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**Wednesday, 24 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 Spors  
Councillor L Tift  
Councillor T Wildgust**

<b>MEETING:</b>	<b>Planning Committee</b>
<b>DATE:</b>	<b>Thursday, 1 August 2024 at 4.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>

**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.**

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).

## AGENDA

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1. Notification to those present that the meeting will be recorded and streamed online	
2. Apologies for Absence	
3. Declarations of Interest by Members and Officers	
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<b>Part 1 - Items for Decision</b>	
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Site Visit: 11.10am – 11.20am	
7. Land Off Mill Lane, Edwinstowe - 24/00496/FUL	111 - 130
Site Visit: 10.40am – 10.50am	
<b>Part 2 - Items for Information</b>	
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<b>Part 4 - Exempt and Confidential Items</b>	
13. Exclusion of the Press and Public	
<p>To consider resolving 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 involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.</p>	

# Agenda Item 4

## 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, 11 July 2024 at 4.00 pm.

### PRESENT:

Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor C Brooks, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor T Smith, Councillor L Tift and Councillor T Wildgust

### ALSO IN

Councillor R Cozens and Councillor J Hall

### ATTENDANCE:

### APOLOGIES FOR ABSENCE:

Councillor A Freeman (Chairman), Councillor L Dales and Councillor P Harris

Due to the apology for absence from the Planning Committee Chair, the Planning Committee Vice-Chair acting as Chair for that meeting, asked for nominations for the appointment of Planning Committee Vice-Chair for the duration of the meeting.

AGREED that Councillor L Tift be Planning Committee Vice-Chair for the duration of the meeting.

### 23 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.

### 24 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor K Melton declared an other registerable interests for any relevant items, as he was an appointed representative on the Trent Valley Internal Drainage Board.

### 25 MINUTES OF THE MEETING HELD ON 28 MAY 2024

AGREED that the minutes of the meeting held on 28 May 2024 were approved as a correct record and signed by the Chair.

### 26 MINUTES OF THE MEETING HELD ON 6 JUNE 2024

AGREED that the minutes of the meeting held on 6 June 2024 were approved as a correct record and signed by the Chair.

### 27 MINUTES OF THE MEETING HELD ON 19 JUNE 2024

AGREED that the minutes of the meeting held on 19 June 2024 were approved as a correct record and signed by the Chair.

28 FLOWSERVE PUMP DIVISION, HAWTON LANE, BALDERTON, NOTTINGHAMSHIRE, NG24 3BU - 23/01755/RMAM

The Committee considered the report of the Business Manager – Planning Development, which proposed the 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.

Members considered the presentation from the 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 Planning Officer and a local resident.

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.

Councillor J Lee as adjoining Ward Member, spoke against the application.

Mr J Pearce agent, spoke in support of the application.

Members considered the application and concern was raised regarding the potential risk of flooding and the need for an additional attenuation pond given the scale of the development. The cycle track was also discussed and Members disappointment that a connection had not been achieved with Sustrans. The Business Manager – Planning Development explained that the applicant had engaged with the owner of the land but to date no agreement had been achieved.

AGREED (with 7 votes For and 4 votes Against) that Reserved Matters be approved subject to the conditions contained within the report and condition 15 as set out within the Schedule of Communication.

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

The application was withdrawn from the agenda.

30 LAND AT HIGHFIELDS, GONALSTON LANE, EPPERSTONE - 23/02141/FUL

The application was withdrawn from the agenda.

31 KILVINGTON LAKES, KILVINGTON, NEWARK ON TRENT, NG13 9PD - 24/00724/S73M (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 01 to substitute approved phasing plan drawing and alter development phasing attached to planning permission 19/01097/FULM.

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



Councillor M Fenner representing Alverton and Kilvington Parish Meeting, spoke against the application in accordance with the views of Alverton and Kilvington Parish Meeting as contained within the report.

Members considered the application acceptable.

AGREED (with 9 votes For, 1 vote Against and 1 Abstention) that Planning Permission be approved subject to the conditions contained within the report.

32 FOXGLOVES, MAIN STREET, EDINGLEY - 24/00695/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the retention of a small open porch.

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

Ms L Young (Freeths LLP) agent for the Applicant, spoke in support of the application.

Members considered the application and the Local Ward Member commented that this was a well-cared for barn. The composite doors had only been replaced as the oak doors had rotted due to the rainwater runoff from the barn roof. The porch had been built to aid the runoff from the roof and protected the side wall. A lot of properties had recently flooded in that area, this property would have suffered from that problem however the porch was sand bagged and provided protection from the flood water. The porch was not visible due to the hedge from the village.

Other Members felt that there was nothing wrong with the proposal other than the application was retrospective and the bricks could have been more in keeping with the barn. It was considered that the porch would preserve the listed building.

Other Members commented that listed buildings were listed for a reason and should not be changed, and the Committee should follow the National Planning Guidance. The bricks were also not in keeping with the barn.

A vote was taken and lost for Refusal with 4 votes For, 6 votes Against and 1 Abstention.

AGREED Proposer Councillor P Rainbow and Seconder Councillor E Oldham (with 6 votes For, 4 votes Against and 1 Abstention) that contrary to Officer recommendation Listed Building Consent be approved.

Reason for approval: Adverse impact on the listed building was considered to be negligible. The applicant was considered to have a clear and convincing justification, and some weight was given to the public benefit of the proposal through the ongoing preservation of the building.

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

<b>Councillor</b>	<b>Vote</b>
A Amer	For
C Brooks	Against
K Melton	For
D Moore	Against
E Oldham	For
P Rainbow	For
S Saddington	For
M Shakeshaft	Abstention
T Smith	For
L Tift	Against
T Wildgust	Against

33 CAFE AMORE, GREAT NORTH ROAD, CROMWELL, NG23 6JE - 23/01706/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of the existing vacant restaurant building (former Little Chef) and construction of a Drive-Thru, car parking and landscape.

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

Members considered the application and concern was raised regarding the road layout in terms of safety and that good signage needed to be put in place to prevent any accidents. The Business Manager – Planning Development proposed an amendment to Condition 4 to read “the development shall not be occupied until the signage has been.....”.

Members commented that they were happy with the improvement to a derelict site and the inclusion of EV charging car spaces. Members expressed support for the proposal subject to ensuring appropriate directional signage to protect pedestrians.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and the amendment to Condition 4 as detailed above.

Councillor K Melton left the meeting at this point.

34 PLANNING APPLICATION VALIDATION CHECKLIST 2024

The Committee considered the report of the Director – Planning & Growth, which updated Members regarding the Council’s Planning Application Validation Checklist in line with Government guidance and legislation.

This checklist had 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 that time there had been a significant number of changes to policy and legislation meaning it was appropriate to review the checklist. The checklist had been out to consultation

between 2 April and 28 May 2024 with 12 responses were received. The checklist was updated, where appropriate, in responses to these comments.

AGREED (unanimously) that:

- (a) the Planning Application Validation Checklists be adopted; and
- (b) the checklist be reviewed every 2 years in accordance with the Development Management Procedure Order.

35 APPEALS LODGED

AGREED that the report be noted.

36 APPEALS DETERMINED

AGREED that the report be noted.

At this point in the meeting, in accordance with Rule 2.7, the Chair indicated that the meeting had been ongoing for three hours and a motion was required to be proposed and seconded to extend the meeting for the duration of one hour.

AGREED (unanimously) that the meeting continue for the duration of one hour.

37 EXCLUSION OF THE PRESS AND PUBLIC

38 APPEAL - 22/02341/OUT

The Committee considered the late exempt report of the Business Manager – Planning Development which sought Member decision whether the Council wanted to defend the appeal which had been accepted by the Planning Inspectorate by way of a hearing for the refused application (against officer recommendation) by Members relating to: 22/02341/OUT – Holly Court Rolleston - Outline application for erection of two detached dwellings and the re-alignment of Rolleston Public Footpath no.5 with all matters reserved except access. 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 7.35 pm.

Chair

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

Document is Restricted



Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
<b>Application Number</b>	23/01836/RMAM (MAJOR)		
<b>Proposal</b>	Submission of Reserved Matters (layout, scale, appearance, landscaping) pursuant to outline consent 20/01190/OUTM; Outline planning application for 45 dwellings		
<b>Location</b>	Land rear of The Vineries, Lower Kirklington Road, Southwell		
<b>Applicant</b>	Cameron Homes Ltd, Sir John Starkey, Mr Keith Maxey, Mrs Katherine Maxey, Mr John Judson, Mrs Ann Judson and Mr Richard Mullard	<b>Agent</b>	Evolve Planning & Design Ltd
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/01836/RMAM">23/01836/RMAM   Reserved Matters application (layout, scale, appearance, landscaping) pursuant to outline consent 20/01190/OUTM; Outline planning application for 45 dwellings   Land Rear Of The Vineries Lower Kirklington Road Southwell (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	30.10.2023	<b>Target Date</b>	26.01.2024 EOT 02.08.2024
<b>Recommendation</b>	That planning permission is approved subject to the conditions at Section 10.0 of the report		

**This application has been referred to the Planning Committee by Cllr P Harris in the event of a recommendation for approval. The reasons for the referral relate to changes in impacts upon trees and ecology and housing mix from the outline consent. The request was made prior to the recently adopted changes to the Planning Protocol.**

## 1.0 Background

1.1 The delay in forming a recommendation on this application is due to enabling the applicant the opportunity of addressing various concerns raised by consultees (mainly NCC Highways) on numerous occasions. This has demonstrated that the local planning authority has sought to work positively and proactively with the applicants as required

by the NPPF and by the Town & Country Planning (Development Management Procedure) (England) Order 2015.

## **2.0 The Site**

- 2.1 The application site comprises c2.8ha of land containing a mix of agricultural land, grassland, former allotments and former apple orchard to the east of Kirklington Road and to the south of Lower Kirklington Road in Southwell. There are a number of mature trees and hedgerows within the site. The vast majority of this land is allocated for housing in the Council's Allocations and Development Management DPD albeit the allotments were not included in the allocation.
- 2.2 There are several components to the site including land north of The Vineries which comprises a field that is now overgrown, a protected Walnut tree and informal grassland with a driveway and hardstanding associated with the existing properties, including The Vineries, to its south. It also includes domestic outbuildings located close to the eastern boundary that serve The Vineries which are excluded from the application site. These properties comprise a row of 5 cottages with their frontages facing the parking/garage area at the north and rear gardens orientated to the south. No. 5 has a sunroom/conservatory located on its east side.
- 2.3 The site is bound to the west by Kirklington Road with its boundary being a managed high native hedgerow along its length, aside from the gap which forms the current existing vehicular access to the site. Beyond this (to the west) is Norwood Golf course.
- 2.4 The site frontage with Lower Kirklington Road is bound with a managed hedgerow. To the north, adjacent to the highway is a grassed verge which contains several evenly spaced Acer trees. Towards the northern end of the site, close to the Lower Kirklington Road boundary, positioned centrally is a Walnut tree that is subject to a Tree Preservation Order.
- 2.5 A public right of way (no. 55) extends along the southern boundary before projecting southwards to link with Kirklington Road and Springfield Road. A local watercourse (Springfield Dyke) is located south of the application site.
- 2.6 Three properties off Avondale Lane lie to the north of the south-eastern section of the site; 'Benaiah', 'Oak Tree House' and 'Oaklands' which are all substantial two storey dwellings. In addition, 3 detached dwellings have now been constructed to the rear of the bungalow 'Brooklyn' under planning reference 19/01615/RMA. These are set in a linear, tandem arrangement alongside the eastern site boundary with Plot 3 sitting alongside Benaiah adjacent to the northern boundary of the dog-leg. These are accessed via their own private drive (known as Private Drive) between 'Brooklyn' and the proposed site access.
- 2.7 The site lies in flood zone 1 according to the Environment Agency maps.

## **3.0 Relevant Planning History**

- 3.1 **20/01190/OUTM** – Outline planning application for 45 dwellings was granted 1<sup>st</sup> June

2021. All matters were reserved except for the means of access. The resolution to approve was as recommended by the Planning Committee in November 2020, subject to a number of conditions and a Planning Obligation under section 106 to secure the following:

<b>Contribution</b>	<b>Policy Requirement</b>	<b>Contribution Achieved</b>	<b>Trigger Points</b>
Affordable Housing	30% on site, (tenure split 60% social rent, 40% home ownership products)	Policy compliant contribution of 14 affordable units as follows unless otherwise agreed: <u>Social/Affordable Rent:</u> 4 x 1 bed maisonette 1 x 2 bed bungalow 2 x 2 bed house 1 x 3 bed house <u>Home Ownership Product:</u> 1 x 2 bed bungalow 4 x 2 bed house 1 x 3 bed house Plot numbers to be provided at RMA stage.	Not to occupy more than 22 dwellings (c48%) until 7 (50%) of the affordable units are provided. Not to occupy more than 36 (80%) dwellings until remaining affordable units provided and TF to provider
Health	Contribution towards health infrastructure £982.62 per dwelling	Justification has been provided to show the need. Policy compliant £44,217.90 to be secured towards expansion of infrastructure within the area.	Prior to occupation of 10 <sup>th</sup> dwelling
Public Open Space	Combined POS ('Amenity Open Space' of 14.4m per dwelling and 'Children's and Young Person's Space' of 18m per dwelling)	Not less than 1,458m of public open space to be provided on site and to include a Locally Equipped Area for Play (LEAP) (size not to be specified to allow flexibility) details of which will need to be agreed with LPA prior to first occupation.  Maintenance of all public open space (including footpath links, LEAP, SUDs and landscape buffers) to be secured through management company for the lifetime of the development	Provided on site in accordance with scheme to be agreed before works commence  Not to commence until management plan and spec has been submitted and not to occupy until this has been approved
Community Facilities	Off-site contribution of £1,384.07 (indexed at 2016	Total policy compliant contribution of £62,283.15 to be spent within Southwell.	Not to occupy more than 22 dwellings (c48%) until sum paid

	and to be uplifted) per dwelling		
Transport	Contributions made upon subject to justification	£7,000 towards bus stop infrastructure to improve bus stop at NS0188 Norwood Gardens including raising boarding kerbs and replacing polycarbonate bus shelter.	Not to occupy any dwelling until sum paid
<b>TOTALS</b>		<b>14 affordable dwellings plus £113,501.05</b>	
<b>Monitoring fees of £1,260 also have been agreed, to be payable when other contributions are paid by the developer</b>			

- 3.2 Applications to discharge conditions attached to 20/01190/OUTM have been made and considered as follows: Conditions 12 (trees to be felled subject to endoscope survey) acceptable, 14 (clearance works) methodology acceptable, 16 (CEMP) not yet discharged, 17 (updated protected species survey) details acceptable **(23/01822/DISCON)**, Request to discharge condition 9 (land contamination) not yet agreed **(23/02070/DISCON)**, Condition 18 (archaeology 1) details agreed 24.10.2023 **(24/00099//DISCON)** and conditions 19 & 20 (archaeology 2 & 3) pending consideration **(24/01039/DISCON)**.
- 3.3 Prior to the outline scheme above having gained consent the following applications also relate to the site:
- 3.4 **17/00605/OUTM** – This application related to part of the wider allocated site (the western part) and was for outline consent (all matters reserved except for the means of access) for up to 18 dwellings including the provision of 5 affordable houses and to include the provision of off- site Highway works including (but not limited to) the provision of a mini roundabout at the junction of Kirklington Road and Lower Kirklington Road Southwell. This application was refused under delegated powers on 12<sup>th</sup> October 2018 for the following summarised reasons:
- 1) *Failure to demonstrate that developing this part of a wider housing site allocation independently would not prejudice the delivery of the remainder of the site in an appropriate way. Specifically the drainage strategy as advanced is not fit for purpose.*
  - 2) *Scheme did not secure appropriate range of developer contributions to mitigate the impact of the development.*
- 3.5 **16/01352/OUT** - Construction of 9 no. 4/5 bedroom detached houses - Phase 1 of the proposed development. (Outline application with matters of access and layout for consideration with all other matters reserved). This application was withdrawn prior to a formal decision being made due to various concerns being raised. This related to the western part of the enquiry site owned by the Maxey's.



3.6 **16/00007/TPO** - A Tree Preservation Order (no. N362) was made and confirmed on 19<sup>th</sup> October 2017 in relation to the walnut tree on site.

3.7 **13/00823/FUL** – ‘Formation of new vehicular access and mini-roundabout with associated highway works.’ This was a standalone 3 arm roundabout at the junction of where Lower Kirklington Road meets Kirklington Road which was approved 20th August 2013 under delegated powers and has now time expired without a start on site being made. The applicants were the same as this scheme, Mr & Mrs Maxey.

#### 4.0 **The Proposal**

4.1 Reserved matters approval is sought in respect of layout, scale, appearance and landscaping for 45 dwellings. This follows the granting of outline consent for 45 dwellings in June 2021.

4.2 The scheme would take its vehicular access from Lower Kirklington Road (a matter already approved by the outline consent) with the road layout taking a cul-de-sac form.

4.3 Fourteen house types are proposed, comprising single and two storey dwellings with a mix of terrace, semi and detached units. An area of play space is located centrally to the eastern side of the highway and on-site sustainable urban drainage features are located to the north-west site frontage and to the south-east corner of the site. Landscaping buffers are to be provided to the boundaries of the site which would be within the control of a management company, secured through the legal agreement at outline stage.

4.4 The following table provides details of the house types proposed. Plots in bold text in the far-right column indicate affordable housing provision.

House Name	House type	No. of Bedrooms	Floorspace in m <sup>2</sup>	Plots
622	Semi-detached two storey dwelling	1 (Upside-down house - bedroom 16.5m <sup>2</sup> )	55.6	Four Plots: <b>11, 12, 13, 14</b>
657	Detached/semi detached bungalow	2	61	Six Plots: 4, 5, <b>15, 16</b> , 29, 30
761	Semi-detached two storey dwelling	2	69.3	Six plots: <b>6, 7, 9, 10, 18, 19</b>
Annesley	Semi-detached two storey dwelling	2	68.9	Four Plots: 23, 24, 43, 44
920	Semi-detached 2 storey	3	83.2	Two plots: <b>8, 17</b>
Barton	Detached bungalow	3	78.3	Two plots 21, 22
Cardew	Detached/semi 2 storey	3	86.4	Three plots: 3, 39, 40
Chapman	Detached 2 storey	3	90.6	One plot:

	(variations of brick and render)			38
Denver	Detached 2 storey	3 beds + study (study 7m <sup>2</sup> ; 2.79 x 1.98m) Integral garage	147.50	Five plots: 1, 2, 25, 41, 42,
Richardson	Detached 2 storey	5 Integral garage	224.4	Four plots: 27, 33, 34, 45
Seymour	Detached 2 storey	5 Integral garage	227	Two Plots: Plot 26, 28
Stansfield	Detached 2 storey	5	196	Two Plots: 35, 36
2600	Detached 2 storey	5	266.7	One Plot: 37

4.5 The scheme has been amended several times throughout the course of the application to address officer concerns, including those from the Highways Authority. The application is accompanied by various plans (as listed in suggested condition 13) and the following documents/plans:

- Site Location Plan, 2322/02
- Drainage Strategy (100 Rev F)
- Technical specifications of manhole structures (drainage)
- Topographical Survey (2322-01-01)
- Construction and Ecology Management Plan, Ramm Sanderson, August 2023
- Design and Access Statement by White Ridge Architecture, August 2023
- Ground Level Tree Survey Update by Ramm Sanderson
- Landscape and Ecology Management Plan by Ramm Sanderson, July 2023
- Planning Statement by Evolve Planning & Design
- Arboricultural Assessment and Arboricultural Method by fpcr, May 2024 (revised)
- Site Waste Management Plan by Reconomy, July 2023
- Gas Risk Assessment Update, MEC, December 2023
- Basin Section Sheet 1 of 2, drawing no. 115
- Basin Section Sheet 2 of 2, drawing no. 116
- Parking Heat Map, drawing 2322-PARKING HEAT MAP Rev A

## 5.0 **Public Advertisement Procedure**

5.1 Occupiers of 34 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. Further re-consultation has taken place in respect of the amended plans as necessary.

5.2 Site visits undertaken on 2 November 2023 and 16 July 2024.

## 6.0 **Planning Policy Framework**

### 6.1 **Southwell Neighbourhood Plan 'made' 2016**

- SD1 – Delivery Sustainable Development
- E1 – Flood Risk Assessments and Mitigation

- E2 – Flood Resilient Design
- E3 – Green Infrastructure and Biodiversity
- E4 – Public Rights of Way and Wildlife Corridors
- E5 – Green Link
- E6 – Climate Change and Carbon Emissions
- DH – Sense of Place
- DH2 - Public Realm
- TA1 - Cycle and Pedestrian Routes
- TA2 – Public Transport Connectivity
- TA3- Highways Impact
- TA4 – Parking Standards
- HE1 – Housing Type and Density
- Policy SS4 – Land east of Kirklington Road (So/Ho/4)
- Appendix 1 - Southwell Design Guide

Note: some of these policies are based on out-of-date evidence. Where applicable, the amount of weight that can be attached is discussed within section 8.0 of the report.

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

- 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
- Core Policy 14 – Historic Environment
- SoAP1 – Role and Setting of Southwell

## 6.3 Allocations & Development Management DPD

- So/Ho/4 – Southwell Housing Site 4
- So/HN/1 – Southwell Housing Need
- DM1 – Development within Settlements Central to Delivering the Spatial Strategy
- DM2 – Development on Allocated Sites
- DM5 – Design
- DM7 – Biodiversity and Green Infrastructure
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

6.4 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 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, unless material consideration indicates otherwise.

## 6.5 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
- Technical Housing Standards - Nationally Described Space Standard 2015
- Fields in Trust Guidance for Outdoor Sport and Play
- Building for a Healthy Life, Urban Design Group

## 7.0 Consultations

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

### (a) Statutory Consultations

7.2 **NCC Highways Authority** - (22.07.2024) Raised issues with additional landscaping drawings (revisions P06) due to some hedges being within the visibility splays shown on drawing 2322-03 Rev Y. Requested amendments to address these concerns which have been received and NCC Highways have confirmed (23.07.2024) that this issue has now been satisfactorily addressed.

(27.06.2024) Remove their holding objection based on drawing no. 2322-03 Rev Y. Key points made:

- Layout now shows the required visibility splays.
- Parking is compliant but Plots 31, 35, 38 & 39 are not of standard width and Plot 8 has disassociated parking. However only Plots 8, 38 & 39 would impact on the highway and are unlikely to cause an issue such that it would be viewed as unacceptable.
- Safe and suitable access would be secured as per Condition 5 of the outline consent.
- The development is of a quantum where we may agree to adopt the internal roads should they be offered and where constructed to adoptable standards. This is not something that can be conditioned, but unless the development is gated the highway authority still have some duties and responsibilities and we therefore request a condition to ensure that the roads are built to adoptable standards (even if not offered).
- To reduce the chance of issues arising on highway during the construction period, we would request that a Construction Management Plan is conditioned.

Conditions are then recommended, summarised as follows:

1. Requirement to submit details of the 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 and then implemented as approved.
2. Construction Management Plan to deal with measures to prevent mud etc on the highway, storage of materials and internal routes for construction staff, parking for site operatives and details of build programme.
3. Drive and parking areas to be provided in bound material before first occupation.
4. Drainage scheme to show how surface water from drives/parking areas will be prevented from entering the highway.
5. Visibility splays to be provided and kept clear.
6. Electric vehicle fast charging provision to be provided for each dwelling.

(04.04.2024) Objection based on revision W; issued in summary were that the private drive needs tracking, pedestrian visibilities have been inconsistently applied, parking for plot 15 within pedestrian visibility, visibility splays for plots 1-3, 15-20 pass over private land and therefore unacceptable and there are concerns regarding refuse collection/turning points on private drives.

(23.02.2024) Object with summarised areas of concern below:

- Issues with private drives and turning facilities and length exceeds that allowed for waste collection.
- Bin collection points potentially insufficient size risking that bins will be left out on the footway or obstruct the private drives.
- Vehicular visibility splays required for Plot 38
- Pedestrian visibility splays are insufficient in size
- Visibility splay from the drive serving Plots 1-3 and 15-19 passes over what appears to be private curtilage, which is not acceptable.
- Tracking information has not been updated as requested.
- There is no speed attenuation and the length of this road exceeds that permissible. It is unlikely that this can be resolved with layout due to the shape of the development land and therefore suitable traffic calming measures are required.
- Private drives are often a concern with regards to visitor parking as there is no space afforded within the layout and therefore all visitors and any impacts of under provision result in parking on highway. Visitor parking should be considered at a rate of 0.3 per dwelling.
- 'Heat Map' of parking requested
- House Type 'Denver' indicates an upstairs study. The Highway Authority do not accept this and this house should be counted as a 4-bed house. However, this should be provided with 3 spaces whether 3 or 4 bed.

(17.11.2023) Object – similar issues to those already mentioned above.

### 7.3 NCC Transport and Travel Services -

(10.01.2024) - The closest bus stops are approximately 580 metres from the centre of the site on Lower Kirklington Road.

Bus Service - Stagecoach operate Service 29 between Southwell and Newark/Mansfield every 2 hours Monday to Saturday daytimes which operates along Lower Kirklington Road adjacent to the site. The site is situated approximately 500m from a bus stop served by daily Service 26 to Nottingham which is commercially operated by Nottingham City Transport and operates up to every 30 minutes. Additional services to Mansfield are operated by Stagecoach from the centre of Southwell.

#### Bus Stop Infrastructure

This planning consent for this site included a Highways contribution of £7,000 payable towards the improvement of the bus stop at NS0188, Norwood Gardens to include raising boarding kerbs and bus shelter replacement.

New Bus stop - the Council request that the S278 civils works includes raised boarding kerbs to support a new pair of bus stops on Lower Kirklington Road fronting the site, to provide access to Service 29. Preferred locations are illustrated on an indicative map.

### 7.4 NCC Rights of Way – No response has been received to consultation requests to amended plans.

(24.11.2023) - Southwell Footpath No. 55 is within the southern boundary of the site and links Lower Kirklington Road and Springfield Road.

Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads including motorways).

They are a material consideration in the planning process and due attention should be made to the treatment of them in the application for development.

They form part of the sustainable transport network that has links to healthy living, reducing carbon footprints, safe non-motorised links to local facilities, so it is important ensure that they are linked to the other networks and are of a good design that encourages safe use.

*NB – the paragraph numbers in the response below are now out of date as the NPPF has since been revised. Up-to-date paragraph numbers are included for completeness in brackets next to the original.*

Para 100 (104) of the NPPF states that planning policies and decisions should protect and enhance PROW including taking opportunities to provide better facilities for users. Para 110 (114) states that sustainable transport should be considered and the same and suitable access to the site for all users should be achieved. This encourages safe connectivity to routes, leading to healthier living, reduced carbon emissions etc. Para 112 (116) states applications should prioritise pedestrian and cycle movements

and create places that are safe, secure and attractive, minimising the scope for conflicts between users and vehicles.

This application is for 45 dwellings and as such the footpath is likely to have an increased level of use which should be encouraged by using this as an opportunity to improve the existing footpath. The applicant is proposing the provision of a surfaced footpath link from the south of the proposed development to link to Southwell Footpath No. 55. The applicant will need to confirm the status of the link and how it will be maintained in the future. However the Rights of Way Team is disappointed that the applicant has missed the opportunity to improve the Public Footpath thereby improving pedestrian links to amenities, work and school away from motorised vehicles. We invite the applicant to also surface the rest of the footpath through the site from Lower Kirklington Road to where it leaves the site at the southeast corner and look to make a contribution to the improvement of the rest of the PROW. The applicant proposes a hoggin type surface for the path link which unless there is good subsurface drainage can end up being muddy and wet in winter and bake hard and uneven in summer and is unsuitable. A crushed stone surface will be more appropriate.

It is recommended that early discussions are held with the RoW team at NCC (Via) on any impact a development might have on a right of way (surface, width, location etc) or potential change to the route, before the development commences.

- 7.5 **NCC Lead Local Flood Authority** – Insufficient information to consider the drainage in any detail. Point out this is covered by condition 4 of the outline consent.

**(b) Town Council**

- 7.6 **Southwell Town Council – Object:**

(25.06.2024) – Unanimously object for following reasons:

- This is sixth iteration of plans and previous comments remain valid
- Ongoing concerns regarding the number of trees affected and the council will ask for comments from Tree and Landscape Officer as well as the Ecology Officer
- Massing of the properties has been increased due to increase in number of bedrooms from 105 to 125 which is unacceptable

(04.04.2024) Concerns relate to flooding, hedgerows and ecology, design and layout and highways. STC unanimously object based on the significant differences from the outline planning to the reserved matters application and the previous comments. They also point out that the Denver house type has a study which could be used as 4<sup>th</sup> bedroom – how might this impact parking provision?

(08.03.2024) – challenge the validation of this application for the following reasons:

1. Outline application 20/01190/OUTM was for a development "of up to 45 dwellings, all matters reserved except for access". There was no indication that

other, existing properties would utilise the new access and it was on this basis that the Highway Authority considered and NSDC approved the outline application.

2. 23/01836/RMAM is the related reserved matters application and the submitted documents and plans are for a total of 45 new dwellings. However, page 21 of the Planning Statement logged on 13/10/2023 makes clear that, additionally, "Access to the Vineries will be provided via the site to replace the closed access" (i.e. the existing access to the north of Kirklington Road).
3. The intended use of the approved access for the existing properties at the Vineries is equally shown on the submitted plans and is referenced by the Highways Authority in their formal objection dated 30/10/2023.
4. In consequence, 23/01836/RMAM proposes that up to 50 dwellings would now use the access approved under 20/01190/OUTM as suitable for "up to 45 dwellings".
5. If the RMAM application had been for 50 or even 46 NEW dwellings it would have been ruled invalid. It is difficult to understand how NSDC could argue that this application for 50 or even 46 new and EXISTING should be treated differently.
6. Therefore, it is Southwell Town Council's contention that the current reserved matters application is not valid and cannot be determined as it stands; and that a new planning application, either outline or full is required unless the current application is amended to show the approved access being used by no more than 45 new and existing properties.

In addition to our previous comments, we would like to note that we strongly object to the planning as per reasons (summarised) below:

Significant impact on The Properties on Private Drive and Oak Tree House, Avondale need to be addressed and investigated thoroughly and with urgency. In Particular, Plots 33 and 37. We stress the unacceptable variance in the outline planning permission, the loss of the Copse, a 50% increase of floor area than that of the outline planning permission and the disregard to the 2022 Housing needs assessment which clearly states there is no further need for 4/5 bedroomed homes in Southwell.

No consideration for the "Hedgerows act 1987" and the changes from the outline planning have not been addressed. Nor have the reservations and comments from NCC Highways.

Plot 33 is particularly of concern due to its proximity of Avondale being now proposed only 12m away rather than the 27m previously. This alongside a 17m brick wall behind the hedge which is overshadowing, over bearing and the evidential "shadow study" holds zero credibility.

This alongside the ecological devastation, no plans for solar, water harvesting and the imminent "flood risk" involved. No Consideration for increase impact on cars parked and not to mention the additional burden on the NHS.

(05.01.2024) – Objection as per 08.03.2024



(08.12.2023) Objection – inconsistency of plans, design and layout, ecology issues – refer to neighbourhood plan Policy E2 and N 554 Flood Risk and Highways.

**(c) Representations/Non-Statutory Consultation**

7.7 **Trent Valley Internal Drainage Board** – make general comments

7.8 **Southwell Civic Society** – Strongly object

(03.07.2024) – 1) There is no revised Landscape and Ecology Management Plan; 2) Housing mix doesn't meet the requirements of the Neighbourhood Plan nor of the revised plan; and 3) There are no detailed dimensions of buffer strips but they clearly don't meet Neighbourhood Plan requirements.

(20.03.2024) – disappointed as the revisions do not attempt to address previous concerns raised. Omission of a buffer strip to Kirklington Road which is contrary to Policy SS4. Also contrary to Second Publication Amended Allocations and Development Management DPD where buffer strip is shown 25% of site width (25m) yet submitted plans show 6-7%. In places the edge of houses are only 5m from centre of hedge and car parking only 3m.

Deviations from outline stage are so significant the application must be refused.

(18.12.2024 and 02.01.2024) Objections summarised:

Highways - The overriding issue is the access and the relationship between this site and So/H/05. The proposed position of the access and the mini roundabout conflict with and are unreconcilable with the previous planning refusals and Appeal refusals in relation to site So/Ho:05 Land off Lower Kirklington Road. There are serious flaws in the drainage and flood proposals, the Arboricultural Assessment, the Landscape and Ecology Management Plan

There are failures to comply with the Southwell Neighbourhood Plan.

The site layout is significantly different from that approved in 20/01190/OUTM. The application should be re-submitted as a full and detailed application. The conditions applied to the outline are not all relevant to this new layout.

We note the applicants are different to those who were granted outline planning permission, 20/01190/OUTM

There is no provision to improved footpath 55 as required by Policy E4

Drainage – concern that increased runoff will increase flooding along the footpath. There should be a 8m buffer between the watercourse and boundary of property to allow for maintenance and as a pollution prevention measure required by Southwell NP policy E2.

7.9 **NSDC (Conservation)** –

(July 2024) - No overall objection, although raise queries regarding the screening and enclosures proposed in relation to the Vineries (now confirmed to be hedgerow as requested) and the use of peat brown roof tiles which would not accord with the more

vibrant orange/red local clay tiles which typifies most roof coverings in Southwell. Balanced judgement will be required as per para.209 of the NPPF.

(05.12.2024) Conclude that there would unlikely be harm to the historic environment. We encourage retaining/improving green infrastructure at the edges to help integrate development with the rural edge of the town and be sympathetic to buildings with some local interest such as The Vineries and Pear Tree Cottage. This will help protect the wider setting of Norwood Park to the west (an unregistered park and garden).

- 7.10 **NSDC (Environmental Health) – (18.01.2024)** - In relation to Land Contamination, Reviewed the Gas Risk Assessment update letter report by MEC which describes the ground gas sources and determines that no ground gas protection measures are required. Officers concur with the findings. Comments relating to the limited soil sampling remain applicable and as such recommend the use of the full phased contamination condition.

Make observations in respect of waste management, including some concerns regarding refuse collection for plots 33-37 off a private driveway and that each property will need capacity for 4 bins.

A development of this size should contain a locally equipped area for play

Would like to see provision of conservation measures such as bee bricks, habitat piles and boxes.

- 7.11 **NSDC Biodiversity and Ecology Lead Officer –** No comments received.

- 7.12 **NSDC Tree and Landscape Officer –**

(06.03.2024) - In summary, adjustments and further information are requested:

- Tree removal has been significantly underestimated, with clear actionable conflict readily apparent in the design.
- Full impact of works immediate to the TPO tree have not been explored.
- Matters to note include T14 (field maple) works requested to crown reduce by 2m. Noting this tree should be expected to increase by approximately 1/3 given normal growth.
- Construction within the RPA is directly against BS5837 for example T13 (Ash) crown raise to height 3m to facilitate car parking construction. Changes in hydrology around TPO tree have not been addressed.
- Fruit bearing trees over hard standing/surface are suggested to constitute a statutory actionable nuisance.
- Some species are considered inappropriate to hedgerow due to impact on litter snagging.
- Suggested changes to the native tree planting.

(10.11.2024) - Previously raised concerns including conflicts between drawings, including drainage drawings and trees. Pointed out that STW have minimum stand off distances to drains for new planting which don't appear to be met. Species of trees

could give birds dysentery which could in turn cause a statutory nuisance and lead to trees not being retained within frontages. Need more information regarding future expected growth of proposed trees at maturity to demonstrate trees are likely to be retained for the longer term. Lack of tree lined streets and point to a number of discrepancies showing conflicting information on tree loss/retention.

7.13 **Representations from 18 households** have been received during the course of the application. The majority have commented multiple times to the various amendments, all raising concerns and objections some of which have been addressed through the variations and some of which relate to matters considered at outline. The comments are summarised as follows:

*General*

- Annoyance that the developer is on 6<sup>th</sup> iteration of revisions;
- Concerns raised regarding number of conflicts/discrepancies between drawings/plans requiring clarity;
- Concern that important hedgerow along Private Drive incorporated into the site when not owned by the developer/concern that this hedgerow is absent from plans and could be under threat.
- Asher House is referred to a Beechwood on the plans

*Matters relating to the principle already considered at outline*

- 45 dwellings would generate 90+ vehicle movements daily;
- Noise levels would rise;
- Edge of town location would interfere with wildlife;
- More congestion at school times as most parents drive;
- Insufficient doctors appointments available without 105+ new patients;
- Insufficient school places for extra children this development would accommodate;
- Transport links to nearby shopping centres are extremely inadequate;
- Southwell becoming too busy and overcrowded;
- Concerns regarding proposed new roundabout;
- Concerns at speeding cars, safety of pedestrians and cyclists;
- Kirklington Lane is too narrow;
- Too many access points along Kirklington Road and creating another would increase traffic from Springfield Road which is already used as a cut through for the Lowes Wong Primary school.

*Housing Mix*

- Plans ignore Southwell's housing requirement and deviates from outline permission
- Some plots (41 & 42) have upstairs studies which could be used as bedrooms
- Plot 37, 50% larger than at outline and others are 25% larger
- 23% increase in total number of bedrooms since outline stage
- Appreciate the need for affordable houses but not the larger houses that will be sold for £1m+

*Residential Amenity*

- First floor windows facing Private Drive should have frosted glass;
- Plot 37 overbearing to Asher House and would cause loss of privacy;
- Concerns that the larger 5 bedroom houses would cause loss of amenity and reduce effectiveness of solar panels;
- Concerns with siting of Plot 33 so close to Oak Tree House causing harm to living conditions (now re-sited)
- A topographical plan needs to be insisted upon to avoid buildings being set too high causing over-bearing issues
- Concern that properties on eastern side of access all have bedroom windows overlooking Brooklyn
- Adverse impacts relating to Sycamore – front elevation has 5 windows facing north which will look at rear elevation of 7 x 2 storey properties which would adversely affect amenity. This could be remedied with bungalows along this boundary instead.
- Footpath link through the development would bring about reduction in privacy and creating potential safety issues to those residents.
- Part of no. 90 Kirklington Road's garden is included within the plan as green space in the Southwell Neighbourhood Plan without knowledge of owner/occupier (*this comment does not appear to relate to this application*)

#### *Public Open Space/Management/Footpath*

- Detailed management plan required for the maintenance;
- 6<sup>th</sup> Feb plan now shows PROW and all of Springfield Dyke outside of the application site, concern as to who takes ownership and responsibility for maintenance;
- Maintenance of all hedgerows. - There must be a stipulation for the maintenance of the hedgerows around the whole of the development once complete.
- There has never been a right of way in the field besides the Vineries but the landscape plan shows footpath access – which is unnecessary and make this a shortcut and increasing the footfall
- If PROW is used as access to Kirklington Rd, pedestrians will need to cross the road to reach the Kirklington Rd footpath at an extremely dangerous point due to the close proximity of two sharp *bends on a fast road*.
- The character of the southern footpath gives the feel of being in the countryside which should be preserved for those who value this rural experience, hedged off and gapped up. Submission is not clear what is proposed.
- There should be no pedestrian access from the development to the PROW to ensure safety and minimise wildlife disturbance

#### *Character/Design/Visual Amenity*

- Removal of 2.5 storey houses is welcome provided they aren't later amended to have rooms in the roof;
- Concern at inappropriate setting 2.5 storey housing which would be high and overbearing at edge of rural open space, more suited to town environment;
- Houses would be out of keeping
- Concern regarding boundary treatments, will existing eastern hedge be used instead of boundary fences?

### *Trees and Ecology*

- Concerns with siting larger 5 bed house in copse and should be revised as per the outline;
- Concern regarding impacts on established hedgerows and wildlife that use them. Further bat and badger surveys should be carried out given passage of time;
- Hedgerow should be protected during construction;
- Concerned about the loss of trees (15 would be category B which is excessive) and many trees are being removed from rear of Asher House that if repositioned could retain more;
- Concern at loss of eastern hedgerow on boundary with Private Drive;
- Concern expressed mid -march that hedgerows were being removed from the site
- Concern at loss of hedgerows which are wildlife corridors.
- Mature maple tree in hedge between Brooklyn and Plot 45 seems to be lost and would help retain privacy.

### *Highways*

- Further traffic calming measures are required to slow traffic down

### *Drainage and Flooding*

- Insufficient regard to existing properties around the boundaries;
- Strong flood risk and drainage concerns from Southwell Flood Forum – concern that the attenuation ponds may overtop and cause flooding issues elsewhere;
- Excess surface water from pond 1 to be fed into drain that feeds under LKR –which is totally inadequate field ditch and cant cope which would in turn have serious detrimental impact on residents.
- Flood risk problems are underestimated in the FRA and it should be updated to be based on new data.
- Lacking detail for drainage strategy and condition 4
- Concern at possible flooding impacts to nearby residents as southern on site drainage pond is close to gardens on Springfield Road and worried it might overflow;
- Will the drainage ditches be dry or hold water – will life jackets be sited for safety?
- Concern regarding maintenance of the local water course to the south of the site and impacts from the development;
- The dyke is overgrown and the wooden dams installed by Via East Midlands appear to be of very little use in controlling water flow. Concern that Pond 2 could flood and subsequently the PROW, surrounding gardens and the land to the rear of 76 Kirklington Rd will become flooded. A detailed management plan needs to be provided and discussed with local residents and the Flood Forum Team in order to reassure that the matter has been adequately addressed.
- Land owners will have riparian rights and will be responsible for upkeep from their side and there is concern as to who will take responsibility

## **8.0 Comments of the Business Manager – Planning Development**

- 8.1 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.

8.2 The following matters have been identified as key issues:

- The Principle
- Housing Need, Mix and Density
- Landscaping, Trees and Public Open Space
- Impact on Ecology
- Design and Character
- Residential Amenity
- Highways and Parking
- Drainage and Flood Risk

8.3 These matters shall be discussed in turn. However, before doing so, preliminary matters need to be dealt with first as follows.

#### Preliminary Matters (including Access)

8.4 The validity of this application has been raised as an issue by Southwell Town Council due to the Planning Statement stating that 'Access to the Vineries will be provided via the site to replace the closed access' which they are concerned would mean that the application proposes up to 50 dwellings that would use the new access from Lower Kirklington Road approved under the outline consent.

8.5 The proposed layout shows an access link from within the site to The Vineries which would replace the one to be lost. It should be noted that the existing access (marked by the red arrow on the aerial image below) serving numbers 1 to 5 The Vineries would remain from Kirklington Road to the west and is not proposed to be stopped up. It has been clarified that the reference made within the Planning Statement relates to a singular right of way for one resident of The Vineries and this is the access that will be closed as marked by the red cross on the aerial image below. This was shown on the indicative site plan that was submitted at outline stage.

**Aerial image showing access points**



- 8.6 Access is a matter that has already been consented by the outline permission. Layout however was reserved. The indicative plan at outline stage did not explicitly show access from within the application site into The Vineries. However access is not a matter for consideration at this stage and cannot be revisited. It is clear that the proposal is for 45 new dwellings as per the consent. This outline consent does not restrict access to just the residents of those 45 new dwellings only; it could lawfully be used by any member of the public such as visitors or delivery vehicles etc. The outline application was supported by a Transport Assessment which was based on a maximum quantum of 50 dwellings which NCC Highways Authority considered and found to be acceptable, and consequently it would not have altered the decision to approve in any case. It is therefore considered that the application has been appropriately made in accordance with the outline consent.

#### The Principle

- 8.7 The site is allocated within the Allocations and Development Management DPD for a housing development of around 45 dwellings under Policy So/Ho/4. This allocation remains in the Amended version of the Plan Document submitted to the Secretary for State in January 2024.
- 8.8 Moreover, the principle of 45 new dwellings on this site (and the associated infrastructure requirements through developer contributions) has been established through the granting of an outline consent. This established the quantum of development (and therefore the density of 15.8 dwellings per hectare) plus the means of access which would be taken from Lower Kirklington Road alongside a new, 3 arm mini roundabout at the junction with Kirklington Road. This consent was granted on 1<sup>st</sup> June 2021 with condition 1 requiring that applications for reserved matters approval be made no later than 3 years from that date. The application was made and validated on 27<sup>th</sup> October 2023; so within the prescribed timeframe and if

granted, would need to begin 2 years from the date of any reserved matters approval. If this application were to be refused, the extant permission would now be time expired with no opportunity for any further reserved matter applications to be made under the auspices of the outline consent.

- 8.9 Given that the principle is already established through the site allocation and the outline consent, there is no requirement to rehearse the principle of development further. Developer contributions have been secured to mitigate any additional pressure on existing services and facilities, as can be noted in the site history section of this report.

### Housing Need and Mix

- 8.10 Policy So/HN/1 (Southwell Housing Need) of the adopted Development Plan sets out that the majority of dwellings on development sites in the town should comprise one- or two-bedroom units. However, this policy is now based on out-of-date housing needs evidence and is proposed to be deleted in the Plan Review. I therefore give this policy very limited weight.
- 8.11 Policy HE1 (Housing Type and Density) of the SNP sets out a required mix for greenfield sites of 20% 1 bed apartments, 50% 2 bedrooms and 30% 3 or 4 bedroom family homes. However the SNP was adopted in 2016 and is also based on out of date housing need evidence so this is also given limited weight. Whilst the SNP is in the process of being reviewed, at the time of writing this hasn't been submitted so any newer version cannot attract weight.
- 8.12 Core Policy 3 of the Amended Core Strategy (2019) sets out that development should secure new housing which adequately addresses the housing need of the District namely family housing of 3 bedrooms or more, smaller housing of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the District Council will seek to secure an appropriate mix of housing types to reflect the local housing needs. Such a mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.
- 8.13 Paragraph 60 of the NPPF (December 2023) states that the overall aim of delivering a sufficient supply of homes should be to meet as much as the area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 8.14 The District Council commissioned a district wide housing needs survey undertaken by ARC4 in 2020. This attracts more weight than the adopted policies SS4 and So/HN1 given it is based on the most up to date housing needs evidence available. In the Southwell Sub Area (within which this scheme falls) the housing need is for family housing of 3 and 4 bedrooms, then 3 or more bedroom bungalows, 2 bedroom bungalows, followed by 1 or 2 bedroomed dwellings, followed by 2 or more bedroom flats.



8.15 Members should note that the affordable housing mix is already secured through the outline permission and is not open for reconsideration. It is therefore necessary to look at the market mix and then compare the overall mix to that of the latest evidenced need.

8.16 It is noted that one house type (The Denver) is shown to have 3 bedrooms and an upstairs study. However, the study at 7m<sup>2</sup> in floorspace is below the minimum nationally described space standard of 7.5m<sup>2</sup> (and insufficiently wide at 1.98m instead of 2.15m) to be counted as a (single) 4<sup>th</sup> bedroom. For the purposes of housing mix it has been counted as a 3-bedroom dwelling albeit it is noted that this could be marketed as a four bedroom dwelling.

House Type	Affordable Mix (Fixed by outline consent)	Market Mix	Overall Mix	Overall Identified Need in Southwell Sub Area according to 2020 HNS
1 bed bungalow	-	-	-	-
1 bed flat	4 (4 x AR*)	0	4 (8.88%)	-
1 & 2* bedroom houses	6 (2 x AR*, 2 x SO*)	4 (12.9%)	10 (22.2%)	6.6%
2 or more bed flat	-	-	-	5.6%
2 bed bungalow	2 (1 x AR*, 1 x SO*)	4 (12.9%)	6 (13.33%)	14.8%
3 or more bed bungalow	-	5 (16.12%)	5 (11.11%)	15.2%
3 bed house	2 (1 x AR*, 1 x SO*)	9 (29.03%)	11 (24.44%)	33.3%
4 & 5 bed house	-	9 (29.03%)	9 (20%)	24%
Other	-	-	-	0.5%
<b>Totals</b>	<b>14</b>	<b>31 (100%)</b>	<b>45 (100%)</b>	<b>100%</b>

8.17 As the table above demonstrates, the proposed scheme offers a good mix of dwellings that would help in meeting the evidenced needs of the locality. Given the need has changed since the outline consent secured the affordable element, it is not possible to reflect the need exactly, but the mix overall is within a 10% tolerance of the latest evidence and includes 20% bungalows, terraces, semi-detached and detached dwellings.

8.18 It is noted that concern has been expressed by Southwell Town Council (STC) that the scheme shows a 50% increase of floor area than the outline planning permission and

that it disregards the Housing Needs Assessment (HNA) 2022, which according to STC shows there is no further need for 4 or 5 bedroom dwellings in Southwell.

8.19 Firstly, it should be noted that layout and scale were not considered at outline stage; the block plan provided was only ever indicative so does not restrict the units from being larger subject to an appropriate housing mix. The national technical guidance entitled 'Nationally described space standards' 2015, provides useful guidance on expected minimum gross internal floor space for dwellings. The table below shows how this scheme compares with these minimum standards.

<b>Technical Guidance: Nationally Described Space Standards</b>				
<b>Number of bedrooms (b)</b>	<b>Number of bed spaces (persons)</b>	<b>1 storey (m<sup>2</sup>)</b>	<b>2 storey (m<sup>2</sup>)</b>	<b>GIA proposed by this scheme m<sup>2</sup></b>
1b	1p	39		55.6
2b	2p	50	58	61, 68.9, 69.3
2b	3p	61	70	
3b	4p	74	84	
3b	5p	86	93	83.2, 78.3, 79, 86.4 90.6 and 147.5
3b	6p	95	102	
4b	5p	90	97	
4b	6p	99	106	-
4b	7p	108	115	
4b	8p	117	124	
5b	6p	103	110	
5b	7p	112	119	196-266.7
5b	8p	121	128	

8.20 The above table shows that there is a range of unit sizes that meet the minimum standards set. The Denver house type is large for a 3 bedroom dwelling but the upstairs study would cater for many families requiring a home office so offers flexibility. The 5-bedroom units are large compared to the standards, but these are minimum not maximum standards and still offer a range of houses to help meet the needs.

8.21 Secondly, it is understood that this Housing Needs Assessment (HNA) referred to by STC, is evidence associated with the Southwell Neighbourhood Plan Review, yet to be submitted. However this HNA is not currently in the public domain, is not available to view on the STC website and hasn't been through the plan examination process. Whilst the evidence itself is capable of being a material consideration, as the HNS isn't publicly available to review, officers have sense checked the SNP Review (which will be based upon that evidence) to understand what the latest evidence is likely to show:

<b>No. of beds</b>	<b>SNP Plan Review</b>	<b>Proposed Scheme</b>
<b>1</b>	6.2%	8.8%
<b>2</b>	24.1%	35.5%
<b>3</b>	48.3%	35.5%

4	16.2%	-
5+	5.3%	20%

8.22 As can be seen from the table above (which is contained within the latest SNP update) there is still a 21.5% need for larger 4 and 5 bedroom homes in the town. The proposed mix is not wildly different from this emerging position (for example 4 and 5 bedroom dwellings on this scheme equate to 20% of the mix compared to the identified need of 21.5%) and does not affect the conclusions drawn that the mix on offer is appropriate when taken as a whole.

Landscaping, Trees and Public Open Space

8.23 Policy So/Ho/4 of the Allocations & DM DPD and Policy SS4 of the Southwell Neighbourhood Plan (SNP) are the site specific policies that allocate the site for around 45 dwellings. These policies require compliance with a number of criteria, some of which were considered at outline stage. Relevant to this reserved matters application (in respect of landscaping) is the following requirement:

*'ii) Appropriate design, density and layout which addressed the site gateway location and managed the transition into the main built up area. In order to assimilate the development and limit the impact of the development on the character of the area provision should be made for landscape buffering on the sites northern and western extents within the design and layout of any planning application. In considering such buffering this should be particularly extensive to the south of The Vineries to help retain the semi-rural character of this section of Kirklington Road.'*

8.24 The scheme advanced has a similar layout and disposition in terms of the developable area to the indicative layout shown at outline stage.

**Indicative Layout at Outline Stage**



**Proposed Layout and Structural Landscaping**



- 8.25 It is noted that concern has been expressed that there have been changes to the layout and associated impacts on trees/ecology since the outline approval. However, it should be noted that neither the layout nor landscaping were fixed by the outline consent and some change is therefore inevitable.
- 8.26 In any event, the reserved matters application details a landscape belt alongside the western boundary with Kirklington Road which varies in width from between approximately 3.8m to 10m (on land north of The Vineries) not including the existing hedgerow already present. South of The Vineries the landscaping buffer is wider at approximately 26m narrowing to 5.7m at its southern extremity. All of the buffer (including the 'important' hedgerow to the eastern site boundary) would be within the control of a management company (secured as part of the outline consent via the planning obligation) rather than being within gardens to allow its retention and management.
- 8.27 The site frontage with Lower Kirklington Road would retain much of its greenery with an area (comprising approximately 1321m<sup>2</sup>) to the north-west of the site being devoid of built development. This allows the protected walnut tree (T2) to be a key feature that would sit alongside a balancing pond (sustainable urban drainage feature) to deal with surface water attenuation. I consider that this green approach at the site entrance and alongside the western edge of the development, meets the policy expectations in achieving an appropriate level of greenery that would help to soften the built form given its edge of settlement location.
- 8.28 Policy So/Ho/4 also requires at vi):  
*'The undertaking of a Tree Survey by the applicant, assessing and informing the retention of the best specimens into public and private amenity space within the design and layout of any planning application.'*
- 8.29 A tree survey was submitted to inform the outline application and Condition 10 of the consent required that any reserved matters application should either be in compliance with it or that a new survey and impact assessment should be submitted. The applicant has provided a new Arboricultural Assessment with an associated Arboricultural Impact Assessment (AIA).
- 8.30 This shows a total of 91 trees, ten groups of trees and 7 hedgerows were surveyed. The vast majority of these were assessed as being category B (good/moderate quality or value) or C (low quality or value). None were assessed as category A (high value) and 11 were assessed as being unsuitable for retention.
- 8.31 The AIA asserts that in terms of trees loss this would comprises 11 category U trees, 16 category B trees, 11 category C trees as well as 3 tree groups (C) and 2 hedgerows (C). Whilst this seems a significant proportion, it should be stressed that in allocating the site for development it would have been expected to involve substantial tree/hedgerow losses given the nature of the site at that time.

8.32 Of the 16 number B graded trees to be lost, 13 are mature apple trees alongside a field maple, ash and cherry. This will cause an adverse impact but is necessary to form a link between the western and eastern parts of the site, to allow excavation to undertake the drainage swales and to increase the developable area for the amount of development allocated. This is proposed to be mitigated by the planting of a community orchard alongside retained apple trees to provide betterment and is necessary to ensure continuation of this habitat as many of the apple trees have reached the end of their life expectancy. This area would be managed (by the management company) to help prolong the life of the trees and provide habitat. Other tree loss is mainly towards the south-eastern part of the site which are lower quality self-set trees in the main and mitigation in the form of a landscape/tree belt to the western edge of the site would provide suitable and more appropriate mitigation for the tree loss.

**Tree Removal Plan**



Hedgerows and trees in green are retained and in red are to be removed

8.33 Put in context, tree retention is greater than the loss; 53 individual trees, 12 groups of trees and hedgerows would be retained (23 of which are category B) compared with 38 individual trees to be lost and 5 groups (11 of which are category U). Notwithstanding this, clearly tree loss and hedgerows would have an adverse impact but is one that can be mitigated by the soft landscaping scheme discussed below. Most of the trees on site lie to the southern part of the site. There are two B graded Walnut trees within the northern section of the site and both are to be retained, alongside the public open space.

8.34 The AIA submitted (containing tree protection measures for the construction period) accords with the requirements of Condition 10 of the outline consent and development will need to accord with this. No further tree protection conditions are required.

- 8.35 As reflected by the third-party consultation responses, the initial submission presented conflicting information about tree loss and retention which have now been clarified. The majority of existing vegetation to be retained is now clearly shown on the Structural Landscape Proposals plan and would be within the control of the management company.

#### *Proposed Landscaping*

- 8.36 Initial concerns were raised with regards to the proposed landscaping scheme following discussions with the Council's Tree and Landscape Officer. These concerns have now been addressed with the submission of amended landscape proposals which have also rectified conflicts between drainage and landscape plans. In addition, conflicts between landscaping and required highway visibility splays have been resolved by moving hedgerows.
- 8.37 The strategic landscaping plan now shows the western boundary to comprise woodland tree planting set amongst meadow grassland which is more robust and will assist with providing compensation for the trees being lost. The woodland planting would comprise 17 x Alder, Field Maple, Silver Birch, Wild Cherry and Oak (85 new trees in total), along with 37 individual trees (7 of which would be extra heavy standards to help early establishment). The new orchard tree planting (12 trees comprising 3 types of apple) is proposed and is necessary to mitigate harm from the partial loss of the traditional orchard. Mixed native hedgerows (double staggered to include field maple, dogwood, hazel, hawthorn, guelder rose and purging buckthorn) are proposed along with single species hedgerows amongst other planting. Bearing in mind tree losses (38 individual trees, 3 groups of trees and 2 hedgerows), I am satisfied that the level of new landscaping will adequately compensate for the losses over time, in the context of this site allocation. The structural planting would be within the control of the management company and are all considered acceptable.
- 8.38 In addition to the structural planting, landscaping is also to be provided within each plot, an extract of this is shown below.



### On-plot Landscaping



- 8.39 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.
- 8.40 Whilst the layout shows trees to the property frontages, the majority of these would be within garden plots which, in the longer term, wouldn't enjoy protection. It is however acknowledged that the site entrance would be flanked by trees and there are existing and proposed trees alongside the eastern carriageway adjacent to the play area and woodland. Given the width of the site is somewhat constrained to accommodate a verge specifically for tree planting, I consider that this is an appropriate compromise, and the scheme would not be unattractive or devoid of trees so would still meet the overall design objectives of local and national policy.

### *Public Open Space*

- 8.41 The outline application secured the provision of not less than 1458m<sup>2</sup> of public open space (POS) as well as a locally equipped play area (LEAP) which are usually aimed at children who can go out independently. The plan provided by the applicant (to show the areas that would be maintained by the management company), indicates significant areas of the site would be public areas, equating to approximately 10,588m<sup>2</sup> including the play area.
- 8.42 The SNP site specific policy SS4 requires at point ix):  
*'The provision of an open space/play area as a focal point of the development.'*

The shape of the site constrains the play space to a certain degree, but the application shows the provision of a play area on the eastern side of the access, roughly centrally within the development that links to the POS to the south. This would comprise approximately 1300m<sup>2</sup> of space that would be a focal point for the development and provide a place for children to play. With a buffer zone of 20m to the closest dwellings to protect against amenity disturbance, the area of play is limited to a triangular parcel of land comprising c167m<sup>2</sup> which is below the 400m<sup>2</sup> Fields in Trust Guidelines for a Local Equipped Area of Play (LEAP) and is more akin with a LAP (Local Area of Play) aimed at younger children which generally have activity zones of c100m<sup>2</sup> and expect 5m buffers.

- 8.43 This provision is therefore a combination of a LAP and a LEAP. However the size of the space is as expected (at outline this was shown to be in the region of 150m<sup>2</sup>) and in the circumstances the play space is considered acceptable. The more informal green space surrounding the site and level of POS on the site overall compensates for the shortfall in formal play space and in negotiating the type of equipment to be provided on site (via the obligation) officers can seek to achieve an enhancement where possible to ensure the equipment is multi-purpose and best uses the space available. Overall, I am satisfied that the location and size of the play area is acceptable being located as a focal point and accessible to all of the development.
- 8.44 There is an existing public right of way (footpath no. 55) that runs alongside the southern boundary and there is a watercourse (Springfield Dyke) south of that. It has been clarified during the course of this application that a small part of this footpath is within the site but the majority is outside of the application site boundary. Given that the majority of this path lies outside the red line boundary it is not proposed to alter the surface at all (as this would result in an inconsistent surface), however a new connection is proposed to the PRow to the south of Plot 32. This accords with the policy expectation 'v' of So/Ho/5 which requires the *'provision of pedestrian access as part of the design and layout of any planning application which utilises the existing Right of Way to the south of the site.'*
- 8.45 It is noted that in their initial comments NCC Rights of Way team made comment that the footpath should be resurfaced. This was before it was clarified that the right of way lies predominantly outside of the application site. No further comments have been received from the rights of way team. The right of way would therefore remain as existing.
- 8.46 Through the public consultation process some third parties have raised whether the drainage ponds would hold water or whether they would be dry basins. These ponds have been designed to hold some low levels of water all year round which will deepen at certain times. With that in mind, a condition has been suggested that requires details of signage warning of dangers plus the requirement of buoyancy aids present as a precaution. Details of street furniture, litter, and dog foul bins etc to be provided within the public open space on site are also requested to be agreed by condition in the interests of visual amenity and public safety.

*Summary*



8.47 Overall the scheme retains many of the best tree specimens on site. It has been clarified that all boundaries are formed by existing trees and hedgerows which would remain and in places be supplemented, helping to provide mature screening for existing residents and an attractive mature environment for new occupiers. Trees to be removed would need to be removed outside of bird breeding season as already controlled by Condition 14 of the outline consent and also subject to checks for bats also secured at outline consent. The public open space to be provided exceeds by far the minimum quantum obligated by the s.106 agreement and the disposition and quality of that provision is considered appropriate and acceptable. The landscaping scheme is acceptable and provides appropriate soft buffers and compensation for trees to be felled.

#### Impact on Ecology

8.48 CP12 (Biodiversity and Green Infrastructure) seeks to conserve and enhance biodiversity whilst Policy DM7 sets out the policy context for biodiversity and ecology.

8.49 This green field site has the potential to provide habitat for wildlife and as such the outline application was supported by a number of Ecological Appraisals and additional surveys. There are a number of controls already in place through conditions imposed on the outline permission in the interests of biodiversity. These conditions remain and will need to be complied with. It is not necessary for these to be reimposed or duplicated. A summary of these controls is detailed in the next paragraph.

8.50 Condition 012 provides that no tree identified as having moderate bat roost potential in the original survey should be felled until an endoscope survey has been undertaken within 24 hours of their felling. No clearance work, including the removal of trees should take place during bird breeding season which is a requirement of Condition 14. External lighting needs to be agreed prior to first occupation, in order to protect foraging and commuting bats which is controlled by Condition 15. A Construction Environmental Management Plan and timetable is a requirement of Condition 16 and remains to be discharged. An updated Badger survey is also required prior to commencement on site which is controlled by Condition 17.

8.51 In order to secure the necessary mitigation and enhancement measures to protect biodiversity, Condition 13 of the outline consent required the reserved matters application to be accompanied by a Scheme of Ecological Mitigation and Enhancement building upon the previously identified recommendations.

8.52 In support of this application (and Condition 13), a Landscape and Ecological Management Plan (LEMP) has been submitted. This has been updated during the application process as the initial submission related to the indicative outline plan which was not sufficiently precise.

8.53 The revised LEMP clearly sets out the purpose, aims and objectives of the scheme, along with method statements for establishing vegetation, the timing of the works and details of monitoring and management. It also now details a range of specific

mitigation and enhancement measures including details of 18 integrated bird boxes within the new builds across the site, 5 integrated bat boxes and 5 boxes to be placed on trees, 3 reptile hibernacula, 10 bee bricks, a hedgehog highway (by way of holes in fencing though the site) and just over 200m of new hedgerow planting. It also details enhancements through native woodland and wildflower planting, including supplementary planting within the old traditional orchard and red bed planting around the SUDs to increase the foraging opportunities for bats and invertebrate species. The details are acceptable and in line with the expectations of the condition imposed. Therefore Condition 13 has been satisfactorily addressed.

- 8.54 Condition 16 of the outline consent requires that a Construction Environmental Management Plan is approved. Whilst one was submitted under a separate condition discharge application, the details were not precise enough at that time and the condition remains outstanding. However, the trigger for this discharge is prior to commencement of development and therefore it need not be agreed at this stage.
- 8.55 In conclusion, the scheme has been designed to appropriately mitigate the impacts of the development in line with the expectations of both the outline consent and policies CP12 and DM7.

#### Design and Character

- 8.56 Core Policy 9 (Sustainable Design) seeks a high standard of sustainable design and layout that, amongst other things is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments and well as provide for development that proves to be resilient in the long-term. Policy DM5 requires all new development to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 8.57 In addition to policies E1-3 and DH1-3 of the Southwell Neighbourhood Plan, an accompanying Design Guide also sets out additional information on existing characteristics and vernacular of the parish to aide in planning development.
- 8.58 The NPPF seeks to achieve well designed places and at para. 131 sets out the following objective: *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities....'*
- 8.59 Other design guidance such as the National Design Guide – Planning practice guidance for beautiful, enduring and successful places, September 2019 and Building for a Healthy Life set out key principles for good, sustainable design which have been used to appraise the scheme.
- 8.60 The scheme advances 14 house types comprising mainly two storey dwellings but includes 11 single storey bungalows. The scale of the housing reflects the locality,

noting that the 2.5 storey dwellings have now been deleted from the scheme. The disposition of the housing is considered acceptable, noting that the bungalows are focused to the south-west and west of the site adjacent to the western landscape buffer (which helps manage the transition from countryside to built form) and around the existing dwellings at The Vineries which helps in managing impacts on existing dwellings. The larger two storey dwellings are located to the south-east where they would be visually least impactful and would be viewed amongst the backdrop of the existing larger scale dwellings to the north.

**Extract of layout with bungalow disposition denoted in yellow**



- 8.61 The house types themselves are attractive and reference detailing that can be found locally, such as Edwardian details found in the town centre. They adopt a palette of materials including red brick, subtle traditional detailing, Tudor boarding to gables, porch canopies and hanging tiles. The house types are considered to be appropriate for their context. The external materials have been shown on plan and include use of red brick, red and grey colour roof tiles and limited use of render on front elevations of key plots. However, insufficient detail has been provided in terms of manufacturing details and there is concern regarding the placement of some of the roof tiles which may not reflect the more vibrant terracotta local clay tiles that typifies most roof coverings in Southwell. Notwithstanding this, it is a matter that can be dealt with through the imposition of condition.
- 8.62 Up to date street-scene plans are expected in time for planning committee. Examples of some house types (front) elevations (not to scale) are shown below:

**Chapman**



**Benson**



**Richardson**



**Denver**



- 8.63 On plot landscaping plans show that soft planting would be used along most prominent boundaries in the public realm, including around The Vineries. No details of the hard boundary treatments have been provided but this is also a matter that can be controlled by condition. The design and layout of the parking is considered acceptable overall. Overly engineered frontages have been avoided by breaking spaces up with soft landscaping which is in accordance with the SPD on residential parking design.

#### Residential Amenity

- 8.64 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. Core Policy 9 also seeks a high standard of design that contributes to a compatible mix of uses.

#### *Overlooking, Privacy and Amenity*

- 8.65 The application site is bound by a number of existing residential properties, such that the impacts upon these dwellings requires careful consideration. I have identified the properties that are most likely to be affected by the development and shall consider each in turn.

➤ *Brooklyn, Lower Kirklington Road*

8.66 This one and a half storey dwelling fronts onto Lower Kirklington Road. Its side elevation (which has one first floor gable window – possibly a bedroom- facing the application site) is located c19m away from the side elevation of proposed Plot 45 which features an ensuite bathroom window at first floor level facing its neighbour thus avoiding any loss of privacy. Plots 42-45 are sited side on with the garden of Brooklyn, however the distance of in excess of 18.5m minimum would avoid issues of loss of privacy. It is also noted that existing trees and vegetation are to be retained between the dwellings which would also assist in providing additional privacy from the outset. No harm has been identified.

➤ *Properties rear of Brooklyn on new Private Drive (Sycamore, Oakley House & Asher House/Beechwood)*

8.67 These three detached dwellings are located in tandem off a shared Private Drive and are all orientated with their front elevations facing north such that they are side/oblique front on with the application site. Each has only one non-habitable first floor window within its side elevation serving either an ensuite bathroom or dressing room facing west towards the site. Each is assessed in more detail below.

8.68 Four proposed properties have their rear elevations facing the site boundary with 'Sycamore' with each having either bathroom and bedroom or landing windows at first floor level; Plot 38 (c23m rear to side), Plot 39 (20m rear to side), Plot 40 (19.3m rear to oblique/front where the closest first floor window in Sycamore is a dormer bathroom) Plot 41 (23m rear to oblique/front). All of these distances and relationships means there is adequate distance to meet the needs of privacy.

8.69 Oakley, a two storey detached dwelling, would be adjacent to the proposed play area with a 20m standoff distance to the equipped activity zone (the recommended distance set out in the Fields in Trust guidance) so is considered to have an acceptable relationship with the development.

8.70 Beechwood (otherwise known as Asher House) has no proposed dwelling to the west, although Plot 37 would be approximately 29m to the south thus avoiding issues of loss of privacy or amenity harm.

➤ *Properties on Avondale Lane (Benaiah, Oak Tree House, Oaklands)*

8.71 Benaiah is located 25m to the corner of Plot 37 and 46m from Plot 35 with distances capable of meeting privacy needs. Likewise Oaklands, a detached dwelling to the east lies approximately 30m from its corner to the nearest dwelling and there would be no adverse impacts arising.

8.72 Oak Tree House is a detached dwelling that sits with its rear elevation slightly elevated (FFL 35.97) compared with the application site. Its windows at ground floor serve the rear of its garage, utility, kitchen and family room whilst at first floor they serve bathrooms, a study and a projecting balcony (not shown on the layout plan) from the

master bedroom. Following amendments, Plots 33 and 34 are proposed to be located adjacent to the shared boundary at around 28-29m away. At this distance the proposal meets the needs of privacy.

➤ *1-5 The Vineries*

8.73 Four properties back directly on to the dwelling at number 5 The Vineries. The three plots immediately east are now proposed to be bungalows. The distances between the two storey element of no. 5 and the nearest of three bungalows is 16.6m at the closest point (12.3m to its existing sunroom) which is considered acceptable given there would be no first floor windows to cause overlooking. Plot 23 (slightly south) would be orientated with its rear directly facing west with no. 5 to the north-west some 19m away. Given the oblique nature and the distances involved, this is not considered to cause a loss of amenity.

➤ *Properties to east on Springfield Road*

8.74 The eastern part of the development site comprises public open space/surface water attenuation for the development so the nearest dwelling would be at least 37m from edge of site such there would be no adverse impacts on their amenity.

8.75 Properties to the south on Kirklington road are also assessed as not being adversely impacted by the built form of the development.

➤ *Impacts from Public Footpath linkages*

8.76 Local residents have raised concerns regarding the footpath access to the south of the site which some feel is unnecessary. There is concern that this would increase the footfall through the development with a resulting reduction in privacy and creating potential safety issues to those nearby residents due to fear of crime. Whilst these concerns are acknowledged, there is a clear policy expectation at point 'v' of Policy So/Ho/5 regarding '*the provision of pedestrian access as part of the design and layout of any planning application which utilises the existing Right of Way to the south of the site.*' The increased footfall would not automatically give rise to unacceptable impacts. Given the nature of the footway in this semi-rural environment it would not be appropriate to illuminate it and its use is likely to be limited therefore to daylight hours by the community. It is considered very unlikely that the use would be so greatly intensified that it would cause harm to residential amenity.

➤ *Amenity of Proposed Dwellings*

8.77 Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making. As has been established earlier in the report, all new dwellings exceed the national described space standards for new dwellings and all have a private garden space commensurate to the size of the dwellings. The amenity of proposed occupiers is therefore acceptable.

➤ *Noise – Pumping Station/Sub Station*

- 8.78 A pumping station is shown on the layout to the south of the site along the southern boundary, away from existing dwellings. I am aware that pumping stations rarely cause any adverse impacts in terms of noise. Details of the drainage are not required at this stage (it forms part of an outline condition to be approved prior to commencement) however in order to ensure no unacceptable noise impact, a condition is recommended to require submission and approval of a noise assessment and implementation of any mitigation measures identified as necessary via this assessment. This would be required prior to first operation of the foul pumping station. Given the nature of the pumping station, and the separation distance to the nearest residential properties it is considered that any necessary mitigation measures could be readily accommodated within the proposed development.

### Highways and Parking

- 8.79 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. In addition, the Council has adopted a Supplementary Planning Document (SPD) to guide the design and quantum of new residential development.

### *Highway Safety*

- 8.80 Whilst access (and implicitly capacity) have already been consented at outline stage, this reserved matters is required to demonstrate that the internal road layout is safe from a highway safety perspective.
- 8.81 Members will note that Nottinghamshire County Council as the Highways Authority (NCC HA) initially raised objection to the scheme due to various issues including, but not limited to matters such as visibility splays, tracking information not being available to demonstrate safety and issues with private driveway lengths etc. Through amendments (several iterations) these are finally resolved and the Highways Authority (NCC HA) have removed their objection to the scheme. Notwithstanding this, further comments have been received from them in respect of the updated landscaping plans pointing to conflicts between hedgerows obstructing visibility splays which the applicant is working to address by adjusting the soft landscaping. These are not considered to be insurmountable, and a further update will be provided as necessary to the Planning Committee.
- 8.82 A number of conditions are recommended by NCC HA, most of which are reasonable and necessary and have been included in the list of recommended conditions. A condition is recommended to deal with surface water disposal from the drives and parking areas to prevent it from running onto the public highway. Whilst there is some overlap with Condition 4 of the outline consent, I take the view that C4 deals more with the generally overarching strategy whereas this is specific to how it would affect the highway. I therefore consider it is reasonable and will allow for easier approval. It is noted that a condition is requested to require each dwelling to be fitted with electric vehicle fast charging points. This is also a matter encouraged by the Council's SPD.

However building regulations now requires all new dwellings to have these for each associated parking space and it is therefore not appropriate to duplicate these controls. The condition is therefore not reasonable as it is covered by other legislation and is not imposed.

### *Parking*

8.83 Building for a Healthy Life (design guidance) acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. Parking should also be sufficient and well-integrated. With regards to the latter, the Council has adopted a supplementary planning document (SPD) for cycle and car parking standards which sets a number of expectations on design and quantum for residential developments.

8.84 For Southwell, the quantum of car parking spaces required (as a minimum) per dwelling would be as follows to meet the requirements of the published Parking SPD:

1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

8.85 Visitor parking is only required where the minimum number of spaces hasn't been met. Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. Secure undercover cycle parking (not to impinge on the minimum garage dimensions set out above) is also expected at a minimum rate of 1 space per 1 bedroom dwelling, 2 spaces for 2 or 3 bedroom dwellings, and 3 spaces for 4 or more bedroom units.

8.86 In this case, following amendments, all plots have been provided with the appropriate quantum of parking spaces to accord with the SPD. This no longer involves the reliance on integral garages for parking, albeit most accord with the size dimensions in any event. It should be noted that irrespective of whether 'The Denver' house type is considered either a 3 or 4 bedroom dwelling, the parking provision would meet expectations as per the table above given that there are 3 external parking spaces plus an integral garage.

8.87 The layout relies on a variety of parking solutions including frontage parking and parking to the sides in tandem. No triple tandem parking is proposed. The parking is legible and generally well related to each dwelling they are intended to serve. In addition, 2 visitor spaces are proposed adjacent to the 1 bedroom apartments. It is therefore considered that the parking quantum is acceptable and unlikely to lead to highway related issues.

8.88 No specific mention has been made to cycle storage in the application albeit the house types with garages would have secure storage and secure cycle provision could be provided within the rear gardens which could be secured by condition.



## Drainage and Flood Risk

- 8.89 The site lies entirely within Flood Zone 1 and is therefore not a site which has been identified as being at risk of flooding. A Flood Risk Assessment and Sustainable Drainage Strategy were submitted at outline stage which aligned with the requirements of policies E1 and E2 of the SNP.
- 8.90 Flood risk to the site from a variety of sources was considered and it was concluded that there is no significant risk from river, groundwater or sewer-based sources. This was made in the knowledge that Southwell has experienced several flood events over recent years; these events have comprised a mix of fluvial, pluvial and sewer-based events. However, it was established that the proposed site is in a location where these known sewer and fluvial risks are not significant. Pluvial risk has been considerably reduced at the southern edge of the site since a culvert drain was built along Kirklington Road, as part of the Southwell Flood Alleviation Scheme, diverting flows from the small water course at the southern boundary. The topography of the site is such that the site drains to two separate catchments and the layout continues shows two attenuation ponds; one close to the site entrance at the north and one to the eastern part in the southern area as were indicated at outline stage. The proposed layout is therefore aligned with the proposed drainage already submitted.
- 8.91 Condition 4 imposed at outline stage, requires that prior to commencement of development, details of surface water disposal be submitted and approved. Whilst the layout shows the broad strategy of a sustainable urban drainage provided by on site attenuation including the two balancing ponds, insufficient details is yet to be presented to allow the condition to be considered satisfied according to the Lead Local Flood Authority.
- 8.92 The majority of the comments received from neighbouring residents raise concerns with flood risk as many have experienced flooding of their properties during heavy rain and worry this development could exacerbate existing problems. As set out at outline stage, it appears that the issues were in part due to a lack of maintenance of the existing drainage ditches downstream (off site) where there are riparian rights. This is not a matter that the developer can be obligated to fix as the land here is not within their control and the LPA cannot require them to undertake future maintenance works. However the drainage solutions set out in the strategy already approved should not give rise to any increase in flooding problems as a result of the development.
- 8.93 Condition 4 - which remains undischarged - allows an appropriate mechanism to agree the final technical details of the drainage strategy and there is no requirement for any further controls or assessment at this stage.

## Waste Audit

- 8.94 In the interests of sustainable development, NCC requested that any reserved matters application be accompanied by a waste audit which was secured by Condition 3 of the outline consent. The waste audit is to set out the anticipated nature and volumes of

waste that the development will generate; the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities and any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.

- 8.95 The applicant has submitted a Site Management Waste Plan (July 2023) which NCC as minerals and waste authority have chosen not to comment on. However the Plan submitted appears to work to best practice methods in terms of recycling, segregation on site and waste management and storage.

## 9.0 **Implications**

- 9.1 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.

## 10.0 **Planning Balance and Conclusion**

- 10.1 The principle and quantum of housing is established through the site-specific allocation policy and the outline planning consent. The dwelling types and mix proposed are broadly in accordance with the most up to date housing needs evidence available and would offer a good mix of housing including 20% bungalows, terrace, semi-detached and detached units that would help meet the aspirations of CP3 providing family dwellings. 30% affordable housing and developer contributions to mitigate infrastructure impacts have already been secured at outline stage.

- 10.2 Landscaping and ecological impacts, with the mitigation and compensation proposed are considered acceptable. Impacts to the character and appearance of this gateway site are also considered to be acceptable with the proposal respecting the semi-rural location of the site through its design and layout. Whilst there are some minor compromises, notably the lack of street trees in places, these compromises are tempered by the fact that there would be trees at the entrance, alongside the public open space and woodland planting adjacent to the site edges such that the site would still create an attractive place to live set amongst a strongly landscaped setting. Impacts on the highway network, parking and living conditions of neighbours have been found to be acceptable. Matters of drainage are controlled by conditions imposed at outline stage and need not be considered further at this stage.

- 10.3 Overall the proposal is considered to accord with the development plan when considered as a whole, would help deliver the housing that the site is allocated for thereby boosting housing supply. No demonstrable harm has been identified. The recommendation is therefore one of approval.

## 11.0 **Conditions**

11.1 Conditions attached to the outline consent remain in place and require compliance or satisfactory discharge. They do not need to be repeated. A list of these conditions forms Appendix 1 with an update on position for completeness.

#### 01 (Details of roads)

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, to include 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 these details to the satisfaction of the Local Planning Authority prior to first occupation.

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

#### 02 (Construction management plan)

Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include as a minimum:

- a) Measures to prevent to the egress of mud and other detritus to the public highway;
- b) A layout of the site, including materials storage and internal routes for construction traffic;
- c) Parking for site operatives;
- d) Details of the proposed build program.

Once approved, the Construction Management Plan shall be adhered to at all times.

Reason: In the interests of Highway safety.

#### 03 (Provision of drives and parking)

No part of the development hereby permitted shall be brought into use until all drives and parking areas are surfaced in a bound material (not loose gravel). The surfaced drives and parking areas shall then be maintained in such 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).

#### 04 (Surfacing and drainage of roads/drives)

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 on site 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.

#### 05 (Visibility splays)

The visibility splays as shown on Drawing number 2322-03 rev Y (Site Layout) shall be kept clear of all obstruction above 600mm above carriageway level for the lifetime of the development.

Reason: In the interests of highway safety

#### 06 (Noise assessment for pumping station)

No development shall commence in respect of the pumping station until a Noise Assessment (and associated Mitigation Strategy as necessary) relating to the on-site pumping station have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of amenity.

#### 07 (Boundary treatment details)

Prior to first occupation, a scheme detailing all hard boundary treatments (as shown locationally on the approved site layout plan) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include heights, design and elevation details and materials. The approved scheme for each respective plot shall be implemented on site prior to first occupation of each respective dwelling or in accordance with an alternative timetable embedded within the scheme and shall also comply with Appendix 3: Enhancement Plan of the Landscape and Ecology Management Plan in terms of the provision of the hedgehog highway.

Reason: Insufficient details have been provided with the application and the condition is necessary in the interests of residential amenity and to accord with the ecological mitigation and enhancement measures recommended as part of the submission.

#### 08 (Cycle Storage Provision)

Prior to first occupation, details of secure covered cycle parking provision within each plot that has no associated garage shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the precise location, design and specification of the cycle storage. The approved details shall be made available within each plot prior to first occupation.

Reason: In the interests of encouraging modes of sustainable transport.

#### 09 (External facing materials)

Notwithstanding details of the external materials shown on drawing no. (2322-04-01 Rev H (Materials Layout), the bricks and roof tiles are not approved. Prior to the laying of any facing

bricks above damp-proof course and the installation of any roof tiles on site, details (including manufacturers name, colour and material) shall first be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used in the development.

Reason: Insufficient details have been provided. In any event, consideration should be given to the placement of clay/terracotta colour roof tiles around the edge of the development that would better reflect the vibrant orange/red local clay tiles which typifies most roof coverings in Southwell in the interests of visual amenity.

#### 010 (On-plot landscaping)

The approved 'on-plot' soft landscaping (detailed on drawing numbers: 11515-FPCR-XX-XX-DR-L-0002 P08 (On-plot general arrangement) 11515-FPCR-XX-XX-DR-L-0003 P08 (Detailed on plot proposals Sheet 1 of 2 and 11515-FPCR-XX-XX-DR-L-0004 P08 (Detailed on plot proposals Sheet 2 of 2)) shall be completed during the first planting season following first occupation of each plot which the associated landscaping falls within, or such longer period as may be agreed in writing by the Local Planning Authority. 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 current or next planting season with others of similar size and species unless otherwise agreed in writing by 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.

#### 011 (Structural Landscaping within Public Areas)

Prior to first occupation of any dwelling hereby approved, a scheme for the phasing of the approved structural landscaping scheme detailed on drawing no. 11515-FPCR-XX-XX-DR-L-0001 P12 (Detailed POS – Structural Landscape Proposals) shall be submitted to and approved in writing by the Local Planning Authority. The approved phasing plan shall thereafter be implemented as approved. Any trees/shrubs which within a period of five years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of a similar size and species.

Reason: To ensure that the work is carried out within an agreed appropriate period and thereafter properly maintained in the interests of visual amenity and biodiversity.

#### 012 (Details of artefacts in public area)

Prior to first occupation of any dwelling hereby approved, details of the following (to be located in the public areas of the site) shall be submitted to and approved in writing by the Local Planning Authority:

- street furniture such as benches;
- litter bins, dog foul bins;
- signage (for example those warning of danger for attenuation ponds and rules of play at play area etc);
- any means of enclosure (e.g. for safety etc) within the public open areas;

- external lighting (that is not street lighting);
- lifebuoys to be provided at each attenuation pond;
- any other minor artefact and structure to be located in the public areas of the site.

The details approved shall be provided on site prior to first occupation or to an alternative timescale to be approved in writing.

Reason: Insufficient detail has been provided and the condition is necessary in the interests of amenity and public safety. The play equipment is controlled via the s.106 agreement and this condition is necessary to capture all other artefacts that would need to be located within the public areas.

13 (Approved plans)

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

Colour Site Layout (03-02)

Site Layout (03 Rev Y)

PROW Plan, 2322-09-PROW

Fire Vehicle Tracking (110 Rev A)

Refuse Vehicle Tracking (111 Rev A)

Surface Materials Layout (232204-02 Rev H)

Maintenance Area Plan (2322-0501 REV G)

Garage Type (DGAR13-FTB-1 OWNER)

2322-04-01 Rev H (Materials Layout - except for facing bricks and roof tiles as set out in condition 9)

Arboricultural Assessment and Arboricultural Method by fpcr, May 2024 (revised)

Site Waste Management Plan by Reconomy, July 2023

H-5-2154 RICHARDSON-FORMAL-1 Rev A (brick)

H-5-2154 RICHARDSON-PLANS Rev A,

H-5-2154 RICHARDSON-FORMAL 3 Rev A

AB-2-657-FORMAL 1 Elevations and Floor Plan

AB-2-657-WF-FORMAL 1 - Elevations and Floor Plan

AH-1-622-FORMAL 1 -Elevations and Floor Plans

H-2-761-FORMAL 1 Elevations and Floor Plans

H-2-783-ANNESLEY-FORMAL 2

H-3-1009-CHAPMAN-FORMAL 2

H-3-1009-CHAPMAN-FORMAL 5

H-5-2600- FLOOR PLANS

H-5-2600-FORMAL 1

H-3-920-FORMAL 1

H-3-962-CARDEW-FORMAL 1

H-3-962-CARDEW-FORMAL 2

H-3-1405-DENVER SP-FORMAL 1 Rev B

H-3-1405-DENVER SP-FORMAL 2 Rev B

H-3-1405-DENVER SP-FORMAL 3 Rev B

H-3-843-BENSON-FORMAL 1 REV A

H-3-838-BARTON-FORMAL 1 REV A  
H-5-2171-SEYMOUR-PLANS Rev A  
H-5-2171-SEYMOUR-FORMAL 1 Rev A  
H-5-2600-FLOOR PLANS  
H-5-2600-FORMAL 1  
H-5-2166 Stansfield

Reason: So as to define this approval.

### Informatives

01

Nottinghamshire County Council and Highways Authority set out the following advice notes:

- 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.
- 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. 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. 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.
- Any details submitted in relation to a reserved matters or discharge of condition planning application are unlikely to be considered by the Highway Authority until after technical approval of the works is issued.
- The applicant should email [hdc.north@nottscc.gov.uk](mailto: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
- All correspondence with the Highway Authority should be addressed to [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk)

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 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](http://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 as is detailed below. 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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

04

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. Contact details are available on their website [www.eastmidlandsbc](http://www.eastmidlandsbc).

05

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because it relates to a major development for an application made before 12 February 2024 and in any case the proposal is for reserved matters only where BNG does not apply.

#### 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.



Appendix 1: Outline Conditions

Condition no.	Content	Status
01	<p>Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.</p> <p>The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.</p> <p>Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.</p>	For compliance.
02	<p>Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.</p> <p>Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.</p>	For compliance and details form part of this reserved matters application.
03	<p>Any reserved matters application pursuant to this outline consent shall be accompanied by a waste audit in line with paragraph 049 of the National Planning Practice Guidance which details:</p> <ul style="list-style-type: none"> <li>o the anticipated nature and volumes of waste that the development will generate;</li> <li>o the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities;</li> <li>o any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete.</li> </ul> <p>Reason: To ensure the development proceeds in a sustainable way and to enable the LPA to be satisfied that it does not prejudice the implementation of the waste hierarchy.</p>	This condition is satisfied by the submission of an adequate waste audit as part of this RMA.
04	No part of the development hereby approved shall commence until a detailed surface water drainage	Condition is not yet satisfied and a

	<p>scheme based on the principles set forward by the approved Lumax Flood Risk Assessment (FRA) and Drainage Strategy LMX296-LMX-00-ZZ-RP-D-002 Rev B., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:</p> <ul style="list-style-type: none"> <li>o Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.</li> <li>o Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.</li> <li>o Demonstrate all exceedance shall be contained within the site boundary without flooding new properties in a 100year+40% storm.</li> <li>o Provide details of STW approval for connections to existing network and any adoption of site drainage infrastructure.</li> <li>o Evidence how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term</li> </ul> <p>Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.</p>	<p>further application will be require prior to commencement</p>
05	<p>No development hereby permitted shall be commenced until the roundabout junction, gateway feature and</p>	<p>For compliance</p>

	<p>housing land access as shown for indicative purposes on drawing 001 Rev. D has been provided in accordance with the approved details.</p> <p>Reason: In the interests of highway safety and capacity and to avoid unnecessary disruption and delays to highway users.</p>	
06	<p>Notwithstanding the submitted Illustrative Masterplan, all site highway layouts shall comply with the Highway Authority design guide (current at the time of submission) and be first submitted to and agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure the development is constructed to adoptable standards.</p>	This condition is satisfied given that NCC HA have raised no objection.
07	<p>No part of the development hereby approved shall be occupied until the off-site traffic management works required to extend the 30 mph speed restriction on Lower Kirklington Road have been undertaken in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: In the interests of highway safety.</p>	Details not yet submitted
08	<p>No part of the development hereby permitted shall be brought into use until visibility splays as shown on drawing no. 001 Rev D are provided. 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 above carriageway level.</p> <p>Reason: In the interests of highway safety.</p>	For compliance
09	<p>Unless otherwise agreed by the Local Planning Authority, development 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, 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.</p> <p>Part A: Site Characterisation</p>	No details have been submitted in respect of this condition and it remains undischarged.

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:
  - o human health;
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
  - o adjoining land;
  - o ground waters and surface waters;
  - o ecological systems;
  - o 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

	<p>Protection Act 1990 in relation to the intended use of the land after remediation.</p> <p>Part C: Implementation of Approved Remediation Scheme</p> <p>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.</p> <p>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.</p> <p>Part D: Reporting of Unexpected Contamination</p> <p>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.</p> <p>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.</p> <p>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.</p>	
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<p>010</p>	<p>Any reserved matters application pursuant to this outline consent shall either be accompanied by a new Arboricultural Impact Assessment or be made in accordance with the Arboricultural Survey by Quants Environmental dated March 2020 and in either case shall be accompanied by an Arboricultural Method Statement which shall include;</p> <ul style="list-style-type: none"> <li>a) A plan showing details and positions of the ground protection areas.</li> <li>b) Details and position of protection barriers.</li> <li>c) Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.</li> <li>d) Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).</li> <li>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 or adjacent to the application site.</li> <li>f) Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.</li> <li>g) Details of any scaffolding erection and associated ground protection within the root protection areas</li> <li>h) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.</li> </ul> <p>The approved tree protection measures shall be implemented on site prior to development commencing on site and shall be retained for the construction period unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to afford existing trees adequate protection during the construction phase.</p>	<p>A new survey and AIA supports this application which meets the requirements of this condition which will need to be complied with during development. No further condition is necessary.</p>
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011	<p>The following activities must not be carried out under any circumstances.</p> <ul style="list-style-type: none"> <li>a) No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.</li> <li>b) No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,</li> <li>c) No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.</li> <li>d) No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.</li> <li>e) No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.</li> <li>f) No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.</li> <li>g) No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.</li> <li>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.</li> </ul> <p>Reason: In order to afford trees adequate protection.</p>	For compliance
012	<p>No tree identified as having a moderate bat roost potential in the Ecological Impact Assessment (by Quants Environmental dated September 2020) shall be removed from the site until it has been subject to an endoscope survey by a suitably qualified ecologist within a 24 hour period prior to it being felled. Should a roost be found, the tree shall not be felled until such time as a licence is received from Natural England to undertake works and the Local Planning Authority have been informed of this in writing.</p> <p>Reason: In order to safeguard protected bats from harm that could otherwise result from the development in line with the recommendations of the assessment submitted in support of this application. For the avoidance of doubt this condition will relate to trees T1, T2, T3, T4, T5, T6 and T7.</p>	For compliance

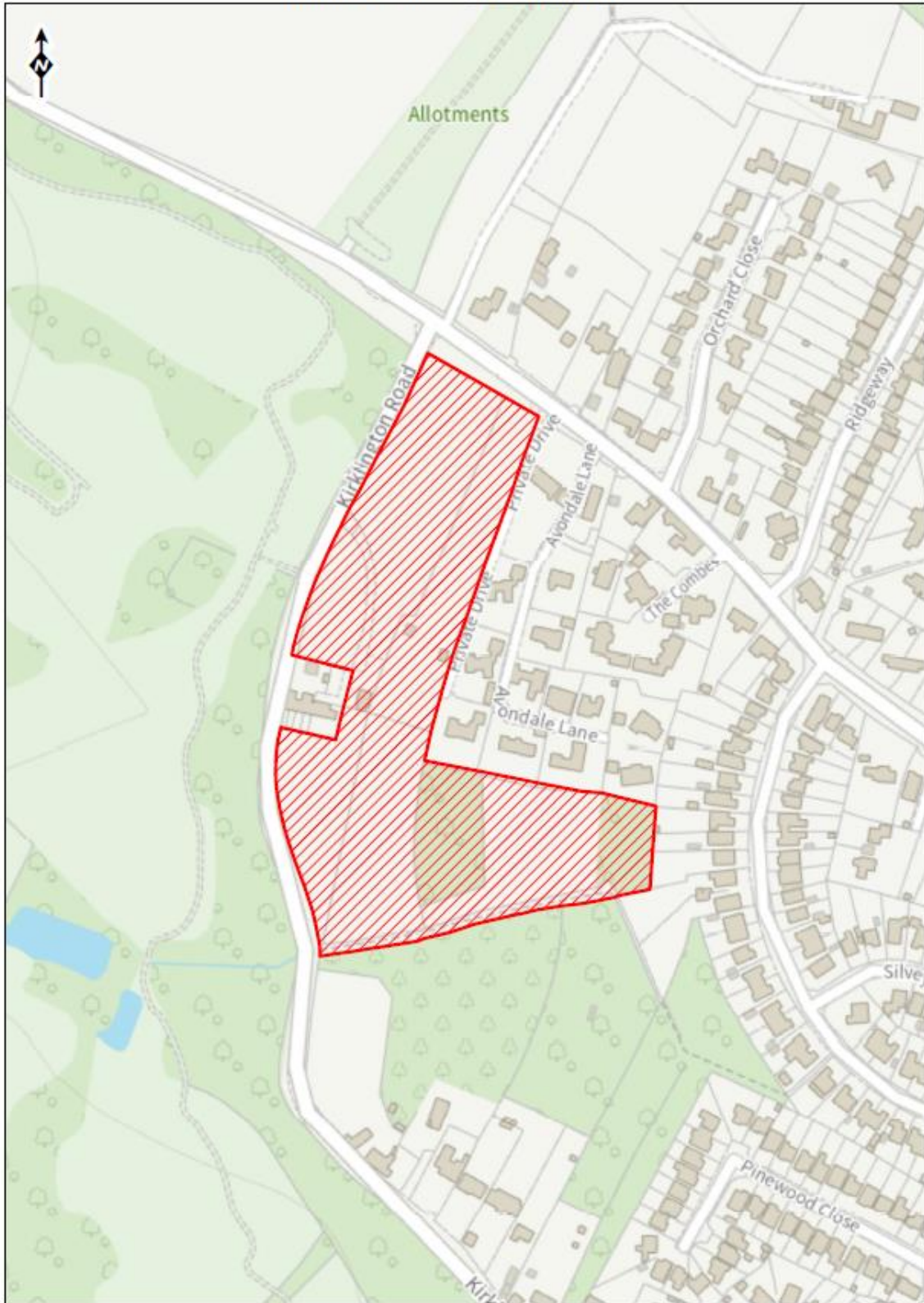
013	<p>Any application for reserved matters approval pursuant to this outline consent shall be accompanied by a Scheme of Ecological Mitigation and Enhancement which shall build upon the recommendations set out in the Ecological Impact Assessment, by Quants Environmental, dated September 2020 and shall include:</p> <ul style="list-style-type: none"> <li>a) purpose, aims and objectives of the scheme;</li> <li>b) a review of the site's ecological potential and any constraints which shall include an updated ecological walkover survey if this is submitted after February 2022;</li> <li>c) description of target habitats and range of species appropriate for the site;</li> <li>d) selection of appropriate strategies for creating/restoring target habitats or introducing target species;</li> <li>e) selection of specific techniques and practices for establishing vegetation;</li> <li>f) sources of habitat materials (e.g. plant stock, log piles) or species individuals;</li> <li>g) method statement for site preparation and establishment of target features;</li> <li>h) extent and location of proposed works;</li> <li>i) aftercare and long term management;</li> <li>j) the personnel responsible for the work;</li> <li>k) timing of the works;</li> <li>l) monitoring;</li> <li>m) disposal of wastes arising from the works;</li> <li>n) a plan showing the areas of retained habitats;</li> <li>o) clear commentary on what is considered mitigation and what is an enhancement.</li> </ul> <p>It shall also include as a minimum details of;</p> <ul style="list-style-type: none"> <li>o deadwood log piles using the trees felled within the site;</li> <li>o the contribution that the sustainable urban drainage scheme will make to habitat creation;</li> <li>o 6 integrated terrace house sparrow boxes, 6 integrated starling boxes and 6 integrated swift boxes (the scheme shall identify precise locations and the position of the boxes as well as manufactures details)</li> <li>o 5 integrated bat boxes to be installed within the new builds (the scheme shall identify which plots and the position of the boxes as well as manufactures details);</li> <li>o 5 bat boxes to be installed on trees within the site (the scheme shall identify the precise location, height of installation and manufactures details of the boxes)</li> </ul>	The revised LEMP complies with this condition, which has been satisfactorily addressed.
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	<ul style="list-style-type: none"> <li>o a minimum length of 90 metres of new diverse hedgerow to be planted for mitigation purposes for that lost;</li> <li>o a minimum of 10 integrated bee sticks at locations to be specified;</li> <li>o permeable boundary treatments to be installed to allow hedgehogs to move through the site (including designs and locations).</li> </ul> <p>The approved details shall be implemented on site to an agreed timetable which shall be embedded within the scheme.</p> <p>Reason: In order to secure mitigation and enhancement measures that are identified as necessary within the submission to protect biodiversity.</p>	
014	<p>No clearance work including the removal of hedgerows, trees, semi-improved grassland, scrub or woodland that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority. Any active nest found should be left undisturbed until the chicks have fledged or the nest is no longer in use.</p> <p>Reason: To ensure that adequate provision is made for the protection of nesting birds on site.</p>	For compliance
015	<p>Prior to first occupation, details of any external lighting to be used in the development shall be 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 with particular regard to nocturnal wildlife. 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.</p> <p>Reason: In the interests of visual and residential amenity and to minimise impacts on foraging and commuting bats.</p>	No details submitted

016	<p>No development shall be commenced until a Construction Environmental Management Plan and timetable has been submitted to and approved in writing by the local planning authority. The plan shall identify appropriate measures for the safeguarding of protected and locally important species and their habitats during the construction period and shall include:</p> <p>a) an appropriate scale plan showing protection zones where construction activities are restricted and where protective measures will be installed or implemented;</p> <p>b) details of protective measures (both physical measures and sensitive working practices) to avoid impact during construction including those highlighted within the Ecological Impact Assessment, by Quants Environmental, dated September 2020</p> <p>c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;</p> <p>d) details of a person responsible for the management of the protection zones.</p> <p>Development shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: In the interests of maintain and enhancing biodiversity.</p>	Not yet discharged – see 23/01822/DISCON
017	<p>No development, including site clearance, shall be undertaken after March 2021 unless an updated Badger Survey (including mitigation as necessary, detailing timings of this) has been undertaken and the findings have been submitted to and approved in writing by the Local Planning Authority. Any proposed mitigation measures embedded in the Survey shall be carried out in full.</p> <p>Reason: In order to adhere to the recommendations contained within the Ecological Impact Assessment, by Quants Environmental, dated September 2020 given the transient nature of badgers.</p>	Discharged 22.11.2023 by 22/01822/DISCON
018	No development shall take place until a written scheme of archaeological investigation has been submitted to	Details submitted under planning reference

	<p>and approved in writing by the Local Planning Authority. This scheme shall include the following:</p> <ol style="list-style-type: none"> <li>1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements);</li> <li>2. A methodology and timetable of site investigation and recording;</li> <li>3. Provision for site analysis;</li> <li>4. Provision for publication and dissemination of analysis and records;</li> <li>5. Provision for archive deposition; and</li> <li>6. Nomination of a competent person/organisation to undertake the work.</li> </ol> <p>The scheme of archaeological investigation must only be undertaken in accordance with the approved details.</p> <p>Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.</p>	24/01039/DISCON – pending consideration.
019	<p>The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition 18. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.</p> <p>Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.</p>	For compliance
020	<p>A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby approved being commenced unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.</p>	For compliance



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Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner x5902

Report Summary			
<b>Application No.</b>	23/00832/FULM		
<b>Proposal</b>	126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works		
<b>Location</b>	Land off Mansfield Road, Clipstone		
<b>Applicant</b>	Harper Crewe	<b>Agent</b>	Grace Stevens, Cerda Planning Ltd, Castle Donnington
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/00832/FULM">23/00832/FULM   126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works   Land Off Mansfield Road Clipstone (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	25.05.2023	<b>Target Date</b>	23.08.2023
		<b>Extension of Time</b>	05.08.2024
<b>Recommendation</b>	That planning permission is REFUSED for the reasons set out in Section 11 of the report.		

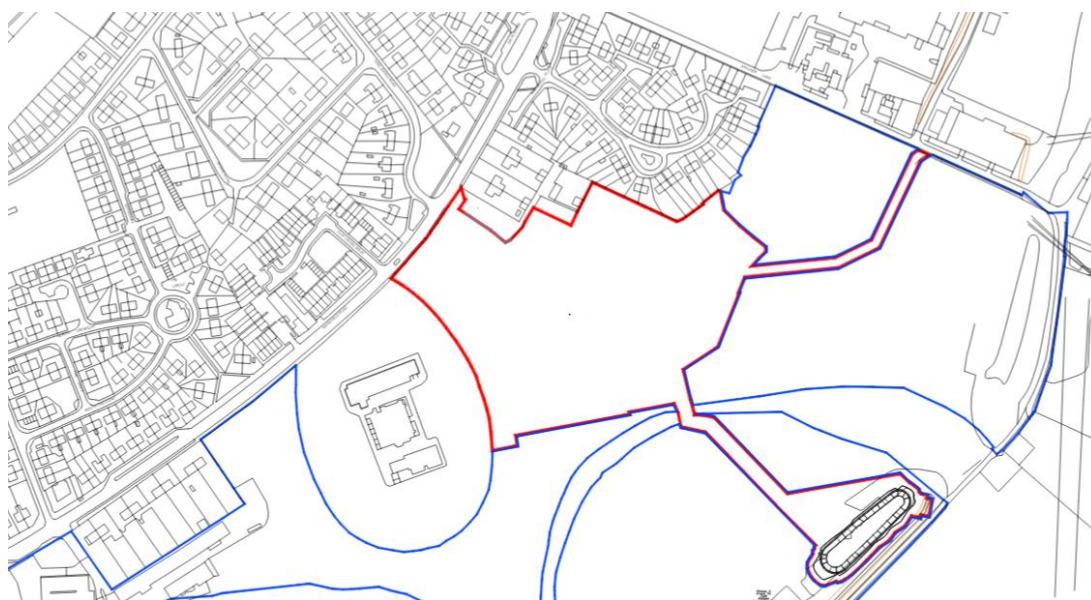
**This application has been referred to the Planning Committee for determination by the local ward member, Councillor Paul Peacock, due to concerns regarding the design of footpath at perimeter of headstock land leading to Anti-Social Behaviour, too few bungalows, drainage concerns, no details regarding play area, added pressures on local health services, added pressures on education places and added pressure of further junction on Mansfield Road and only one road in and out of the estate.**

## 1.0 Background

1.1 The delay in forming a recommendation on this application is due to enabling the applicant the opportunity of addressing various concerns raised by consultees (mainly NCC Highways) on numerous occasions. This has demonstrated that the Local Planning Authority has sought to work positively and proactively with the applicants as required by the NPPF and the Town and Country Planning (Development Management Procedure) (England) Order 2015.

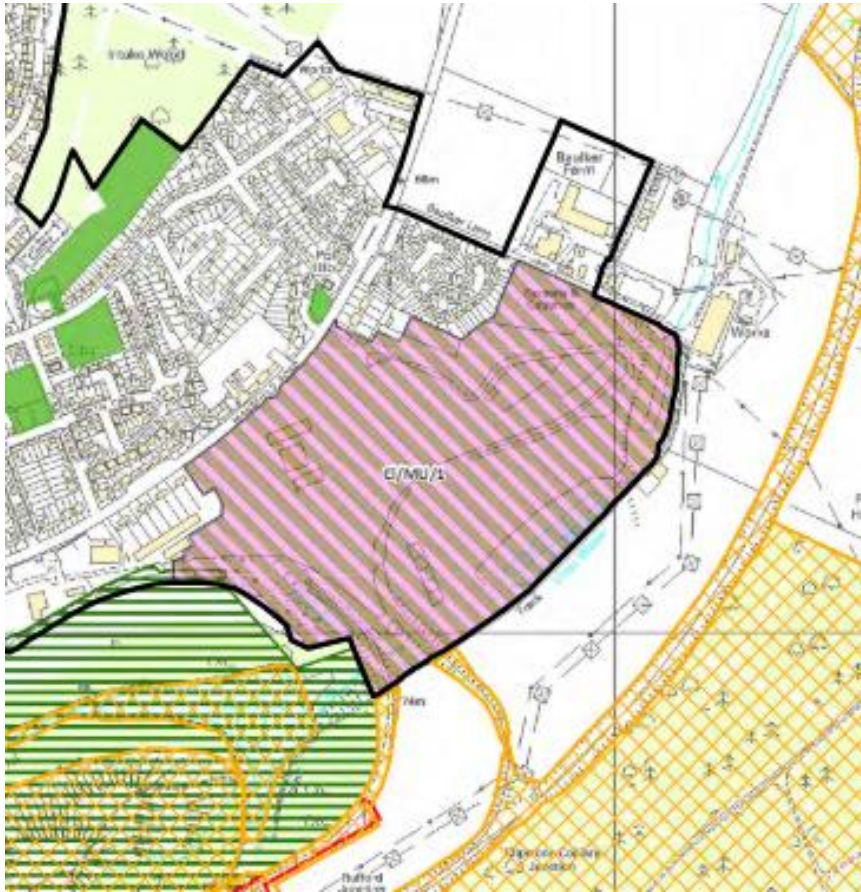
## 2.0 The Site

- 2.1 The application site comprises 5.57ha of brownfield land located on the south-east side of Mansfield Road, close to the northern entrance into the village of Clipstone and within the defined village boundary. The site is currently open grassland, secured by high fencing around its boundaries and used to form part of the former Clipstone Colliery site, which has now been largely demolished and remediated, although the Headstocks and Powerhouse remain. There was a mine shaft located within the application site but this has now been capped. There is a row of mature lime trees situated towards the northern boundary extending into the site.
- 2.2 The site slopes downwards away from Mansfield Road and has a gradual fall from north to south ranging from 88.90m AOD to 80.1m AOD. The red line of the application site extends narrowly to the south-east and then widens out to include an open water basin. Vicar Water (an existing watercourse) flows adjacent to this south-eastern boundary. There is also a narrow extension of the red line to the north-west linking to Baulker Lane, where there is an existing combined water sewer. The unusual red line boundary of this application is shown below.



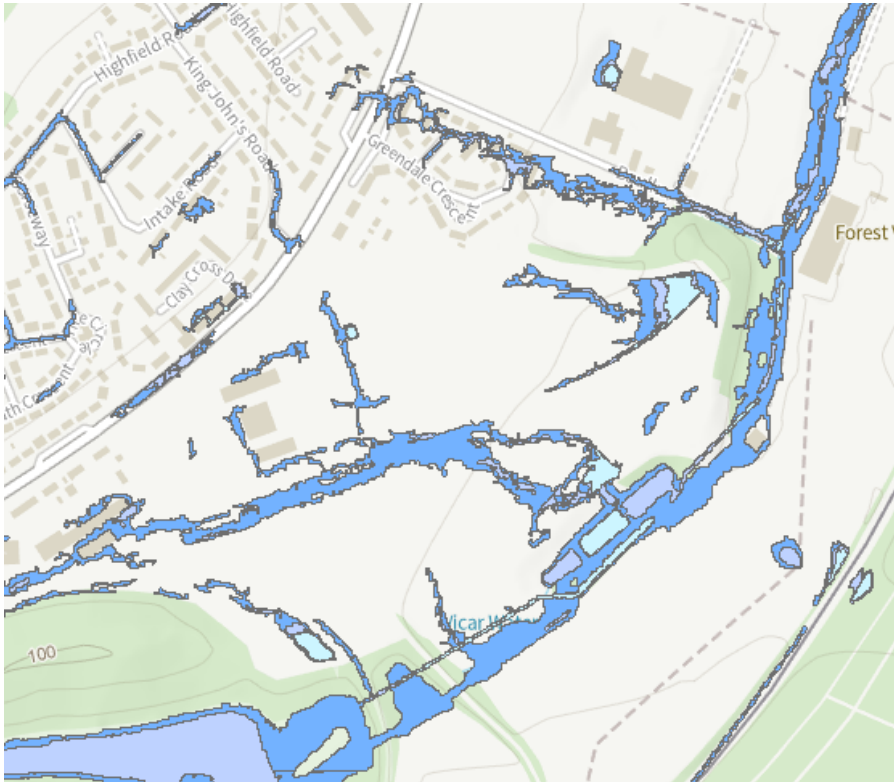
- 2.3 Immediately to the south-west of the site are the landmark Headstocks and Powerhouse structures which are Grade II listed buildings accommodated within a larger fenced off 'topple zone' area. On the opposite side of Mansfield Road is more recent residential development. To the north, fronting Mansfield Road are 'The Villas' (former Clipstone Colliery management housing) and to the south-west of the headstocks are a row known as 'The Cottages,' both of which are Non-Designated Heritage Assets, as is the majority of the older parts of Clipstone village which represents a model colliery village with particular interest in its history and layout.
- 2.4 To the east and south of the application site is the remainder of the former colliery site, which is also currently open grassland. This land, together with this application site, falls within a Mixed Use allocation (Policy CI/MU/1) defined within the Allocations and Development Management DPD. This wider allocation site is 27.8ha in area and shown in pink shading on map below.





Extract from Proposal Map – Allocations and Development Management DPD

- 2.5 Running along the south-eastern boundary of the open water basin (along the black line on the above map) is the joint Clipstone Bridleway No 3 and Sustrans Route 6, which runs from Vicar Water Country Park in the south-west. Beyond this public right of way to the south-east is Sherwood Pines Country Park. Beyond the allocated site to the south-east is Vicar Water Country Park. Both country parks are identified as Sites of Conservation Interest. Vicar Water Country Park also includes a Site of Special Scientific Interest, three Local Wildlife sites, one of which holds a butterfly of high conservation priority and is also a Local Nature Reserve. The site is also within 5km radius of Birklands and Bilhaugh Special Area of Conservation (SAC) (a European site) which is approx. 3.7km to the north and the Sherwood possible potential Special Protection Area (ppSPA) for breeding nightjar and woodlark, whose boundary is less than 100m to the south of the redline boundary at its nearest point.
- 2.6 The site is located within Flood Zone 1, at lowest risk of fluvial flooding. In terms of pluvial flooding, the map below shows the dark blue areas are at low risk of surface water flooding, with the lighter blue at medium risk and the lightest blue at high risk. This shows there is some very limited areas at low risk along the south-west boundary and towards the eastern boundary of the site, with the former mine shaft shown as a circle at high risk, within the main part of the site. However, there is high and medium risk at the south eastern side of the site where existing basins are located.



Extract from Surface Water Flood Map – Environment Agency

2.7 The site has the following constraints:

- High risk relating to former coal mining activity;
- Adjacent to Grade II Listed Buildings and Non-Designated Heritage Assets.

### 3.0 **Relevant Planning History**

3.1 04/00378/OUTM - Use of land for 500 dwellings, business parks and open space, Refused 26.05.2004

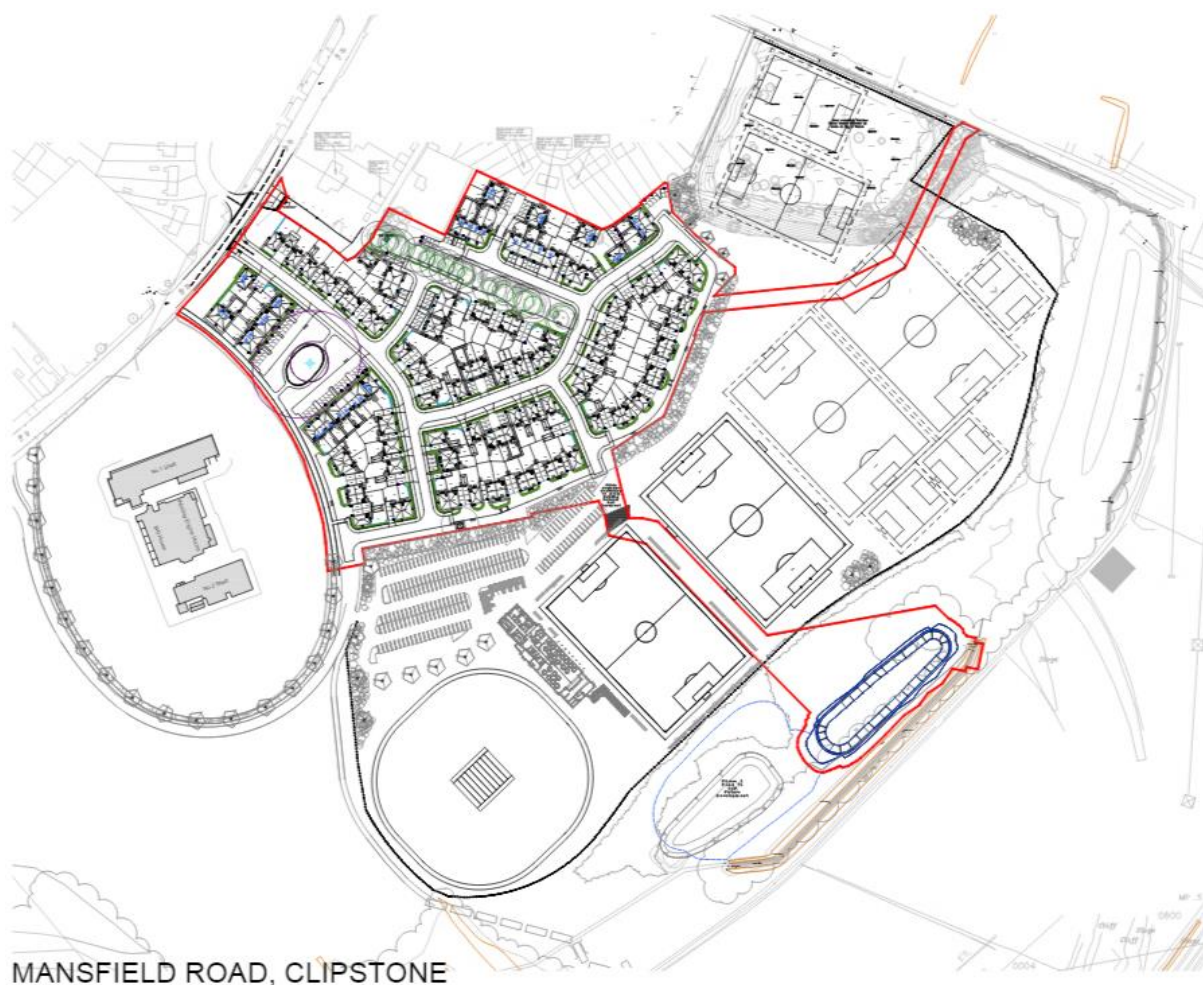
3.2 06/01902/LBC - Demolition of all buildings and structures within curtilage (excluding listed headstocks and powerhouse), approved 08.03.2007

3.3 18/SCR/00010 – Outline planning permission for the retention of Headstocks and Powerhouse and erection of approx. 120 No. dwellings, 12 ha of employment provision, retail and enhanced open space (all matters reserved except for access) – EIA not required, 24.09.2018

#### **On adjoining site to the east (also within the allocated site):**

3.4 23/01846/FULM – Proposed Leisure and Recreation Facilities at Clipstone Colliery – pending consideration. This is illustrated on the wider site plan extract below.





Wider allocated site plan submitted with application 23/00832/FULM.

#### 4.0 **The Proposal**

4.1 The application seeks full planning permission to construct 126 dwellings with open space, landscaping, highways, drainage infrastructure and associated works. The development comprises 88 units of market housing and 38 units (30%) of affordable housing, each have between 1 and 5 bedrooms. There are 14 different house types proposed which are predominantly two storey although there are 18 two-and a half storey dwellings, 8 bungalows and 6 maisonettes. A plan has been submitted showing solar panels being added to roof slopes of every dwelling.

House Type	No. of Bedrooms	House Type	Floor Space MSQ	Plots
<b>Market</b>				
<b>Ward</b>	2 bed	Single storey semi-detached bungalow	64.2	Four Plots: 10, 11, 17, 18
<b>Tove</b>	2 bed	2 storey semi-detached	74.46	Eight Plots: 26, 28, 31, 32, 74, 75, 90, 92

<b>Tove</b>	2 bed	2 storey mid-terrace	74.46	Two Plots: 27, 91
<b>Joseph</b>	3 bed	2 storey semi-detached	87.43	Twenty-four Plots: 4, 5, 8, 19, 20, 22, 23, 46, 56, 58, 59, 60, 61, 62, 63, 65, 78, 95, 96, 97, 98, 102, 106, 107
<b>Archer</b>	3 bed	2 storey detached	94.4	Twelve Plots: 2, 3, 25, 29, 30, 57, 68, 73, 79, 88, 89, 93
<b>Thurston</b>	3 bed	2 storey detached	95.6	Eight Plots: 1, 21, 24, 33, 64, 76, 87, 101
<b>Thurston</b>	3 bed	2 storey semi-detached	95.6	Six Plots: 9, 47, 66, 55, 77, 103
<b>Cunningham</b>	3 bed	2 storey detached	95.6	Two Plots: 12, 67
<b>Madden</b>	3 bed	2.5 storey semi-detached	114.59	Eighteen Plots: 6, 7, 13, 14, 15, 16, 69, 70, 71, 72, 80, 81, 82, 83, 84, 85, 99, 100
<b>Elliott</b>	4 bed	2 storey detached	120.5	Two Plots: 86, 94
<b>Jarvis</b>	4 bed	2 storey detached	121.5	Two Plots: 104, 105
<b>Total</b>				88 Plots
<b>Affordable</b>				
<b>Murray GF</b>	1 bed	Single storey maisonette	51.26	Three Plots: 50, 108, 125

<b>Murray FF</b>	1 bed	Single storey maisonette	62.85	Three Plots: 51, 109, 126
<b>Fernsby</b>	2 bed	Single storey mid-terrace bungalow	64.2	Two Plots: 43, 44
<b>Fernsby</b>	2 bed	Single storey semi-detached bungalow	64.2	Two Plots: 42, 45
<b>Chester</b>	2 bed	2 storey semi-detached	80.49	Twelve Plots: 34, 37, 40, 41, 48, 49, 52, 54, 114, 116, 123, 124
<b>Chester</b>	2 bed	2 storey mid-terrace	80.49	Four Plots: 35, 36, 53, 115
<b>Singer</b>	3 bed	2 storey mid-terrace	95.4	Two Plots: 111, 112
<b>Singer</b>	3 bed	2 storey semi-detached	95.4	Eight Plots: 38, 39, 110, 113, 120, 121, 122, 118
<b>Thurston</b>	3 bed	2 storey semi-detached	95.6	One Plot: 117
<b>Aston</b>	4 bed	2 storey semi-detached	107.56	One Plot: 119
<b>Total</b>				38 Plots

4.2 The dwellings are set back approx. 14m from the Mansfield Road frontage, allowing new trees to be planted along the street frontage. There are three properties that front Mansfield Road with side gardens enclosed with 1.8m brick walls with new hedgerow planting in front. A new vehicular access is to be taken from Mansfield Road. The submitted plans also show a narrowing of Mansfield Road at the access point, but these are works within the highway and outside the red line of the application site, which would be controlled through a S278 Agreement with the Highway Authority. There is an existing access to the north which provides private rear access to the dwellings fronting Mansfield Road to the north which needs to be retained for legal reasons. A new fence and gate are shown on the plan to provide a level of security and show it to be a private access. The red line boundary of the site in the south-east corner also includes planting and car parking to serve the proposed recreational development currently being considered under ref: 23/01846/FULM.

4.3 A narrow arm of the application extends to the north-west linking to Baulker Lane, where there is an existing combined water sewer. The red line of the application site also extends narrowly to the south-east and then widens out to include an open water basin. This would be designed as an attenuation basin to accommodate the excess

surface water from the proposed development.

- 4.4 The proposed layout shows a children's LEAP (Local Equipment Area for Play) adjacent to the south-western boundary with the headstocks, within an area of open space, with rows of car parking on each side. The area is where the former mine shaft, which has now been capped, is positioned. The other areas of open space being offered by the development is shown on the plan below.



- 4.5 A proposed 3m wide footpath is provided adjacent to the south-west boundary with the listed headstocks, which is currently mostly defined by a 1.8m high chain link fence. There is a row of mature limes trees towards the northern part of the site which, following negotiation, are now to be retained. There are a number of single and groups of trees that are proposed to be removed (all classed as Category C trees) mainly close to the northern boundary and close to the proposed attenuation basin.
- 4.6 In terms of new planting, the scheme shows the two main road thoroughfares as having one side of the road with tree planting within a grass verge. New tree planting is also shown along the Mansfield Road frontage, along the proposed footpath with the headstocks, along the boundaries with the proposed recreation development to the south-east, east and north-east. New native hedgerows are also shown to be planted along front and side boundaries of the new dwellings.
- 4.7 The scheme has been amended several times throughout the course of the

application. The application has been accompanied by the following list of plans and supporting documents:

- Location Plan (Drawing No: SL-028 Rev A)
- Site Wide Master Plan (Drawing No: SL-027 Rev B)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev B)
- Tove Floor Plans (Drawing No: PD-012-TOV Rev A)
- Tove – As – Elevation (Drawing No: PD-013-TOV Rev A)
- Thurston – As - Floor Plans (Drawing No: PD-012-THU Rev A)
- Thurston – As – Elevation (Drawing No: PD-013-THU Rev A)
- Archer – As – Floor Plans (Drawing No: PD-012-ARC Rev A)
- Archer – As – Elevation (Drawing No: PD-013-ARC Rev A)
- Aston - Floor Plans (Drawing No: PD-012-AST Rev A)
- Aston - Elevation (Drawing No: PD-013-AST Rev A)
- Chester – As – Floor Plans (Drawing No: PD-012-CHE Rev A)
- Chester – As – Elevation (Drawing No: PD-013-CHE Rev A)
- Cunningham – As – Floor Plans (Drawing No: PD-012-CUN Rev A)
- Cunningham – As - Elevation (Drawing No: PD-013-CUN Rev A)
- Elliott – As – Floor Plans (Drawing No: PD-012-ELL Rev A)
- Elliott – As – Elevation (Drawing No: PD-013-ELL Rev A)
- Fernsby – As – Floor Plans (Drawing No: PD-012-FER Rev A)
- Fernsby – As – Elevation (Drawing No: PD-013-FER Rev A)
- Jarvis – As – Floor Plans (Drawing No: PD-012-JAR Rev A)
- Jarvis – As – Elevation (Drawing No: PD-013-JAR Rev A)
- Ward Floor Plan (Drawing No: PD-012-WAR Rev A)
- Ward Elevation (Drawing No: PD-013-WAR Rev A)
- Joseph - Floor Plans (Drawing No: PD-012-JOS Rev A)
- Joseph – As – Elevation (Drawing No: PD-013-JOS Rev A)
- Madden Floor Plans (Drawing No: PD-012-MAD Rev A)
- Madden Elevation (Drawing No: PD-013-MAD Rev A)
- Murray – As – Floor Plans (Drawing No: PD-012-MUR Rev A)
- Murray – As – Elevation (Drawing No: PD-013-MUR Rev A)
- Singer – As – Floor Plans (Drawing No: PD-012-SIN Rev A)
- Singer - As – Elevation (Drawing No: PD-013-SIN Rev A)
- Thurston Affordable Floor Plans (Drawing No: PD-012-THU AFF Rev A)
- Thurston Affordable Elevation (Drawing No: PD-013-THU AFF Rev A)
- Garage Drawing (Drawing No: PD-025-G&M Rev A)
- Proposed Street Scenes (rec’s 9 May 2024)
- Proposed Coloured Site Layout (rec’d 3 July 2024)
- Means of Enclosure (Drawing No: SL-005 Rev B)
- Materials Plan (Drawing No: SL-004 Rev B)
- Solar Panel Plan (Drawing No: SL-026 Rev B)
- Affordable Housing Plan (Drawing No: SL-025 Rev B)
- Open Space Plan (Drawing No: SL-011 Rev C)
- Indicative Site Appraisal (Sheet 1 of 2) (Drawing No: 1 Rev K)
- Indicative Site Appraisal (Sheet 2 of 2) (Drawing No: 2 Rev K)
- Indicative Drainage Strategy (Sheet 1 of 2) (Drawing No: 17 Rev E)



- Indicative Drainage Strategy (Sheet 2 of 2) (Drawing No: 18 Rev E)
- Landscape Strategy (Drawing No: CLI2309\_LP01 Rev P5)
- Proposed Access Arrangements (Carriageway Narrowing) (Drawing No: CSCC-BSP-XX-XX-D-S-008 Rev P03)
- Proposed Access Arrangements (Carriageway Narrowing) Vehicle Swept Paths (Drawing No: CSCC-BSP-XX-XX-D-S-0009 Rev P03)
- Visibility Splays Plan (Drawing No: 11 Rev D)
- Indicative Speed Calming Features Plan (Drawing No: 19 Rev D)
- Parking Strategy (Drawing No: SL-010 Rev B)
- Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03)
- Parking Log Categories saved on file 19 June 2024
- Refuse Strategy (Drawing No: SL-009 Rev B)
- Refuse Vehicle Tracking – 11.595m Vehicle (Drawing No: 10 Rev D)
- Shared Drives Exceeding 25m Delivery Vehicle Tracking (Drawing No: 10 Rev A)
- CEMP (Drawing No: SL-007 Rev C)
- Management Company Plan (Drawing No: LE-007 Rev D)
  
- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence
  
- Clipstone Masterplan Statement
- Planning Statement by Cerda dated March 2023
- Design and Access Statement by Welbeck dated March 2023
- Heritage Impact Assessment by Marrons dated March 2023
- Flood Risk Assessment and Drainage Strategy by Travis Baker dated March 2023
- Landscape and Ecological Management Plan by DSA dated March 2023
- Arboricultural Impact Assessment Rev C by SEED dated May 2024
- Ecological Appraisal by Rachel Hacking Ecology dated March 2023
- Letter from Rachel Hacking Ecology saved in file 10 June 2024
- Shadow Habitat Regulations Assessment (Rev 03.06.2024) by Rachel Hacking Ecology 2024
- Transport Assessment by BSP dated March 2023
- Parking Appraisal by BSP dated March 2024
- Travel Plan by BSP dated March 2023 (Rev P02)
- Acoustic Assessment by Ardent dated March 2023
- Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Phase 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Consultants Coal Mining Report by the Coal Authority dated June 2019
- Mine Shaft Treatment Report by Eastwood Consulting Engineers dated 2 Oct 2023
- Letter dated 3 June 2024 from Eastwood Consulting Engineers (Ref: 44147- ECE-XX-XX-CO-C-0012)
- CDM Designer's Risk Assessment by DSA dated March 2023

## **5.0 Departure/Public Advertisement Procedure**

5.1 Occupiers of 68 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. Further re-consultation has taken place in respect of amended plans received as necessary.

5.2 Site visit undertaken on 16.11.2023

## **6.0 Planning Policy Framework**

### **The Development Plan**

#### **6.1 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

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 14 – Historic Environment

MFAP1 – Mansfield Fringe Area

#### **6.2 Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM2 – Development on Allocated Sites

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM12 – Presumption in Favour of Sustainable Development

Policy CI/MU/1 – Clipstone – Mixed Use Site 1

6.3 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 all 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, with consideration to the Draft Amended DPD, as applicable.

#### 6.4 **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 District Wide Housing Needs Survey by Arc4 2020
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- Affordable Housing SPD 2013
- Developer Contributions and Planning Obligations SPD, December 2013 (as amended by 2016 indexation figures)
- NCC Developer Contributions Strategy 2021
- Planning (Listed Buildings and Conservation Areas) Act 1990
- The Setting of Heritage Assets – Historic Environment Good Practice Advice in Planning Note 3 (Historic England)
- Newark and Sherwood District Council Open Space Assessment and Strategy, adopted January 2022
- Fields in Trust Guidance for Outdoor Sport and Play
- Building for a Healthy Life 2022, Homes England

#### 7.0 **Consultations**

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

##### **(a) Statutory Consultations**

- 7.1. **Nottinghamshire County Council (Highways)** – Object to the proposal on the grounds of highway safety. Concerns include, under-provision of parking due to triple tandem parking at turning heads and junctions, no ‘large’ garage plans/elevations have been submitted, which also need to show bicycle storage, other garages proposed are not compliant as they are not wide enough, shared private drives are within root protection areas of trees to be retained, swept paths have been carried out using a small van which is not representative, leading to vehicle egresses into the adjacent Public Open Space, width of private drives do not comply with SPD, access road serving some plots are too narrow, drag distances for bins on a number of drives is exceeded, one visibility splay is missing, the management plan requires adjustment, the footway crossing to the existing access from Mansfield Road needs to be reduced in width.
- 7.2 **Nottinghamshire County Council (Lead Local Flood Authority)** – No objection, subject to a condition requiring a detailed surface water drainage scheme, based on the principles set forward by the submitted Flood Risk Assessment and Drainage Strategy by Travis Barker Ltd to be submitted and approved.
- 7.3 **Nottinghamshire County Council (Planning Policy)** – The planning obligations sought by NCC in order to mitigate the impact of the proposed development are:



- Transport - A bus service contribution of **£150,000** is paid to provide improvements to the local bus serves to serve the site; the imposition of conditions requiring the location of bus stops within the development; requiring the re-location and improvements of 2 bus stops NS0441 Colliery and NS0441 Colliery and requiring a scheme for introductory bus passes to occupiers.
- Education – Primary – there is a forecasted surplus of places in the planning area and the impact of the development would not lead to a deficit in provision, so primary education is sought. Secondary – a contribution of **£525,080** and post 16 education contribution of **£105, 016** is requested to accommodate pupil growth from the development. One non-mainstream setting place is requested for a Special Educational Needs and Disabilities (SEND) requiring a contribution of **£90,322**.
- Library stock contribution of library stock of **£4,366** for Clipstone library.

Full justification for all the above is set out in the response received from NCC Policy).

The Rights of Way officers state the site sits adjacent to Clipstone Bridleway 3, along the eastern boundary. There does not appear to be any impact onto this bridleway except with the intention to provide links from the development. Any link therefore needs to provide for equestrian as well as cyclist/pedestrian use, and should be an appropriate surface, not tarmac, to bridleway standard. None of the paths within the development will be adopted by the Rights of Way section and needs to be managed by a management company.

They also refer to the Nottinghamshire Spatial Planning and Health Framework, referencing Active Design principles.

7.4 **Natural England** – No objection, based on the plans submitted, the proposed development will not have significant adverse impacts on designated sites Sherwood Forest Golf Course Site of Special Scientific Interest and Clipstone Heath SSSI. The proposed development is located in the Sherwood possible potential Special Protection Area for breeding nightjar and woodlark and as such a risk-based approach should be taken to potential impacts arising from the development, including direct, indirect and cumulative impacts. The Ecological Appraisal noted that the site is sub-optimal for nightjar and woodlark and as such the objectives for the ppSPA will not be compromised as a result, there are also barriers including a watercourse and disused rail track. Natural England advised a shadow Habitat Regulation Assessment be submitted to rule out any likely significant effects and this has now been submitted. Comments were also made on recreational disturbance and as mountain biking is noted as a major issue for erosion within Clipstone Heath SSSI this increase in dwellings may increase effects from this issue form local recreational pressure. Some consideration of how to mitigate for any increases in mountain biking recreation at the site should be given, for example through signage, limiting direct access and/or providing suitable alternative spaces for the activity.

7.5 **The Coal Authority** – No objection, subject to two conditions requiring remediation works to address the mine entry and a signed declaration by a competent person

confirming that the site is safe and stable for the approved development to be submitted to the LPA.

**(b) Town/Parish Council**

7.6 **Clipstone Parish Council** – Object to the application on the following grounds:-

- the availability of school places;
- Medical facilities for residents are already stretched;
- There is no pedestrian crossing over Mansfield Road;
- Will result in increased traffic;
- Proximity of proposed new junction to King Johns Road opposite;
- Lack of recreational facilities for children and potential anti-social behaviour consequences;
- Minimum parking provision is planned for proposed properties;
- There is not provision for emergency vehicles access should the primary road into the development be blocked.

**(c) Representations/Non-Statutory Consultation**

7.7 **NHS Nottingham/Nottinghamshire Clinical Commissioning Group** – Confirm that local health practices are working at capacity and this scheme would lead to pressure upon services. A financial contribution of £982 per dwelling is sought towards improvements to health infrastructure to be spent at any one of the three closest practices, Sherwood Medical Partnership – Crown Medical Centre, Forest Town Branch, Oak Tree Land Surgery.

7.8 **NSDC, Conservation** – The proposed development would cause moderate-high level of harm to the setting of the Listed Buildings as it would encroach upon the immediate setting which helps accentuate its dominance. This would be contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With reference to planning policies, this would be ‘less than substantial harm.’ It would also have a harmful impact on the setting of the adjacent Non-designated Heritage Assets. The proposed design and style of housing and landscaping would help to minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks and powerhouse, and there will be public benefits arising from the proposed housing development. It will be for the decision maker to determine whether those public benefits balance or outweigh the heritage harm identified.

7.9 **NSDC, Strategic Housing Officer** – No objection - the proposed scheme of 30% affordable housing is being provided in a policy compliant way, comprising 60% affordable rent, 25% First Homes and 15% shared ownership. The type of provision is also acceptable and the inclusion of 8 bungalows will address the housing need in Clipstone.

7.10 **NSDC, Environmental Services** – Waste - Residents from a number of properties have to drag their bins well in excess of 30m in breach of H6 of Building Regulations 2010. All properties should have space for 3 bins and those with gardens should have space

for 4 bins. All roads appear to be 5.5m wide, the min requirement for collection vehicle access. This would leave no room for vehicles parking on the roadway. This could be addressed by the introduction of parking restrictions. Some private roads are less than 5.5m wide – and if access cannot be made by a collection vehicle, then emergency response vehicles will be equally restricted. There are concerns that under-provision of parking close to every hammerhead, could result in the inability of collection vehicles to turn in the vent that parking occurs in these areas. Open Spaces – there is a lack of connectivity with neighbouring facilities, with no links to the nearby bridleway, national cycle route or vicar Water County Park. If these cannot be built in at this stage, then S106 provisions should be made to build in sustainable transport links. Any provision should account for the crossing of Vicar Water and the potential for earth works. Although indicated that the site will remain under a management company, requests are that only native tree, shrub and plant species are planted due to the proximity of the Vicar Water Country Park Local Nature Reserved.

- 7.11 **NSDC, Environmental Health** – No objection subject to conditions requiring a Construction Environmental Management Plan and a scheme to protect dwellings directly adjacent to Mansfield Road from noise, to be submitted and approved.
- 7.12 **NSDC, Contaminated Land** – No objection, subject to the imposition of the full contaminated land condition.
- 7.13 **NSDC, Ecology and Biodiversity Lead Officer** – In ecology terms, the application sets out that on going works as part of the Nottinghamshire Three Rivers Restoration Project (NTRRP) is being used as mitigation for this planning application. It appears that a number of proposed mitigation and compensation measures are no longer deliverable (as the submitted Landscape Strategy states they are to be removed), or do not form part of this application (within the red line of the recreation application site) and there are then still several measures where uncertainty remains regarding deliverability.

A significant proportion of the application site is formed by neutral grassland, which is described in the Ecological Appraisal as follows:

*“The largest expanse of grassland (TN1) mostly originated as a sown grassland on brownfield land following the cessation of mineral extraction at Clipstone Colliery but has been affected by disturbance and colonisation of further species. The parcel is a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey.”*

The Ecological Appraisal then identifies that, ““without mitigation, the loss of part of this grassland will have an adverse impact at district level of value.” As matters stand at the moment, I would advise that there is currently very little being proposed in the way of compensation for this loss, and if this situation remains the same when matters have been clarified, my advice will be that the proposals do not meet the requirements of the NPPF and local policies DM7 and Core Policy 12 in relation to Biodiversity matters.

7.14 **NSDC, Tree and Landscape Officer –**

**Main access route:** Indicative tree lined street show trees with canopies of 4m diameter. The approx diameter should be anticipated to be 8m, and a height of 12m, to allow sufficient clearance for large vehicles to move along the road whilst also being visually significant.

**Space for trees:** It is considered that there is insufficient space between the tree lined streets and the houses, which will cause conflict as the trees grow and ultimately place pressure on them to be removed – the available space is key to the visual appearance/long term retention.

**Children’s Play Area:** The nearest alternative children’s play area is approx. 1km away, with major road barriers between. The proposal would serve a significant population and would be in high use. It would be useful to see how it is proposed to design such a space. The combination of parking/access roads on three sides gives a significant incongruous tarmac appearance around it.

**Utilities:** Hydrology of the site has a strong impact on the long term health of trees. The placement of a soakaway within close proximity to the row of existing limes trees and should be re-positioned/removed. Severn Trent Water adoption criteria state the min distance of between 6 to 10m is required between their assets (underground pipelines) and trees. Due to the limited distance between proposed tree lined streets and proposed utilities that run down the middle of the roads, there is a clear conflict. The Tree Officer considers that that the tree lined streets are therefore not viable and cannot be successfully achieved.

**Attenuation Basin:** The removal of trees around the attenuation basin and group to be “cut back” away from edge of pond, but no details have been provided and this is immediately adjacent to a highly used public right of way. Impacts within Root Protection Areas should be shown and demonstrated.

7.15 **Representations from 5** third parties/local residents that can be summarised as follows:

- Hundreds of new houses have been built in Clipstone;
- Lack of infrastructure for more houses;
- Lack of schools with many children travelling outside the area;
- Lack of doctors;
- Very poor drainage causing flooded roads;
- Lack of maintenance of green spaces through-out the village;
- Roads and pavements needing repair;
- Increased traffic through the village;
- The land around the headstocks should be used for a small supermarket to create much needed jobs;
- Units for new and existing businesses should also be built as well as a much needed dentist;
- The application should be advertised more widely than just letters to people in the immediate vicinity;
- Concern that the allocated site is being developed in a piecemeal fashion instead of as a comprehensive scheme, which isolates the focal feature of the headstocks and is a missed opportunity;

- The aim is to ensure the headstocks are protected for future generations, and NSDC and Welbeck and the Welfare should all work together for this aim;
- The proposed playing pitches with function room and catering facilities are suffocating commercially viable leisure uses that would support and provide potential income for headstock repairs;
- With housing adjacent it may prevent the van storage use on the adjoining site;
- Highways have objected to the staggered junction with King Johns Road;
- The proposed footpath to the south-west causes security issues for proposed houses, providing thieves with a means of escape
- The footpath along the south-west boundary will significantly impact on security of the headstocks and provide improved access to the boundary fence owned and maintained by a third party;
- Security of neighbouring properties is needs to be taken into account and the extensive means of access would allow means of access to cut through the boundary fence;
- This footpath should be deleted;
- The development should not block access to the rear of their properties.

## **8.0 Comments of the Business Manager – Planning Development**

8.1 The key issues are:

- Principle of Development
- Housing Type, Mix and Density
- Impact on Visual Amenity
- Impact on Heritage Assets
- Impact on Residential Amenity
- Impact upon Highway Safety
- Impact upon Flooding and Drainage
- Impact on Ecology and Trees
- Other Matters
- Developer Contributions

8.2 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.

8.3 As the application concerns designated heritage assets and the setting of a listed building and Non-Designated Heritage Assets, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed

buildings stating that the decision maker “shall 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.”

- 8.4 The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the setting of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

#### Principle of Development

- 8.5 Spatial Policies 1 (Settlement Hierarchy) and 2 (Spatial Distribution of Growth) of the adopted Amended Core Strategy, identify Clipstone as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Clipstone is expected to accommodate 25% of housing service centre growth over the development plan period. The site is located within the defined Urban Boundary of Clipstone as identified on the proposal map in the Allocations and Development Management DPD and also forms part of an allocation for mixed use under policy CI/MU/1 (Clipstone – Mixed Use Site 1). The policy states the mixed uses should comprise retention of the headstocks and powerhouse, around 120 dwellings, 12 hectares of employment provision, retail and enhanced Open Space. This application relates only to the residential element which is proposed in the north-west corner of the site with a new access from Mansfield Road.
- 8.6 Spatial Policy 5 (Delivering the Strategy) states that to ensure the housing and employment needs of the District are delivered over the plan period, sufficient sites have been allocated to more than meet the requirements. Over the plan period, the supporting text to this policy anticipates that development of additional housing and employment will occur in sustainable locations across the District.
- 8.7 Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) of the Allocations & Development Management Development Plan Document (DPD) refers to proposals being supported for housing within the Service Centres that are appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents. Policy MFAP1 (Mansfield Fringe Area) further promotes the Service Centre of Clipstone as a sustainable settlement for its residents, encouraging new housing, employment activities and the provision of new community infrastructure.
- 8.8 The site allocation Policy CI/MU/1 is being proposed to be carried through as part of the Amended Allocations & Development Management DPD. Slight amendments are proposed through this process, and a total of 3 representations (1 subsequently superseded) have been received but none raise objections and it is therefore possible to afford some weight to the wording of the emerging site allocation policy.

- 8.9 The emerging policy is set out below with the proposed changes to the current adopted policy showing wording proposed to be removed 'struck through' and new wording proposed to be inserted in red:

*"Land at the former Clipstone Colliery has been allocated on the Policies Map for mixed use development. The site currently accommodates the Grade II listed headstocks and powerhouse to which national planning controls continue to apply in terms of their conservation. ~~An options appraisal is currently under preparation to assess the future of this listed building. Assuming~~ Including the retention of the headstocks and powerhouse, the site will accommodate around 120 dwellings, 12 hectares of employment provision, retail and enhanced Public Open Space. The retail element will be of a size and scale which helps facilitate the wider delivery of the scheme and may include a small supermarket and other complementary facilities to help to meet the needs of the site and the wider settlement.*

*In addition to the general policy requirements in the Amended Core Strategy and the Development Management Policies in Chapter 7, with particular reference to Policy DM2 Allocated Sites, and Policy DM3 Developer Contributions and Planning Obligations, development on this site will be subject to the following:*

- A Master Plan, forming part of any planning application(s) setting out the broad locations for the different types of development and their phasing, taking account of infrastructure provision, constraints and the need to ensure that the delivery of the range of uses is not prejudiced;*
- Responding to the conclusions of the options appraisal for the future of the listed former colliery headstocks and powerhouse;*
- The implementation of suitable measures to address legacy issues such as openings within the site which relate to its former use as a colliery;*
- No residential development shall take place in areas identified as being within Flood Zones 2 & 3;*
- The positive management of surface water through the design and layout of development to ensure that there is no detrimental impact in run-off into surrounding residential areas or the existing drainage regime;*
- Developer funded improvements to ensure sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development;*
- The incorporation of buffer landscaping as part of the design and layout of any planning application to minimise the impact of development on the ~~adjoining~~ **SINC Local Wildlife Sites (which are both within and adjacent to the site)** and Vicar Water Country Park;*
- **That as this allocation is within 400m of Sherwood Forest ppSPA, it has the potential to provide functionally linked habitat for woodlark and nightjar and***

*therefore should be subject to the risk based approach set out in Policy DM7 Biodiversity and Green Infrastructure should be followed; and*

- *Green Infrastructure provision through the partial restoration of the site and connections to the Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6 through the design and layout of any planning application. Green Infrastructure and public open space shall be designed to reflect the need to provide SANGS to relieve recreational pressure on the Birklands & Bilhaugh SAC in line with Policy DM7.”*

- 8.10 Key to any proposal is the requirement for a masterplan, which is more critical in this case given the application only concerns part of the allocation. The applicant has provided a broad layout plan (copied in para 3.4 above) and an accompanying statement. The uses shown on the masterplan include the proposed housing scheme, a sports facility to serve the needs of the village and surrounding areas (including a multi-sports arena, an AGP pitch, a Stadia pitch, a cricket ground, parking and a clubhouse/changing provision) and is pending consideration under application 23/01846/FULM. It is proposed that the sporting facilities would replace provision at the existing ‘Lido Ground’ but in doing so allow a greater quantum of provision and quality than that currently available. The Masterplan shows the listed headstocks and powerhouse retained, with an area kept free of development around them, although with no development proposals identified for that area, and there is a further residual part of the allocated site shown to the south-west with no proposed uses shown here.
- 8.11 In terms of the area to the south-west, the Statement outlines that there are no alternative land agreements in place to deliver uses that would be contrary to the allocation and it remains available for uses which accord with the site allocation policy (employment and retail). Regarding the headstocks and powerhouse, it is outlined that they sit within alternative ownership – but that the masterplan for the remainder of the site would not impact on their retention, and a sufficient buffer area has been retained so that their redevelopment would not be prejudiced.
- 8.12 In terms of the suitability of the proposed range of uses – the broad locations are shown through the Masterplan diagram, and the housing would be in line with the allocation policy. Taken in the round, provision of the sporting facilities would have the potential to outweigh the lack of enhanced open space as originally anticipated, but this application has yet to be determined. In terms of the employment use likely to be delivered, there would likely be a reduction in scale. Although not strictly in accordance with the policy, given the benefits to the community from those facilities, then some pragmatism around the scale of employment delivery would seem appropriate.
- 8.13 No phasing of the development has been submitted, although as this housing element is most advanced, it is anticipated that its delivery would commence first (if approved), with the sports facilities to follow. There is no objection to this approach for delivering the allocation, provided each separate application can ‘wash its own face’.



- 8.14 The policy requirements around infrastructure provision, addressing constraints and demonstrating that the full delivery of the site allocation would not be prejudiced are critical and that there is confidence that those areas of the site beyond the housing element can be delivered for the anticipated uses should permission be granted for residential here.
- 8.15 Overall, it is considered that the policy requirement has been met around the provision of a masterplan, although it is acknowledged that the range and scale of uses emerging through the process are not totally aligned with the allocation. However, this alternative approach delivers strong local benefits to the community, which has the potential to outweigh the lack of provision of 'enhanced open space' and potentially reduced employment land. Provided there are no site-specific details of this application that would prevent the allocation from being comprehensively delivered, then the proposed departure from the site allocation in relation to the masterplan, is not considered to be fatal in this case.

#### Housing Mix, Type and Density

- 8.16 Core Policy 3 (Housing Mix, Type and Density) sets out that densities in all housing developments shall normally be no lower than 30 dwelling per hectare. Whilst the overall site exceeds 5.57ha, restricting the measurement to the main residential area only, the area measures 4.1ha. Based on these figures, a scheme of 126 dwellings would create a site density of around 31 dwellings per hectare. The maximum quantum of development therefore complies with these density requirements.
- 8.17 In terms of the mix of units, Core Policy 3 sets out that the District Council will seek to secure a housing development which adequately addresses the housing need of the District, namely family housing of 3 bedrooms or more, small houses of 2 beds or less and housing for the elderly and disabled population. It goes on to say that the Council will seek to secure an appropriate mix of housing to reflect local housing need and reflect the local circumstances of the site which may include viability considerations.
- 8.18 The Housing Needs Study and Sub Area Summaries 2021 for the Mansfield Fringe Area set out that the overall housing mix for market dwellings required in this area is 2.5% 1 bed flats, 3.5% 2-bed bungalows, 12% 1 to 2-bed houses, 26.9% 3-bed houses, 34.3% 4+ bed houses. The proposed development provides 6 (4.7%) 1-bed flats, 28 (22.2%) 2-bed houses, 8 (6.3%) 2-bed bungalows, 81 (64.3%) 3-bed houses and 3 (2.4%) 4-bed houses. Although the housing survey identifies a need for a higher proportion of larger dwellings than that provided, this is not considered to be so fatal to the scheme to warrant refusal of permission. The dimensions of all units are above the national described space standards minimums (best practice).
- 8.19 In relation to affordable housing, Core Policy 1 seeks to secure 30% of all qualifying new housing development as affordable housing. The submitted Heads of Terms for the S106 agreement indicate that 30% affordable housing is proposed and should comprise 60% affordable rent, 25% First Homes and 15% shared ownership. NSDC's Strategic Housing Officer raise no objection to the application on this basis and welcomes the proposed 8 bungalows.

- 8.20 The tenure split for affordable dwellings would need to be incorporated into the associated legal agreement as discussed further in the relevant section below.

Impact on Visual Amenities

- 8.21 Core Policy 9 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.
- 8.22 The site would be surrounded on three side by existing built development, with the currently open land to the north-east and south-east, being part of the wider mixed use allocated site, for which there is a pending application for sports and recreational development. The proposed new housing is not likely to form a boundary with the open countryside but is likely to be seen as part of the built-up area of Clipstone. As such a new development of mostly two-storey dwellings (and 18 two and a half storey dwellings) would not be out of context here (as indeed when the colliery was in operation, this land was filled with associated colliery buildings), although the character of the site at the current time is one of being green, open and free from built form. Whilst the layout of the development on the site does not reflect the grid-like layout characterised by the 20<sup>th</sup> century former colliery houses, the design of the houses themselves do seek to respect the form, type, materials and architectural detailing of the colliery houses (see examples below). The semi-detached and set of four units in a short terrace with hipped roofs and chimney detail, constructed in brick, together reflect the distinctiveness of the traditional housing in the model colliery village.





- 8.22 A row of mature trees (mostly limes) have been retained as part of the redevelopment of the site, following negotiations, which form a corridor of green infrastructure within the site. A tree lined green space is provided along the Mansfield Road frontage which is approx. 14m deep. Efforts have also been undertaken to secure some tree-lined streets in grass verges, along the two main thoroughfares, although the Council's Tree and Landscape Officer has raised a number of concerns in this regard and has concluded that they are unlikely to prove viable in the long term. The children's play space is centred on the former mine shaft on the site which has now been capped in accordance with a scheme permitted by the Coal Authority. Concerns have been raised with the developers that the layout is far from ideal with this area being edged on each side by access and parking, raising concerns relating to conflict and safety between children/balls and vehicles. Providing high fencing around this area was not considered to be acceptable in visual impact terms. Furthermore, the parking layout on the western side of the play area does not comply with the SPD requirements, with no landscape areas between every 4 parking spaces. This parking area also accommodates parking to serve the two dwellings that front Mansfield Road in the south-west corner of the site, which is a considerable distance from these units.
- 8.23 Due to the combination of these concerns, the case officer invited the developer to re-design this south-western corner of the layout, but this was declined. In addition, whilst it is fully acknowledged that the existing access serving the rear of properties fronting Mansfield Road must be retained for legal reasons, as the proposed plan shows, a significant area (approx. max 15m wide by 8m deep) would be retained as a large, overly engineered tarmacked area along the site frontage, and represents a missed opportunity to create a more visually appealing frontage in this area. Proposed new fencing and gate are proposed across the access, 10m back from the highway in acknowledgement of its accessibility for private users only. No details have been provided of this means of enclosure. It is therefore considered that should any permission be forthcoming, a condition for details of a scheme for this area, should be submitted and approved.

Below is plan showing the open space proposed within the development.



Area	Function	Required	Provided
Purple	LEAP – Local Equipment Area for Play	400 sqm	401 sqm
Dark Green	Provision for children and young people	2, 160 sqm	2, 848 sqm
Light Green	Amenity Green Space	1, 814 sqm	3, 748 sqm
Lightest Green	Green Verges	-	857 sqm

8.24 Adjacent to the south-west boundary of the site runs a 3m wide footpath which provides a pedestrian tree-lined connection route, to permeate through the site. This then seeks to link with a footpath that is shown on part of the remaining allocation site (on the submitted Masterplan) that would connect with Sherwood Forest Pines Park, Vicar Water County Park and Sustrans Route 6 to the south-east, as required by the allocation policy. It is considered that this needs to be secured through a S106 Agreement. The Ward Member has raised concerns that this proposed 3m wide footpath would be highly inviting to moped riders in the local area and consideration needs to be given to discourage this. The developers were concerned that any restriction should not prevent access to pushchairs, disabled scooters etc. It is considered that in the event that planning permission is granted, a condition requiring

details of several appropriately designed chicanes to be provided along the straight length of path to discourage such anti-social behaviour. Knee-high rails should also be conditioned to be provided to prevent cars running along this path from the play area parking provision. One letter has been received from a third party, concerned that the proximity of the footpath to the existing boundary treatment (chain link fence), is likely to put this fence at risk from damage and reduce security to the adjoining site. Whilst this is acknowledged, it is clear from the masterplan, that the design concept is for footpaths/roads to run along the boundary with the listed headstocks, in order to give space to their setting and pay homage to these structures in terms of layout, rather than new development to turn its back on these landmark features. Security risks are always going to increase as the surrounding site is opened up to being in the public realm again.

- 8.25 Although the defensive space between front elevation of dwellings and the street frontage is very limited, the provision of hedgerow planting along frontages and side elevations, would provide a green belt of softening, together with the green verge along the two main thoroughfares.
- 8.26 Although there are elements of the scheme that are not ideal, particularly around the children's play area, overall, it is considered that the proposal would generally accord with Core Policy 9 and Policy DM5 in terms of its design/layout and visual appearance.

#### Impact on Heritage Assets

- 8.27 Core Policy 14 and Policy DM9 require the continued conservation and enhancement of the character, appearance and the setting of the District's heritage assets and historic environment in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.
- 8.28 The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF 2023). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities for new development within the setting of heritage assets to better reveal its significance (paragraph 212).
- 8.29 The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the

Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

- 8.30 Paragraph 208 states that where a development proposal will, lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use. Para 209 of the NPPF states that 'effect of an application on the significance of a heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect the non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.31 The proposal would be situated immediately adjacent to Clipstone Colliery headstocks and powerhouse (Grade II) and the planned colliery village and managers housing, which are both considered to be Non-Designated Heritage Assets (NDHAs).
- 8.32 The headstocks and powerhouse are the remains of a mid-20th century industrial complex associated with the development of coal mining in post-war England. Clipstone was one of the country's most productive coal mines and these structures were at the forefront of technological advancements at the time of their construction, notably the winding systems. The buildings were designed in Modernist style. The significance relates to the association with the development of coal mining industries in North Notts in the mid-20<sup>th</sup> century, retention of historic fabric, illustrative technological interest, archaeological interest with the two deepest shafts in the country and the integrity of the complex. Crucially, however, the headstocks are landmark features as they dominate over the immediate colliery village but are also highly visible in the wider Sherwood Forest landscape. Pre-dating the colliery, Vicars Water/Pond was created by the Duke of Portland in the 1870s as a fish pond and boating lake. Following the closure of the pits, much of the wider railway heritage to the south of the headstocks has been lost and has since returned some of the setting of the headstocks to a greener and more verdant setting which compliments and accentuates the building's prominence in the landscape.



*Fig.1 c.1939 OS map [online] (National Library of Scotland)*

- 8.33 Clipstone Colliery Village (NDHA) was predominantly laid out in the 1920s in a geometric plan form, designed by Houfton & Kington architects. The garden city housing style was popular with planning housing schemes during the early 20<sup>th</sup> century and the houses in the colliery village are characterised by their steep pitched roofing and central green area. The significance relates to the historic association with Clipstone Colliery in the early-20<sup>th</sup> century, the planned village layout and connection to the historic interest of the adjacent Listed Building.
- 8.34 The manager’s housing for the colliery is situated along the other side of Mansfield Road, deliberately positioned at the former entrances to the colliery. ‘The Villas’ are situated to the east, immediately adjacent to the site, and ‘The Cottages’ situated to the west. Due to the more prominent status of the occupiers, these are larger semi-detached houses with spacious gardens. The buildings have a strong historic significance due to their connection with the development of the colliery, architectural interest and designed importance.
- 8.35 Clipstone Headstocks and Powerhouse (Grade II listed) is a prominent asset within the District and, due to its vacancy and accelerated deteriorating condition, it is considered a heritage asset ‘at risk.’ Historically, the land immediately surrounding the headstocks housed ancillary industrial buildings which have since been demolished following the closure of the colliery in 2003. Whilst the resulting open grassed landscape is not associated with the colliery and is not a characteristic feature of an industrial landscape, the clearing of the ancillary industrial buildings has better revealed immediate views and appreciation of the headstocks and powerhouse. As set out in the NPPF’s definition of the setting of a heritage asset, the surroundings in which the heritage assets are experienced are ‘not fixed and may change as the asset and its surroundings evolve.’ In recent years, the gap site has accentuated the dominance of the structure and retained a sense of segregation between the residential and industrial areas of Clipstone.
- 8.36 The principle of any housing development on this site has the potential to harm the setting of the listed headstocks as it would encroach upon its industrial setting,

diminish the historic legibility of the site and interrupt key views of the heritage asset in the immediate vicinity. Whilst this would not harm all of the setting of the heritage asset (i.e. the longer range views) it would still have a high visual impact. It also has the potential to impact views and appreciation of the adjacent NDHAs.

- 8.37 The style of housing proposed is reflective of an interwar planned garden estate type housing, which would be similar in character to the adjacent NDHA colliery village. In addition, the proposed materials would be sympathetic to the local character and distinctiveness. The majority of houses have been designed to be reflective of the overall 2-storey character of the surrounding dwellings in the colliery village.
- 8.38 There is greenery proposed along the southern and eastern edges of the development as well as a play area. It is indicated on the illustrations and detailing that the boundary treatments to many of the properties, particularly in key views, would be a hedge reinforced fence. The greenery and landscaping could help integrate with the adjacent meadow/greenery immediately surrounding the headstocks.
- 8.39 The Council's Conservation Officer has concluded that it is unlikely there would be any heritage-related benefits arising from the proposed development and this scheme would not help contribute to the long-term conservation of the vacant and 'at risk' Listed Building. The layout of the development would not wholly prohibit access or possible re-use of the headstocks, but there is concern that the cumulative effect would isolate the Listed Building and inhibit possible opportunities for its adaptive reuse. There are unlikely to be any heritage-related public benefits which would balance or outweigh the level of harm to the Listed Building and Non-Designated Heritage Assets.
- 8.40 In summary, the Conservation Officer is of the view that the proposed development would cause moderate-high level of harm to the setting of the Listed Building as it would encroach upon the immediate setting which helps accentuate its dominance. This would be contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. With reference to Policy DM9 and para 208 of the NPPF, this would be 'less than substantial harm.' It would also have a harmful impact on the setting of the adjacent Non-Designated Heritage Assets (para 209 of the NPPF). The Conservation Officer goes on to state that the proposed design and style of housing and landscape would help minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks, and there would be public benefits arising from the proposed housing development. It must be considered therefore whether those public benefits balance or outweigh the heritage harm identified. This is discussed further in the overall planning balance within the conclusion of this report.

#### Impact upon Residential Amenity

- 8.41 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. Core Policy 9 also seeks a high standard of design that contributes to a compatible mix of uses.
- 8.42 The nearest existing dwellings to the proposed development are located to the north.



Two storey houses front Greendale Crescent, and the rear elevations of these properties would be positioned approx. 13m (at its nearest point) from the side elevation of a proposed two storey dwelling. There are no openings proposed in the side elevations of the proposed new dwellings at proposed Plots 39, 40 and 49. Although situated directly south of these existing dwellings, given the distances between and the positioning of main window openings in front and rear elevations, it is considered the proposal would not result in an unacceptable impact in terms of loss of privacy or light, or over-bearing impacts.

- 8.43 To the rear of 3 Mansfield Road, planning permission was granted in 2022 for the erection of two new dwellings. The rear elevation of these new dwellings (with two bedroom windows at first floor level) are 10m from the boundary with this application site. These windows would line up with the rear garden of proposed Plot No 34 and there are no openings proposed in the side elevation of Plot 34. This relationship is considered to be acceptable and would not result in an unacceptable impact on the occupiers of these dwellings to the west in terms of loss or privacy or light or over-bearing impact.
- 8.44 The nearest dwelling fronting Mansfield Road to the north is approx. 37m from the nearest proposed dwellings to the south and south-east. This distance means the proposed development would not result in any unacceptable impacts to the amenities of occupiers of this existing property.
- 8.45 In response to the concerns raised by Environmental Health colleagues concerning working hours on Saturdays during the construction period, an amended Construction Environmental Management Plan has been submitted to reduce the working hours on a Saturday in line with the Environmental Health office's comments, which could be conditioned on any grant of permission.
- 8.46 Whether the proposal creates a satisfactory living environment for the proposed new dwellings is material to decision making. As has been established earlier in the report, all new dwellings exceed the national described space standards for new dwellings and all have a private garden space commensurate to their size. The amenity of proposed occupiers is therefore considered to be acceptable and accords with Core Policy 9 and Policy DM5 in this regard.

#### Impact upon Highway Safety

- 8.47 Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. In addition, the Council has adopted a Supplementary Planning Document (SPD) to guide the design and quantum of parking to serve new residential development.
- 8.48 Building for a Healthy Life (design guidance) acknowledges that well designed development will make it more attractive for people to choose to walk or cycle for short trips. Parking should also be sufficient and well-integrated. With regards to the latter, the Council has adopted a supplementary planning document (SPD) for cycle and car parking standards. For Clipstone, the quantum of car parking spaces required

(as a minimum) per dwelling would be as follows to meet the requirements of the published Parking SPD:

1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

- 8.49 Visitor parking is only required where the minimum number of spaces has not been met. Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. Secure undercover cycle parking (not to impinge on the minimum garage dimensions set out above) is also expected at a minimum rate of 1 space per 1 bedroom dwelling, 2 spaces for 2 and 3-bedroom dwellings, and 3 spaces for 4 or more bedroom units.
- 8.50 The layout relies on a variety of parking solutions including frontage parking and parking to the side in tandem. There are currently 18 of the proposed 126 plots, served by triple tandem parking, which is considered to represent an under-provision, given that it is highly unlikely to be used in practice and would ultimately result in increased likelihood for parking on the road. In proposed properties with no garage, the submitted details show bicycle storage being provided within small timber structures in rear gardens.
- 8.51 Members will note in the consultation section above that the Highway Authority continue to object to the proposed development. The concerns raised by the Parish Council in relation to increased traffic, and impacts on Mansfield Road are considered to be acceptable. The objections by the Highway Authority relate to concerns regarding layouts within the development itself and are considered cumulatively to result in a harm to highway safety. Notwithstanding this objection, the agent has insisted that the application be reported to Planning Committee without any further delay and they intend to submit further amendments to seek to overcome the concerns raised and are relying on the Highway Authority being able to provide a quick response between publication of this report and Planning Committee.
- 8.52 As the application currently stands, therefore, the proposed development would result in harm to highway safety and is therefore recommended for refusal on these grounds and failure to comply with Spatial Policy 7, Policy DM5 and the guidance within the NPPF and the Residential Cycle and Car Parking Standards & Design Guide SPD.

Impact upon Flooding and Drainage

- 8.53 Policy CI/MU/1 states the development must ensure no detrimental impact in run-off to surrounding residential areas or existing drainage regime. It must be demonstrated prior to determination of the application that there is sufficient capacity within the public foul sewer system and wastewater treatment works to meet the needs of the development.
- 8.54 Core Policy 9 states that the Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances

the natural environment and contributes to and sustains the rich local distinctiveness of the District. Through its design it should pro-actively manage surface water including, where feasible the use of Sustainable Drainage Systems and provide for development that proves to be resilient in the long term, taking into account the potential impacts of climate change. Core Policy 10 states that new development must mitigate the impacts of climate change by minimising their potential adverse impacts during their construction and eventual operation. New proposals for development should therefore ensure that the impacts on natural resources are minimised and the use of renewable resources encouraged and be efficient in the consumption of energy, water and other resources. New development must positively manage its surface water run-off through the design and layout of development to ensure that there is no unacceptable impact in run-off into surrounding areas or the existing drainage regime.

- 8.55 The site lies entirely within Flood Zone 1 and is therefore not a site which has been identified as being at risk of main river flooding. There is low and very low surface water flood risk identified within the main body of the application site, although this increases around the attenuation basins. A Flood Risk Assessment and Drainage Strategy has been submitted which does not identify any other form of flooding on the site.
- 8.56 The Geo-Environmental Assessment produced by Eastwoods states “Due to the depth of made up ground, soakaway drainage is generally not expected to be viable.” Therefore alternative surface water disposal has been proposed. The surface water for the site will be proposed to discharge into the existing Vicar Water course at 8.5l/s. The FRA states an additional allowance of 2.5l/s has been factored in at storm manhole S23 for the existing colliery headstocks land for the future, but not for any other part of the wider allocation site. A S104 application will be submitted to Severn Trent water for the adoption of the on-site surface water drainage.
- 8.57 There is private cellular storage for the 100yr + 40% climate change events which would be managed by a private management company. Foul drainage for the site is proposed to outfall to the existing combined sewer located in Baulker Lane. Modelling work have established that the development would not result in the need for capacity improvements. Severn Trent would adopt both surface water drainage and foul water drainage systems who would also maintain them. The proposed cellular storage and attenuation basin would be managed by a private management company.
- 8.58 The Lead Local Flood Authority raise no objection, subject to condition and on this basis, it is considered that the proposed development would not result in any unacceptable increase to flood risk either on the site or elsewhere and therefore accords with Core Policy 9, 10 and Policy CI/MU/1.

#### Impact upon Ecology and Trees

- 8.59 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. According to the PPG, policy should be applied in a hierarchy to avoid, mitigate and lastly compensate.

- 8.60 A Preliminary Ecological Appraisal has been submitted which concludes that the proposed development would not result in any adverse impact upon any protected species and no further surveys are recommended. Mitigation measures proposed relate to site clearance works taking place outside the bird breeding season and hedgehog friendly landscaping which can be controlled by planning condition.
- 8.61 Consideration of the potential impact of the proposed development upon the potential Special Protection Area (pSPA) and the conservation of woodlark and nightjar would also be required.
- 8.62 This planning application was submitted prior to the mandatory requirement for 10% Biodiversity Net Gain (BNG) to be demonstrated on major development sites.
- 8.63 The site is located within Natural England's (NE's) Indicative Core Area (ICA) within which the need for the impact on the potential Sherwood Forest Special Protection Area (ppSPA) for its breeding bird (nightjar and woodlark) needs to be considered. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014. The site is also located 3.7km from the Birkland and Bilhaugh Special Area of Conservation (SAC) to the north.
- 8.64 It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on these designations including breeding nightjar and woodlark populations have been adequately avoided or minimised as far as possible using appropriate measures and safeguards. Whilst there would be no direct impacts resulting from the proposal, in terms of indirect impacts there is a potential for greater recreational pressure on these areas. It is however acknowledged that many of these areas are managed which would mean that in many cases, dog walkers etc. would keep to established routes.
- 8.65 The first stage of any Habitat Regulations Assessment (HRA) is to identify the likely significant effects (LSE) through the screening process. This is a high-level assessment enabling the assessor to decide whether the next stage of the HRA, known as the appropriate assessment, is required.
- 8.66 The application has been supported by a 'Habitat Regulations Assessment and Appropriate Assessment' and represents a shadow HRA. This has screened the proposed development and concludes that no Likely Significant Effect (LSE) is expected from the development to Birklands and Bilhaugh SAC. Therefore Stage 2 of the HRA: and Appropriate Assessment is not required in relation to this element. However, it concludes that there is potential, without mitigation for LSE on woodlark because of a loss of potential foraging habitat including tall grassland and scrub. Therefore, the HRA progresses to Stage 2: Appropriate Mitigation Measures must be identified to demonstrate beyond scientific doubt that the project would not result in adverse effects to the integrity of Sherwood Forest ppSPA. The woodlark record was located on land outside of the red line boundary for the housing development.

- 8.67 Following amendment to the shadow HRA, which includes the fact that the proposed development had already been the subject of an HRA as part of the allocations process, it concluded that there would be no LSE on woodlark. The Council's Biodiversity and Ecology Lead Officer now finds this to be acceptable. As such, there would be no requirement for woodlark mitigation and the amended sHRA is acceptable for Newark and Sherwood District Council to adopt.
- 8.68 However, the Council's Biodiversity Officer has raised concerns regarding the proposed mitigation and compensation measures. It appears that a number of proposed mitigation and compensation measures are no longer deliverable (as the submitted Landscape Strategy states they are to be removed), or do not form part of this application (within the red line of the recreation application site), are already proposed as part of other schemes and therefore being double counted, or indeed being removed as part of other schemes. There are then still several measures where uncertainty remains regarding deliverability, as the land to represent mitigation is outside the application site but not identified on any submitted plan, in order that they may be secured as mitigation/compensation for the proposal. For example, one of the proposed measures for compensation relates to targeted habitat creation for reptiles. The submission states that this area is to be west of the headstocks, but no plan has been provided to enable this to be secured as compensation.
- 8.69 The application sets out that on going works as part of the Nottinghamshire Three Rivers Restoration Project (NTRRP) is being used as mitigation for this planning application. The land along the south boundary (near the waterbody) has been targeted for biodiversity enhancement as part of the on-going Three Rivers Project. Works started in early 2024 and includes scrub control, de-culverting and naturalising the river corridor through physical modifications of the watercourse profile and addition of course organic matter (woody debris). This work is creating new open areas, a naturalised watercourse and an enhanced mosaic of habitats. Felled scrub and new earthworks will stop vehicular access to the vicinity of watercourse corridor providing undisturbed foraging habitat for birds, including woodlark. Water levels in Vicar Water will be enhanced by discharging attenuated and treated surface water drainage from the housing development which would also contribute to access control.
- 8.70 Submissions from the developer's ecologist has confirmed that The Three Rivers Project and removal of the culvert and opening up of the river was always going to happen as part of national policy and that it is being done for the benefit of the wider Vicar Water to Kings Clipstone corridor. It has also been confirmed that these works have been funded by Severn Trent Water and would have happened regardless of the proposed housing development. There are some concerns therefore that the proposed development is using grant funded improvements by public bodies to mitigate the proposed housing development. Further evidence has therefore been requested that demonstrates that these works are sufficiently linked to and have always meant to represent mitigation for the proposed housing development. In addition, further details have been requested on exactly what part of this scheme would be the mitigation for the proposed housing development and for it to be shown on a plan so that if appropriate, it can be secured as mitigation as part of the development. Both requests for additional information are yet to be submitted.

- 8.71 Furthermore, the Council's Biodiversity and Ecology Lead Officer has commented that a significant proportion of the application site is formed by neutral grassland, which is described in the submitted Ecological Appraisal as follows:

*"The largest expanse of grassland (TN1) mostly originated as a sown grassland on brownfield land following the cessation of mineral extraction at Clipstone Colliery but has been affected by disturbance and colonisation of further species. The parcel is a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey."*

The Ecological Appraisal then identifies that, "without mitigation, the loss of part of this grassland will have an adverse impact at district level of value." As matters stand at the moment, the Biodiversity and Ecology Lead Officer advises that there is currently very little being proposed in the way of compensation for this loss, and if this situation remains the same when matters have been clarified, their advice would be that the proposals do not meet the requirements of the NPPF and local policies DM7 and Core Policy 12 in relation to biodiversity matters and should therefore be refused planning permission on this basis.

#### *Trees*

- 8.72 An Arboricultural Report and Impact Assessment has been submitted with the application. There is a row of mature limes trees towards the northern part of the site which, following negotiation, are now to be retained. There are a number of single and groups of trees that are proposed to be removed (all classed as Category C trees) mainly close to the northern boundary and close to the attenuation basin.
- 8.73 The plan below shows the existing, Category B trees (in purple) that are proposed to be retained. The trees coloured grey are Category C trees to be retained and the ones outlined in red are Category C trees to be removed.



8.74 The Council’s Tree and Landscape Officer has made a number of comments on the proposals in relation to both existing and proposed trees, which are summarised in the consultation section above. Their concerns on existing trees include:

- Utilities: Hydrology of the site has a strong impact on the long term health of trees. The placement of a soakaway within close proximity to the row of existing limes trees and should be re-positioned/removed.



- Attenuation Basin: The removal of trees around the attenuation basin (see second plan above) and group to be “cut back” away from edge of pond, but no details have been provided and this is immediately adjacent to a highly used public right of way. Impacts within Root Protection Areas should be shown and demonstrated.

8.75 Their concerns relating to proposed trees include:

- Main access route: Indicative tree lined street show trees with canopies of 4m diameter. The approx diameter should be anticipated to be 8m, and a height of 12m, to allow sufficient clearance for large vehicles to move along the road whilst also being visually significant.
- Space for trees: It is considered that there is insufficient space between the tree lined streets and the houses, which will cause conflict as the trees grow and ultimately place pressure on them to be removed – the available space is key to the visual appearance/long term retention.
- Severn Trent Water adoption criteria state the min distance of between 6 to 10m is required between their assets (underground pipelines) and trees. Due to the limited distance between proposed tree lined streets and proposed utilities that run down the middle of the roads, there is a clear conflict. The Tree officer considers that that the tree lined streets are therefore not viable and cannot be successfully achieved.
- Children’s Play Area: The nearest alternative children’s play area is approx. 1km away, with major road barriers between. The proposal would serve a significant population and would be in high use. It would be useful to see how it is proposed to design such a space. The combination of parking/access roads on three sides gives a significant incongruous tarmac appearance around it.

8.76 The concerns of the Tree and Landscape Officer summarised above are noted. It is disappointing that having managed to negotiate some tree lined streets within this development that in the view of the Tree Officer, they are unlikely to be viable into the future. These matters need to be weighed in the overall planning balance in the conclusion below.

#### Other Matters

8.77 **Contaminated Land** - The Council’s Environmental Health Team have advised that when the site was remediated, there was concern raised about where the spoil that was spread on the land had come from and that it had not undergone proper testing. Therefore, it is advised that should planning permission be granted, that the standard contaminated land condition be imposed to deal with this outstanding matter.

8.78 **Community Infrastructure Levy (CIL)** - ,The site is located within Housing Low Zone 1 of the approved Charging Schedule for the Council’s Community Infrastructure Levy. As such residential development in this area is rated at £0m<sup>2</sup> for CIL purposes.

8.79 **Biodiversity Net Gain (BNG)** – In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) from February 2024. BNG is an approach to development



which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, there are some developments that are exempt from the BNG such as the application was submitted prior to the legislation coming into force.

## 8.80 Developer Contributions

	<b>Contribution Based on up to 126 Dwellings (all index linked)</b>
<b>Affordable Housing</b>	<b>30% on site provision (60% social/affordable rent; 25% First Homes and 15% shared ownership)</b>
<b>Open Space / Children's Play Area/Outdoor Sports Facilities</b>	<p><b>On site provision &amp; maintenance of amenity green spaces and for children and young people including:</b></p> <p><b>Provision of Amenity Green Space 14.4 sqm per dwelling = 0.1814 ha (Policy Requirement 1814 sqm). (Proposed provision 3748 sqm)</b></p> <p><b>Provision for children and young people 18 sqm per 2 bed and above dwellings = 0.1414 ha (Policy Requirement 2160 sqm). (Proposed provision 2848 sqm)</b></p> <p><b>Long term maintenance of the public open space will be undertaken by a management company.</b></p> <p><b>Off site commuted sum for Outdoor Sports Facilities - £737.72 per dwelling = £92,952.72</b></p>
<b>Education</b>	<b>£90,322 as a contribution towards a single Special Educational Needs and Disabilities (SEND) space</b>
<b>Community Facilities</b>	<b>Off-site community facilities contribution £1,384.07 x 126 = £174,392.82 + indexation</b>
<b>Libraries</b>	<b>£4,366 towards library stock</b>
<b>Transport (for 65+ dwellings)</b>	<b>Bus Stop Infrastructure contribution of £150,000 to provide re-location and improvements of 2 bus stops NS0441 Colliery and NS0441 Colliery</b>

<b>NHS/Health (for 65+ dwellings)</b>	<b>Contribution of £982 per dwelling (£123,732 in total) sought for enhancing capacity / infrastructure within existing local practices: Sherwood Medical Partnership – Crown Medical Centre and/or Forest Town Branch and/or Oak Tree Land Surgery.</b>		
<b>Monitoring Fees (sums for each phased payment / monitoring event, if applicable)</b>	<b>Financial Obligation</b>	<b>Health Education Community Facilities Libraries Transport</b>	<b>£390 £390 £390 £390 £390</b>
	<b>Physical Obligation</b>	<b>Affordable Housing Open Space Biodiversity</b>	<b>£595 £595 £595</b>

- 8.81 The developers have confirmed that the scheme would be fully policy compliant in terms of the required Developer Contributions that could be secured through a S106 agreement.
- 8.82 Concerns have been expressed by the Parish Council and local residents that the development will put increased pressure on services that are already under significant pressure. Nottinghamshire County Council have confirmed that there are sufficient existing education places at primary school level to accommodate the children that would live at the proposed development. The secondary and post 16 education contribution requested by Nottinghamshire County Council has not been included above as this is covered by Community Infrastructure Levy contributions. Should planning permission be granted, financial contributions necessary to support occupiers of the development in terms of health, libraries, community facilities and transport, as set out above, would be secured through an obligation.
- 8.83 In the event of an approval of planning permission, the S106 should also include the management of proposed cellular storage and attenuation basin to be managed by a Private Management Company, to secure and maintain all off-site mitigation/compensation measures and to secure the off-site connection shown on Masterplan to Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6.

### **Implications**

- 9.1 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.

## **10.0 Conclusion**

- 10.1 Although the proposal represents a development of 126 dwellings, six above the 'around 120' quoted in the allocation policy, it is considered that the proposal broadly accords with the allocation policy. It is considered that the granting of planning permission for this housing development, independently from the rest of the allocated site area, would not prejudice that development coming forward in the future. The principle of the development is therefore considered to be acceptable.
- 10.2 Whilst no harm has been found in relation to flood risk, residential amenity, or in relation to the proposed housing type, mix and density, affordable housing provision and overall visual appearance, the proposed development would cause a moderate-high level of harm to the setting of the Listed Headstocks and Powerhouse, as it would encroach upon the immediate setting which helps accentuate its dominance. This would represent 'less than substantial harm.' It would also have a harmful impact on the setting of the adjacent Non-Designated Heritage Assets on which a balanced judgement is required, having regard to the scale of the harm and the significance of the heritage asset. The proposed design and style of housing and landscape would help minimise some of the proposed heritage harm. It is also acknowledged that this development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks, and there would be public benefits arising from the proposed housing development. On balance, therefore, it is considered that the benefits outweigh the setting heritage harm identified.
- 10.3 The scheme includes the retention of some existing trees and the loss of others. Negotiations have provided tree lined streets in grass verges along the two main thoroughfares, however, concerns have been raised as to whether these would be viable in the long term due to the limited distance from houses and the impact of underground services/utilities on roots. There is also concern relating to the layout of the proposed children's playspace both functionally and visually. These aspects also need to be given positive/negative weight in the planning balance.
- 10.4 In biodiversity terms, significant concerns have been raised regarding the proposed mitigation and compensation measures set out within the Ecological Appraisal. Currently, many of these measures are no longer deliverable and suggested compensation off site have not been clearly identified and cannot therefore be appropriately secured. The Ecological Appraisal submitted with the application states that the neutral grassland currently on the site represents a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey. The Ecological Appraisal then identifies that, "without mitigation, the loss of part of this grassland will have an adverse impact at district level of value." It is therefore considered that the submitted proposals fail to provide adequate mitigation and/or compensation for this proposed loss and represents a reason for the refusal of planning permission.
- 10.5 In highway safety terms, the Highway Authority objects to the proposal on the basis of a considerable number of concerns that include under-provision of parking (especially at turning heads) with no mitigation, inadequate widths of garages and

private drives, inadequate width of access roads serving some plots, failure to reduce the area accessible by vehicles and it leaves an unnecessarily wide crossing for pedestrians, swept paths have been carried out using a short wheel based transit van (not representative of many home delivery vehicles), significant amounts of dry steering is required with no offsets to private parking areas, visibility splay outside Plot 77 is missing, turning areas of Plots 13 and 14 are within root protection areas of retained trees (which risks them not being able to be delivered if found to be unacceptable impact on the trees), the management plan shows land that needs to be within the functioning highway as being within managed land, the cumulative impact of which makes the internal layout of the site harmful in highway safety terms.

10.6 Although the submission states it would be policy compliant in terms of the requirements of the Developer Contributions SPD, as these have not been secured at the time of the decision being made), this represents the third reason for refusal, as recommended to Members below.

**11.0** That planning permission be refused for the following reasons:-

01

The proposed site plan demonstrates an under-provision of parking (especially at turning heads) with no mitigation, inadequate widths of garages and private drives, inadequate width of access roads serving some plots, failure to reduce the area accessible by vehicles and it leaves an unnecessarily wide crossing for pedestrians, swept paths have been carried out using a short wheel based transit van (not representative of many home delivery vehicles), significant amounts of dry steering is required with no offsets to private parking areas, visibility splay outside Plot 77 is missing, turning areas of Plots 13 and 14 are within root protection areas of retained trees (which risks them not being able to be delivered if found to be an unacceptable impact on the trees), the management plan shows land that needs to be within the functioning highway as being within managed land, the cumulative impact of which makes the internal layout of the site harmful in highway safety terms.

The proposal is therefore considered unsustainable and contrary to Spatial Policy 7 (Sustainable Transport) of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 (Design) of the Allocations and Development Management DPD 2013 which together form the relevant parts of the adopted Development Plan as well as paragraph 114 (b) of the NPPF, which is a material planning consideration. There are no material considerations that outweigh the harm identified.

02

The Ecological Appraisal submitted with the application states that the neutral grassland currently on the site represents a complex mosaic of neutral, acidic, calcareous, and marshy grasslands, and is species rich with 116 species recorded across its extent during the botanical survey. The Ecological Appraisal then identifies that, “without mitigation, the loss of part of this grassland will have an adverse impact at district level of value.”

The application submission has failed to provide adequate mitigation and/or compensation for the proposed loss and failed to demonstrate that the scheme would have an acceptable impact on the District's ecological assets contrary to Core Policy 9 (Sustainable Design), Core Policy 12 (Biodiversity and Green Infrastructure) of the Newark and Sherwood Amended Core Strategy 2019 and Policy DM5 (Design) and Policy DM7 (Biodiversity and Green Infrastructure) as well as the National Planning Policy Framework and ODPM Biodiversity and Geological Conservation: 06/2005 Government Circular, both of which are material planning considerations.

03

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. These states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. In the event of an approval, this scheme would require mitigation that cannot be controlled via condition such as securing 30% affordable housing, the finances associated with education, health, libraries, community facilities and off-site outdoor sports facilities, upgrading bus stop infrastructure to ensure the development is as sustainable as possible and to mitigate impacts from increased traffic to Mansfield Road as a result of this development. There is no mechanism to secure these mitigating measures without a unilateral undertaking or planning obligation (under Section 106) being entered into.

Therefore, in the opinion of the Local Planning Authority the proposal (at the point of determination) fails to provide appropriate mitigation for the impacts of the development contrary to Spatial Policy 6 (Infrastructure for Growth), Spatial Policy 7 (Sustainable Transport), Core Policy 1 (Affordable Housing Provision) and Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy 2019, Policy DM3 (Developer Contributions and Planning Obligations) and DM5 (Design) of the Allocations and Development Management DPD 2013 of the Development Plan.

### Informatives

01

The application has been considered and refused on the basis on the following plans and documents:

- Location Plan (Drawing No: SL-028 Rev A)
- Site Wide Master Plan (Drawing No: SL-027 Rev B)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev B)
- Tove Floor Plans (Drawing No: PD-012-TOV Rev A)
- Tove – As – Elevation (Drawing No: PD-013-TOV Rev A)

- Thurston – As - Floor Plans (Drawing No: PD-012-THU Rev A)
- Thurston – As – Elevation (Drawing No: PD-013-THU Rev A)
- Archer – As – Floor Plans (Drawing No: PD-012-ARC Rev A)
- Archer – As – Elevation (Drawing No: PD-013-ARC Rev A)
- Aston - Floor Plans (Drawing No: PD-012-AST Rev A)
- Aston - Elevation (Drawing No: PD-013-AST Rev A)
- Chester – As – Floor Plans (Drawing No: PD-012-CHE Rev A)
- Chester – As – Elevation (Drawing No: PD-013-CHE Rev A)
- Cunningham – As – Floor Plans (Drawing No: PD-012-CUN Rev A)
- Cunningham – As - Elevation (Drawing No: PD-013-CUN Rev A)
- Elliott – As – Floor Plans (Drawing No: PD-012-ELL Rev A)
- Elliott – As – Elevation (Drawing No: PD-013-ELL Rev A)
- Fernsby – As – Floor Plans (Drawing No: PD-012-FER Rev A)
- Fernsby – As – Elevation (Drawing No: PD-013-FER Rev A)
- Jarvis – As – Floor Plans (Drawing No: PD-012-JAR Rev A)
- Jarvis – As – Elevation (Drawing No: PD-013-JAR Rev A)
- Ward Floor Plan (Drawing No: PD-012-WAR Rev A)
- Ward Elevation (Drawing No: PD-013-WAR Rev A)
- Joseph - Floor Plans (Drawing No: PD-012-JOS Rev A)
- Joseph – As – Elevation (Drawing No: PD-013-JOS Rev A)
- Madden Floor Plans (Drawing No: PD-012-MAD Rev A)
- Madden Elevation (Drawing No: PD-013-MAD Rev A)
- Murray – As – Floor Plans (Drawing No: PD-012-MUR Rev A)
- Murray – As – Elevation (Drawing No: PD-013-MUR Rev A)
- Singer – As – Floor Plans (Drawing No: PD-012-SIN Rev A)
- Singer - As – Elevation (Drawing No: PD-013-SIN Rev A)
- Thurston Affordable Floor Plans (Drawing No: PD-012-THU AFF Rev A)
- Thurston Affordable Elevation (Drawing No: PD-013-THU AFF Rev A)
- Garage Drawing (Drawing No: PD-025-G&M Rev A)
- Proposed Street Scenes (rec’s 9 May 2024)
- Proposed Coloured Site Layout (rec’d 3 July 2024)
- Means of Enclosure (Drawing No: SL-005 Rev B)
- Materials Plan (Drawing No: SL-004 Rev B)
- Solar Panel Plan (Drawing No: SL-026 Rev B)
- Affordable Housing Plan (Drawing No: SL-025 Rev B)
- Open Space Plan (Drawing No: SL-011 Rev C)
- Indicative Site Appraisal (Sheet 1 of 2) (Drawing No: 1 Rev K)
- Indicative Site Appraisal (Sheet 2 of 2) (Drawing No: 2 Rev K)
- Indicative Drainage Strategy (Sheet 1 of 2) (Drawing No: 17 Rev E)
- Indicative Drainage Strategy (Sheet 2 of 2) (Drawing No: 18 Rev E)
- Landscape Strategy (Drawing No: CLI2309\_LP01 Rev P5)
- Proposed Access Arrangements (Carriageway Narrowing) (Drawing No: CSCC-BSP- XX-XX-D-S-008 Rev P03)
- Proposed Access Arrangements (Carriageway Narrowing) Vehicle Swept Paths (Drawing No: CSCC-BSP-XX-XX-D-S-0009 Rev P03)
- Visibility Splays Plan (Drawing No: 11 Rev D)
- Indicative Speed Calming Features Plan (Drawing No: 19 Rev D)
- Parking Strategy (Drawing No: SL-010 Rev B)

- Parking Heat Map (Drawing No: CSCC-BSP-XX-XX-D-S-501 Rev P03)
- Parking Log Categories saved on file 19 June 2024
- Refuse Strategy (Drawing No: SL-009 Rev B)
- Refuse Vehicle Tracking – 11.595m Vehicle (Drawing No: 10 Rev D)
- Shared Drives Exceeding 25m Delivery Vehicle Tracking (Drawing No: 10 Rev A)
- CEMP (Drawing No: SL-007 Rev C)
- Management Company Plan (Drawing No: LE-007 Rev D)
  
- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence
  
- Clipstone Masterplan Statement
- Planning Statement by Cerda dated March 2023
- Design and Access Statement by Welbeck dated March 2023
- Heritage Impact Assessment by Marrons dated March 2023
- Flood Risk Assessment and Drainage Strategy by Travis Baker dated March 2023
- Landscape and Ecological Management Plan by DSA dated March 2023
- Arboricultural Impact Assessment Rev C by SEED dated May 2024
- Ecological Appraisal by Rachel Hacking Ecology dated March 2023
- Letter from Rachel Hacking Ecology saved in file 10 June 2024
- Shadow Habitat Regulations Assessment (Rev 03.06.2024) by Rachel Hacking Ecology 2024
- Transport Assessment by BSP dated March 2023
- Parking Appraisal by BSP dated March 2024
- Travel Plan by BSP dated March 2023 (Rev P02)
- Acoustic Assessment by Ardent dated March 2023
- Phase 1 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Phase 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated March 2023
- Consultants Coal Mining Report by the Coal Authority dated June 2019
- Mine Shaft Treatment Report by Eastwood Consulting Engineers dated 2 Oct 2023
- Letter dated 3 June 2024 from Eastwood Consulting Engineers (Ref: 44147- ECE-XX-XX-CO-C-0012)
- CDM Designer's Risk Assessment by DSA dated March 2023

02

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reasons for refusal. However, the Local Planning Authority has sought to work positively and proactively with the applicants in order to come to a view on whether the benefits of the proposal were able to outweigh the harm. Whilst it has been determined ultimately that the harm does outweigh the benefits in this case, a number of reasons for refusal have been negated therefore narrowing the issues between the parties. This has demonstrated that the Local Planning Authority has sought to work

positively and as proactively as possible with the applicants as required by the NPPF and by the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2015.

03

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

#### 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 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner (Development Management), ext. 5851

Report Summary			
<b>Application No.</b>	24/00496/FUL		
<b>Proposal</b>	Demolition of existing store, and construction of replacement secure store.		
<b>Location</b>	Land Off Mill Lane, Edwinstowe		
<b>Applicant</b>	Mr Andrew Kitchen	<b>Agent</b>	Mr Keith Rogers - Guy St John Taylor Associates Architects Ltd
<b>Web Link</b>	<a href="#">Land Off Mill Lane Edwinstowe</a>		
<b>Registered</b>	19.03.2024	<b>Target Date</b>	14.05.2024
		<b>Extension of Time</b>	19.07.2024
<b>Recommendation</b>	That planning permission be APPROVED subject to the conditions outlined at section 10 of this report.		

**This application has been referred to the Planning Committee for determination by Councillor Freeman due to concerns regarding highway safety.**

## 1.0 The Site

1.1 The site covers an area of approximately 0.11 hectares between Mill Lane and the River Maun to the south of the village of Edwinstowe. It includes a timber building, used for storing building pallets and materials, and trees to the western boundary along the river bank. To the east is the road, and to south is Edwinstowe Bridleway. There is a metal gate on the corner adjacent to the bridleway entrance, but the site is otherwise open to the front with only a narrow strip of kerb between the site boundary and the road. To the north is a private allotment, which separates the site from the built-up part of Mill Lane and the urban boundary of Edwinstowe as shown on the Newark & Sherwood Local Development Framework Policies Map.

1.2 The site is located within Flood Zones 2 and 3a where there is a medium to high probability of flooding as shown on the Environment Agency's Flood Map for

Planning.

- 1.3 The site has the following constraints - Flood Zones 2 and 3a.

## **2.0 Relevant Planning History**

- 2.1 22/02432/LDCE - Certificate of Lawfulness to continue the existing use of the building and surrounding land to store building materials for projects. Certificate Granted 08.02.2023.

*The evidence provided is sufficiently precise and unambiguous to satisfy the Local Planning Authority that, by reasonable probability, the use of the building and surrounding land for the storage of building materials for projects at Land Off Mill Lane, Edwinstowe began more than ten years before the date of this application, thus complying with Section 171B(3) of the Town and Country Planning Act 1990 and therefore constitutes lawful development.*

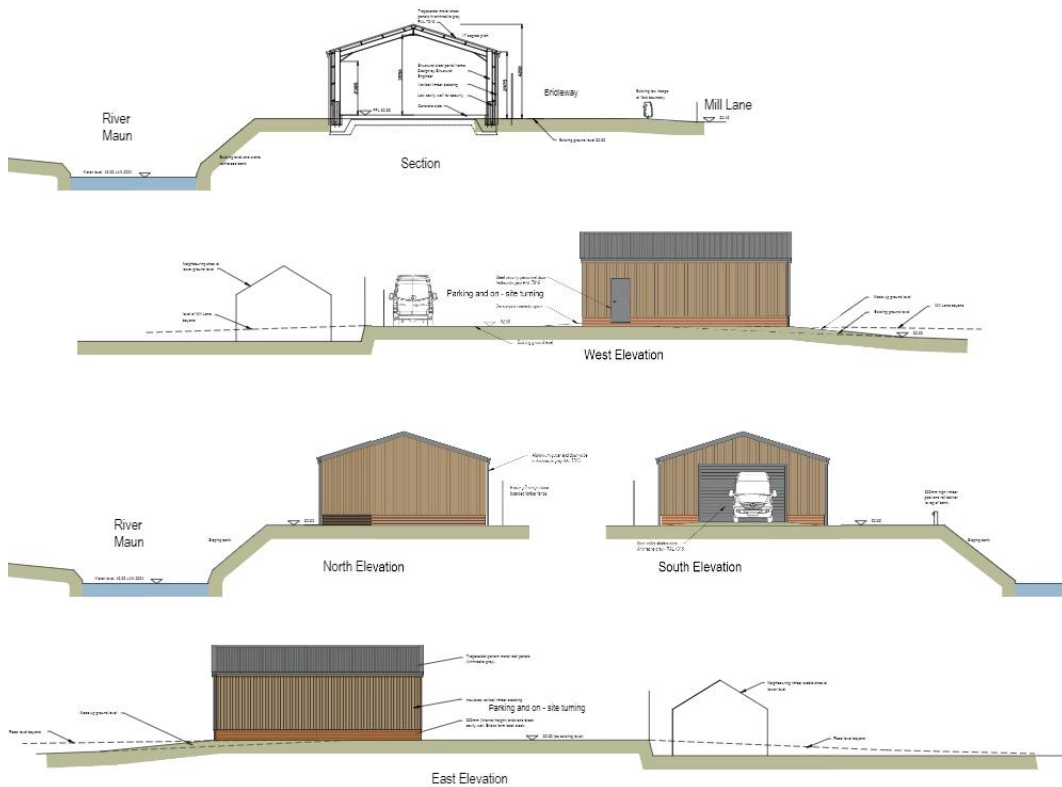
For the avoidance of doubt, the 'surrounding land' is the land edged red on the plan extract below:



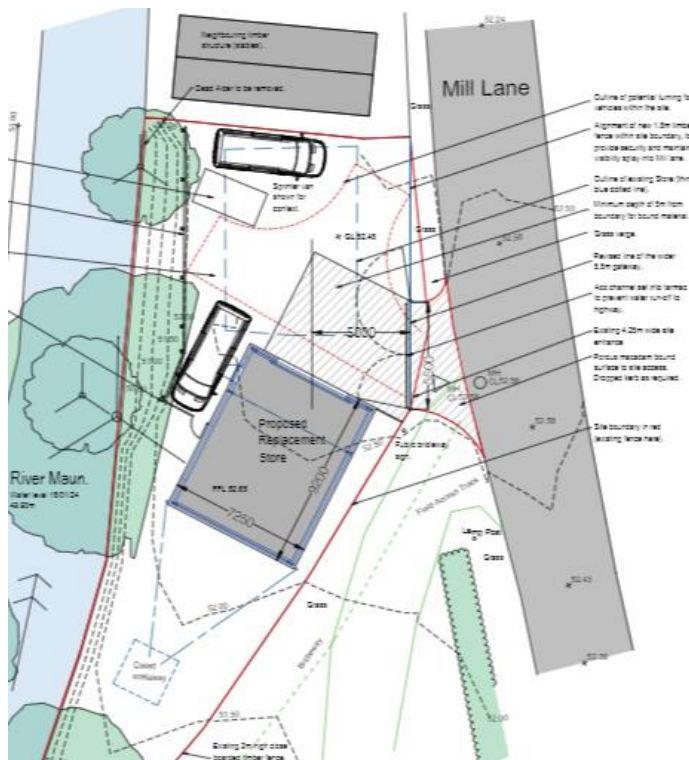
- 2.2 02/00004/OUT- Residential development (one dwelling unit). Refused 14.03.2002. Appeal Dismissed 31.01.2003.
- 2.3 00/01599/FUL- Erection of a dwelling house. Refused 20.02.2001.
- 2.4 67871134- Erect one dwelling. Refused 14.03.1988.

## **3.0 The Proposal**

- 3.1 The application seeks permission to demolish the existing timber store and erect a storage building measuring approximately 9.2- metres by 7.25-metres. The proposed new storage building would be steel-framed and clad with insulated and untreated vertical Ash timber cladding with shadow gap detail atop a 600mm brick plinth. It would include a 17-degree pitched roof covered in Trapezoidal pattern metal roof panels in Anthracite grey, measuring approximately 2.97-metres to eaves and 4.2-metres to the ridge. Proposed elevations indicate a steel roller shutter door to the south facing elevation and a steel personnel door to the east elevation, both in Anthracite grey.



3.2 The proposed plans also detail a wider, resurfaced vehicular access and turning area in front of the proposed storage building.



- 3.3 Documents assessed in this appraisal:
- 262.1401.2\_(08)101 - PLANNING - Location Plan - 1.1250. A4.
  - 262.1401.2\_(08)102 - PLANNING - Block Plan (as existing) - 1.500. A3.
  - 262.1401.2\_(08)103 - PLANNING - Existing Plan and Elevations - 1.100 A1
  - 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3

- 262.1401.2\_(08)105 - PLANNING - Proposed Elevations and Section - 1.100. A1
- 262.1401.2\_(08)110 – HIGHWAYS – PLANNING RESOLUTION – Swept Path Analysis Diagrams for Panel Van (Transit/Sprinter) and Standard Skip Lorry 1.200. A2
- Flood Risk Assessment prepared by Roy Lobley Consulting (Document Ref: RLC-1473-FRA-01-1 dated February 2024).
- Arboricultural Report to BS5837:2012. prepared by Dan Kendall at Watson Lyndsey Arboriculture (Document ref: Arboricultural Report 240124 – Land at Mill Lane, Edwinstowe dated 25<sup>th</sup> January 2024).
- Preliminary Ecological Appraisal prepared by B J Collins Protected Species Surveyors Ltd dated March 2024
- Water Vole Survey prepared by B J Collins Protected Species Surveyors Ltd dated June 2024
- Agent Response to Highways Comments dated 20.03.2024.
- Agent Response to Highways Comments dated 07.05.2024 including details of alternative accesses and visibility splays (drawings 25, 26, and 27).
- Agent Reponse to Highways Comments dated 18.06.2024.
- Environment Agency Products 4&8 dated 22 February 2024 (Ref: EMD-345777).

#### **4.0 Departure/Public Advertisement Procedure**

4.1 Occupiers of one property have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 27.03.2024.

#### **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 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- 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

##### 5.2. 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

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and 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 to 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)

Newark and Sherwood Landscape Character Area 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. **Nottinghamshire County Council (Highways)** – No objections, subject to the recommended conditions and informatives.

- 6.3. **Environment Agency** – No formal comment on the submission for the following reason:

- The development falls within flood zone 2 and therefore the LPA should apply national flood risk standing advice (FRSA) in this instance.

The EA has clarified this advice is based on the building itself falling within flood zone 2, despite the wider site encroaching into flood zone 3a.

##### **Parish Council**

- 6.4. **Edwinstowe Parish Council** – No comments received.

##### **Representations/Non-Statutory Consultation**

- 6.5. No comments have been received from any third party/local resident.

#### 7.0 Comments of the Business Manager – Planning Development

- 7.1. The key issues are:
1. Principle of Development
  2. Flood Risk and Drainage
  3. Impact on Character
  4. Highway Safety and Parking
  5. Ecology and Trees

- 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 of the Amended Core Strategy DPD (2019) details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services (Spatial Policy 2).
- 7.4. The application site is located outside of any defined settlement boundary and is therefore considered to be within the open countryside. Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD states "Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD."
- 7.5. In accordance with the requirements of Spatial Policy 3, Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD states that 'planning permission will be granted for the replacement of non-residential buildings where they are related to established uses or proposed uses enabled by other criteria'. 'Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses'. Finally, "the replacement building should be located within the curtilage of the site it is intended to serve". These requirements are listed and assessed in turn below:

*Is the proposal related to an established use or a proposed use enabled by other criteria in Policy DM8?*

- 7.6. A Certificate of Lawful Use was issued on 8<sup>th</sup> February 2023 for the use of the existing building and surrounding land for the storage of building materials for projects. The LPA therefore considers the proposal to be related to an established lawful use.
- 7.7. Policy DM8 indicates 'small scale employment development will only be supported where it can demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs in accordance with the aims of Core Policy 6'. A storage facility, such as the one proposed, does not



specifically require a rural location although such a location may be preferable for some. In addition, there would be no employment benefits associated with the proposal, so the proposed use is not enabled by other criteria in Policy DM8. Notwithstanding this, the proposal relates to an established lawful use and, as such, the principle of development is supported by Policy DM8.

*Does the existing building originate from a permanent design and construction?*

7.8. The supporting text to Policy DM8 confirms ‘this policy is not intended to formalise or give permanency to buildings of a clearly temporary nature’. The existing building is a timber building used for storing building pallets and materials. A Certificate of Lawful Use was issued on 8<sup>th</sup> February 2023 for the use of the existing building and surrounding land for the storage of building materials for projects. The LPA therefore considers the existing building to originate from a permanent design and construction, as it has been present on site for more than 10-years.

*Is the existing building of architectural or historical merit and/or suitable for conversion?*

7.9. Notwithstanding the above, it is clear the existing building is of no architectural or historical merit and is not suitable for conversion.

*Has the building been abandoned?*

7.10. A Certificate of Lawful Use was issued on 8<sup>th</sup> February 2023 for the use of the existing building and surrounding land for the storage of building materials for projects and continues to be used as such by the applicant. The LPA therefore considers the existing building has not been abandoned.

*Will the building be located within the curtilage of the site it is intended to serve?*

7.11. The proposed building would be sited within the curtilage of the site it is intended to serve.

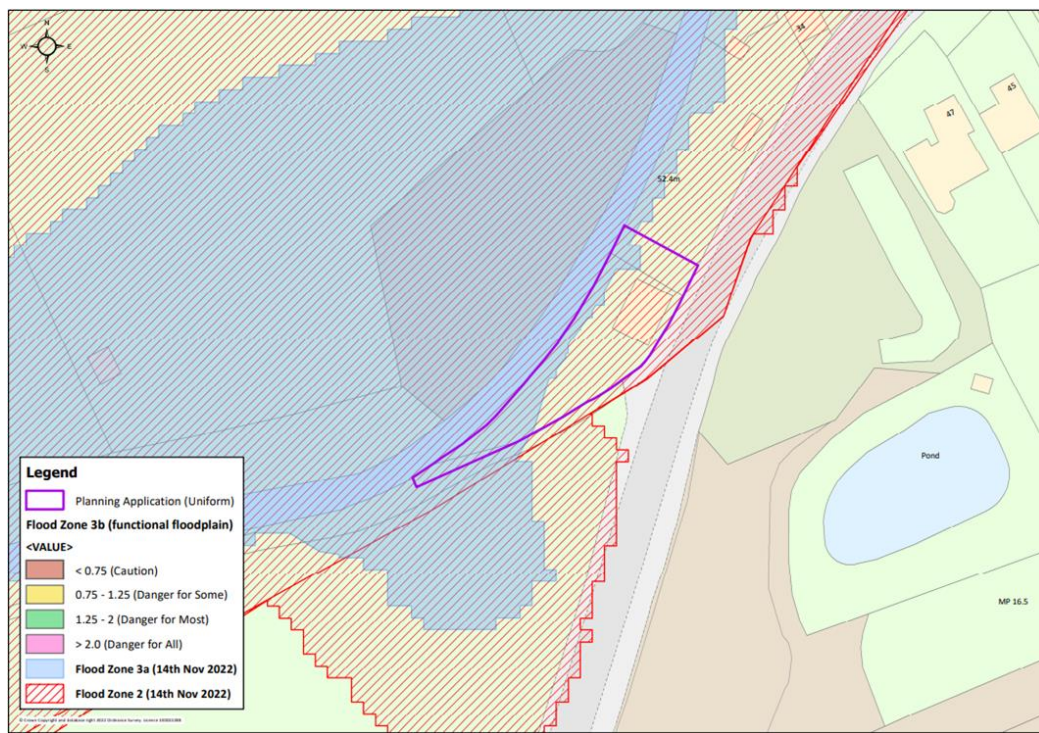
7.12. Considering the above, the principle of development is considered acceptable under Part 4 ‘Replacement of Non-Residential Buildings’ of Policy DM8 of the Allocations & Development Management DPD (2013).

7.13. In addition, Paragraph 89 of the NPPF 2023 states “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*”, which this site is. It then goes on to state that “*in these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunity to make a location more sustainable*”, which are matters this report will come on to. Finally, the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The site is previously developed and close to the settlement of Edwinstowe. Consequently, the opportunity this application presents to support a local business should be given due weight and consideration in the planning balance.



## Flood Risk and Drainage

- 7.14. The site falls within Flood Zones 2 and 3 where there is a medium to high probability of flooding as shown on the Environment Agency's Flood Map for Planning. For the avoidance of doubt, the proposed building falls entirely within Flood Zone 2 the same as existing.
- 7.15. Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones.
- 7.16. With reference to Annex 3: Flood risk vulnerability classification as set out in the PPG, the proposed development could feasibly come within the category of 'less vulnerable' development, which is considered acceptable (in flood risk terms) in Flood Zone 2 and 3a but not in Flood Zone 3b, which is functional flood plain. Only essential infrastructure that has passed the Exception Test, and water-compatible uses, should be permitted in functional floodplain. The Environment Agency's Flood Map for Planning does not differentiate between Flood Zones 3a and 3b, however, the LPA's Strategic Flood Risk Assessment identifies areas of functional floodplain and identifies the site in question as falling within Flood Zones 2 and 3a (see map image enclosed below).



- 7.17. The proposal constitutes ‘non-major development’ proposed in areas at risk of flooding and is therefore subject to the Sequential Test. However, it is accepted that development may be deemed necessary in this case, as the proposal is to replace an existing building with a new building with a very similar footprint for the same purpose. With reference to Table 2: Flood risk vulnerability and flood zone ‘incompatibility’<sup>1</sup>, less vulnerable uses in Flood Zones 2 and 3a are not required to apply the Exception Test.
- 7.18. The application is supported by a site-specific flood risk assessment prepared by Roy Lobley Consulting, which acknowledges the level of flood risk to the site and concludes that no additional flood mitigation is required as the proposed development is for a replacement secure store, of a category that is ‘less vulnerable’, with no permanent members of staff on site. Nevertheless, the proposal seeks to improve the existing drainage arrangement by proposing a crated soakaway to proactively manage surface water run-off, which would ensure that the new building does not increase flood risk on site or elsewhere.
- 7.19. The Environment Agency has considered the proposal and directed the LPA to apply national flood risk standing advice for vulnerable developments which also applies to ‘less vulnerable’ developments in Flood Zone 2. The relevant standing advice covers the following aspects, that have been assessed under corresponding sub-headings below with reference to the submitted FRA (Document Ref: RLC-1473-FRA-01-1 dated February 2024 and EA Product 4 Flood Risk Data received on 01 July 2024):
- Floor levels
  - Extra flood resistance and resilience measures
  - Access and escape
  - Surface water management.

*Floor levels*

- 7.20. Standing advice for less vulnerable developments in Flood Zone 2 requires the provision of the average ground level of the site, the ground level of the access road(s) next the building, and the finished floor level of the lowest room in the building. Drawing no. 262.1401.2\_(08)104 REV B- PLANNING - Proposed Site layout - 1.200. A3 includes topographical measurements which have been used to inform this part of the assessment.

Ground level of the site	52.48mAOD (adjacent to existing building) 52.50mAOD (adjacent to proposed building)
Ground level of the access road (s)	52.58mAOD (at site entrance)
Finished floor level of the lowest room	52.65mAOD (from section detail on page 8/18 of the Design and Access Statement)

All levels are stated in relation to Ordnance Datum.

<sup>1</sup> <https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2>

- 7.21. Standing advice for less vulnerable developments in Flood Zone 2 outlines finished floor levels should be a minimum of whichever is higher of 300mm above the average ground level of the site, or the adjacent road level, or the estimated river or sea flood level. The submitted FRA (including EA Product 4 Flood Risk Data) confirms the estimated river or sea flood level is 51.26mAOD (1 in 100 year plus climate change modelled level). Whilst the finished floor level is less than 100mm above the ground level of the site and adjacent road level, it is 1.39m above the estimated flood level and therefore acceptable in this regard.

#### *Extra flood resistance and resilience measures*

- 7.22. Standing advice for less vulnerable developments in Flood Zone 2 requires designs to be appropriately flood resistant and resilient if finished floor levels cannot be raised to the required height. The submitted FRA (including EA Product 4 Flood Risk Data) confirms finished floor levels would be raised more than 300mm above the estimated flood level and, as such, no extra flood resistance and resilience measures would be required.

#### *Access and escape*

- 7.23. Standing advice for less vulnerable developments in Flood Zone 2 requires developers to provide details of their emergency escape plans for any parts of a building that are below the estimated flood level. As noted above, no parts of the building would be below the estimated flood level and, as such, no emergency escape plans would be required. It is also considered unlikely that the site would be occupied in a flood event as there would be no permanent staff members on site.

#### *Surface water management*

- 7.24. The proposal is for the replacement of an existing building with one of very similar proportions and, as such, there would be negligible uplift in surface water run-off. Nevertheless, as noted at 7.18, the proposal seeks to improve the existing drainage arrangement by proposing a crated soakaway to proactively manage surface water run-off, which would ensure that the new building does not increase flood risk on site or elsewhere.
- 7.25. Having assessed the submitted FRA against the EA's standing advice for less vulnerable developments in Flood Zone 2, it is concluded that the application is supported by a satisfactory FRA. The proposal therefore complies with Core Policy 10 'Climate Change' of the Amended Core Strategy DPD, Policy DM5 'Design' of the Allocations & Development Management DPD, and the NPPF, which is a material consideration.

#### Impact on Landscape Character

- 7.26. Policy DM5 and Core Policy 13 states that the rich local distinctiveness of the District's landscape and character should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

- 7.27. The site is located within the ‘Sherwood’ Landscape Character Area and the ‘River Maun Meadowlands with Plantations’ policy zone (ref: S PZ 15) identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The landscape condition is defined as good while its sensitivity to change is defined as moderate. Landscape actions require, amongst other things, new development to conserve the sparsely settled character of the river corridor by avoiding development within the immediate flood plain of the River Maun and reinforce the sense of place of the built environment by using materials and design that reflect the local character of the area. The proposed storage building has been designed to reflect the architectural style and character of an agricultural building, which would integrate well with the site and surrounding area. Details of external materials are provided on the submitted plans and reflect those typically found on agricultural building.
- 7.28. In more general terms, the proposal would tidy up the site by providing a purpose-built storage building and formalised access and parking arrangements for an existing use. This application also presents an opportunity to proactively manage the use of the site moving forward through a planning condition to minimise external storage of materials in the interests of visual amenity. This condition is recommended to be imposed on an approved application for this reason.

#### Highway Safety and Parking

- 7.29. Spatial Policy 7 ‘Sustainable Transport’ of the Amended Core Strategy DPD supports development proposals that are appropriate for the highway network in terms of the volume and nature of traffic generated and ensure that the safety and convenience of all users of the highway are not adversely affected. Policy DM5 ‘Design’ of the Allocations & Development Management DPD states provision should be made for safe and inclusive access to new development, and parking provision for vehicle and cycles should be based on the scale and specific location of development.
- 7.30. Despite the presence of a gate, the site does not currently benefit from any formal extant vehicular access. There is a field access immediately adjacent, but this only serves the adjacent field and public bridleway. In addition, the site frontage along Mill Lane does not have any dropped kerbs, although the existing kerb is lower than a standard height kerb. Consequently, vehicles currently park on the grass verge/highway where skips are also delivered. “Crashmap” accident records confirm that the existing arrangement has operated safely for several years. Nevertheless, the application seeks to provide safer access and off-street parking as part of the proposed development.
- 7.31. The application has been the subject of various discussions and negotiations with Nottinghamshire County Council Highway Authority, who initially objected to the planning application on highway safety grounds due to concerns regarding visibility, on-site parking, servicing, and turning areas, and potential increases in traffic generation above current levels. The application initially proposed a new site access further away from the public bridleway that runs alongside the southern boundary of

the site. However, it has proven difficult to achieve visibility splays compliant with the Nottinghamshire Highway Design Guide (HDG) here.

- 7.32. The Highways Consultant reviewing the scheme on behalf of the Highway Authority also initially sought amendments based on their assumption the site was currently “little used” and the proposed scheme was “likely to increase traffic generation above current levels”. The applicant’s Agent subsequently provided further clarification and information regarding traffic levels, confirming the site is visited by no more than two sprinter/transit vans around two to three times a week with the occasional skip delivery/collection, with no proposed changes to this arrangement (see ‘Agent Response to Highways Comments dated 20.03.2024’). The Highway Authority has since accepted the proposal will not generate more traffic than is possible under the established lawful use, which represents a realistic fall-back position in this regard. Indeed, the Highway Authority’s overall objective, in recognition of the established lawful use, as stated their response dated 18.06.2024, is “to seek a layout solution which does not materially worsen conditions compared to the lawful use”.
- 7.33. After reviewing various options and visibility splays, the Highway Authority, in their comments dated 18.06.2024, opted for the existing site access to be retained and improved, as this would provide the best available visibility splays albeit with a narrow blind spot to the north. Initially, the Highways Consultant reviewing the scheme on behalf of the Highway Authority sought to impose additional requirements/amendments to this access in order to meet relevant provisions of the Nottinghamshire HDG (also detailed in their comments dated 18.06.2024). However, after further consideration by officers, the majority of the suggested amendments were considered disproportionate and/or unreasonable given the relatively modest dimensions of the site and its established lawful use. The proposed amendments would have also resulted in a highly engineered/heavily tarmacked solution that was considered disproportionate, incongruous, and contrary to the rural character of the site and surrounding area.
- 7.34. Drawing no. 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3 illustrates the proposed improved site access, and is accompanied by swept path analysis, which the Highway Authority has considered and commented upon. The Highway Authority’s final comments dated 19.07.2024 are enclosed in full below with text added in **bold** underneath by way of interpretation/assessment by the Case Officer:
- 7.35. *Further to our previous observations, the applicant has submitted a drawing of a standard commercial access which would allow 2-way vehicle movements. This would open up the whole frontage of the site and would allow vehicles to enter highway to the north of the site, with compromised visibility.*

**This comment acknowledges that there will be restricted visibility from the widened and improved site access by virtue of a narrow blind spot to the north, as noted under sub-heading ‘Drawing 26’ in the Highway Authority’s comments dated 18.06.2024. However, after detailed consideration of alternative options it is clear**

that there is no alternative location for the access that would achieve greater visibility in both directions, as visibility from an access further north would be compromised by the positioning of the neighbour's fence (which is not under the applicant's control).

Considering "Crashmap" accident records indicate the existing arrangement has operated safely for several years, it is considered reasonable to accept improvements to the existing site access as proposed, even if visibility will be slightly restricted in one direction, as this would not materially worsen conditions compared to the lawful use, in accordance with the Highway Authority's objective (stated at 7.32.)

- 7.36. *On this occasion it is accepted that the site and its layout is not conducive to more than one or two vehicles using the yard area and as such the recently submitted swept paths shown on drawing (08)110 define the required access width and the access location constrains vehicles to enter highway to the south of the site where visibility is optimum.*

As shown on Drawing no. 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3 and the accompanying swept path analysis, the width of the existing access would be increased to 5.5-metres, which the Highway Authority has confirmed would be acceptable as it would enable a skip lorry, the largest vehicle anticipated to visit the site, to leave in forward gear without additional manoeuvring within the Highway.

In accordance with the Highway Authority's advice, it is recommended that a condition be imposed requiring full details of the access, including drainage provision, to be submitted to and agreed by the Local Planning Authority prior to works commencing on site to ensure that all the relevant details are captured and agreed in the interests of highway safety. This same condition will require implementation of the agreed access within 6-months of the date of the written approval.

- 7.37. *Whilst a compromise, this is therefore considered to offer a suitable access to serve this specific site in the layout proposed. (For clarity, should alternative / further development be proposed in future, the access may not be considered suitable).*

This comment confirms that the widened and improved site access would adequately serve the proposed development. Any alternative/further development would most likely require planning permission, at which time the suitability of the access would be revisited and reconsidered, in accordance with the Highway Authority's recommendation.

- 7.38. Based on the latest details provided, it is considered the proposed amendments to the existing access, i.e., widening and resurfacing, could only improve conditions compared to the existing situation as the existing access is informal, unsurfaced, and narrower than is now being proposed. Indeed, there is no existing dropped kerb serving the site. It is therefore considered the proposed layout as shown on Drawing

no. 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3 would not materially worsen conditions compared to the lawful use in accordance with the Highway Authority's objective. The proposal therefore complies with the abovementioned requirements of Spatial Policy 7 and Policy DM5 of the DPD (see 7.29.).

### Ecology and Trees

- 7.39. Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.40. The application is supported by an Arboricultural Report to BS5837:2012. prepared by Dan Kendall at Watson Lyndsey Arboriculture (Document ref: Arboricultural Report 240124 – Land at Mill Lane, Edwinstowe dated 25<sup>th</sup> January 2024). This report describes the surrounding areas as interspersed with a reasonable number of semi-mature to early mature trees and identifies trees T1 (Mature Crack Willow) and T2 (Semi-Mature Crack Willow) as significant sized green features when viewed from the immediate surrounding area. Tree T3 (Early Mature Common Elder) is identified as being of limited size, poor quality, and no visual amenity value due to being hidden from public view.
- 7.41. The Constraints Plan included at Appendix 5 of the report shows the new building would fall within the Root Protection Area (RPA) of T2. The Design and Access Statement submitted in support of the application acknowledges this and notes the tree has been categorised C1/2, meaning it is of low quality. However, there are no plans to remove the tree as part of the proposed development. It is also acknowledged that the existing building, which already encroaches into the RPA of T2, would be removed and the new building would be placed on a concrete slab supported on concrete pads in accordance with recommendations of the Arboricultural Report. The proposal is therefore considered acceptable subject to a condition requiring the submission of an Arboricultural Method Statement and a scheme for the protection of retained trees prior to the commencement of development.
- 7.42. The application is also supported by a Preliminary Ecological Appraisal prepared by B J Collins Protected Species Surveyors Ltd dated March 2024. This report identifies there is no potential breeding habitat (i.e., standing open water) for amphibians on site but a possibility that common amphibians/reptiles could be encountered during the construction period. It is also likely hedgehogs will be encountered as the desktop study identified the presence of hedgehog within the local area. The report therefore outlines a series of precautionary working practices and measures that are recommended to be secured by condition on an approved application.
- 7.43. The existing building is considered to offer negligible potential for roosting bats and no field signs of bats were noted. The trees have moderate potential for roosting

bats but are not proposed to be removed as part of the proposed development, therefore, no further survey work is required.

- 7.44. In accordance with the recommendations of the Preliminary Ecological Appraisal, a follow-up Water Vole Survey was undertaken during May/June and a report submitted during the course of the application. The conclusion of this survey is that the development is unlikely to be constrained by the presence of water voles, although there is some risk that otter could be present in the vicinity. Precautionary actions are therefore required and described with the Water Vole Survey document which are recommended to be secured by condition on an approved application.
- 7.45. The Preliminary Ecology Appraisal identifies nesting and foraging opportunities for a range of bird species but considers it highly unlikely the site would support specially protected species, such as woodlark and nightjar, due to the size of the site and its proximity to the road.
- 7.46. Overall, subject the recommended conditions, the proposed development would meet the requirements of the NPPF and Core Policy 12 of the Amended Core Strategy DPD and Policy DM7 of the Allocations & Development Management DPD in relation to tree and biodiversity matters.

## **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 lies outside of the village of Edwinstowe and therefore the principle of development falls to be assessed under Policy DM8 of the DPD. This policy strictly controls and limits development in the countryside, and only allows for the replacement of non-residential buildings where they are related to established uses or proposed uses enabled by other criteria. Following the grant of a Certificate of Lawful Use for the use of the existing building and surrounding land for the storage of building materials for projects, the proposal is considered to be related to an established lawful use and, therefore, acceptable in principle.
- 9.2 The proposal would tidy up the site by providing a purpose-built storage building and formalised access and parking arrangements for an existing use. No harm has been identified in respect of the impacts of the development on the character of the site or surrounding area, flood risk and drainage, or ecology and trees.
- 9.3 Following consideration of various options and visibility splays, the Highway Authority opted for the existing site access to be retained and improved. The revised proposed layout as shown on Drawing no. 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3 illustrates amendments to the existing access,



including widening and resurfacing, that could only improve conditions compared to the existing situation. Consequently, it is considered the proposal would not materially worsen conditions compared to the lawful use in accordance with the Highway Authority's objective and complies with the relevant requirements of Spatial Policy 7 and Policy DM5 of the DPD.

9.4 It is therefore recommended that planning permission be APPROVED subject to the conditions outlined in Section 10.0 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

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

- 262.1401.2\_(08)101 - PLANNING - Location Plan - 1.1250. A4.
- 262.1401.2\_(08)102 - PLANNING - Block Plan (as existing) - 1.500. A3.
- 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3
- 262.1401.2\_(08)105 - PLANNING - Proposed Elevations and Section - 1.100. A1

Reason: So as to define this permission.

03

No works or development shall take place until an arboricultural method statement and a scheme for the protection of retained trees and hedgerows has been submitted to and agreed in writing by the Local Planning Authority. This scheme shall include:

- a) Details of the designated Root Protection Areas (RPAs) for all retained trees and hedgerows on or adjacent to the application site.
- b) A plan showing details and positions of the ground protection areas.
- c) Details and position of protection barriers.
- d) Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated RPAs of any retained tree or hedgerow on or adjacent to the application site (as identified under part a.)
- e) Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall thereafter be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

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

04

Within 3-months of completion of the building, i.e., when it is wind and weather-tight, ecological enhancements shall be implemented in accordance with the recommendations outlined in Section 6.3 of the submitted Preliminary Ecological Appraisal prepared by B J Collins Protected Species Surveyors Ltd dated March 2024 and thereafter retained for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

05

The development shall be carried out in accordance with the submitted Preliminary Ecological Appraisal prepared by B J Collins Protected Species Surveyors Ltd dated March 2024 and the Water Vole Survey prepared by B J Collins Protected Species Surveyors Ltd dated June 2024 and the recommendations and mitigation measures outlined in Sections 6 and 5 of the above documents respectively. For the avoidance of doubt, this includes the precautionary working practices in respect of amphibians and reptiles (para. 6.2.2.4 of the Preliminary Ecological Appraisal), which must be adhered to at all times during the construction phase.

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority species, 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).

06

Notwithstanding the submitted details, prior to the works commencing on site, full details of the proposed access (including surfacing to the access within 5 metres of the rear of highway and drainage to prevent the egress of surface water to the public highway) and works to the kerb line on the western channel shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

07

Within 6-months of the building hereby permitted being first brought into use:

a) the existing building shall be demolished, and all materials removed from site;

- b) the approved site access and associated parking and turning areas shall be constructed in full accordance with the details approved under Condition 06;
- c) the works to the kerb line on the western channel shall be completed in full accordance with the details approved under Condition 06.

The parking and turning areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles and shall be maintained for the life of the development.

Reason: In the interests of highway safety.

08

The visibility splays as shown on drawing number 262.1401.2\_(08)110 – HIGHWAYS – PLANNING RESOLUTION – Swept Path Analysis Diagrams for Panel Van (Transit/Sprinter) and Standard Skip Lorry 1.200. A2 shall be kept clear of all obstruction above 600mm above carriageway level.

Reason: In the interests of highway safety.

09

No raw materials, equipment, finished products, or waste materials shall be stored outside within the approved parking and turning areas as shown on approved plan reference 262.1401.2\_(08)104 REV C- PLANNING - Proposed Site layout - 1.200. A3.

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

### Informatives

01

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).

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/](http://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.

03

The development makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the Page No. 2 satisfaction of the Highway Authority. Please email licenses@viaem.co.uk to secure the necessary licences and permissions.

04

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.

05

From the information provided as part of the application, this permission is considered by Newark and Sherwood District Council (NSDC) not to require the approval of a biodiversity gain plan before development is begun, because the application was made prior to introduction of mandatory Biodiversity Net Gain (BNG) and is therefore exempt from this requirement.

#### 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 1 August 2024

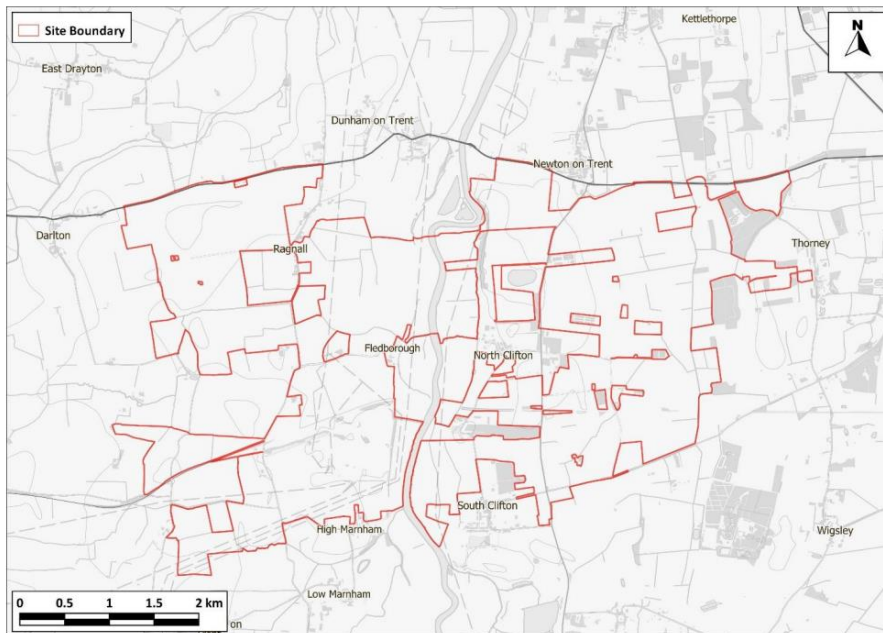
Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Simon Betts – Planner, Major Projects

Report Summary	
<b>Report Title</b>	Nationally Significant Infrastructure Project – One Earth Solar Farm
<b>Purpose of Report</b>	Pre-application Response to Statutory Consultation Update
<b>Recommendations</b>	To note the report

## 1.0 Background

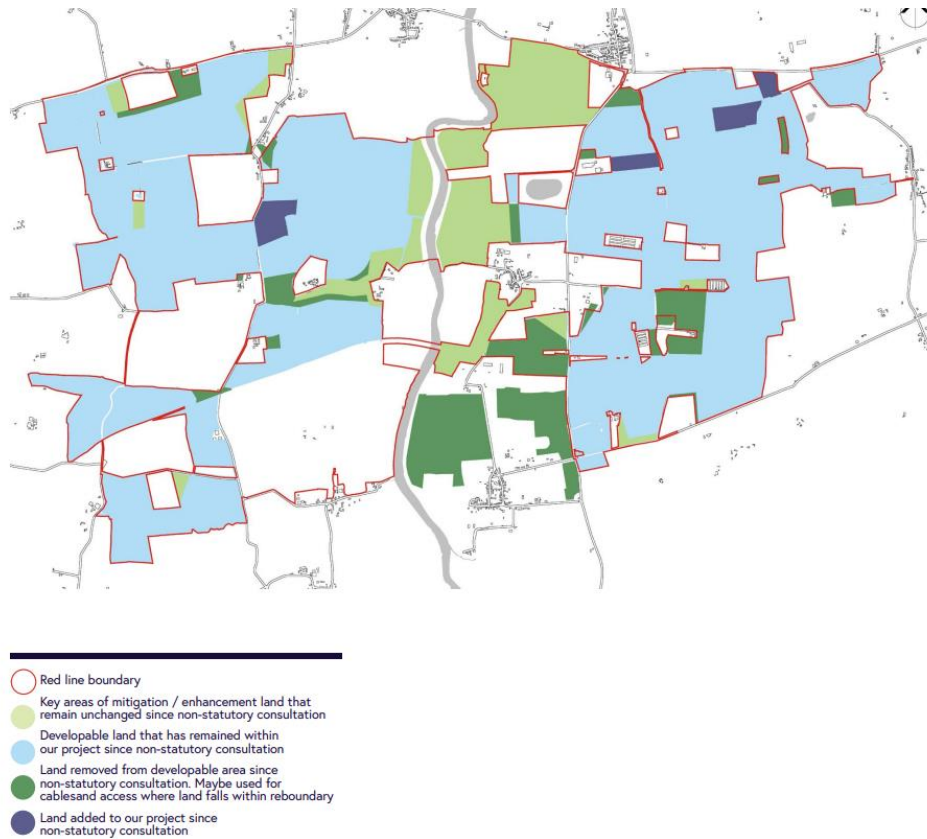
- 1.1 Members will be aware of the two Nationally Significant Infrastructure Projects (NSIPs) that the Council is a consultee for in relation to two solar farms with a report presented to the Planning Committee meeting on 6<sup>th</sup> June.
- 1.2 The report set out the process for NSIPs, the location of the proposed solar farms as well as the timescales, prescribed in legislation, for responding to the many steps involved with a NSIP. As a reminder of the location of the One Earth Solar Farm (OESF) this is shown on the map below (although some changes have occurred to the redline boundary) and consists of approximately 170 agricultural fields located to the east and west of the River Trent. At its maximum, the Site extends approximately 4.5km in a north-south direction and approximately 8km in an east-west direction. The OESF site is located at OS grid reference SK816718 (approximate centre of the Site).
- 1.3 The Site falls across two county boundaries and three local authorities, with approximately one third of the site within NSDC's district. Approximately 1,250ha of the Site falls within Nottinghamshire County and the remaining 250ha of the Site falls within Lincolnshire County.



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## **2.0 Proposal/Options Considered and Reasons for Recommendation**

2.1 The OESF proposal has just passed the pre-application stage involving ‘Activity’ - Respond to Statutory Consultation (Section 42 of the Planning Act 2008) as detailed within the June report. Consultation took place between 29<sup>th</sup> May to 23<sup>rd</sup> July 2024. The Council submitted its response to the promoters OESF on 22nd July 2024, following engagement with the Chair and Vice-Chair of Planning Committee and Business Manager – Planning Development as resolved at the June meeting. The proposed scheme has detailed some main changes as part of the statutory consultation, which includes the removal of some ‘developable’ areas around North Clifton and South Clifton, alongside an area of land near Thorney. This is detailed in the plan presented below, which was included as part of the applicant’s consultation materials.



2.2 In accordance with the resolution, a copy of the Council’s response is attached at Appendix 1 for information and noting.

### 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**

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. Any documents that contain confidential information or personal information about individuals should not be included in this list.

Application File - 24/00888/CONSUL



Appendix 1

Reference/ Pages	Description	NSDC's Comments
<b>PEIR – VOL 1</b>		
<b>Chapters 1, 2, 3, 4 and 6.</b>	<b>Introduction, EIA, Description of Site and Surrounding Area, Our Project and Methodology for the PEIR.</b>	We have reviewed these chapters and have no observations to make.
<b>Chapter 5 – Pg 37</b>	<b>Legislative and Planning Policy Context</b>	At paragraph 5.13, reference is made to each of the adopted development plans for the 'host' authorities. In the case of Newark and Sherwood District Council (hereafter referred to as NSDC) reference is made to the Amended Core Strategy (2019) and the Second Publication Amended Allocations and Development Management Development Plan Document (2023) (ADMDDP). The applicant does not make reference to the current version of the ADMDDP as adopted in July 2013. This also remains as being part of the Development Plan, until such time that it is replaced by the emerging and amended version of the ADMDDP). Accordingly, it should be taken into account as part of the EIA for the scheme as part of the local planning policy context. We would ask for a thorough review of the PEIR, as we note in other technical chapters, no specific reference is made to any NSDC local plan policies. These are noted as being relevant material considerations in the consideration of this NSIP project and should be given proper consideration in the Environmental Statement and other key documents, including (but not necessarily limited to) the Planning Statement.

<p><b>Appendix 4-2</b></p>	<p><b>Environmental Register</b></p>	<p>It is noted that Table 1-9 set out some ‘indicative’ measures for how impacts are proposed to be mitigated during the construction stage. We acknowledge that these are outline proposals at this stage, but NSDC would welcome the opportunity for an early review of the Construction Environmental Management Plan (CEMP). Whilst it is noted that this may be contingent on completion of the EIA and production of the ES, many of the mitigation measures for construction projects of a scheme of this nature are typically relatively standardised, to allow for the early production of the CEMP. Related to this, NSDC would also welcome early discussion on ‘requirements’ so that the means to which mitigation measures can be secured (as part of the DCO itself) are agreed.</p>
<p><b>Chapter 7 – Pg 2 onwards.</b></p>	<p><b>Biodiversity</b></p>	<p><u>Assessment of likely significant effects on foraging bats</u></p> <p>In previous comments made to the applicant, NSDC raised concern regarding the scope and extent of the survey work undertaken to assess potential impacts on foraging bats. This was also discussed during the meeting in March and included in the April response by NSDC. Section 7.150 of the PEIR has confirmed that additional surveys are being undertaken in relation to the activity of bats within the Site. In our response of 11/04/2024 we requested clarification regarding the design/scope of the proposed additional bat activity surveys, but we are not aware that this has been provided.</p> <p><u>Assessment of likely significant effects on riparian mammals (Otter and Water Vole)</u></p> <p>In our comments at the EIA scoping stage, we noted the limited survey work that had been undertaken for these priority species but acknowledged that the scoping report indicated that additional survey work for water vole and otter would be done in 2024.</p> <p>The PEIR has confirmed that additional survey work is being undertaken so we look forward to that survey work being considered within the Environmental Statement.</p>

		<p><u>Assessment of likely significant effects on common reptiles, specifically grass snake</u></p> <p>In our comments on the scoping report, we considered there should be some assessment via targeted survey work for reptiles, particularly grass snake.</p> <p>The PEIR has confirmed that additional survey work is being undertaken in 2024 (specifically for grass snake), but this will be via sampling surveys rather than survey of all riparian/bankside habitat within the Site. Whilst this is likely a proportionate approach, we would expect the Environmental Statement (or supporting appendix) to provide a rationale and methodology for determining sample size and sample locations.</p> <p>We also note and welcome that reptiles are scoped in (Table 7-8 Defining Importance of Ecological Features within the PEIR).</p> <p><u>Likely significant (negative and positive) effects</u></p> <p>The emerging ecological assessment identifies that it is not expected there would be any likely significant negative effects on the ecological features scoped into the assessment as these would mostly occur during the construction phase and would be mitigated by measures set out in the outline Construction and Environmental Management Plan. However, likely positive significant effects are equally important and the PEIR indicates that the project is expected to deliver likely significant positive effects “...resulting from habitat creation and enhancement delivered through embedded measures and Biodiversity Net Gain (BNG).” Whilst this is expected, and welcomed, caution is raised in respect of BNG.</p> <p>In our response of 10/04/2024 we brought to the applicant’s attention that since our initial comments of 01/12/2023, NSDC had adopted an interim BNG policy regarding ‘strategic significance’. We note that this policy has not been included in Appendix 7-1: Key Policy and Legislation of the PEIR under the ‘Local Policy’ Section. We consider it should have been included as this is a relevant local planning policy. If the Nottingham and Nottinghamshire Local Nature Recovery Strategy has not been published by the time that any BNG calculations relating to</p>
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		<p>land falling within the Newark and Sherwood District are undertaken, we consider that this policy should be followed. This can be accessed from this location <a href="https://www.newark-sherwooddc.gov.uk/biodiversity/">https://www.newark-sherwooddc.gov.uk/biodiversity/</a>.</p> <p>Practitioners of BNG are aware that the process has the potential to be somewhat restrictive and can constrain some innovative habitat creation and enhancement proposals. Large scale projects like this provide opportunities for innovative biodiversity enhancements. Therefore, whilst the proposal for the project to voluntarily provide at least a measurable 10% BNG is welcomed, we would suggest that beyond 10% gain, proposed habitat creation and habitat management measures should not be entirely steered by the desire to generate an even higher percentage gain, and as a result, potentially stifle innovation. Within our own district, beyond a 10% gain, we would potentially give more merit to some proposed biodiversity measures based on what is being proposed, rather than the BNG they would generate. This could be particularly important in relation to ensuring that proposed biodiversity measures take into full consideration local nature conservation priorities, which is something that has been highlighted by many consultees during the consultation process to date.</p> <p>One area where this could apply relates to non-statutorily designated Local Wildlife Sites (LWS). The single LWS that falls within the proposed Site, and four of the seven LWS that are immediately adjacent to the proposed Site, are within the Newark and Sherwood District. Because of the non-statutory nature of the LWS designation, there is no legal obligation on the owners of LWS to manage them in any specific way, but they are a material consideration within the planning process. If the owners of these LWS's were agreeable, the project could consider their current condition (e.g., do they still meet the LWS selection criteria, are they currently being managed favourably etc.?) and consider supporting the owners in terms of future management of these sites, along with the creation of appropriate buffering habitats and creation of habitats linking these sites to other features.</p>
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<p><b>Chapter 8 — Pg 2 onwards.</b></p>	<p><b>Hydrology and Hydrogeology</b></p>	<p>NSDC note that the Environment Agency are the key statutory consultee in respect of this topic area and are therefore best placed to offer commentary on this technical topic area. Notwithstanding this, NSDC note that at paragraph 8.4 it is stated that it is difficult to define a study area with confidence, but that <i>‘consideration of the impacts that occur in the wider area has been made.</i> There does not appear to be any evidence of how the wider area has been defined and considered.</p>
<p><b>Chapter 9 – Pg 2 onwards.</b></p>	<p><b>Land and Soils</b></p>	<p>The Land and Soils Chapter has been reviewed by NSDC’S externally appointed advisor on Agricultural Land Classification. As such, we would wish to offer the following observations on this chapter.</p> <p>Section 9.28 under the heading of ‘Soil’ describes soil composition. In this regard, we note that land drainage is a key factor in assessing both land classification and also land restoration. This impact is particularly paramount along any cable or grid connection route, where trenches are dug and/or where soils are stripped, even on a temporary basis.</p> <p>As detailed later in the Chapter, the land within the Order Limits has been subject to an Agricultural Land Classification (ALC) Survey, although it is noted that full access to land has not yet been achieved for a number of land parcels and therefore the work to date is not complete. NSDC would seek to comment on this issue once the full survey is complete and a full understanding is provided on the implications of the loss of BMV agricultural land. We would also add that at present there is no accepted consensus, as to whether the long term (temporary) use of land should be considered as ‘not significant’ and therefore the loss of any BMW over the 20-hectare threshold may still be considered a ‘significant’ impact. In respect of the ALC Survey Methodology, the Soil augering of the site should be undertaken in line with TIN 049 and the MAFF 1988 Guidelines, one auger point per hectare and with occasional soil pits particularly where soil types vary. On a site of this size the amount of augering should be around 1,600+ auger holes and probably 10 to 20 pits to verify the soil profiles – more if there are significantly different soils.</p>

		<p>Turning to Soil structure, it should be noted that during the construction phase of development of this nature, the movement patterns of heavy vehicles associated with the works when soils are wet can cause considerable damage. Whilst there is a means to remedy some of the impacts post construction, not all of this impact can be mitigated, leaving long term drainage issues with the soil structure as a result.</p> <p><u>Cable Routes</u></p> <p>At the present, it is noted that the cable routes have not been surveyed in detail, but once clearly identified this should be undertaken. The cable route will be a temporary construction feature with soils reinstated. The soil management plan should also consider the cable route in order to minimise the impact on soil structure, land drainage and ultimately soil quality.</p> <p>The route passes across and will be buried under mainly open countryside that is largely arable farmland. Two key groups of impacts have been identified elsewhere for the purpose of defining receptor sensitivity and impact magnitude:</p> <ul style="list-style-type: none"> <li>• Land use and tenure: these are the potential impacts on human activity, including landowners, occupiers, local communities, and other land users</li> <li>• Agriculture: these are potential impacts on the soil resource, the surrounding environment, and the agricultural productivity of the land. Whilst we agree with these key impacts, we would also confirm that any assessment should include land drainage impact during construction and restoration of cable trenches.</li> </ul> <p><u>Ecological Effects</u></p> <p>If the land is used for biodiversity, it would not be available for agriculture. However even if it is available for some form of cutting or grazing it is unlikely that the ALC grade will change significantly during the lifetime of the project. There is evidence that organic matter builds up in biodiversity areas at a faster rate than arable farmland and this may benefit the land, but it is not a factor in the assessment of ALC. Further to this, there is the possibility that where biodiverse land becomes ecologically important, this could be recognised through environmental designations, which limit its return to active agricultural use.</p>
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<p><b>Chapter 10 – Pg 2 onwards.</b></p>	<p><b>Buried Heritage</b></p>	<p>NSDC have received external advice from Lincolnshire County Council on matters of buried heritage and this detailed advice is presented below.</p> <p><u>Overview</u></p> <p>Currently there is limited provision of archaeological baseline assessment normally expected at this stage of the NSIP. In the absence of this assessment, the PEIR should present an appropriate methodology and describe in detail how the applicant intends to provide this data to inform their DCO application and an appropriate archaeological mitigation strategy (AMS).</p> <p>A summary of the Historic Environment Record data has been presented in Chapter 10, however a full Desk-Based Assessment (DBA) has not yet been undertaken and would normally be expected as the first step in archaeological assessment. This along with geophysical survey and a robust programme of trial trenching constitute the standard suite for archaeological evaluation which should be undertaken prior to submission of the DCO application.</p> <p>The results of all these stages are required as baseline evidence to inform reasonable mitigation of the developmental impact across the redline boundary, including the cable route, as the range of proposed developmental impacts on a landscape scale will damage and destroy currently unknown surviving archaeology.</p> <p>We understand the geophysical survey is ongoing which is welcomed, and we await the full results in due course. Arrangements for a meeting to discuss the applicant’s approach to trial trenching are underway, however the initial approach appears to be to investigate a very limited number of selected sites. This is concerning and our position is that the full impact area within the redline boundary must be subject to trial trench evaluation with between 3% to 5% coverage to ensure sufficient evaluation has been undertaken to allow for an appropriate assessment of the development’s impact on buried archaeology.</p>
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		<p>The lack of detail on site-specific evaluation does not align with the total mitigation of virtually all developmental impacts suggested by Table 10-7. To achieve this aim as presented, would require an intensive programme or trial trenching that is not currently presented in the PEIR.</p> <p>The PEIR submission states this is a development over 1500ha (Volume 1, Chapter 1-6). There will be hundreds of thousands of piles and many kilometres of cable trenches over the 965ha proposed solar array area (multiplied by the number of refits over the proposed 60-year lifetime of the scheme) all going below the depth of any surviving archaeology.</p> <p>Section 4.50 in Chapter 1 cites the Rochdale Envelope and its guiding NSIP Advice Note Nine. We would like to point out the Advice Note states that <i>‘Implementation of the Rochdale Envelope assessment approach should only be used where it is necessary and should not be treated as a blanket opportunity to allow for insufficient detail in the assessment. Applicants should make every effort to finalise details applicable to the Proposed Development prior to submission of their DCO application. Indeed, as explained earlier in this Advice Note, it will be in all parties’ interests for the Applicant to provide as much information as possible to inform the Pre-application consultation process.’ (5.2)</i></p> <p>Where the developer proposes the Rochdale Envelope in dealing with their application, it is essential that a full understanding of the archaeological resource is achieved in the EIA to allow for informed and appropriate mitigation of the unknown/undecided elements of the development at a later date. This can only be achieved through evaluation of the full impact zone.</p> <p>Section 4.69 in Chapter 1 concludes with ‘the aim of restoring the land to its pre-construction condition following the temporary construction use and at the end of the lifetime of the Proposed Development, after decommissioning.’ This is not possible for archaeology, which as stated in NPPF is ‘an irreplaceable resource and should be conserved in a manner appropriate to their significance.’ (para 195) Impacts</p>
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		<p>to archaeology are permanent and irreversible, and significance can only be determined with adequate baseline evidence obtained through sufficient evaluation.</p> <p>We note that there are several references in the PEIR to habitat creation and enhancements such as PEIR Chapter 7: Biodiversity section 7.129 which states that ‘Habitat enhancements proposed as part of the design and delivering BNG.’ These areas need to be included in the evaluation work along with hard and soft landscaping measures as many of the mitigation measures will impact any surviving archaeology.</p> <p><u>Specific Comments</u></p> <ul style="list-style-type: none"> <li>• Section 10.101 states that ‘An Outline Operational Environmental Management Plan (OOEMP) will ensure that any area of heritage value will be protected during operation and maintenance, and no further ground disturbance is anticipated to occur during this stage or, where non practicable adequate mitigation measures will be implemented prior to this.’</li> </ul> <p>If this is being offered as preservation in situ mitigation the full extent of the archaeological areas must be determined through evaluation and each area must be fenced off and subject to a programme of periodic monitoring throughout the construction, operation, and the decommissioning phases. There will be no ground disturbance which may disturb or affect the archaeological remains, including plant movement or storage. The fencing will need to remain in place and be maintained throughout the lifetime of the scheme including decommissioning and refits. This will require monitoring by an appointed Archaeological Clerk of Works (ACoW) and the management strategy for the preservation in situ areas will need to be included in all their management plans to ensure the protection measures stay in place throughout the development.</p> <ul style="list-style-type: none"> <li>• Regarding Decommissioning, section 10.103 states that ‘it is expected that the decommissioning phase will not have any additional impacts compared to the construction phase.’</li> </ul>
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		<p>There is no information on the specific ground impacts of how infrastructure and the solar arrays will be removed or information regarding the impacts of refits throughout the 60-year lifetime of the scheme.</p> <ul style="list-style-type: none"> <li>Section 10.106 states that ‘The archaeological mitigation scope and method statement, the Project Design and WSI will be discussed and agreed where possible with the relevant stakeholders...’</li> </ul> <p>The mitigation works should not be undertaken until the AMS and all WSIs are agreed in full by the relevant planning authority. Failure to do so may mean that the mitigation measures are insufficient or inappropriate to deal with the developmental impact or the archaeological significance and any associated DCO Conditions are unenforceable.</p> <ul style="list-style-type: none"> <li>Section 10.107 includes ‘Geoarchaeological deposit modelling/profiling (coring) in areas of paleo-environmental potential’ as mitigation.</li> </ul> <p>We would expect this to be included instead in the evaluation phase as it provides baseline data rather than being a method of avoiding harm.</p> <ul style="list-style-type: none"> <li>Section 10.117 lays out the basis of impact assessments progressing from an understanding of the buried heritage assets, understanding the degree of impact, assessing the potential for currently unknown archaeological assets and for determining their significance.</li> </ul> <p>We stress again the necessity for the completion of a full competent desk-based assessment and programme of evaluation trenching across the full impact zone. This will need to include not only trenching across known or suspected archaeology to determine their presence or absence, depth, extent, and significance but also across the ‘blank’ areas to obtain baseline evidence where previous evaluation techniques have not identified archaeological remains.</p>
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		<p>Historic England state in their Piling and Archaeology guidance and good practice (revised 2019) ‘a general estimation (based on laboratory studies and on-site observations) is that driven displacement piles can damage an area twice the width of the pile cross section (and so four times the area).’ (HE revised Piling and Archaeology)</p> <ul style="list-style-type: none"> <li>• Section 10.129 states that <i>‘Should a pile location (or even several pile locations) coincide with buried archaeological remains, the quantity of displaced archaeological remains in the case of larger features, such as the in-filled ditches described above, would be insignificant compared to that left undisturbed. For discrete or less robust buried features such as pits, post holes or stake holes, the probability that piles would be aligned in such a way that any more than a tiny percentage of the features would be affected is very low, and complete avoidance is the most likely outcome.’</i></li> </ul> <p>This paragraph is worryingly dismissive and deliberately reductive in terms of potential impact: ‘displaced’ means destroyed, and the unexamined unrecorded archaeology may be ‘ditches’ or may be ‘inhumations.’ To decide that impacts on unevaluated archaeology will be ‘insignificant’ is arbitrary and to assume that piles would somehow avoid significant archaeology is an unprofessional and fundamentally unsound approach to effective mitigation. If unevaluated unknown archaeology must be assigned a value, it should be High until sufficient work is undertaken to determine it is not.</p> <ul style="list-style-type: none"> <li>• Section 10.130 states that <i>‘It is not considered, at the time of the writing, that traffic or access of heavy machinery (such as plants) and the associated weight loading/ vibration for the construction operations of our Project may cause impacts on buried heritage assets that are in excess of the impacts arising from the current agricultural activities on our Site, including the use of farm/agricultural machines. The use of gravel and track mats to distribute the weight of heavy machinery, will mitigate the impact arising from ground loading.’</i></li> </ul>
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		<p>The above measures may be appropriate, but only once the nature of any buried remains below the protective matting has been fully understood through appropriate evaluation. A recent NSIP evaluation encountered unexpected Saxon skeletons/burials within 20cm of the ground surface which would still be impacted as a result of the above measures.</p> <ul style="list-style-type: none"> <li>• Section 10.131 states that <i>‘The embedded buffer around the Scheduled Monuments and some of the medieval villages would mitigate or remove any adverse effect on any known buried heritage assets included in the buffer areas.’</i></li> </ul> <p>Significant remains associated with the scheduled areas are likely to extend well into the impact zone, even with the proposed buffer areas. Sufficient evaluation will be necessary to identify the extent and nature of this to provide an appropriate mitigation strategy.</p> <ul style="list-style-type: none"> <li>• Section 10.132 states that <i>‘Based on our current understanding and our professional judgment and considering the above preliminary assessment and the Environmental Measures discussed from paragraph 10-94, it is considered that with the implementation of adequate mitigation measures there will not be significant residual effects on buried heritage assets arising from our Project. The Detailed Scope of Assessment in Appendix 10-5 illustrate the preliminary Magnitude of Effects on buried heritage assets arising from the effects discussed above and the Residual Risk after the application of the mitigation measures outlined in Paragraph .’</i></li> </ul> <p>Please see our comments on Table 10-7 above. The currently proposed level of evaluation will not provide the level of baseline information necessary to deliver the level of mitigation promised in this section of the chapter. The rest of the Buried Heritage Chapter is very vague in terms of the degree of the site-specific evaluation work which will be undertaken and when.</p>
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		<p>Sufficient field evaluation is an essential aspect of effective project management, particularly as unevaluated areas of unknown archaeological potential leave a high degree of risk to the development given the potential for archaeology to have significant impacts on work programmes and budgets. Failure to adequately evaluate the site at the application stage could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided and may ultimately lead to a scheme which is undeliverable. There is no public benefit in the destruction of unknown heritage assets.</p> <p>Historic England’s, Piling and Archaeology guidance and good practice (revised 2019) has not been included in Appendix 10-1: Buried Heritage Legislation, Policy, and Guidance, nor indeed has it been used to effectively guide the approach or process of this Buried Heritage chapter of the PEIR. Please be advised that in accordance with Historic England’s revised Piling and Archaeology guidance <i>‘The applicant will need to provide sufficient information demonstrating an adequate understanding of the significance of the archaeological site and assessment of potential harm to that significance arising from the development.’</i> (p2) (HE revised Piling and Archaeology).</p> <p><u>Conclusion</u></p> <p>The PEIR has presented limited baseline information to date. Some archaeological assessment work is underway which is welcomed, however there are concerns that the proposed programme seems to fall short of providing the necessary data to inform an appropriate archaeological mitigation strategy for the DCO application.</p> <p>The EIA will need to consider the full suite of comprehensive desk-based research, non-intrusive surveys, and intrusive field evaluation for the full extent of proposed impact area. The results should be used to minimise the impact on the historic environment through informing the project design and an appropriate programme of archaeological mitigation. The provision of sufficient baseline information to identify and assess the impact on known and potential heritage assets is required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (Regulation 5 (2d)), National Planning Statement Policy EN1 (Section 5.8), and the National Planning Policy Framework.</p>
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		<p>This is also set out in The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 which states "The EIA must identify, describe and assess in an appropriate manner...the direct and indirect significant impacts of the proposed development on...material assets, cultural heritage and the landscape." (Regulation 5 (2d)).</p>
<p><b>Chapter 11 – Pg 2 onwards.</b></p>	<p><b>Cultural Heritage</b></p>	<p>In respect of Cultural Heritage, NSDC agree that the proposed viewpoints as identified in Figure 11-4 are appropriate. Further to this, as with previous discussions undertaken with the applicant, we are content with the heritage assets both scoped into and out of the assessment. Finally, we note that assessment of significance for each heritage asset is very descriptive, but at this stage it is considered the impact upon these assets as a result of the proposed development is not fully understood. This should be further developed once the scheme design is fixed, so that an appropriate level of assessment is undertaken with robust reasoning and justification.</p>
<p><b>Chapter 12 – Pg 2 onwards.</b></p>	<p><b>Landscape and Visual</b></p>	<p>In respect of Landscape and Visual, NSDC have received advice from its externally appointed advisors and as such would wish to make the following comments.</p> <p>Overview</p> <p>Paragraph 4.36 commences a consideration of the design progression following the consultation process. A range of changes and amendments have been made to the project layout. This includes the removal of panels between north and south Clifton. Land adjacent to the village of Thorney has been removed from the development to protect the setting of the village. The design evolution is welcome, however we believe that the extent of impact during construction, re-construction (it is stated that during the lifetime of the project, the panels will be replaced at least once, it is not explained in detail the process of this renewal) and decommissioning have not been fully considered in the PEIR, for example the volume and scale of traffic on local roads and the vegetation loss to enable the delivery of the lorry loads on to the site. We also believe that there can be improvements to the masterplan by careful and strategic placement of mitigation</p>

		<p>planting so that blanket hedgerows which do not necessarily fit the character of the area are avoided.</p> <p>Given the continuing evolving nature of the project, the design is not fixed and consequently the Rochdale Envelope principle is applied to the PIER. Paragraph 4.53 considers a set of broad design principles which include climate and the sensitivity of the local environment, the impact of local communities, supporting the natural and built environment, as well as enriching the ecosystem and identifying opportunities to add value to the local community. As the design evolves, we welcome opportunities to discuss the assessment parameters including viewpoint selection and proposed mitigation. The design parameters must be clearly identified within the ES, and subsequently it must be clear and transparent within the LVIA those parameters that have been assessed. This should include not only the height and size/mass of elements of the scheme, but also areas or zones they will be located, such as on works or parameter plans.</p> <p>The project will be operational for 60 years, and it is an expectation that the panels will be replaced once during the operational period. It is not stated whether this would be a phased replacement over a number of years or a task to be completed over a period of time comparable with the construction phase of the project, which is currently predicted to span 2 years. The effects predicted during construction, for example the lorry movements within the local road network and the need for wider access points at various locations across the Site, would be replicated to accommodate the reconfiguration of the panels. The Outline Construction Environmental Management Plan (oCEMP) will be issued as part of the DCO Application, but as stated earlier in this response we would welcome an early opportunity to consider this and other management plans in advance of the DCO submission.</p> <p>Given the stated operational time of 60 years, there is the question of reversibility and duration. Taking account of GLVIA3 and other related guidance, it is clear that this project is long term. Given that 60 years is comparable to two generations as a minimum, there is some strength to the consideration that this would amount to</p>
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		<p>a permanent project, especially considering the average lifespan of building design is circa 50 years. There is clearly potential for significant landscape and visual impacts, especially considering that in this timescale, the panels will be replaced. It is stated in the PEIR that this would be once, but given the pace of technology, it should be considered if it is likely that the panels could be replaced on numerous occasions. At this stage we would need additional information regarding the phases of replacements in order to consider whether there is one single construction stage, or a series of staged re-construction stages.</p> <p>Decommissioning is considered from paragraph 4.71. This will include all aspects of the project with the exception of the two substations, which we understand would be retained at the decommissioning phase. Permissive paths are proposed to be removed, but underground cables may remain. Figure 4.5 clarifies the access points to the Site, which will be used during all phases of the project. These will be accessed from existing and upgraded strategic points on the public road network. At this stage the impact of the access points appears vague and would need to be clarified further as the design evolves, we welcome further dialogue on this matter.</p> <p>Access is an important consideration, given the potential for vegetation removal, road reconfiguration and the large vehicles on a local road network. Figure 4.5 identifies a number of access points, and we note that some of these directly correlate with selected viewpoints. Continuing on-Site assessment and dialogue will be useful as the design evolves. The masterplan in the current iteration highlights numerous access points and compounds, however the chapter is light on the extent of vegetation loss expectant of the movement of large and numerous vehicles over a significant period of time. Similarly, as mentioned previously, the anticipated panel replacement is lightly explained; the potential to change a significant proportion of the development throughout the 60-year lifespan of the development would recreate an unexplained proportion of the construction period at least once and possibly more given the pace of technological development. We would anticipate that, as the design evolves towards the DCO submission, that the impact of the reconstruction, the mitigation measures to be implemented and the</p>
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		<p>number of reconstructions anticipated throughout the lifespan of the development is clarified fully.</p> <p>Appendix 4.1 describes the project and introduces the concept of ‘good design,’ and that this is a consideration that has influenced the design from onset; influencing the siting, sustainability, and appearance of the project. The iterative process of the masterplan has resulted from on-going consultation. We have contributed to the consultation and will continue this as the project evolves. Four project principles are directing the design, these are climate, people, place, and value. These principles have led to design decisions including offsets from features including trees, woodlands, hedgerows, PRoWs, and rivers/ waterbodies. Such principles are welcomed and will be tested through onsite investigations, desk-based reviews, and viewpoint/ photomontage appraisals. Through ongoing dialogue, we expect these principles to be utilised within the masterplan to further minimise, or reduce, adverse visual effects. We welcome the mitigation measures; however, we expect the mitigation to reflect the character of the study area and not blanket the site with planting simply to screen. We look for a masterplan that enhances the existing grain of planting whilst respecting long to medium range views. For example, mitigation along the river needs to be carefully sited to respect long range views.</p> <p>The description of the project components, including a breakdown of construction tasks is useful within appendix 4.1. Table 2 breaks the tasks and quantifies likely timescales for the completion of those tasks. This is useful in determining the extent and period of landscape and visual impacts. Management plans will be submitted as part of the DCO application, and we welcome ongoing dialogue as these develop prior to the application submission. Table 4 repeats the process of assessment by considering the decommissioning of the project. As stated above, the mitigation measures need to be carefully designed to respect the existing grain of the site. However, we also need to have a robust management plan that ensures maximum success rate in the establishment of the mitigation planting. Climate change has resulted in an environment that can be harsh for plant establishment with long dry springs and summers. We would wish to see a management plan that</p>
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		<p>carefully itemises the number of visits, the actions during those visits, the process of replacing lost plants and ongoing longterm management to ensure the vegetation thrives and enhances the character of the study area. We would also expect any management plans cover an establishment period up to 15 years as a minimum, to cover landscape and visual effects up to the residual phase, but also that the management plans be reviewed and updated regularly to cover the 60-year project period.</p> <p>Detailed Comments</p> <p>The study area has evolved from an initial 5km range, it is stated in para 12.11 that it is unlikely that the project would result in significant landscape and visual effects beyond the 2km range from the Site. This assumption alongside the fieldwork undertaken has resulted in the adoption of a 2km study area for assessment. While we agree with this in principle, and the ZTV does appear to broadly support this, we do have some reservations. We agree that the development of a large-scale solar farm on rural landscape would likely result in significant landscape and visual effects at all stages within the study area of 2km. We do believe that some areas beyond the 2km extent there is the potential for significant impacts especially during construction, the early years of operation and decommissioning, and areas beyond 2km should not be discounted in any assessment. For example, the traffic movement to and from the site will have during construction, reconstruction, and decommissioning impacts beyond 2kms. Given the evolving design, with many unconfirmed design parameters, it is conceivable that visual impacts will be noticeable beyond 2kms in certain areas. Similarly, as a consequence of the programme for the replacement of panels, this may result in impacts comparable with construction during the operational phase of the project. Within the landscape, construction traffic will have a broad range impact. To determine this fully we welcome the range of selected viewpoints, and we provide comment on the viewpoints in section C, below. The ZTV does illustrate, on a bare earth basis, that some visibility is possible beyond the 2km extent. The selection of viewpoints beyond the 2km extent is important, for determining the accuracy of the generated models and fully scrutinising the assumption that significant effects will not be experienced beyond the 2km extent. This is important as the design evolves, and</p>
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		<p>the true extent of the development is confirmed. At present there are no viewpoints beyond 2km assessed, and we consider this to be an omission, as well as a leap of faith given the full parameters of the design are not yet fixed.</p> <p>The baseline landscape analysis conforms with best practice, analysing the landform and topography, the land use and infrastructure, vegetation coverage, PRow's, and designations. The PEIR then considers the national and regional character areas of the Site as well as village character areas. The assessment proceeds to assess the strategic national designations before moving towards the fine-grain local character, which is a best-practice approach we welcome and it is important that the subsequent LVIA consider the elements and features that make up the landscape character of the Site and Study Area so the effects of development upon these can be fully understood.</p> <p>The visual baseline is analysed with receptor groups identified in Table 1. The table is useful in that the receptors are identified in relation to representative viewpoints. It is also useful that it is split between villages, isolated properties, PRow users and road network users, which will likely have differing levels of susceptibility to change. The receptors identified are comprehensive within the 2km study area, however, given all of the points raised above, we should not discount receptors beyond the 2km boundary, especially as the design evolves. We would need to see the assessment of some receptors beyond the 2km range, even if to simply scope out.</p> <p>Figure 12.8 shows the selected viewpoints in the context of the Site. However, no viewpoints are located beyond the 2km boundary. It would be useful to have a list of representative viewpoints that have been scoped out of the project assessment. As mentioned previously, while it is a fair assumption that beyond 2kms visibility is significantly reduced, it should be proven within the documentation. We would welcome a section in the LVIA that justifies the scoping out of viewpoints that were initially selected.</p>
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		<p>The chapter emphasises that the design has evolved through compliance with stated design principles, these were discussed in the above section. The environmental opportunities as set out in the NCA 48 document, alongside guidance from the Landscape Institutes Infrastructure Technical Guidance Note are both referenced as drivers for the design principles. Paragraph 12.54 provides a description of the embedded environmental measures that have been included in the masterplan. While the NCAs provide good overarching information and guidance, the key design parameters should evolve from the dissemination of the information provided in published local character assessments, field work and coordination with relevant disciplines such as ecology, heritage, or civil engineers (flooding and land form). This is particularly relevant in carefully and sensitively positioned mitigation planting. The design evolution has been an iterative process and has responded to feedback both from NSDC and other parties in the stages preceding the PEIR.</p> <p>Methodology is considered from paragraph 12.55 and also Appendix 12.2. At this stage, the detail of many elements is not fixed and as a result the worst-case scenario is considered. The methodology follows best-practice assessment methodologies by identifying construction, operational and decommissioning effects. Operational is assessed based on year 1 and year 15, but it does not identify in sufficient detail the magnitude of effect due to replacement of panels, which it is stated will occur once in the lifecycle of the project.</p> <p>Appendix 5 covers the Outline Landscape and Ecology Management Plan; this details the mitigation proposals and begins to address the important aspect of ensuring that the planting thrives and matures in order to achieve the maximum output in regards minimising the landscape and visual effects of the project in the landscape. The list of species proposed to be planted, alongside planting protocols is useful, however the appendix is light on the methodology for ensuring maximum success rate of planting. It is also light on the impact of the construction, reconstruction, and decommissioning processes on existing vegetation – both retention and removal. We would welcome the development of this appendix as</p>
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		<p>the project progresses to DCO and will be happy to provide further advice on our expectations of this document.</p> <p>We welcome the approach to continued design evolution to refine areas where significant effects have been identified. The changes to the design to date have been part of the consultation process and this is an approach we would continue towards DCO submission. To aid this we would welcome speedy resolution to the currently unconfirmed aspects of the project.</p> <p>Appendix 12.6 provides imagery of each of the selected viewpoints, the images conform to best practice and generally are clear and well selected. We consider the viewpoints most directly relevant to the Newark and Sherwood district are 9 to 25 inclusive. Given the scale of the project and the open character of the landscape other views beyond the 2km study area are possible. At present no viewpoints have been selected beyond the 2km study area, but as stated above, we believe this needs to be tested to scope out. This is particularly relevant in areas where the ZTV does show potential for visibility.</p> <p>The viewpoints have covered a wide range of receptors, including PRoW, Sustrans route, roads, residential receptors. Some views such as viewpoint 9 are split in to two with a view to the north extending beyond the scope of a single view sheet.</p> <p>The images are clear, photographed during dry clear spring conditions and the Site is clearly identified alongside key locations such as farms and key landscape features.</p> <p>Viewpoint 12, along the Sustrans route, needs to be reconsidered as it is located within woodland and the merit of the view is therefore diminished. Likewise, viewpoint 18, which is from footpath 153/3/1 is dominated by a hedgerow in the foreground, and we would suggest a more carefully selected view, which captures the same receptor experience but provides a wider context than an enclosed route due to the hedgerows. An alternative view could be from South Clifton looking south.</p>
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		<p>Viewpoint 19 is not well sited, and alternatives around the settlement of South Clifton should be considered. The view here is blocked by the residential property and a wider context view from the edge of the settlement would be more appropriate.</p> <p>At present no viewpoints have been developed into photomontages. We understand that this will evolve as the design evolves. We wish to be involved in the selection process for this to maximise the benefit of the process.</p> <p><u>Conclusion</u></p> <p>The design is evolving, and consequently there are significant gaps in the information provided. We understand and expect this at this stage of the process, and we have provided commentary on these and trust that the applicant will engage with relevant stakeholders and interested parties to enhance the DCO package.</p> <p>There are omissions which need addressing and are independent of the design evolution, for example the omission of viewpoints beyond 2kms from the development, even to if only to confirm the assumption that there will be no significant impacts beyond 2kms. The management and establishment of the mitigation planting is only considered on a broad level and not in detail within the oLEMP. Mitigation should not be used without careful consideration of the character of the open landscape. Simply filling views with planting will diminish receptor experiences.</p> <p>Generally, the viewpoints are well considered, there are some exceptions where more selective locations could have been found while still conveying the message. It is not useful to see hedgerow or woodlands as the key focus of the view when the point was to capture the receptor experience in the wide context of the landscape. As mentioned previously, the lack of viewpoints beyond 2km is an omission as the design is not fixed.</p>
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		<p>Finally, this Chapter has also been reviewed by NSDC’s Tree Officer and we would also wish to make the following observations.</p> <p>a. P 12:27 “there is no ancient woodland within our site” this statement is not supported by data and as such is suggested to be misleading. Going directly to government guidance Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk) - with specific reference to” Ancient woodland smaller than 2 ha, may not appear on these inventories.” “You should use this guidance for all ancient woodlands and ancient veteran trees whether there on the inventory’s or not”. As such without a specific detailed survey it is not possible to say whether there is or is not ancient woodland, or veteran trees, or ancient trees within the application site. The premise suggested /information required is that all trees and all woodlands are either veteran or ancient unless proven otherwise. Evidence required in the guidance is stated as fieldwork and historic maps, BS5837 survey, as it appears absent the supposition that the ancient woodland et cetera not present is suggested as false.</p> <p>Given the level of impact from either an ancient woodland or veteran tree or ancient tree is suggested that this is a critical error.</p>
<p><b>Chapter 13 – Pg 2 onwards.</b></p>	<p><b>Transport and Access</b></p>	<p>As Nottinghamshire County Council are also a ‘host’ authority for the purposes of this DCO application and are also the responsible Highway Authority, at this stage, we will leave NCC to respond on this topic area directly to the applicant, as part of their consultation response.</p>
<p><b>Chapter 14 – Pg 2 onwards</b></p>	<p><b>Air Quality</b></p>	<p>In respect of Air Quality, it is noted that the PEIR seeks to screen out many of the impacts in relation to the construction, operational and decommissioning phases. In doing so, reliance is placed upon the following:</p> <p>Dust Management Plan (DMP) Outline Construction Environmental Management Plan (oCEMP)</p>



		<p>Outline Decommissioning Environmental Management Plan.</p> <p>As these reports are not currently available and have not been subject to review, limited reliance can be placed upon them for the purpose of screening out such impacts. As is mentioned throughout this response, NSDC would welcome the early opportunity to review all draft management plans, prior to the DCO submission, so that we can confirm their adequacy. This is particularly important where they are proposed for use as a tool to screen out the necessity for further assessment and/or where they are being relied upon for mitigation purposes.</p>
<b>Chapter 15 –</b>	<b>Carbon and Climate Change</b>	<p>In respect of Carbon and Climate change and the Greenhouse Gas Assessment (GHG) the significant potential beneficial effect on climate change as set out within table 15-9 (due to zero carbon electricity generation) is noted and welcomed. In respect of the Climate Change Resilience Assessment (CCR) it is noted that this part of the assessment will be developed further with additional design detail beyond this preliminary assessment. Furthermore, it is also acknowledged that the CCR will also consider the specific impacts aligned to the stages of the project (construction, operation, and decommissioning) separately, including any specific risks and impacts related to final agreed options for BESS and substation locations, alongside the river cable crossing. As with other work presented within the PEIR, NSDC look forward to considering the full extent of the Environmental Statement at the next stage.</p>
<b>Chapter 16 – Pg 2 onwards.</b>	<b>Noise and Vibration</b>	<p>Chapter 16 of the PEIR identifies that the construction activities that are likely to cause disturbance and identified sensitive receptors that may be impacted. As noted in the Chapter, details of the exact locations of noise sources have yet to be finalised and therefore a conclusive and detailed assessment has yet to be concluded in this regard. NSDC would therefore welcome the opportunity to consider an updated assessment on Noise and Vibration once the site layout has been fixed.</p>
<b>Chapter 17 –</b>	<b>Human Health</b>	<p>We have no specific comments to make on this chapter.</p>

<p><b>Chapter 18 –</b></p>	<p><b>Socio Economics</b></p>	<p>In respect of Socio Economics, Chapter 18 sets out the potential for direct and indirect job creation during the construction, operation, and decommissioning phases. Whilst job creation is noted as a potential positive benefit, any permanent direct employment is limited to a net change of between 0-5 jobs (once displacement is taken into account).</p> <p>Although construction jobs are likely to be more significant (peaking at 750 over the course of the construction period) it is noted that the average could be lower. NSDC acknowledge that reference is made to the ‘Local Area’ which is based around four Lower-Layer Super Output Areas (LSOA), but without a further breakdown provided distinct to the Newark and Sherwood district in respect of jobs, it is difficult to quantify the specific benefits to the authority. Notwithstanding this, construction jobs are in any event of a temporary nature. NSDC would welcome further clarification on both potential job creation at the district level and how such potential jobs can be secured as direct and tangible employment on either a temporary or permanent basis.</p>
<p><b>Chapter 19 –</b></p>	<p><b>Cumulative Effects</b></p>	<p>NSDC have previously identified (at EIA Scoping stage) that the cumulative assessment should consider all relevant types of projects and not simply be limited to solar farm projects. We have also previously advised that The Environmental Statement (ES) should consider whether regional scale likely significant effects could occur with other large scale solar projects e.g., arising from changes in land use and disposal of waste. Furthermore, we have also previously stated that this should be agreed with all the authorities. The information has not thus far been presented to NSDC for consideration.</p> <p>Whilst it is noted that the cumulative assessment has had regard to Advice Note 17, there is no detailed justification and/or methodology for how a long list has been created and a short list established. NSDC would recommend that the applicant in particular make use of Appendix 1: Matrix Identification of ‘other development’ for CEA, which is an Appendix to Advice Note 17. The text associated with Appendix 1 notes that <i>‘It can be used to demonstrate that a</i></p>

		<p><i>systematic approach to identifying development for inclusion in CEA has been adopted.'</i></p> <p>NSDC consider that further detailed work and justification is paramount to ensure that the cumulative assessment undertaken as part of the ES is both robust and thorough. We look forward to further explanation of that and the opportunity to agree those schemes that should be captured within the cumulative assessment.</p>
<b>Chapter 20 –</b>	<b>Conclusions of Preliminary Significance</b>	<p>NSDC notes that the preliminary assessment identifies a number of topic areas with likely significant adverse effects, including LVIA and Cultural Heritage. Whilst it is accepted that a detailed assessment will be presented within the ES, informed by the detailed design for submission purposes, NSDC expect a full and robust ES that quantifies and clearly explains the significance of effects across all topic areas, including the extent of residual effects once mitigation is applied.</p>
<b>PEIR – VOL 2</b>		
<b>EIA Scoping Consultation. Pg 2 Onwards.</b>	<b>Scoping Report and PINS Adopted Scoping Opinion.</b>	<p>NSDC note that Volume 2 Contains a Copy of the EIA Scoping Report and the PINS Response to that formal request. NSDC would not wish to make any further comments on Volume 2, other than to request that these previously made comments by NSDC continue to be taken into account in the formulation and finalisation of the ES.</p>
<b>PEIR – VOL 3</b>		
<b>PEIR Report</b>	<b>Non-Technical Summary</b>	<p>In respect of the Non-Technical Summary (NTS) of the PEIR, NSDC would encourage the applicant to consider whether this could be further simplified and summarised in a more targeted way. We note that the Annex to Advice Note 7 – Presentation of the Environmental Statement states the following:</p> <p><i>'The Planning Inspectorate advises that the ES should be laid out clearly avoiding (where possible) over-reliance on detailed and technical terminology. The ES should provide a clear, objective, and realistic description of the likely significant effects of the Proposed Development. Information should be presented so as to be comprehensible to the specialist and non-specialist, alike. The Planning</i></p>

		<p><i>Inspectorate recommends that the ES be concise with technical information placed in appendices as appropriate.'</i></p> <p>Noting that the PEIR is not the finalised version of the ES, NSDC would encourage the applicant to consider whether the NTS could be more focussed, which at 52 pages long, is an extensive document in its own right and noting the advice as referred to above and to ensure that a key summary document for the ES is accessible and comprehensible.</p>
<b>PROJECT LEAFLET</b>		
<b>Community Consultation</b>	We have reviewed the project leaflet and have no specific comments to make.	
<b>PROJECT BOOKLET</b>		
<b>Consultation Booklet</b>	We have reviewed the project booklet and have no specific comments to make.	
<b>STATEMENT OF COMMUNITY CONSULTATION</b>		
<b>SOCC</b>	NSDC have previously responded to the formal consultation on the SOCC from the applicant and therefore have no further comments to make, beyond those originally made.	
<b>MASTERPLAN</b>		
<b>Illustrative Masterplan</b>		NSDC note that the latest iteration of the masterplan includes the removal of Solar PV Panels, in the land in between North and South Clifton. As these locations are sensitive residential receptors, this change is welcome. Notwithstanding this, NSDC note that significant areas of PV panels will remain to the east of both these villages

		<p>and to the west of Thorney. This will require very careful consideration as the design for the scheme is finalised and the EIA is finalised and reported within the ES.</p> <p>Finally, in the development of the final scheme design, we would ask that all components of the scheme, including the PV panels, BESS, substation, pipeline, and mitigation areas are clearly presented in both the masterplan and all associated plans that need to be prepared for the DCO submission. It would also be helpful to NSDC and all authorities if the administrative boundaries of the authorities are presented on the plans.</p>
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Please consider the comments made above and enclosed with this correspondence to constitute Newark & Sherwood District Council's formal consultation response in response to the Applicant's Statutory Consultation under Section 42(b) of the Planning Act 2008.

Yours sincerely,

Simon Betts MRTPI  
Planner, (Major Projects) Planning Development Business Unit  
**On behalf of Newark & Sherwood District Council**

## **Planning Committee – 1 August 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  
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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes  
Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 24 June and 17 July 2024)**

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/24/3345773  22/02341/OUT	Land Off Holly Court Rolleston	Outline application for erection of two detached dwellings and the re-alignment of Rolleston Public Footpath no.5 with all matters reserved except access	Hearing (Date already confirmed – see table below)	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
23/00771/HOUSE	Installation of security cameras (retrospective)	Hearing	Steve Cadman
23/00772/HOUSE	Erection of a car port (part retrospective)	06-07/08/2024	Michael Read
23/00773/HOUSE	Erection of outdoor gym building (retrospective)		
23/00774/HOUSE	Reconfiguration and landscaping of patio area including construction of retaining walls, pagoda, pergolas and sun pod (retrospective)		
23/00775/HOUSE	Erection of a summer house, installation of soft matting, service shed and timber shed (retrospective).		
23/00776/HOUSE	Outdoor swimming pool, spa, raised platform area and retaining walls, balustrading and 2 pagodas (retrospective).		
22/00393/ENFB	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);		
Fernhill	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).		
Hoveringham Road	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)		
Caythorpe	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		

	<p>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>22/02341/OUT</p> <p>Land Off Holly Court Rolleston</p>	<p>Outline application for erection of two detached dwellings and the re-alignment of Rolleston Public Footpath no.5 with all matters reserved except access</p>	<p>Hearing 11.09.2024</p>	<p>Lynsey Preston</p>
<p>22/01742/FUL</p> <p>Land At Wood Lane Kersall</p>	<p>Siting of park home/lodge for use as a rural worker's dwelling in connection with existing livery business</p>	<p>Hearing TBA</p> <p>(Appeal rescheduled due to submission of late evidence)</p>	<p>Amy Davies</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"> <li>-The insertion of 3 rooflight windows (figures 1 &amp; 2 within Appendix 1).</li> <li>-The installation and creation of a glazed openings and door (figure 3 within Appendix 1).</li> <li>-The application of horizontal timber cladding (figure 5 within Appendix 1).</li> <li>-The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1).</li> </ul>	<p>Hearing TBA</p>	<p>Richard Marshall</p>

	<ul style="list-style-type: none"> <li>- The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2)</li> <li>-The insertion of 2 rooflight windows (figure 9 within appendix 1).</li> <li>-The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1).</li> <li>-The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2)</li> <li>-The insertion of 2 rooflight windows</li> <li>-The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1).</li> <li>-The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2).</li> <li>-Erection of brick walls (including "well" type construction) and a pole (figures 12 &amp; 13 within appendix 1).</li> <li>-The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2).</li> </ul> <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 – 1 August 2024**

**Appendix B: Appeals Determined (between 24 June and 17 July 2024)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01429/FUL	Land Adjacent To Fosse Road Farndon	Erection of four bedroom bungalow	Planning Committee	Varied but in line	Appeal Allowed	27th June 2024
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RZ8GGDLBJYY00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RZ8GGDLBJYY00</a>						

23/00442/ENFB	Sir John Arderne Public House 10 Market Place Newark On Trent NG24 1DU	Without Listed Building Consent, the fixing of security boarding to the ground floor windows and doors, as shown on Images 1 and 2 attached to this Notice.	Not applicable	Not applicable	Appeal Dismissed	12th July 2024
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S4Y2TOLB0DF01">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=S4Y2TOLB0DF01</a>						

23/01125/FUL	59 Beacon Hill Road Newark On Trent NG24 2JH	Demolition of Garage/Outbuildings, Erection of One Single Storey Dwelling, Widen Existing Access to Form Shared Private Drive and Create New Parking for Existing Dwelling (resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	16th July 2024
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RX2G3GLBJBM00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RX2G3GLBJBM00</a>						

## 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development



Report to Planning Committee 1 August 2024

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
<b>Report Title</b>	Development Management Performance Report
<b>Purpose of Report</b>	<p>This report relates to the performance of the Planning Development Business Unit over the three-month period April to June 2024. In order for the latest quarter's performance to be understood in context, in some areas data going back to April 2022 is provided.</p> <p>The performance of the Planning Enforcement team is provided as a separate report.</p>
<b>Recommendations</b>	<p>For noting.</p> <p>The services it assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> <li>• Increase the Supply, Choice, and Standard of Housing</li> <li>• Protect and enhance the district's natural environment and green spaces</li> <li>• Reduce the impact of climate change</li> </ul>

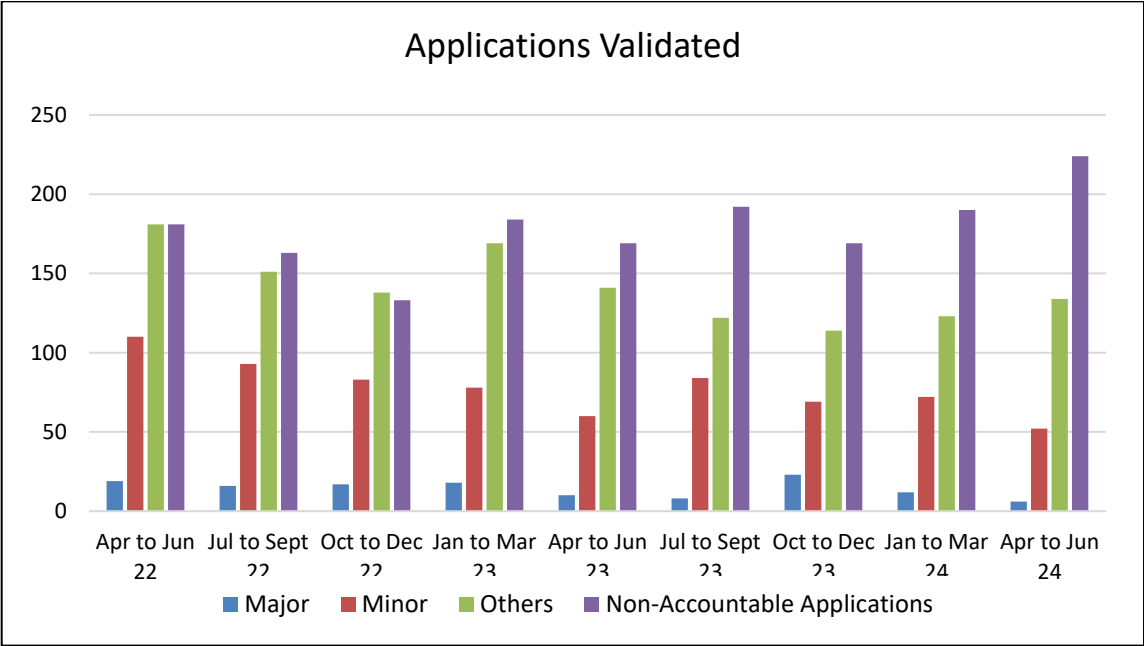
## 1.0 Background

1.1 The Planning Department undertakes a number of activities including the processing of planning applications and associated appeals, planning enforcement, conservation and listed building advice, offering pre-application advice as well as other service areas including land charges, street naming and numbering and management of the building control service for the Council. This report relates to the planning related functions of the service area.

## 2.0 Application Numbers

2.1 The graph below shows the number of applications that have been received as valid each quarter from April 2022 up until June 2024. They are presented in line with the Council's reporting to Government (definitions of what each application type constitutes is provided below the graph). This graph shows that in the first quarter of 2024/25, a total of 596 valid applications were received. This is marginally less than the

610 valid applications received in the final quarter of 2023/24, but higher than the same quarter of 2023/24 (555 valid applications). Major applications have significantly dropped, with only 6 for the reporting period. This compares with 12 for the previous quarter and 23 in the third quarter of 23/24. Householder applications are up marginally from last quarter, but less than the equivalent quarter in last financial year (98 householders in first quarter of this year compared to 88 in last quarter; and 114 in first quarter of 2023/24). Overall, the sum of all application types is marginally lower than last quarter, but higher than the preceding two quarters. Major applications are at their lowest number since January 2022.



2.2 ‘Major’ applications are those with 10 or more dwellings, sites of 1 hectare or more, or provision of 1,000m<sup>2</sup> new floor area or more. ‘Minor’ applications include (but are not limited to) up to 9 dwellings, gypsy and traveller sites and commercial proposals not falling within the major category. ‘Others’ include (but are not limited to) householder, advertisements, and listed building applications. However, for the benefit of the above graph, householders have been extracted from the others category. The ‘non countable’ category are those applications which are not reported to the Ministry of Housing, Communities and Local Government (MHCLG). Such applications include, but are not limited to prior approvals, discharge of conditions, etc.

2.3 Non-countable and others generally comprise the highest numbers quarter on quarter, with householders shortly behind.

**3.0 Performance**

3.1 Government monitor planning authorities on their speed of making decisions in relation to major and non-major applications. The target at national level is to determine 60% of major applications within the statutory period of 13 weeks or subject to the agreement of a time extension over a rolling two-year period. From April to June 2024, 100% of major applications have been determined within these timescales, which has

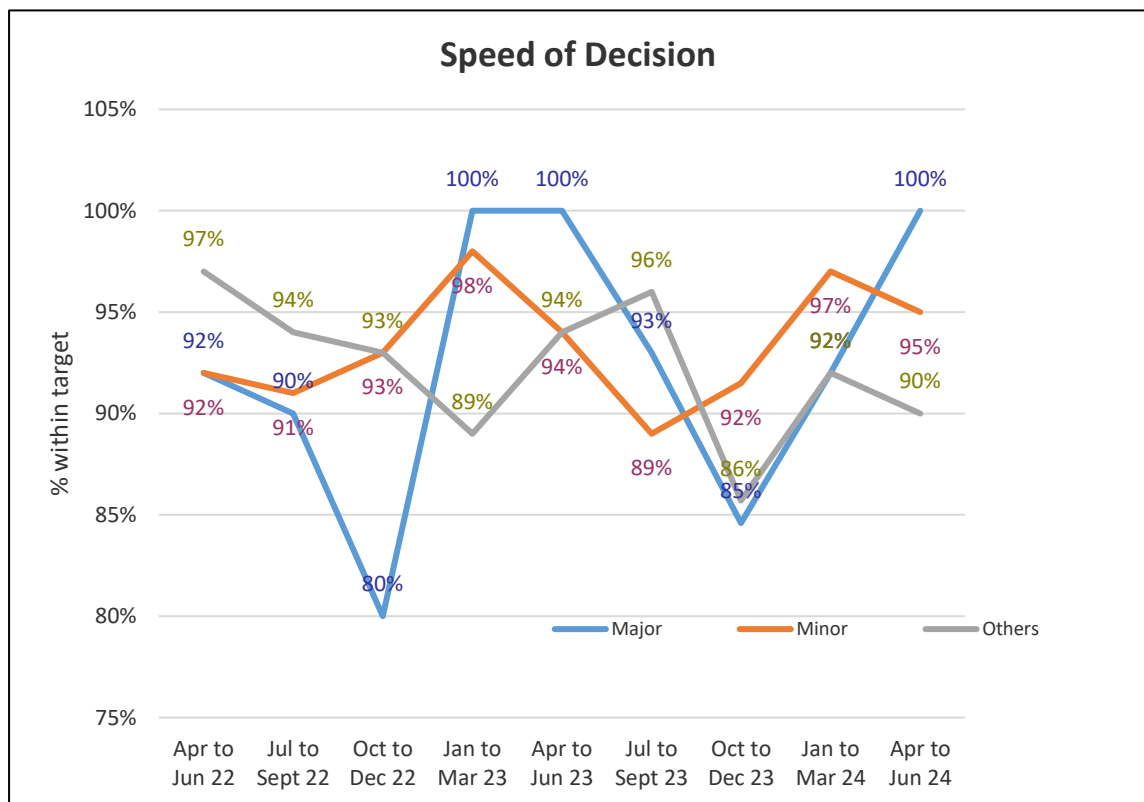
risen from 92% when compared to the previous quarter. This means that no decisions have been made outside of agreed dates.

3.2 For non-majors, the target set nationally is 70% over a two-year period. 92% of non-major applications during Q1 have been determined in time. The graph below shows non-majors separated out between minor and others.

3.3 These targets are challenging when taking account, in accordance with the National Planning Policy Framework, working proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area i.e., trying to find solutions, when appropriate as opposed to refusing a planning application that might be amended.

3.4 For authorities who under-perform against the national target, they will be classed as 'poorly performing' and applications for major development may be made by developers directly to the Planning Inspectorate. The Council would not receive the fees for these but would be expected to deal with all the associated administration.

3.5 The following graph relates to the percentage of planning applications determined within set timescales.



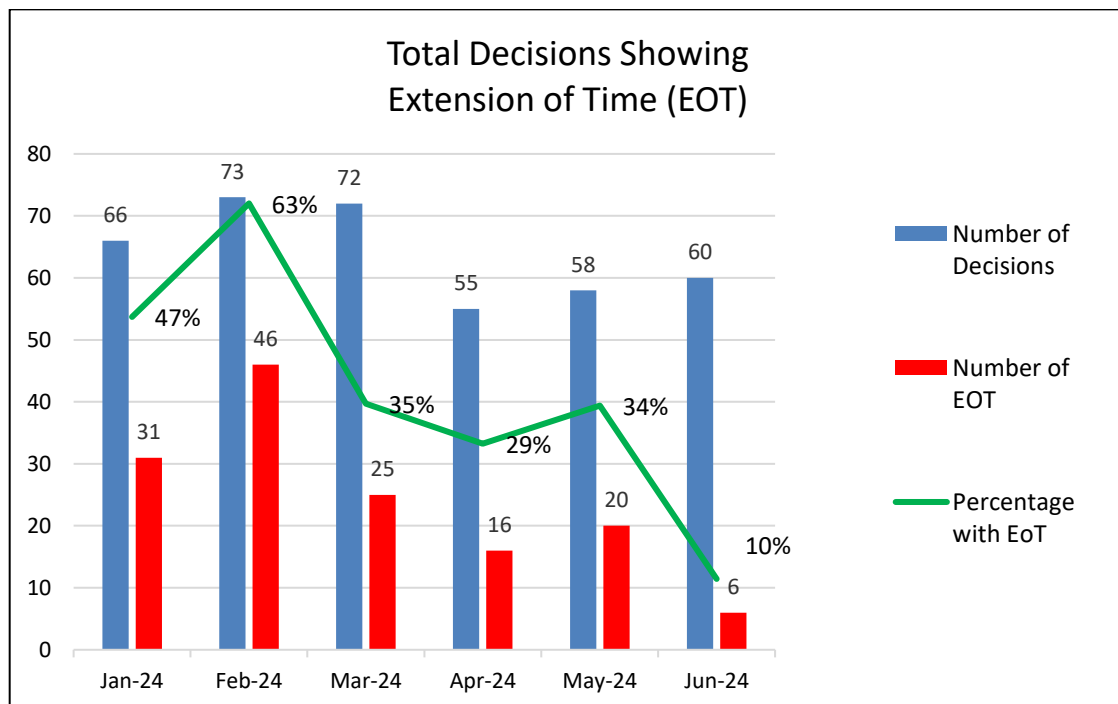
3.6 These targets continue to be achieved due in part to seeking time extensions for dealing with the applications beyond their original statutory time-period from applicants. Time extensions might be sought by either party (the applicant or the Council) for a variety of reasons but might include seeking negotiations, complex and/or controversial proposals and items presented to Committee. Both parties have to agree in writing to



the time extension. Time extensions do not currently go against the authority in terms of speed of decision making when reporting. However, as reported to Members at January’s Planning Committee, the previous Government was looking to change the ‘rules’ in relation to when extension of time agreements can be sought as well as their frequency. This was also part of the [Accelerated Planning System](#) consultation by the previous Government. It is not known whether the new Government will revisit this issue.

3.7 When any information is known, this will be reported, together with any changes to processes that might be required in order to ensure that performance is maintained. This will be undertaken alongside the outcome of a survey currently being undertaken by the Planning Department in relation to customer service delivery [for applicants] for both application processing as well as pre-application advice.

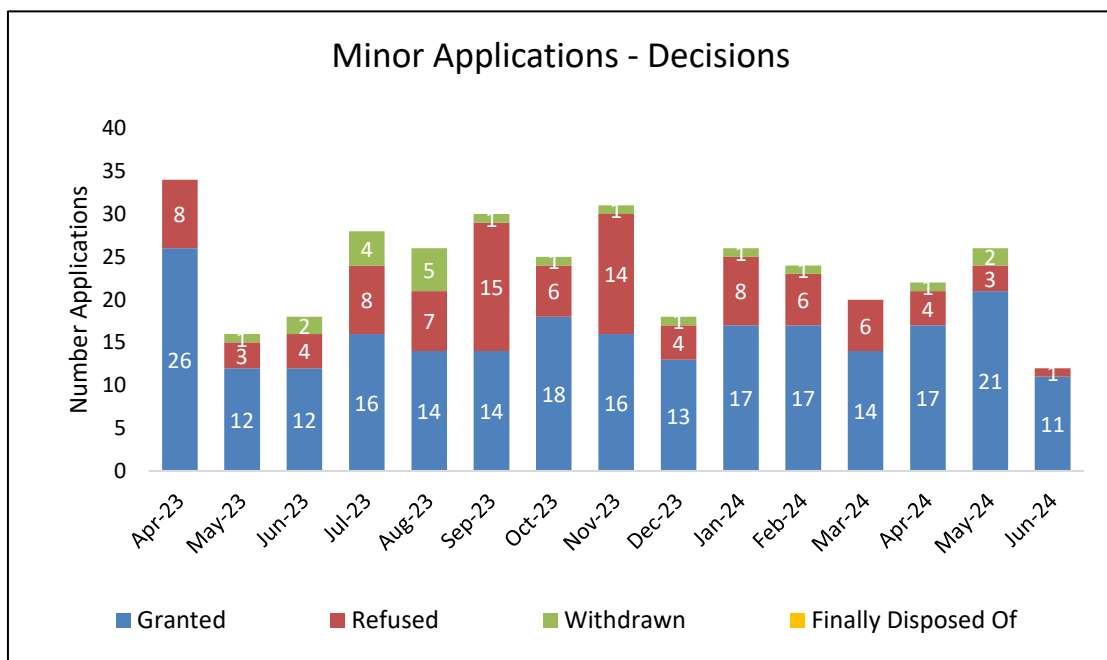
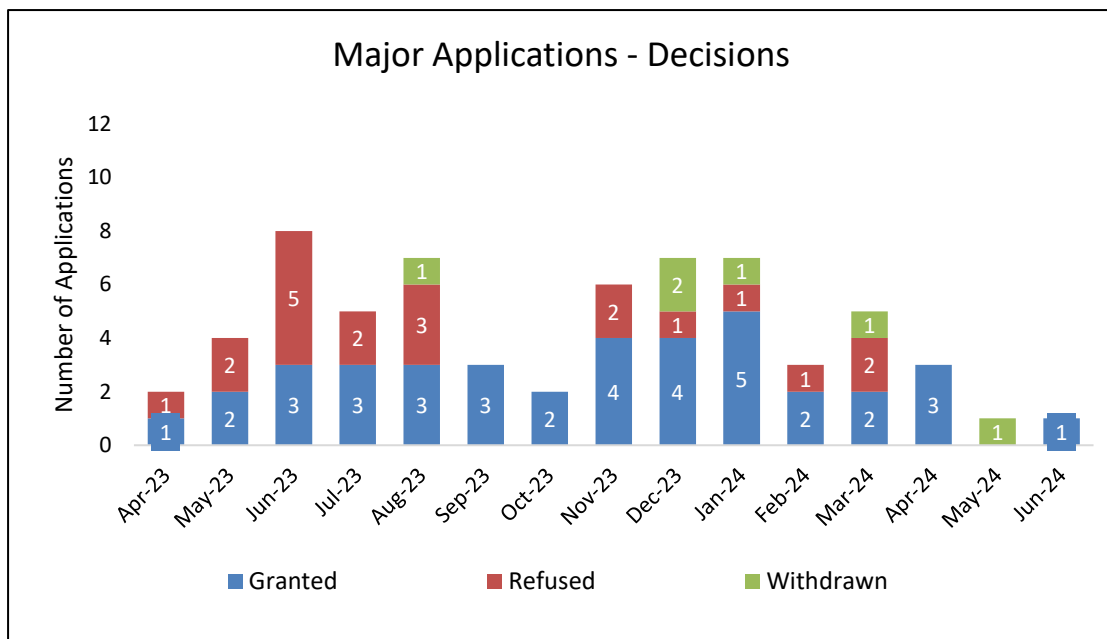
3.8 The graph below shows the total number of applications determined each month in blue and alongside those in red are the number of applications where time extensions have been sought of those determined. The percentage of applications with extension of times is provided in green. Seeking time extensions means that case officer workloads increase overall which makes dealing with newer applications on time more challenging. The number of applications with extensions of time varies quarter to quarter. As is always the case, Officers continually strive to deal with applications in a timely manner whilst working proactively with applicants.

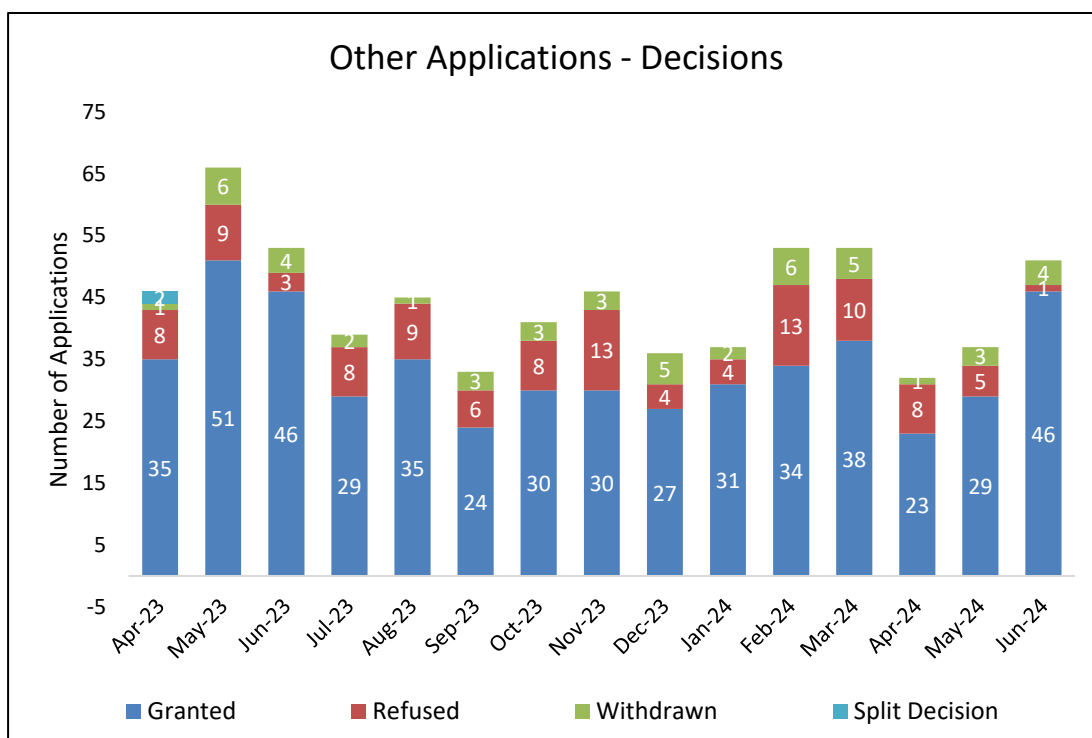


3.9 As explained above, the number of decisions each quarter fluctuates, and this can certainly be seen in the graph above for January to March, but with a trend towards a lower percentage of extensions of time in Q1 of 2024/25.

3.10 The graphs below show the number of decisions that were granted, refused, split (i.e., part granted, and part refused) and withdrawn across the major, minor, and other

categories. The only types of applications where a local planning authority can issue a split decision are for advertisement and tree applications, unlike the Planning Inspectorate who is able to do this for all application types. In relation to the percentage of applications approved compared to the number determined (including withdrawals) during Q1, 67% of majors were approved, 82% of minors were approved and others, 82% were approved. Withdrawals (8 in the quarter) are not reported as part of our overall performance to government but will still have involved a significant amount of work by the case officers. Over the previous financial year, the number of decisions issued quarter on quarter has fluctuated from 233 in April-June, 201 July-September, 196 October to December, 211 in January to March 2024 and 173 in Q1 of this financial year. Comparing the total number issued in 2022/23 compared to 2023/24, the numbers have reduced from 986 to 841 application.





3.11 The tables below show the information published by the Government in relation to our performance across 24 months to March 2024 with extension of time agreements taken into account.

Major Development – 24 months to end of March 2024					
No of decisions	Within weeks	13	% approved within 13 weeks	Determined within an agreed extension of time	% approved within 13 weeks or within an agreed extension of time
113	55		48.7	48	91.2

Non-major Development – 24 months to end of March 2024					
No of decisions	Within weeks	8	% approved within 8 weeks	Determined within an agreed extension of time	% approved within 8 weeks or within an agreed extension of time
1494	887		59.4	501	92.9

3.12 The previous Government consulted upon an Accelerated Planning Service (APS) which included reducing the time for local planning authorities to determine major commercial applications to 10-weeks, removing the ability to have extension of time agreements for householder applications and only permitting one extension of time agreement for all other types of applications. Should the new Government decide to

pursue an APS, is anticipated that there would need to be significant change in how we currently deal with applications in order to not become a standards authority.

3.13 As a reminder, performance is currently measured by applications being within the statutory timeframe, including agreed extensions of time e.g. 60% for major development and 70% for non-major. However, if performance measures excluding EoTs were to be suggested at a lower figure, e.g. 50% for majors and 60% for non-majors as advanced within the APS consultation and, as detailed earlier, no time extension permitted for householders, then currently we would fail on both major application performance (currently 48.7%) and non-major (59.4%). Significant work is therefore required across all application types in order to improve our performance. To ensure that we deliver an effective and efficient planning process whilst still providing a good service, we are reviewing our processes and procedures. To achieve a faster decision-making process, it could mean that we will no longer be able to engage in seeking (significant) amendments or go through protracted engagement following the submission and validation of the planning application. It will therefore be necessary to ensure that both the correct information is submitted with the application but also that the proposed development is likely to be supported. Alternatively, more applications are likely to be refused. We think that pre-application advice will be critical to increasing the likelihood of planning proposals being acceptable and enabling decisions to be made within statutory timescales.

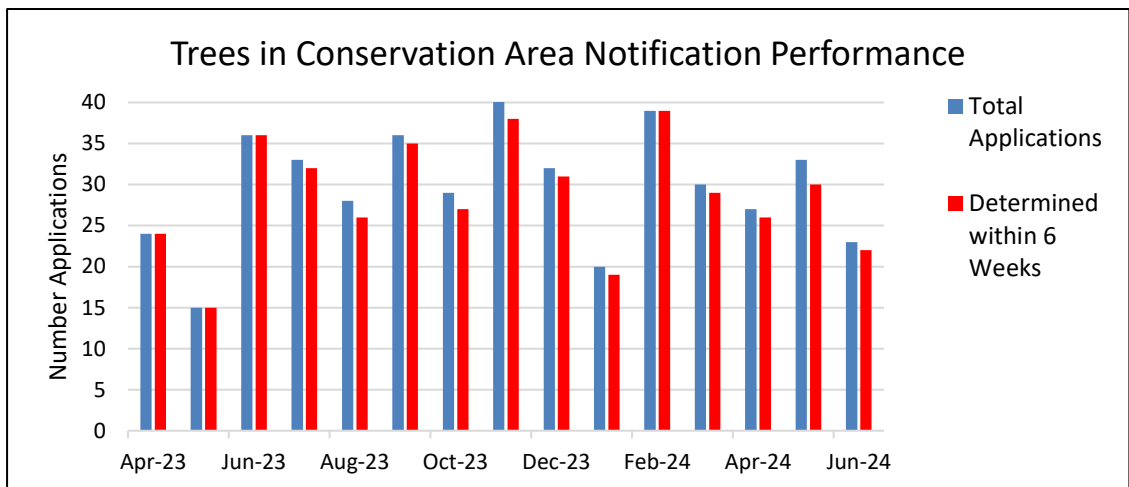
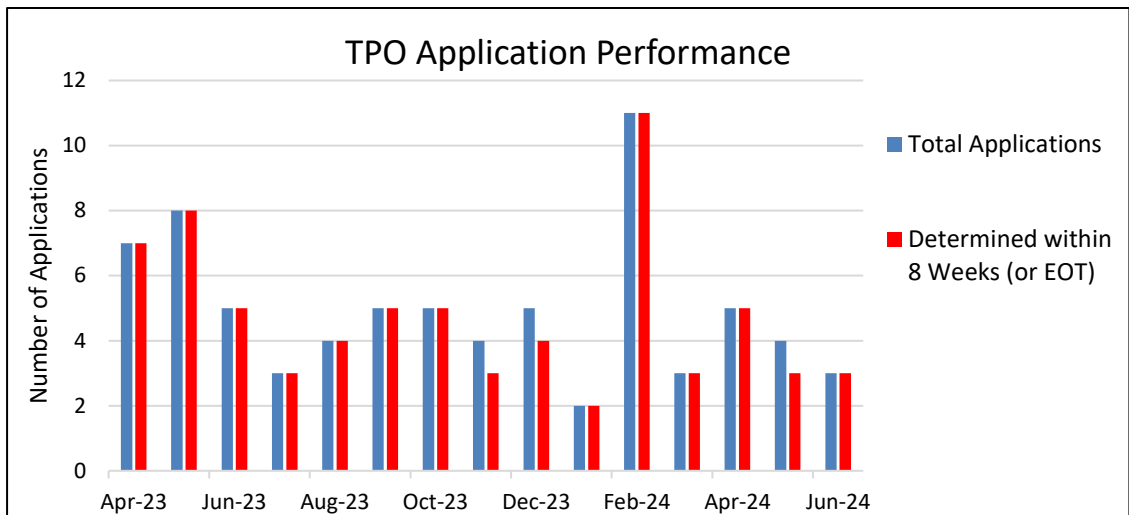
#### **4.0 Tree Applications**

4.1 Trees are a valued amenity contribution to the character of the District. Those that are subject to a Tree Preservation Orders (TPOs) or within a Conservation Areas (TWCA) require consent from the Council before works are commenced. In relation to unprotected trees within a Conservation Area, the notification process (known as a section 211 Notice) seeks the Council's decision as to whether or not the tree has the necessary amenity criteria such that it should be subject to a Preservation Order. These criteria include consideration to:

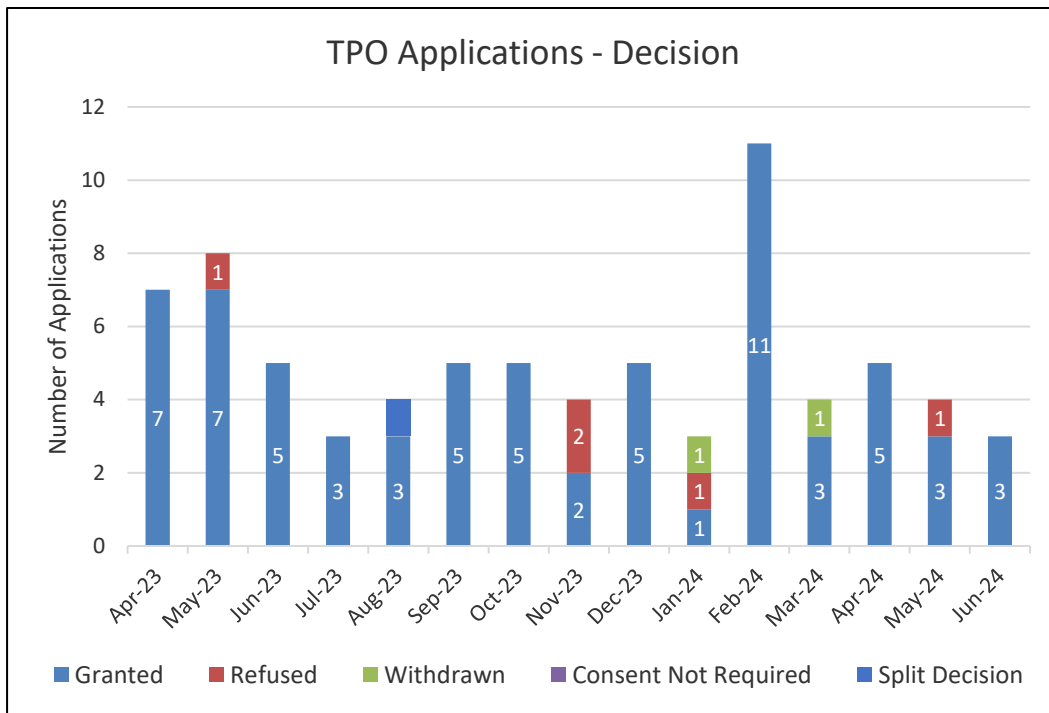
- Its condition and suitability
- Its remaining longevity (in years) and suitability
- Its relative public visibility and suitability
- Other factors, such as whether it has historical value, its rarity, whether it is part of a group etc.

4.2 Where it meets these criteria, a TPO will be made. Applications for works to trees in a Conservation Areas require the Council to make their determination within 6-weeks and the Order issued within this timescale. If a decision is not made by the first day of the 7th week (and the associated Order not issued), the applicant may undertake the works that they were seeking consent for. These applications are not subject to a planning fee and no conditions can be imposed.

4.3 The following graphs show the number of TPO and Trees within a Conservation Area applications determined each month and whether they were determined within the statutory timescales.



4.4 The number of applications received each month have limited consistency, making resourcing more difficult. It should be noted however that where the Officer identifies a potential risk to a tree of value (for trees within conservation areas applications), these applications are determined within the statutory period in order that further protection for the tree can be put in place.



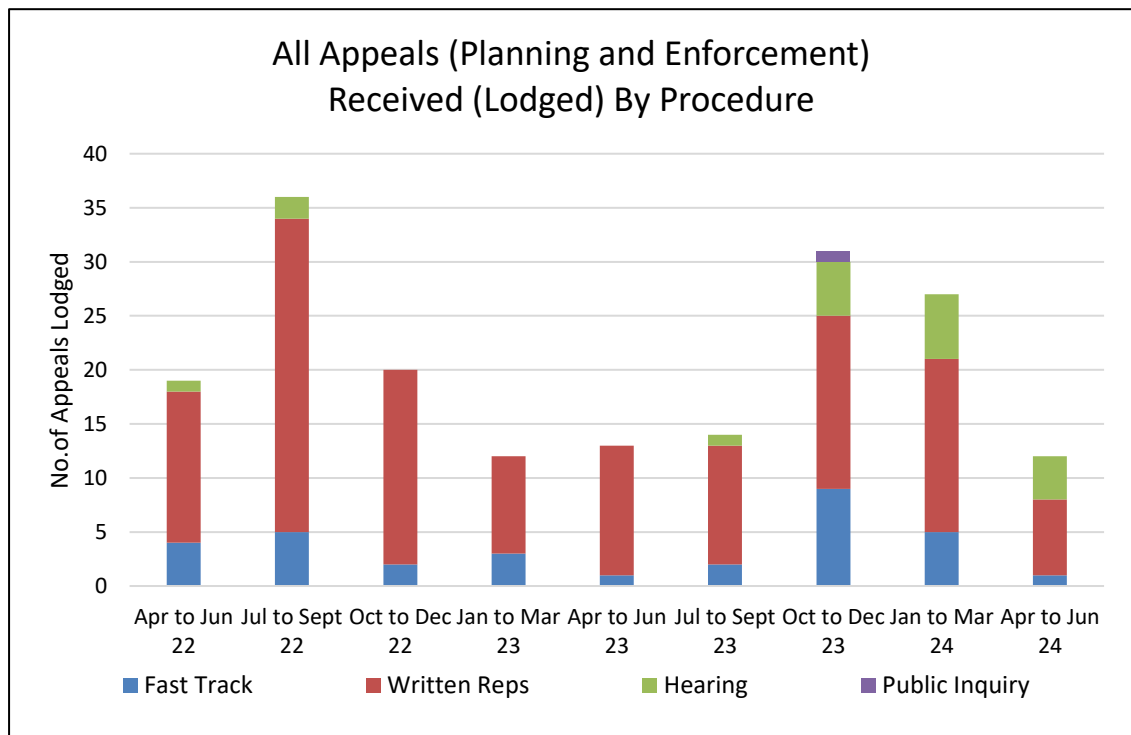
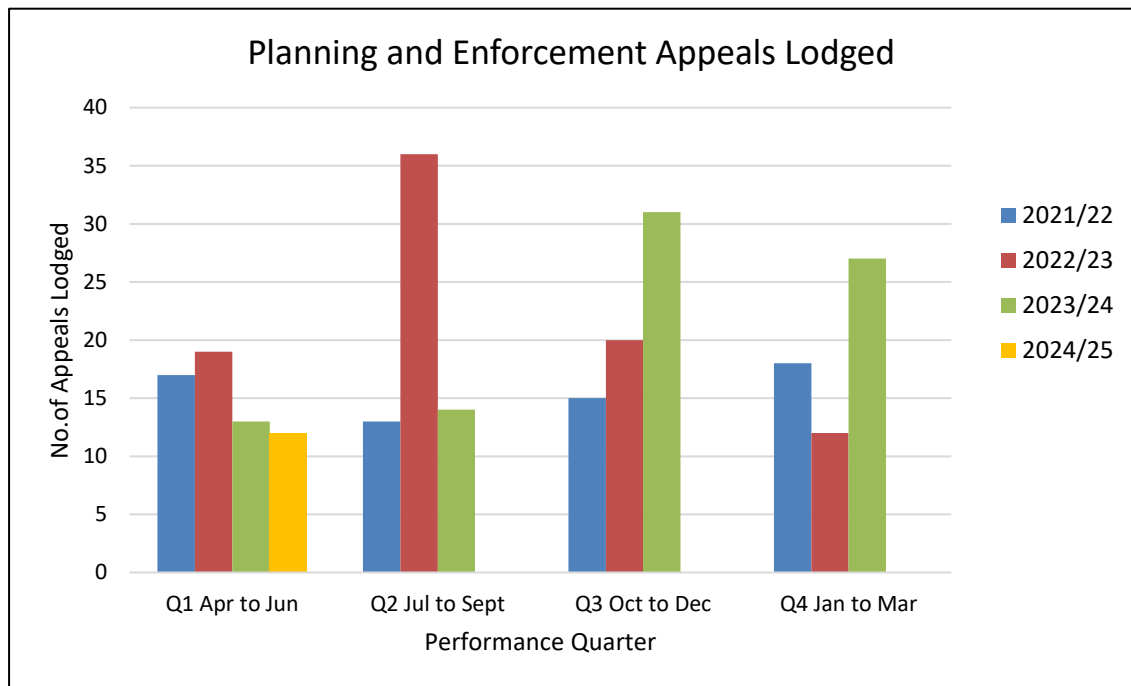
*Number of TPO application decisions since April 2023.*

4.5 Overall, performance is steady, with 94% of notifications for works to trees in a conservation area decided within the statutory 6 weeks period, a decrease of 2% compared to the previous financial year. During Q1, 92% of TPO applications were dealt during statutory timeframes. Delays are often due to time taken around our proactive approach with negotiations with agent/applicants in line with British Standard S3998.2010, as well as clarifying vague proposals (detail regarding works). This British Standard gives general recommendations for tree work as well as guidance on management options for established trees. Unlike planning applications, legislation does not allow for an extension of time. Additionally, applicants/agents often need to liaise with a suitably qualified professional to confirm acceptance. It is hoped, whilst there may be a small number outside of the statutory target period, amended proposals will not be detrimental to the subject tree’s ongoing health and longevity. This proactive approach will continue.

**5.0 Appeals**

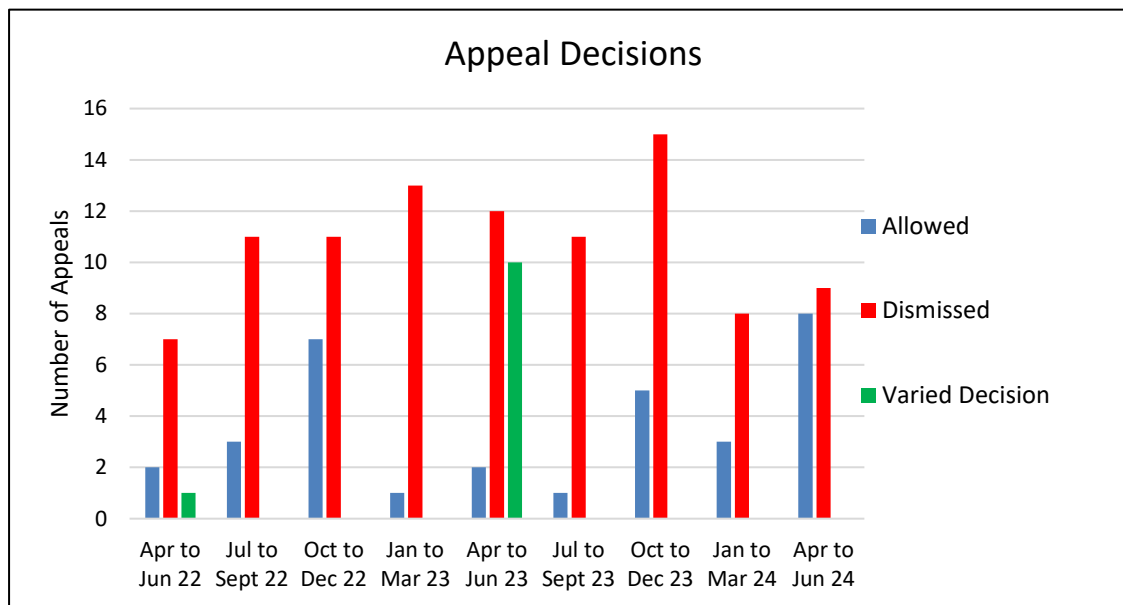
5.1 The charts below show the number of appeals against planning applications and enforcement notices that have been submitted over the last 3-4 years, quarter on quarter. It can be seen that the total number of appeals fluctuates, particularly with reference to Q2 2022/23 which makes resourcing them challenging, with a need to balance appeal work against the number of applications a case officer is dealing with. Additionally, the type of appeal has impact upon workloads. There are 4 types of appeal – inquiry, hearing, written representations and fast track with the amount of resource required, from very high to low respectively. The majority of appeals, fortunately, are written representation appeals which have less resource implications due to being an exchange of statements. Members will be aware that for planning appeals, the Officer

Report (both for delegated and Committee decisions) is detailed and therefore little additional information is generally required.



5.2 The chart below shows the number of appeals against planning applications and enforcement notices that have been allowed, dismissed and split (part allowed and part refused). This quarter has seen a significant jump in the number of decisions allowed as a percentage of all decisions. Of the 17 appeal decisions, 8 were allowed (47%). This is concerning. This may well be an unusual reporting period in the context of the preceding 2 years, but is worth reflecting on. The messaging from the previous

Government in terms of efficiency, officer overturns and the cost-of-living crisis may well be factors. The team is reviewing cases and will update Members in due course.



5.3 As of 1 April 2018, the Government implemented a threshold for quality of decisions for major and non-major applications at 10%. For clarification, this is 10% of all major and all non-major (i.e. minor and others) decisions made by the Council and subsequently overturned (allowed) at appeal over a rolling two-year period. For awareness, when a split decision has been issued, in terms of the Government’s monitoring, this is treated as a dismissal.

## 6.0 Updates

6.1 There has been significant change in the Planning Development Team during the last few months. Oliver Scott is the new Assistant Business Manager. Two new Senior Planning Officers have been appointed: Ellie Sillah and Lynsey Preston have both been promoted. Julia Lockwood has moved across to take up the vacant Senior Planner (Conservation) post, which she has previously held.

6.2 We are pleased to report that Raheel Pasha has been promoted from apprentice to Trainee Planner, alongside a new Planning Officer Dayo Adegbaaju (due to start 29 July). We also welcome Charlotte Arden, Emma Holt and Laura Hardingham to our Technical Support Team. Richard Andrew has joined the Enforcement Team in a technical support capacity.

6.3 As of 8 July, the new Government has removed the de facto ban on onshore wind in England, which has been in place since 2015. Previously, planning policy included two tests, set out in footnotes 57 and 58 to paragraph 163 of the NPPF, that apply only to onshore wind. Together they say that development can only be considered acceptable: *a) In areas either allocated in a development plan or through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders; b) With the narrow exception of proposals brought forward by Neighbourhood Development Orders*



*and Community Right to Build Orders, where the proposal has proved community support.* The new Government feels that in practice this has often been interpreted to mean that any opposition means the proposal cannot be considered acceptable and that it sets a higher bar than is set for other forms of development. These policy tests no longer apply. The removal of these tests from planning policy means that onshore wind applications will be treated in the same way as other energy development proposals.

## **7.0 Implications**

7.1 In writing this report 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.

## **8.0 Conclusion**

8.1 Performance continues to be met. There are significant challenges for the Team in view of the number and types of proposals being submitted and being engaged with as well as major projects, such as the software procurement.

8.2 However, the team, as always is keen and positive towards always improving and meeting the high standards it always aims to achieve.

## **Background Papers and Published Documents**

None



Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Richard Marshall, Senior Planner (Enforcement), Richard.marshall@newark-sherwooddc.gov.uk

Report Summary	
<b>Report Title</b>	Quarterly planning enforcement activity update report
<b>Purpose of Report</b>	<p>To update Members as to the activity and performance of the planning enforcement function over the first quarter of the current financial year.</p> <p>To provide Members with examples of cases that have been resolved (both through negotiation and via the service of notices) and to provide details and explanations of notices that have been issued during that period.</p>
<b>Period covered</b>	1 <sup>st</sup> April 2024 – 30 <sup>th</sup> June 2024
<b>Recommendation</b>	<p>For noting.</p> <p>The services it assists in the delivery of Community Plan Objectives:</p> <ul style="list-style-type: none"> <li>• Protect and enhance the district’s natural environment and green spaces.</li> <li>• Be a top performing, modern and accessible Council.</li> </ul>

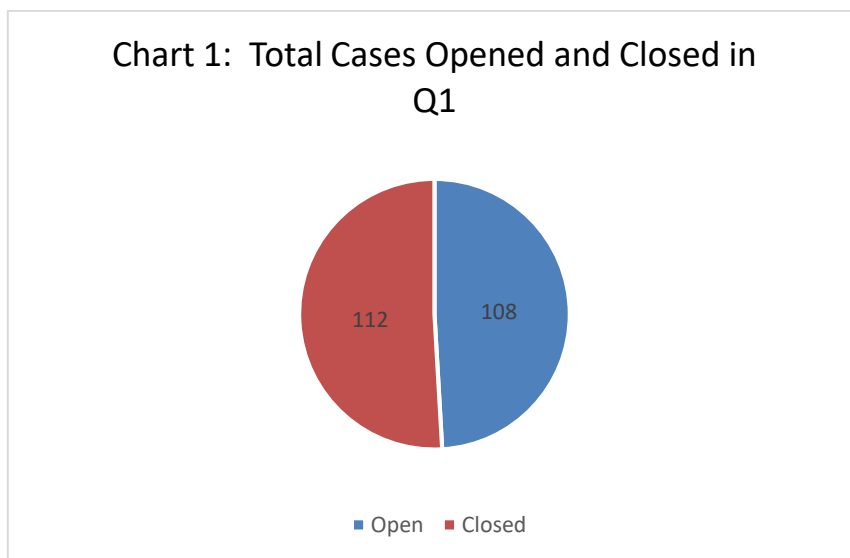
## 1.0 Background

- 1.1 This report relates to the first quarter of 2024/25 from the 1<sup>st</sup> April to the 30<sup>th</sup> June 2024 providing an update on enforcement activity during this period.
- 1.2 Schedule A outlines the enforcement activity for Q1 in terms of numbers of cases received, response times and the reasons for cases being closed.
- 1.3 Schedule B includes a small number of examples of where formal planning enforcement action has been taken (such as a notice being issued).
- 1.4 Schedule C provides an example of a case where officers have managed to resolve the breaches through dialogue and negotiation during the first quarter.

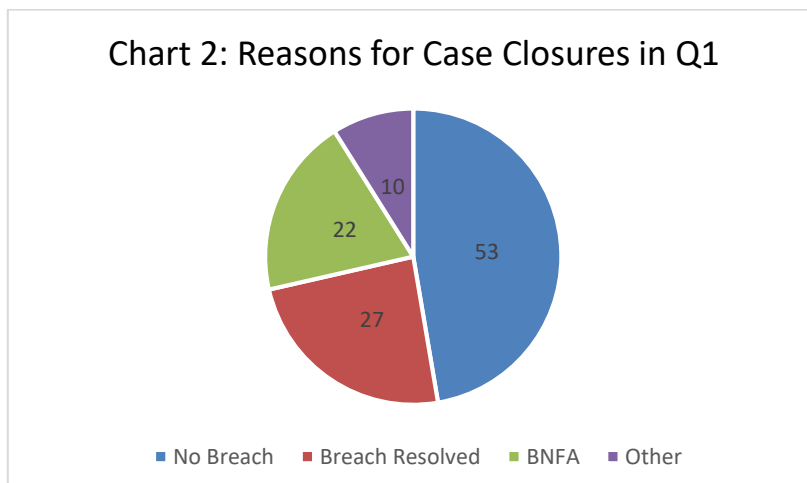
1.5 Schedule D provides examples of Notices having been complied with. The examples within the report shows some considerable success that has been achieved by the enforcement team.

**2.0 SCHEDULE A – OUTLINE OF ENFORCEMENT ACTIVITY**

2.1 Chart 1 sets out the number of new enforcement cases that were received and closed during Q1. Members will note that Officers have managed to close more cases in Q1 than have been opened. Whilst this is not necessarily a demonstration of ‘success’ (as the nature and complexity of cases varies from quarter to quarter) it does demonstrate the amount of hard work being undertaken by officers to resolve cases. This is particularly pertinent at present given the considerable number of intricate and controversial cases that officers are currently enforcing against.



2.2 Chart 2 sets out the reasons why cases have been resolved in Q1. The chart shows that the majority of cases that have been closed are due to them not relating to an identified breach of planning control (and thus falling outside of the planning enforcement team’s remit). It is hoped that the number of cases being received which fall in this category will begin to decrease due to recent staff changes which will assist in this ambition by both ‘screening’ cases and providing information to those persons that contact the enforcement services to who they need to direct their concerns to.



- 2.3 Of note is that close to a quarter of cases have been closed due to the breach having been resolved. This can be due to either the identified breach having been removed, a notice having been served (and complied with) or planning permission having been approved retrospectively. Again, this demonstrates benefit of the enforcement teams ongoing efforts.
- 2.4 Chart 3 sets out the response time of Officers in relation to the targets set out in the Newark and Sherwood District Council’s Planning Enforcement Plan (PEP) - (adopted September 2020). Members will note that over 95% of enforcement cases have been actioned within the target period that is set out within the PEP and again this demonstrates the continuing efforts by the team to meet all targets and objectives that have been set.

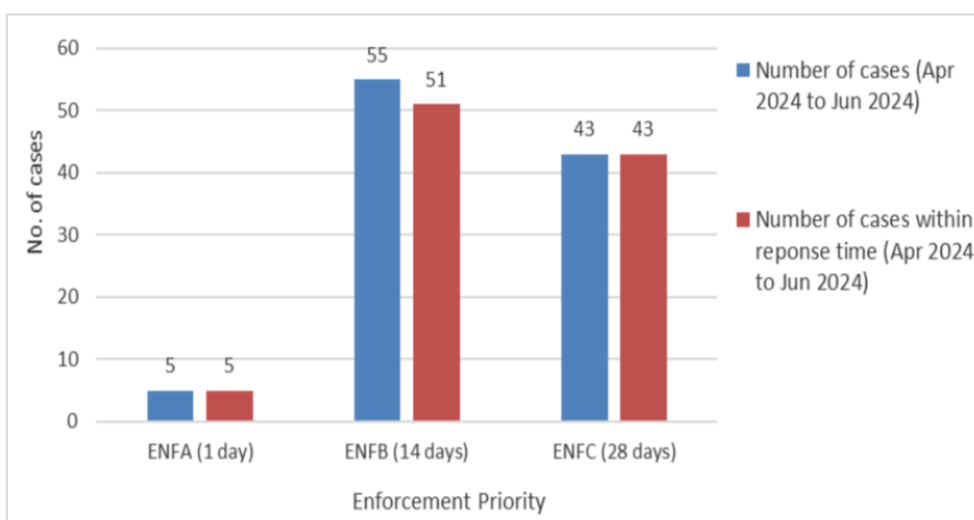


Chart 3 – Response to Case Priority Targets.

- 2.5 Table 1 sets out the number of Notices issued and appeal activity during Q1.

	April	May	June
<b>Notices Issued</b>	2	2	6
<b>Notices Complied With</b>	1	2	0
<b>Appeals Lodged</b>	1	0	1
<b>Appeals Determined</b>	0	1	0

Table 1 – Details of planning enforcement action (enforcement notices) and appeals during Q1 of 2024/25.

### 3.0 **SCHEDULE B. EXAMPLES OF FORMAL ACTION TAKEN**

**Enforcement Ref:** 24/00040/ENFA & 21/00206/ENFA

**Site Address:** The Corn Exchange, Newark

**Alleged Breach:** Unauthorised means of enclosure & concerns about the condition of a Listed Building

**Action To Date:** Enforcement Notice & Section 215 Issued

**Background:**

- 3.1 Officers have been aware of issues regarding the Corn Exchange, with matters relating to the visual impact of the recent addition of a 'smoking shelter' as well as the general poor condition of this important and prominent listed building within Newark.
- 3.2 A planning enforcement notice has been issued in relation to the unauthorised means of enclosure. The Notice requires the structure (smoking shelter) to be dismantled and all resultant parts and materials to be removed from the land.
- 3.3 In addition, a notice has also been issued under Section 215 of the Planning Act. The 'S215 notice' relates to the overall building condition and requires the removal of all items from the rear of the site (facing the river) including items such as umbrellas and fencing, as well as requiring vegetation clearance. The notice also requires the 'making good' (repair and improving in condition) of a number of items identified on the building itself, such as windows, doors and rainwater goods.



**Enforcement Ref:** 23/00429/ENFC

**Site Address:** Blidworth

**Alleged Breach:** Alleged Car Port

**Action To Date:** Enforcement Notice Served

**Background:**

- 3.4 Officers were made aware of the erection of a 'car port' forward of the principal elevation of a dwelling, along with timber fence being installed adjacent to a highway without planning permission.
- 3.5 Despite attempts made by the enforcement team to secure a voluntary resolution to the matter, including the removal of the car port and reduction in height of the fence which was unacceptable in this location, no action was undertaken. Therefore, an Enforcement Notice has been issued. The Notice requires the owner to demolish the car port structure and remove from the land all resultant waste and materials. The notice also requires the fence to be reduced to a height of no more than 1m.



#### **4.0 SCHEDULE C: EXAMPLES OF BREACHES RESOLVED WITHOUT FORMAL ACTION**

**Enforcement Ref:** 23/00137/ENFC

**Site Address:** Kirk Gate, Newark

**Alleged Breach:** Alleged display of fascia signage

**Action To Date:** Breach resolved

**Background:**

- 4.1 Officers were made aware of new signage at this location following the change of use of the former retail shop to a martial arts gym. The new signage was considered to not be appropriate within the conservation area setting of Newark town centre due to the materials used and the overall design (font etc.). This enforcement case was raised as part of the ongoing efforts to improve signage across the town centre.
- 4.2 After consultation with Conservation Officers, and discussions with the owner, a mutually agreeable way forward and timetable was agreed with the owner to carry out the necessary improvements, which have now been completed. The new design has been hand-painted and the text and colour scheme is more consistent with the overall aesthetic of the Newark Conservation Area whilst also maintaining the company's identity and brand.





**Before**



**After**

**5.0 SCHEDULE D – NOTICES COMPLIED WITH DURING QUARTER**

**Enforcement Ref:** 23/00097/ENFC

**Site Address:** Epperstone

**Alleged Breach:** Untidy Land

**Background:**

- 5.1 Officers received complaints concerning the visual impact of a large boat being stored in the rear garden of a residential property, which is located within a prominent position within the Epperstone Manor residential conversion scheme. The boat had been in situ for over 10 years, and was located within the Epperstone Conservation Area, Green Belt and within the former grounds of a grade II listed building (Epperstone Manor).
- 5.2 Considerable efforts to cooperatively have the boat removed in a timely manner were not successful, and as a result a S215 Notice (Untidy Land) was issued in August 2023. The Notice was later appealed to the Magistrates Court but upheld.
- 5.3 Following ongoing proceedings and discussions the boat was eventually removed in May 2024, following notification letters being issued to residents of surrounding road networks requesting the highway be kept free of obstructions. Newark and Sherwood District Council

also sent road sweepers to attend the site on the same date to clear any resultant mud etc. from the boat being removed.



Before



After

**Enforcement Ref:** 23/00378/ENFC

**Site Address:** Blidworth

**Alleged Breach:** Unauthorised Fencing

**Background:**

- 5.4 A fence over 1 metre in height was erected adjacent to the highway, which required planning permission. The fence was not considered to be of appropriate design and had an overbearing and oppressive impact.
- 5.5 Officers attempted to negotiate the removal of the fence, however unfortunately the owner was initially unwilling to remove the fence, which they claimed was necessary to uphold the privacy of their rear garden.
- 5.5 Subsequently a planning Enforcement Notice was issued in May 2024. The fence has now been removed (June 2024) and replaced by a laurel hedge (which doesn't require planning permission). The hedge maintains the privacy of the owner's garden but has a far 'softer' and pleasing appearance than the previous fence.





**Before**



**After**

## **6.0 Implications**

- 6.1 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.

### Background Papers

None