hereby permitted shall be occupied until an application for a Traffic Regulation Order is made to secure the provision of traffic management measures within the site to address indiscriminate parking within the highway to be adopted.

Reason: In the interests of highway safety.

05

The visibility splays as shown on drawing Horizontal Geometry Assessment Sheet 3 Ref. FS LE GEN XX DR CE 003 P05 (deposited 14 June 2024) shall be kept clear of all obstructions 600mm above the carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

06

Notwithstanding the details shown on drawing Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 June 2024) no part of the development shall be occupied until a 3-metre shared route linking the Phase 1 enabling works (spine road) to the Sustrans Route to the

west of the development is provided in accordance with a detailed construction drawing and method statement to be first submitted and approved in writing by the Local Planning Authority. The shared route shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety and encouraging sustainable means of travel.

07

The development shall not be occupied until means to prevent unauthorised vehicular access to Lowfield Lane have been provided in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. The approved access prevention measures shall thereafter be retained for the lifetime of the development.

Reason: In the interests of highway safety.

08

No dwelling shall be occupied until the access roads serving that dwelling are surfaced in a bound material.

Reason: In the interest of highway safety.

09

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

010

Prior to the final surfacing of the access drives, driveways and/or parking areas of each plot a drainage scheme shall be submitted to and approved in writing by the Local Planning Authority demonstrating how surface water will be prevented from entering the public highway from these areas. The approved scheme shall thereafter be implemented prior to first occupation and retained for the lifetime of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

011

No dwelling forming part of the development hereby permitted shall be occupied until improvements to the Public Right of Way along the eastern boundary of the site are provided

in accordance with illustrative drawing Proposed PRoW Illustrative Sections Ref. FS LE GEN XX DR CE 018 P02 (deposited 10 Jun 2024).

Reason: In the general interests of pedestrian safety by making adequate provision for the increased pedestrian usage.

012

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto the spine road. For avoidance of doubt, this refers to Plots 255 to 258, 262, 267, 271-273, 279-282, 291-296, & 307 as identified on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024).

Reason: To ensure that visibility between the shared route and vehicles crossing the shared route is maintained, in the interests of highway safety.

013

No fencing or hard boundary treatments shall be erected within 0.5m of the private drives or parking spaces thereon.

Reason: To maintain an adequate usable width in the general interests of highway safety.

014

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans:

- Tree Retention, Removal And Protection Plan 1 of 2, ref. BEA 23 084 010 REV P05, deposited 17 June 2024
- Tree Retention, Removal And Protection Plan 2 of 2, ref. BEA 23 084 011 REV P05, deposited 17 June 2024

shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

015

Prior to the occupation of any plot, precise details of all boundary treatments shall be submitted to an approved in writing by the Local Planning Authority. The approved boundary

treatments for each plot shall thereafter be implemented in full in accordance with the approved details and thereafter retained for a minimum of five years.

Reason: In the interest of residential and visual amenity.

016

No development shall commence in respect of the proposed plots until details of proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of residential amenity.

017

No dwelling shall be occupied until the bin storage area and cycle storage shed serving that dwelling are provided and made available for use in accordance with the details shown on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024).

Reason: In the interest of highway safety.

018

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
-

For Plots 12, 14, 15, 16, 20, 21, 24, 25, 26, 29, 36, 40, 41, 43, 47, 53, 54, 59, 60, 63, 70, 85, 90, 95, 97, 98, 115, 133, 134, 140, 142, 144, 148, 161, 168, 169, 194, 195, 197, 200, 201, 209, 219, 221, 224, 227, 230, 241, 242, 245, 247, 250, 260, 261, 262, 266, 267, 271, 272, 273, 289, 290, 293, 294, 298 and 299 as identified on the Proposed Site Layout Ref. 102 496LIV P 001 AF (deposited 14 Jun 2024), unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in recognition of the reduced plot sizes and in order to safeguard the amenity of future occupiers.

Informatives

01

In approving this reserved matters application, Conditions 4 (requiring a phasing plan), 5 (Drainage Plans), 12 (Updated Ecological Surveys), 13 (Ecological Mitigation, Management and Enhancement Scheme), 16 (Landscaping), 17 (Tree/Hedgerow Protection Scheme), 22 (Noise Mitigation) and 24 (Construction Method Statement) are discharged, subject to compliance with the submitted details, in respect of Phase 2. The Applicant's attention is drawn to the requirement to comply with the relevant details pertaining to these conditions and other conditions on the decision notice, and those contained on the outline consent, some of which may require discharging before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990 which accompanies the outline consent under planning reference 19/00854/OUTM.

04

Notes from Nottinghamshire County Council Highways Department:

1. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.
2. The applicant should note that notwithstanding any planning permission, if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.
3. The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.
4. It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.
5. In order to carry out the works to the PROW required, the applicant will be undertaking

work in the highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties.

6. All correspondence with the Highway Authority should be addressed to hdc.north@nottscc.gov.uk
7. The applicant should email hdc.north@nottscc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.
8. Any hedge/tree/shrub line on the boundary of the development land (either proposed or retained) is the responsibility of the owner/occupier (including subsequent owners/occupiers) of the adjoining land, whether or not a fence or other boundary treatment is installed behind it. It is an offence under Section 154 of the Highway Act 1980 to allow vegetation to overhang highway such that it obstructs the function of the highway and therefore owners should make every effort to ensure that the hedge/tree line is maintained appropriately.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
Application No.	24/00402/FUL		
Proposal	Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces.		
Location	Land at Greenaway, Rolleston		
Applicant	Mr Kevin Shutt - Newark and Sherwood District Council	Agent	Mrs Karolina Walton - Studio G Associates
Web Link	24/00402/FUL Demolition of two bungalows and erection of five dwellings including parking provision and amenity spaces. Land At Greenaway Rolleston (newark-sherwooddc.gov.uk)		
Registered	04.03.2024	Target Date / Extension of Time	29.04.2024 / 13.06.2024
Recommendation	Approve, subject to the conditions in Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council's Constitution, because the applicant is the Council.

Summary of the Report

The proposal comprises the demolition of two bungalows and the erection of 5 dwellings with associated parking and landscaping. The report covers the following aspects of the application:

- The principle of development and the sustainability of the location
- The design and layout of the proposed dwellings and the compatibility with the existing character and appearance of the area
- The impact on the residential amenity of the neighbouring properties and the future occupants of the development
- The highway safety and parking implications of the development and the provision of adequate access and visibility

- The flood risk and drainage issues and the measures to mitigate the potential impact on the site and the surrounding area
- The ecology and biodiversity implications and the enhancement of the site's ecological value
- The trees and hedgerows on the site and the protection and retention of the significant features¹

Background

The application was deferred at the June 6th meeting for Officers to discuss the proposals with Severn Trent Water noting the concerns regarding drainage locally.

Severn Trent Water have confirmed that the foul sewer is only designed to handle foul water but unfortunately there have been cases of existing properties incorrectly connecting surface water discharge to the foul discharge. The result of this is that the system becomes overloaded with extra surface water it is not designed to take. When the tankers are visiting the pumping station it is not because the pump system is failing as such, it is because the system is full of incorrectly directed surface water.

In the case of this application, the proposed dwellings are intended to discharge to the correct surface water sewer and therefore will not create an additional issue which would warrant refusal of the proposals.

The report has been amended at paragraph 7.66 following concerns raised at the previous meeting. All other aspects of the report are as previously presented.

1.0 The Site

- 1.1 The application site comprises land at Greenaway which is a road to the south of Staythorpe Road within the settlement of Rolleston. The land includes two existing bungalows, a parking area located on the north side of Greenaway and a grassed area with tarmac access leading to Rolleston Village Hall located to the north east of the site. A play area with open space is also located to the north east of the site. The majority of the boundaries of the site comprise hedgerow with a number of mature trees also scattered within the site. A Tree Preservation Order (TPO) tree is also located close to the south west corner of the site (outside of the application boundary). Open countryside is located to the east of the site with residential properties located to the south and west.
- 1.2 Part of the entrance to the site is located within Flood Zones 2 and 3.
- 1.3 A right of way also runs through the site and runs along its south east boundary past the village hall.
- 1.4 The site has the following constraints:
 - Part Flood Zones 2 and 3;

¹ This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

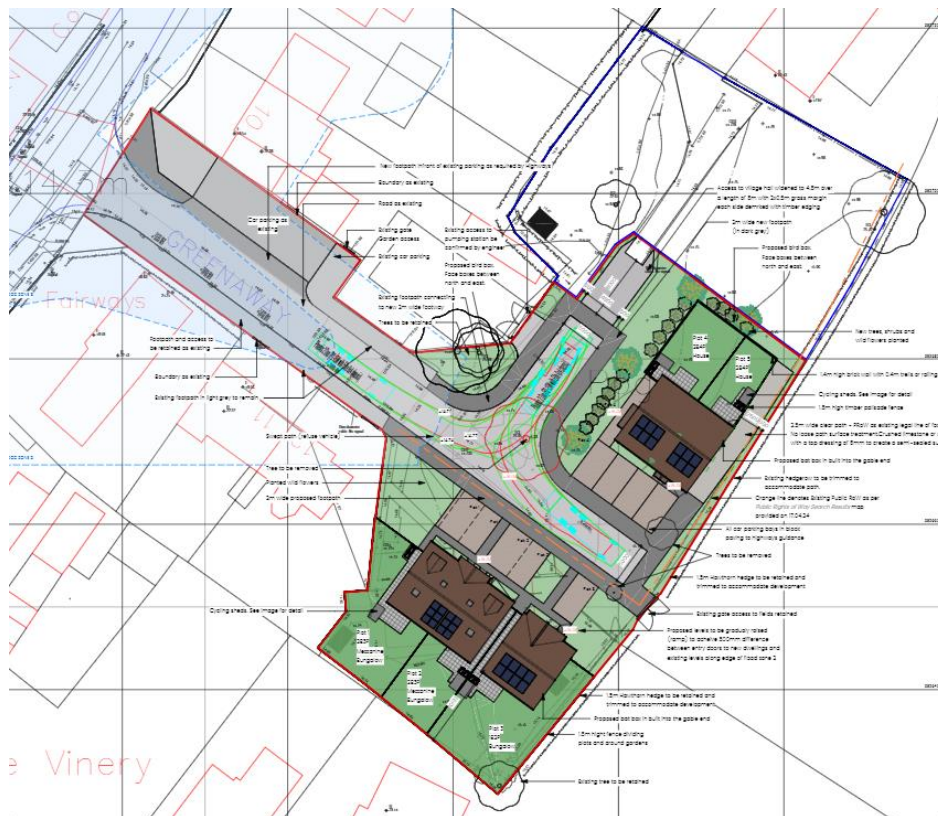
2.3 Other planning history affecting the site relates to the adjacent village hall and play area as well as the existing bungalows which were granted planning permission in 1976.

3.0 The Proposal

3.1 The application seeks permission for the erection of five dwellings following the demolition of the two existing bungalows within the site. The dwellings would be positioned towards the south western part of the site with the land between the dwellings and the village hall left as an open green area.

- Plot 1 – 2 bed 'Mezzanine' semi detached bungalow;
- Plot 2 - 2 bed 'Mezzanine' semi detached bungalow;
- Plot 3 – 1 bed detached bungalow;
- Plot 4 – 2 bed semi detached two storey dwelling;
- Plot 5 - 2 bed semi detached two storey dwelling.

3.2 Other than the 1 bed bungalow which would have one parking space, the properties would each have two parking spaces.



3.3 Documents assessed in this appraisal:

- 655-SGA-091-SL-DR-A-00001 P4 Existing Site Plan;
- 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan;
- 655-SGA-091-XX-DR-A-00003 P1 Bungalow Plans and Elevations;

- 655-SGA-091-XX-DR-A-00004 P5 Dormer Bungalow Elevations;
- 655-SGA-091-XX-DR-A-00005 P5 Dormer Bungalow Floor Plans;
- 655-SGA-091-XX-DR-A-00006 P5 2 Bedroom House Elevations;
- 655-SGA-091-XX-DR-A-00007 P6 2 Bedroom House Floor Plans;
- 655-SGA-091-3D-DR-A-00010 P5 3D Images Sheet 1 of 2;
- 655-SGA-091-3D-DR-A-00011 P5 3D Images Sheet 2 of 2;
- Design and Access Statement Rev 1 Ref: ID354;
- Flood Risk Assessment & Drainage Strategy – 20-0622 dated 26 March 2024;
- Phase 1 Desk Top Study Report – Ref ID91;
- Phase 2 Ground Investigation Report – Ref ID191;
- Phase 2 Pre-development Arboricultural Report dated 2nd April 2024;
- Sequential Test Assessment – 20790-R02 dated May 2024;
- Ecological Appraisal & Baseline BNG Assessment dated October 2022;
- Preliminary Roost Assessment – SQ-1839 dated 24th April 2024.

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 31 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 18th March 2024.

5.0 Planning Policy Framework

5.1 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2 Allocations & Development Management DPD (2013)

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM12 - Presumption in Favour of Sustainable Development

5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies **DM5 and DM7** emerging through that process, and

so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 **Consultations and Representations**

6.1 *NB: Comments below are provided in summary - for comments in full please see the online planning file.*

(a) Statutory Consultations

6.2 **NCC Rights of Way** – No objections.

6.3 **NCC Highways** – No objections subject to conditions.

(b) Town/Parish Council

6.4 **Rolleston Parish Council** – Object to original plans on the following summarised grounds:

- The development would have a detrimental impact on the amenity and viability of the Village Hall;
- The reduction in parking would hinder the function and accessibility of the Hall;
- Limited visitor parking proposed for dwellings;
- Increase traffic will pose risk to users of the play park;
- Loss of valuable open green space;
- Existing sewerage and surface water drainage are inadequate;
- Access is at risk of flooding;
- Existing neighbours would suffer detrimental amenity impacts;
- There is no specific local requirement for social housing as demonstrated by existing vacant units.

(c) Representations/Non-Statutory Consultation

6.5 **Ramblers Association** – No comments received.

6.6 **Environment Agency** – Though part of the red-line boundary falls within flood zone 3, the built development falls entirely within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site.

- 6.7 **NSDC Strategic Housing** – Support the proposal to replace two existing bungalows and provide three houses to meet the need identified in the parish housing needs survey.
- 6.8 **NSDC Tree and Landscape Officer** – The full impact of the development has not been quantified and it is suggested that the proposed application will have a negative impact on protected trees, the character and amenity of the area.
- 6.9 **NSDC Biodiversity and Ecology Lead Officer** – No objections subject to conditions.
- 6.10 **NSDC Environmental Health (contaminated land)** – Phase 1 Desk Top Study and Phase 2 Ground Investigation Reports have been submitted in support of this application. These have previously been submitted and reviewed in support of an earlier planning application and found that no elevated contamination was present. The recommendations made were to import certified clean material for placement in garden areas in areas where suitable material was not present.
- Any imported material should be appropriately certified as clean in line with YALPAG Verification Requirements for Cover Systems. I would recommend the use of an appropriate condition to ensure verification of any imported material is controlled.
- 6.11 **NSDC Environmental Health (noise)** – No objection subject to condition seeking noise attenuation measures.
- 6.12 **Ambulance Service** – No comments received.
- 6.13 **Nottinghamshire Fire** – No comments received.
- 6.14 **NSDC Emergency Planning Officer** - Whilst the dwelling are unlikely to be flooded the risk to residents from remaining in their homes needs to be addressed and the risk to drivers and other village residents from driving along flooded roads is real.
- 6.15 **NCC Flood** – No bespoke comments.
- 6.16 **Severn Trent Water** - No comments received.
- 6.17 **Cadent Gas** – No objection, informative note required.
- 6.18 Comments have been received from 10 third parties/local residents in relation to the original plans that can be summarised as follows:

Principle of Development

- Housing surveys have not shown a need for this development in Rolleston and there is little evidence that this would address the housing needs or interests of the Village;
- The proposal should be limited to replacement bungalows only;
- The development represents an inappropriate increase in density and is not an appropriate scale for the location;

- The District Council can demonstrate a 7.2year housing land supply and there is no need to deviate from the development plan in decision making;
- The existing social housing properties remain vacant demonstrating no specific local need for such housing;

Impact on Character

- The heights of the properties are not appropriate with the character of the open countryside;
- The semi-detached dwellings would erode the countryside setting and conflict with the Landscape Character Assessment;
- The development would constitute loss of valuable green space in the village;

Impact on Highways

- Parking is an issue and the land is used for parking for the Village Hall on a regular basis;
- There is concern that the vehicular movements would affects safety of the users of the adjacent park;
- Tandem parking will cause parking on the highway will which be obstructive;

Impact on Village Hall

- The development as planned would make significant inroads into the sustainability of the Village Hall as a local amenity;
- The development would risk the loss of the village hall;
- The parking associated with the village hall is not adequate and would not be appropriate on the 2 acre field which is used for community activities and access;

Impact on Infrastructure / Flooding

- Current water system is not fit for purpose;
- Any additional dwellings would worsen the existing sewage problems;
- The properties are supposed to be suitable for the elderly but would be too isolated when the roads flood;
- Rolleston has no local services to address day to day needs and the development would not support any community facilities so would be contrary to Spatial Policy 3;
- The location does not provide safe and inclusive access and egress being solely across land at risk of flooding;
- The pumping station regularly requires attendance by tankers to unblock it with many residents suffering sewerage spilling into their property;
- Neither the train or bus operate a viable timetable for use;
- The drainage layout is still 8 properties;

Impact on Amenity

- Bought the property due to having no neighbours to the rear so strongly object to the buildings;

- The mezzanine bungalow is a two storey dwelling hidden behind an oversized roof;
- The height would be overbearing at such a close distance to the neighbouring properties;
- Plots 4 and 5 would have direct views into neighbouring gardens;
- Plots 4&5 would suffer unacceptable noise impacts from the village hall;
- The development would obstruct neighbouring views raising serious privacy concerns;
- The proximity to the village hall would be extremely disruptive to proposed occupiers;

Other Matters

- Following the previous application residents were assured that any further application would be subject to community consultation;
- Limited parking would block existing rights of access;
- Ground floor bedrooms with front elevation windows with no defensible boundary to the public realm would be at risk of crime;
- Other applications and appeal decisions in the village are relevant to the application and should be taken into account in this decision;

Comments have been received from 5 third parties/local residents in relation to the revised plans, additional points are summarised as follows:

- Changes are minor in nature;
- Overlooking risks have been overcome;
- The bungalows would still be overbearing to neighbouring property;
- A Section 106 agreement to secure replacement of the village drainage should be considered;
- The hall is booked almost every day with many events being well attended and requiring parking;
- Neither NSDC nor the applicant have accepted an invitation to discuss the application and thus there has been no engagement with the village about this fairly significant development to the community;
- The road should be adopted if the development takes place.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

1. Principle of Development
 - a. Location
 - b. Scale
 - c. Need
 - d. Impact
 - e. Character
2. Housing Mix/Tenure
3. Impact on Flood Risk
4. Impact on Visual Amenity
5. Impact on Ecology and Trees
6. Impact on Highways including Public Right of Way
7. Impact on Residential Amenity

- 7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Preliminary Matters

- 7.3 As is set out in Section 2.0 above, it is notable that the site has been subject to a previous application which was refused based on cumulative harm relating to: overdevelopment; amenity (given proximity to village hall); visitor parking; and the overall design not reflecting the rural edge location. The full reason is included at paragraph 2.2. This decision is material to the assessment of the current application. Local policy has not changed since the previous decision and the changes to national policy do not fundamentally change the assessment. The current application has been submitted seeking to overcome the previously identified harm and the number of units proposed has reduced from 8 to 5. Whilst this current application must be assessed on its own merits, it would be unreasonable to raise new issues which were not a cause for concern in the previous refusal.

Principle of Development

- 7.4 The Settlement Hierarchy (Spatial Policy 1) within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus at the Sub- Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy are 'other villages' within which development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The settlement of Rolleston falls into this 'other village' category. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. The policy requires the proposal to be assessed against five criteria including location, scale, need, impact and character which are set out below.

Location

- 7.5 The site as existing is largely laid to grassland and visually reads as being associated with the village hall (other than the residential curtilages associated with the existing semi-detached bungalows). The eastern boundary is defined by a hedgerow which in my view represents the edge of the village. On this basis I consider it is reasonable to conclude that the site is within the main built up area of the village. Whilst Rolleston is one of the District's smaller rural villages and has limited services, it does have a

public house, church and village hall and is located in relatively close proximity to Southwell and is connected to other more sustainable settlements through regular bus and train links.

Scale

- 7.6 The proposal would result in a net addition of three dwellings which is not considered to be high in numerical terms relative to the scale of Rolleston overall with further consideration of the physical characteristics of the site set out in the relevant sections below.

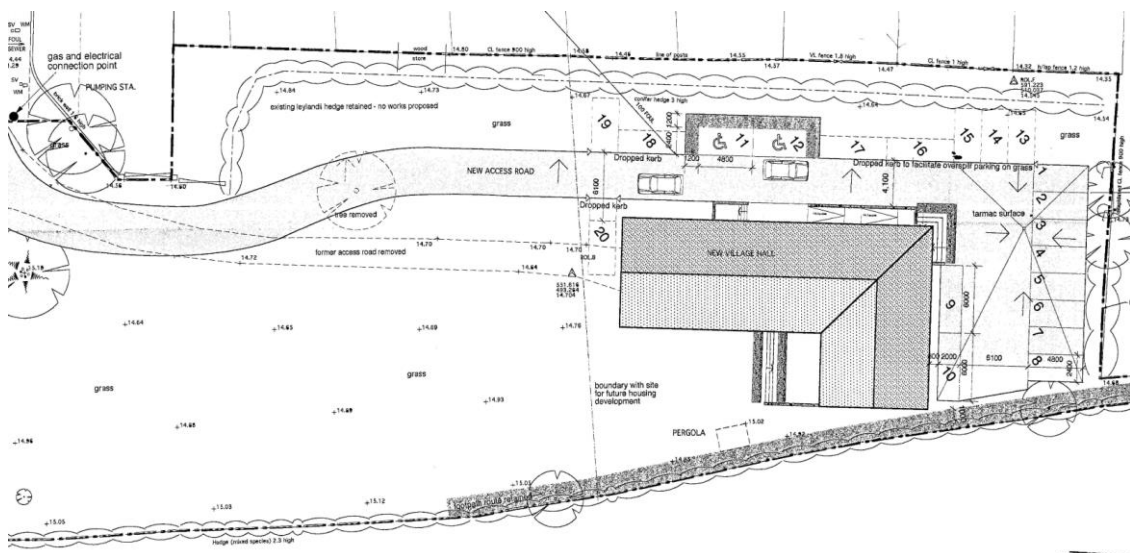
Need

- 7.7 The proposed dwellings would potentially support community facilities and local services in the local area. A further explanation of the need for the proposed dwellings is set out in the Housing Mix/Tenure section below.

Impact

- 7.8 This element of the policy refers to ensuring that new development does not generate excessive car borne traffic or unduly impact on local infrastructure including drainage and sewerage etc. The impact on the highways network is discussed separately below.
- 7.9 Locally, there is concern that the development would worsen existing issues with the sewerage system in the village. Whilst it does not fall for this proposal to fix existing issues with the sewerage system, the impact on local infrastructure is a legitimate concern which requires consideration.
- 7.10 National planning guidance (an online resource known as the NPPG), states that where possible, preference should be given to multi-functional sustainable drainage systems and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:
1. into the ground (infiltration);
 2. to a surface water body;
 3. to a surface water sewer, highway drain, or another drainage system;
 4. to a combined sewer.
- 7.11 The application has been accompanied by a Drainage Strategy which confirms that based on the geology of the area, together with a potentially high water table, it is unlikely that permeable ground conditions are present at the site. As a result, the discharge of surface water runoff by infiltration based systems has been ruled out. There are no open watercourses within the immediate vicinity of the site which could accept surface water run off from the site and therefore the only option available for the development would be to drain surface water to the public sewer network. Surface water drainage rate and new foul public sewer connections will be subject to agreement by Severn Trent Water through a separate Section 106 (Water Industry Act 1991) application.

- 7.12 Given the local concerns raised, a consultation has been undertaken with Severn Trent Water but unfortunately, no response has been received. Nevertheless, noting the drainage strategy submitted, I consider that the proposal has done enough to demonstrate that the dwellings could be adequately catered for in the existing network and ultimately any formal drainage approval would be controlled outside of the planning process.
- 7.13 Several neighbour comments have also raised concern regarding the impact that the proposed development would have on the village hall noting that as existing the site is informally used for overflow parking for village hall events (and thus if the site was no longer available for parking the use of the village hall would become less viable). In the context of Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) and the NPPF, any detrimental impact to an existing community facility has the potential to weigh negatively in the overall planning balance.
- 7.14 The village hall was constructed through a 2004 permission (reference 04/00439/FUL) with the approved plan indicating a total of 20 parking spaces (including 2 disabled) on land to the east of the Hall (outside of the application site for this current application):



- 7.15 Having visited the site, not all of the spaces have been laid out as approved albeit there would remain some land available for further parking in the areas where spaces were originally approved:



- 7.16 It is noted a 2009 application (09/00001/FUL) for the erection of play equipment, construction of access road and hard surfaced play area / overspill car park indicated that part of this application site would be used for overspill parking for the village hall. However, this did not fall within the red line application boundary for that application and thus these spaces did not form part of the wider proposals (and indeed have not been provided on site).
- 7.17 Whilst I appreciate local concern in respect to this matter, in the absence of a highway safety objection, it would not be reasonable to resist the development of the site purely on the basis that the land would no longer be available for overspill parking when larger events are taking place within the hall. The parking which has been taking place on the application site is purely an informal arrangement and does not fall within the relevant permissions for the village hall.

Character

- 7.18 The criterion character of Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscape setting. The impact on character is set out in more detail in the Impact on Visual Amenity section below.

Housing Mix/Tenure

- 7.19 Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

- 7.20 Based on a site area of 0.37 hectares, the development for 5 dwellings would lead to a development density of around 14 dwellings per hectares thereby below Core Policy 3 aspirations. However, it is noted that the current application is a re-submission of a previous scheme which was refused partly based on it being over intensive. The reduction in the number of units is therefore a direct attempt to overcome the previously identified harm and is welcomed noting the transitional nature of the site between the village and the open countryside.
- 7.21 The development is being put forward as part of a building programme by Newark and Sherwood District Council to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. All of the proposed dwellings would be for affordable purposes which will assist in meeting the District's overall affordable housing delivery (as required by Core Policy 1 – Affordable Housing Provision).
- 7.22 In May 2020 Midlands Rural Housing conducted a follow-up survey to an original 2016 survey relating to the housing needs of Rolleston to confirm the need for affordable and open market housing that exists in the village. The results of the survey were combined with information from the housing needs register and, in total, a need was identified for 10 affordable homes and for 3 open market homes in the village.
- 7.23 The affordable houses forming this proposal would make a meaningful contribution towards the need identified in the village as well as contributing to the overall affordable housing delivery in the District. This represents a significant benefit of the proposal.

Impact on Flood Risk

- 7.24 Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.
- 7.25 Whilst the part of the site proposed to accommodate the housing does not fall within Flood Zone 2 or 3 its access/egress arrangements do. Based on current mapping during a flood event of sufficient magnitude the part of the site proposed for development would risk being effectively cut-off from the surrounding area. I note that the public right of way passing through the site does enable a pedestrian escape route to the main road and a flood zone 1 area to the north east of the site – however this would be restricted to pedestrians as opposed to vehicles. As such, it is still necessary to apply the sequential test (an approach supported by the Inspector in determining the appeal for application reference 20/01807/OUT where similarly the area at risk of flooding was the site access).

- 7.26 The Planning Practice Guidance states *'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the ...decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.'* (Paragraph: 023 Reference ID: 7-023-20220825).
- 7.27 Applying the Sequential Test however is normally applied District wide and for that the Council has a proven 5-year housing land supply whereby it would not be reliant on the use of land at risk of flooding for the supply of housing. However, the Planning Practice Guidance states that:
- 7.28 *For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.* (Paragraph: 027 Reference ID: 7-027-20220825).
- 7.29 An updated Sequential Test document has been submitted throughout the application (the original submission included a document which is now over three years old).
- 7.30 This has changed the emphasis in comparison to the original document now stating that the Test has been restricted to Rolleston on the basis of the housing needs for the village. Essentially there are large areas of Rolleston that are within Flood Zones 2 and 3 and therefore in the context of the PPG paragraph above, there is unlikely to be reasonable alternatives for the development within the settlement of Rolleston.



- 7.31 The above flood risk map covering the village does show that there is an island within Flood Zone 1 with the village being surrounded by areas within Flood Zones 2 and 3. The majority of Staythorpe Road is at risk at flooding and therefore it is likely that the development of most of the area within Flood Zone 1 would have the same issue as the application site that the access would be at risk of flooding (and therefore would be no more sequentially preferable compared to the application site).
- 7.32 It is notable that the District Council has resisted the restriction of the Sequential Test on the basis of housing need in the past, an approach which has been supported by the Planning Inspector (namely an application for 4 market dwellings in Sutton on Trent – 19/00868/FUL). However, I accept there are material differences here, specifically that the current proposal relates to affordable housing and that the dwellings themselves would be in Flood Zone 1 (the Sutton on Trent scheme were all market properties proposed in Flood Zone 2).
- 7.33 It is also material that the national guidance has changed since the Sutton on Trent decision with the indication that there will be cases where local circumstances will legitimately restrict the area of the Sequential Test.
- 7.34 Based on the site specific factors relevant to this application (i.e. the housing needs of the village and that the dwellings themselves are within Flood Zone 1) the restriction of the revised Sequential Test to the extent of Rolleston is deemed appropriate. Given the large areas of the village affected by Flood Zones 2 and 3, it is accepted that there would be no other sites within the village which could reasonably accommodate the

scale of the development proposed. The Sequential Test is therefore considered to be passed.

- 7.35 The proposed development is defined as 'more vulnerable' within Table 2 of the Technical Guidance to the NPPF. The application submission suggests that addressing the unmet need for new housing in the village is a significant benefit to the community that outweighs the identified flood risk thereby complying with the first element of the exception test. A site specific flood risk assessment sets out proposed mitigation including the setting of finished floor levels above existing ground levels and flood evacuation plans.
- 7.36 The Environment Agency have been consulted on the application and have raised no objections acknowledging that the proposed dwellings are not located within Flood Zone 2 or 3.
- 7.37 The mitigation measures set out within the Flood Risk Assessment could be secured by condition. It is accepted that there may be additional pressure on the emergency services in a flood event noting that there is no means for vehicles to exit the site without entering an area at risk of flooding but it is equally accepted that the dwellings themselves should provide safe refuge and that the public right of way passing through the site does enable a pedestrian escape route to the main road and a Flood Zone 1 area to the north east of the site.
- 7.38 Based on the above, it is not considered reasonable to resist the proposal on flood risk grounds.

Impact on Visual Amenity

- 7.39 Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design of an appropriate form and scale to its context complementing the existing built and landscape environments (in line with Core Policy 13 – Landscape Character). Policy DM5 of the DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.
- 7.40 The site is located in a mixed-use area with a range of building types and sizes. The nearest residential properties comprise a mixture of more modern brick semi-detached dwellings albeit there are some larger detached and smaller terraced properties in the vicinity.

- 7.41 Whilst the proposal would represent a form of backland development partially on land not previously developed, there are already examples of backland development in the vicinity including the cluster of dwellings directly to the south of the site. As such, the proposed layout and density is broadly consistent with the pattern of housing development in the vicinity.
- 7.42 As existing the site is predominantly an open attractive landscape other than the existing residential dwellings which exist within the site. Mature trees form the focal point for the entrance into the site. The bungalows which exist are of modern construction and no architectural merit which would warrant concern to their demolition in principle.
- 7.43 As is noted above, the proposal is a re-submission of a previously refused scheme for a greater quantum of development. Part of the reason for refusing the previous application was that it did not adequately respond to the rural edge of the settlement location. In reducing the quantum of development from a total of 8 units to 5 units, the current application would have significantly more retained green space (primarily to the north eastern end of the site).
- 7.44 The proposed access and associated turning head would represent perhaps the most engineered and visually harsh element of the development which unfortunately still necessitates the removal of existing attractive and focal trees. However, it is difficult to see how else this could be designed noting that a field access along the eastern boundary is required to be retained. The lesser number of units does at least allow extra space for softer areas of landscaping around the access (and more retained trees overall). It is also of note that the previous application was not refused due to the loss of the trees on the site.
- 7.45 The dwellings themselves would have a relatively modern appearance and use of materials as well as sustainability benefits such as the inclusion of solar panels. Plot 4 would occupy a relatively prominent position on approach into the site and therefore Officers have negotiated the design of this plot be changed to have a dual frontage to add visual interest. The garden fences for Plots 4 and 5 have also been amended to be walls with fencing above to soften the impact on the retained areas of open space.
- 7.46 At present there is a public right of way which runs along most of the eastern boundary of the site (taking access from the Greenaway). The original plans were not clear as to the intentions of whether or not the footpath was proposed for diversion but the updated site layout plan shows that it would be retained as existing (following the proposed pavement up to the site boundary).

Impact on Ecology and Trees

- 7.47 Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

- 7.48 An ecological appraisal has been submitted with the application noting that the site has the potential for ecological interest. The report acknowledges that the site is largely composed of regularly mown modified grassland along with hedgerows and individual trees. The document has been reviewed by the Council's Ecologist who has noted that despite being undertaken 16 months before the application submission, it would be adequate in terms of the habitats present on site (based on recent photos confirming this).
- 7.49 However, the approach taken to the assessment of the buildings for potential to support roosting bats is not supported and further surveys were requested in this respect.
- 7.50 Surveys were undertaken in April 2024 focusing on the two existing bungalows proposed for demolition. The bungalows were recorded in good condition externally with no potentially roosting features present within any elevation of the properties. An internal inspection was carried out for one of the two bungalows (the one that is currently occupied) but as with previous survey works, no access was available to the vacant bungalow for an internal inspection. The conclusions of the survey works are that both bungalows have been categorised as providing negligible suitability for supporting roosting bats. No further survey is therefore deemed necessary.
- 7.51 The Council's appointed Ecology Officer has accepted the reason for not accessing the vacant bungalow (the lock has not been changed since it became vacant circa 6 years ago and keys are no longer available). It is concluded that it would be unlikely that internal access to the unoccupied bungalow would result in a change to the assigned 'negligible suitability' to support roosting bats. Sufficient information to discharge our statutory duty regarding protected species has been provided and the proposed development would not result in any impacts on bats. The proposed bat boxes shown on the site plan could be secured by a Biodiversity Management Plan (BMP) condition.
- 7.52 The application was submitted prior to Biodiversity Net Gain (BNG) legislation coming into force and therefore there is no requirement for the application to provide a BNG calculation. Compliance against Core Policy 12 can be assessed by other means, namely assessment of the Ecological Appraisal. The precautionary measures set out through the appraisal can be secured by a Construction and Environmental Management Plan (CEMP). Subject to the conditions discussed, the proposal complies with Core Policy 12 and Policy DM7.
- 7.53 A revised Arboricultural report has also been submitted during the application noting that the previous version related to the layout of the previous application which was refused. The revised report is based on a survey undertaken on 18th March 2024. The majority of the trees have been assessed as either Category C or Category U with the exception of one Sycamore tree on a neighbouring property which was assessed as Category B (this is the tree subject to protection through a TPO). A number of trees would need to be removed to facilitate the development:

Impact on trees	Category A trees	Category B trees	Category C trees	Category U trees
Unaffected.	None	9	1, 2, 4, 5, 8, 10	3
Within the footprint of development.	None	None	7	None
Unacceptable encroachment into the crowns.	None	None	None	None
Unacceptable encroachment into the RPAs.	None	None	6	None

- 7.54 This represents a higher level of tree retention when compared to the previously refused scheme. The report sets out a number of protection measures for the trees which are intended to be retained which could be secured by condition. There is also a greater opportunity for additional planting.
- 7.55 The Council's Tree Officer has raised concerns that the full impact of the development has not been properly assessed in that future growth of the existing trees has not been taken into account. Specifically in relation to T9 (the TPO tree on adjacent land) there are concerns that the growth of the tree would lead to shading of the garden to Plot 1 which eventually will lead to pressure to fell the tree. Other retained trees are predominantly away from residential curtilages next to the road layout. Whilst there may be some need for future trimming, given they won't affect a specific property, any risk for future felling is considered low.
- 7.56 It is accepted that tree T9 may lead to some shading to the garden of Plot 1, however, this will occur in the late afternoon / early evening leaving a greater proportion of the day where the south facing garden would be unaffected by the tree. In respect to future growth, I am conscious that there are already two bungalows in this part of the site and therefore these impacts are likely to occur for two residential properties irrespective of whether they are the existing or proposed bungalows. Taking this into account, I do not consider that it would be reasonable to resist the proposal purely on the potential impacts of this tree. The potential impacts on this tree were considered in the assessment of the previous scheme. It is noted that Members did not reference impacts to trees in their previous refusal. Given the less intensive form of development proposed here, in my view it would be unreasonable to do so in this application.
- 7.57 Subject the conditions to secure mitigation and additional planting, the proposal would comply with Core Policy 12 and Policy DM7.

Impact on Highways including Public Right of Way

- 7.58 Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.59 All of the proposed dwellings would be accessed via The Greenaway through a shared access. NCC have commented on the access arrangements which have been subject to a number of revisions throughout the application. Specifically, revisions to the footway have been made and the upgrade of part of the access into the village hall where it leaves what will be the adopted highway for the development. Based on the latest plans NCC have no objections subject to conditions, the majority of which are considered reasonable (subject to some tweaks to the wording to ensure they would be enforceable). One of the conditions suggested relates to measures to prevent the deposit of debris on the highway. This would be controlled by other highways legislation and therefore is not considered reasonable to impose (but can be referred to in an informative). It is also not considered reasonable to insist on details of electric vehicle charging points since this would be controlled through Building Regulations.
- 7.60 The Council has adopted a Supplementary Planning Document for Residential Cycling and Parking Standards. Numerically, the proposal achieves the level of parking provision required by the SPD. The spaces would also meet the requirements of the SPD in terms of their size. The site plan includes details showing each garden would have a small metal shed which would be suitable to store cycles. Whilst there is no specific allowances for visitor parking, there are existing spaces along the Greenaway which would be retained and would serve for that purpose if required. It is noted that this formed part of the reason for refusal on the previous scheme but that was for a greater number of dwellings. In resolving the other areas of harm identified, it is not considered that a lack of visitor parking would be a strong enough reason for refusal in its own right.
- 7.61 There is an existing public footpath which runs through Greenaway and then in a north easterly direction along the boundary of the site. The latest plans show that the footpath would be retained in its current alignment running alongside the side of Plot 5. NCC Rights of Way team have commented on the proposals throughout the application ensuring that a wider corridor has been provided (to prevent the path becoming an unsafe narrow alleyway). An informative could be added to ensure that the applicant is aware of their responsibilities in terms of keeping the existing right of way undisturbed (unless facilitated by a temporary closure).

Impact on Residential Amenity

- 7.62 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

- 7.63 Being at the edge of the village, the site would have limited impacts on existing neighbouring residential properties. Plot 4 would be closest to the dwellings on Staythorpe Road but still over 45m away.
- 7.64 The gable end of Plot 1 would be just 12m away from the two storey side gable of no. 12 which has two obscurely glazed windows. There would be a first floor window on the side gable but this is annotated as being obscurely glazed which could be conditioned. This would prevent overlooking between the two properties (albeit this would be low risk anyway given the neighbouring windows are obscurely glazed).
- 7.65 The original plans showed that the dormer bungalows for Plots 1 and 2 would have their first floor bedroom served just by rooflights and a small obscurely glazed window. It was therefore suggested that the design of the bungalows be altered to have a dormer window on the principal elevation which has been incorporated into the revised plans. This is a benefit to the occupiers of the units but also will protect the residential amenity of the neighbouring dwellings to the south.
- 7.66 Plot 3 would be close to the neighbour to the south at 2 Gorse View (around 15m built form distance) but plot 3 is proposed to be a true single storey bungalow and this relationship would not be dissimilar to the existing relationship with the existing bungalows. The neighbouring dwelling is two storey. **It was presented to Members in June that the neighbouring dwelling has a blank gable end facing the site. To clarify, whilst the gable end is blank, the neighbouring dwelling does have a window at ground floor facing towards the site boundary (as discussed through the neighbouring property's representations to the application). According to planning records for the neighbouring property, it appears that the room that this window serves is also served by other windows. Given the single storey nature of the proposed dwelling closest to 2 Gorse View (with no rooflights), and the distance between the dwellings, it is not considered that there would be any adverse impacts on neighbouring amenity through this relationship.**
- 7.67 Despite concerns raised through the consultation process, in respect to the revised plans, no amenity harm has been identified to neighbouring plots given in part the height of the proposed dwellings and also the distances mentioned.
- 7.68 Each of the dwellings would be afforded an area of garden space to the rear which would be private by the proposed use of boundary treatments. These vary in size but would be broadly commensurate with the size of the dwellings proposed. I have considered whether or not it would be appropriate to remove permitted development rights for the proposed dwellings but do not consider it to be reasonable or necessary in this case. The size of the gardens would likely restrict the desire for significant extensions in any case but I can see no automatic harm arising if individual occupiers did intend to take advantage of permitted development rights.
- 7.69 Overall the proposal would comply with the amenity considerations of Policy DM5.

Other Matters

- 7.70 The boundary of the site is adjacent to the existing village hall. The proximity of the village hall formed part of the reason for the refusal of the previous scheme on the site. However, unlike the previous application, it is no longer proposed for residential curtilages to be adjacent to the shared boundary. Paragraph 193 of the NPPF states:
- 7.71 *Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*
- 7.72 Colleagues in Environmental Health have confirmed that the village hall has a licence permitting regulated entertainment until midnight 6 days a week and until 10:30pm on Sundays. The hall could therefore reasonably be used for events such as weddings which would create noise into the evenings. The access for the hall would also be partly shared with the accesses to the dwellings meaning that the occupiers are likely to experience disturbance from comings and goings associated with the hall. There is also a play area adjacent to the village hall which could also create noise impacts.
- 7.73 It is noted that the hall is already close to other residential properties in the village. The revised application presented for consideration here would mean that there would be around 30m between the boundary of the village hall and the rear boundaries of Plots 4 and 5 but a greater distance of approximately 40m between built form. Given the scale of the village hall to serve a local community, this distance is considered sufficient to alleviate concerns of noise nuisance.
- 7.74 Nevertheless, given the potential for late night noise from events at the hall, it is considered necessary (as confirmed by discussions with Environmental Health Officers) to impose a condition seeking sound insulation and attenuation measures for the proposed dwellings.
- 7.75 The Council's Environmental Health Officer has commented acknowledging that the site is low risk and so an overarching land contamination condition is not required. They have however requested that the certification of imported material should be controlled by condition.
- 7.76 Neighbour comments have referred to other applications in the village which have been refused (namely outline applications). None of these are considered directly comparable to the detailed scheme at hand here. Each application must be considered on its own merits and the previous decisions referred to are not considered material to this application.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1 It is accepted that the site is within the village of Rolleston and that the residential development of the site is acceptable in principle. The proposal includes 5 affordable dwellings which would make a meaningful contribution to the specific local housing needs of the village.
- 9.2 The access to the site would be at risk of flooding but the dwellings themselves would be in Flood Zone 1 according to the Environment Agency maps. Based on the information provided to support the application, and taking account to changes within national planning guidance, Officers are satisfied that the extent of the Sequential Test can be restricted to Rolleston and that there are no other reasonably available sites within Rolleston that could deliver the development proposed. Subject to appropriate mitigation being secured by condition, matters of flooding are considered acceptable.
- 9.3 The application has been subject to numerous amendments which has led to some design improvements. However, as is detailed in the appraisal, there remain some compromises to the overall design approach, namely the tree removal necessitated through conflict with built form, albeit this was not a reason for refusal previously and the overall scheme will see a greater number of trees retained in comparison.
- 9.4 It is notable that there is also local concern in respect to the potential impacts on the long term usage of the village hall should this development come forward. Officers acknowledge that the proposed occupiers are likely to experience some noise and disturbance through events at the village hall due to the proximity to the site. However, this is mitigated through the conditions recommended by Environmental Health.
- 9.5 Other matters such as impact highways have been found to be acceptable by Officers albeit it is appreciated that there remains local concern in respect to these issues.
- 9.6 Taking all matters into account, it is considered that the revised scheme has successfully overcome the areas of harm through the previous refusal and should be approved subject to the conditions below.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

03

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority habitats, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

04

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority.

The content of the BMP shall include the following:

- a) The location and summary description of the features to be maintained and/or enhanced, or created;
- b) The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c) The proposed management prescriptions for those actions;
- d) Where appropriate, an annual work schedule covering a 5-year period (with the view that management proposals would be reviewed every 5 years);
- e) Identification of who will be responsible for implementing the BMP; and
- f) A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to the Local Planning Authority at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

The approved BMP shall then be implemented in accordance with the approved details therein.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority habitats, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

05

Prior to the importation of any soil material into the site, the imported material shall be tested in compliance with YALPAG Verification Requirements for Cover Systems (Ver 4.1) document as evidenced through a validation report to be submitted to and agreed in writing with the Local Planning Authority. The material shall thereafter be brought onto the site in accordance with the approved details.

Reason: To ensure that matters of land contamination are adequately dealt with.

06

No dwelling hereby approved shall be occupied until the metal shed (cycle storage facility) for that dwelling has been provided as shown for on plan 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan.

Reason: In the interest of promoting sustainable transport.

07

No part of the development hereby permitted shall be brought into use until the adoptable access road to the site has been completed and surfaced in a bound material in accordance with details to be first submitted and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

08

No part of the development shall be brought to use until a new footway connection has been provided along the Greenaway separating the off-street parking bays with the carriageway as shown for on plan 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan.

Reason: In the interest of pedestrian safety.

09

No part of the development hereby permitted shall be brought into use until all private drives and any parking or turning areas are provided and surfaced in a hard bound material (not loose gravel)- The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

10

No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the discharge of surface water from the driveway/parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

11

Notwithstanding the submitted details, the dwellings hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for losses noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. For the avoidance of doubt, size shall be 12-14cm girth nursery stock;
- details of new boundary treatments, including gates (height and appearance);
- existing and proposed levels;
- details of any other means of enclosure;
- permeable driveway, parking and turning area materials;
- other hard surfacing materials.

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details and the commencement of development. If within a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

The approved hard landscaping elements shall be provided on site prior to the occupation of the development and thereafter retained for the lifetime of the development.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

12

Notwithstanding the submitted details, no works or development shall take place until an updated arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows including details of hand digging of the re-aligned footpath (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

13

The dwellings hereby approved shall not be occupied until details of sound insulation and attenuation measures for the dwellings have been submitted to and approved in writing by

the Local Planning Authority. The measures shall have particular regard to the noise associated with amplified music from the village hall to the north-east of the site.

The agreed details shall be implemented prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity and to protect the operations of the existing adjacent commercial use.

14

The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment & Drainage Strategy – 20-0622 dated 26 March 2024, including but not limited to:

- The prospective site management should register to receive flood warnings;
- The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development.

Reason: To protect the occupiers in a flood event.

15

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- 655-SGA-091-SL-DR-A-00002 P13 Site Plan and Site Location Plan;
- 655-SGA-091-XX-DR-A-00003 P1 Bungalow Plans and Elevations;
- 655-SGA-091-XX-DR-A-00004 P5 Dormer Bungalow Elevations;
- 655-SGA-091-XX-DR-A-00005 P5 Dormer Bungalow Floor Plans;
- 655-SGA-091-XX-DR-A-00006 P5 2 Bedroom House Elevations;
- 655-SGA-091-XX-DR-A-00007 P6 2 Bedroom House Floor Plans;

Reason: So as to define this permission.

16

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

17

Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals outside of existing areas of hardstanding within the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

18

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of species on site.

19

The first floor window opening on the north western elevation of Plot 1 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Section 38 Agreement (Highways Act 1980) – new road details

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

04

Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

The applicant should email hdc.north@nottsc.gov.uk to commence the technical approval process, prior to submitting the related discharge of conditions application. The highway authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

05

Building Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

06

Prevention of Mud on the Highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

07

Signs

Non-statutory signs are not permitted within the limits of the public highway.

08

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

09

The Rights of Way Team have no objection to the proposal however please make the applicant

aware of the following:

There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

10

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee: 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Steve Cadman, Planner (Development Management)

Report Summary			
Application No.	23/02141/FUL		
Proposal	Change of use of agricultural field to dog exercise area		
Location	Land at Highfields, Gonalston Lane, Epperstone		
Applicant	Mr A Worrall	Agent	Mr Tim Fletcher, TF Architectural Services
Web Link	23/02141/FUL Change of use of agricultural field to dog exercise area Land At Highfields Gonalston Lane Epperstone NG14 6AZ (newark-sherwooddc.gov.uk)		
Registered	15 th December 2023	Target Date EOT	9 th February 2024 18 th July 2024
Recommendation	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10		

This application is being referred to the Planning Committee in accordance with the Council’s Constitution, due to a referral by the local ward member Councillor Roger Jackson, due to its impact on the privacy of neighbouring properties.

Summary of the Report

The report considers a planning application for an agricultural field in the Green Belt, near Epperstone. The application is presente to Planning Committee due to a referral by Councillor Jackson. The report describes the location and surroundings of the site, including the access road, the existing buildings, the proposed development, and the relevant planning policies. The report also analyses the main issues raised by the application, such as the impact on the Green Belt, the visual amenity, the highway safety, the ecology, and the drainage.¹

¹ This ‘Summary of the Report’ contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

1.0 The Site

- 1.1 The site is a 0.65Ha approx. agricultural field, located in the Green Belt, approximately 1km east of Epperstone, 1.45km west of Gonalston, and set back approximately 430m to the north of Gonalston Lane. It is reached via a private tarmacked vehicle access from Gonalston Lane to the south.
- 1.2 To the north of the site lies the dwelling of Highfields, with its associated outbuildings. The complex of farm buildings and livery stables of Netherfield Farm lie beyond this. To the south of the field lies the neighbouring dwelling of Netherfield Farm House with its associated outbuildings.
- 1.3 There is a change in levels across the site, with the land rising to the north. The site is surrounded by open fields to the west and east.
- 1.4 There is a small timber shelter on the site and historical aerial photographs show that a shelter of similar size to the existing appears to have been present on the site since circa 2007, although its position appears to have changed slightly.
- 1.5 The site has the following constraints:
 - The site is located in the Nottingham-Derby Green Belt;
 - Some of the buildings at Netherfield Farm to the north of the site are considered to be non-designated heritage assets;
 - There is a watercourse at the western boundary of the site, and a small part of the site adjacent to this has been identified as being at low to medium risk of surface water flooding.

2.0 Relevant Planning History

- 2.1. None relevant.

3.0 The Proposal

- 3.1 The application seeks permission for a change of use from an agricultural field to a dog exercise area.
- 3.2 The scheme also includes the construction of a 1.8m metal mesh gate with a mesh panel on either side of the gate to the entrance and the installation of two 3m by 5.5m 'Grasscrete' parking spaces. The gateway would form part of a boundary of 1.8m deer fence that fully encloses the site.
- 3.3 The site is currently operated by 'Mutts Go Nuts' and is used as an area for people to visit and exercise their dogs in a secure location. The business currently operates during the hours of 8am to 6pm daily. The applicant advises that dog exercising is available for hourly slots throughout the day, giving a maximum of 10 customer bookings. There would be no organised classes, and booking is limited to one hirer at a time, booked via an online portal. The field is otherwise used for dog exercise. It is anticipated that there would usually only be one vehicle on site at a time, and that they would use the gate and an existing hardstanding area (sufficient space to turn to

enable vehicles to enter and leave in forward gear).

- 3.4 The site operator provides customers with fresh water, shade, some limited seating and waste bins. The seating comprises two moveable picnic benches, one in the field, one in the wooden field shelter that provides shelter/shade.
- 3.5 The applicant advises that those hiring the field are expected to keep the field clean and to keep off the grass with their vehicles. Customers are not permitted to arrive before their allocated slot and must leave before the end of the slot to avoid overlap with customers and avoid problems along the access off Gonalston Lane.



Proposed Site Plan

- 3.6 Documents assessed in this appraisal:
- Application form, received by the Local Planning Authority on 4th December 2023
 - Location Plan, received by the Local Planning Authority on 4th December 2023
 - Existing and Proposed Block Plan, drawing no. 670-2023-01 Rev B, received by the

Local Planning Authority on 31st May 2024.

- Planning Statement, dated November 2023, by town-planning.co.uk, received by the Local Planning Authority on 4th December 2023
- Flood Risk Assessment, dated December 2023 by town-planning.co.uk, received by the Local Planning Authority on 15th December 2023.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 3 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site visit undertaken on 23rd January 2024

5.0 Planning Policy Framework

5.1. Epperstone Neighbourhood Plan

- Policy EP 11: Design Principles
- Policy EP18: Traffic Management in Epperstone Village.

5.2. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 4A Extent of the Green Belt
- Spatial Policy 4B Green Belt Development
- Spatial Policy 7 Sustainable Transport
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character

5.3. Allocations & Development Management DPD (2013)

- DM5 Design
- DM7 Biodiversity and Green Infrastructure
- DM8 Development in the Open Countryside
- DM12 Presumption in Favour of Sustainable Development

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM5, DM7, DM8 and DM12 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. Other Material Planning Considerations

National Planning Policy Framework

Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Landscape Character Assessment SPD (December 2013)

6.0 Consultations and Representations

- 6.1. Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.2. Local Highway Authority -

The proposed use is already operating, via an existing access. It is promoted as a dog walking field available for hire on an hourly basis. Similar ventures within the district are known to also offer such fields for classes and events, attracting multiple customers and vehicles at one time. Gonalston Lane is a narrow country lane popular with walkers, cyclists and equestrians and is not suitable for attracting numbers of vehicles at one time, therefore a condition to ensure the field is not used for classes or events is considered necessary.

Town/Parish Council

Epperstone Parish Council

- 6.3. The Parish Council unanimously object to this planning application. They believe it is misleading and advise that the business has been operating illegally for a number of years. They also raise concerns about impact on Netherfield Farmhouse, impact of traffic and visitors, the potential for dogs to spook horses at the nearby livery and general impact on the countryside.

Representations/Non-Statutory Consultation

6.4. Environmental Health Officer

Given the close proximity of the dog exercise area and other residential property, there is potential for noise and disturbance, which might include dog barking and vehicle movements, which may be greater than that already experienced in the vicinity.

When and how often barking is likely to occur is difficult to predict, although the proposal would provide scope for dogs to attend the exercise area for up to 10 sessions per day. While this may be limited to only one booking per hour, this does not prevent more than one dog attending each booking. While barking might not ultimately amount to statutory nuisance, it could result in a material change in the character of the noise environment.

Information provided with the application suggests that existing mature vegetation would likely provide some noise attenuation for the closest neighbouring property, but does not provide any information to support that assertion or demonstrate how

effective that may be in the circumstances. The effectiveness of vegetation in attenuating noise is likely to be influenced by a complex interaction between the site, seasonality, and noise frequency. In reality this might not provide significant attenuation or eliminate barking noise at the closest neighbouring property.

The exercise facility does not require a licence under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. One person at a time on the field should not cause a noise nuisance but if a complaint was received then we would investigate the issue.

Security of the field and any entrance or exit is adequate to prevent any dog/s escaping into the surrounding area where livestock are grazing. For example there must be at least 2 secure physical barriers (gates) between a dog and any entrance or exit from the field to the outer curtilage to avoid escape.

Fencing must be:

- strong and rigid
- sufficient height
- in good repair to prevent an escape
- dig proof
- there must not be any sharp edges, projections, rough edges or other hazards which could injure a dog.

6.5. Comments have been received from 17 third parties/local residents that can be summarised as follows:

- Harm to road safety through causing excessive traffic on an inadequate lane and through the entrance to the site being inadequate.
- Horses using the livery stables to the north need to ride past the site to exercise, so dogs and traffic using the site present a hazard and risk of injury to horses, riders and others (if horses bolt).
- Risk of dogs escaping.
- Harm to residential amenity through loss of privacy and noise.
- The site is poorly managed which creates problems such as:
 - Cars parking on the verges, creating an obstruction and resulting in dogs not being contained within the site and posing a risk to horses.
 - No vetting of the number of people, dogs and cars due to the online booking system and lack of security locks.
 - No rules or warnings requiring users to be considerate.
 - People using the site at inappropriate times (e.g. 7am in the morning).
 - No 'break' between bookings, leading to more than one user being present.
 - The owner of the site being absent when problems occur.
- The site has been operating for 2 ½ years without the necessary approvals.
- There is an existing dog exercise field within 3 miles and the need for a further facility has not been proven.

7.0 Comments of the Business Manager – Planning Development / Appraisal

7.1. The key issues are:

1. Principle of development
2. Impact on the Green Belt
3. Impact on Residential Amenity and on other nearby land uses
4. Impact on Highway Safety
5. Flood Risk and Drainage

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

Principle of Development

7.3. Spatial Policy 1 'Settlement Hierarchy' of the Amended Core Strategy DPD sets out the settlement hierarchy for the District, with Epperstone identified as an "other village". It also states that outside of Newark and identified Service Centres and Principal Villages, development within the Green Belt will be considered against Spatial Policy 4B 'Green Belt'.

7.4. Spatial Policy 4B 'Green Belt Development' of the Amended Core Strategy DPD provides clarification that, outside of a specific list of locations and specific types of development, proposals will be judged according to national Green Belt Policy.

7.5. National Green Belt Policy is set out in NPPF section 13 'Protecting Green Belt Land', with the purposes of Green Belt set out in paragraph 143 and specific guidance on assessing development proposals affecting the Green Belt provided in paragraphs 152-156.

7.6. Paragraph 143 states that the Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.7. Paragraph 152 states that 'inappropriate development' which is, by definition, harmful to the Green Belt, should not be approved except in very special circumstances.

- 7.8. Paragraph 153 directs local planning authorities to give substantial weight to any harm to the Green Belt, with 'very special circumstances' existing only where the potential harm to the Green Belt and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 7.9. Paragraph 155 states that a number of other forms of development are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. This includes, at part e), material changes in the use of land.
- 7.10. The proposal under consideration is for a change of use, with the associated operational development limited to fences and gates together with a "Grasscrete" parking area. There is an existing timber shed in the field, but this was in place prior to use as an exercise field, so no new buildings have been constructed. For clarity, the Council's Enforcement Team have confirmed the applicant's assertion that the shed was present in at least 2016 and therefore immune from enforcement (applying the 4 year rule). In addition, it is accepted that the existing wire fencing enclosing the site is permitted development under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development Order 2015).
- 7.11. The fencing along the western and eastern sides of the fields is of metal mesh and is installed against existing hedgerows and is considered to have minimal impact on openness.
- 7.12. Along the northern boundary of the site, the fencing also consists of metal mesh, but here it is supported by a mixture of vertical timber poles and horizontal timber rails. There is no significant vegetation at this side of the site, so this fence is more visually prominent than the others. This fence is however situated at the boundary between the garden belonging to Highfields to the north, and the former field to the south, and the fact that there is no hedge at this point means that some kind of fence, most likely one capable of restraining animals, is effectively made necessary in this location. The type of fencing used is relatively inconspicuous, for example when compared with the type of close boarded fence which is often used to enclose gardens, and a fence of comparable height could be installed under the permitted development rules, without the need to apply for planning permission. The applicant has stated (email dated 23/02/2024) that the fence was in place when they purchased the house, and pre-dates the introduction of the dog exercise field. In view of all of the above, this fence is not considered to be either made necessary by the change of use, or to be harmful to openness either.
- 7.13. The existing fencing along the southern boundary is considered to be inadequate by the Council's Environmental Health section and so fencing in the form of a 1.8m-high, wire mesh "deer fence" has been provided. An additional condition has been recommended requiring a planting scheme to provide a screening hedge at the open part of the southern boundary. It is considered that a mesh fence would have a minimal impact on openness, particularly when installed adjacent to a hedge.

- 7.14. The provision of an additional gate (1.8m high), as recommended by the Council's Environmental Health section also requires a small amount of associated fencing to provide enclosure at its sides. Given their relatively small scale and location adjacent to the hedge at the eastern boundary, the only public vantage point from which these additions would be clearly visible would be from immediately adjacent the entrance on the lane to the east. From here, it is considered that the visual impact would only be slightly greater than the visual impact of a single, stand-alone gate. Given this, it is considered that these would not be harmful to the openness of the Green Belt either.
- 7.15. Given its minimal height and open nature, the "Grasscrete" hard standing would have a minimal visual impact, and it is considered that it would not be harmful to openness either. While provision has been made for 2 parked cars, it is expected that there would be a single car parked on the site during typical usage. Given the limited scale and temporary nature of the parking, this is not considered to be harmful to the openness of the Green Belt either.
- 7.16. It is possible that use of the site as a dog-walking field may involve other paraphernalia, however it is considered that this is unlikely to have a greater visual impact than the types of paraphernalia required for the keeping of livestock for example.
- 7.17. In summary, it is considered that the proposal would not be harmful to the openness of the Green Belt from either a spatial or visual perspective. Furthermore the proposal is not considered to conflict with any of the purposes of the Green Belt set out in paragraph 143. The proposal is not therefore considered to constitute inappropriate development in the Green Belt.

Loss of Agricultural Land

- 7.18. Section 15, paragraph 180 part (b) of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land.
- 7.19. The site's existing use is as agricultural land, and it has been provisionally assessed as a mixture of Grade 2 and Grade 3 land in the Agricultural Land Classification (ALC). At least part of the site therefore falls within the category of the Best and Most Versatile (BMV) agricultural land. However, I note the limited area of the site at approximately 0.65Ha (only part of which is grade 2) and the fact that the proposal would not involve the permanent loss of the land for agricultural use. The proposal does not therefore conflict with part b) of paragraph 180 of the NPPF.

Impact on Landscape Character and Visual Amenity

- 7.20. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments". In accordance with Core Policy 9, all proposals for new

development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD, which, amongst other things, require new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

- 7.21. Core Policy 13 states that, based on the assessment provided by the Landscape Character Assessment SPD, the Council will work with partners and developers to secure new development which positively addresses the implications of relevant landscape Policy Zone(s), ensuring that landscapes have been protected and enhanced.
- 7.22. Policy DM5 'Design' of the Allocations and Development Management DPD states that in accordance with the requirements of Core Policy 9, all proposals for new development shall be assessed against a number of criteria, including a requirement that new development must reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.
- 7.23. The Council's Landscape Character Assessment SPD identifies the surrounding landscape as forming part of the Mid Nottinghamshire Farmlands Regional Character Area, with the site itself located in the Thurgarton Village Farmlands with Ancient Woodlands Policy Zone. The actions for this particular policy zone are as follows:

Landscape Features

- Conserve permanent pasture and seek opportunities to restore arable land to pastoral.
- Conserve hedgerow planting along roadsides, seek to reinforce and enhance as appropriate.
- Conserve the biodiversity and setting of the designated SINC's, seek to enhance where appropriate.
- Conserve and enhance woodland/plantation blocks, seek to reinforce green infrastructure as appropriate.

Built Features

- Conserve the rural character of the landscape by concentrating new development around existing settlements.
- Conserve and respect the local architectural style and local built vernacular in any new development.

The proposal does not include any built features and is considered to be compatible with all of the listed actions relating to landscape features.

- 7.24. As discussed above, the fencing along the northern boundary does not form part of the proposal, while the fencing along all of the other boundaries would consist of mesh and would sit adjacent to hedges which are in place at the moment or to hedges which are to be required by condition. In view of this, it is considered that the visual

impact of the fencing would be minimal and that it would not harm the character of the local landscape, or harm visual amenity more generally.

- 7.25. In summary, it is considered that the proposal would not be harmful to the character of the surrounding landscape, or to visual amenity generally. It therefore complies with Core Policy 9, Core Policy 13, Policy DM5 and has regard to paragraph 155 of the NPPF.

Impact upon Residential Amenity and Neighbouring Land Uses

- 7.26. Policy DM5 'Design' of the Allocations and Development Management DPD states that development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. It also states that separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity, including loss of privacy.
- 7.27. I note the comments of the Council's Environmental Health Officer regarding the potential for noise and disturbance as a result of dog barking.
- 7.28. The dog exercise field is located close to Netherfield Farm House to the south of the site. It sits adjacent to the driveway at the northern side of the house, and also to some outbuildings which sit adjacent to the south-west corner of the site. It is set back by more than 10m from the house itself, but it is evident that part of the curtilage of this property close to the boundary, has been used for the installation of a table with brick seating, and a timber bench has also been installed close to the northern boundary.
- 7.29. The separation distance between the house and the boundary is considered to be sufficient that any noise impacts on the house itself would remain within acceptable limits. As regards the outdoor space around the house, it is acknowledged that some areas (including two outdoor seating areas) are directly adjacent the boundary, but the main garden belonging to the house is located to its south, and is unlikely to be significantly affected.
- 7.30. It is considered that potential noise and disturbance can be mitigated by the use of planning conditions restricting the hours of use of the site, and also the intensity with which the site is used. In addition, it is considered that a condition requiring visual screening in the form of planting at the boundary would reduce the likelihood of dogs running up to the boundary and barking in response to activity around the outbuildings or in the driveway area, and so I have recommended that such a condition be attached.
- 7.31. The proximity to Netherfield Farm House also means that privacy impacts must be considered. At present the generally open nature of the boundary, together with the fact that the exercise field sits at a higher level, means that people using the exercise field are able to look through to the northern part of the curtilage, and to the northern side of the house. While, as noted above, the main garden belonging to the house is

located to the south, and would remain largely unaffected, there would be a significant loss of privacy to the table and seating area adjacent to the northern boundary. Appropriate planting at the boundary would however be sufficient to mitigate this impact, so with a condition requiring this in place, it is considered that the impact would be acceptable. Planting would also mitigate any loss of privacy to the ground floor windows in the house and conservatory as well.

- 7.32. The first floor of the house is higher up, so a planting scheme might not be sufficient to block sight lines from the field to first floor windows. However the window on the first floor facing the site provides light to a landing area, rather than to a habitable room, and so any loss of privacy to this area is considered as providing insufficient grounds for a refusal.
- 7.33. There is also the potential for noise and disturbance from dogs to impact upon the stables to the north, principally through horses using the lane at the eastern side of the site. In this case however, the hedge at the boundary provides a good degree of visual screening, except in the area around the gate. Furthermore, it is often hard to completely separate dogs from equestrian uses in rural areas, with them often having to co-exist to some extent – for example on public bridleways etc., so it is considered that it would be unreasonable to attempt to prevent any kind of proximity here.
- 7.34. I note the comments and recommendations from the Environmental Health Officer for Public Protection, specifically recommendations for:
- The use of 2 gates to prevent dogs escaping when the outer gate is opened.
 - Fencing which is of strong and rigid, of sufficient height, and dig proof.
- 7.35. Given the narrowness of the lane and the its use by horses, the use of 2 gates is considered to be necessary to prevent dogs escaping and potentially startling horses or indeed creating problems for pedestrians or vehicle traffic on the lane.
- 7.36. The recommendation of dig-proof fencing would undoubtedly be necessary for land uses like kennels, where dogs are contained within a relatively small area for long periods of time. In practice however, it is considered that any given dog is only likely to be using the exercise field for relatively short periods, they are not contained within a highly restricted area, and they would be expected to be under some degree of observation during this time. For these reasons, dig-proof fencing is not considered to be necessary here, with it instead being the responsibility of the owner and operator to make repairs to the ground near any fencing, should this become necessary.
- 7.37. The existing fencing along most of the western and eastern sides of the site sits adjacent to thick hedges, and the combination of both fence and hedge is considered to be sufficient to provide adequate containment. The fencing at the northern boundary serves to separate the site from the owner's house and is also considered to be adequate.
- 7.38. The existing fencing along the southern boundary is less high and substantial than that

found to the north, is not backed by a hedge, and so it is considered necessary for this to be improved so as to protect the occupants of Netherfield Farm House. I have therefore recommended the attachment of conditions requiring that this takes place.

- 7.39. In view of the above, with appropriate conditions in place, and loss of residential amenity is considered to remain within acceptable limits. The proposal is therefore in accord with Policy DM5.

Impact upon Highway Safety

- 7.40. Spatial Policy 7 'Sustainable Transport' of the Amended Core Strategy DPD requires development proposals to provide safe, convenient and attractive access for all, to be appropriate for the highway network, and to ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. They should provide appropriate and effective parking.
- 7.41. Policy DM5 'Design' of the Allocations and Development Management DPD states that provision should be made for safe and inclusive access to new development.
- 7.42. I note the concerns of the Local Highway Authority that any future use for classes and events would attract more vehicles than is appropriate, given the narrowness of Gonalston Lane and its potential for conflicts with walkers, cyclists and equestrians. I agree with this view, and note that the nearby livery stables and the use of the lane adjacent the site by horse riders makes this condition even more necessary. I have therefore recommended the attachment of a planning condition imposing this restriction.
- 7.43. With such a condition in place, the Local Highway Authority state that they have no objection to the proposal and the proposal is therefore considered to be in accordance with Spatial Policy 7 and Policy DM5.

Flood Risk and Drainage

- 7.44. Core Policy 9 'Sustainable Design' of the Amended Core Strategy DPD states that new development will be expected to demonstrate a high standard of sustainable design, setting out a number of specific requirements, including the pro-active management of surface water.
- 7.45. Core Policy 10 'Climate Change' states that the Council is committed to tackling the causes and impacts of climate change, including through steering new development away from those areas at highest risk of flooding, and also through ensuring that new development positively manages its surface water run-off to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.
- 7.46. Policy DM5 'Design' states that all proposals for new development shall be assessed against a number of criteria, including (in part 9) avoidance of areas at highest risk of flooding and the inclusion of measures to pro-actively manage surface water.
- 7.47. The proposal is located in Flood Zone 1 and is not therefore at increased risk of fluvial

flooding. However, small parts of the site near the watercourse at its western side are at low, medium or high risk of surface water flooding, as are parts of the access lane to the east.

- 7.48. I note the conclusion of the Flood Risk Assessment accompanying the application that the field shelter and hard standing should be safe for the lifetime of the development and that, given the small extent of the site which is at high risk, that the proposal is acceptable. I agree with this assessment.
- 7.49. The proposal would not therefore be at an unacceptable risk of flooding and would not increase the risk of flooding elsewhere and is therefore considered to comply with Core Policy 9, Core Policy 10 and Policy DM5.

Other Matters Raised in Representations

- 7.50. There is some frustration that the application is not described as 'retrospective'. The Council recognises that the business is already in operation. However, the description of 'retrospective' is not *development*. It is not unlawful to submit an application retrospectively, and retrospective planning applications should be considered on their individual planning merits.
- 7.51. It is recognised that there might be other dog exercise fields in this part of the District. Potential competition between individual businesses and the financial impact on existing businesses is not a material consideration. A demonstration that the facility is 'strictly necessary' is not therefore required.

8.0 Implications

- 8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1. In conclusion, it is considered that the proposal accords with Epperstone Neighbourhood Plan policies EP11, EP18 with Spatial Policies 1, 2, 3, 4A, 4B, 7, Core Policy 9, Core Policy 10, Core Policy 13 and with policies DM5, DM6, DM8 and guidance within the NPPF, and there are no material reasons why this application should not be permitted, subject to appropriate conditions.

10.0 Conditions

01

The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference:

- Location Plan, received by the Local Planning Authority on 4th December 2023.
- Existing and Proposed Block Plan, drawing no. 670-2023-01 Rev B, received by the Local Planning Authority on 31st May 2024.

Reason: So as to define this permission.

02

The approved alterations to the entrance of the site and the fencing at the southern boundary shall be implemented within a period not exceeding 6 months from the date of this permission.

Reason: In the interests of public safety.

03

Within 3 months of the date of this permission, full details of soft landscape works to provide a screening hedge at the southern boundary of the site as indicated on drawing no. 670-2023-01 Rev B shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

Reason: Inadequate information has been provided and this condition is necessary to protect the residential amenity of nearby residents and in the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the date of this permission. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

The existing hedge along the southern boundary shall be retained at a minimum height of 2 metres for the lifetime of the development. Any trees or shrubs which die are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced.

Reason: In the interests of residential amenity.

06

The site shall not be used by more than two vehicles at any one time.

Reason: In the interests of residential amenity and highway safety.

07

The use hereby permitted shall only take place during the following hours:-

08:00h to 18:00h Monday – Sunday

Reason: In the interests of residential amenity and in response to the application.

Informatives

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

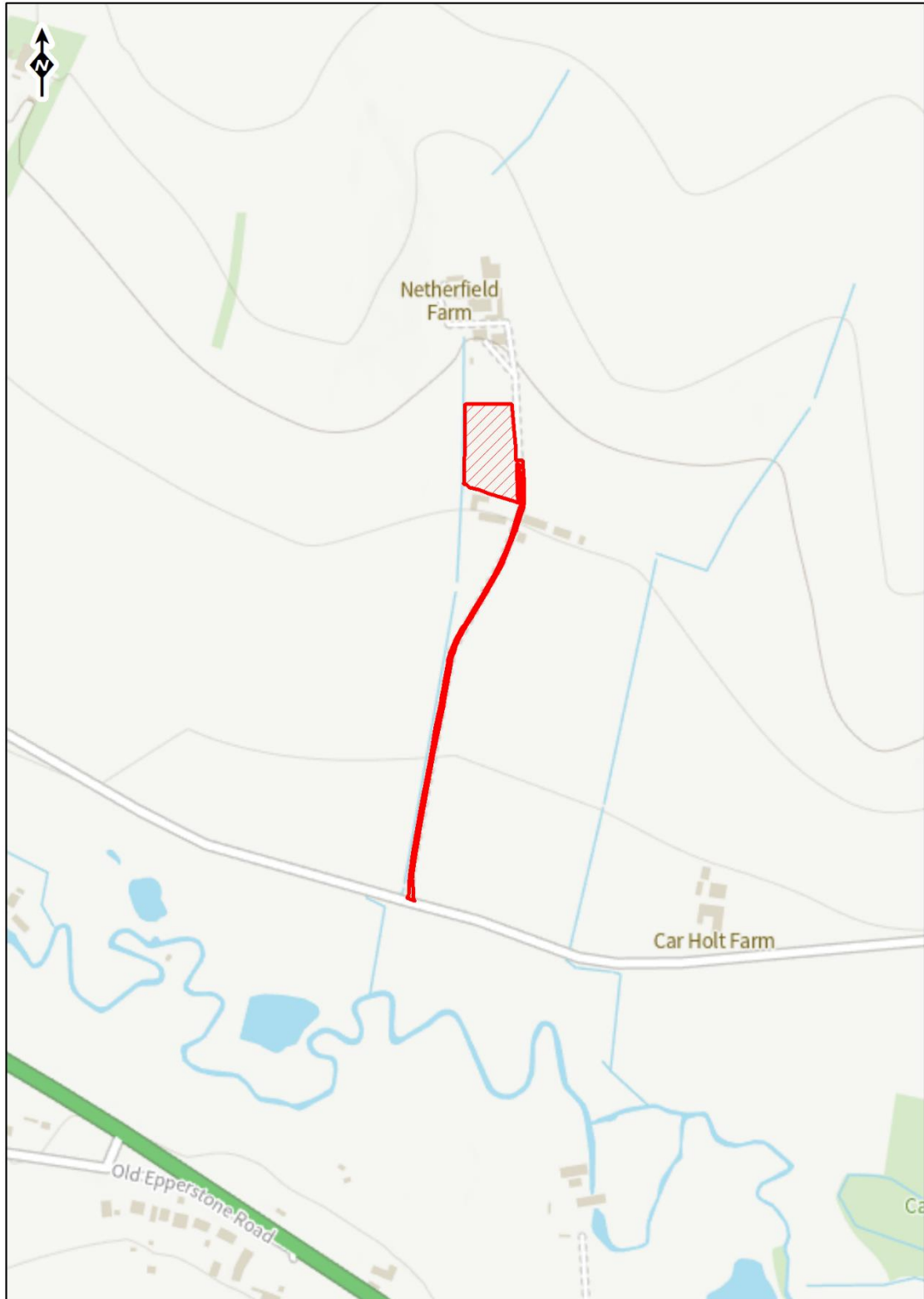
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application No.	24/00724/S73M (MAJOR)		
Proposal	Application for variation of condition 01 to substitute approved phasing plan drawing and and alter development phasing attached to planning permission 19/01097/FULM		
Location	Kilvington Lakes, Kilvington, Newark On Trent, NG13 9PD		
Applicant	Mr White of KLPG (Nottinghamshire) Ltd	Agent	Guy St John Taylor Associates Architects Limited
Web Link	24/00724/S73M Application for variation of condition 01 to substitute approved phasing plan drawing and and alter development phasing attached to planning permission 19/01097/FULM. Kilvington Lakes Kilvington Newark On Trent Nottinghamshire NG13 9PD (newark-sherwooddc.gov.uk)		
Registered	07.05.2024	Target Date	24.07.2024
Recommendation	That planning permission is approved subject to the conditions set out at Section 10.0		

This application has been referred to the Planning Committee by Cllr S Haynes. The reason for referral is that the original development would not have been approved if it were not for the leisure aspect and there is concern that this may not now be built at all. Therefore this risks slipping into a housing development contrary to the development plan policies.

Summary of the Report

The report considers a planning application to vary a condition to change the phasing of the development. The report analyses the main issues related to the original and subsequent amendments to the proposal and the request to amend the phasing to enable the watersports centre and car park to be delivered within phase 5.

It concludes that the proposed variation to the condition is reasonable having regard to the reasons the phasing condition was originally imposed. The report also states that the proposal would not have any significant adverse impacts on the environment. Therefore, the report recommends that the planning permission is approved subject to the conditions set out at Section 10.0.¹

1.0 The Site

- 1.1 The site comprises c89.38ha of land located in the open countryside, within the parish of Kilvington. It was previously mined (open cast) for gypsum which finished in c2006. Centered around 3 lakes, the site comprises agricultural land, woodland and grassland. There are a number of public footpaths running through the site as well as a section of dismantled railway which is a wildlife corridor.



- 1.2 There were previously some buildings centered around a farm, to the south of the site. However, these have now been demolished.
- 1.3 There are some residential properties close to the site to the west, as well as those within the settlements of Kilvington and Alverton.
- 1.4 As Members will note from the site history below, permission for a rural holiday park was granted in 2014. The permission was implemented on site; for example the vehicular accesses are in place, some internal vehicular tracks laid along with the bases for the 9 lodges to the south-east as can be noted in the image above.
- 1.5 The site has the following constraints:

¹ This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

- Open countryside
- Site of Important Nature Conservation (SINC)
- Majority of site designated as Kilvington Lake Local Wildlife Site (LWS) designated for botanical and invertebrate interest
- Close to Site of Special Scientific Interest (SSSI) Muston Meadows, Orston Plaster Pits, Grantham Canal, Allington Meadows
- Hedgerows on site are Habitats of Principal Importance under the NERC Act 2006
- Dismantled Railway is wildlife corridor and has retained use as Sustrans (Sustainable Transport)
- Parts of the site (lakes) are located in Flood Zone 3a with areas immediately surrounding them in Zone 2.
- Lies within the South Nottinghamshire Farmlands Policy Zone 03 'Alverton Village Farmlands'.
- Whilst the entire site lies within the NSDC jurisdiction, it abuts the district boundary with the borough of Rushcliffe
- Access is from the C3 (classified road) also known as Newark Road/Alverton Road

2.0 Relevant Planning History

- 2.1 **14/02023/FULM** – 'Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way.' Approved 9th November 2015. Condition 19 restricted the C3 uses to holiday accommodation only. Condition 20 required the site operator to keep a register of occupiers and Condition 21 prevented occupation by the same person for more than 6 weeks in any calendar year. Phase 1 conditions have been discharged, allowed a lawful commencement which has occurred.
- 2.2 It is crucial for Members to appreciate the locations of the development approved. An extract of the approved masterplan is therefore provided below. 34 holiday lodges are shown around the edge of the largest, southern-most lake where the inn building (circled purple) would be located. The area for the proposed water sport building is circled in red, to the south of the northern-most lake.

commencement had taken place. It also clarifies that Condition 3 (phasing plan) was initially discharged on 14th February 2018 under 17/01336/DISCON (the Plan that was agreed was K8-PK-01-01 Rev B, received 20.12.2017) and also confirms that an amendment was sought to the phasing plan and K8-PK-01-01B was later agreed on 1st November 2018.

**Superseded Phasing plan approved
K8-PK-01-01 Rev B received 20.12.2017**



Approved Phasing Plan K8-PK-01-01B



2.5 Non-material amendments have also been approved comprising:

- 19/00998/NMA –For the minor amendment of location of public right of way to south of site and very minor alterations to location of lodges with Phase 1 – was approved 23rd October 2019.
- 18/01146/NMA – For the design amendment to lodges (retaining overall style but reducing building envelope) and the replacement of all 4-bedroom lodges with 2 or 3-bedroom lodges (total no. of lodges unaltered) approved 11th July 2018.
- 18/00451/NMA – To the site layout for the replacement dwelling at Meadow Lea to the eastern side of the site which was previously shown as ‘proposed native woodland planting approved 29th March 2018.
- 17/01319/NMA –For the amendment to the roof material on the proposed lodges from a grass roof to a membrane roof in a light grey approved 25th September 2017.

2.6 **19/01097/FULM** – An application made under section 73 to remove condition 21 attached to planning permission 14/02023/FULM (which relates to the restriction of a

person/s from staying on site for more than 6 weeks per year) was refused under delegated powers on 20th August 2019. This was subject to an appeal (**APP/B3030/W/19/3239439**) in which the Inspector identified the main issue to be 'whether condition 21 is reasonable and necessary having regard to local policies and the [NPPF] and whether the remaining conditions would adequately restrict the use to holiday accommodation, being in mind the site's location in the open countryside'. This appeal was allowed with the Inspector being satisfied that the restrictive condition controlling occupancy no. 17 which combines the previous approach was sufficient to control the matter along with the requirement to retain a register of occupiers which remains (as condition 18).

It is understood that the development commenced on site in September 2018.

2.7 **PREAPP/00101/20** – Advice was sought regarding the acceptability of using the approved holiday lodges for residential use currently restricted by conditions for park/retirement homes for the over 50's. Advice (negative) provided in June 2020.

2.8 **20/02453/LDC** - Certificate of lawfulness for proposed use or development for the use and occupation of the 34 self-catering holiday units as residential accommodation for retired persons aged 50 years old and over. Certificate not issued 25.01.2021, for following reason:

Having regard to all material matters, as a matter of fact and degree for the reasons set out in the report the Local Planning Authority is satisfied that the proposal would amount to a material change of use and would constitute development such that the Certificate cannot be issued. Furthermore the condition 17 and 18 (of LPA planning permission ref: 19/01097/FULM) to restrict the premises to prevent the site becoming available for permanent residential use are, considered effective and enforceable; a view shared by the appeal Inspector as described in the appeal decision letter ref: APP/B3030/W/19/3239439. As such the proposed use as described in the application would also cause a breach of condition 17 and therefore the proposed use would not be lawful for this additional reason.

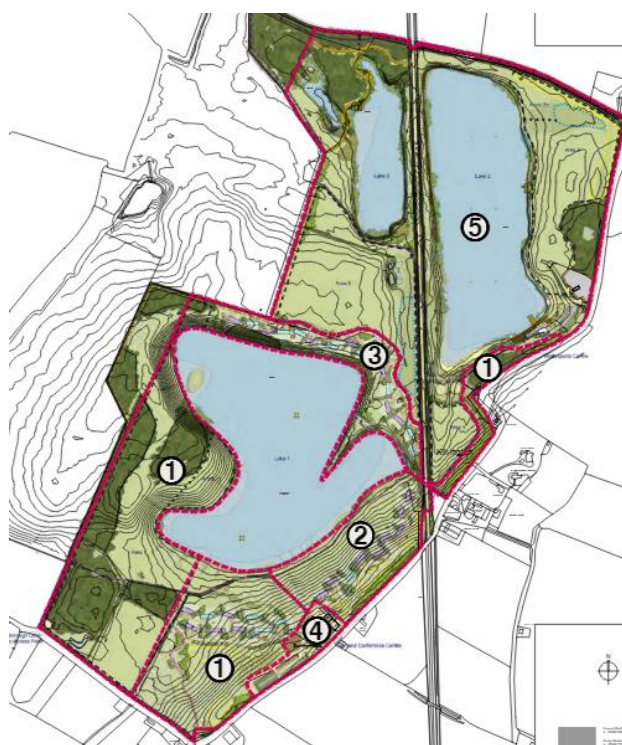
2.9 **20/02420/S73M** – An application was submitted to remove conditions 19 and 20 attached to planning permission 14/02023/FULM and conditions 17 and 18 attached to planning permission 19/01097/FULM (Ref: APP/B3030/W/19/3239439). The LPA declined to determine the application. An appeal was lodged and The Planning Inspectorate also declined to determine it. The appellant successfully challenged this through the Courts and the appeal (APP/B3030B/W/21/3271892) was heard but dismissed on 26th April 2024.

2.10 **21/00335/DISCON** – Request to discharge conditions 6, 7, 14, 15, 19 and 23 of Phase 5 of 19/01097/FULM. Only conditions 15 (relating to land contamination) and 23 (landscaping) were approved; none of the other conditions forming part of this request were approved due to inadequate information.

3.0 The Proposal

- 3.1 The application seeks permission to vary the approved phasing plan moving the watersports centre to a later phase. The watersports centre was previously included in Phase 2 although the lake on which the watersports are to take place is currently shown to be in Phase 5. This application seeks to move the watersports centre, its associated parking and the lake within a single phase to aid delivery.

Proposed phasing plan



- 3.2 It is important that Members note what has been approved in terms of the phasing. The original and amended approved phasing is summarised in the table below alongside the proposed phasing:

Table showing Comparison of Phasing

Phase	Original Phasing Plan	Approved Phasing Plan	Proposed Phasing Plan
1	16 lodges and surrounding landscaping, landscaping west of Lake 1 and landscaping buffer to the eastern boundary	9 lodges (Zone A) and surrounding area, including landscaping to west of Lake 1 (largest lake to south-west) and landscaping buffer to the eastern boundary	No change to approved plan
2	9 lodges and surrounding landscaping, watersport centre and associated car	9 lodges (Zone B) and surrounding landscaping, watersport centre and	9 lodges (same area) and surrounding landscaping. Deletion of

	park	associated car park	watersports centre and car park.
3	9 lodges and associated landscaping	16 lodges (Zone C) and surrounding landscaping	No change to approved plan
4	Inn building and associated car parking and Water sport building and its associated parking	Inn building and associated car parking	No change to approved plan
5	Lakes 2 and 3 and surrounding landscaping	Lakes 2 and 3 and surrounding landscaping	Lakes 2 and 3 and surrounding landscaping, Inclusion of watersports centre and associated car park

3.3 As can be noted from the above table, changes to the phasing that have already been approved include a swap between phases 1 and 3. The proposed changes relate to Phases 2 and 5. The Inn building was always due to come forward late in the process and whilst the watersport centre was due to come forward in phase 2, the lake upon which it would rely upon to open, would not be available until the final phase.

3.4 Documents assessed in this appraisal:

- Application form
- Revised Phasing Plan (all phases), drawing no. (19)-101
- Planning Statement by agent

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 78 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press expiring on 7th June 2024.

4.2 Site visit undertaken on 21st June 2024.

5.0 Planning Policy Framework

5.1. The previous applications were considered under the policies and other material considerations set out below. For completeness, they have been included.

5.2. Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas

- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 7 – Tourism Development
- Core Policy 8 – Retail & Town Centres
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.3. **Allocations & Development Management DPD (2013)**

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM12 – Presumption in Favour of Sustainable Development

5.4. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of all of these policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.5. **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)

6.0 **Consultations and Representations**

6.1. Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

6.2. None

Town/Parish Council or Meetings

6.3 **Alverton and Parish Meeting (host parish)**– Objections in summary:

- At parish meeting 21 residents attended with 19 objecting and 2 abstentions.
- Concern that the development risks failure to complete key components which were fundamental to the original application.
- The original applicant (Natural Retreats) proposed approved phasing, which fitted with their business plan. We do not see why this should not still be the

case, as the current phasing was clearly preferred by the developer and deemed commercially viable.

- Initial planning application faced considerable opposition from local residents as well as parish councils and Alverton and Kilvington Parish Meeting, including raising concerns it would be sold on and the proposed high quality development with numerous additional facilities downgraded.
- Reasons for original approved included:
 - High quality tourist accommodation south of Newark on Trent
 - Employment opportunities both during construction (up to 225 people) and once operational (15 people)
 - Education facilities as an amenity for school trips and nature research
 - Fitness facilities at the Watersports Centre and hotel, available to local residents
 - The inclusion of a shop and café at the hotel, and café at the Watersports Centre available to local residents
 - The value of a Watersports Centre in Newark and Sherwood where the demand for watersports is higher than the national average.
- Application 19/01097/FULM (for removal of condition 21 of 14/02023/FULM) confirmed that a number of conditions have still not been discharged (21/00335/DISCON). Of note, conditions 19 and 20 of 14/02023/FULM (conditions 17 and 18 of 19/01097/FULM) which limit the accommodation to holiday use only and require the operator to maintain a register of guests remain.
- Concern that separating the development of the Watersports Centre from the remainder of the development would allow fragmentation of the site, such that the land for the lodges and hotel could be developed in isolation from the key facilities and opportunities offered by the Watersports Centre.
- There is major concern that the proposed 34 holiday lodges will be built but with no additional facilities and no shop, that the hotel will not be built and that there will be continued pressure on Newark and Sherwood District Council to permit residential development.
- The neighbouring villages (Alverton, Kilvington, Flawborough and Staunton) have no facilities other than churches in Kilvington and Staunton and a public house with accommodation in Staunton. In the absence of a shop and other facilities on site, anyone staying in the holiday lodges will have to travel at least four miles to the nearest shops (in Bottesford or Long Bennington), thereby increasing the local car traffic and reducing the attractiveness and hence financial viability of the site.
- Given the large number of changes, including non-material amendments, to the original planning approval over the intervening years and the current application to alter the phasing, it would seem probable that many of the advantages to the district that accompanied the original proposal will no longer be realised with the exception of holiday accommodation in 34 lodges (with no services and therefore not of the high quality initially envisaged). We therefore object to the proposed change to the phase plan.
- The initial iterations of the phasing plan put the watersports centre and lake 2 in the same phase (phase 5). However, these were NOT accepted for discharge of condition 3. This was presumably to ensure that the watersports centre was

built, as well as the hotel, before the lake used for the watersports was completed.

- Until the current application, the watersports centre was clearly in phase 2 ahead of completion of the lake.

6.4 **Staunton Parish Council** (adjacent parish) – Do not wish to make comment.

Representations/Non-Statutory Consultation

6.5. **Rushcliffe Borough Council** – responded on 6th June stating they are undertaking consultations and will aim to reply within 21 days.

6.6. Representations from 11 neighbours have been received raising concerns which are summarised as follows:

- Object to it being changed to housing
- Concerns relating to traffic/highway safety
- Initial proposal was to create a vacation/leisure facility that would offer users nature whilst bringing employment and valuable facilities to the area.
- Original development brings together holiday accommodation in family accommodation and a hotel together with sports facilities, catering and a shop which would together form a valuable resource for the area and the local community. It is crucial these are completed along with finalising the environmental and wildlife factors.
- Concern that the lodges and hotel could be developed in isolation from the key facilities and opportunities offered by the Watersports Centre. There is major concern that the proposed 34 holiday lodges will be built but with no additional facilities and no shop, that the hotel will not be built and that there will be continued pressure on NSDC to permit residential development.
- Due to lack of facilities in the neighbouring villages, there is concern that anyone staying in lodges will have to travel at least 4 miles to a shop thereby increasing the local traffic, reducing attractiveness and the financial viability of the site
- Given the number of changes since the original application, likely that many of benefits wont be realised
- Sensible to put both the water sport centre and the lake into the same phase but they should both be in phase 2 not phase 5 to ensure the original benefits of the scheme are not put at risk.
- With this proposal the applicant would benefit from phases 1 to 3 without delivering the water sports centre where the greatest opportunity for employment exists for local residents.
- The plans were committee following deferral and tighter conditions were imposed. One Councillor on the planning committee even asked the question "Should we REALLY be granting permission to a planning application that requires FORTY-TWO conditions to make it acceptable?" The answer was no.
- Unauthorised dumping of soil and waste at the site – question what has happened in respect to a breach of condition notice.

7.0 Comments of the Business Manager – Planning Development

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.
- 7.2 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—
- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
 - (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.
- 7.3 Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if are minded to grant a new planning consent.
- 7.4 The NPPG is clear that any new permission should set out all conditions related to it unless they no longer have effect and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission – albeit in this case the permission has already been implemented by commencement of phase 1.
- 7.5 With this in mind, the key considerations are identified as:
- (1) What are the factors that influenced the decision to approve the original development?
 - (2) What are the controls in place for the timing and delivery of the facilities
 - (3) What were the reasons for the original phasing condition as originally imposed
 - (4) The consequences for amending phasing plan and is it reasonable to amend it?

Preliminary Matters

- 7.6 Members should note that some representations received have raised concerns that

the application would allow for housing rather than the approved holiday lodges. To be clear from the outset, this application does not seek to amend this element of the scheme and the description of development has been amended with the agreement of the applicant to remove any confusion that the initial description may have caused. Again, to be clear; the Local Planning Authority has already successfully resisted an application to effectively change the holiday lodges to permanent dwellings for the over 55's which was challenged and ultimately dismissed at appeal – see details within the planning history section.

- 7.7 It is understood that the application site is currently up for sale. New planning agents have been appointed and any new owners would be required to bring the site forward as a holiday park as was originally envisaged, subject to any alternative proposals being advanced and approved. . It is further understood that the phasing change relates to investment implications, which will be discussed further in this report.

What are the factors that influenced the decision to approve the original development?

- 7.8 When planning permission was originally granted, there was an expectation that the whole package of development advanced would come forward.

- 7.9 It is noted from the committee report, presented in July and October 2015, that there were perceived to be a number of positive elements to the scheme. These were cited as economic benefits both during construction and 15 jobs once operational 'bringing localised benefits'. Weight was afforded to the comments of the County Land and Business Association, who summed up the benefits as:

"Tourism contributes around £1.55b per annum to the economy of Nottinghamshire, 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimate to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party providers together with the fifteen new employment posts will be worth a total of £975k per annum to the local economy of Nottinghamshire"

- 7.10 Officers at that time found these benefits persuasive 'together with increased educational benefits, the introduction of new, modestly scaled community benefits (such as a café, access to watersport facilities, recreational lake)...

- 7.11 Indeed when reviewing the original planning application file, it is noted that the application was first presented to the Planning Committee for consideration in July 2015 but was deferred until 6th October 2015 due to 6 areas of concern raised by Members and to allow further discussions to take place. One of these reasons was to allow further discussions to take place with the applicant regarding the 'lack of amenities (in particular a shop) on site' to serve the guests, given the sites remote location. The committee report (October 2015) set out the following discussion in respect of the matter:

"Lack of amenities (shop) on site

Some Members at the July Planning Committee raised concerns that there was a lack of amenities at the site, in particular a shop to serve the guests at the site.

The applicants have clarified that it has always been the intention that the proposed inn building includes a "storehouse café" which would provide an element of food retail. This may not have come through clearly in the original submission. This is a concept that has been successful at some of the other existing Natural Retreats sites.

The applicants have stated that whilst they would much prefer to support an established local shop, in this instance there is no immediately local provision. Therefore, the applicants are proposing a more formal shop offering into the proposal. A craft and enterprise space is also proposed. This is shown on drawing no S201 4002 - 401 and condition 2 on the attached recommendation sheet has been amended to include this revised plan."

What are the controls in place for timing and delivery of facilities

- 7.12 There are specific controls imposed upon the original permission that required the delivery of the facilities to be provided by a certain stage in the development. The only condition to control timing of delivery was a phasing condition (condition no. 3 at that stage) which stated:

'No development shall be commenced until a Phasing Plan has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining enhancing biodiversity.'

- 7.13 This phasing plan has been approved previously as is set out in the table contained in the proposals section of this report.

What were the reasons for the original phasing condition as originally imposed

- 7.14 Clearly the reason cited for the condition wasn't stated that it was in order to deliver the facilities within a timely manner, albeit it was clear that decision makers were concerned about such provision being on offer.
- 7.15 Phasing has been agreed (see site history section) and the approved phasing plan was then incorporated into condition 1 (detailing and listing the approved plans) of the later permission 19/01097/FUL, which sought to vary the conditions controlling the length of holiday occupations, allowed on appeal. Nevertheless the control regarding phasing as a matter of principle is still in place.
- 7.16 Having examined the lengthy planning file, it appears (as the Parish Meeting chair has pointed out) that an initial phasing plan was submitted shortly after planning permission was granted. This showed the watersport centre and lake 2 in the same

phase 5. This was not approved because insufficient information had been provided and the applicant then elected to amend the phasing plan. No records have been found that suggests that this was rejected as a matter of principle.

- 7.17 It is understood that the phasing that has been agreed, had ecology and biodiversity interests in mind, which marries with the reason for the condition, thus policies CP12 and DM7 will be of consideration. This is seemingly confirmed by the original committee report which sets out under the heading 'Timing of Works' the following:

'Both NWT and the County Ecologist have stated that disturbance is likely to occur at the site during the construction period but that impacts could potentially be reduced by undertaking construction works at certain time of the year. The applicants have agreed to a condition requiring a phasing plan to be agreed prior to development commencing.'

- 7.18 My understanding is that phasing was not sought by the applicants and that, rather, the phasing concept was to ensure that at least one of the lakes would be available for any displaced wildlife whilst the development around the other lakes took place.

The consequences of amending phasing plan and is it reasonable to amend it?

- 7.19 The proposed new phasing plan would allow for the watersport building, its associated parking and the landscaping around this northern lake, to be undertaken as a final 5th phase with the southern lake (lake 1) available for any displaced wildlife. In this regard the phasing would still fulfil this intent of the original phasing condition. There should be no adverse impact therefore on local wildlife as a result of this phasing change.
- 7.20 There is local concern that by amending the phasing plan the scheme would be watered down and the facilities approved may not be built. These concerns are understood. However in reality, had this been a single phase development (which it would have been had it not been for wildlife issues) there would be no control imposed to require that either the watersport building or the Inn come forward at a certain trigger in the development.
- 7.21 As is often the case with developments of a certain scale, the facilities would unlikely be viable until such time as there are sufficient visitors/occupants using the facilities to make it profitable.
- 7.22 In any event, the majority of the facilities (including the small scale shop) would be contained within the Inn building not the watersport building that is affected by this phasing change. Indeed on each version of the phasing plans that have been approved, the Inn is shown to be within phase 4, after all of the lodges have been erected.
- 7.23 The facilities within the watersport centre, whilst useful, are not likely to negate the need for visitors to travel elsewhere for provisions and services. Importantly with the approved phasing plan the watersport centre would be built alongside the 9 lodges in phase 2. However in reality this watersport centre could not be operational without use of the lake for the actual water sports to take place, currently in phase 5. As

approved the applicant would therefore potentially need to build the watersport centre and mothball it, which doesn't make commercial sense nor would it deliver the facilities that the community are concerned might not come forward. For example there is no requirement in condition or otherwise for the watersport centre to be operational at any point and thereby realise the economic benefits.

7.24 The applicant has been asked (through negotiation) if they could consider moving the watersport centre and the lake upon which it would be served to an earlier phase. However this is not something that would work commercially for the new owners.

7.25 In conclusion it is not considered that amending the phasing plan would place the delivery of the facilities at any further risk than is already the case and it is not considered reasonable to resist the amendment. Given the reasons reached above, it is not considered necessary to go on to consider the sustainability of the site/whether permission would be granted for a holiday park of this scale without facilities as this is beyond the scope and remit of the application.

8.0 Implications

8.1. In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

9.1 The reason that there is a phasing condition imposed related solely to the impacts on wildlife during the construction phase. It is however clear that decision makers were concerned that there might be a lack of facilities and sought clarity regarding the provision of a shop within the café (located in the Inn building) before planning permission was granted. However no specific controls were imposed regarding the timing of the delivery of such facilities either via condition or s.106 legal agreement. Whilst it would be possible to resist the phasing change, this would not be reasonable on the grounds of delaying the delivery of facilities, considering this was not the reason for the inclusion of the phasing condition. In addition, resisting this application would not bring about any meaningful provision of facilities in any event as even if the watersport centre was provided (that is the only facility to be affected by this phasing change) there is no requirement for it to become operational, separate from the lake upon which it intends to operate from.

9.2 For these reasons the recommendation is for approval.

10.0 Conditions

10.1 The conditions that follow are those that were reimposed most recently by the Planning Inspector in allowing the appeal (19/01097/FULM). The Planning Inspectorate do not specifically have to provide reasons for the conditions as they should be contained within their decision letter. Reasons for the conditions however

have been translated from the original decision and the inspectors decision notice and included below. Changes to the conditions have been shown in bold and strikethrough text to reflect the updated phasing plan and elements of the conditions that are no longer relevant.

- 10.2 Importantly, even though Conditions 15 and 23 have previously been approved in respect of Phase 5, the conditions cannot be updated to reflect this as due to the phasing changes it would risk parts of the new phase 5 not having dealt with land contamination or be fully landscaped. The conditions must therefore remain as imposed in respect of these elements.

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:-

Amended site location plan 6397-L-03 Rev C,

Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-004 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans,

Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans,

Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans,

Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans,

Drawing no. S2014002-012 entitled Changing Facilities Proposed Plans,

Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans, received 20/08/2015,

Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans,

Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations,

Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan, Photographs received 17.02.2015 showing existing buildings to be demolished,

Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans,

Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations,

Drawing no. HOS002 6397-L-01 REV X2, Drawing no. *Amended Masterplan 6397-L-01 Rev X4*,

Drawing no. K8/PK/01/14 rev.A showing a membrane roof to the units,

Drawing no. ~~Plan K8-PK-01-01B – Phasing Plan (19)~~ **101 Revised Phasing Plan (all phases)**,

Drawing no. 1300-0002-03 NMA Site Block Plan,

Street Lighting plan Ref. K8-PK-01-04, received 15th October 2018

Materials Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017),

Plan Ref. K8- PK- 01 -27 received 26th April 2018,

Phasing Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018,

Discharge of condition 32 plan reference K8-PK-01-07 (received 19th July 2017),

Bat and bird boxes plan reference K8-PK-01-13 (received 19th July 2017), and

Revised Car Parking layout plan reference K8-PK-01-11A (received 9th November 2017).

Reason: So as to define this permission

02

No trees, shrubs or hedges within the site which are shown as being retained on the approved masterplan 6397-L-01 Rev X4 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the Local Planning Authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and nature conservation.

03

No development shall be commenced in relation to phase 2-5, pursuant to the approved phasing plan ~~K8-PK-01-01B, as amended 1st November 2018, drawing no. (19) 101 (Revised Phasing Plan)~~, until the trees and hedges shown to be retained in the approved masterplan 6397-L-01 Rev X4 have been protected by the following measures: a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at the outer extremity of the root protection area or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the Local Planning Authority; b) no development (including the erection of site huts) shall take place within the crown spread of any tree; c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree; d) no services shall be routed under the crown spread of any tree e) no burning of materials shall take place within 10 metres of the crown spread of any tree. The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04

The existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

05

Notwithstanding the provisions of Condition 4 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev X4 shall be retained at a minimum height of 3 metres for the lifetime of the development. Any trees/shrubs within the hedgerow which,

at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.

06

No development in respect of phases 2-5 shall be commenced until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings respectively have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with the Existing and Proposed Ground and Finished Floor Levels as stated in Table 4 of the report written by Hydro-Logic Services dated 29th August 2018.

Reason: In the interests of visual amenity.

07

No development in respect of phases 2-5 shall be commenced until the following drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter development must be carried out in accordance with the approved details:-

1. Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. If possible, the site should be designed to retain all surface water flows within the site and route these to an attenuation pond.
2. Detailed drainage layout including building drainage. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
3. All infiltration areas with supporting specification, calculations and construction details.
4. Attenuation pond / tank details including volumetric calculations, geotechnical and slope stability calculations as appropriate, specification of materials used to construct any berms.
5. Full specification and general arrangement drawings for inlet / outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood / failure of the infrastructure.

Development in relation to Phase 1 shall be carried out in accordance with the drawing showing drainage details received by the Local Planning Authority on 26th October 2018 and the details provided in the letter from Hydro-Logic (dated 17th July 2017).

Reason: To ensure satisfactory drainage at the site and reduce the risk of flooding.

~~08~~

~~Prior to the new Inn building hereby approved being first brought into use, all existing buildings at Glebe Farm shown on drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan and in the photographs received 17.02.2015 shall be demolished and removed from the site.~~

~~09~~ 08

No development shall be commenced in relation to phase 2-5, until details of any external and internal lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. Development in relation to Phase 1 shall be carried out in accordance with Street Lighting Plans, received 11th October 2018 and plan Ref. K8-PK-01-04, received 15th October 2018.

Reason: In the interests of visual and residential amenity and in the interests of nature conservation.

~~010~~ 09

No part of the proposed watersports building shall be commenced until precise details of low reflection glazing to be used on the watersports building have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of visual amenity.

~~011~~ 010

There shall be no motorised water sports vessels operating at the site other than one safety craft.

Reason: In the interests of residential amenity.

~~012~~ 011

No development shall be commenced in relation phase 2-5, pursuant to the approved phasing plan ~~'K8-PK-01-01B, as amended 1st November 2018'~~ **drawing no. (19) 101 (Revised Phasing Plan)**, until a full schedule of external facing materials for all buildings on site (samples shall be submitted upon request) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Development in relation to Phase 1 shall be carried out in accordance with Plan Reference K8-PK-01-04 and K8/PK/01/14 rev.A (received 12th September 2017) which are as follows: External Cladding – Siberian Larch. Doors/Windows – Aluminium with an anthracite grey finish. Rainwater Goods – Aluminium with an anthracite grey finish. Roof - Membrane roof (Monarplan GF Fleeceback) in a light grey (RAL 7001) colour as shown on plan reference K8/PK/01/14 rev.A (received 12th September 2017) along with details provided on the roof materials on 31st July 2017 and the photomontage received on 31st August 2017.

Reason: In the interests of visual amenity.

~~013~~ 012

The development in relation to all phases shall be carried out in accordance with the Biodiversity Management Plan (revised November 2017 and received by the Local Planning Authority on 5th December 2017).

Reason: In the interests of maintaining and enhancing biodiversity.

~~014~~ 013

No development shall be commenced in relation phase 2-5, until details of any imported subsoil to the site have been submitted to and approved in writing by the Local Planning Authority. This shall include precise areas where subsoil will be used as well as precise details of subsoil character. Subsoil specifications should be as follows: a pH of less than 6.5; a soil phosphorous concentration of below 25ppm (index 2 or below), and ideally below 15ppm (index 1 or below).

Reason: In the interests of maintaining and enhancing biodiversity.

~~015~~ 014

Unless otherwise agreed by the Local Planning Authority, development in respect of phases 2-5 other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun for any phase (1-5), development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation; An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme; A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme; The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination; In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Development in relation to phase 1 shall be carried out in accordance with Updated Remediation Strategy Report submitted by delta Simmons dated October 2018 August 2018.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16-015

No development shall be commenced in relation to phases 2-5 until a written methodology for archaeological works at the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter works shall be carried out in accordance with the approved details. Development in relation to phase 1 shall be carried out in accordance with the Written Scheme of Investigation prepared by Archaeological Landscape Investigation dated 31st January 2018.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

~~17~~016

Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

Reason: The development is located within the countryside where new residential development would not normally be permitted.

~~18~~017

The site operator shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

~~19~~ 018

The development hereby permitted shall not be commenced in relation to phases 2-5 until such time as a design scheme to address the flood risk matters listed below has been submitted to, and approved in writing by, the Local Planning Authority.

1. Ensure no raising of ground levels in areas of Flood Zones 2 and 3.
2. Provide design details of an appropriate surface water disposal system, based on SuDS techniques.
3. Provide an appropriate access and egress emergency plan to ensure that all users of the facility can be safe during a flood event.
4. Ensure finished floor levels are set no lower than 17.50m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority. Development in relation to phase 1 shall be carried out in accordance with the details approved on 18th May 2016 by Bob Stamp/Maber/Peg Ass and submitted as part of the application for approval of details approved by condition.

Reasons:

- 1. To prevent any increase in flood risk by the prevention of loss of floodplain storage or blockage of flood flow routes.**
- 2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.**
- 3. To ensure the safety of all users of the facilities.**
- 4. To reduce the risk of flooding to the proposed development and future users.**

~~20~~ 019

No development shall be commenced in relation to phases 2-5 until details of how clean and foul water will be separated with details of how foul water will be treated if the effluent cannot go to a local Severn Trent Water treatment plant via sewer. The approved details shall be implemented in full. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 24th October 2018 showing foul water to main drain and details provided in the letter from Hydro-Logic (dated 18th December 2017).

Reason: To ensure satisfactory drainage at the site.

~~21~~ 020

The development hereby permitted shall not commence in relation to phases 2-5 until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. Development in relation to phase 1 shall be carried out in accordance with Drainage Plan, received by the Local Planning Authority on 26th October 2018 showing foul water to main drain and Details provided in the letter from Hydro-Logic (dated 18th December 2017).

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

~~22~~ 021

No part of the development hereby permitted shall be open for use by guests or employees until a scheme for improvements to local bus stops has been fully implemented in accordance with the following details: *email confirmation regarding footway link and Section 278 Agreement from Mrs J Edwards dated 25th April 2018; Plan reference K8- PK- 01 -27 (received 26th April 2018) and 'key' confirmation from Mrs J Edwards in the email dated 2nd May 2018; and Supporting statement for condition 25 and associated plan references NTP-17030-025-01 Rev.C and NTP-17030-025-02 (all received 21st March 2018).*

Reason: To promote sustainable travel.

~~23-022~~

No development shall be commenced in relation to phases 2-5 until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. This schedule shall include precise details of additional landscape buffering areas to assist in the screening of the buildings and the site from the public highway. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species; an implementation and phasing programme; existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; car parking layouts and materials; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures for example, furniture, play equipment, artwork, refuse or other storage units, signs, etc.). Development in relation to phase 1 shall be carried out in accordance with Plan K8-PK-01-06, received by the Local Planning Authority on 10th October 2018 and the Species Mix Plan (revised 9th November 2017).

Reason: In the interests of visual amenity and biodiversity.

24 023

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the Local Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

~~25-024~~

No part of the development in any phase, pursuant to the approved phasing plan '~~K8-PK-01-01B, as amended 1st November 2018~~', drawing no. (19) 101 (Revised Phasing Plan) shall be brought into use until all vehicular accesses from the public highway are surfaced in a hard-bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary. The surfaced accesses shall then be maintained in such hard-bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

~~26 025~~

No part of the development in relation to phases 2-5 shall be commenced until details of the vehicular accesses have been submitted to and approved in writing by the Local Planning

Authority, showing widths, radii and construction detail and thereafter constructed in accordance with the approved details prior to the development being brought into use. Development in relation to phase 1 shall be carried out in accordance with details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev. A and Drawing NTP-17030-034-01 500 (1) to show further detail for the southern access.

Reason: In the interests of highway safety.

~~27~~ 026

No part of the development in any phase shall brought into use until visibility splays in accordance with the details submitted on 19th September 2017 and 9th November 2017, along with details shown in plan references NTP- 17030-029/030-01 Rev.A and NTP-17030-029/030-02 Rev.A (received 9th November 2017). The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

~~28~~ 027

No part of the development hereby permitted shall be brought into use until the parking areas for each respective phase have been provided in accordance with the approved masterplan 6397-L-01 Rev X4.

Reason: In order to reduce the possibility of the proposed development leading to on-street parking in the area to the detriment of other road users and highway safety.

~~29~~ 028

The development hereby permitted shall not be brought into use until the measures to control access from the footpath onto the nearby shoreline and lake (particularly in relation to dogs) along the southern shore of Lake 1 as provided for on plan reference K8-PK-01-07 (received 19th July 2017) and the email from Mrs J Edwards dated 9th November 2017 have been implemented. These approved measures shall be retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

~~30~~ 029

No part of the development hereby permitted shall be brought into use until a 'gateway' traffic calming scheme, to include village signs and appropriate road markings, on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority in liaison with the Highway Authority. The use of rumble strips must also be considered as part of this traffic calming scheme.

Reason: In the interests of highway safety.

~~31~~ 030

In relation to construction method, the development hereby approved shall be carried out in accordance with the details submitted on 19th September 2017 and shown in plan reference NTP-17030-034-01 (received 19th September 2017) as well as the additional details on drawing No. NTP-17030-029/030-03 Rev C in so far as it shows the location of the proposed wheel wash facility, as well as the Email dated 10th January 2019 from Paul Kilmister to the Local Planning Authority stating that:- "It is hereby confirmed as amendment to the Construction Management Plan to ensure compliance with conditions 28 and 34 (part copied below) the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development."

Reason: In the interests of residential amenity.

~~32~~ 031

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

~~33~~ 032

The water sports centre shall not be open to guests or members of the public outside the hours of 07:00 - 21:00 Monday to Sunday.

Reason: To minimise light pollution in the interests of visual amenity and in the interests of residential amenity.

~~34~~ 033

Prior to the development hereby approved being brought into use, the details provided on plan reference K8-PK-01-13 (received 19th July 2017) showing the new bat and bird boxes shall be fully implemented at the site and retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

~~35~~ 034

The development hereby approved shall be carried out in accordance with recommendations and measures contained within the Badger Survey Report dated April 2017.

Reason: In the interests of maintaining and enhancing biodiversity.

36

~~No development comprising the demolition of the existing farm buildings at Glebe Farm shall be commenced until an updated bat survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter development shall be commenced in accordance with the approved details.~~

~~37~~ **35**

No ~~demolition of the buildings or~~ works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the Local Planning Authority prior to any ~~demolition of buildings or~~ works to hedgerows being carried out. If nests are found no ~~demolition of building works or~~ works to hedgerows shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

~~38~~ **36**

This permission relates to development on the site shown edged in red on the approved site location plan only.

Reason: To define the permission, for the avoidance of doubt.

~~39~~ **37**

The development hereby approved shall be carried out in accordance with the Updated Construction Routing Strategy, received 27th December 2018 and including plan no. NTP-17030-042-02 showing delivery routes to be read in conjunction with email dated 10th January 2019 from applicant to the Local Planning Authority which clarifies that:- HGVs to access the South Entrance only from the North and to be limited to no more than 10 per week and that the vehicular access from the public highway to the southern entrance is also to be surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary prior to any construction vehicles using this entrance. The surfaced access shall then be maintained in such hard bound material for the life of the development.

Reason: In the interests of highway safety.

~~40~~ **38**

No part of the development hereby permitted shall be brought into use until the improvements to the signage on the C3, specifically at the location of the Kilvington double bends, has been undertaken in accordance with plan NTP-17030-043-01 (received 19th September 2017), unless otherwise approved in writing.

Reason: In the interests of highway safety.

~~41~~ 39

The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-16 (received 9th November 2017) detailing the precise location of the crossing point of the internal track.

Reason: In the interests of ecology.

~~42~~ 40

No part of the development hereby approved shall be open to overnight guests until the internal access track connecting the inn building and lodges shown on drawing no. 6397-L-01 Rev X3 has been constructed in accordance with the approved plans and is available for use.

Reason: In the interests of highway safety.

~~43~~ 41

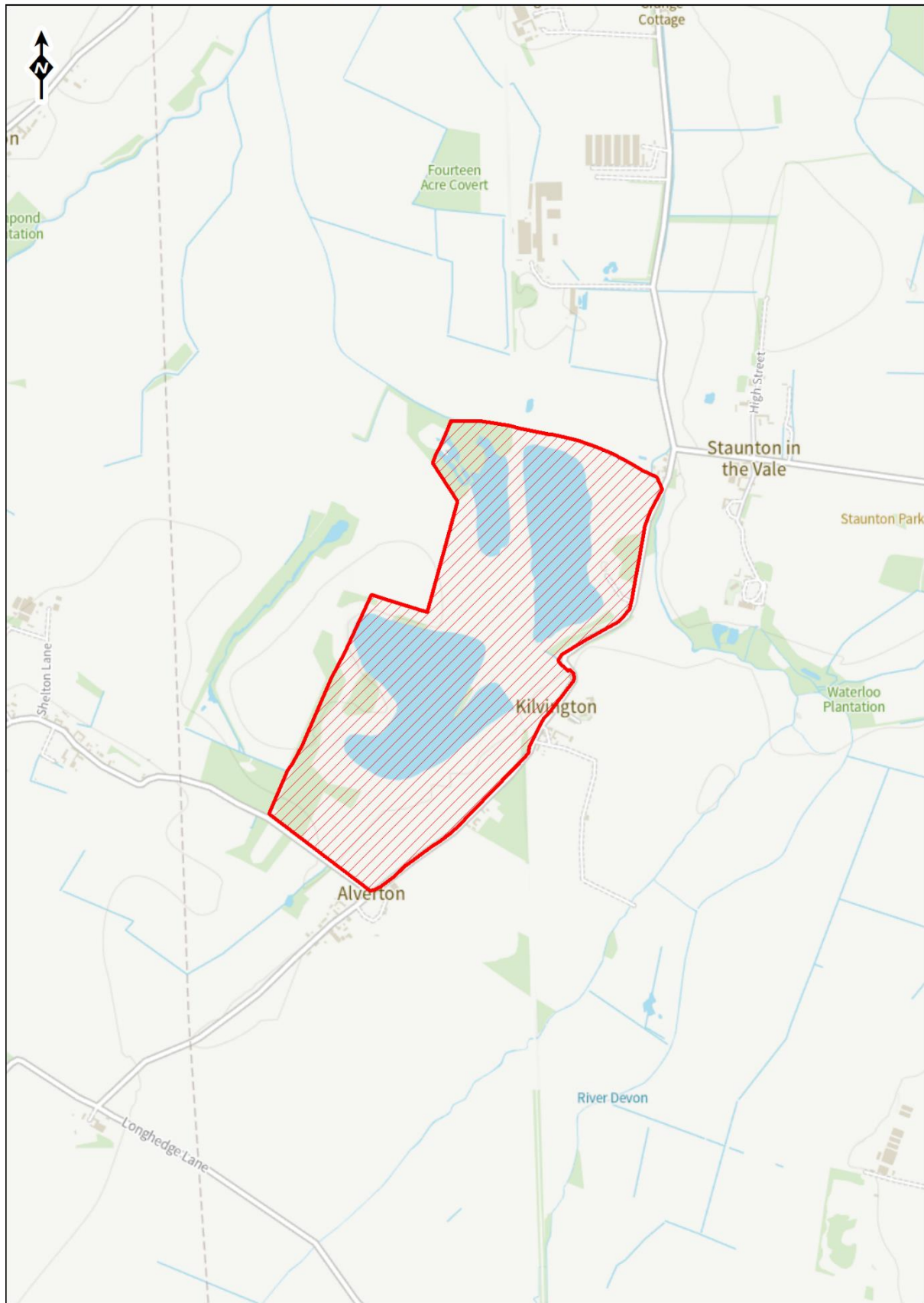
The development hereby permitted shall be carried out in accordance with plan reference K8-PK-01-11A (received 9th November 2017) showing details of a car parking area and footpath link at the end of the internal access track connecting the lodges and inn building to the watersports centre. The proposed parking area shall contain no less than 6 car parking spaces. Thereafter development of the car parking area and footpath link shall be carried out in accordance with the approved plans prior to the site being open to overnight guests.

Reason: In the interests of highway safety.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Juliette Wilson, Conservation Officer, x5859

Report Summary			
Application Number	24/00695/LBC		
Proposal	Retention of small open porch		
Location	Foxgloves, Main Street, Edingley		
Applicant	Dr Tom Dening	Agent	Mrs Liz Young Freeths LLP
Web Link	24/00695/LBC Retention of small open porch Foxgloves Main Street Edingley NG22 8BE (newark-sherwooddc.gov.uk)		
Registered	17.4.2024	Target Date	4.7.2024
		Extension of Time	19.7.2024
Recommendation	That Listed Building Consent is REFUSED for reasons set out in section 10.0		

This application has been referred to the Planning Committee by Cllr P Rainbow. The material planning reasons for the request are that: i) the Planning Committee was more concerned with the composite doors than the porch in the previous submission; ii) the porch is in-keeping with the barn and provides an important functional element for the house; and iii) the surrounding hedges provide screening from the road.

Summary of the Report

This report considers an application for listed building consent to retain a porch on the front elevation of a former barn that was converted into two residential units in 2010. The application was referred to the Planning Committee by Councillor Rainbow, who supported the applicant's view that the porch was appropriate and functional for the barn. The report explains that the barn is curtilage listed in association with a Grade II listed farmhouse, which dates back to the 17th century. The report assesses the impact of the proposal on the

character and appearance of the listed building and its setting, and concludes that the porch would be an incongruous and harmful addition that would undermine the historic and architectural value of the barn and the farmhouse.

The key issue for consideration is:

- Whether the proposal would preserve the special architectural interest of the listed building and its setting, in accordance with s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.¹

1.0 The Site

- 1.1 The application site comprises a large former agricultural barn which was approved for conversion into two residential units in 1997. At the time of the application the building was identified as curtilage listed in association with the Grade II listed Manor Farmhouse (LEN 1193536), designated 11th August 1961.
- 1.2 The application site at the date of listing was in the same ownership as Manor Farmhouse (the 'principal' listed building). It is also considered to be physically related to the former farmhouse and the building had a related function.
- 1.3 The site is accessed from the Main Street, northwest of Grade II* listed Church of St Giles.
- 1.4 Other notable listed buildings within this area of Edingley include;
 - Grade II Pair of head stone in church yard of Church of St Giles 5-metres north of the chancel (LEN 1370173), designated 13th May 1986.
 - Grade II Church Farmhouse (LEN 1045537), designated 13th May 1986.

2.0 Relevant Planning History

- 2.1 23/01338/LBC - Small open porch and installation of composite doors. Refused 16.2.2024. This is subject to an enforcement notice (ref 23/00227/ENFB) to remove the porch and composite doors: issued 1 March 24, 6 months compliance period.
- 2.2 23/01339/LBC - Installation of EV charging point. Approved 17.11.2023
- 2.3 04/00538/FUL & 04/00539/LBC – Conversion of existing garage to granny annexe. Approved 6.5.2004 & 13.5.2004
- 2.4 97/50542/FUL & 97/50543/LBC – Conversion of Farm building to one dwelling. Approved 7.3.1997
- 2.5 94/50465/FUL & 94/50464/LBC - conversion of farm buildings to two dwellings. Approved 28.7.1994

¹ This 'Summary of the Report' contains content generated by Artificial Intelligence (AI). This content has been reviewed for accuracy and edited/revised where necessary. The Business Manager takes responsibility for this content.

3.0 The Proposal

- 3.1 Listed building consent is sought for the retention of a brick built, lean-to porch.

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of two neighbouring properties have been individually notified by letter.
- 4.2 A site notice has also been displayed near to the site on 16th May 2024 and an advert has been placed in the local press on 16th May 2024.
- 4.3 A site visit was undertaken 16th May 2024.

5.0 Planning Policy Framework

- 5.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 provides a presumption in favour of the preservation of listed buildings and preservation or enhancement of conservation areas.
- 5.2 Useful advice and policy on dealing with the historic environment is set out within the following:
- National Planning Policy Framework 2023
 - Planning Practice Guidance
 - Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
 - Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment
 - Historic England (2016) Making Changes to Heritage Assets: Advice Note 2
 - Historic England (2017) Adapting Traditional Farm Buildings: Best Practice Guidelines For Adaptive Reuse
 - Newark and Sherwood Supplementary Planning Document Conversion of traditional Rural Buildings
- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies DM9 emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

6.0 Consultations

- 6.1 Comments below are provided in summary - for comments in full please see the online planning file.

Town/Parish Council

- 6.2 The Parish Council offered support for the application on the 3rd June 2024.
- 6.3 **Comments have been received from 1 third party/local resident that can be summarised as follows**
- Support the application and consider there is no impact on the surrounding properties as it is hidden from sight.
 - Materials and architectural style are in keeping.

7.0 Comments of the Business Manager – Planning Development

- 7.1 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.
- 7.2 As the applications concern designated heritage assets of a Listed Building and the Conservation Area, sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"
- 7.3 The key issue is:
- Whether the proposed works preserves the special architectural and historic interest of the listed building.

Summary of Significance of Heritage Asset(s)

- 7.4 The proposal scheme relates to a building identified as a curtilage listed building in association with Manor Farmhouse (LEN 1193536). Manor Farmhouse dates to the early 18th century and is constructed of redbrick, with a concrete pantile roof and brick coped gables with kneelers.
- 7.5 Historically associated with the farmhouse is a large agricultural building range. The building is a 'U' planform with a range of agricultural building types/uses. The building is constructed of redbrick and clay pantile. The building has typical agricultural architectural details such as threshing barn and cartshed openings.
- 7.6 Manor Farmhouse was designated on 11th August 1961. As already stated, at the time

of designation, the farmhouse and agricultural buildings were in the same ownership, physically associated (being located together at the end of the lane) and had a linked ancillary use. The agricultural buildings were converted in the 1990s, and it is noted that a listed building application was approved in 1994 and 1997 in which the Council considered it to be curtilage listed. At this time, no additional information has been provided to alter the curtilage listed status of the building.

- 7.7 The application is similar to the previous scheme that was discussed and refused at Planning Committee. For clarity, the applicant has removed the upvc doors from the current application, however the porch remains unchanged. Due to the unacceptability of the previously refused scheme, this is subject to an enforcement notice (ref. 23/00227/ENFB). The enforcement notice requires that owners to reinstate the timber doors, remove the porch and repair any damage to the brickwork. The notice has a 6 month compliance period.

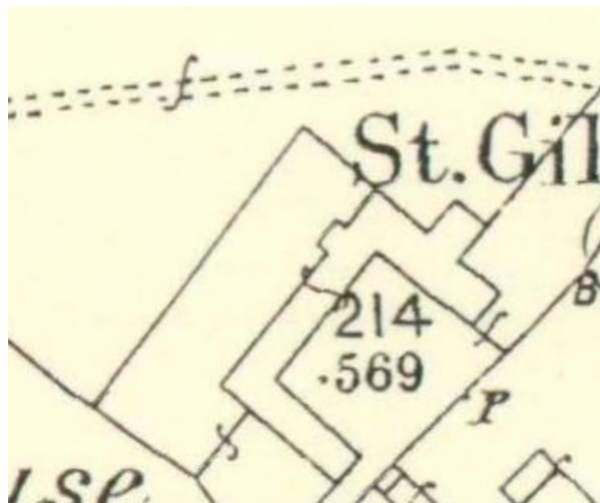
Heritage impacts

- 7.8 Historic England's Best Practice Guidelines for Adapting Traditional Farm Buildings sets out that the general principal is carefully designed extensions can be considered acceptable where they assist in the future '*safeguard of the significance*' of the heritage asset. The building was successfully converted into residential use, which allowed for the safeguarding of the building.
- 7.9 Historic England's Best Practice Guidance suggest that porches can be '*overtly domestic extensions*', which are '*alien in character and can rarely work successfully within the context of the historic fam buildings*'.
- 7.10 Porches are not a typical agricultural feature and its unsympathetic introduction, such as in this case, erodes the agricultural character of the building and therefore its contribution to the special interest of the designated heritage asset.
- 7.11 The building is a large 'U' plan form with a mix of agricultural building types. The location of the porch does not respond positively to the traditional planform and is awkwardly located between different roof forms. In addition, although the porch is constructed in brick, the choice of brick is not a good match to this part of the building (the main part of the agricultural building has an orange/red brick, and the porch is constructed with a paler brick with pink tones). The use of different bricks contributes to the extension jarring with the original part.
- 7.12 The application site is set back from the road, however, due to the openness of the site the porch is visible from the Main Street. Comments received have outlined that the porch has no visible impact form the Main Street and that surrounding hedgerows have grown since the previous application. Much of the vegetation that have grown are outside the management of the applicant. In addition, the significance of heritage assets and its setting does not depend on public views and poor design, or inappropriate alterations should not rely on screening. However, the roof and top part of the porch is visible from the wider context and the awkward relationship between the porch and the agricultural building is still apparent.

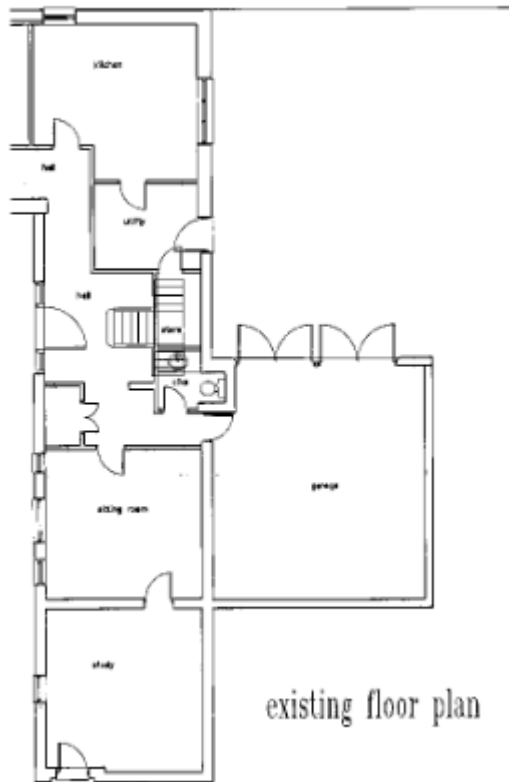
- 7.13 The porch is not considered to affect the setting of the Grade II* listed Church of St Giles due to mature tree cover and the relatively discreet location of the porch (you do not experience the church and porch at the same time).

Other Matters

- 7.14 The applicant asserts that the historic barn range has already been significantly altered, and that domestic conversion has “already removed the context of purpose and to some extent the significance of the building”. Officers accept that the conversion of the former agricultural building into a residential dwelling has inevitably introduced an element of domesticity. However, these approved alterations have contributed to a sustainable reuse of a designated heritage asset. Importantly, the listed building consent process is designed to manage change to listed buildings, and the Council has supported sensitive alterations to the building since its conversion.
- 7.15 As part of the same argument, the applicant draws our attention to a garage on the site. The garage is part of the original building. A 2004 application for the conversion of the garage to an annex, which was not implemented, outlines that the garage doors were side-hung timber doors. There is no planning history relating to the garage doors installed today. Therefore, some alterations do not benefit from listed building consent.



Extract from 1885 OS Map showing the original footprint of the agricultural building.



Extract of 'existing plans' relating to 2004 application that has not been implemented (04/00538/FUL & 04/00539/LBC)

- 7.16 The applicant also suggests that the porch is very small and has a negligible effect on the listed building. Although the porch itself is small, due to its prominence within the wider context, unsympathetic location and choice of facing brick that does not match it is considered harm is still caused to the special architectural and historic interest of the listed building, albeit less than substantial.



- 7.17 It has been raised by the applicant that the reinstatement of the timber door assists in retaining the character of the building. This, however, cannot be given weight as the upvc doors are unauthorised and subject to an enforcement notice.
- 7.18 Although no specific evidence has been submitted with the application, the applicant has raised concerns over flooding. These concerns relate to water levels around the property during Storm Babet in October 2023, where water from a nearby stream diverted down the property's drive and up to the dwelling.
- 7.19 Comments have been made, that without the porch the water would have entered the property. The Council sympathise with residents that have suffered from flooding; however, this cannot be given any weight within the assessment. The Conservation Team have experience of working with listed building owners to improve flood resilience. There are flood resilience options that are more suitable, which are less visually invasive.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1 The porch within this application is fundamentally unchanged from the previously refused application (23/01338/LBC). As the scheme has remained unchanged, it is considered the application does not address the previous reasons for refusal.
- 9.2 The introduction of an alien and overtly domestic extension results in harm to a listed building that derives significance from a rural agricultural vernacular character. The porch is constructed with brickwork that is not a suitable match to the host property.
- 9.3 The problems raised by the applicant in relation to the and flood resilience can be achieved through solutions that are more sensitive to the building's heritage status.
- 9.4 Any benefits arising from the proposal are private gains, and not heritage benefits.
- 9.5 It is considered that the development does not preserve the special interest of the listed building as required by Section 16 of the Act.

10.0 Reasons for refusal

01

In the opinion of the Local Planning Authority, the porch would result in less than substantial harm to the special interest of the listed building, by virtue of the unsympathetic extension and introduction of unsympathetic brick into the heritage asset.

The proposal is therefore contrary to the duty contained within Sections 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Section 16 of the NPPF, CP14 and DM9 of the Council's LDF DPDs, which form a material planning consideration. The identified harm is less than substantial for the purposes of the NPPF, but no public benefits have been identified that might outweigh the harm identified.

Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.



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Report to Planning Committee 11 July 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, x5907

Report Summary			
Application Number	23/01706/FUL		
Proposal	Demolition of existing vacant restaurant building (former Little Chef) and construction of Drive-Thru, Car Parking and Landscaping		
Location	Cafe Amore, Great North Road, Cromwell, NG23 6JE		
Applicant	Welcome Break Holdings Ltd	Agent	Adcock Associates - Mr Graham Adcock
Web Link	23/01706/FUL Demolition of existing vacant restaurant building (former Little Chef) and construction of Drive-Thru, Car Parking and Landscaping Cafe Amore Great North Road Cromwell NG23 6JE (newark-sherwooddc.gov.uk)		
Registered	04.10.2023	Target Date / Extension of Time	29.11.2023 / 18.07.2024
Recommendation	Approve, subject to the conditions in Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Saddington due to highways safety reasons.

Summary of the Report

The proposed development involves the demolition of the existing vacant building and the erection of a new building to be used as a drive-thru food outlet with associated parking and landscaping. The site is located within the open countryside. The new building would have a footprint of 180 square metres and a height of 4.5 metres. The design of the building would be contemporary, with a flat roof, timber cladding and glazing. The drive-thru lane would wrap around the northern and western sides of the building, with an order point and a collection window on each side. The proposed operator of the unit is KFC, a well-known international brand.

The main planning issues relating to the proposal are the principle of development in the open countryside, the impact on the character and appearance of the area, the impact on highway safety and parking, the impact on flood risk and drainage, the impact on ecology and biodiversity, and the impact on amenity. The report provides a detailed assessment of these issues and concludes that the proposal is acceptable subject to conditions.¹

1.0 The Site

- 1.1 The application site relates to a broadly triangular plot of land to the west of, and accessed from, the A1 trunk road. The site as existing contains a vacant building which was historically used by Little Chef but more recently as a café known as Café Amore (the building has been vacant since 2015). There are existing areas of hardstanding forming parking and circulation areas. To the north of the site is a petrol filling station and associated shop operated by Applegreen. The petrol station is within the same ownership as the application site.
- 1.2 The site is within the open countryside with the closest settlement being Cromwell to the north. The site is within Flood Zone 2 according to the Environment Agency maps.
- 1.3 The site has the following constraints:
 - Open Countryside;
 - Flood Zone 2.

2.0 Relevant Planning History

- 2.1 The majority of the planning history on the site is not relevant to the current application. The existing petrol filling station was approved (replacing a previous forecourt) in 2007 under reference 07/00076/FUL.

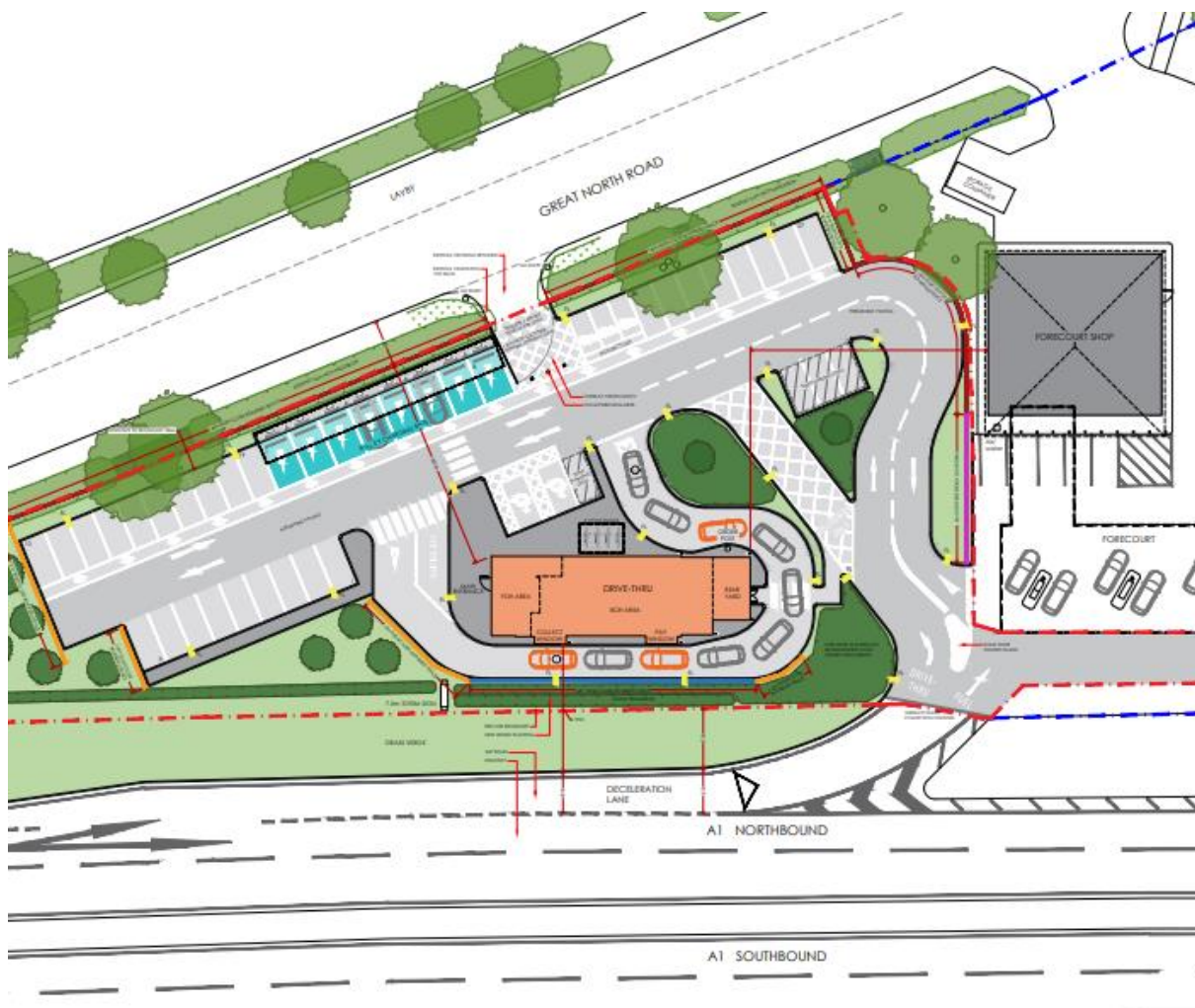
3.0 The Proposal

- 3.1 The application seeks permission for the demolition of the existing building within the site and its replacement with a standalone drive through unit with an approximate footprint of 180m² (sui generis use class). The building would have a flat roof design of an approximate 4.5m ridge height. Materials proposed include timber effect magnetic wrap panels. To clarify any advertisements would need to be subject to separate consent and are not being assessed through this application.

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- 3.2 Externally the site would provide car parking totalling 44 spaces divided into 27 spaces for cars / light vans; 2 disabled spaces; 4 staff parking spaces; 3 spaces for motorcycles and 8 EV charging bay spaces. There would also be provision for 4 cycle stands.



3.3 The application has been considered based on the following plans and documents:

- Design and Access Statement – AA/Welcome Break/22934/DASv2/February 2024;
- Planning Statement – AA/Welcome Break/22934/PSv2/February 2024;
- Transport Statement – 3706422 dated August 2023;
- Landscape and Visual Appraisal – 3139-LVA dated August 2022;
- Figures and Visuals 3139 dated August 2022;
- Landscape Mitigation Plan – 3139-001 Rev. D;
- Flood Risk Assessment and SuDS Report – 4061 Rev. B;
- Day Time Bat Survey dated August 2022;
- Site Survey – S5641;
- Location and Block Plan – 22934 PA01d;
- Existing Site Layout – 22934 PA02;
- Existing Site Elevations – 22934 PA03;
- Proposed Site Layout – 22934 PA04j;
- Proposed Site Layout Swept Path Analysis – DTP/3706422/ATR001 Rev. D;
- Proposed Site Elevation – 22934 PA05b;
- Proposed Building Elevations – 22934PA06b;
- Proposed EV Canopy Elevations – 22934 PA07;
- Existing and Proposed Floor Plans – 22934 PA09a;

- Overlay Layout – 22934 PA08c;
- Landscape Mitigation Plan – 3139-001 Rev. C;
- Letter response to National Highways comments dated 8th February 2024.
- Letter from Dynamic Transport Planning dated 4th December 2023;
- Horizontal Illuminance (lux) 3267 Rev. P01;
- Dynamic Transport Planning, Technical Note 2 3706422 dated June 2024;
- Lighting Strategy – 32673267-DFL-ELG-XX-RP-EO-13001 Rev. P02 dated 18th April 2024;
- Light Spill Diagram – 3267-DFL-ELG-XX-CA-EO-13001-S3-P02 dated 18th April 2024.

4.0 Departure/Public Advertisement Procedure

- 4.1 There are no immediate neighbours to notify by letter so a site notice has been displayed near to the site.
- 4.2 A site visit was undertaken on 9th October 2023.

5.0 Planning Policy Framework

5.1 Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 8 – Retail & Town Centres
- Core Policy 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2 Allocations & Development Management DPD

- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM8 – Development in the Open Countryside
- DM11 – Retail and Town Centre Uses
- DM12 – Presumption in Favour of Sustainable Development

- 5.3 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited.

As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Landscape Character Assessment SPD

6.0 **Consultations**

6.1 *NB: Comments below are provided in summary - for comments in full please see the online planning file.*

(a) Statutory Consultations

6.2 **National Highways** – No objections.

6.3 **Nottinghamshire County Council (NCC) Highways** – No objections subject to conditions.

(b) Parish Council

6.4 **Cromwell Parish Council** – Object:

The parish warmly welcomed the possibility of full and part-time employment for young people, and the meeting was quite happy to accept the demolition of the Café Amore.

Concerns were expressed about the use of the slip-road for delivery vehicle access and for the possible use of this road for patrons to leave the site. The 60mph, two-way slip-road has been a problem in the village for many years and N&SDC have spent considerable sums of money to improve road-safety on this bus route by reducing HGV parking and repairing the over-loaded road surface. The road simply has too much traffic attempting to do too many different things in a very short distance and at the same time. Further loading would exacerbate the existing serious and expensive problems. It was felt that the slip-road entrance should remain closed and delivery drivers should use the main entrance.

There is already confusion over the correct place to leave the A1 with ordinary traffic attempting to use the HGV entrance to the service station. Clear signage on the A1 will be a necessity but this may require permissions from other authorities which may not be granted.

The exit and entrance at the A1 will be a danger point, with traffic to the service station and to & from the café all meeting and crossing at the same point.

If vehicles use head-lights at night as they follow the prescribed circle around the café then their head-lights will dazzle north-bound traffic on the A1. The signage referred to above might be useful in screening out this danger but would be distracting and unsightly. The proposed hedge is deciduous.

The proposal may worsen the unofficial HGV park on the western "verge" of the slip-road.

Some provision for litter bins at frequent places in the proposed car parking area would seem to be advisable.

(c) Representations/Non-Statutory Consultation

6.5 **Trent valley Internal Drainage Board** – The Board maintained Norwell Lane Drain, a watercourse, exists to the west of the site and to which byelaws and the Land Act 1991 apply.

6.6 No letters of representation have been received.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues are:

1. Principle of Development
2. Impact on Town Centre
3. Impact on Flood Risk
4. Impact on the Open Countryside and the Visual Amenities of the Area
5. Impact upon Highway Safety
6. Impact upon Trees and Ecology
7. Impact upon Residential Amenity

7.2 The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD.

Principle of Development

7.3 The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The settlement hierarchy for the District is set out in Spatial Policy 1 (Settlement Hierarchy), whilst Spatial Policy 2 (Spatial Distribution of Growth) deals with the distribution of growth

for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of geographically defined village boundaries and fall to be assessed against Spatial Policy 3 (Rural Areas Rural Areas). Beyond these, on sites within the open countryside, development will be assessed against Policy DM8 (Development in the Open Countryside).

- 7.4 The development would include the demolition of a building last used as a café – Use Class E. Despite being vacant, the site can reasonably be considered to include a community facility protected by Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities). However, the replacement of the building with a drive through unit would comply with Spatial Policy 8 in that it would provide sufficient alternative provision.
- 7.5 Despite its close proximity to Cromwell, the site is distinctly separated from the village and is therefore considered as being within the open countryside. Policy DM8 does outline a number of potentially permissible development types within the open countryside of which a number are potentially relevant to the application at hand. The most relevant of these are taken in turn below (the numbers correspond to the numbers within the policy).

1. Replacement of Non Residential Buildings

- 7.6 The existing building on site was last in use as a café – use Class E - which ceased operation in 2015. The majority of the building (including the windows facing towards the A1) have been painted in a dark grey colour. However, there is nothing to suggest that the previous use has been abandoned and therefore the building relates to an established use of a permanent design and construction (but not of architectural or historical merit). Policy DM8 stipulates that the replacement building should be located within the curtilage of the site it is intended to serve. Although the proposed building would be in a different position to the existing, this is due to the functional requirement to be able to provide a drive through facility around the building. It would still be located within the curtilage of the site it is intended to serve and subject to a condition requiring the demolition of the existing building there is no objection in principle to a different siting.
- 7.7 The proposal would replace a Class E use building with a sui generis use. However, the classification as a sui generis use is purely due to the drive through element. The remainder of the business, i.e. the preparation and sale of food is well related to a Class E restaurant / café use which is established on the site. The use is therefore considered to be related to an established use and therefore would comply with the replacement of non residential buildings criteria of Policy DM8.

8. Employment Uses

- 7.8 There are two elements to the employment criterion of Policy DM8, one relating to small scale employment development and the other relating to the proportionate

expansion of existing business. The latter is considered loosely relevant to this proposal in that it would be within the same ownership as the petrol filling station to the north and therefore could be considered as an expansion of these facilities. In order to comply with this element of the policy, the expansion needs to be considered proportionate and demonstrate an ongoing contribution to local employment. Moving back to the element of the policy allowing small scale employment development, this is required to demonstrate the need for a rural location and a contribution to providing rural employment.

- 7.9 The scale of the building would not be insignificant at 180m² (slightly smaller than the building to be demolished) but given the scale of the petrol filling station and associated shop, it would still be modest in comparison. I therefore do consider that it would represent a proportionate expansion which would provide additional employment in connection with Core Policy 6 (Shaping our Employment Profile). However, I am mindful that the two uses whilst being linked due to their proximity are not intrinsically linked (i.e. both could and would to some users operate independently to one another). To consider the development as a proportionate business expansion is therefore perhaps not a neat fit to this part of Policy DM8.
- 7.10 Notwithstanding the above, the development would represent a small-scale employment development and redevelopment of a former similar employment use of the site. As explored further below, there is justification for a rural location on the basis that its intention is to serve the passing trade of users of the A1. There would therefore also be policy support for the development under the employment use criteria.

10. Roadside Services

- 7.11 Policy DM8 outlines potential support for roadside services provided a justified need for the location can be demonstrated and that the scale of the development is restrained to the minimum necessary to serve the need and protect the surrounding landscape in its design.
- 7.12 The application submission states that the proposed facility is typical of roadside facilities that support the motoring public and would be complimentary to the adjacent fuel filling station. Whilst I can appreciate the merit in being located adjacent to the A1 I do not consider that the application submission includes a justified need for the particular location. However, given the other identified policy support in principle (namely as the replacement of a non-residential building which offers a similar roadside service), I do not consider that it would be necessary or proportionate to insist on further evidence at this stage.
- 7.13 As above the proposal would relate to numerous criteria within Policy DM8. It would most neatly align with the replacement of a non-residential building and would comply in full with this element of the policy. The principle of the development is therefore acceptable subject to an assessment against all other material planning considerations as undertaken below.

Impact on Town Centre

- 7.14 The glossary within the NPPF is explicit in identifying a drive through restaurant as a main town centre use. Core Policy 8 (Retail & Town Centres) states the following in relation to town centre uses:
- 7.15 *Follow a sequential approach to the location of new main Town Centre uses and retail development. In line with national policy, and following the approach set out in Policy DM11 'Retail and Town Centre Uses', this will require proposals to be firstly located within a centre, then edge-of-centre and only if no suitable sites are available will consideration be given to out-of-centre locations.*
- 7.16 The site cannot be considered as within a centre or even at the edge of a centre. However, it is material to the application that the site already hosts a town centre use which, although vacant, could be brought into use at any time. The replacement of one town centre use with another would therefore have no net impact on the vitality and viability of town centres in the District.
- 7.17 The proposed development will very much serve passing trade of the users of the A1 and is unlikely to be a destination which would divert people from the town centres (the nearest being Newark). In this case the use of an out of centre location is considered acceptable and there is no demonstratable conflict with Core Policy 8 which would warrant resistance of the application.

Impact on Flood Risk

- 7.18 Core Policy 10 (Climate Change) of the Amended Core Strategy and Policy DM5 (Design) of the Allocations and Development Management DPD states that new development shall be steered away from those areas at highest risk of flooding, by applying the sequential approach to its location (which corresponds with the requirements of national policy). To pass the Sequential Test, the application must demonstrate that there are no reasonably available sites in lower risk Flood Zones in which the development can be located.
- 7.19 The entire site is within Flood Zone 2 according to the Environment Agency maps. The site is however at very low risk of surface water flooding. The proposed development would be a 'less vulnerable' use under the flood risk vulnerability classification. This type of development within Flood Zone 2 is considered appropriate against Table 3 of the Technical Guidance to the NPPF but this in itself does not negate the need to apply the sequential test.
- 7.20 The application has been accompanied by a site specific flood risk assessment (FRA) and drainage strategy. However, this document is silent on the need to apply the sequential test and therefore there is no evidence to demonstrate that there are not more sequentially preferable sites for the development.
- 7.21 Given the purpose of the development, to serve road users, it is accepted that the extent of the sequential test in this case could be reasonably reduced to be in proximity

to the A1 (and also have some allowance for a reasonable distance between other facilities of a similar nature).

- 7.22 Officers have carefully considered whether or not it would be reasonable to insist of further evidence of the sequential test in order to determine the application. However, it is noted again that there is an existing building within the site which is proposed to be demolished as part of this application. The overall net development would therefore remain as existing and as above there is nothing to suggest that the existing building could not serve its established use (notwithstanding that this would be undesirable for the proposed development given a lack of drive through facility). The existing building has a marginally larger footprint than the proposed and therefore subject to its demolition there would be no net additional development (the site is also already laid to hardstanding).
- 7.23 In relation to the sequential test (ST), it is considered reasonable to take a pragmatic approach to this. Consideration to alternative sites should be given but noting that this is a replacement of an existing building in predominantly the same use and of the same size, it is not considered necessary to consider alternative sites. Therefore, whilst not strictly complying, the development is considered acceptable.
- 7.24 The submitted FRA details that the site would utilise an infiltration strategy for drainage which has been designed to manage the 100 yr +40% climate change flood event. Details of required maintenance have also been provided. Subject to a condition securing the drainage provisions outlined, I am satisfied that the proposal is acceptable in respect to flood risk.

Impact on the Open Countryside and the Visual Amenities of the Area

- 7.25 Core Policy 9 (Sustainable Design) of the Core Strategy requires a high standard of sustainable design that protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 echoes this stating that the District's landscape and character should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 7.26 As detailed in Core Policy 13 (Landscape Character), the Council has commissioned a landscape character assessment for the District in a supplementary planning document (SPD). The site is within the Trent Washlands regional character area policy zone 11: Cromwell, North and South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands. As implied by the name, the policy zone covers a wide area with characteristic visual features being large scale intensive arable landscapes and a landscape fragmented by busy roads and a railway. Both the condition and sensitivity are considered to be moderate. Specific actions for the policy zone include concentrating new development around existing settlements.
- 7.27 The application has been accompanied by a Landscape and Visual Appraisal (LVA) based on an approximate 1.1km study area. The zone of theoretical visibility for the proposed development is based on a bare earth model which does not include existing

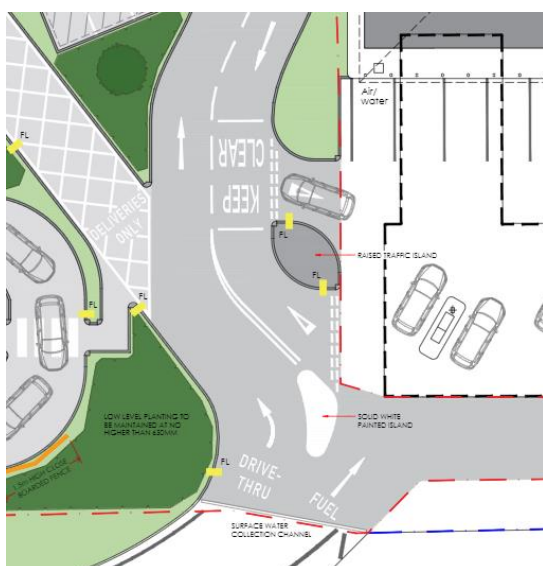
vegetation or structures or any mitigation planting or bunding. Overall, the LVA concludes that the proposed development will have no significant effects on any of the landscape elements, landscape character or landscape designations assessed.

- 7.28 The building would be modest in its height and extent. It would also replace an existing building of a marginally larger footprint however the proposed development also includes other features including the EV canopy which would potentially increase the visual impacts compared to the existing position. Nevertheless, it is accepted that to be functional as a roadside facility the development would need to have some level of visibility in the immediate landscape. The use of timber effect panels to the building would not necessarily be in keeping with the local vernacular but given the modest height of the building would have a neutral impact on the character of the area to a degree that it would not be reasonable to insist on alternative materials being used. Specific details of advertisements would need to be subject to separate consent.
- 7.29 A landscape mitigation plan has been developed in conjunction with the LVA process. The proposed planting will provide some partial screening / filtering of the proposed development which will visually soften the built form. The delivery of the proposed landscaping can be secured by condition and on this basis the development is considered to have acceptable visual and character impacts.

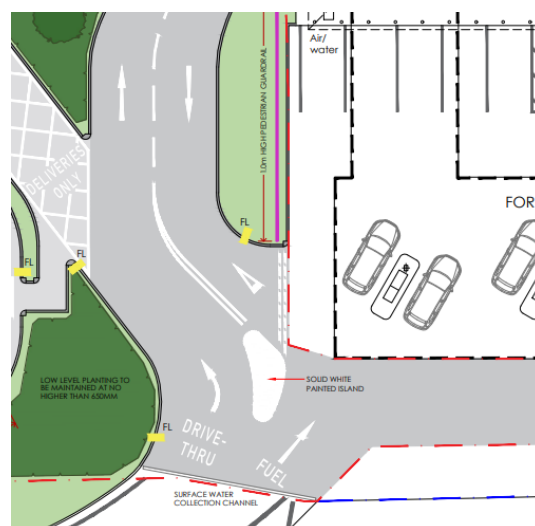
Impact upon Highway Safety

- 7.30 Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to secure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the Allocations and development Management DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.31 The proposal concerns both the local and the strategic road network with available accesses from the A1 trunk road and Great North Road to the west. It is noted through the Parish Council comments and the Local Member referral that there are concerns locally with the potential impacts on the highways network.
- 7.32 Both NCC Highways and National Highways (NH) have been consulted on the application. The original comments of NCC raised numerous concerns relating to various matters including provision for staff parking and potential interactions between users of the proposed facility and the existing filling station. National Highways also sought further information in their original comments including in relation to drainage and lighting which would have potential impacts on the A1.
- 7.33 The agent has submitted further information during the application to address these concerns including through various revisions to the proposed site layout plans and updated swept paths. An updated Transport Note (TN) has also been provided to explain the impacts of the development but also as an acknowledgement that there is an existing restaurant building on the site which represents a reasonable fall-back position to the development in terms of movements to the highway network. The intention of this development is to modernise the existing roadside facility (and create the drive through element).

- 7.34 Based on the updated information provided, both statutory consultees (NH and NCC) have removed their initial objections and now offer no objections.
- 7.35 NH have accepted the lighting strategy submitted which demonstrates that there will be minimal light spillage onto the adjacent northbound carriageway of the A1. Lamps are to be configured in a downward direction with back panels to reduce further impacts. Fencing around the site would prevent users of the A1 being dazzled by the headlights of vehicles moving in and around the site.
- 7.36 NCC have commented in detail on numerous occasions with their latest comments now offering no objections subject to conditions. It is accepted that the swept path plots and parking arrangements are now acceptable. A vehicular link between the adjacent filling station and the proposed site has been removed to prevent conflicting movements between vehicles manoeuvring within the forecourt area of the filling station (i.e. performing U turns) which would potentially create an unsafe environment for drivers.



Previous site layout proposed (Rev. g)



Site layout now proposed (Rev. h)

- 7.37 The conditions presented by NCC include provision of bound material for the parking and servicing areas as well as the requirement for a construction method statement which are considered reasonable. Various conditions have been suggested in relation to the access point from Great North Road (C200) including preventing cycle and pedestrian movements. The site plan shows that at this access there would be a lockable gate and that it would only be use for delivery and refuse vehicles. Other conditions can be used to control this and once these are in place access for pedestrians and cyclists would be prevented to a degree that a separate condition (which would be difficult to enforce) would not be necessary. A condition is also suggested for a signage scheme which is considered reasonable in directing traffic where necessary (i.e., no entry signs at the C200 access).
- 7.38 A condition is suggested requiring details of lighting but these have already been

provided through the application (to the satisfaction of NH) and therefore it would be unreasonable to condition these again. It is suggested that there should be a condition requiring 'freely available toilet facilities' on the basis that this would prevent pedestrian movements between the site and the adjacent filling station. The floor plans show that the building would have a wheelchair accessible toilet and therefore a separate condition requiring this would not be necessary.

- 7.39 The comments from NCC make reference to a condition to restrict permitted development from other Class E uses. However, given that the proposal is for a sui generis use, such rights would not exist and therefore this condition would not be necessary.
- 7.40 Based on the revised details submitted throughout the application, the proposals would be safe in highways terms in compliance with Spatial Policy 7 and Policy DM5.

Impact upon Trees and Ecology

- 7.41 Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 (Biodiversity and Green Infrastructure) states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network.
- 7.42 The site as existing is largely laid to hardstanding serving the existing building with some grassed areas throughout the site. There are some existing trees primarily along the western boundary of the site but these are already adjacent to areas of hardstanding forming existing parking areas and therefore the proposed development would have no detrimental impacts or necessitate removal of any of the existing tree specimens with the site. The proposed building would be set within the site some distance from the site boundaries where the trees are. The proposed EV canopy would be closer to existing trees but still outside of the canopy spread and it would be a lightweight structure which would prevent any detrimental impacts to existing trees. As detailed at paragraph 7.29 the proposed development includes additional planting which can be secured by condition.
- 7.43 The proposal involves the demolition of an existing building and therefore the application has been accompanied by a bat survey. No evidence of bat activity was found at any of the buildings or structures on site. The building proposed for demolition is considered to offer negligible potential to support a bat roost and therefore no further survey works are recommended.
- 7.44 The landscape proposals mentioned above will offer an opportunity to increase the biodiversity on site through additional planting. The proposal is therefore compliant with Core Policy 12 and Policy DM7.

- 7.45 The application was submitted some time before Biodiversity Net Gain legislation came into force and therefore there is no requirement for the proposal to deliver a mandatory 10% biodiversity net gain.

Impact upon Residential Amenity

- 7.46 The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Policy DM5 of the Allocations and Development Management DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.
- 7.47 The nearest residential neighbours are some distance away (over 175m) in the village of Cromwell. The proposed building is modest in height such that it would have no impacts in terms of overbearing or overshadowing given the distances to residential properties. Any comings and goings to the site are unlikely to be perceivable in the context of the proximity of the A1 (and its associated noise). No amenity harm has therefore been identified and given a lack of harm it is not considered necessary to condition hours of use for the building.

Other Matters

- 7.48 The proposal would bring benefits including employment in the form of 30 jobs (15 full time and 15 part time). This is supported through both local and national policy. Other benefits include the provision of EV charging points.

8.0 Implications

- 8.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

- 9.1 The site has already serves a Class E use albeit it is understood the building has been vacant for some time. There is no objection to the demolition of the existing building in principle and its replacement with a building of a sui generis drive through use complies with the replacement of non-residential buildings set out in Policy DM8. The proposal is therefore acceptable in principle despite its countryside location.
- 9.2 Although the site is at risk of flooding, the proposed development would have no net impact on flood risk given the existing use of the site. Specific drainage outlined by the submitted FRA can be secured by condition.
- 9.3 Matters of highway safety have been addressed during the application and as above the proposal would be acceptable in all other respects.

9.4 The proposal would provide employment opportunities and in the absence of any demonstratable harm the recommendation is one of approval subject to the conditions set out below.

10.0 Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

No development including demolition, other than site clearance, shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The details of temporary fencing to be erected and retained during the construction period including measures of tree protective fencing;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction including wheel washing facilities;
- a scheme for recycling / disposing of waste resulting from demolition and construction works;
- hours/days of proposed construction (which shall not be outside the hours of Monday to Sunday 06:30 to 18.00hrs).

Reason: To protect the amenity of the surrounding area.

03

Prior to the building hereby approved being brought into use, the existing building shall be demolished in full and all materials removed from site.

Reason: To ensure that the development takes the envisaged form and does not lead to two buildings within the site.

04

No part of the development hereby permitted shall be brought into use until details of signage directing vehicular and pedestrian traffic have been submitted to and approved in writing by

the Local Planning Authority. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority. The approved signage scheme shall be maintained for the life of the development.

Reason: In the interest of highway safety.

05

No part of the development hereby permitted shall be brought into use until the site access and parking/servicing/turning areas are provided, in a bound material and with markings, in accordance with the scheme illustrated on the approved site layout plan (drawing number PA04j). The parking/servicing/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles and shall be maintained for the life of the development.

Reason: In the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until the cycle stands and EV charging bays have been provided on site in accordance with the details shown on plan reference Proposed Site Layout – 22934 PA04j.

Reason: To promote sustainable means of travel.

07

Prior to the development hereby approved being brought into use, the boundary treatments shown on plan reference Proposed Site Layout – 22934 PA04j shall be provided in full and thereafter retained for the lifetime of the development.

Reason: In the interests of highways safety and visual amenity.

08

The approved hard and soft landscaping scheme as shown on plan reference Landscape Mitigation Plan – 3139-001 Rev. D shall be carried out within 6 months of the building first being brought into use or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

09

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans and documents reference;

- Location and Block Plan – 22934 PA01d;
- Proposed Site Layout – 22934 PA04j;
- Proposed Site Elevation – 22934 PA05b;
- Proposed Building Elevations – 22934PA06b;
- Proposed EV Canopy Elevations – 22934 PA07;
- Existing and Proposed Floor Plans – 22934 PA09a;
- Lighting Strategy – 32673267-DFL-ELG-XX-RP-EO-13001 Rev. P02 dated 18th April 2024;
- Light Spill Diagram – 3267-DFL-ELG-XX-CA-EO-13001-S3-P02 dated 18th April 2024.
- SUDS Drainage Strategy 4061 SK01 (Appendix H of the Flood Risk Assessment and SuDS Report – 4061 Rev. B);

Reason: So as to define this permission.

10

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

11

No external storage shall take place unless a plan showing the external storage area and means of demarcation have been submitted to and approved in writing by the Local Planning Authority. No external storage shall take place outside of any approved area.

Reason: In the interests of residential and visual amenity.

12

The gate at the site egress onto the C200 Great North Road shall open inwards only and shall always be closed and locked except when HGV access and egress is required for vehicles servicing the site. Such access and egress shall be supervised by a member of site staff.

Reason: In the interests of highways safety.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are

available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Advertisement consent will be required for any associated adverts.

04

The Board maintained Norwell Lane Drain, an open watercourse, exists to the West of the site and to which Byelaws and The Land Drainage Act 1991 applies.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

05

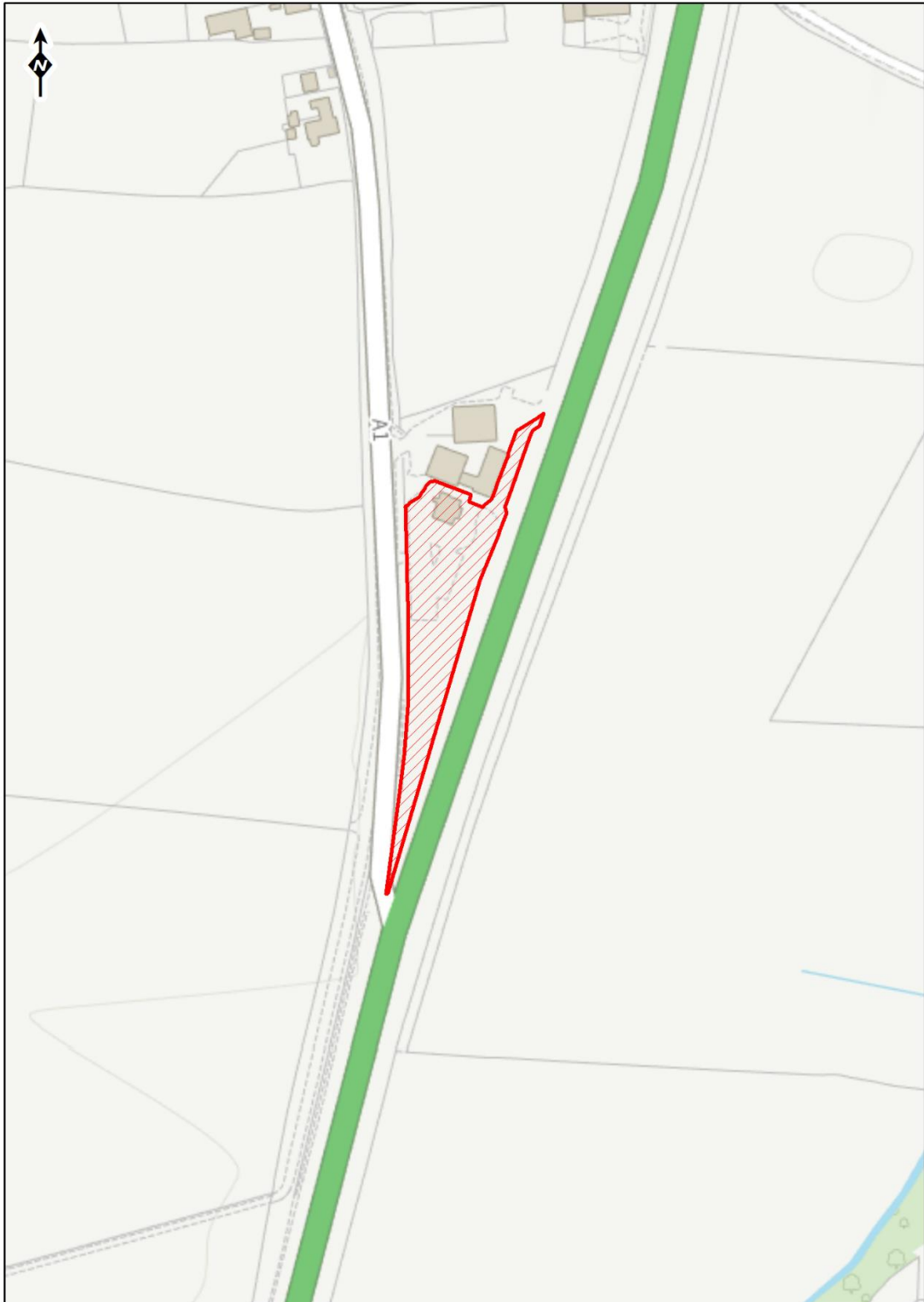
You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at info@eastmidlandsbc.com via phone on 0333 003 8132 or via the internet at www.eastmidlandsbc.com.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents

listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.
Application case file.



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Report to Planning Committee 11 July 2024

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, Ext.5565

Report Summary	
Report Title	Planning Application Validation Checklist 2024
Purpose of Report	To update the Council's Planning Application Validation Checklist in line with Government guidance and legislation.
Recommendations	<p>a) the Planning Application Validation Checklists is adopted as set out within the Appendix.</p> <p>b) the checklist is reviewed every 2 years in accordance with the Development Management Procedure Order.</p> <p>The planning application validation checklist will contribute towards assisting with:</p> <ul style="list-style-type: none"> ▪ Delivering inclusive and sustainable economic growth; ▪ Creating more and better quality homes; ▪ Enhancing and protecting the district's natural environment.

1.0 Background

- 1.1 Members will recollect agreement was sought from Planning Committee on 15th February 2024 to undertake an 8-week consultation on the Draft Planning Application Validation Checklist. This took place between 2nd April to 28th May 2024 with professional agents (who submitted applications within the past 12 months), applicants, consultees, Members, Town and Parish Councils and neighbours to planning proposals via the website. In addition, details of the consultation were placed on the Council's website.
- 1.2 This checklist has been prepared to provide guidance to applicants on the information required to be submitted with a planning application in order to assist a timely decision. The previous checklist was adopted in 2021 and since this time there has been a significant number of changes to policy and legislation meaning it is appropriate to review this.
- 1.3 Information is required to determine a planning application. The Government introduced, on 6 April 2008, a national list of documents and information necessary in order to validate planning applications. These comprise, as set out in within the National Planning Practice Guidance (Paragraph: 016 Reference ID: 14-016-20140306 Revision date: 06 03 2014):
 - Completed application form

- Correct application fee
 - Compliance with national requirements which includes;
 - Site Location Plan (showing the site in relation to the surrounding area)
 - Ownership Certificate and Agricultural Land Declaration
 - Provision of local information requirements
 - Information relating to biodiversity net gain – whether the applicant believes the development would or would not be subject to the statutory biodiversity condition
- 1.4 In addition, a Design & Access Statement Fire Statement are required for certain planning applications. There are also specific requirements set out for Outline planning applications which requires an indication of the area or areas where access points to the development will be provided to be shown, even if access is a reserved matter. Applications subject to Environmental Impact Assessment also require an Environmental Statement.
- 1.5 Other information required such as elevations or floor plans of the proposal, statements such as flood risk are not included within the national list and fall within a local list. The Council has a local list, which was last amended in 2023.
- 1.6 Councils are able to adopt a local list clarifying the information required to determine an application. The information required will be dependent upon the application type, scale and location. Information within the local list and required when validating the application must be:
- reasonable having regard, in particular, to the nature and scale of the proposed development; and
 - require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.
- 1.7 These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO).
- 1.8 It is also possible for an applicant, if a Local Planning Authority determine that additional information is required in order to validate the application, to dispute this by issuing a notice under article 12 of the DMPO. There is then a process for both the Local Planning Authority and applicant to go through. Very few applications are disputed in terms of the information provided due to the criteria above (reasonableness) being complied with.
- 1.9 Legislation sets out that a local list is required to be published on a Council's website and, in order to be able to ask for information listed within the checklist, this has to be reviewed every 2 years.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 12 responses have been received, which are set out within the table at the foot of this report, with officer response and whether or not the checklist has been amended. The checklist (attached as an Appendix) has been updated accordingly with the amendments shown in red for new and/or amended text and crossed through for text to be deleted.
- 2.2 The amendments should assist in meeting the legislative requirements as set out above as well as ensuring the correct information is submitted with applications. In anticipation of Planning Committee approving these amendments, it will ensure the Council is able to rely on the validation checklist in terms of local requirements in order to validate applications.

3.0 Implications

- 3.1 In writing this report and in putting forward recommendations, officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Planning Committee – 15th February 2024 – Planning Application Validation Checklist Consultation

Planning Committee – 20 April 2023 – Planning Application Validation Checklist

Planning Committee – 15 February 2007 – Best Practice Guidance on the Validation of Planning Applications

Respondent	Comment Made	Council's Response	Amendment to Checklist
Armstrong Ecology	<ul style="list-style-type: none"> I broadly understand and support the drive to have the additional detail with respect to how biodiversity net gain will be achieved up front/at the application stage and am of the opinion that this is also in the applicants best interests. The requirement for the Biodiversity Net Gain strategy to be a separate document is overly onerous and makes for complication/a paper chase. There should be allowance for the potential for inclusion of this detail into a section or appendix within the relevant ecology report for the site - which would be much clearer and keep all the relevant detail in in [sic.] document. The requirement for the BNG strategy/plan to be produced by a professional ecologist strays from the intent that the small sites metric could be capable of being used by other competent people: <ul style="list-style-type: none"> In instances where the small sites metric has been completed by a competent person other than a professional ecologist it would only be reasonable for the same allowance to also be made for the BNG strategy/plan and other relevant documents such as the HMMP (where required). Similarly where the BNG strategy/plan is simple/straight forward and does not deal with complex ecology provision it would be 	<p>1st bullet: Comment noted.</p> <p>2nd bullet: Noted, it is not considered that this is overly onerous given that the checklist makes it clear that duplication of information should be avoided and in many instances it will likely just be a case of referencing where the required information is elsewhere.</p> <p>3rd bullet (incorporating sub-bullets): Choice of words in the checklist has been carefully drafted and perhaps missed by the respondent; <i>"The Biodiversity Net Gain Strategy should be prepared by a suitably competent professional ecologist..."</i>. It is our view that in many situations where BNG assessments are undertaken by non-specialists that there are likely to be errors which ultimately could prove to be more expensive for applicants to address than would have been if they had employed an ecologist in the first instance. Hence our stance which we believe allows the flexibility that the respondent is seeking.</p>	<p>1st bullet: No changes to the checklist.</p> <p>2nd bullet: No changes to the checklist.</p> <p>3rd bullet (incorporating all sub-bullets): No changes to the checklist.</p>

	<p>reasonable for this to be prepared by competent people other than a professional ecologist, possibly drawing on information produced by a professional ecologist in some instances.</p> <ul style="list-style-type: none"> ○ The requirement to give statements ref the mitigation/BNG hierarchy and adherence to BNG good practice requirements is likely to make this more complicated than it needs to be and have the unintended consequence of excluding other competent people. ○ To give some context to this - there are only so many consultant ecologists in circulation and not all of this workload for small sites can realistically be undertaken by a professional ecologist in every case/it would be unreasonable to anticipate that it could. Some flexibility for small sites would therefore seem reasonable in this context. • The policy with respect to significant enhancement that is referenced looks to be set too low: <ul style="list-style-type: none"> ○ The triggering of the need for a HMMP for anything other than the habitats specified in the policy is likely to be unreasonably onerous in many cases/contexts particularly where simple measures such as tree planting and modified grassland feature within a sites landscape plan and information in the landscape plan/provided 	<p>In respect of the context of the resourcing issue regarding the number of available ecologists. This applies equally to local authorities, and having submitted ecological assessments completed by competent ecologists helps by reducing the time needed to get unacceptable submitted information corrected.</p> <p>4th bullet: 1st sub-bullet: The rationale for significant enhancement is set out in the policy. This has been driven by the fact that the Government has not published criteria defining what constitutes ‘significant on-site enhancement’, it has only provided examples. Invariably, this creates a situation where it is very difficult to apply a consistent and transparent approach to this matter across all applications required to provide mandatory BNG. Different applicants/agents will have different views as to what they consider to be ‘significant’ and this</p>	<p>4th bullet (incorporating all sub-bullets): No changes to the checklist.</p>
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	<p>by a landscape architect is likely to be sufficient.</p> <ul style="list-style-type: none"> ○ The setting of the trigger with respect to significant enhancement/a HMMP at the low level set out is likely to have the unintended consequence of stymying the inclusion in landscape plans of features of slightly higher interest (that are none the less predictably and reliably achievable) into a sites landscape plan such as tree planting (in POS/outside of domestic gardens), modified grassland and small areas of wildflower seeding in order to avoid triggering the need for a HMMP. In such cases information in the landscape plan/provided by a landscape architect is likely to be sufficient rather than a HMMP being required. Equally in many instances a landscape architect is likely to be competent [sic] to produce [sic] an HMMP. • Justification should be given with respect to the need for GIS/CAD files to be provided and 	<p>would likely result in a considerable amount of time for the relevant LPA ecologist to resolve across multiple applications. We do not consider that this is onerous in respect of the Habitat Management and Monitoring Plan (HMMP) as the scope and depth of that plan can be relative to the complexity of the habitats and their subsequent management. It is our view that this policy provides clarity and direction for applicants.</p> <p>2nd sub-bullet: The example given by the respondent does not appear to make sense. Anything that is essentially green infrastructure outside of domestic gardens will be contributing to the BNG offsetting and will require a HMMP so the exclusion of the features mentioned would not have the effect of avoiding the need for a HMMP.</p> <p>5th bullet: The BNG calculation is based on accurate measurements of habitat areas. These are</p>	<p>5th bullet: Checklist amended.</p>
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	<p>the acceptability (or not) of other formats such as MapInfo.</p> <ul style="list-style-type: none"> It would be reasonable for the Strategic significance mapping to be made available in one or all of the following ways: <ul style="list-style-type: none"> Downloadable in GIS/CAD format. Searchable online such as via Insight Mapping or as part of a Local records search output 	<p>calculated via some form of digital mapping/drawing. It is not uncommon for overlap of habitat areas and for the habitat areas to not correspond with the application redline boundary, which then makes the calculation incorrect. Consequently, we are asking for these so that we can make the necessary checks, but asking for this information in the knowledge that this is data that applicants and their contracted ecologists will already have, so it places no, or minimal, additional burden on the applicant. Most applicants and their agents will be using QGIS software and .shp files. The intention was not to exclude other file formats so in response an amendment is recommended.</p> <p>6th bullet: 1st and 2nd bullets. As an initial response, we have had an informal discussion with the Local Records centre and will further this to investigate the feasibility of making the strategic significance mapping available in other formats. However, this will only relate to the Focal Areas, as Local Wildlife Sites information is currently available as part of a data search from Nottinghamshire Biological and Geological Records Centre and are on the Nottinghamshire Insight Mapping Portal. Addressing this issue does not require an amendment to the checklist.</p> <p>7th bullet:</p>	<p>6th bullet: No change to checklist.</p>
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	<ul style="list-style-type: none"> • The requirement in Appendix A of the validation checklist triggers a number of thoughts: <ul style="list-style-type: none"> ○ Is the approach based on the premise that bats are everywhere? rather than they can be anywhere but they are not everywhere? ○ The frequency of bats being found in large scale building maintenance/re-roofing projects in Sheffield and other case studies has been very low. ○ This is likely to give rise to a very high number of preliminary bat roost assessments being required. This is potentially a resourcing issue given the limited availability of suitably qualified ecologists to undertake these. ○ Where features such as integrated bat boxes are not present could a first assessment be made by another competent person such as an architect who would have the professional competence to provide a statement with respect to the state of the fabric of the building and for example if gaps are present in the fabric of the in the [sic] building of less than a set width etc. ○ Could habitat suitability modelling (such has been undertaken for South Yorkshire) be used to target the approach set out in Appendix A. The model developed for South Yorkshire could be applied for the Newark 	<p>1st sub-bullet: It is the latter scenario.</p> <p>2nd sub-bullet: Whilst information from other areas is useful, we are concerned with Newark and Sherwood District. The large number of preliminary bat roost assessments (PBRA) now being undertaken will enable us to analyse this data (which we intend to do during the last quarter of 2024) and review the current requirements.</p> <p>3rd sub-bullet: Whilst some applicants and agents have stated difficulties in sourcing ecologists to undertake this work there are now a reasonable number of ecologists that are now routinely undertaking PBRAs within the District. Whilst it would be unrealistic to consider that there are never resourcing issues, we currently consider that the situation is manageable.</p> <p>4th sub-bullet: This is an area where we have the strong opinion that any assessment required once we have made the decision that a PBRA is required must be undertaken by a suitably competent ecologist. Detection of roosting bats requires training and experience as does the identification of potential roosting features.</p> <p>5th sub-bullet: See 2nd sub-bullet comment.</p>	<p>7th bullet and all sub-bullets: No change to the checklist</p>
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	and Sherwood area based on the relevant bat data for the area.		
Environmental Health Public Protection	<p>For number 4 air quality, there is a supplementary planning guidance document which gives a bit more detail on when an assessment would be required but I don't know if it has been approved for use yet. The principle of the text is fine.</p> <p>13 Contaminated land, looks good, the only points I would make are that you could refer to Land contamination risk management (LCRM) which is the most up to date DEFRA guidance for land contamination. If you do refer to LCRM, the desktop is now referred to as a preliminary risk assessment (PRA) and validation is now verification. The Notts guide is a bit old now although the principles are the same. For the phase III remediation, this seems to be linked in with the validation in the text however validation tends to be referred to as phase IV and sits separately from the remedial strategy. Probably nit picking and the principles are the same so providing that an assessment is submitted where required, the detail can be discussed and managed by the condition.</p> <p>12 CEMP, the one significant thing that is missing is proximity of receptors. For example a medium sized development with demolition and high dust risk next to a primary school or hours of</p>	<p>The document referred to is Guidance in relation to air quality and not supplementary planning guidance. Notwithstanding this, a link can be made to this document's location on our website.</p> <p>Noted.</p> <p>The team have been asked whether the information requested is required for the application to be valid i.e. it is required in order to determine the application or whether it is</p>	<p>Checklist updated with link to document.</p> <p>Noted. An update will be provided as required.</p>

	delivery nin residential areas etc. should also trigger a CEMP, not just large or major developments.	possible for this to continue to be managed via a planning condition, as required. This will be updated to Members, as required, at Planning Committee.	
Newark Business Club	Para Proposed Floor Plans, sub-para d "for change of use applications (where internal alterations are proposed - must show proposed layout of rooms) " appears to require an edit, perhaps to move the closing bracket to follow the first word "proposed" Page 16, first line, "which are comprised of made ground" should read "which consist of made ground"	Noted	Amended
Rights of Way Manager Via East Midlands Ltd	Please see below my comments for improved information relating to the Rights of Way checklist. 31. Rights of Way Threshold/Trigger Required for: Inclusion of a Right of Way (RoW) within the application boundary or alongside the outside edge or where a RoW in the close vicinity is likely to receive increased use as a result of the development Details of what should be included <ul style="list-style-type: none"> • A plan showing how the RoW is affected or being protected • A statement of how the RoW will be managed during the development: <ul style="list-style-type: none"> Ability to keep the path open Requirement to apply for a temporary traffic regulations order (TTRO) to close 	Comments noted. '[w]ish' in the fourth bullet point has been amended to 'can'	Checklist updated.

	<p>the path for the duration due to public safety/provide alternative route</p> <ul style="list-style-type: none"> • Requirement to apply for a diversion or extinguishment of the path if the development cannot be built with the RoW in its current location • Whether improvement to the paths is anticipated as a result of increased and higher-level use and how that is to be managed. This can include the wish to upgrade to cycle paths and the legal implications, new links to the RoW network and additional routes for equestrians if appropriate and may involve a 106 agreement if outside of the development boundary. • Proposed future maintenance of the RoW if it is within public open space • Information as to the future ownership of the land over which the path runs on completion of the development, including boundary features such as hedges/trees <p>Other information: The developer should apply for an official search of the RoW to ensure that the correct legal alignment of the RoW is shown correctly on the plans. Contact row.landsearches@nottsc.gov.uk. Inaccuracies or misalignments of the routes on a development plan or a legal diversion may result in generating further inaccuracies and legal problems.</p>		
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	<p>Early engagement with Rights of Way Team is encouraged to discuss future management, surface treatment, structures etc : Email: countryside.access@nottsc.gov.uk Phone: 0300 500 8080 Website: www.nottinghamshire.gov.uk.</p>		
Joint Radio Company Limited	<p>The Joint Radio Company (JRC) analyses the impact of proposed wind energy developments on the Critical National Infrastructure operated by the UK Energy Industry. We assess the potential of the turbines to interfere with the radio links operated by UK and Irish Energy Industry companies, in support of their regulatory operational requirements.</p> <p>In order to complete the assessment correctly, we need the following parameters for each turbine:</p> <ul style="list-style-type: none"> • Turbine location in National Grid Reference (alpha numeric or eastings and northings) • Turbine Hub Height (in m) • Turbine Rotor Radius (in m) • Turbine Micro siting (in m) <p>In order for us to reduce the number of objections based on poor received information, <i>it would be extremely helpful if any planning application for a turbine or turbines contains this information in a simple table as part of the application form.</i></p>	Noted	New section for Wind Turbines (44) added to checklist.

	<p>We receive many cases where the only location information is a pdf map, and that is not sufficient information for us to proceed, leading to delays in our response. We also sometimes are given a location which is not that of the turbine itself, which again leads to delays and an incorrect response.</p>		
Nick Baseley	<p>On a positive, I thought the tracked changes were really helpful in quickly working out what was being amended.</p> <p>The additional validation requirements regarding biodiversity net gain assessments and sections/finished floor levels are understood, and noted.</p> <p>The outstanding concern however is the requirement for seemingly all applications to require a bat building assessment as a minimum prior to validation – and more particularly permitted development schemes subject of prior notification/approval.</p> <p>The whole point of the extended permitted development rights was to help streamline the process and make such applications less burdensome than their conventional counterparts. And yet such prior approvals have become just as (and in some circumstances more) onerous than conventional applications.</p>	<p>We consider that great care has been taken to set out the legislative background and important court judgements that underpin the fact that Preliminary Bat Roost Assessments are required for certain proposals prior to validation of an application. This information is provided in Appendix A of the checklist. As prior approval is effectively a planning decision made by a local planning authority it falls within the remit of the need for the local planning authority to have sufficient information regarding the likely presence or absence of protected species before making a planning decision.</p>	<p>No change to the checklist.</p>

	<p>I see nowhere in the GPDO reference to the need for prior approval on protected species – and this is because such are already afforded protection under separate wildlife legislation.</p> <p>In such circumstances, my own view is that BBAs and other protected species surveys should not be required and/or included as part of the local validation checklist for PD schemes of prior notification/approval, but instead included as a note to the applicant reminding themselves of their responsibilities under the Wildlife Act.</p> <p>Clearly, if bats or other protected species are encountered, then an EPS licence will be required – necessitating surveys etc prior to obtaining the licence.</p> <p>If a licence cannot be obtained, then the development (permitted development or otherwise) cannot take place – thereby providing the necessary safeguards.</p> <p>In circumstances whereby both the private and public sectors are under massive pressure resource-wise as a consequence of the BNG requirements for all applications (where ecologists are struggling to cope with demand, leading to a significant backlog in the ability to submit applications), the requirement for BBAs and other protected species surveys for all applications including permitted development</p>		
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	<p>prior notifications/approvals will only serve to unnecessarily add to this backlog.</p> <p>The above concerns equally apply to householder applications for dormer windows etc – which as currently drafted would similarly seemingly attract the need for a BBA as a minimum before being validated, which seems disproportionate to the scale of the development and places an unnecessary burden on such applications.</p> <p>This all being the case, in my view the requirement for a BBA and/or other protected species survey should not be an automatic validation requirement for all applications – and instead, the local authority could request the same if it deemed it appropriate on a case-by-case basis.</p>		
Natural England	<p>Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Natural England has no comments to make on the Validation Checklist.</p>	No changes required.	No changes to checklist.
Sport England	<p>Sport England welcomes the inclusion of the information requirements for planning applications involving the loss of playing fields in Part 3 - Section 28. These reflect the information</p>	Comments noted.	No changes to checklist.

	<p>requirements set out in Annex B of our Playing Fields Policy and Guidance document.</p> <p>Sport England has no further comments to make.</p>		
Canal & River Trust	<p>We note the proposal to include Sections / Finished Floor Levels for all applications proposing engineering operations and/or on any development where there is a change in ground levels or where ground levels outside of the application site are noticeably different. Generally, we support this inclusion as it would enable the LPA and the Trust to better understand any earthworks that could impact on the structural integrity of the River Trent navigation, and the need for any measures to mitigate this.</p> <p>We have no other comments on the proposed revisions.</p>	Noted.	No changes to checklist.
The Coal Authority	<p>The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>Our records indicate that within the Newark and Sherwood area there are recorded coal mining features present at surface and shallow depth including; mine entries and reported surface hazards. These features may pose a potential risk to surface stability and public safety.</p>	Noted	No changes to checklist.


	<p>The Coal Authority are pleased to see that the Local Validation List includes at Item 9 the requirement to provide a Coal Mining Risk Assessment to support relevant development proposals. We support this inclusion and the signposting provided for users of the list to further guidance in this regard.</p>		
Historic England	<p>We have limited comments to raise:</p> <p>Page 12, under the section for archaeological assessments. We support the need for these assessments and the detail included. We would request that the terminology is amended from 'historic parks and gardens' to 'registered parks and gardens', 'scheduled ancient monuments' to 'scheduled monuments' and 'historic battlefields' to 'registered battlefields'.</p> <p>Page 27, under the section for heritage impact assessment we would recommend that 'notably' is amended to 'including' on the second sentence of the third paragraph.</p> <p>We welcome the detail included within the checklist of the types of heritage assessment and when and how they may be required and consider this detail is likely to encourage the submission of appropriate heritage assessments, alongside planning applications.</p> <p>We welcome reference to the detail included for Listed Building Consent.</p>	Noted	<p>Checklist updated.</p> <p>Oli reference non-des... can you look at page 55 please?</p>

	<p>Page 55, under heritage impact assessment it would be worth including a reference to non-designated heritage assets within this bullet point list.</p>		
<p>Planning Policy Team, Nottinghamshire County Council</p>	<p>Highways Development Control On Page 65 Nottinghamshire County Council (NCC) would wish to see ‘vehicular and pedestrian access arrangements’ added to the list of particulars which must be included on the site plans associated with temporary recreational campsites. This applies to both notifications and prior approvals. This is to allow NCC to check the proposed access facilities are safe and suitable for the proposed use.</p> <p>Section 39 on Travel Plans (page 41) has transport.strategy@nottscc.gov.uk as the point of contact, but this now needs updating to Transport.Planning@nottscc.gov.uk</p> <p>Transport & Travel Services Section 38 ‘Transport Statement/Assessment’ refers to Public Transport and Details of what should be included includes...”data about existing public transport provision, including provision/ frequency of services and proposed public transport changes” and “measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling</p>	<p>Legislation sets out what can be asked for as part of prior approvals and notifications. Vehicular and pedestrian access arrangements are not included within legislation and therefore this request cannot be agreed. Noted.</p> <p>Noted. Most elements have been included within the Checklist. Reference to a planning condition has not as this might be subject to a planning obligation.</p> <p>These are specific development proposals. To include all feasible types of development would make the checklist unworkable. Added to section 38.</p>	<p>Checklist updated with the exception of prior approval and notification request.</p>

	<p>facilities, physical improvements to existing roads”</p> <p>Section 38 could be enhanced to also refer to bus stops and infrastructure with the following additional requirement: <i>An assessment of bus stop infrastructure, including locations of bus stops and walk distances including isochrone plans demonstrating whether they meet the County Council’s Highway Design Guide requirements. Where the site layout is likely to impact on the location of existing bus stops, the applicant should consider alternative site layout options. If bus stops/infrastructure is proposed to be relocated, then the applicant should submit proposals which will be subject to assessment as part of the application process. Where a bus stop relocation is required then this will be subject to a Planning Condition.</i></p> <p>Part 5 – Development Types Consideration should be given to including categories covering leisure and sustainable energy/ BESS i.e., battery storage and associated developments.</p> <p>Reference documents: Nottinghamshire County Council Highway Design Guide: https://www.nottinghamshire.gov.uk/media/290</p>	<p>Noted. Checklist updated with new section ‘Health Impact Assessment’</p>	
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	<p>2368/31-general-geometry-of-residential-streets.pdf</p> <p>Nottinghamshire County Council Developer Contributions Strategy</p> <p>https://www.nottinghamshire.gov.uk/planning-and-environment/general-planning/developer-contributions-strategy</p> <p>If you would like any further input on this, please contact ptdc@nottsc.gov.uk</p> <p>Flood Risk Management</p> <p>NCC would recommend adding a Construction Phase Management Plan onto the list.</p> <p>If you would like any further input on this, please contact flood.team@nottsc.gov.uk .</p> <p>Public Health</p> <p>The Nottinghamshire Spatial Planning and Health Framework – Rapid Health Impact Assessment (RHIA) Checklist Matrix (attached) is recommended to be a requirement of the Newark and Sherwood Planning Application Validation Checklist for developers (typically of developments over a certain size threshold of over 50 dwellings and other major development likely to have a significant impact on health and well-being) to:</p> <p>Complete and include RHIA Checklist:</p> <ul style="list-style-type: none"> • assessing the 12 RHIA criteria/ health related topics such as community inclusion, healthy neighbourhoods, active 		
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	<p>lifestyles, environment protection, safety and wellbeing, and housing provision —</p> <ul style="list-style-type: none"> • considering health in relation to the provision of health services, contamination surveys, noise assessments, air quality assessments etc • providing / paying for planning obligations for health • completing a 'Building for Healthy Life Assessment'; and / or • providing mitigation measures for potential health impacts of development. <p>The rationale for a threshold of 50 dwellings The first stage of the HIA is screening when a decision is made about whether to request HIA and this is where the statement to provide a number of dwellings is useful to provide as a benchmark¹. Evidence suggests` that planning policies needs to be clear as to when an Health Impact Assessment is required and a screening checklist/ process (such as the Nottinghamshire Health Impact Assessment Checklist) is used so that the decision is robust and also so that across an organisation a measure of consistency regarding Health Impact Assessment (HIA) can be achieved ' Therefore the statement to provide a number of dwellings, in this instance 50 dwellings, is deemed as the required `measure of consistency' to support Newark and Sherwood LDP.</p>		
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	<p>Reference: ¹ Cave B, 'Assessing the Potential Health effects of Policies, Plans, Programmes and Projects ' eds Barton H, Thompson S, BurgessS and Grant M in The Routledge Handbook of Planning for Health and Wellbeing.2015, chap 26 pp374-378.</p> <p> Nottinghamshire HIA FINAL.docx</p>		
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Planning Application Local Validation Checklist

Adopted xxxx



Version Control	Amended
v.2 - 12 June 2023	Reference to Active Travel England under Statements and Reports – Transport Statement/Assessment and Travel Plan
v.3 – 27 th October 2023	Updated and Amended Ecological & Protected Species Statement section to include reference to guidance on Preliminary Bat Roost Assessments (inserted at Appendix A)
v.4 – 9 th November 2023	Amended date regarding Biodiversity Net Gain – Threshold/Trigger details
v.5 – 15 February 2024	Amended following publication of Biodiversity Net Gain legislation
v.6 - xxx	Amended following presentation to Planning Committee including additional sections 'Health Impact Assessment' and 'Wind Turbines'

We are required, by Government, to review and consult on our Local Validation Checklist for Planning applications every two years. This will ensure our Checklist is up to date and reflect current planning policies in accordance with Local and National Guidance. Following public consultation between ~~19th December 2022~~ ^{2nd April 2024} to ~~13th February 2023~~ ^{28th May 2024}, the Checklist was adopted by Planning Committee on ~~20th April 2023~~ ^{date to be inserted}.

Welcome to our local validation manual for planning applications. The manual has been reviewed to make it easier to use, in order to get started simply click on the type of development that you want to know more about.

We are also putting together a quick and easy to use 'matrix' showing the requirements for development type.

When making a planning application it is vital that it is supported by adequate and accurate information to enable the council, members of the public and other statutory bodies to understand the proposals and allow a proper assessment of the potential impact of the development.

Planning applications which are not submitted with the correct information as stated within these pages may be treated as invalid and will not be processed until such time as the required information has been submitted.

If an application is found to be invalid the Receiving Officer will contact the applicant or agent by letter/email specifying the details required to validate the application with a reply date of 21 working days. If after 21 working days no further correspondence has been received, a follow up letter/email will be issued giving a further 7 working days.

After 7 days from date of the second letter/email, if either the required information has not been received or written confirmation of when the information will be submitted has not been received the application and any fees associated will be returned minus any administration fee – minimum of £25.00 or 10% of total fee whichever is higher.

Please note that in exceptional circumstances, further information for a specific application, above and beyond the requirements of the contents of these pages, maybe required. If this is the case one of our officers will be in contact with you directly to discuss this matter.

If you feel that the requested validation information does not meet the requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015, then you have a right of appeal for non-determination.

If your application is found to be invalid, The Order allows you to send an "Article 12" notice which must:

- i. set out which information or evidence you as the applicant either consider to be a reasonable requirement for the scale and nature of the development proposal or are not concerned with a matter which it is reasonable to think will be material in the determination of the application;
- ii. state the reasons you, as the applicant, hold that view; and
- iii. request we waive the requirement(s).

Once we have received your application we will notify you of the decision within 8 weeks, although for major this timescale is extended to 13 weeks. Should the dispute remain unresolved, there is a right to appeal under section 78 of the Town and Country Planning Act 1990 in relation to planning applications and section 20 of the Planning (Listed Building and Conservation Areas) Act 1990 for listed building applications for non-determination after the statutory time for determination has expired.

Planning application documents are published on our website, however before publishing we are required by the UK General Data Protection Regulations (UK GDPR), the Data Protection Act 2018 and related legislations and best practice to remove 'personal information'.

The following information is asked for on an application form:

- telephone number
- email address
- signatures

We will endeavour to remove this personal information before publishing. Telephone numbers and email addresses relating to professional agents will be removed unless this is specifically requested.

There are occasions when other personal information is submitted within supporting documents, please refer to our privacy notice for further information:

- Privacy notice - <https://www.newark-sherwooddc.gov.uk/privacynotice/>
- Planning privacy notice - <https://www.newark-sherwooddc.gov.uk/planningprivacynotice/>

Even if the applicant, or a person making comments on an application, wants the personal information to be published online, we must endeavour to remove it.

When submitting an application or comments please can you make sure that personal information is only submitted if it is a planning consideration, for example financial information which may support a change of use application from a business to a dwelling to show that a business is not viable or information to show that a fee is not required as the proposed development is for the sole use of a disabled person. We will endeavour to make sure this latter information is not published online. Further information to assist when submitting a comment is available on [our website](#).

If you submit personal information as set out in our 'planning privacy notice', please can you ensure that it is either referred to in a covering letter - or contained within a separate document to aid identification and removal from the documents that will be published on-line.

If you require any assistance in this regard, please email planning@newark-sherwooddc.gov.uk

Whilst the local validation checklist has been prepared in line with Section 62(3) of the Town and Country Planning Act and the Town and Country Planning (Development Management Procedure) (England) Order 2015 and only applies to applications for planning permission, many applicants for other permissions – prior approval, listed building and advertisement consent for example will never have submitted an application previously. This checklist therefore has been drafted to assist such applications.

Applications from Council Members or Staff

If the application is from or on behalf of an elected member or any employee of the Council or Senior officer (currently comprising Senior Leadership Team and Business Managers) or any officer who may have a direct involvement in the determination of the application, the application is required to be determined at Planning Committee. Most planning application forms will require you to identify this - however should this apply to your application please can you also refer to it in your covering letter.

This document is set out in five parts:

Part 1 - National Requirements

Part 2 - Local Requirement Validation Checklist 2024

Part 3 - Statements and Reports

Part 4 - Application Types

Part 5 - Development Types

Procedure for Reviewing Local Validation List

With regard to the review and adoption of a local validation list, Communities and Local Government (CLG) guidance formally withdrawn in 2014, recommends a consultation period of not less than 8 weeks. This has now been replaced by guidance in the National Planning Policy Guidance (NPPG).

The current process is set out in paragraph 44 of the NPPG and involves the following three-step process:

Step 1: Reviewing the existing local list

Local planning authorities should identify the drivers for each item on their existing local list of information requirements. These drivers should be statutory requirements, policies in the National Planning Policy Framework or development plan or published guidance that explains how adopted policy should be implemented.

Having identified their information requirements, local planning authorities should decide whether they need to revise their existing local list. Where a local planning authority decides that no changes are necessary, it should publish an announcement to this effect on its website and republish its local list.

Step 2: Consulting on proposed changes

Where a local planning authority considers that changes are necessary, the proposals should be issued to the local community, including applicants and agents, for consultation.

Step 3: Finalising and publishing the revised local list

Consultation responses should be taken into account by the local planning authority when preparing the final revised list. The revised local list should be published on the local planning authority's website. With regard to our list, several changes to legislation and procedure especially the advent of the NPPF and associated NPPG and the Development Management Procedure Order DMPO provide an opportune moment to update our validation list.

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Part 1 – National Requirements

Statutory National Validation Requirements

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) outlines what the mandatory national requirements are. This section provides more information on what should be included under the following headings:

- Application form
- Certificates
- Location plan
- Detailed drawings (where applicable)
- Design and access statement (where applicable)
- Application fee (where applicable)
- Biodiversity Net Gain Assessment

Please note that some requirements within this section are beyond what is set out nationally e.g., the provision of plans to an identified scale, direction of north etc. However, to assist applicants and to retain clarification of information requirements within one section, details are provided below and have been locally adopted by the Council. Applicants are encouraged by the Government to submit applications electronically. This can be done via the Planning Portal (there is a service charge for submitting online planning applications, paid to the Planning Portal). There are several advantages to submitting your planning applications online; this includes smaller postage and printing costs and potentially a faster registration of your application. In addition, a service will be available via the Planning Portal and the Council's website to print off particular forms and complete them offline.

The Planning Portal provides a useful guidance on their website to applicant's submitting applications through the [Planning Portal](#).

Application Forms

Keep the description as accurate and concise as possible. However, for listed building applications a detailed description of the works is required, but long descriptions should be included as an attached schedule of works. We recommend you use both upper and lower case when completing all sections of the form.

For applications for changes of use, refer to what the use had changed from and what it is changing to. If the use class is known, then please include this as well.

Only include elements of the proposal in the description that require permission.

When applying for permission, where development has already taken place, use the words 'retention of'.

When applying for a revision or amendment to an earlier approved scheme, make this clear in the description. The relevant application/file reference should also be included in the description where appropriate.

Ownership Certificates

There are two types of certificates that are required to be completed when submitting most planning applications. These are a Certificate of Ownership and an Agricultural Holdings Certificate. Both certificates should accompany planning applications except for certain types of application which are detailed below.

The applicant (or agent acting on behalf of the applicant) is required to sign and date all certificates. By doing so they are confirming that the statements made are accurate to the best of their knowledge. It should be noted that there is a penalty for knowingly or recklessly completing a false or misleading Certificate required by Article 14 of the DMPO. The onus is on the applicant or agent to provide the correct information.

A Certificate of Ownership (Article 7 certificate) must accompany a planning application. This can be one of four certificates (explained below), which provides details of the ownership of the site. It is necessary to 'serve notice' on any owners and agricultural tenants when a proposed development is on or where it affects their land.

Under Section 65(5) of the Town and Country Planning Act 1990 and Section 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 it states that the Council must not entertain an application for planning permission unless the correct ownership certificates have been completed.

Types of Ownership Certificate

- **Certificate A** should be completed if at the beginning of a period of 21 days before the date of submission of an application, you are the owner of all the land that the application relates to. If you are not the sole owner of all the land, to which the application relates, or there are tenants on the site which have a leasehold interest of 7 years or more then you will need to complete a different certificate (see below). You will also need to complete a different certificate if the application relates to alterations to a flat or where a development overhangs the boundary with an adjoining property, or any footings encroach onto adjoining land.
- **Certificate B** should be completed and [Part 1 notice](#) (see below) if you are not the owner(s) of the land, served where you know the names and addresses of all the owners of the land which the application relates to. The details of the names of the persons on whom notice has been served should be completed on this certificate.
- **Certificate C** should be completed if you are not the owner(s) of the land. However, where you know the names and addresses of some of the owners of land to which the application relates, but not all of them. You are required to serve notice on all the owners of the land explained above (Certificate B) and to carry out additional steps to trace the owners that are unknown as explained below (Certificate D).
- **Certificate D** should be completed if you are not the owner(s) of the land and do not know any of the owners of the land to which the application relates. You will need to provide evidence of the steps that you have undertaken to find the owners. This can include carrying out a planning history or land registry search. You will also need to advertise the proposed development in the local newspaper at least 21 days prior to the submission of the application. A copy of this advertisement should be submitted with the application.

Part 1 Notice

A notice to the owners of the land, where the application relates, must be used if Certificate B or C has been completed. A copy of this notice should be served on each of the known individuals identified in the relevant certificate.

Agricultural Land Declaration

Applications are required to be accompanied by an Agricultural Holdings Certificate. This certificate needs to be completed to indicate whether the site forms part of an agricultural holding. The certificate is required whether the site includes an agricultural holding. It is incorporated into the standard application form and must be signed in order for the application to be valid.

This information should be indicated, on the forms, by crossing out any incorrect statements. If the land is part of an agricultural holding you are required to serve notice on the tenant of the holding. If the applicant is the sole tenant or owner, then the first part should be crossed out and 'not applicable' inserted in the second part.

No agricultural land declaration is required for applications for:

- The approval of reserved matters
- Renewal of temporary planning permission
- Discharge or variation of conditions

- Tree Preservation Orders
- Listed building consent
- Lawful development certificate
- Prior notification of proposed agricultural or forestry development
- A non-material amendment(s) to an existing planning permission
- Express consent to display an advertisement.

Plans and Drawings

The DMPO specifies that a location plan is required to be submitted with all applications together with any other plans or drawings necessary to describe the development which is the subject of the application. This will include as a minimum a site layout (block) plan.

In addition, there may be a requirement for additional plans to be submitted as detailed within the local list set out later in this document.

Location Plan

One copy of the location plan must accompany every application for planning permission. The purpose of this plan is to show the location of the site and to identify any other sites, which may also be in the same ownership. We will accept location plans downloaded from the [Planning Portal](http://www.planningportal.gov.uk) (www.planningportal.gov.uk) so long as it meets the criteria set out below. Applications which have been submitted with unlicensed Ordnance Survey mapping will be accepted although any possible infringement with copyright laws may be identified to the agent, or applicant where there is not an agent.

The location plan should be based on an up-to-date Ordnance Survey map, at a scale of 1:1250 unless the site is very large and cannot be shown in its entirety on a single sheet of paper in which case a smaller scale may be used, e.g., 1:2500. It should be scaled to fit onto A4 or A3 size paper where possible. If the land is within a rural area for example, a plan at a scale of 1:5000 is acceptable. It shall include the following:

- The application site outlined in red and any land adjoining or close by owned by the applicant should be outlined in blue
- The red line should include all land necessary to carry out the proposed development e.g., land required for access to the site from the public highway, visibility splays, landscaping, car parking and open areas around buildings
- A north arrow.

Where possible, the location plan should include the following:

- At least two adjacent road names
- The properties shown should be numbered or named to ensure that the exact location of the site where the application relates is clear.

Design and Access Statement

Design and Access Statements are required for:

- (a) development which is [major development](#); or
- (b) development in a designated area [in our District this means a Conservation Area] where the proposed development consists of:
 - (i) the provision of one or more dwellinghouses; or
 - (ii) the provision of a building or buildings where the floor space created by the development is 100 square metres or more; or
 - (iii) applications for listed building consent.

The National Design Guide (Planning practice guidance for beautiful, enduring, and successful places) (Ministry of Housing, Communities & Local Government (MHCLG), 2019) provides useful information in relation to how to

consider design as part of a planning proposal. In addition, whilst CABE no longer exists, its [Design and Access Statements: How to write, read and use them](#) is a useful document.

The Design and Access statement should:

- explain the design principles and concepts that have been applied to the development
- demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account
- explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account
- state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation
- explain how any specific issues which might affect access to the development have been addressed.

Major Development comprises:

10 or more dwellings, or
site area for residential development is 0.5 hectares or more and the number of dwellings is unknown; or
1000 square metres or more of floor space; or
Development carried out on a site having an area of 1 hectare or more.

Design and Access Statements for Listed Buildings

Design and access statements for Listed Buildings are similar to other design and access statements, in respect of the need for a proportionate approach. However, the content will be different due to the nature of the applications.

Where a planning application is submitted in parallel with an application for listed building consent, then a single, combined statement, should be submitted. This will address both the elements required for a planning application, as well as the following for the listed building consent:

- Explanation of the design principles and concepts that have been applied to the scale, layout and appearance characteristics of a proposal (note: Information on use, amount and landscaping is not required for listed building consent design and access statements that do not also accompany a planning permission)
- Description of the significance of the heritage assets affected and the contribution of their setting to that significance.

Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed

Further details of what is required are set out in the [National Planning Policy Framework](#), paragraph 189.

Application Fee

An application fee is required for all applications except for:

- Planning permission for relevant demolition in Conservation Area
- Hedgerow removal notices
- Listed building applications
- S211 notification of tree works in Conservation Areas
- Works to trees protected by a Tree Preservation Order

For other circumstances where fee exemptions or concessions apply please refer to [the Government's website](#). You can also use the [Planning Portal fee calculator](#) to work out how much you will need to pay.

Biodiversity Net Gain

The current national minimum requirements that need to be submitted to validate an application are those set out in [Article 7](#) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as modified and amended by [Part 4, Regulation 15](#) of the Biodiversity Gain (Town and Country Planning) (Modification and Amendments) (England) Regulations 2024. The following is required:

All planning applications.

1. A statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition;

All development proposals that are not exempt from the general biodiversity condition ([Exempt Development](#))

2. The pre-development biodiversity value of the onsite habitat on the date of application (or an earlier date) including the completed metric calculation tool used showing the calculations, the publication date and version of the biodiversity metric used to calculate that value;
3. Where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for proposing that date;
4. A statement confirming whether the biodiversity value of the onsite habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation') in which case the value is to be taken as immediately before the carrying on of the activities, and if degradation has taken place supporting evidence of this;
5. A description of any irreplaceable habitat (as set out in column 1 of the [Schedule](#) to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]) on the land to which the application relates, that exists on the date of application, (or an earlier date); and
6. A plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application (or and earlier date), including any irreplaceable habitat.

Part 2 – Local Requirements Validation Checklist 2023

List of Local Requirements

This identifies which documents it is considered are reasonable to request in order to validate a planning submission having regard, in particular, to the nature and scale of the development or works and matters likely to be a material consideration in the determination of the application. Accordingly trigger levels are quoted where relevant.

You are advised that whilst the information below is sufficient to allow validation, in considering the application we will need to consider any constraints on the site and how such constraints are to be addressed in order to ensure the proposed development can be implemented in an acceptable manner. For example, these constraints may relate to (but are not necessarily limited to) drainage, contamination, trees, rights of way and archaeology within the site. In some cases, these issues require work to be undertaken before any building work is carried out. In such cases it may be necessary to attach pre-commencement conditions to ensure these matters are appropriately addressed. You are advised to consider whether there is any further information that might assist in addressing such constraints on the application. The Council is committed to making decisions in a timely manner and where permission is to be granted but there remain matters that cannot be addressed during the application process, a pre-commencement condition may assist in issuing decisions earlier. In such circumstances, the case officer will contact you to agree the terms of any pre-commencement conditions in accordance with legislation www.legislation.gov.uk/ukxi/2018/566/made.

Pre-application Service

We offer a comprehensive pre-application service. Engagement prior to any planning application being formally submitted can be critically important and should provide the applicant and the Council with the opportunity to gain a clear understanding of the objectives of and constraints on development. It also provides an opportunity for wider engagement, where appropriate, with other stakeholders, including the local community, which can deliver better outcomes for all parties.

Further information regarding the Council's pre-application service can be found on our [website](#).

Contacting the Local Planning Authority

The Business Unit operates a duty planner service to answer general planning enquiries. In the first instance look at the information on our website as your question may have been addressed there. The service operates Monday to Friday from 2pm until 5pm. Please telephone customer services on 01636 650000 and ask to speak to the duty planner or email planning@newark-sherwooddc.gov.uk.

Site Plan (or block plan)

One copy of the site plan (or block plan) should accompany any application. The site plan should be at a standard scale e.g., 1:200 or 1:500. The site plan shall include the following:

- The direction north
- The proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries
- The position and crown spread of all trees (to scale) where applicable within the application site or within falling distance of the application site.

The site plan should also include the following, unless these would not influence or be affected by the proposed development:

- Identification of sufficient buildings and/or roads on land adjoining the site including access arrangements
- All public rights of way crossing or adjoining the site
- The extent and type of any hard surfacing
- Boundary treatments including walls or fencing where proposed.

Existing Floor Plans

Required for all applications proposing alterations/extensions to buildings including demolition. Plans shall (where applicable):

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100, annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is there and the height of buildings above ground level
- c. clearly show the relationship between buildings, highlighting any structures to be demolished
- d. where existing buildings or walls are to be demolished these should be clearly shown
- e. for change of use applications (where internal alterations are proposed - must show layout of rooms)
- f. show existing floor plans in the same orientation and scale as proposed floor plans
- g. include individual drawing numbers, and where applicable revision numbers

Proposed Floor Plans

Required for all applications proposing new buildings and/or alterations/extensions. Plans shall (where applicable):

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly show the relationship between buildings
- d. for change of use applications (where internal alterations are proposed) must show proposed layout of rooms)
- e. show proposed floor plans in the same orientation and scale as existing floor plans
- f. include individual drawing numbers, and where applicable revision numbers

Existing Elevations

Required for all applications proposing alterations to the exterior of existing building(s), including changes of use where external alterations are proposed and proposals for demolition within the Green Belt or Conservation Area. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is already there and the height of building(s) above ground level
- c. clearly indicate the existing building materials and the style, materials and finish of windows and doors
- d. show any blank elevations; if only to show that this is in fact the case
- e. show existing elevations in the same orientation and scale as proposed elevations
- f. include individual drawing numbers, and where applicable revision numbers
- g. If the application is for a change of use and no change is proposed to the external elevations, a statement must be included to state that no external changes are proposed

Proposed Elevations

Required for all applications proposing new buildings or alterations to the exterior of existing buildings, including changes of use where external alterations are proposed. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there and the height of buildings above ground level
- c. clearly indicate the proposed building materials and the style, materials and finish of windows and doors

- d. show any blank elevations; if only to show that this is in fact the case
- e. where any proposed elevation joins another building or is in close proximity, the drawings should clearly show the relationship between buildings, and detail the positions of the openings on each property
- f. show proposed elevations in the same orientation and scale as existing elevations
- g. include individual drawing numbers, and where applicable revision numbers

Existing Roof Plans

Required for all applications proposing alterations to existing buildings. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly what is already there
- c. clearly indicate the existing roof materials
- d. include individual drawing numbers, and where applicable revision numbers

Proposed Roof Plans

Required for all applications proposing new buildings or external alterations. Plans should:

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and annotated accordingly **and** include paper size (e.g.: 1:50 paper size A3). Alternatively, be drawn with the appropriate scale bar shown
- b. show clearly the proposed works in relation to what is already there, if applicable
- c. clearly indicate the proposed roof materials
- d. include individual drawing numbers, and where applicable revision numbers

Sections / Finished Floor Levels

Required for all applications proposing engineering operations and/or on any development where there is a change in ground levels or where ground levels outside of the application site are noticeably different. Plans should

- a. be drawn to an appropriate metric scale for example, 1:50 or 1:100 showing existing and proposed site levels and finished floor levels including cross sections where relevant (with levels related to a fixed datum point off site). Alternatively, be drawn with the appropriate scale bar shown
- b. show the proposal(s) in relation to adjoining buildings that may be affected by the development
- c. include section drawings to an appropriate metric scale for example, 1:50 or 1:100 identifying existing and proposed ground levels and be accompanied by a plan showing the points between which the cross sections have been taken. Alternatively, be drawn with the appropriate scale bar shown
- d. be drawn to an appropriate metric scale for example, 1:50 or 1:100 and show existing and proposed buildings within and adjacent to the site and identify finished floor and ridge levels of existing and proposed buildings
- e. specify volume of material (e.g.: soil) to be removed, where applicable
- f. include details on where this (soil) would be re deposited, where applicable

Where householder development is being proposed, the levels may be evident from floor plans and elevations. On sloping sites, particularly where detached buildings are proposed, it will be necessary to show how a proposal relates to existing ground levels. Sections and levels, both existing and proposed to an appropriate scale for example, 1:50 or 1:100 may be required. Alternatively, be drawn with the appropriate scale bar shown.

Part 3 – Statements and Reports

1. Affordable Housing
Threshold/Trigger Where the proposal provides 11 or more new residential units or where 1000sqm or more residential floor area is proposed
What should be included The statement will need to include: <ul style="list-style-type: none">i. The mix of private and affordable units with numbers of habitable rooms and/or bedrooms.ii. If you are proposing different levels or types of affordability or tenure for different units, you should explain this clearly and fully.iii. If you are proposing affordable housing that is not policy compliant, a viability statement will need to be submitted You should also show the location of the affordable units and the number of habitable rooms and/or bedrooms, and/or the floor space of the units on the floor plans.
Other Information For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

2. Agricultural Justification
Threshold/Trigger Where the proposal relates to a new or replacement dwelling in the countryside for a rural worker (this is for both a permanent and temporary dwelling) or for an extension to an existing rural worker's dwelling.
What should be included For dwellings to serve new businesses, or new activities within established businesses, proposals will need to be accompanied by a business plan that demonstrates the following: <ul style="list-style-type: none">i. Clear evidence of a firm intention and ability to develop the enterprise concerned. This could include significant investment in new buildings or permanently sited equipmentii. A functional need is demonstrated by showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or productsiii. Clear evidence that the proposed enterprise has been planned on a sound financial basisiv. The functional need described at ii) could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. For dwellings to serve existing businesses on well-established units, applications will need to be accompanied by the preceding 3 years audited accounts. Proposals will also need to demonstrate: <ul style="list-style-type: none">i. There is a clearly established existing functional need showing a dwelling is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. This may arise from the need to be on site day and night in case animals or agricultural processes require essential care at short notice or to deal quickly with emergencies that could otherwise cause serious loss of crops or productsii. The need relates to a full-time worker and does not relate to a part-time requirementiii. The unit and activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so

- iv. The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted.

Other Information

For further detailed information please see Policy DM8 of the Allocations and Development Management DPD and the supporting text (paragraphs 7.38 to 7.45).

You can also download our Planning Application for an Agricultural Worker's Dwelling - Supplementary Information form on our website.



Planning Application for an Agricultural Worker's Dwelling Supplementary Information

You can submit your completed form by email with any plans and details as an attachment to planning@nsdc.info or post to Planning Development Business Unit, Newark and Sherwood District Council, Castle House, Great North Road, Newark NG24 1BY

Please complete in BLOCK capitals. If you provide us with an email address, this will be the preferred method of communication.

1) **Applicant's details**

Name: _____
Address: _____
Postcode: _____ Daytime Tel: _____
Email: _____

2) **Agent's details** (if applicable) to whom correspondence should be sent to

Name: _____
Address: _____
Postcode: _____ Tel: _____
Email: _____

3) **Trading name of holding**

4) **Applicants status** (i.e. Sole trader/Partner/Director: _____

Indicate the size of the site in hectares: _____

5) **Details of land farmed – Please attached a plan clearly showing boundaries**

Area	Size of area hectares	Location
a) Area of land owned		Outline boundaries in red on plan
b) Area of land tenanted		Outline boundaries in blue on plan
c) Grazing usually taken		Outline boundaries in green on plan
d) Grazing rights		
e) Area of mowing land		
f) Area of pastures		
g) Area of rough grazing		
h) Area of arable land		
i) Area of woodland		
j) Area of other land		

3. Agricultural Land Classification Study/Soil Testing

Threshold/Trigger

Studies will be required for major developments on green field land where that land will cease to be used or capable of being used for agricultural purposes including provision for solar panels.

Details of what should be included

A desk-based study and field study is required to assess the quality of the land and to determine its agricultural classification. The survey should include the following:

- Site description
- Soil resources within the site
- Map of survey observations including gradings
- Where applicable a soil management plan

Other Information:

National Planning Policy Framework, paragraph 174

Regional Agricultural Land Classification Maps - [Natural England Access to Evidence - Regional Agricultural Land Classification Maps](#)

4. Air Quality Assessment

Threshold/Trigger

An air quality assessment based on current best practice is required for:

Proposals likely to have an impact on air quality e.g., those requiring an Environmental Impact Assessment (EIA), industrial installations, biomass boilers, combined heat and power plants, where traffic flows will increase by more than 5% on roads with less than 10,000 annual average daily trips, where significant demolition or construction works are proposed etc.

Details of what should be included

Assessments should be proportionate to the nature and scale of development proposed and the level of concern about air quality and because of this are likely to be location specific. The scope and content of supporting information is therefore best discussed and agreed between the Local Planning Authority and the Council's Environmental Health Officers before it is commissioned. Air quality is a consideration in Environmental Impact Assessment, if one is required, and also in a Habitats Regulations Appropriate Assessment.

The following could be included in assessments and be usefully agreed at the outset:

- a description of baseline conditions and how these could change
- relevant air quality concerns
- the assessment methods to be adopted and any requirements around verification of modelling air quality
- sensitive locations
- the basis for assessing impact and determining the significance of an impact
- construction phase impact and/or
- acceptable mitigation measures.

Other Information:

Air Quality and Emissions Mitigation Guidance for Developers, 2021 – [URL to website to be included](#)



NSDC PLANNING
GUIDANCE v2021.pd

5. Archaeological Assessment**Threshold/Trigger**

Statements will be required for all proposals involving the disturbance of ground within an area of known archaeological interest. This includes: -

- Sites within historic cores, including Newark's Historic Core, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD maps
- Certain allocated sites, as defined by the Newark and Sherwood District Council's adopted Allocations and Development Management DPD
- Sites in close proximity to a Scheduled Ancient Monument
- Sites in close proximity to the Battlefield at East Stoke
- Sites in close proximity to church yards
- Sites containing or close to known undesignated archaeological remains as identified on the Nottinghamshire Historic Environment Record

Details of what should be included

Assessments must be carried out by a suitably qualified person (a person accredited by the Chartered Institute for Archaeologists or equivalent).

National planning policy emphasises the need to carry out an appropriate desk-based assessment. A field evaluation may also be necessary.

The information should include plans showing historic features, listed buildings and structures, ~~historic~~ **registered** parks and gardens, ~~historic~~ **registered** battlefields & ~~scheduled ancient~~ monuments, an analysis of significance of archaeological, history and character of the building or structures, together with the principles of and justification for proposed work.

This will ensure that appropriate measures are put in place to manage the investigation, recording, analysis and preservation of any remains or otherwise mitigate the effect of the development on areas of archaeological interest.

The Chartered Institute for Archaeologists has published a list of standards and guidance for desk-based assessments which can be viewed on their website: www.archaeologists.net/codes/cifa

Other Information:

Planning Practice Guidance.

6. Bin/Waste Management Information
<p>Threshold/Trigger</p> <ul style="list-style-type: none"> • All new full residential and commercial developments requiring waste management (collection of bins) • Proposals for hot food takeaway uses
<p>Details of what should be included</p> <p>For residential and commercial developments - scaled plans and information showing how the proposal complies with the Council's "Guidance for New Developments, Waste Storage and Collection".</p> <p>For hot food takeaway uses, details setting out measures that will be put in place to reduce litter in the locality for the lifetime of the development</p>
<p>Other information:</p> <p>Planning Practice Guidance - Healthy and safe communities, Paragraph: 013 Reference ID:53-013-20220807</p> <p>Revision date: 07 08 2022</p>
7. Biodiversity Net Gain Assessment
<p>Threshold/Trigger</p> <p>All development that is not exempt from the general biodiversity condition (Exempt development).</p>
<p>Details of what must be included</p> <p>A draft Biodiversity Net Gain Strategy that will inform the required Biodiversity Gain Plan (i.e., how you intend to achieve the mandatory, minimum 10% biodiversity net gain).</p> <p>Elements of this Strategy are likely to be included in various documents forming part of the planning submission, in which case, similar to Government guidance for the national minimum requirements regarding the general biodiversity gain condition, applicants are encouraged to provide references within the BNG Strategy for where this information is located, rather than duplicate the information within the Strategy document.</p> <p>The Biodiversity Net Gain Strategy should be prepared by a suitably competent professional ecologist and be in accordance with the British Standard BS8683 'Process for designing and implementing biodiversity net gain – specification'.</p> <p>The Biodiversity Net Gain Strategy must include the following information:</p> <ol style="list-style-type: none"> 1. How the Mitigation Hierarchy has been followed; 2. How the Biodiversity Gain Hierarchy (BNG PPG Paragraph 007) has been followed; 3. How the Good Practice Requirements for delivering Biodiversity Net Gain have been adhered to; 4. Completed draft post-intervention sheets on the submitted Statutory Biodiversity Metric; 5. Baseline habitat survey information (i.e., descriptions, species lists and photographs) and full details of the habitat condition assessments; 6. Confirmation that Newark and Sherwood District Council's interim policy regarding 'strategic significance' Newark and Sherwood District Council's interim policy concerning 'strategic significance' has been adhered to; 7. How you propose to secure the onsite BNG considering Newark and Sherwood District Council's policy regarding significant enhancement Newark and Sherwood District Council's interim policy concerning 'significant on-site enhancement'; 8. If applicable, how you proposed to source offsite biodiversity units. <p>The following are also required as in a GIS file format shape (.shp) files (preferred) or in CAD dwg file format:</p> <ol style="list-style-type: none"> a) The planning application red line boundary; and b) The baseline habitat parcels. The attributes table for this file must should where possible contain a field for parcel reference numbers, and these references must should be used within the submitted Statutory Biodiversity Metric baseline sheets.
<p>Other information</p> <p>The Environment Act 2021 (Schedule 14)</p>

The Biodiversity Gain Site Register Regulations 2024 (SI No. 45)
The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024 (SI No. 46)
The Biodiversity Gain Requirements (Exemptions) Regulation 2024 (SI No. 47)
The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (SI No. 48)
The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (SI 2024 No. 49)
The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (SI 2024 No. 50)
The Levelling-up and Regeneration Act 2023 (Commencement No.2 and Transitional Provisions) Regulation 2024

8. Broadband Statement

Threshold/Trigger

Residential developments of 10 units or more

Details of what should be included

Written confirmation that the site will provide superfast broadband.

Other information

Please see the HBF OpenReach letter dated 3rd February 2016 available to view at:

www.gov.uk/government/publications/superfast-connectivity-in-new-homes

9. Coal Mining Risk Assessment

Threshold/Trigger

Development within High Risk Areas (excluding householder development, listed building or advertisement consent, lawful development certificates, prior approvals/notifications, hazardous substances consent, trees or hedgerow works). However, any development within a coal mining area might be affected and it is advised that developer's read the document set out within the hyperlink in the next paragraph.

Details of what should be included

A Risk Assessment report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable. Details of what should be provided are set out within [Coal Authority Guidance for Local Planning Authorities -England](#)

Other information

Paragraphs 183 and 184 of the National Planning Policy Framework (NPPF) makes it clear that land instability issues should be considered as part of development proposals and that the responsibility for securing a safe development rest with the developer and/or landowner.

10. Climate Change Statement

Threshold/Trigger

Should be provided for all new buildings excluding householder developments

Details of what should be included

Information should be provided of measures to be incorporated within the development to promote energy generation from renewable and low carbon sources and/or energy efficiency measures

Other information

Core Policy 10: Climate Change – Amended Core Strategy, Adopted March 2019

11. Community Infrastructure Levy (CIL) Forms

Threshold/Trigger

CIL may be payable on development which creates net additional floor space, where the gross internal area of new build exceeds 100 square metres. This includes development permitted by a 'general consent' (including permitted development). The 100 square metre limit does not apply to new houses or flats, and a charge can be levied on a single house or flat of any size, unless it is built by a 'self-builder'. However, the initial CIL forms should be completed at planning validation stage even if you intend to apply for a CIL Self – Build Exemption at a later date.

CIL will apply to all such buildings regardless of the type of permission.

Details of the CIL Rates and Charging Zones are set out in the CIL Charging Schedule which can be viewed on the Council's website at www.newark-sherwooddc.gov.uk/cil

Details of what should be included

To allow the Council to decide if your development is liable for CIL and if so how much, an information form entitled "[Form 1 - Community Infrastructure Levy \(CIL\) –Additional Information](#)" should be completed and submitted with your application. [CIL guidance note](#) is also available: This includes applications for householder development. This form should be completed even if you intend to apply for a CIL Self – Build Exemption later.

Whilst the Council will not invalidate your application for the lack of this form, its completion will assist.

Where a CIL Liability Notice has been issued, an Assumption of Liability and Commencement Notice should be submitted prior to commencement, there are surcharges of up to £2550 for non-compliance. If you intend to apply for a CIL Self Build Exemption, forms are available on the [Planning Portals website](#) which must also be submitted prior to commencement of development as a Self-Build Exemption cannot be applied for retrospectively.

12. Construction Management Plan

Threshold/Trigger

All major developments that generate significant numbers of construction transport movements, large vehicles and/or large loads within rural areas or require access provision along rural roads should be supported by a draft Construction Management Plan. Such developments include solar farms.

Details of what should be included

The scope and level of detail in the draft Construction Management Plan will vary from site to site but the following should be included insofar as it is known at application stage:

- Number of vehicles and frequency of vehicles using roads each day / week (as appropriate)
- Size(s) of vehicles
- Route(s) of vehicles from A-classified roads
- Hours of delivery to site
- Days of delivery to site each week
- Any measures to be put in place to manage all of the above
- Construction access.

13. Contamination Survey

Threshold/Trigger

In many cases, a contamination survey can be a requirement of a planning condition after planning permission has been granted. However, there are some circumstances where a contamination survey is required at validation stage. These include:

- Certain allocated sites – see Newark and Sherwood District Council's adopted Allocations and Development Management DPD for further information www.newark-sherwooddc.gov.uk/adm/
- Certain proposed land uses or development on sites where there may be the potential for contamination due to the former use of the land.

The following former or proposed land uses will require a quantitative risk assessment:

- Coal, mineral mining & processing, both deep mines & opencast
- Smelters, foundries, steel works, metal processing & finishing works
- Heavy engineering & engineering works, e.g., car manufacture
- Military/defence related activities
- Electrical & electronic equipment manufacture & repair
- Gasworks, coal carbonisation plants, power stations
- Oil refineries, petroleum storage & distribution sites
- Manufacture & use of asbestos, cement, lime & gypsum
- Manufacture of organic & inorganic chemicals, including pesticides
- Acids/alkalis, pharmaceuticals, solvents, paints etc.
- Rubber industry, including tyre manufacture
- Munitions/explosives production, testing & storage sites
- Glass making & ceramics manufacture
- Textile industry, including tanning & dyestuffs
- Paper & pulp manufacture, printing works & photographic processing
- Timber treatment
- Food processing industry & catering establishments
- Railway depots, dockyards, garages, road haulage depots, airports
- Landfill, storage & incineration of waste
- Sewage works, farms, stables & kennels
- Scrap yards & breakers yards
- All types of laboratories
- Power stations, electricity substations, gas works
- Chemical and manufacturing plants - using/storing bulk liquid
- Chemicals or discharging of effluent
- Sewage farms and sewage treatment plants
- Quarries or land which has been infilled with unknown fill
- Collieries
- Ministry of Defence sites
- Storing and reprocessing scrap vehicles
- Fuel storage facilities, garages and petrol forecourts
- Abandoned mines, and downstream of such mines if in a flood zone
- Abattoirs, animal waste processing & burial of diseased livestock

The following land uses will require a preliminary risk assessment, site walkover and bill of quantities:

- Other industries and commercial uses not listed in Department for Environment, Food & Rural Affairs (DEFRA) profiles
- Engineering works
- Urban soils (which **consist of** ~~are comprised of~~ made ground)
- Land with known fill
- Hospitals
- All works employing metal finishing processes - plating, paint spraying
- Vehicle repair garages (no oil storage)
- Works utilizing animal products, for example, tanneries

- Radioactive substances used in industrial activities e.g., gas mantle production, luminising works
- Agriculture – excessive use or spills of pesticides, herbicides, fungicides, sewage sludge & farm waste disposal
- Dry cleaning premises
- Naturally occurring radioactivity, including radon
- Naturally occurring - metals and other substances
- CO2 & CH4 production & emissions in coal mining areas, wetlands, peat moors or former wetlands
- Spraying of herbicides and pesticides
- Unregulated tipping activities
- Domestic heating oil leaks
- Railway Land (other than described in high-risk category)
- Gas mantle production, luminising works, dial manufacturers
- Made ground
- Cottage industry
- Allotments

The following land use will require a preliminary risk assessment and site walkover for potential contamination:

- Land which has been bombed
- Burial sites & graveyards
- Garages used for car parking

Details of what should be included

For detailed information regarding the type of information the Council will require in order to assess an application for planning permission on land possibly affected by contamination please see “A Guide to Developing Land within Nottinghamshire” which is available to view on our [website](#) and is summarised below:

Phase I — ~~Desktop Study~~ Preliminary Risk Assessment

The ~~desktop study~~ preliminary risk assessment (PRA) is the collation of site-specific information in order that a conceptual site model can be established. This conceptual model considers all potential contaminant sources, pathways, and receptors, defined as a pollutant linkage. The ~~desktop study~~ PRA should document the site history and identify all potentially contaminative land uses back to when the site was Greenfield. The conclusions of the report should contain recommendations for any progression to Phase II, if required.

A Phase I - ~~Desktop Study~~ PRA Report should include:

- Purpose of aims and study
- Site location and layout plans (appropriately scaled and annotated)
- Appraisal of site history
- Appraisal of site walkover study
- Assessment of environmental setting, to include:
 - Geology, Hydrogeology, Hydrology
 - Information on mining/quarrying activity
 - Information from EA on abstraction, pollution incidents, water quality and landfill sites.
- Assessment of current/proposed site use and surrounding land uses
- Review any previous site contamination studies (desk based/intrusive) remediation works
- Preliminary risk assessment, based on proposed development and to include:
 - Appraisal of potential/actual contaminant sources, pathways and receptors (Pollutant linkages)
 - Conceptual site model (diagrammatic and written)
- Recommendation for intrusive contamination investigation (if necessary) to include:

- Identification of target areas for more detailed investigation
- Rationale behind design of detailed investigation

Phase II — Detailed Investigation

The Detailed Investigation phase is the on-site ~~validation~~ **verification** of the conceptual model. Through intrusive investigation, chemical testing and quantitative risk assessment, the Phase II study can confirm pollutant linkages and therefore, should also provide appropriate remediation options, if required.

A Phase II – Detailed Investigation should include:

- Review previous site investigation contamination studies (desk-based or intrusive) or remediation works
- Site investigation methodology, to include:
 - Justification of exploration locations
 - Locations of on-site structures, above/below ground storage tanks etc
 - Sampling and analytical strategies
 - Borehole/trial pit logs.
 - Borehole / trial pit log locations
- Results and findings of investigation, to include:
 - Ground conditions (soil and groundwater regimes, including made ground)
 - Discussion of soil/groundwater/surface water contamination (visual, olfactory, analytical)
- Conceptual site model
- Risk assessment – based on source-pathway-receptor
- Details of the site-specific risk assessment model selected and justification in its selection
- Recommendations for remediation – based on proposed land use
- Recommendations for further investigation if necessary

Phase III — Remediation Strategy / ~~Validation~~ **Verification** Report

The remediation phase of the process is split into two sections. Firstly, the Remediation Statement is a document detailing the objectives, methodology and procedures of the proposed remediation works. This must be submitted for approval by the Council before any works commence. Secondly, following completion of the works, a ~~Validation~~ **Verification** Report must be submitted demonstrating that the works have been carried out satisfactorily and remediation targets have been achieved.

Phase III – Remediation Statements should include: -

- Objectives of the remediation works
- Details of the remedial works to be carried out, to include:
 - Description of ground conditions (soil and groundwater)
 - Type, form, and scale of contamination to be remediated
 - Remediation methodology
 - Site plans/drawings
 - Phasing of works and approximate timescales
 - Consents and licenses e.g. (Discharge consents, waste management licenses etc.)
 - Site management measures to protect neighbours.
- Details on how works will be validated; ensuring remediation objectives are met, to include:
 - Sampling strategy
 - Use of on-site observations, visual/olfactory evidence
 - Chemical analysis
 - Proposed clean-up standards (i.e., contaminant concentration)

14. Daylight and Sunlight Assessment

Threshold/Trigger

Required for major applications where there is a potential adverse impact upon the current levels of sunlight/daylight enjoyed by adjoining properties or buildings, including associated gardens or amenity space.

Applications where the application site itself is subject to potential adverse impact from adjoining buildings or features or where one part of the development is affected by another part of the same development.

Details of what should be included

A daylight, vertical sky component, sunlight availability and shadow study should be undertaken. It is recommended guidance from the BRE is used.

The information should be sufficient to determine:

- The existing and expected levels of daylight, sunlight and overshadowing on neighbouring properties
- The measures that will be taken to mitigate against the expected impact of the proposed development.

15. Drainage (Sustainable Drainage Systems (SuDS)) - Surface Water Drainage, and Foul Drainage

Threshold/Trigger

- All major applications
- Applications that could increase flood risk on site or elsewhere

NB –Usually information would be required for Areas with Critical Drainage Problems (ACDPs) – However, Nottinghamshire County Council as Lead Local Flood Authority have confirmed they have not designated any critical drainage areas within Newark and Sherwood District at this time.

Details of what should be included

Sustainable Drainage Systems (SuDS)

SuDS are an approach to managing rainwater falling on roofs and other surfaces through a sequence of actions. The key objectives are to manage the flow rate and volume of surface runoff to reduce the risk of flooding and water pollution. SuDS also reduce pressure on the sewerage network and can improve biodiversity and local amenity.

Sustainable drainage is a departure from the traditional approach to draining sites. There are some key principles that influence the planning and design process enabling SuDS to mimic natural drainage by:

- storing runoff and releasing it slowly (attenuation)
- allowing water to soak into the ground (infiltration) [must be 5.0 metres from building, 2.5 metres from boundary]
- slowly transporting (conveying) water on the surface
- filtering out pollutants
- allowing sediments to settle out by controlling the flow of the water
- creating space that will enhance biodiversity and amenity

SuDS should be designed from the outset of the project to maximise the availability of developable land and to achieve high quality, biodiverse rich environments. The hierarchy for SuDS is:

1. into the ground (infiltration)
2. to a surface water body
3. to a surface water sewer, highway drain, or another drainage system
4. to a combined sewer

Surface Water

A surface water drainage scheme should include the following information:

- A metric scaled plan of the existing site.
- A metric scaled topographical level survey of the area to metres above ordnance datum (MAOD).
- Metric scaled plans and drawings of the proposed site layout identifying the footprint of the area being drained (including all buildings, access roads and car parks).

- The existing and proposed controlled discharge rate for a 1 in 1 year event and a 1 in 100-year event (with an allowance for climate change), this should be based on the estimated green-field runoff rate.
- The proposed storage volume (attenuation).
- Information on proposed SuDS measures with a design statement describing how the proposed measures manage surface water as close to its source as possible.
- Geological information including borehole logs, depth to water table and/or infiltration test results.
- Details of overland flow routes for exceedance events.
- Drainage hierarchy assessment including detail of which options of the hierarchy are available and why they have been discounted if not utilised. i.e., Infiltration has been discounted due to the impermeable nature of the underlying strata (Mercia Mudstone)
- A management plan for future maintenance and adoption of drainage system for the lifetime of the development.

Foul Drainage

For major development incorporating foul drainage into the public sewer details of the impact of the development on the public sewer infrastructure are required. Early discussions with Severn Trent Water or Anglian Water¹ are key in order to determine whether or not a load or flow assessment should be submitted with the planning application.

- 1 Anglian Water serves Barnby in Willows, Harby, Wigsley and part of Fernwood.

The National Planning Practice Guidance and [Building Regulations Approved Document H](#) give a hierarchy of drainage options that must be considered and discounted in the following order:

- 1 Connection to the public sewer
- 2 Package sewage treatment plant (which can be offered to the Sewerage Undertaker for adoption)
- 3 Septic Tank
- 4 If none of the above are feasible a cesspool

If a proposal incorporates a non-mains foul drainage system, then a [Foul Drainage Assessment Form](#) should be completed. In addition to this form:

Proposed treatment plants - a percolation test must be carried out and the results submitted with the application unless the treatment plant is to be draining into a watercourse.

Proposed septic tanks and cess pools - a full impact assessment must be submitted before the application can be registered. This should confirm that the adverse effects summarised in factors (a) to (k) below will not arise. This assessment should focus on the likely effects on the environment, amenity, and public health and, in particular, it should include a thorough examination of the impact of disposal of the final effluent, whether it is discharged to a water course or disposed of by soakage into the ground.

- a. contravention of recognised practices
- b. adverse effect on water sources/resources
- c. health hazard or nuisance
- d. damage to controlled waters
- e. damage to the environment and amenity
- f. overloading the existing capacity of the area
- g. absence of suitable outlets
- h. unsuitable soakage characteristics
- i. high water table
- j. rising ground water levels
- k. flooding

Proposals that are within close proximity to or will have impact upon any open watercourse or culvert should be submitted with a plan showing the location of the watercourse/culvert. Whilst surface water should be kept and dealt with on the application site, details of the impact of surface water discharge from sites into such watercourses, particularly with regard to impacts downstream should be provided.

16. Ecological Impact Assessment (EclA)

Threshold/Trigger

It is very difficult to define precise thresholds and triggers for development proposals that have the potential to affect designated sites, priority habitats and protected and priority species. Requests for supporting information need to be balanced to be proportionate to the scale and type of development whilst ensuring all relevant wildlife legislation and planning policies are given due consideration. Where there is uncertainty regarding the need for, or level of, Ecological Impact Assessment, applicants are encouraged to use the pre-application process to seek the views of NSDC.

All applications for development that is not exempt from the general biodiversity condition (Exempt development).

1. Except for the need for ecology surveys in relation to bats and buildings, most householder applications are unlikely to affect priority habitats or protected species other than bats and would not require an EclA. Guidance regarding interpretation of the need for ecology surveys in relation to bats and buildings, **including dwellings**, is provided in a separate Advisory Note which can be accessed at [Appendix A](#).
2. Applications relating to barns and other buildings/structures have the potential to affect protected species, primarily bats, but also protected and/or notable birds like barn owl and swift. [Appendix A](#) provides guidance in relation to bats, and preliminary assessments for roosting bats will usually include an assessment for potential impacts on birds.
3. All applications immediately adjacent to, or within (including partially) the boundary of, a site afforded a nature conservation designation. This includes statutory designated sites (Special Area of Conservation, Sites of Special Scientific Interest and Local Nature Reserves), and non-statutory designated Local Wildlife Sites.
4. All applications not falling within the above categories involving works within, or immediately adjacent to standing open water (i.e., ponds and lakes), or running water (i.e., dykes, streams, rivers).
5. Proposals involving works to trees known, or suspected, to house protected species.

What should be included

EclAs must be carried out by a suitably competent ecologists with surveys undertaken at the correct time of year, using relevant best practice guidance. Surveys and reports should be valid in accordance with best practice guidance regarding [the lifespan of ecological reports and surveys](#).

The content of the EclA should be prepared in accordance with current best practice [guidelines](#) for Ecological Impact Assessment in the UK. These guidelines consider the need for EclAs to be proportionate to the scale of development and complexity of potential impacts. This approach would normally involve an initial Preliminary Ecological Appraisal (PEA) which should be prepared following best practice [guidelines](#). The purpose of the PEA is identifying ecological constraints and opportunities at the early stages of a development proposal and to assess the need or otherwise for additional ecological survey work, the results of which would be needed to enable the EclA to be completed. Preliminary Ecological Appraisal Reports should not normally be submitted to support a planning application but be used to inform the EclA report.

Within Newark and Sherwood District, the EclA process should be aware of the possible, potential Special Protection Area, and follow [Natural England's advice note](#) regarding the consideration of likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region.

Other Information

- Guidance about how to avoid harming protected areas and species during development work
- Information about the natural environment presented as an interactive map that can be interrogated for information like statutory designated sites etc. [MAGIC \(defra.gov.uk\)](https://defra.gov.uk/magic)
- [Nottingham City Council - Insight Mapping GIS Mapping](#) Information about non-statutory designated local wildlife sites and other important information.
- Nottinghamshire Biological and Geological Record Centre (NBGRC) nbgrcg@nottinghamcity.gov.uk
- Further information regarding ~~where~~ protected species ~~and development~~ ~~is likely to be present~~ can be found in [Natural England's Guidance](#) [Natural England's Guidance](#) "How to Review Planning Applications" available to view online.
- Guidance for [finding an ecologist](#).

17. Economic Statement

Threshold/Trigger

Required for major developments, excluding householders which are major development by virtue of site area.

What should be included

Applications may need to be accompanied by a support statement of any regeneration benefits from the proposed development, including:

- details of any new jobs that might be created or supported
- the relative floorspace totals for each proposed use (where known)
- any community benefits
- reference to any regeneration strategies that might be behind or be supported by the proposal.

18. Environmental Impact Assessments (EIA)/Environmental Statement

Policy Background

- The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – further information available on the following website: [The Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017 \(legislation.gov.uk\)](https://legislation.gov.uk/ukreg/2017/1612/regulation-2)

Threshold/Trigger

The Regulations (see website above) apply to two separate lists of projects:

1. Proposals listed in Schedule 1 of the Regulations 'Schedule 1 projects' require an EIA in every case
2. Proposals listed in Schedule 2 of the Regulations 'Schedule 2 projects' require an EIA only if the project in question is judged likely to give rise to significant environmental effects. Schedule 3 provides further guidance for when assessing whether Schedule 2 projects require an EIA.

Screening Opinion

If you are unsure whether your proposal requires an Environmental Impact Assessment (EIA) you can submit a request to the Local Planning Authority (LPA) for a Screening Opinion. The Local Planning Authority will then screen the proposal against the Regulations and confirm in writing whether or not a full Environmental Impact Assessment is required. The request for a Screening Opinion should include the following:

- a. a plan sufficient to identify the land
- b. a description of the development, including in particular:
 - (i) a description of the physical characteristics of the development and, where relevant, of demolition works
 - (ii) a description of the location of the development, with particular regard to the environmental sensitivity of geographical areas likely to be affected
- c. a description of the aspects of the environment likely to be significantly affected by the development
- d. to the extent the information is available, a description of any likely significant effects of the proposed development on the environment resulting from:
 - (i) the expected residues and emissions and the production of waste, where relevant; and
 - (ii) the use of natural resources, in particular soil, land, water, and biodiversity

- e. such other information or representations as the person making the request may wish to provide or make, including any features of the proposed development or any measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

On receipt of the application for a screening opinion the Local Planning Authority (LPA) will consult relevant organisations and respond to the request within 3 weeks beginning from the date of receipt of a request made or such longer period, not exceeding 90 days from the date of receipt as may be agreed in writing with the person making the request. Where there are exceptional circumstances and it is not practicable for the LPA to adopt a screening opinion within this time period, the LPA may extend the period by notice in writing given to the person who made the request for a screening opinion.

If the LPA considers that the proposal could have significant effects on the environment, then they will require an EIA to be submitted with the planning application. You will be informed, in writing, of the outcome of the screening opinion.

In addition to the above the LPA will undertake a screening opinion on all relevant applications when submitted. It may be at this time that an EIA is requested by the LPA. Where an applicant disagrees with the decision, they may appeal to the Secretary of State for a screening opinion.

The Nottinghamshire Rapid Health Impact Assessment Matrix incorporated within the [Nottinghamshire Planning and Health Framework](#) should be used to assess the health impacts of developments as part of the planning proposal.

Scoping Opinion

A person who is minded making an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (a “scoping opinion”):

- a. a plan sufficient to identify the land
- b. a brief description of the nature and purpose of the development, including its location and technical capacity
- c. an explanation of the likely significant effects of the development on the environment
- d. such other information or representations as the person making the request may wish to provide or make.

The LPA must adopt a Scoping Opinion within 5 weeks of receiving a request or such longer period as may be agreed in writing with the person making the request. The LPA will consult the relevant bodies as part of the process.

The LPA will then confirm what they consider to be the main effects of the development and the topics that the Environmental Statement should cover. This does not prevent the LPA from requesting additional information as part of the EIA process. Alternatively, the LPA can screen a proposal as part of the planning application process once a formal planning application has been received.

Details of what should be included

Full details of what to include in an Environmental Impact Assessment / Environmental Statement are set out in full in Schedule 4 of the Regulations.

To ensure the completeness and quality of the environmental statement:

- a. the developer must ensure that the environmental statement is prepared by competent experts; and
- b. the environmental statement must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of such experts.

A person who is minded making an EIA application may ask the relevant planning authority to state in writing their opinion as to the scope and level of detail of the information to be provided in the environmental statement (this is called a “scoping opinion”). [Further details on the Scoping Opinion process can be found here.](#)

Other Information

Planning permission cannot be granted for EIA development unless an EIA has been carried out in respect of that development.

19. External Lighting Details

Threshold /Trigger

All proposals involving floodlighting.

Details of what should be included

A report written by a suitably qualified person must include: -

- Details of the survey of the surrounding night environment
- Identification of critical viewpoints
- Establishment and calculation of existing lighting conditions
- Summary of baseline measurements and/or calculations
- Analysis of task lighting level recommendations
- Establishment of environmental light control limits
- Statement of new lighting design quality objectives
- Calculated measurement of task working areas
- Calculated measurement of overspill areas
- Obtrusive light calculation of property intrusion
- Viewed source intensities including nominal glare assessment
- Direct upward light ratio
- Comparison of design achievement with baseline values
- Designer's critique of final design constraints
- Viewpoint visualisation
- Virtual walkthrough of illuminated site
- Schedule of model reflection factors
- Schedule of luminaire mounting heights and aiming angles
- Layout plan with beam orientation indication.

20. Flood Risk Assessment

Threshold/Trigger

When a Flood Risk Assessment is required:

You need to do a flood risk assessment for most developments within one of the flood zones. Full guidance is provided within the [National Planning Practice Guidance](#) but a summary is provided below.

This includes developments:

- in flood zones 2 or 3 including minor development and change of use
- more than 1 hectare (ha) in flood zone 1
- less than 1 ha in flood zone 1, including a change of use in development to a more vulnerable class (for example from commercial to residential), where they could be affected by sources of flooding other than rivers and sea (for example surface water drainages, reservoirs)

To find out which flood zone a site is in please see www.gov.uk/check-flooding

When a Flood Risk Assessment is not required:

You do not need to do a flood risk assessment for a development that is less than 1 ha in flood zone 1 unless it could be affected by sources of flooding other than rivers and the sea, for example surface water drains.

When to follow standing advice

You should follow the Environment Agency's standing advice if you're carrying out a flood risk assessment of a development classed as:

- a minor extension (household extensions or non-domestic extensions less than 250 square metres) in flood zone 2 or 3 (extensions such as dormer windows, first floor (only) extensions and similar

developments are unlikely to require a Flood Risk Assessment. You are advised to check with us if you require clarification)

- 'more vulnerable' in flood zone 2 (except for landfill or waste facility sites, caravan or camping sites)
- 'less vulnerable' in flood zone 2 (except for agriculture and forestry, waste treatment, mineral processing, and water and sewage treatment)
- 'water compatible' in flood zone 2
- You also need to follow standing advice for developments involving a change of use into one of these vulnerable categories or into the water compatible category.

Please see '[Flood Risk Vulnerability Classifications](#)' (definitions for the above categories)

Details of what should be included

Flood risk assessment

The Environment Agency offers products and packages of [information](#) to help you complete your flood risk assessment. Some assessments may need to be completed by a suitability qualified professional who can advise on flood risk management and mitigation measures, for example major developments.

Detailed information as to what to include in a flood risk assessment depending on which flood zone the site lies in is available on the [Environment Agency website](#). Additionally, if your application is for householder or other minor extensions and the development falls within a flood zone, please refer to this page on the [Environment Agency website](#). Please note that different packages of information (products) are available from the Environment Agency to assist with preparing a flood risk assessment, contact information below. Sufficient time should be given to enable the Environment Agency to respond.

In addition to the information above, Flood Risk Assessments should also consider information from the relevant Neighbourhood Plan.

Flood risk assessment: standing advice

For all developments covered by standing advice, you must put together a flood risk assessment which includes:

- your site address
- a description of your development
- an assessment of the flood risk from all sources of flooding for your development, plus an allowance for climate change
- the estimated flood level for your development, taking into account the impacts of climate change over its lifetime (river flood with a 1 in 100 annual probability plus an [allowance for climate change](#)*)
- details of the finished floor levels
- details of your flood resistance and resilience plans
- any supporting plans and drawings
- any other information the relevant standing advice tells you to include.

*If flood defences are present, the estimated flood level should account for the residual flood risk if they breached or overtopped. You may need a flood risk specialist to calculate this for you.

The Environment Agency's [standing advice](#) confirms exactly what you need to provide a satisfactory Flood Risk Assessment.

Other Information

Flood Risk Assessments should always be proportionate to the degree of flood risk in each case and appropriate to the scale, nature and location of the proposed development or change of use.

It may be necessary for you to carry out the sequential test as part of your flood risk assessment. To find out if you need to carry out the sequential test as part of your flood risk assessment and how to complete one please visit: <https://www.gov.uk/guidance/flood-risk-assessment-the-sequential-test-for-applicants>. If your sequential test shows that it isn't possible to use an alternative site, you may need to do another test called the exception test. Guidance on how to do the exception test is included within the sequential test advice for applicants.

The level 2 Strategic Flood Risk Assessment is available on our website at www.newark-sherwooddc.gov.uk/sfral2/2/

To find out if you need a flood risk assessment as part of your planning application please visit: <https://flood-map-for-planning.service.gov.uk/>. You can also use this service to download a printable flood map for planning (PDF) showing your flood zone and request flood risk assessment data.

Further information can be found at www.gov.uk and [National Planning Practice Guidance](#)

Environment Agency - enquiries@environment-agency.gov.uk

Advice may also be found from the Lead Local Flood Authority at Nottinghamshire County Council for major development schemes at flood.team@nottscg.gov.uk or Customer Services Centre on 0300 500 8080

The Environment Agency now charges for advice requested outside of their statutory duty to respond to planning applications and strategic documents. Therefore, if an applicant would like advice or Environment Agency involvement in any application or strategic document outside of the statutory process, we would ask that they contact the Environment Agency directly at planning.trentside@environment-agency.gov.uk. The Environment Agency will be able to offer details on what they offer, and the costs associated with this.

21. Green Belt Impact Assessment

Threshold/Trigger

- Applications which propose the demolition and replacement of buildings located within the Green Belt
- Applications which propose extensions, new buildings, or engineering operations in the Green Belt
- All householder applications that propose the extension of dwellings located in the Green Belt

What should be included

Plans and volume, external footprint and floorspace calculations for the following:

- The original building (a building existing on 01/07/1948 or a building as originally constructed on or after that date)
- All existing extensions and outbuildings to the original building
- Any demolition of the original building proposed
- Any demolition of an existing extension(s) and outbuildings proposed
- Any proposed extensions
- Any proposed new buildings

Volume, external footprint and floorspace percentage increase calculations for the following:

- Original building to existing building
- Original building to proposed building
- Existing building to proposed building

22. Health Impact Assessment

Threshold/Trigger

Developments over a size threshold of 50 dwellings and other major development likely to have a significant impact on health and well-being)

What should be included

The Nottinghamshire Spatial Planning and Health Framework – Rapid Health Impact Assessment (RHIA) Checklist Matrix ~~Checklist~~:

- assessing the 12 RHIA criteria/ health related topics such as community inclusion, healthy neighbourhoods, active lifestyles, environment protection, safety and wellbeing, and housing provision →
- considering health in relation to the provision of health services, contamination surveys, noise assessments, air quality assessments etc
- providing / paying for planning obligations for health
- completing a 'Building for Healthy Life Assessment'; and / or
- providing mitigation measures for potential health impacts of development.

Further information, including the RHIA checklist Matrix is available on [Nottinghamshire County Council website](#).

2223. Heritage Impact Assessments (including desk based Archaeological reports)

Threshold/Trigger

All applications affecting heritage assets and/or their setting. A heritage asset is defined as “A *building, monument, site, place, area, or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).*”

A Heritage Impact Assessment will always be required for the following as they relate to designated heritage assets:

- Listed building consent applications
- Planning permission applications for sites within the setting of a listed building
- Planning permission applications for sites/buildings in or within the setting of a conservation area
- Planning permission applications for sites in or within the setting of a scheduled ancient monument
- Planning permission applications for sites in or within the setting of registered parks and gardens
- Planning permission for relevant demolition in a conservation area.

Heritage Impact Assessments should also be submitted for planning applications affecting non-designated heritage assets, ~~notably~~ **including** where that proposal would result in total loss or significant alteration of the heritage asset. Carrying out a pre-application meeting with the Planning Department will ensure that heritage assets are identified at the earliest stage.

Should a proposal comprise enabling development, you are advised to seek early pre-application advice and refer to [Historic England's Good Practice Advice in Planning: 4 Note](#)

What should be included

Heritage Impact Assessments for larger scale schemes should be written by a suitably qualified person (for example a member of the Institute of Historic Building Conservation or other relevant body). The assessment should include the author's name and qualifications.

Applicants are required to provide a description of the significance of the heritage asset and/or its setting. This can be presented in the form of a Heritage Impact Assessment. A Heritage Impact Assessment should provide the local planning authority with enough information to adequately understand the impact of the proposals on the significance of any heritage assets affected. It is necessary to understand:

- how the significance of heritage assets, including their setting will be affected by the proposed development
- what contribution does the site make to the significance of any heritage assets including their setting
- how can the development protect the significance of a heritage asset
- if harm is likely to occur what avoidance - mitigation measures are possible
- what enhancement opportunities are there to better reveal their significance
- is the relationship of heritage assets within a wider setting affected by the proposed development such as relationship between a listed building and associated registered park and garden? - including the need for a views analysis or photomontages
- are there cumulative impacts to consider of a quantum of development in a location and how will this additional development affect the significance of heritage asset(s).

The level of information provided should be appropriate and proportionate to the significance of the heritage asset and the potential impact upon that significance of the proposals. For example, for an application that includes substantial demolition of a heritage asset it is reasonable to expect an applicant to provide a thorough and detailed understanding of the asset, and a thorough explanation of the impact of the demolition on the asset and its setting. An application for a minor alteration to part of the asset is likely only to require detailed information on the affected part of the asset, with only a brief explanation of how the impact relates to the significance of the asset as a whole.

For small scale development the Heritage Impact Assessment should be written by anyone that is competent to do so. This may be the heritage asset owner (for example for a householder application) but for a complex

heritage asset with high levels of significance a heritage professional is required (i.e. conservation architect, architectural historian, building archaeologist).

For proposals that require alterations to or replacement of, for example, doors and windows, these should be shown on a separate plan(s) to a larger scale of 1:10, 1:5, or 1:1 as appropriate. The statement should examine the impact of such changes with reference to the associated plans.

Further detailed information as to what should be included in a Heritage Impact Assessment can be on our website at www.newark-sherwooddc.gov.uk/planning/heritageconservation/planningandheritageassets/

If the proposed development has the potential to disturb buried archaeology or sites of archaeological interest, the Heritage Impact Assessment will need to address any archaeological impacts. Please see [Section 5 'Archaeological Assessment'](#) for further details and advice.

The following is a guide for preparing a Heritage Impact Assessment

Stage 1: Gathering information.

Heritage assets, especially when designated, will have some documentary information about them. For example, all listed buildings have a statutory list description and Registered Parks, and Gardens have full detailed descriptions that include their historic development. The [Historic Environment Record at Nottinghamshire County Council](#) should be consulted as part of the information gathering stage.

A good set of colour photographs showing the areas specific to the proposals should be included. There are many historic photographs of the district, often showing the application site or building. Historic photographs often reveal information about how the building has changed and can provide justification for proposed alterations or inform the design of an alteration or extension.

Maps can reveal historic layouts of sites and buildings, their relationship with other buildings or structures and surrounding landscapes or gardens. An examination of historic maps will often reveal information on how the site has changed and developed, providing time periods for different building phases. There are many sources of historic and modern maps, such as enclosure and tithe maps, to the more detailed Ordnance Survey maps which were first drawn in the mid-19th century. The types of maps that you should consult will very much depend on the age of the heritage asset and your proposals.

Many buildings and areas in the district are referred to in other sources of information, which is often the work of local historians. For example, the history of many of the villages has been written about. The District or County Council may hold investigative reports on buildings or sites. Where an asset/s lie/s within a conservation area there may be a conservation area appraisal written. Historical directories can be useful sources, especially where the site or building was built for a community purpose, often providing dates of construction, architects, and benefactors.

Stage 2: Written Description.

A written description should also be provided; the amount and type of information will depend very much on the heritage asset itself and the proposals. If appropriate you may wish to include copies of any documents relating to the heritage asset, discovered as part of Stage 1. The following, to a greater or lesser extent should be included:

- A description of the building/structure/site and its setting (this may include important views towards and away from the heritage asset. The description should include information on architectural style, date(s) of construction, materials and notable characteristics generally and specifically in the location of the proposals. Where proposals affect the setting of a heritage asset you may wish to make reference, if appropriate, to other buildings in the grounds/garden, details of landscaping and views towards and away from the application site.
- Summary of the building/structure/site's architectural, archaeological, or historical significance. Significance is what people value about the heritage asset. This will often be the architectural interest, but can also be social, community, economic or environmental value. Unusual or rare features will usually have a higher

level of significance. Significance will often be derived from the age of the fabric of a building. For example, late 20th century extensions to an 18th-century farmhouse will not usually be considered to be as significant as the earlier original fabric. Where a heritage asset has numerous phases of development, or differing levels of significance, plans can be used to show this effectively.

- Where a heritage asset forms part of a group, consider the group value or cumulative significance i.e., the significance it has by virtue of being in the presence of other assets.

Stage 3: Proposals and Justification.

The Local Planning Authority must clearly understand your proposals and the reasoning for them. Through a good understanding of the heritage asset, your proposals should be designed to avoid or minimise any harm to the significance of the heritage asset. A written explanation should be provided outlining your proposals and justifying them. Your explanation might answer the following questions:

- What is the need for the new work?
- Can your needs be met in a different way?
- What are the benefits of the new work?
- Could the work harm the heritage asset or put it at risk in anyway?
- Do you understand the heritage asset well enough to make an informed decision?
- Will the benefits outweigh any harm?
- Can you avoid (mitigate) any minor impacts on the heritage?
- Is the scale, design, materials proposed for any new works appropriate?
- Is any new work in the least damaging place?

Should the proposal result in substantial harm to a designated heritage asset, evidence of appropriate marketing is required to demonstrate that a heritage asset has no viable use. Evidence that conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible should also be submitted.

Useful information:

Heritage Impact Assessment - <https://www.newark-sherwooddc.gov.uk/heritageassetsandplanning/>

Conservation Area Appraisals - <https://www.newark-sherwooddc.gov.uk/conservationareas/>

Non-Designated Heritage Assets: Criteria - This document provides service users with a guide to the criteria used to assess whether a building, structure, settlement, archaeological site, landscape or landscape feature can be regarded as a non-designated heritage asset.

2324. Highway Information for all new residential development

Threshold/Trigger

All new residential development

Details of what should be included:

In addition to the national requirement for detailed scaled plans the following information is also required:

- Driveway Width (for all new driveways – both shared private driveways and individual driveways)
- Driveway Visibility (for all new driveways – both shared private driveways and individual driveways) and where new boundary treatment is proposed that could affect highway visibility
- Driveway Length (for all new driveways – both shared private driveways and individual driveways)
- Turning areas (for shared driveways)
- Driveway Gradient (for all new driveways – both shared private driveways and individual driveways)
- Bin storage / collection point
- Parking areas
- Location of electric car charging point provision
- For major developments only – parking provision per plot, detailing required and sizes, layout (tandem/rear/front etc.) along with bedroom numbers for each dwelling. This should be provided on an appropriate plan (e.g. layout plan) to enable assessment

Other Information

For detailed information regarding general principles and minimum standards for the layout and dimensions of roads and paved areas in residential and industrial developments, please see 'Nottinghamshire Highways Design Guide' available to view at www.nottinghamshire.gov.uk/transport/roads/highway-design-guide

2425. Landscape and Visual Assessments

Threshold/Trigger

Landscape and visual assessments are required to assess any potential impacts of a proposal on visual amenity and landscape character.

Statements will be required for all proposals which impact on the visual amenity or landscape character of an area. These include, but are not limited to:

- Proposals for wind turbines or solar farms
- Large scale developments
- Certain developments in the Open Countryside

Details of what should be included:

The following documents are available on our website and set the policy background for landscape and visual assessments:

- [Landscape Capacity Study](#)
- [Landscape Character Assessment SPD \(LCA SPD\)](#)
- Core Policy 13: Landscape Character of the Newark and Sherwood Core Strategy

A landscape and visual assessment should usually include the following information:

- Topography: Explanation of how the topography of the site has affected the design of the proposed scheme.
- Current land uses: Explanation of any change of use of land and how it will affect the appearance of the landscape or adjoining land uses
- Existing trees, hedges, woodland blocks, and belt
- Water bodies and ditches: Explanation of the effect of the proposed development on reservoirs, watercourses, ponds etc. that are important for site drainage and wildlife habitat.
- Man-made features: Consideration should be given to any existing visually intrusive man-made features
- Views: Identify key views from the surrounding area to the development site. Explain how the proposed development will be likely to be visible from and/or alter these views. This should include any changes to boundary treatments, access, or vegetation. Consideration should be given as to whether the proposed development is likely to be visible from surrounding areas where there currently are no views. Photos of the site from key views should be provided. These should include existing views and views with the proposed development super-imposed.
- Landscape Character: Where the proposal is located within open countryside or a small settlement, describe the landscape character of the application site and adjacent surroundings. Provide an analysis of the key landscape features and special qualities of the area. Include details of any historic pattern of field boundaries, woodlands and/or settlements in the surrounding area.
- Settlement Character: Where the proposal is located within or adjacent to an existing settlement, describe the character of the settlement. This should include the type of settlement (town, village or hamlet), the predominant type of building (terraced, detached, single or two storey, architectural style, age and typical building materials). Provide an explanation of the effect of the proposal on key views to the wider landscape from the settlement together with the effect of the proposal on local landmarks or any approach roads, gateways, and footways to the settlement.
- Habitat Character: Where the proposal is located on land or is adjacent to land that could provide priority habitats for wildlife (this may include unimproved upland, moorland, coastal wetland, or limestone pavement), describe the effect the proposal may have upon the habitat character, together with any mitigation.

- **Heritage Assets:** Where the development is located within or adjacent to a heritage asset (listed buildings, scheduled monuments, conservation areas and registered parks and gardens), describe the effect the proposal may have upon any heritage assets.
- **Historic Landscapes:** This will relate to landscapes such as gardens, parks, parklands, and cemeteries with the statement providing an understanding as to whether the principle of development is appropriate in that location, what mitigation and adaptation measures are possible to protect landscape character and what opportunities there are to enhance landscape character and connectivity.
- **Non-designated heritage assets:** These may include above and below ground archaeology. Buildings, land or features with a historic, architectural community or archaeological interest can be considered as heritage assets, even if they are not nationally designated. Archaeological interest may apply to heritage assets, whether designated or not, when the development and history of a building may only be revealed through archaeological investigation, when modern features and additions are removed.

2526. Landscaping Scheme (Hard and Soft Landscaping)

Threshold/Trigger

Where hard or soft landscaping is proposed. In a number of cases these can be dealt with by way of a planning condition once planning permission has been granted. However, if a scheme is particularly sensitive from either an ecological or visual point of view, then these may be required at the validation stage.

Details of what should be included

- Metric scale 1:500 (Layout plans) and 1:200 or 1:100 (Planting schemes)
- For residential development, plot nos. should be identified
- Topographical site survey showing spot levels, contours, structures, walls, fences, existing trees (Root Protection Areas), significant shrubs and vegetation; service runs and easements; buildings on site and building edges off-site
- Planting plan should include positions, species/variety, density of planting, maximum size at maturity, grille and guard specifications, weed control measures, slope stabilisation methods, protective measures (from vehicle and pedestrian movements, grazing animals, vandalism etc.)
- Management plans, including objectives and after care maintenance
- Hard landscaping plans should include details of surfacing, footways, boundary walls/fences, retaining walls; protective measures against vehicle impact, pedestrian shortcuts, vandalism (bollards, tree guards, permanent fencing, low walls etc.); lighting, street furniture, special features (artwork etc.), refuse storage structures, utility routes, sub-stations etc.
- Tree lined streets

Other Information

National Planning Policy Framework - <https://www.gov.uk/guidance/national-planning-policy-framework/12-achieving-well-designed-places>

2627. Noise Impact Assessment

Threshold/Trigger

A Noise Impact Assessment is required to determine whether a proposed development will have a significant impact on existing noise levels or whether, when all appropriate forms of mitigation have been considered, the existing noise environment will adversely affect the proposed development. They are required for the following types of development:

- Proposed developments that have the potential to generate noise, for example, industrial units, installation of external air conditioning and ventilation / exhaust system / flue units, workshops, day nurseries, nightclubs, public houses, restaurants/takeaways, schools/colleges, outdoor sports facilities etc.
- Proposed developments located next to an existing noise source, for example, next to an industrial site, a busy road, or railway line.

Details of what should be included

A noise impact assessment should include the following information:

- Existing background noise levels measured over a 24-hour period (including the cumulative noise levels of all existing units)
- Proposed noise levels (including the cumulative noise levels of all proposed units)

- Any proposed measures to reduce noise from the proposed development
- The system manufacturer's specification of any proposed equipment to be installed, altered or replaced
- Details of the method used to compile the report and examples of the calculations and assumptions made.

Please note that you cannot carry out a noise impact and sound insulation assessment yourself. It must be completed by a qualified acoustician.

Other Information

For the installation of external air conditioning and ventilation / exhaust system / flue units a separate ventilation and extraction report is required. Please see details regarding '[Ventilation and Extraction Report](#)'.

Please see the relevant prevailing British Standards and Good Practise Guidance.

2728. Odour Impact Assessment

Threshold/Trigger

An Odour Impact Assessment is required to determine whether a suitable standard of amenity can be achieved where development proposals are located adjacent to or within existing uses that might cause a detrimental impact. Examples might include

- water recycling centres (sewage treatment works);
- Agricultural and similar activities that might involve waste handling e.g., poultry sheds

Details of what should be included

An odour impact assessment should include the following information:

- include details of the baseline of the existing climate around the site
- identify operations that could lead to the generation of odours
- assess the change in baseline conditions that may result from the proposed development
- identify the receptors that could be affected by the odours arising from proposed operations on the site
- recommend mitigation and management measures such as those on DEFRA website, including site layout, enclosure in buildings, managing stockpiled waste and open ground
- recommend proposals to monitor and report on odours and enable effective response to any complaints

Please note that you cannot carry out an odour impact and sound insulation assessment yourself. It must be completed by a qualified odour consultant.

Other Information

Guidance on the assessment of Odour for planning. Institute of Air Quality Management, May 2014:

<http://iaqm.co.uk/text/guidance/odour-guidance-2014.pdf>

IPPC SRG 6.02 (Farming) Odour Management at Intensive Livestock Installations, Environment Agency 2005:

https://www.sepa.org.uk/media/60931/ippc_srg6_02_odour-management-at-intensive-livestock-installations-may-2005.pdf

IPPC H4 Odour Management Guidance: Environment Agency:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/296737/geh_o0411btqm-e-e.pdf

Advice can also be sought from the relevant sewerage company – [Anglian Water](#) or [Severn Trent](#).

2829. Open Space Statement**Threshold/Trigger**

An Open Space Statement is required for all developments that will result in the loss of open space

Details of what should be included

Application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. Planning permission is not normally given for development of existing open spaces which local communities need. However, in the absence of a robust and up-to-date assessment by a Local Planning Authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements.

Applications involving the loss of playing fields.

The following information is required:

Document	Presenting details on....	
Required for all applications		
Consultation notice	1. The development proposed (description), timescales, case officer contact details and how information can be viewed.	
Existing site plan	2. Extent of the playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015. 3. Location and nature of existing buildings. 4. Location and nature of existing facilities for sport (including the layout of summer and winter playing pitches). 5. Significant features (e.g., trees, slopes, paths, fences, sewers) ¹ . 6. Existing levels across the site ¹ .	
Proposed site plan	7. Location and nature of the proposed development. 8. Extent of playing field area to be lost (including the area covered by the proposed development and any associated works, e.g., landscaping). 9. Location and nature of all existing facilities for sport (clearly showing any revised locations from the existing plan). 10. Any changes to existing features and levels ¹ .	
Supporting statements	11. Extent of playing field area to be lost (area in hectares and see point 8 above). 12. Reason for the chosen location and alternatives considered. 13. Any proposed changes in the provision of indoor and outdoor facilities for sport on the site (including ancillary facilities).	
Document	Present details on...	
Required in relation to specific playing fields policy exceptions		Exceptions
Drawings	14. Internal layouts and elevations for proposed new, extended or enhanced facilities for sport (including relevant ancillary facilities) ¹ .	2, 4 and 5
Supporting statements	15. Current and recent users of the playing field and the nature and extent of their use.	1, 4 and 5
	16. How the development fits with the findings of any relevant assessment of need and/or sports related strategy (a copy of, or a web link to, the assessment or strategy should be provided) ^{1 2} .	1, 4 and 5
	17. How the development will be of benefit to sport (including benefit to existing and potential users) ² .	2, 4 and 5
	18. The specification of any ancillary facilities e.g., sports lighting ¹ .	2, 4 and 5
	19. The specification of any Artificial Grass Pitch and reason for the chosen surface type ² .	4 and 5
	20. How any replacement area of playing field and ancillary facilities will be delivered (including to what timescale).	4

	<p>21. How, for any replacement area of playing field, equivalent or better quality will be achieved and maintained, including³:</p> <ol style="list-style-type: none"> An assessment of the performance of the existing area The programme of works (including pitch construction) for the creation of the proposed replacement area A management and monitoring plan for the replacement area. 	4
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- Level of detail proportionate to the nature of the development and its impact on the playing field.
- Relevant for Exception 4 where the loss of an area of playing field with a natural grass surface is proposed to be replaced elsewhere by a new area of playing field with an artificial surface.
- Details should be undertaken and developed by a suitably qualified and experienced sports turf consultant, satisfy appropriate Sport England and National Governing Bodies of sport design guidance, and have regard to Sport England's 'Equivalent Quality Assessment of Natural Turf Playing Fields' briefing note.

Open space required as part of new development for other purposes

Where an application for new development (usually, but not exclusively, for residential purposes) generates a requirement for open space provision in accordance with the planning policy prevailing at the time, details of the provision must be included in the application. The details must include:

- The precise location of the open space land in relation to the layout of the overall scheme (normally, the open space should be shown on the site layout plan(s))
- Details of the layout of the open space including all fixed equipment, fencing, access arrangements and planting
- A timescale for the open space to be completed and made available, preferably in relation to the timescale for the overall development
- Proposals for the future maintenance of the open space. If this involves transferring the site into Council ownership, draft heads of terms of the necessary [s106 agreement](#)
- If provision is to be met by a financial arrangement rather than on site, draft heads of terms of the necessary [s106 agreement](#).

Other Information

Further information can be found on the Sports England website <https://www.sportengland.org/how-we-can-help/facilities-and-planning/planning-for-sport>

2930. Planning Obligations Pro Forma Statement
<p>Threshold/Trigger</p> <p>A Section 106 Agreement is required to secure the following:</p> <p><u>Affordable Housing</u></p> <ul style="list-style-type: none"> All new housing developments involving more than 10 units (i.e., 11 or more) or where the maximum combined gross floorspace exceeds 1,000 square metres (gross internal area) regardless of the number of units All applications for rural affordable housing that would not otherwise be acceptable in principle regardless of the number of units or floorspace. <p><u>Community Facilities</u></p> <ul style="list-style-type: none"> Residential developments of 10 or more dwellings <p><u>Education</u></p> <ul style="list-style-type: none"> Residential developments of 10 or more dwellings and where a development generates a need for additional places to be provided in existing primary schools In some circumstances (i.e., large scale major housing scheme) the size of the development will generate a requirement for a new school. Where this is required, the developer will be expected to provide site and construction costs including professional fees, furniture and equipment

- Proposals to redevelop an existing school site by a developer would normally trigger need for a replacement school (where the existing school is not surplus to requirements).

Health

- Residential – 65 dwellings or more and/or
- Development which places extra demand on the local health care provision through its operation
- Applications for the development of concentrated / multi-tenant housing such as residential care homes, nursing homes, sheltered housing or student accommodation will need to be assessed for their impact on the local healthcare functions on a case-by-case basis

Libraries

- Residential development of 10 or more dwellings which generates a need for additional library provision.

Open Space

New housing developments as set out below:

- Provision for children and young people; 10 or more dwellings in Settlements Central to delivering the Spatial Strategy¹ or 5 or more dwellings in all other areas of the district
- Amenity green spaces – 30 or more dwellings
- Outdoor sports facilities – 100 or more dwellings
- Allotments and community gardens – 400 or more dwellings
- Natural and Semi-Natural Green Space – 10 or more dwellings

In respect of the above, smaller developments may be required to make a contribution where the development creates or exacerbates a deficiency of open space in the area.

Open Space - Suitable Alternative Natural Green Space (SANGS)

- Developments within a 5km radius of Birklands and Bilhaugh SAC (Edwinstowe and Ollerton) that add additional recreational pressure on the SAC by increasing the number of people to the area that may then use the SAC.

Transport

Type of Development	Unit size triggering 30 two-way peak hour vehicle trips
Food retail	Per 250m ² gross floor area(gfa)
Non-food retail	Per 800m ² gfa
Residential*	Per 50 Units or 1.2hectares
B1(a)** Office	Per 1,500m ² gfa
B1** Non-office / B2 General Industry	Per 2,500m ² gfa
B8 Storage & Distribution	Per 3,000 m ² gfa
Other Uses - Transport Statement thresholds	Please see section on Transport Statement/Assessment below
<p>* It would be reasonable to expect a contribution towards a residential development containing solely flats/apartments to be in the region of 50% of that expected for Dwelling houses.</p> <p>** The Use Classes referred are those set out in legislation prior to the Use Class Order being amended in 2020. Any proposal submitted in relation to development types now falling into a different use class should have consideration to the thresholds provided for their former class.</p>	

Details of what should be included

All applications that meet the above triggers must be accompanied by a Draft Heads of Terms. This should include:

¹ Newark Urban Area, Southwell, Ollerton & Boughton, Clipstone, Rainworth, Collingham, Sutton-on-Trent, Farnsfield, Lowdham, Bilsthorpe, Edwinstowe and Blidworth

- Confirmation as to who is drafting the S106 Agreement (i.e. – if you wish this LPA to draft this, you will need to confirm that you are prepared to pay our reasonable costs)
- Names, addresses and contact details of the solicitor being used
- Proof of Title /Land Registry Information
- Details of the Proposal
- Details of what the Obligation(s) is/are for
- Details of who the interested parties.

If the developer considers that it is not financially viable to enter into an Agreement or that they wish to make reduced payments, a clear and robust Financial Viability Assessment must be submitted. See details for [Viability Assessments](#) below.

Other Information:

Local authorities are required to keep a copy of any planning obligation together with details of any modification or discharge of the planning obligation and make these publicly available on their planning register. The detailed requirements can be found in the District Council's Supplementary Planning Document on Developer Contributions www.newark-sherwooddc.gov.uk/spds/

3031. Planning Statement

Threshold/Trigger

Required for

- All major planning applications
- Applications that are not in accordance with the development plan
- Proposals that require detailed policy consideration

Details of what should be included

This should provide an explanation and justification for the proposals in the context of relevant national and local plan policies. A suitable statement may include:

- An assessment of the site and its context
- A description of the proposed development
- An assessment of the relevant planning policy and an appraisal of how the proposal accords with that policy context
- The need for the development and any benefits that would arise from the proposed development (such as economic benefits from new employment, provision of community facilities, affordable housing, environmental improvements, regeneration etc.)

3132. Rights of Way

Threshold/Trigger

Required for:

Inclusion of a Right of Way (RoW) within the application boundary or alongside the outside edge **or where a RoW in the close vicinity is likely to receive increased use as a result of the development**

Details of what should be included

- A plan showing how the RoW is affected or being protected
- A statement of how the RoW will be managed during the development:
 - ability to keep the path open
 - requirement to apply for a temporary traffic regulations order (TTRO) to close the path for the duration due to public safety/provide alternative route
 - requirement to apply for a diversion or extinguishment of the path **if the development cannot be built with the RoW in its current location**
- Whether improvement to the paths is anticipated as a result of increased and higher-level use and how that is to be managed. **This may involve a 106 agreement This can include the need to upgrade to cycle paths and the legal implications, new links to the RoW network and additional routes for equestrians if appropriate and may involve a 106 agreement if outside of the development boundary.**
- Proposed future maintenance of the RoW if it is within public open space

- Information as to the future ownership of the land over which the path runs on completion of the development, **including boundary features such as hedges/trees.**

Other information:

Early engagement with Rights of Way Team is encouraged: Email: countryside.access@nottscc.gov.uk
Phone: 0300 500 8080 Website: www.nottinghamshire.gov.uk

The developer should apply for an official search of the RoW to ensure that the correct legal alignment of the RoW is shown correctly on the plans. Contact row.landsearches@nottscc.gov.uk. Inaccuracies or misalignments of the routes on a development plan or a legal diversion may result in generating further inaccuracies and legal problems.

Early engagement with Rights of Way Team is encouraged to discuss future management, surface treatment, structures etc : Email: countryside.access@nottscc.gov.uk Phone: 0300 500 8080 Website: www.nottinghamshire.gov.uk.

3233. Statement of Community Involvement

Threshold/Trigger

Required for all applications where pre-application consultation has taken place with the local community

Details of what should be included

The National Planning Policy Framework advises local planning authorities to encourage developers to engage with the local community before submitting their planning application.

The Council will encourage developers to undertake early community consultation particularly for planning proposals that may give rise to local controversy, those that are on sensitive sites or those that are significant in scale. Where pre-application community consultation takes place (which may include local public exhibitions, notices in the press and around the site, notification to local councillors and Parish Councils), a statement should be submitted to describe how, when and where consultation has taken place; a summary of the level and content of responses; and any changes that have been made to the proposed scheme to take account of those responses.

Further information may be found within the Council's adopted [Statement of Community Involvement](#)

3334. Street Scene Plans

Threshold/Trigger

As requested by the Local Planning Authority

Details of what should be included

Scaled drawings - In some circumstances the LPA will require drawings showing elevations in the context of the street scene. This is to assess the design of the scheme in general and to assess how the proposal will integrate into the existing neighbourhood. For larger developments, internal street scenes will also be required to assess the design of the scheme.

3435. Structural Survey
<p>Threshold/Trigger</p> <ul style="list-style-type: none"> Proposals involving the demolition of heritage assets Proposals involving the conversion of heritage assets involving significant re-building works (i.e., which involve replacing/rebuilding some or part of a roof or a wall) Proposals involving the conversion of rural buildings (both planning applications and change of use applications) <p>Details of what should be included</p> <p>This survey must be carried out by a suitably qualified person (such as a chartered member of the Institution of Structural Engineers or equivalent). Each survey must contain the author's name and qualifications.</p> <p>For proposals involving the demolition of a heritage asset, a full external and internal structural survey is required to explore the structural condition of the building and demonstrate that the building is not structurally capable of repair and/or conversion.</p> <p>For proposals involving the conversion of a heritage asset or a rural building, a full external and internal structural survey is required to demonstrate that the building is capable of conversion without the need for substantial re-building works. This should be accompanied by annotated plans to show the extent of any repair or re-build works as appropriate.</p>
3536. Telecoms Supporting Information
<p>Details of what should be included</p> <p>Confirmation that development is by or on behalf of a telecommunications code system for operation for the purpose of the operator's telecoms systems (Class A of Part 16 of the General Permitted Development Order). Evidence that the use of an existing mast, building or structure has been considered.</p> <p>Statement that the proposed mobile phone base station operations will meet ICNIRP guidelines.</p> <p>Confirmation of the frequency and modulation characteristics and details of power output in relation to antenna.</p>
3637. Tourism Need Statement
<p>Threshold/Trigger</p> <p>Application for new tourist accommodation outside of defined built-up areas (within the Open Countryside).</p> <p>Details of what should be included:</p> <p>This Report would need to provide evidence to demonstrate that there is an identified need in this area for visitor accommodation and should quote information from the Local Authority's Visitor Economy Strategy 2020-23 and other sources, as appropriate.</p> <p>Other Information</p> <p>Policy DM8 of the Allocations and Development Management DPD, Core Policy 7 of the Core Strategy, D2N2 Visitor Accommodation Strategy 2017.</p>
3738. Town Centre Uses Assessment
<p>Threshold/Trigger</p> <p>Main town centre uses (see definition below) will require a 'Town Centre Use Assessment' in the following circumstances:</p> <ul style="list-style-type: none"> Sequential Assessment is required for all proposed main town centre uses and retail development, not in an existing centre (area defined on a LPA proposal map) and not in accordance with an up-to-date Development Plan (except for small scale rural offices or other small scale rural development). Impact Assessment is required for: <ul style="list-style-type: none"> Proposed retail development which is located outside of a defined centre and has a gross floorspace equalling or exceeding the levels below; - <ul style="list-style-type: none"> Newark Urban Area - 400 sqm. (gross) Rest of the District - 350 sqm. (gross) Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace equalling or exceeding 2,500 sqm. (gross)

- Proposed leisure and office development which is located outside of a defined centre and has a gross floorspace of less than 2,500 sqm. (gross) where specifically requested by the Local Planning Authority.

Definition: Main town centre uses comprise:

- retail development (including warehouse, clubs and factory outlet centres)
- leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres and bingo halls)
- offices
- arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Details of what should be included:

Sequential Test – This should assess the application against the town centre first policy, i.e., it should demonstrate that there are no other more suitable, viable and available sites in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Impact Assessment – The scope of an impact assessment should be proportionate to the level and type of development proposed and can be agreed as part of the Council's pre-application enquiry service (see top of this document).

An Impact Assessment should include assessment of: -

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to 5 years from the time the application is made. For major schemes where the full impact will not be realised in 5 years the impact should also be assessed for up to 10 years from the time the application is made.

Other Information

Please refer to the NPPF, Policy DM11 of the Allocations and Development Management DPD and Core Policy 8 of the Core Strategy.

3839. Transport Statement/Assessment

Threshold/Trigger

All developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment. This includes: -

- Those sites identified within the Amended Core Strategy (March 2019) or Allocations & Development Plan Document (July 2013) [or as may be amended]
- Sites near to environmental designations or sensitive areas (such as Special Protection Area)
- Cumulative impact of multiple development.

Details of what should be included

The scope and level of detail in a Transport Assessment or Statement will vary from site to site but the following should be considered when settling the scope of the proposed assessment:

- information about the proposed development, site layout, (particularly proposed transport access and layout across all modes of transport)
- information about neighbouring uses, amenity and character, existing functional classification of the nearby road network
- data about existing public transport provision, including provision/ frequency of services and proposed public transport changes
- a qualitative and quantitative description of the travel characteristics of the proposed development, including movements across all modes of transport that would result from the development and in the vicinity of the site
- an assessment of trips from all directly relevant committed development in the area (i.e., development that there is a reasonable degree of certainty will proceed within the next 3 years)

- data about current traffic flows on links and at junctions (including by different modes of transport and the volume and type of vehicles) within the study area and identification of critical links and junctions on the highways network
- an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area
- an assessment of the likely associated environmental impacts of transport related to the development, particularly in relation to proximity to environmentally sensitive areas (such as air quality management areas or noise sensitive areas)
- measures to improve the accessibility of the location (such as provision/enhancement of nearby footpath and cycle path linkages) where these are necessary to make the development acceptable in planning terms
- a description of parking facilities in the area and the parking strategy of the development
- ways of encouraging environmental sustainability by reducing the need to travel; and
- measures to mitigate the residual impacts of development (such as improvements to the public transport network, introducing walking and cycling facilities, physical improvements to existing roads.
- an assessment against the criteria set out by Active Travel England in their planning application toolkit when the following thresholds are met or exceeded; 150 dwellings, 7,500m² of floorspace or a site area of 5 hectares.
- An assessment of bus stop infrastructure, including locations of bus stops and walk distances including isochrone plans demonstrating whether they meet Nottinghamshire County Council's Highway Design Guide requirements. Where the site layout is likely to impact on the location of existing bus stops, consideration should be given to alternative site layout options. If bus stops/infrastructure is proposed to be relocated, then details should be submitted as part of the proposals.

In general, assessments should be based on normal traffic flow and usage conditions (e.g., non-school holiday periods, typical weather conditions) and should be based on peak times (rush hours). Projections should use local traffic forecasts such as TEMPRO drawing where necessary on National Road Traffic Forecasts for traffic data.

The timeframe that the assessment covers should be agreed with the local planning authority in consultation with the relevant transport network operators and service providers. However, in circumstances where there will be an impact on a national transport network, this period will be set out in the relevant government policy.

Other Information

The Highways Authority is based at Nottinghamshire County Council. Contact: Area Office, Nottinghamshire County Council. Tel 0300 500 8080 Website: www.nottinghamshire.gov.uk

Planning Practice Guidance

National Planning Policy Framework

Active Travel England: [Planning application assessment toolkit](#)

[Nottinghamshire County Council Highway Design Guide](#)

[Nottinghamshire County Council Developer Contributions Strategy](#)

3940. Travel Plan

Details of what should be included:

Travel Plans need to be proportionate to the type of development they are supporting as set out above. They should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met.

Travel Plans should set explicit outcomes rather than just identify processes to be followed (such as encouraging active travel or supporting the use of low emission vehicles). They should address all journeys resulting from a proposed development by anyone who may need to visit or stay, and they should seek to fit in with wider strategies for transport in the area.

They should evaluate and consider:

- benchmark travel data including trip generation databases
- Information concerning the nature of the proposed development and the forecast level of trips by all modes of transport likely to be associated with the development
- relevant information about existing travel habits in the surrounding area
- proposals to reduce the need for travel to and from the site via all modes of transport
- provision of improved public transport services.
- an assessment against the criteria set out by Active Travel England in their planning application toolkit when the following thresholds are met or exceeded; 150 dwellings, 7,500m² of floorspace or a site area of 5 hectares.

They may also include:

- parking strategy options (if appropriate – and having regard to national policy on parking standards and the need to avoid unfairly penalising motorists)
- proposals to enhance the use of existing, new and improved public transport services and facilities for cycling and walking both by users of the development and by the wider community (including possible financial incentives).

These active measures may assist in creating new capacity within the local network that can be utilised to accommodate the residual trip demand of the site(s) under consideration.

It is often best to retain the ability to establish certain elements of the Travel Plan or review outcomes after the development has started operating so that it can be based upon the occupational and operational characteristics of the development.

Any sanctions (for example financial sanctions on breaching outcomes/processes) need to be reasonable and proportionate, with careful attention paid to the viability of the development. It may often be more appropriate to use non-financial sanctions where outcomes/processes are not adhered to (such as more active or different marketing of sustainable transport modes or additional traffic management measures). Relevant implications for planning permission must be set out clearly, including (for example) whether the Travel Plan is secured by a condition or planning obligation.

Travel Plans can only impose such requirements where these are consistent with government policy on planning obligations.

Other Information

It should be noted that if a development meets the thresholds that trigger the need for a Travel Plan you will also need to provide a Transport Statement/Assessment (See section above)

Nottinghamshire County Council has guidance on their website at www.nottinghamshire.gov.uk/transport/public-transport/plans-strategies-policies/travel-plans and may be contacted via telephone: 0300 500 80 80 or email: transport.strategy@nottscc.gov.uk Transport.Planning@nottscc.gov.uk.

Active Travel England: planning application assessment toolkit -

<https://www.gov.uk/government/publications/active-travel-england-planning-application-assessment-toolkit>

4041. Tree Surveys

Threshold/Trigger

A tree survey should accompany all applications where trees may be affected by the proposed development. This includes trees on adjacent land or highways in addition to Ancient Woodlands or existing woodlands

Details of what should be included

A tree survey as per the specification of BS 5837:2012. The survey should be proportionate to the both the amount of development proposed and the number and importance of trees affected by the development.

The location of the trees must be identified on a scaled plan and the planning case officer will also conduct a site visit to check whether trees are present.

If you are unsure whether the development may affect trees you should, as a minimum, submit a site plan to a scale of 1:200 or 1:500 indicating the proposed development and location of tree trunks and the crown spread of all trees within falling distance of the boundary of the application site. Based on this site plan a tree survey may or may not be requested following a desktop review of aerial photographs and other spatial data.

Tree surveys shall include all the information required as per the specification of BS 5837:2012, or by any subsequent updates to this standard.

This includes:

- Location of all existing trees (reference number to be recorded on the tree survey plan) over 75mm in diameter measured at 1.5m above ground level which are:
 - Within the site
 - Overhanging the site
 - Anticipating reasonable future dimensions of the retained/proposed tree growth including any necessary infrastructure adaptations and shading and detritus (fallen leaves, insects, fruits etc)
 - Within a distance of the boundary of the site which is less than half the height of the tree or
 - Located on land adjacent to the development site that might influence the site or might be important as part of the local landscape character.
- Trees which are less than 75mm diameter at 1.5m above ground need not be accurately surveyed but should be indicated
- Existing buildings/structures
- Hard surfaces
- Water courses
- Overhead cables
- Underground services including their routes and depths
- Ground levels throughout the site
- Location of all existing hedges, a list of the woody species that they contain and details of any features within the hedge, e.g., banks or supporting walls
- Soil type(s)
- Wildlife features (e.g., birds, nests, bat roosts - see Wildlife and Countryside Act 1981)
- Historical features
- Any other hard features.

A Tree Survey shall include a Tree Constraints Plan, a Tree Protection Plan, and an Arboricultural Impact Assessment. The tree survey must also include the following information about the trees (that have a diameter greater than 75mm) which are indicated on the plan:

- Species (common and where possible scientific name, where possible)
- Height
- Diameter of the stem measured at 1.5m above ground level
- Root Protection Area (RPA)
- Canopy spread of each tree for all four compass points
- Age Class (e.g., young, semi-mature, mature, over-mature, etc.)
- Assessment of the condition including trunk, crown, roots

- Life expectancy (e.g., very long, long, medium, short, very short)
- A full schedule of tree works including those to be removed and those remaining that require remedial works to ensure acceptable levels of risk and management in the context of the proposed development. The method of disposal of all arisings should also be included along with the precautions to be taken to avoid damage to Root Protection Areas and trees to be retained
- Amenity value- both existing amenity value and proposed amenity value
- British Standard status - colour coded system identifying suitability for retention
- A schedule to the survey should list all the trees or groups of trees.

In assessing the amenity value of trees, regard should be given to three criteria:

- Visibility: The extent to which the trees or woodlands can be seen from a public viewpoint (e.g., a footpath or road)
- Size and Form: Considering factors such as the rarity of trees, their potential growth, and their value as a screen
- Wider Impact: The significance of the trees in their local surroundings considering how suitable they are to their particular setting, as well as the presence of other trees in the vicinity
- All trees that are surveyed must be clearly tagged on site to enable their identification when considering the tree survey.

Further information on trees, as well as a description of common tree work operations can be found on [The Arboricultural Association website](#).

In the case of Ancient Woodlands and/or veteran trees, wholly exceptional reasons and suitable compensation strategy must be provided as part of the application. The assessment shall include:

- A statement demonstrating whether the ancient woodland is the only place for the proposal
- The size of ancient woodland to be affected
- Whether any area of woodland will be lost
- How well connected the woodland is
- Whether there will be damage to root protection areas of the woodland or individual trees
- A survey for protected species (see section 12: Ecological and Protected Species Assessment)
- Whether the development has the potential to affect the woodland through changes to air quality or to ground water (pollutants or changes in hydrology). If yes, an assessment and mitigation is required
- Whether access to the woodland will increase
- The current function and planned function, of the land to be lost to development
- Whether any proposed landscaping includes native or exotic species
- Conclusions – of the likely impacts and any mitigation required.

Further information can be found on the [Ancient Woodlands website](#).

Other Information

For further information please see:

British Standard 5837:2012 – Trees in Relation to Design, Demolition and Construction – Recommendations
National Planning Policy Framework

[The Trees and Design Action Group \(TDAG\)](#)

4142. Ventilation and Extraction Report

Threshold/Trigger

Ventilation or extraction is used to make sure that no nuisance, disturbance, or loss of amenity is caused by odour, fumes, food droplets or noise to nearby properties. It is required in the following circumstances:

- Any developments which include the installation of ventilation systems or air-conditioning units. This includes premises that comprise the sale of food and drink for consumption on the premises or of hot food for consumption off the premises. It covers most restaurants, cafes, pubs, and premises providing hot food take-away. It also includes other businesses where the installation of externally mounted air-conditioning units is proposed

- Should details of the equipment not be known at the time of submission of the application, a condition is likely to be imposed to any grant of permission requiring information detailed below (as appropriate) to be submitted.

Details of what should be included

A suitably qualified and experienced person with specialist knowledge of ventilation schemes should undertake the design and installation of a ventilation system. In circumstances where the end user of the premises is unknown, or where the specific type of food to be cooked is unknown, the installation should be designed to achieve the highest level of odour control to cater for a worst-case scenario.

1. Information on premises

The following information should be supplied:

- the number of meals to be served per day
- the method(s) of preparation and cooking
- the types of meal served, e.g., fish and chips, Chinese food, Indian food, pizzas or Italian dishes, etc.
- proposed hours of operation of the business and any ventilation plant.

2. Plans and drawings

Provide a scaled plan showing the internal arrangement of the premises and the dimensions/location of the ventilation system. The plan must contain external elevations of the buildings showing:

- dimensions
- route
- exhaust characteristics (i.e., appearance) of the ductwork in relation to the building.

The location of all filters and the fan must be clearly marked. Where the location of a filter is shown the type must be clearly identified and cross-referenced to the detailed product specification.

3. Pre-filters

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name
- filter name and product code
- dimensions of the pre-filter
- nature of the filter media
- manufacturer's recommendations on the frequency and type of maintenance of the pre-filter having regard to the conditions that it will be used under.

4. Electrostatic precipitators (ESP) (where proposed)

A copy of the manufacturer's product data sheet should be supplied clearly showing:

- manufacturer's name
- ESP name and product code
- dimensions of the ESP
- flow rate rating.

Manufacturer's recommendation on the frequency and type of maintenance of the ESP having regard to the conditions that it will be used under.

5. Carbon Filters (where proposed)

The details and type of carbon filter units should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name
- filter name and product code
- dimensions of the filter panel
- the total number of filter panels in the filter bed.

The following information should also be included:

- the nature of the carbon (including product type)

- the frequency of replacement of the carbon units having regard to the conditions that it will be used under. The assumptions to this calculation must be clearly stated, including the frequency and duration of use. The manufacturer should provide recommendations on the frequency and type of maintenance required
- total volume of carbon expressed in cubic metres
- total mass of carbon expressed in kilograms
- total surface area of the panels exposed to the exhausted air
- dwell time of the gases in the filter compartment and the control setting at which this is achieved. The assumptions to this calculation must be clearly stated and should include the air change rate for the setting quoted.

6. Odour counteractant or neutralising system (where proposed)

The details and type of counteractant or neutralising system should be identified. A copy of the manufacturer's product data sheet should be supplied that clearly shows:

- manufacturer's name
- name of delivery system and product code
- counteractant or neutralising chemical to be used
- COSHH data sheets for chemical to be used
- anticipated counteractant or neutralising delivery rate.

7. Cooker hood

The following information on the characteristics of the cooker hood should be supplied that clearly shows the:

- length that the cooker hood overhangs the appliances
- face velocity at the cooker hood, expressed in metres per second
- dimensions of the opening of the cooker hood.

8. System Operation

In addition to the specification of the components the following must be provided about the system:

- extract rate (expressed as m³/s) at the proposed rate of extract
- dwell time of the gases in the carbon filtration zone
- volume of the kitchen
- efflux velocity

Note: The system performance is dependent upon the extract rate of the air. Where the rate can be adjusted by the use of dampers or a variable speed fan, then the conditions under which the extract rate can be achieved must be described.

9. Flue Design

The height and velocity of the final discharge are the two important factors. Generally, the greater the flue height, the better the dispersion and dilution of odours. The discharge of air should be at a minimum height of 1m above the roof ridge, especially if there are buildings nearby that may affect odour dispersion and dilution.

Where this is not possible (e.g., because of ownership or structural constraints), additional techniques will be required to reduce odours, such as an increase in efflux velocity and additional filters, etc.

The final discharge should be vertically upwards, unimpeded by flue terminals. The number of bends in the ducting should be minimised and the ducting should have a smooth internal surface.

10. Noise

Data on the noise produced by the system should be provided including:

- sound power levels or sound pressure levels at given distances (the assumptions to this calculation must be clearly stated)
- an octave band analysis of the noise produced by the system should also be provided, where possible and
- hours of operation of the ventilation system (where this differs from the hours of opening).

11. Maintenance

A schedule of maintenance must be provided including details for:

- cleaning of washable grease filters
- frequency of inspection and replacement of all filters (grease filters, pre-filters, and carbon filters where proposed)
- inspection and servicing of fans
- if schedule is not based on manufacturer's instructions include the reasons why.

12. Additional notes for guidance

The air inlets must not permit pests to enter the kitchen. Fly screens are an example of how this can be achieved.

Sufficient air must be permitted into the premises to replace air extracted. The method for supplying this make-up air should be detailed.

The route of the air into the kitchen must not result in its contamination, for example passage through a toilet. Separate provision must be made for ventilation of a toilet.

There must be sufficient access points to permit adequate cleaning of all the ductwork.

Other information

For further information please contact the Council's Public Protection team on 01636 650000 or email customerservices@newark-sherwooddc.gov.uk

4243. Viability and Marketing Statements

Threshold/Trigger

Where applicants do not consider that development schemes would be viable in relation to the policy requirements and/or planning obligations made of them, a viability assessment justifying the reasons for this must accompany the planning application.

Where applicants consider that a building cannot retain its employment or community use and an alternative use is the only viable option.

Where the application proposes the removal of a rural worker occupancy condition.

Details of what should be included

All viability assessments should reflect the recommended approach in national planning guidance, including standardised inputs.

Where the developer considers that it is not financially viable to enter into an agreement, or that they can make reduced payments, then a clear and robust financial viability assessment must be submitted. This should include the following information:

- Schedule of both gross and net internal floor areas
- Land purchase price (with proof), and the estimated market value of the site
- Date of land purchase
- Schedule of development costs (normals)
- Schedule of development costs (abnormals)
- Proof of development costs (abnormals)
- Reasons why full costs (including abnormals) were not reflected in the purchase price
- Expected sale price of dwellings/buildings (including at what date/s)
- Intended profit level/s (including profit type).

In relation to affordable housing the assessment should include all the above and details of the amount of affordable housing (%) that could be provided against a diminishing scale of profit levels, to the level of full affordable housing provision.

Known costs such as site clearance, preparation, retaining walls, piling, infrastructure provision and or diversion, highways work, servicing, flood mitigation measures, archaeology, decontamination/remediation will not be considered as abnormal. Where abnormal costs can clearly be demonstrated, a reduction in the contribution may be agreed on a site-by-site basis.

For proposals involving the loss of employment or community use and for the removal of a rural worker occupancy condition, applications should be accompanied by appropriate marketing of the building/site. This should include:

- a. copy of the sales particulars prepared
- b. details of the original price and the new guide price
- c. schedule of the advertising carried out with copies of the advertisements and details of where the advertisements were placed and when, along with an estimate of the expenditure incurred from advertising
- d. the confirmed number of sales particulars which have been distributed, along with a breakdown of where the enquiries resulted from, for example, from the "for sale" or "to let" board, advertisements etc.
- e. details of the number of viewings carried out
- f. resulting offers and why they were dismissed
- g. confirmation of whether a "for sale" or "to let" board was erected and the dates displayed, or if not, the reasons behind the decision
- h. timetable of events from the initial appointment of the agent to current date.

Please note there is a separate fee, payable in addition to the standard planning fee, for applications requiring a viability assessment. The fee is to cover the Council's costs in appointing an independent professional to evaluate the assessment submitted.

Other Information

Any viability assessment should be prepared on the basis that it will be made publicly available in accordance with national guidance. Information used in viability assessment is not usually specific to that developer and thereby need not contain commercially sensitive data.

Should an exemption from publication be sought, the Local Planning Authority must be satisfied that the information to be excluded is commercially sensitive. This might include information relating to negotiations, such as ongoing negotiations over land purchase, and information relating to compensation that may be due to individuals, such as right to light compensation. The aggregated information should be clearly set out to the satisfaction of the decision maker. Any sensitive personal information should not be made public.

An executive summary prepared in accordance with data standards published by government and in line with the template will present the data and findings of a viability assessment more clearly so that the process and findings are accessible to affected communities. As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

Other information

www.gov.uk/government/publications/department-for-communities-and-local-government-appraisal-guide and www.rics.org
www.gov.uk/guidance/viability

44. Wind Turbine
Threshold/Trigger Application for new wind turbines
Details of what should be included: The following parameters for each turbine: <ul style="list-style-type: none"> • Turbine location in National Grid Reference (alpha numeric or eastings and northings) • Turbine Hub Height (in metres) • Turbine Rotor Radius (in metres) • Turbine Micro siting (in metres) <p>This information should be provided in a table.</p>

Part 4 - Application Types

The following list provides a list of the most common application types and information required to be submitted. The links will provide access to the relevant descriptions and information within this checklist.

Advert Consent

For proposals to display an advertisement or sign which requires advert consent the following information will be required.

Always required

- Application form
- Fee
- A scaled plan identifying the location of the site by reference to at least two named roads, and proposed position of advertisement

Sometimes required*

- Existing and proposed elevations to a scale of 1:50 or 1:100
- Photo montages -to show the sign in its proposed location
- Scaled details of the sign at 1:50 or 1:100 showing the advertisement size, siting, materials and colours to be used. This includes the font size, colour and appearance
- height above ground of the advert
- extent of projection by scaled section and details of method and colours of illumination (if applicable)
- Site block plan - if the sign is not located on an existing building
- where plans are submitted, these shall include individual drawing numbers with revision numbers where applicable
- include a scale bar

*Please note that the information listed above is often required in order to assess the impact upon highway safety and public amenity. Whilst not required in order to submit a valid application, this information will often be required in order to assess the proposal. It is advised this is submitted as part of the initial application to minimise the risk of the application being refused due to insufficient information being provided.

[The Planning Portal provides a useful Guidance Note 12](#)

Householder

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished or alterations to be undertaken that affect the floor area
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.

Sometimes required:

- Agricultural Justification - an application for an extension to an existing rural worker's dwelling.
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance)
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Finished floor levels.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Tree Survey - applications where trees may be affected

[The Planning Portal provides a useful Guidance Note 01](#)

Full Planning Permission

The list below will be sufficient to ensure that any planning application is validated and thus can progress through the planning application process. The list does not cover every eventuality given that, from time to time, issues can arise which require further information to be submitted. The Case Officer will contact you should this be the case.

Always required:

- Application Form
- Fee
- Ownership Certificate
- Agricultural Holdings Certificate
- Site Location Plan
- Block Plan

Usually required

- Biodiversity Net Gain Assessment
- Existing Floor Plans – where an extension to a building is proposed or a building/extension is being demolished
- Proposed Floor Plans – where new floor area is proposed
- Existing Elevation Plans – where an extension to a building is proposed
- Proposed Elevation Plans – where a new building is proposed, or fence/wall etc.
- Existing Roof Plans – where an extension to an existing building is proposed
- Proposed Roof Plans – where a new building or extension is proposed

Sometimes required:

- Affordable Housing Statement
- Agricultural Justification - an application for a new agricultural rural worker's dwelling.
- Air Quality Assessment
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Bin /Waste Management Information
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination Survey
- Daylight and Sunlight Assessment
- Design and Access Statement – where the property is within the Conservation Area and floor area proposed is 100m² or more.
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological Impact Assessment (EcIA)
- Economic Statement
- Environment Impact Assessment (EIA) / Environmental Statement
- External Lighting Details
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Flood Risk Standing Advice - applications where the site is located in flood zones 2 or 3 and the footprint is less than 250 square metres.
- Green Belt Impact Assessment - all householder planning applications in the Green Belt
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications which involve a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscape and Visual Impact Assessment
- Landscaping Scheme – applications which are proposing new landscaping or removal of existing

- Noise Impact Assessment
- Open Space Assessment
- Parking Plan – for all development which result in a change in parking requirements or loss of parking provision including location of electric car charging point provision
- Planning Obligations Pro Forma Statement /Draft Head(s) of Terms
- Planning Statement and Additional Supporting Information
- Rights of Way
- Schedule of Works
- Site Sections / Finished Floor Levels
- Statement of Community Involvement
- Street Scene Plans
- Structural Survey
- Telecoms Supporting information
- Town Centre Uses Assessment
- Transport Statements / Assessments
- Travel Plan
- Tree Survey - applications where trees may be affected
- Ventilation and Extraction Report
- Viability and Marketing Statement

[The Planning Portal provides a useful Guidance Note 04](#)

Hedgerow Removal Notice

Always required

- Site location plan identifying the hedgerow(s) to be removed
- Application form (preferably) or a written notification in the form as set out in Schedule 4 to the Hedgerow Regulations
- Statement of reasons for the works, confirming whether the applicant is the owner, tenant or manager of the hedgerow, or the relevant utility company eligible to remove it
- Evidence that the hedge is less than 30 years old or is not of archaeological or ecological importance.

[The Planning Portal provided a useful guidance note for Hedgerow Removal Notice](#)

Listed Building Consent

Always required:

- Application Form
- Ownership Certificate
- Heritage Impact Assessment
- Listed Building Design and Access Statement
- Location Plan
- Site Plan
- Plans, elevations, and sections of the building, as existing relevant to the proposed alteration
- Plans, elevations, and sections of the building to show the alterations proposed (as relevant to the proposal)

Sometimes required:

- Schedule of Works
- Photographs of all elevations of the building (to convey its general character) and detailed photographs (internal and/or external) of those parts where alterations or extensions are proposed. If available, old photographs may be particularly valuable
- In the case of Grades, I and II* and, exceptionally, some Grade II listed buildings, specific internal details at a scale of 1:10, 1:5 or 1:1 may be requested.

The following additional information will be needed where the structural condition of the building requires it or where the building is to be converted to a new use:

- A building surveyor's or structural engineer's report and methodology statement, indicating on measured drawings of the building, as existing, any structural problems and a clear methodology for their rectification or alteration, including a proposed sequence of works and details of temporary works and propping.
- Joinery details - details of, for example, doors and windows should be shown to a larger scale of 1:10, 1:5, or 1:1 as appropriate.

[The Planning Portal provides a useful Guidance Note 11](#)

Non-material Amendment

Always required:

- Application form
- Fee

Sometimes required (Information required will be dependent upon the non-material amendment being sought):

- Existing and proposed elevations
- Existing and proposed floor plans
- Site block plan

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with all Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological Impact Assessment (EcIA)
- Biodiversity Net Gain Assessment
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 34](#)

Outline with some Matters Reserved

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required (dependent on matters that have not been reserved):

- Proposed Floor Plans
- Proposed Elevation Plans
- Affordable Housing
- Archaeological Assessment - an application within Newark's Historic Core or in close proximity to a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Ecological Impact Assessment (EcIA)
- Biodiversity Net Gain assessment (for all proposals that are not exempt from the general biodiversity condition ([Exempt development](#)))
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building (**non-designated heritage assets**)
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Site Sections / Finished Floor Levels
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 05](#)

Planning Permission for Relevant Demolition in Conservation Area

Always required:

- Application Form
- Site Location Plan
- Block Plan
- Heritage Impact Assessment
- Existing Floor Plans
- Existing Elevations Plans

Sometimes required:

- Photographs

[The Planning Portal provides a useful Guidance Note for planning permission for relevant demolition in a conservation area](#)

- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance)

Reserved Matters

Always required:

- Application Form
- Fee
- Site Location Plan
- Block Plan

Sometimes required depending on the Reserved Matters being sought:

- Proposed Floor Plans
- Proposed Elevation Plans
- Archaeological Assessment - an application within Newark's Historic Core or near a Scheduled Ancient Monument, the Battlefield at East Stoke, a church yard.
- Community Infrastructure Levy (CIL) forms – an application where the gross internal area of the new-build exceeds 100 square metres.
- Contamination assessment
- Drainage including Surface Water Drainage, Sustainable Drainage Scheme (SuDS) and Foul Drainage
- Updated ecological surveys and updated EclA
- Flood Risk Assessment - applications where the site is located in flood zones 2 or 3 and the footprint is more than 250 square metres.
- Heritage Impact Assessment - applications that:
 - Involves a listed building
 - Is within the setting of a listed building
 - Is within a conservation area
 - Is within the setting of a conservation area
 - Involves a scheduled ancient monument
 - Is within the setting of a scheduled ancient monument
 - Is a local interest building
- Highway Information - applications that involves a new driveway (where planning permission is required) or new boundary treatment close to an existing highway or a public right of way is within or alongside the site
- Landscaping details
- Tree Survey - applications where trees may be affected

Detail will be required of:

- the use or uses proposed for the development and any distinct development zones within the site identified
- amount of development - the amount proposed for each use
- indicative access points - an area or areas in which the access point or points will be situated (where these matters are reserved for subsequent approval)

[The Planning Portal provides a useful Guidance Note 23](#)

Approval of Details Reserved by Condition (Discharge of a Condition(s) on a Planning Permission)

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 27](#)

Removal or Variation of Conditions

Always required:

- Application Form
- Fee
- Details required by the condition

[The Planning Portal provides a useful Guidance Note 25](#)

Lawful Development Certificate for Existing Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Supporting evidence e.g., affidavits, historic photos, utility bills/official documents.

[The Planning Portal provides a useful Guidance Note 14](#)

Lawful Development Certificate for Proposed Use or Development

Always required:

- Application Form
- Fee
- Location Plan
- Site block plan
- Existing and proposed elevations
- Existing and proposed floor plans

[The Planning Portal provides a useful Guidance Note 15](#)

Lawful Development Certificate for Listed Buildings

Applications for Certificates of Lawfulness of Proposed Works should include the following information:

Always required:

- Application Form including:
 - detailed description of the proposed works (including existing and proposed materials and finishes) together with details of those part(s) of the building likely to be affected
 - the reasons the applicant thinks they are entitled to a Certificate of Lawfulness of Proposed Works (i.e., why they think the proposed works do not affect the special architectural or historic interest of the listed building)
 - A statement as to the applicant's interest (ownership, tenancy etc) in the listed building(s) and any interest of any other person
 - details of listed building grading – if not known, this information can be found in the National Heritage List for England, which is available on Historic England's website at:
<https://www.historicengland.org.uk/listing/the-list>
- Location Plan (identifying the listed building(s) to which the application refers)
- Existing and proposed elevations, where applicable
- Existing and proposed floor plans, where applicable

Sometimes required:

- Any other relevant information

What is a Certificate of Lawfulness of Proposed Works?

A Certificate of Lawfulness of Proposed Works is a legal document stating the lawfulness of proposed works to a listed building and, are therefore, not liable to enforcement under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Works would be lawful if they do not affect the character of the listed building as a building of special architectural or historic interest. Sections 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as inserted by section 61 of the Enterprise and Regulatory Reform Act 2013) established a procedure that enables anyone who wishes to do so, to apply to the local planning authority to determine whether proposed works to a listed building are lawful, and if so, be granted a Certificate to that effect. A Certificate granted for proposed works will specify the listed building (by reference to a plan or drawing) included in the Certificate and describe the precise nature of the works which are considered lawful. The Certificate will give the reasons for determining the works to be lawful and specify the date of issue of the Certificate. Once issued, Certificates of Lawfulness of Proposed Works are valid for 10 years from the date of issue of the Certificate i.e., the works certified must be carried out within 10 years from the date the Certificate is issued. The responsibility is on the applicant to provide evidence to support the application.

Permission in Principle

These applications are an alternative way of obtaining planning permission for housing-led development. It separates the consideration of matters of principle for the proposed development from the technical detail of the development. Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

Always required

- Application Form
- Fee
- Location Plan
- Site block plan

Technical Details Consent (in relation to Permission in Principle)

Following the granting of Permission in Principle (PIP) an application for Technical Details Consent can be made, validation requirements are the same as for a planning application - so please refer to the relevant development type. Please note you must make reference to the PIP application number in your submission. Find out more by visiting <https://www.gov.uk/guidance/permission-in-principle>.

Prior Approval / Notification

The following procedures apply to the applications set out below for prior approval or change of use. The Class referred to below refers to the respective Part and Class within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Prior Approval	
Agricultural buildings to dwellinghouses (Class Q of Part 3)	Launderette, betting office, pay day loan shop, hot food takeaway or mixed use of a dwelling with any of these uses to a dwellinghouse (Class of Part 3M)
Agricultural buildings to state-funded school (Class S of Part 3)	Moveable structures for historic visitor attractions and listed pubs, restaurants etc. (Class BB of Part 4)
Agricultural buildings to a flexible commercial use (Class R of Part 3)	Offices to dwellinghouses (Class O of Part 3)
Agricultural and forestry development on units of 5 hectares or more (Class A of Part 6)	Premises in light industrial use to dwellinghouse (Class PA of Part 3)
Agricultural development on units of less than 5 hectares (Class B of Part 6)	Universities extensions alterations or erection (Class M of Part 7)
Amusement arcade or centre or casino to dwellinghouse (Class N of Part 3)	Solar (other than microgeneration solar thermal or solar PV) on the roof of a building (Class J(c) of Part 14)
Click and collect facilities (Class C of Part 7)	Solar in a conservation area on a flat roof (Class A of Part 14)
Commercial, business and service or betting office or pay day loan shop to mixed use (Class G)	Solar in a conservation area Stand-alone nearer to highway than dwellinghouse or block of flats (Class B of Part 14) or non-domestic premises (Class K of Part 14)
Commercial, business and service uses (Class E of Schedule 2) to dwellinghouses (Class MA of Part 3)	Solar canopy on non-domestic off street parking (Class OA of Part 14)
Communications (Class A of Part 16)	Storage or distribution centre to dwellinghouses use (Class P of Part 3)
Demolition of building(s) (Class B of Part 11)	Temporary state-funded school on previously vacant commercial land (Class CA of Part 4)
Demolition of buildings and construction of new dwellinghouses in their place (Class ZA of Part 20)	Temporary use of buildings or land for film making purposes (Class E of Part 4)
Dwellings on detached buildings in commercial/mixed use (Class AA of Part 20)	Temporary recreational campsites (Class BC of Part 4) ²
Dwellings on detached dwellings (Class AD of Part 20)	Toll road facilities (Class D of Part 9)
Dwellings on detached block of flats (Class A of Part 20)	
Dwellings on terraced buildings in commercial/mixed use (Class AB of Part 20)	
Dwellings on terraced dwelling (Class AC of Part 20)	
Enlargement, improvement or other alteration of a dwellinghouse (Class A of Part 1)	
Forestry development (Class E of Part 6)	

² Please note that this Class has either a prior approval or notification process. Where a site is within Flood Zone 2 or 3, prior approval is required, otherwise it falls as a notification.

Hotel, residential institutions, secure residential institutions or commercial, business or service (Class E of Schedule 2) to state funded school (Class T)	
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Agricultural buildings to dwellinghouses

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a statement specifying (i) the number of smaller dwellings proposed; (ii) the number of larger dwellings proposed; (iii) whether previous development has taken place under Class Q within the established agricultural unit, and if so the number of smaller and larger dwellinghouses development under Class Q
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural buildings to state-funded school

Agricultural buildings to a flexible commercial use

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building or other operations proposed
- plan indicating the site and showing the proposed development
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address if content to receive communication electronically
- any fee required to be paid

Agricultural development on units of 5 hectares or more

Agricultural development on units of less than 5 hectares

Forestry development

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site
- the materials to be used
- any fee required to be paid

[The Planning Portal provides a useful Guidance Note 16](#)

Solar (other than microgeneration solar thermal or solar PV) on the roof of a building

Solar on a flat roof

Stand-alone solar nearer to highway than dwellinghouse or block of flats or non-domestic premises

Solar canopy on non-domestic off street parking

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Click and collect facilities

The application must be accompanied by:

- a written description of the proposed development or application form, which must include any building operations proposed
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Moveable structures for historic visitor attractions and listed pubs, restaurants etc,

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the site and showing the proposed development
- a statement setting out the proposed methods of –
 - (i) installing the moveable structure; and
 - (ii) reinstating the land to its original condition once the structure is removed
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Offices to dwellinghouses

Premises in light industrial use to dwellinghouses

Launderette, betting office, pay day loan shop, hot food takeaway or mixed use of a dwelling with any of these uses to a dwellinghouse –

Commercial, business and service uses (Class E) to dwellinghouses

Amusement arcade or centre or casino to dwellinghouse

Hotel, residential institutions, secure residential institutions or commercial, business or service (Class E) to state funded school

These applications must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls and the elevations of the dwellinghouses
- statement specifying the net increase in dwellinghouses proposed by the development
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Temporary use of buildings or land for film making purposes

These applications must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- a a site-specific flood risk assessment
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Storage or distribution centre to dwellinghouses

Temporary state-funded school on previously vacant commercial land

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- statement specifying the net increase in dwellinghouses proposed by the development
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- any fee required to be paid

Communications

The application must be accompanied by:

- a written description of the proposed development
- plan indicating the proposed location
- any fee required to be paid
- the developer's contact details
- developer's email address, if content, to receive communication electronically
- a notice of development³
- a notification of the proposal⁴
- where the development is within 3km of the perimeter of an aerodrome, evidence must be provided of notification with the Civil Aviation Authority, the Secretary of Defence, or the aerodrome operator as appropriate

[The Planning Portal provides a useful Guidance Note 20](#)

New dwellinghouses on detached blocks of flats

New dwellinghouses on detached buildings in commercial or mixed use

New dwellinghouses on terrace buildings in commercial or mixed use

New dwellinghouses on terrace buildings in use as dwellinghouses

New dwellinghouses on detached buildings in use as dwellinghouses

These applications must be accompanied by:

- a written description of the proposed development, which must include details of any dwellinghouse, and other works proposed comprising:
 - i. engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses
 - ii. works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses
 - iii. works for the construction of appropriate and safe access and egress to access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases
 - iv. works for the construction of storage, waste, or other ancillary facilities reasonably necessary to support the new dwellinghouses
- a plan which is drawn to an identified scale and shows the direction of North indicating the site and showing the proposed development
- floor plans which are drawn to an identified scale and show the direction of North indicating the total floor space of each dwellinghouse and the dimensions and proposed use of each room, the position and dimensions of windows, doors, walls and the existing and proposed elevations of the building in square metres
- a written statement specifying the number of new dwellinghouses proposed by the development (i.e. additional to any dwellinghouses in the existing building)

³ The developer must give notice of the proposed development to any person (other than the developer) who is an owner of the land to which the development relates, or a tenant, before making the application.

⁴ Where the proposed development consists of the installation of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence, or the aerodrome operator, as appropriate, before making the application.

- a list of all addresses of the flats within the existing block of flats any flats and any other premises in the existing building
- the developer's contact address
- the developer's email address if the developer is, content to receive communications electronically
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 when more than 18 metres in height
- any fee required to be paid.

Demolition of buildings and construction of new dwellinghouses in their place

The application must be accompanied by:

- the address or location of the development
- a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed. [These operations are provided below](#)
- a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development
- drawings prepared to an identified scale and showing external dimensions and elevations of:
 - the building proposed for demolition,
 - the building scheduled as replacement, and, in the direction of North, the positioning of each, together with:
 - where the building proposed as replacement is a block of flats—
 - the position and dimensions of windows, doors and walls in the block and in each dwellinghouse in it,
 - the dimensions and use of all habitable and other rooms in each dwellinghouse in it
 - where the building proposed as replacement is a single dwellinghouse—
 - the position and dimensions of the windows, doors and walls in it and
 - the dimensions and use of all habitable and other rooms in it.
- a written statement specifying
 - the number of dwellinghouses in the building proposed for demolition and
 - the number of new dwellinghouses proposed in the building proposed as replacement
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- a site-specific flood risk assessment when the site is in Flood Zone 2 or 3
- a written statement in respect of heritage and archaeological considerations of the development
- a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 when more than 18 metres in height
- the developer's contact address
- the developer's email address, if content to receive communications electronically
- any fee required to be paid.

The operations in question are:

- a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building
- b) works for the removal of plant servicing the old building
- c) works for the disconnection of services from the old building
- d) works for the removal of any means of access to and egress from the old building
- e) works for the removal of storage and waste from the old building
- f) works for the installation of plant to service the new building
- g) works for the installation of services to be connected to the new building
- h) works to enable access to and egress from the new building, including means of escape from fire
- i) works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building
- j) the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period:
 - i. starting with their installation no earlier than one month before the beginning of those operations

Enlargement, improvement, or other alteration of a dwellinghouse

The application must be accompanied by:

- a written description of the proposed development or application form including-
 - how far the enlarged part of the dwellinghouse extends beyond the rear wall of the original dwellinghouse
 - the maximum height of the enlarged part of the dwellinghouse; and
 - the height of the eaves of the enlarged part of the dwellinghouse
- location plan showing proposed site
- plans showing the proposed development
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- the addresses of any adjoining premises
- the developer's contact details
- appropriate fee

[The Planning Portal provides a useful Guidance Note](#)

Demolition of building(s)

The application must be accompanied by:

- a written description of the proposed development or application form
- a statement that a notice has been posted⁵
- any fee required to be paid
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)

[The Planning Portal provides a useful Guidance Note](#)

Toll road facilities

The application must be accompanied by:

- written description of the development
- plans and elevations of the proposed development
- any fee required to be paid

⁵ The application requires the applicant or agent to erect a site notice for no less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the Local Planning Authority. Following this, a statement will need to be submitted to the Local Planning Authority with a description of where the site notice was put and date it was displayed.

Prior Notification	
<p>Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Schedule 2) to commercial, business and service (Class E of Schedule 2), display of art, museum, public library or public reading room or public hall or exhibition hall (Class D of Part 4)</p> <p>Casino, betting office, pay day loan shop or hot food take away to commercial, business and service (Class A of Part 3)</p> <p>Open prison – erection, extension, or alteration (Class M of Part 7)</p>	<p>Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food (Class DA of Part 4)</p> <p>Temporary recreational campsites (Class BC of Part 4)⁶</p> <p>Temporary provision of buildings on school land where the school has a RAAC-affected building (Class CB of Part 4)</p>

Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Part 2, Schedule 2) to commercial, business and service, display of art, museum, public library or public reading room or public hall or exhibition hall

The notification must be accompanied by:

- Date the site will begin to be used for one of the flexible use (Any change in use to any one of the flexible uses to another flexible use is subject to further notification)
- What that use will be

Betting office, pay day loan shop, hot food takeaway or commercial, business and service (Class E of Schedule 2) to commercial, business and service (Class E of Schedule 2), display of art, museum, public library or public reading room or public hall or exhibition hall (Class D of Part 4)

The notification must be accompanied by:

- Written notification of the date on which the use of the building will change

Solar (other than microgeneration solar thermal or solar PV) on the roof of a building

Solar on a flat roof

Stand-alone solar nearer to highway than dwellinghouse or block of flats or non-domestic premises

Solar canopy on non-domestic off street parking

The application must be accompanied by:

- a written description of the proposed development or application form
- plan indicating the site and showing the proposed development
- the developer's contact address
- developer's email address if content to receive communication electronically
- any fee required to be paid

Open prison – erection, extension or alteration

The application must be accompanied by:

- Written description of the proposed development
- Plan indicating the site and showing the proposed development
- a drawing, prepared to an identified scale, showing
 - (i) in the case of a building to be erected, the proposed external dimensions and elevations of that building
 - (ii) in the case of a building to be extended or altered, the external dimensions and elevations of that building both before and after the proposed extension or alteration
- the proposed commencement date

⁶ Please note that this Class has either a prior approval or notification process. Where a site is within Flood Zone 2 or 3, prior approval is required, otherwise it falls as a notification.

- written confirmation that development will not take place on any land used as a playing field, and remaining in that use, at any time in the 5 years before the proposed commencement date
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically

Restaurants and cafes, drinking establishments and drinking establishments with expanded food provision to temporarily provide takeaway food

The developer must notify if the building and any land within its curtilage

- is being used or will be used for the provision of takeaway food

Universities extensions alterations or erection of building

The application must be accompanied by:

- written description of the proposed development
- plan indicating the site and showing the proposed development
- drawings prepared to an identified scale and showing:
 - i. for a building being erected, the proposed external dimensions and elevations of the building; and
 - ii. for a building being extended or altered, the external dimensions and elevations of that building before and after the proposed extension or alteration
- written statement in respect to the heritage and archaeological considerations of the development
- Preliminary Bat Roost Assessment (See [Appendix A](#) for guidance to determine if needed)
- the developer's contact address
- the developer's email address if the developer is content to receive communications electronically.
- any fee to be paid

Temporary recreational campsites (notifications) Applicable when the site is not within either Flood Zone 2 or 3

The application must be accompanied by:

- Copy of site plan, which must include the particulars of –
 - (i) toilet and waste disposal facilities
 - (ii) the dates on which the site will be in use

Temporary recreational campsites (prior approvals) Applicable when the site is within either Flood Zone 2 or 3

The application must be accompanied by:

- Copy of site plan, which must include the particulars of –
 - (i) toilet and waste disposal facilities
 - (ii) the dates on which the site will be in use
- A site-specific flood risk assessment, including provision for warning and evacuation
- Any fee to be paid

Works to Trees in Conservation Area

Always required

- Completed Application Form – whilst not legally required we recommend the form available on the [Planning Portal](#). If you chose not to use the application form, the following minimum information will be required:
 - Your contact details
 - Owners' details
 - Site address (location of tree/s)
 - ~~Information on the works~~ Proposed works - must clearly describe the work proposed and include sufficient particulars to identify the tree or trees (**including species**). Where several trees or operations are involved, the description should make clear what work is proposed to which tree (e.g.: felling of 2 Silver Birch trees (T1 and T4) **or crown reduction of T3 by 1 metre, crown lift to 2.4 metres from ground level**). **Ensure the reference numbers on the Plan and proposed works match**
- A Plan which identifies the tree or trees to which the application relates

Sometimes required:

- ~~Be accompanied, as applicable, by appropriate evidence describing any structural damage to property or in relation to tree health or safety.~~ **Appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.**
- ~~This should be prepared by a relevant engineer, building/drainage surveyor or other appropriate expert. In cases of alleged subsidence, we would expect the following:~~
 - ~~Soil sampling~~
 - ~~Root identification~~
 - ~~Levels monitoring (monitoring the foundation movement in a structure)~~
 - ~~Drains survey~~
 - ~~Water ingress point survey~~
- ~~Evidence of the immediate risk, including details of risk/damage/condition. The [ISA Tree Risk Assessment form](#) provides a guide for collecting and recording tree risk assessment information~~
- ~~Works in general should comply with BS3998 2010~~
- ~~Replanting information, where applicable.~~
- **Preliminary Bat Roost Assessment**

Useful Information

Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings. **Furthermore, it can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.**

Note: It is vital **important** that you **A** clearly **specified proposed** specify the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements (metric) and not percentages (e.g., 30% reduction) and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2 metres and lateral spread by 1 metre, all round, to finished crown dimensions of 18m. in height by 11m. in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on [The Arboricultural Associations website](#).

Works in general should comply with BS3998-2010

Works to Trees Subject to a Tree Preservation Order (TPO)

Always required

- Completed Application Form
- A Plan which identifies the tree or trees to which the application relates
- Proposed works - must clearly describe the work proposed and include sufficient particulars to identify the tree or trees (**including species**). Where several trees or operations are involved, the description should make clear what work is proposed to which tree (e.g.: felling of 2 Silver Birch trees (T1 and T4) **or crown reduction of T3 by 1 metre, crown lift to 2.4 metres from ground level**). **Ensure the reference numbers on the Plan and proposed works match.**
- **A statement of the reasons for making the application; and**
- **Appropriate evidence describing any structural damage to property or in relation to tree health or safety, as applicable.**
- ~~Where proposed works are to fell a tree(s), applications must be accompanied by appropriate evidence describing any structural damage to property or in relation to tree health or safety (to be provided by a relevant engineer, building/drainage surveyor, or other appropriate expert).~~
- ~~In cases of alleged subsidence, we would expect the following:~~
 - ~~Soil sampling~~
 - ~~Root identification~~
 - ~~Levels monitoring (monitoring the foundation movement in a structure)~~
 - ~~Drainage survey~~
 - ~~Water ingress point survey~~

Sometimes required:

- ~~Photographs – provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings. **Furthermore, it can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.**~~
- ~~Appropriate evidence describing any structural damage to property or in relation to tree health or safety~~
- ~~Evidence of the immediate risk, including details of risk/damage/condition. The [ISA Tree Risk Assessment form](#) provides a guide for collecting and recording tree risk assessment information~~
- Replanting information, where applicable
- Preliminary Bat Roost Assessment

Useful

Inclusion of the Tree Preservation Title Order number and the respective tree(s) reference as part of the proposed works e.g. T2, G1, A3, W1 – Our [online register](#) provides details of all Orders.

Photographs - provide both close up photographs of the tree itself and also showing the tree(s) within their wider surroundings. **Furthermore, it can be useful, particularly where you wish to identify the trees you want to work on or to show specific work where there could be doubt e.g. marking a major branch to be removed. If you do submit photographs make sure that it is clear which tree is shown.**

Note: It is vital **important** that you **A** clearly **specified proposed** ~~specify~~ the works you want to carry out for each tree included in your application. A proposal simply to “cut back”, “lop” or “trim” some branches is too vague because it fails to indicate the extent of the works. Reductions should be specified by actual measurements (metric) and not percentages (e.g., 30% reduction) and reflect the finished result, but may also refer to lengths of parts to be removed to aid clarity, e.g., ‘crown reduce in height by 2 metres and lateral spread by 1 metre, all round, to finished crown dimensions of 18m. in height by 11m. in spread (all measurements approximate.)’. Alternatively, you can annotate a drawing or photograph to show which branches are to be reduced/removed. Examples of common tree work operations, including crown reduction and crown lift can be found on [The Arboricultural Associations website](#).

Urgent works to Protected Trees (presents an immediate risk of serious harm)

Where a tree presents an immediate risk of serious harm (for example injury to a passing pedestrian due to the tree falling) and work is urgently needed to remove that risk, tree owners or their agents must give written notice to the local authority as soon as practicable after that work becomes necessary. **Work shall only be carried out to the extent that it is necessary to remove the risk.**

The applicant/owner is still required to notify the local authority of the works and must provide the following:

- Contact details of person reporting the risk
- Owner details
- Site address of location of tree(s)
- Species of tree
- TPO reference (e.g., TPO N123)
- Evidence of the immediate risk, including details of risk/damage/condition. ~~The ISA Tree Risk Assessment form provides a guide for collecting and recording tree risk assessment information –~~ [ISA Tree Risk Assessment Form Instructions](#) form
- Supporting information/justification from a suitably qualified professional – including photographs showing damage.

You may be required to plant a replacement tree to ensure the ongoing presence of trees at the site.

If the danger is not immediate the tree does not come within the meaning of the exception, 5 working days prior written notice must be given to the local authority before cutting down or carrying out other work on a dead tree. Evidence and supporting information as detailed above must be provided at the time of submitting a written notice. The authority's consent for such work is not required.

The exceptions also allow removal of dead branches from a living tree without prior notice or consent from the Local Planning Authority.

Part 5 – Development Types

Residential New Build	Residential Conversions
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Biodiversity Net Gain Assessment • Coal mining assessment • Community Infrastructure Levy Form • Contamination risk assessment • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological Impact Assessment (EcIA) • Environmental impact assessment • External lighting details • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Highway information • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision • Planning obligations pro-forma statement • Planning statement • Rights of Way • Statement of community involvement • Transport statement/assessment • Travel plan • Tree survey 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Affordable housing -all planning applications for residential development on sites of 11 dwellings or more or those with a combined floorspace of more than 1000sqm. • Agricultural justification • Archaeological Assessment • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage information • Environmental impact assessment • External lighting details • Flood Risk Assessment • Heritage impact assessment • Highway information • Landscape scheme • Marketing statement • Noise impact assessment • Open space provision (see planning obligations pro forma statement) • Planning obligations pro-forma statement • Planning statement • Preliminary Bat Roost Assessment (See Appendix A for guidance) • Rights of Way • Statement of community involvement • Structural survey • Transport statement/assessment • Travel plan • Tree survey • Viability and marketing statement

Commercial, industrial, and non-residential	Change of Use
<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Parking information including electric car charging point provision <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Bin/waste management information • Biodiversity Net Gain Assessment • Coal mining assessment • Contamination risk assessment • Community Infrastructure Levy Form • Daylight and sunlight assessment • Design and access statement • Drainage information • Ecological Impact Assessment (EcIA) • Economic statement • External lighting details • Environmental impact assessment • Flood Risk Assessment • Green belt impact assessment • Heritage impact assessment • Landscape and visual assessment • Landscape scheme • Marketing statement • Noise impact assessment • Parking information including electric car charging point provision • Planning statement • Retail assessment • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Tree survey • Ventilation and extraction report • Viability and marketing statement 	<p>Always required</p> <ul style="list-style-type: none"> • Application form • Ownership certificate • Fee • Location plan <p>Sometimes required</p> <ul style="list-style-type: none"> • Bin/waste management information • Community Infrastructure Levy Form • Contamination risk assessment • Design and access statement • Drainage statement • Ecological Impact Assessment (EcIA) • Economic Statement • Existing and proposed elevations • Existing and proposed floor plans • External lighting details • Flood Risk Assessment • Heritage impact assessment • Landscape scheme • Noise impact assessment • Open space provision • Parking information including electric car charging point provision • Planning statement • Preliminary Bat Roost Assessment (See Appendix A for guidance) • Rights of Way • Statement of community involvement • Structural survey • Tourism need statement • Town centre uses assessment • Transport assessment and travel plan • Travel plan • Ventilation and extraction report • Viability and marketing statement
Agricultural Development (e.g., new buildings, engineering works etc.)	Telecoms (requiring planning permission)
<p>Always required</p> <ul style="list-style-type: none"> • Application form 	<p>Always required</p> <ul style="list-style-type: none"> • Application form

<ul style="list-style-type: none"> • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan <p>Sometimes required</p> <ul style="list-style-type: none"> • Archaeological Assessment • Design and access statement • Drainage information • Flood Risk Assessment • Landscape scheme • Noise impact assessment • Non-mains drainage (Foul drainage assessment form) • Parking information • Planning statement • Statement of community involvement • Tree survey 	<ul style="list-style-type: none"> • Ownership certificate • Existing and proposed elevations • Existing and proposed floor plans • Fee • Location plan • Site block plan • Telecommunications supporting information <p>Sometimes required</p> <ul style="list-style-type: none"> • Design and access statement • Drainage information • Flood Risk Assessment • Planning statement • Statement of community involvement • Tree survey
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1.0 Summary

- 1.1. All bats in the United Kingdom (UK) are European Protected Species (EPS) and are protected by legislation from injury and disturbance. Their roosts, and access to them, are also protected.
- 1.2. All UK bat species make use of various types of buildings, including dwellings, industrial buildings and other structures like bridges, and underground features like tunnels and mine shafts. Many species also roost in cavities in trees. Consequently, development proposals, including house extensions and alterations, have the potential to have an impact on roosting bats, and for that impact to represent a potential breach of the relevant legislation.
- 1.3. A licencing system, administered in England by Natural England, enables work, which would otherwise be unlawful because of the impacts on bats and their roosts, to be lawful.
- 1.4. Government guidance and important court judgements have set out the legal duty of a Local Planning Authority (LPA) when determining a planning application for a development that might have an impact on an EPS. To discharge this duty, the LPA needs to be in receipt of survey information that establishes the status of the EPS. Initially this needs survey information to establish the likely presence or otherwise of bats. If there is evidence of bats using, or having used, the building, structure, or tree, the LPA then needs further information to be able to consider three 'tests' that Natural England must address when assessing an EPS mitigation licence application.
- 1.5. Gaining this information is a two-stage process. First, a Preliminary Bat Roost Assessment (PBRA) is required in accordance with Item 16 of the NSDC [Planning Application Validation Checklist](#). A PBRA involves a suitably competent ecologist undertaking a daytime external and (where possible or applicable) internal assessment of the building, structure, feature, or tree. These can be undertaken at any time of the year. They are likely to be required for⁷:
 - House extensions and/or conversions involving works to and adjacent to roofs;
 - Demolition, renovation, and conversion of buildings;
 - Works affecting underground structures like cellars and bunkers; and
 - Proposals involving the felling of, or works to, trees.
- 1.6. Depending on the outcome of the PBRA, additional nocturnal surveys might be required. These are seasonally constrained. The legal duty of an LPA is such that it cannot determine an application until it is in receipt of the further survey report.
- 1.7. In some instances, it might be possible to use a Department for Environment, Food, and Rural Affairs (Defra) policy that applies to Natural England's EPS mitigation licences, to reduce the need for additional survey data and reduce delays, should the proposal be considered acceptable development on all other matters.

⁷ Please see Section 6 of Advisory Note for full details.

2.0 Background

- 2.1. All bats in the UK are European Protected Species (EPS) and are afforded full protection under the Conservation of Habitats and Species Regulations 2017 (as amended) [the Regulations] and the Wildlife and Countryside Act 1981 (as amended). In summary, deliberate or reckless injury or disturbance of all UK bat species; or reckless damage, destruction or obstruction of access to any structure or place used by bats for shelter or protection (i.e., roosts), represent potential breaches of this legislation.
- 2.2. All British bat species are known to make some use of buildings and other structures including (not exclusively) dwellings, places of worship, bridges, industrial buildings, and agricultural buildings (particularly those of brick or stone construction), old mine shafts and tunnels. Many species also roost in cavities in trees.
- 2.3. Many development proposals involving buildings and structures therefore have the potential to have an impact on roosting bats, and for that impact to represent a potential breach of the legislation.
- 2.4. Part IV A 99. of the Office of the Deputy Prime Minister Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (ODPM Circular 06/2005) states that:

“It is essential that the presence of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making that decision.”

- 2.5. In 2009 an important judgement was made in the High Court case of R (on the application of Simon Wooley) v Cheshire East Borough Council which set out the legal duty of a Local Planning Authority (LPA) when determining a planning application for a development that might have an impact on European Protected Species (EPS). Further clarification was then made in the Supreme Court in the case of R (Vivienne Morge) v Hampshire County Council in 2011. The Wooley case established that it is not sufficient for an LPA to just make reference to the existence of the Conservation of Habitats and Species Regulations (the Regulations) as an informative of a planning consent (i.e., an LPA cannot grant a planning permission and on the decision notice make the applicant aware of the Regulations), nor can an LPA discharge its duty by granting planning permission with a condition requiring the applicant to obtain a relevant European Protected Species Licence, as this does not constitute engaging with the European Habitats Directive (which is transposed into UK law by the Regulations). Similarly, conditioning a survey that determines the status of an EPS does not represent an LPA engaging with the Habitats Directive.
- 2.6. When Natural England consider a EPS licence application they must consider three ‘tests’, and the court judgements established that a LPA must as part of its planning considerations consider whether the Statutory Nature Conservation Organisation⁸ would be likely to grant a licence. Therefore, this applies to proposals requiring:
 - Planning permission under The Town and Country Planning Act 1990;
 - Planning permission or other consent under The Town and Country Planning (Development Management Procedure) (England) Order 2015;
 - Listed building consent under The Planning (Listed Buildings and Conservation Areas) Act 1990;
 - Prior approval under The Town and Country Planning (General Permitted Development) (England) Order 2015; and
 - Consent under The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.7. The ‘tests’ are:
 - i. A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - ii. There is no satisfactory alternative.

⁸ Natural England are the Statutory Nature Conservation Organisation for England.

- iii. The population of the species concerned will be maintained at a favourable conservation status in their natural range.

2.8. To make a judgement as to whether an EPS Mitigation Licence is likely to be granted, the LPA needs to also consider the three 'tests' and it cannot do this if it is not in receipt of survey information that establishes the status of the EPS. The information provided by the ecologist will often include data responding to these tests.

3.0 Planning Application Validation Requirements

3.1. For the reasons outlined in Section 2, to be able to discharge its statutory duties regarding protected species, Newark and Sherwood District Council (NSDC) needs to be in receipt of appropriate information regarding the likely presence of bats at the planning application validation stage. Consequently, this forms part of the validation procedure, in accordance with the NSDC [Planning Application Validation Checklist](#) Item 16 'Ecological and Protected Species Assessment' which states that "*An ecology survey is required if it is likely that protected species are,...present on or near the proposed site...*". For this issue a preliminary bat roost assessment (PBRA) is required.

3.2. Part IV A 99. of Government Circular 06/2005 also states that:

"However, bearing in mind the cost that might be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development."

As bats are known to use dwellings as roosts, predominantly in roof areas, it is considered there is a reasonable likelihood of bats being present in these locations. Therefore, NSDC have produced this advisory note to provide guidance as to when a Preliminary Bat Roost Assessment is required.

4.0 What Is a Preliminary Bat Roost Assessment?

4.1. Preliminary Bat Roost Assessments are a daytime external and (where access is possible) internal assessment of the building/structure/feature. In accordance with best practice guidelines⁹, this needs to be completed by a suitably competent ecologist who will search for signs of occupancy by bats. This can be undertaken any time of the year.

5.0 Additional Bat Surveys

5.1. Following the preliminary assessment, additional nocturnal emergence/re-entry surveys might be required, and these are seasonally constrained. If a PBRA determines that additional emergence/re-entry survey work is required, and the report for these surveys is not supplied as part of the planning submission, for the reasons outlined above, NSDC will be unable to determine the application until it has this information or may refuse the application due to insufficient information.

5.2. In some instances, the appointed ecologist might in their professional judgement consider it appropriate to seek Natural England approval to use Department for Environment, Food, and Rural Affairs (Defra) Policy 4 'Alternative sources of evidence to reduce standard survey requirements' that applies to Natural England's EPS mitigation licences. If use of Policy 4 is confirmed by Natural England as being acceptable, this could reduce the need for additional survey data and reduce delays, should the proposal be considered acceptable development on all other matters. In such situations NSDC would need to be in receipt of evidence of Natural England's approval of use of Policy 4, and all the information intended to be submitted as part of the EPS licence application.

6.0 Development Proposals Requiring a Preliminary Bat Roost Assessment

6.1. Proposed development involving the modification, conversion, demolition (partial or full) or removal of buildings and structures involving the following:

A. Householder extensions and/or conversions involving any of the following:

- Works to roof spaces, e.g., replacing existing roofs, new connections into the existing roof including dormers and rooflights;

⁹ Collins, J. (ed.) (2023). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. London: The Bat Conservation Trust.

- Extensions involving extension of the existing roof line along the gable end of the property being extended;
 - Extensions resulting in existing eaves being lost or obscured;
 - Extensions on gable ends where there are integrated bat boxes within the wall;
 - Works involving the removal or obscuring of weather boarding or hanging tiles; and
 - Internal works to the roof space.
- B. Demolition (partial or full) of any dwelling, garage, or other associated outbuilding, irrespective of age, structural condition¹⁰, or location.
- C. Demolition (partial or full), or renovations or alterations involving the roof of industrial buildings, particularly those of brick and tile/slate/sheet roof construction, including (not exclusively) offices, retail units and storage units¹¹.
- D. Demolition (partial or full), renovation, or conversion of any agricultural building, with particular emphasis on traditional brick or stone construction.
- E. Any works involving the removal or obscuring of weather boarding or hanging tiles in buildings that are not dwellings.
- F. Any proposal affecting a cellar, tunnel, mine, ice house, British hardened field defences of World War II (pillboxes), air raid shelter, underground military bunker or similar underground structure;
- G. Any proposal involving the felling of, or works to trees as part of a development proposal requiring planning consent;
- H. Any proposal involving the felling of a tree where a felling licence is not required, or works to a tree, where Local Planning Authority consent under a Tree Preservation Order (TPO) is required; and
- I. Any proposal affecting any building, structure, tree, or other feature where bats are known to be, or have been, present.
- 6.2. If you think your development might require a PBRA, but having read this list you are unsure, please contact us at planning@newark-sherwooddc.gov.uk and we will aim to respond to you within 10 working days.

7.0 How do I obtain a Preliminary Bat Roost Assessment and what is the likely cost?

- 7.1. NSDC is not able to recommend any ecologist or ecological consultancy. To find a suitable ecologist it is recommended that any, or all, of the following are undertaken:
- A search of the Chartered Institute of Ecology and Environmental Management (CIEEM) Registered Practice Directory¹² ;
 - Ask your planning agent for details of ecologists they have used on other development proposals; and
 - A general internet search using the terms 'Preliminary Bat Roost Assessment' and 'Preliminary Roost Assessment.'
- 7.2. A PBRA should cost somewhere in the region of £350-£800. If the PBRA identifies the need for additional surveys and assessments, there will be additional costs associated with this. Costs will be dependent on the number of surveys required, how many surveyors will be needed and whether a protected species licence is required.

¹⁰ Some proposals within categories A and B may involve relatively new buildings that are likely to be structurally sound and with no gaps of sufficient size to provide access for bats. However, to be assured of this, NSDC the Council needs confirmation via a PBRA undertaken by a suitably competent ecologist.

¹¹ Some industrial buildings, particularly modern types may be of a construction type unsuitable to support roosting bats. Please contact NSDC the Council if you are unsure (see paragraph 6.2).

¹² <https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>

Planning Committee – 11 July 2024.

Appeals Lodged

- 1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Development without delay.
- 2.0 Recommendation
- 2.1 That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development

Appendix A: Appeals Lodged (between 24 May 2024 and 25 June 2024).

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/D/24/3343658 23/02032/HOUSE	126 Whinney Lane Ollerton NG22 9TZ	Freestanding standing roof over secure parking area and new front boundary fencing. (Retrospective)	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/24/3343103 23/01618/FUL	Offices And Workshops Downside Cottage Great North Road Bathley Newark On Trent NG23 6HP	Change of use from Sui Generis to B8 to allow the operation of a storage business including shipping containers	Written Representation	Refusal of a planning application
APP/B3030/W/24/3343953 22/01504/FUL	Glebe Cottage Main Street Norwell NG23 6JN	Proposed new dwelling and cart shed	Written Representation	Refusal of a planning application

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
22/01742/FUL Land At Wood Lane Kersall	Siting of park home/lodge for use as a rural worker's dwelling in connection with existing livery business	Hearing TBA (Appeal rescheduled due to submission of late evidence)	Amy Davies
23/00771/HOUSE 23/00772/HOUSE 23/00773/HOUSE 23/00774/HOUSE 23/00775/HOUSE 23/00776/HOUSE 22/00393/ENFB Fernhill Hoveringham Road Caythorpe	Installation of security cameras (retrospective) Erection of a car port (part retrospective) Erection of outdoor gym building (retrospective) Reconfiguration and landscaping of patio area including construction of retaining walls, pagoda, pergolas and sun pod (retrospective) Erection of a summer house, installation of soft matting, service shed and timber shed (retrospective). Outdoor swimming pool, spa, raised platform area and retaining walls, balustrading and 2 pagodas (retrospective). Without planning permission, "operational development" consisting of the erection of security cameras mounted on metal posts (as shown within photographs 1, 2, and 3 and marked with a "A" and "B" on Plan A); Without planning permission, "development" consisting of the material change of use of land from agricultural use to residential use (as shown within photographs 1 and 2). Without planning permission, the following operational developments:	Hearing 06-07/08/2024 (Appeal rescheduled due to General Election)	Steve Cadman Michael Read

	<p>a) the erection of an outbuilding (as shown within photograph 1 and marked with a "X" on Plan A)</p> <p>Without planning permission, "operational development" consisting of the erection of a raised "platform" area, occupying approximately 348 sqm finished using timber cladding and containing a swimming pool measuring approximately 11m by 3m, set into the raised platform described above and a smaller 3m by 1.8m "spa" pool to the rear of the larger pool.</p> <p>Without planning permission, the following operational developments: a) the erection of an outbuilding (as shown within photograph 1 and marked with a "X" on Plan A)</p>		
<p>23/00190/ENFB</p> <p>Mill Farm Gonalston Lane Hoveringham NG14 7JJ</p>	<p>Without planning permission, operational development consisting of the erection of a building (identified with a blue "X" on the site location plan, outlined in red on Plan 2 and shown within photographs 1 and 2)</p> <p>Without planning permission, "operational development" consisting of works and alteration to existing buildings, comprising of::</p> <ul style="list-style-type: none"> -The insertion of 3 rooflight windows (figures 1 & 2 within Appendix 1). -The installation and creation of a glazed openings and door (figure 3 within Appendix 1). -The application of horizontal timber cladding (figure 5 within Appendix 1). -The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1). - The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2) -The insertion of 2 rooflight windows (figure 9 within appendix 1). -The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1). -The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2) 	<p>Hearing TBA</p>	<p>Richard Marshall</p>

	<ul style="list-style-type: none">-The insertion of 2 rooflight windows-The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1).-The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2).-Erection of brick walls (including "well" type construction) and a pole (figures 12 & 13 within appendix 1).-The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2). <p>Without planning permission, "operational development" consisting of the laying of hard core/crushed stone to create new access tracks and pedestrian paths (identified outlined in red on "aerial photograph" and shown within photograph 1)</p>		
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If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 11 July 2024

Appendix B: Appeals Determined (between 25 May 2024 and 25 June 2024)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01186/FUL	The Coach House Church Hill Bilsthorpe NG22 8RU	Demolition of existing detached garage and outbuildings. Erection of single storey dwelling.	Planning Committee	In line with recommendation	Appeal Allowed	24th May 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RXMQQVLBJH500						
23/02059/HOUSE	Woodlands Station Road Fiskerton NG25 0UG	Proposed first floor side and front extension over existing garage (retrospective)	Delegated Officer	Not Applicable	Appeal Allowed	28th May 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4ISGSLB04M00						
23/02172/HOUSE	Strelley 88 Kirklington Road Rainworth NG21 0JX	Single storey rear extension	Delegated Officer	Not Applicable	Appeal Allowed	3rd June 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S599Z3LBLPJ00						

23/01470/FUL	19 Moor Road Collingham Newark On Trent NG23 7SZ	Construction of one new single storey dwelling and detached garage (resubmission)	Delegated Officer	Not Applicable	Appeal Allowed	7th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZL3ZGLBK2800>

22/01298/FUL	Tesco Express Kirklington Road Rainworth Nottinghamshire NG21 0AE	Proposed retail unit with parking and amended site entrances	Planning Committee	Committee Overturn	Appeal Dismissed	24th May 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RE8V5WLBK00>

23/00464/OUT	Baytree House 188 Norwood Gardens Southwell NG25 0DS	Detached dwelling with new access and amenity space.	Delegated Officer	Not Applicable	Appeal Dismissed	18th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RR1EP4LBHNR00>

23/00447/OUT	The Gate House Bathley Lane North Muskham Newark On Trent NG23 6HR	Outline application for a residential plot within the garden area with all matters reserved	Delegated Officer	Not Applicable	Appeal Dismissed	13th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RRBDXVLBHM700>

22/00424/OUTM	Bilsthorpe Business Park Eakring Road Bilsthorpe Nottinghamshire NG22 8ST	Creation of flexible commercial/industrial units (Use Class E(g)(iii), B2, B8) and provision of allotments	Planning Committee	In line with recommendation	Appeal Dismissed	12th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R82PW7LBJT600>

23/02028/OUT	Land At Chestnut Copse Newark On Trent NG24 1RX	Outline Application for proposed erection of 1no bungalow with all matters reserved	Delegated Officer	Not Applicable	Appeal Dismissed	7th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S46B9DLBLD600>

23/01650/HOUSE	31 Ridge Hill Lowdham NG14 7EL	Proposed front and rear extensions	Planning Committee	Committee Overturn	Appeal Dismissed	18th June 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S119PCLBKI100>

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development