



**Castle House
Great North Road
Newark
NG24 1BY**

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Tuesday, 24 September 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**

MEETING:	Planning Committee
DATE:	Thursday, 3 October 2024 at 4.00 pm
VENUE:	Civic Suite, Castle House, Great North Road, Newark, NG24 1BY

**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.

AGENDA

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There are none.	

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, 5 September 2024 at 4.00 pm.

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

Councillor A Amer, Councillor L Dales, Councillor P Harris, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor T Smith, Councillor M Spoons and Councillor L Tift

ALSO IN ATTENDANCE: Councillor T. Thompson

APOLOGIES FOR ABSENCE: Councillor C Brooks, Councillor K Melton and Councillor T Wildgust

50 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.

51 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors L. Dales and A Freeman declared an other registerable interests for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

Councillor T. Smith declared an other registrable interest as he had taken part in community meetings in relation to agenda item 5 - Land South of Dale Lane, 22/01459/FULM.

52 MINUTES OF THE MEETING HELD ON 1 AUGUST 2024

AGREED that the minutes of the meeting held on 1 August 2024 were approved as a correct record and signed by the Chair.

53 LAND SOUTH OF DALE LANE, BLIDWORTH - 22/01459/FULM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the Development for 62 dwellings on grazing land, south of Dale Lane, Blidworth.

A site visit had taken place prior to the commencement of the Planning Committee, on the grounds the impact of the proposed development was difficult to visualise.

Councillor Tina Thompson, Local Ward Member spoke against the application. Mr A Thorne (Marrons) agent for the applicant, spoke in support of the application.

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 a resident and Officers.

Members considered the application, sympathising with the concerns of residents detailed but the Local Ward Members but acknowledging the allocation of the site for housing. It was suggested that the wood from the oak tree to be felled be retained on site as dead wood habitat, therefore maintaining the whole lifecycle of the tree on site. Members noted that hard standing surface water drainage would be dealt with as part of the conditions and that Nottinghamshire County Council had confirmed that school places were available in the area. Members requested that condition 10 be amended in relation to agreement in consultation with the lead flood authority, which was Nottinghamshire County Council.

AGREED (Unanimously) that Planning Permission be granted subject to the conditions contained within the report with additional conditions to retain deadwood log piles using the oak tree (T1) and Condition 10 to be amended to include the reference 'in consultation with the Lead Flood Risk Authority' (to be added after 'LPA', end of first sentence).

54 LAND REAR OF THE VINERIES, LOWER KIRKLINGTON ROAD, SOUTHWELL - 23/01836/RMAM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought the approval of Reserved Matters (layout, scale, appearance, landscaping) pursuant to outline consent 20/01190/OUTM; Outline planning application for 45 dwellings.

Mr N Cox (Evolve Planning & Design) agent for the applicant, spoke in support of the application.

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 a resident, Councillor P. Harris and the agent.

Members discussed the application and on balance felt that the reasons for deferral from the previous meeting had been addressed by the applicant. Some Members raised concern over flooding and the maintenance of the attenuation pond and the loss of trees on the site. However, a vote to refuse the application fell with 2 votes For, 9 vote Against and 1 Abstention.

AGREED (with 9 votes For, 1 vote Against and 2 Abstention) that Planning Permission be granted subject to the conditions within the report.

55 NEWARK CASTLE, CASTLE GATE, NEWARK-ON-TRENT - 24/01268/S73

The Committee considered the report of the Business Manager – Planning Development, which sought the Application for Variation of condition 20 to substitute approved drawings with revised plans for the multi-functional building following archaeological investigations attached to planning permission 21/02690/FUL - Engineering works to form new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works.

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 agent.

Members felt that the updated designs were more sympathetic to the development and would improve the project.

AGREED (with 11 for and 1 abstention) that Planning Permission be approved subject to the conditions contained within the report.

56 APPEALS LODGED

AGREED that the report be noted.

57 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.29 pm.

Chair



Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Julia Lockwood, Senior Planner x5902

Report Summary			
Application No.	23/00832/FULM (Major)		
Proposal	126 dwellings with open space, landscaping, highways and drainage infrastructure and associated works		
Location	Land off Mansfield Road, Clipstone		
Applicant	Harper Crewe	Agent	Richard West, Cerda Planning Ltd, Castle Donnington
Web Link	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)		
Registered	25.05.2023	Target Date	23.08.2023
		Extension of Time	07.10.2024
Recommendation	That planning permission is APPROVED, subject to a S106 Agreement and the conditions set out in Section 11 in the report.		

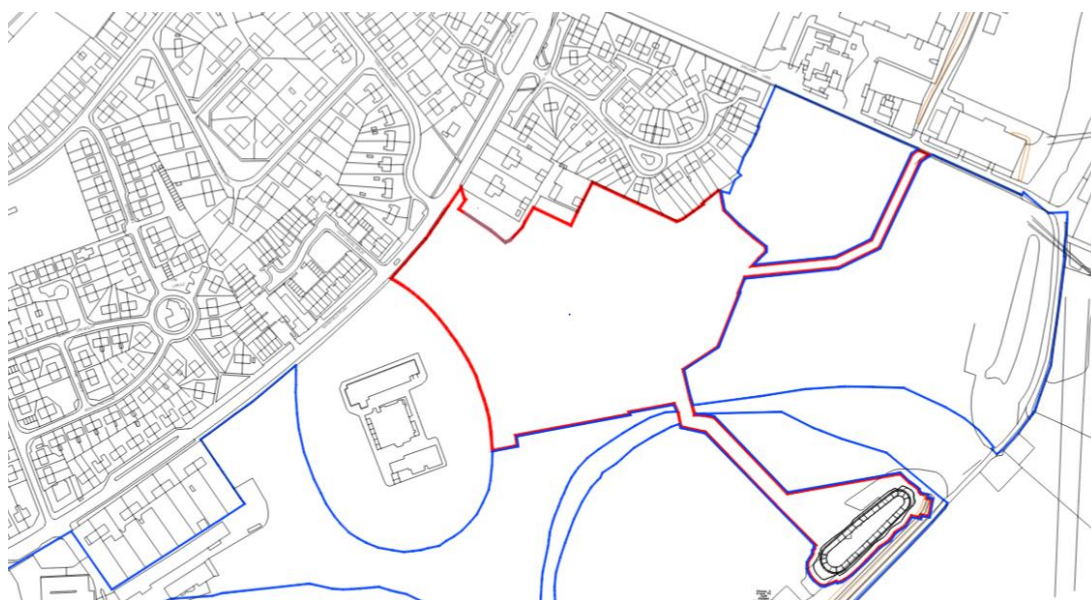
This application has been referred to the Planning Committee for determination by the local ward member, Councillor Paul Peacock, due to concerns regarding the design of footpath at the perimeter of headstock land leading to Anti-Social Behaviour, too few bungalows, drainage concerns, no details regarding 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

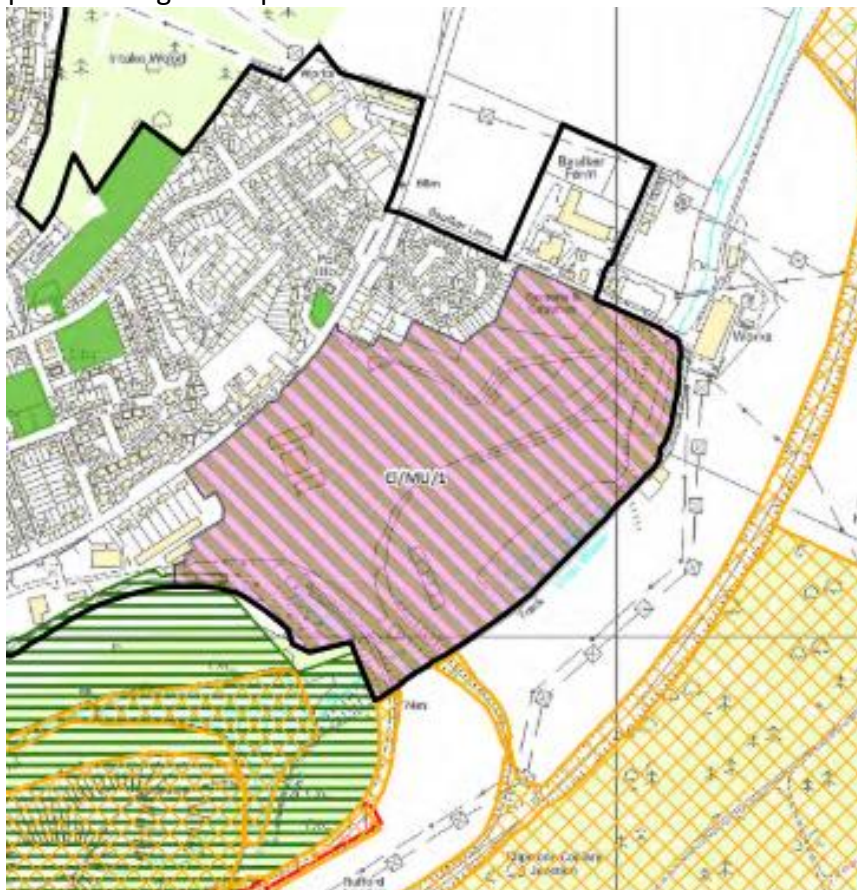
- 2.1 The application site comprises 5.57ha of brownfield land located on the south-east side of Mansfield Road, close to the northern entrance into the village of Clipstone and within the defined village boundary. The site is currently open grassland, secured by high fencing around its boundaries and 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 red line boundary of this application is shown below.



Site Location Plan Extract

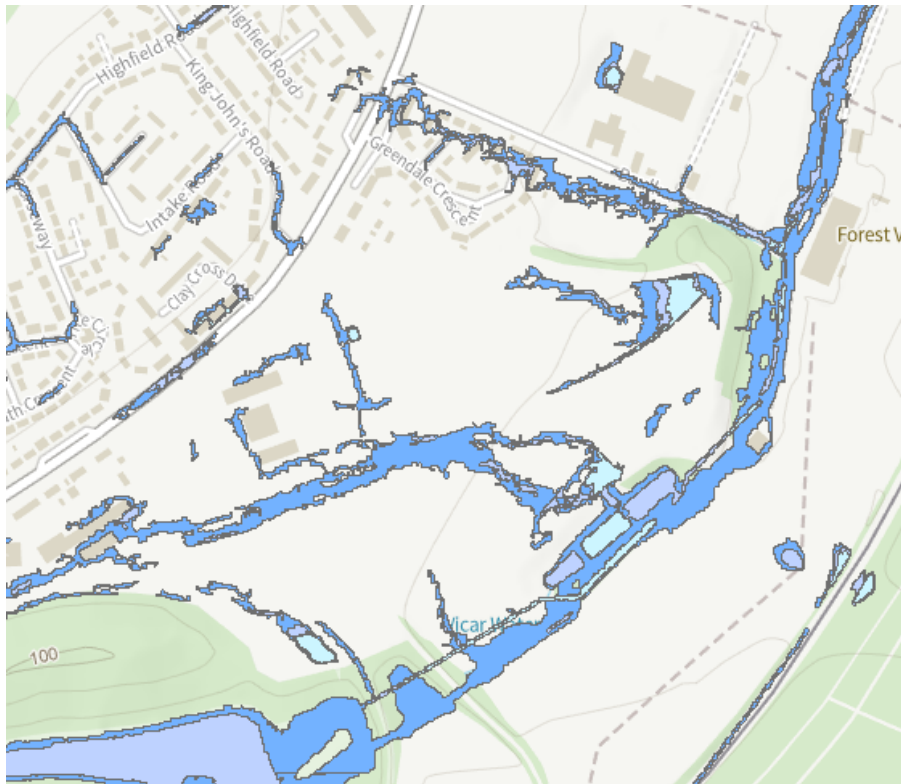
- 2.3 Immediately to the south-west of the site are the landmark Headstocks and Powerhouse structures which are Grade II listed buildings accommodated within a larger fenced off 'topple zone' area. On the opposite side of Mansfield Road is more recent residential development. To the north, fronting Mansfield 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 southeastern 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, on the grounds of over-provision of housing, it is not an allocated site and does not represent small-scale residential development, no securing mechanism for the provision of affordable housing, insufficient information to demonstrate provision of children's play space, sports fields or amenity open space, insufficient justification for the proposed demolition of the Grade II listed headstocks and range of curtilage listed buildings, insufficient information has been provided in relation to the impact on the surrounding highway network and access details, insufficient information submitted in relation to the impact on protected species.

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.

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
Market				
Ward	2 bed	Single storey semi-detached bungalow	64.2	Four Plots: 10, 11, 17, 18
Tove	2 bed	2 storey semi-detached	74.46	Eight Plots: 26, 28, 31, 32, 74, 75, 90, 92
Tove	2 bed	2 storey mid-terrace	74.46	Two Plots: 27, 91
Joseph	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
Archer	3 bed	2 storey detached	94.4	Twelve Plots: 2, 3, 25, 29, 30, 57, 68, 73, 79, 88, 89, 93
Thurston	3 bed	2 storey detached	95.6	Eight Plots: 1, 21, 24, 33, 64, 76, 87, 101
Thurston	3 bed	2 storey semi-	95.6	Six Plots:

		detached		9, 47, 66, 55, 77, 103
Cunningham	3 bed	2 storey detached	95.6	Two Plots: 12, 67
Madden	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
Elliott	4 bed	2 storey detached	120.5	Two Plots: 86, 94
Jarvis	4 bed	2 storey detached	121.5	Two Plots: 104, 105
Total				88 Plots
Affordable				
Murray GF	1 bed	Single storey maisonette	51.26	Three Plots: 50, 108, 125
Murray FF	1 bed	Single storey maisonette	62.85	Three Plots: 51, 109, 126
Fernsby	2 bed	Single storey mid-terrace bungalow	64.2	Two Plots: 43, 44
Fernsby	2 bed	Single storey semi-detached bungalow	64.2	Two Plots: 42, 45
Chester	2 bed	2 storey semi-detached	80.49	Twelve Plots: 34, 37, 40, 41, 48, 49, 52, 54, 114, 116, 123, 124
Chester	2 bed	2 storey mid-terrace	80.49	Four Plots: 35, 36, 53, 115
Singer	3 bed	2 storey mid-terrace	95.4	Two Plots: 111, 112
Singer	3 bed	2 storey semi-detached	95.4	Eight Plots: 38, 39, 110, 113, 120, 121, 122, 118
Thurston	3 bed	2 storey semi-detached	95.6	One Plot: 117

Aston	4 bed	2 storey semi-detached	107.56	One Plot: 119
Total				38 Plots

4.2 At the entrance to the site, dwellings would be set back approx. 14m from the Mansfield Road frontage, allowing new trees to be planted along the street frontage. There would be 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.



Proposed Site Layout Plan Extract

- 4.3 A narrow arm of the application extends to the north-east 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.



Open Space Layout Plan Extract

- 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, as listed below:

- T4 – Lombardy Poplar
- T5 – Common Apple
- T6 – Lawson’s Cypress
- T10 - Scots Pine
- T11 – Silver Birch
- G1 – Lawson’s Cypress
- G2 – Common Ash
- G3 – Mixed Group
- G4 – Mixed Group
- G5 – Silver Birch, Lombardy Poplar, Goat Willow
- G16 – Silver Birch, Common Hawthorn, Elder

Part Removal of Groups

- G12 – Leyland Cypress, Scots Pine
- G13 – Silver Birch, Lombardy Poplar
- G14 – Silver Birch, Common Hawthorn, Scots Pine, Elder

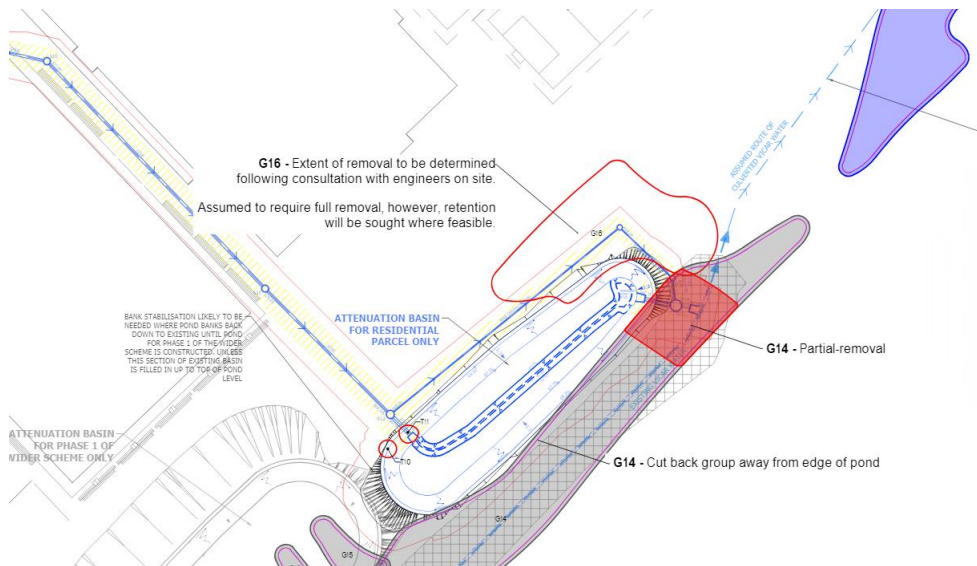
Trees to be removed are outlined and coloured in red below.

Trees to be retained (also Classified as Category B trees) T1 and G6 (all Common Lime in a row) are shown shaded purple below (G10 and G11 are to the east and outside the red line of the application site). None of the trees to be removed are considered aged or veteran.

Northern edge of site:



Attenuation Pond:



The above plan also shows the removal of a group labelled G16 (Silver Birch, Common Hawthorn, Elder) a small area within the red line but a larger area outside the red line boundary of the application site.

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. The proposed site layout shown in para 4.2 above shows the planting of 76 new trees 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)
- Full Allocation Phased Master Plan (Drawing No: 1418- A- (08)106_Rev A02)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev G)
- 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)
- Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S)
- 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: CL12309_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 P04)
- 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 E)
- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence

Documents:

- 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
- Biodiversity Mitigation Assessment from Rachel Hacking Ecology dated 18 September 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 5 – Delivering the Strategy
 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

6.5 On 30 July 2024 the Government published a consultation on proposed reforms to the NPPF (2023). The consultation and draft NPPF do not constitute Government policy or guidance. However, they are capable of being material considerations in the assessment of this application.

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)** – No objection, subject to conditions requiring a Construction Management Plan to be submitted, 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 to be submitted and approved, a drawing showing a reduction in

width to the existing site access to be submitted and approved, prior to final surfacing of access drives, driveways and/or parking areas of each plot, a drainage scheme shall be submitted and approved, access and parking areas to be surfaced in a bound material, prior to occupation the access to the site shall be provided, prior to occupation, the refuge identified to the south-west of the proposed access shall be upgraded, a drawing shall be submitted showing traffic management measures to prevent parking where required shall be submitted and approved, details of the locations of bin stores shall be submitted to and approved, landscaping details to be submitted and approved, details of the future management and maintenance of land to the front of Plot 78 shall be submitted and approved, pedestrian visibility splays shall be kept clear of all obstruction above 0.6m above the carriageway,

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)** – No objection, 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 local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent and requiring a scheme for introductory free 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 no primary education contribution 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, improved boundary treatments and external materials as well as 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** – No objection subject to conditions. In their 6th formal response to this application, they now state, that now all outstanding issues regarding mitigation and compensation measures have been resolved, the agreed measures are required to make the proposed development acceptable in

terms of compliance with the biodiversity elements of the NPPF, Amended Core Strategy Core Policy 12 and Policy DM7 of the Allocations and Development Management DPD. As such they advise that those measures that would be on-site should be secured by appropriate conditions on any approval. This would be via a Construction and Environmental Management Plan (CEMP) and Biodiversity Management Plan (BMP) for the on-site mitigation/ compensation. The off-site measures would need to be secured by an appropriate method, but that should include a separate Biodiversity Management Plan specific for the off-site compensation.

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 have been received from FIVE third parties/local residents that can be summarised as follows:

- Hundreds of new houses have been built in Clipstone already;
- 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

- 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:

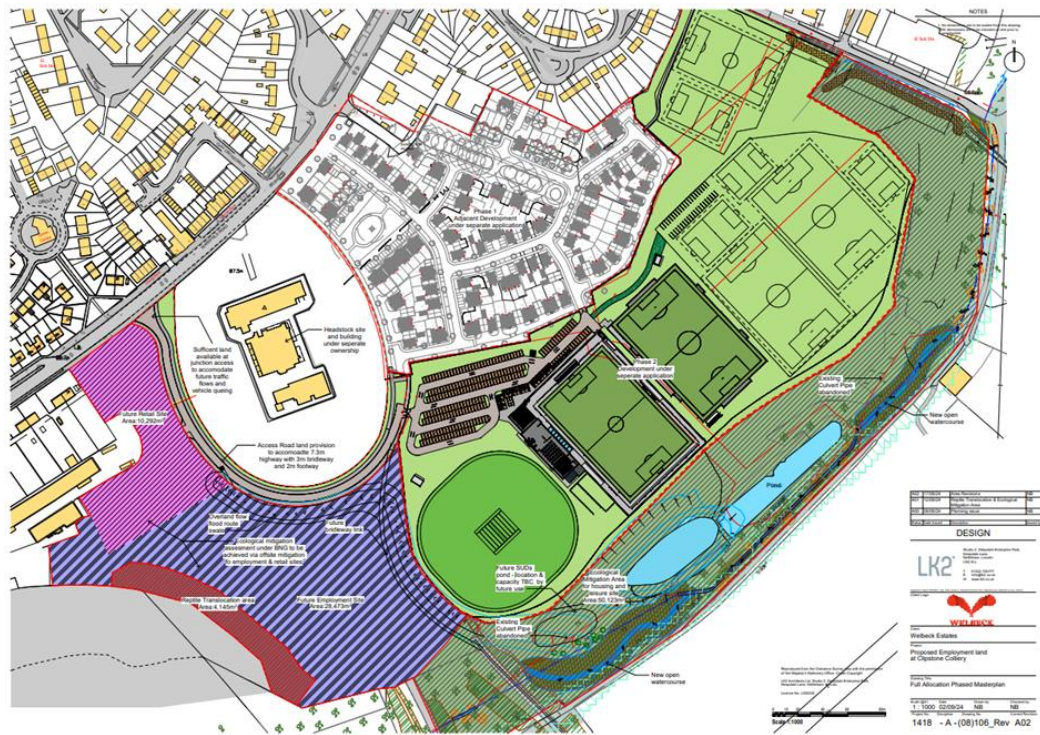
"Land at the former Clipstone Colliery has been allocated on the Policies Map for mixed use development. The site currently accommodates the Grade II listed headstocks and powerhouse to which national planning controls continue to apply in terms of their conservation. ~~An options appraisal is currently 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~~ **SANG 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 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. The Master Plan copied below, has been submitted in response to the first bullet point of Policy CI/MU/1 which requires a Master Plan to form part of any application, 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.



Full Allocation Phased Master Plan submitted with this application 23/00832/FULM

8.11 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 wider allocation. The above phased master plan shows the following requirements set out within the allocation policy (CI/MU/1), in white the retention of the listed headstocks and powerhouse with an area kept free of development around them; also in white the Phase 1 proposed 126 residential development; in light green is Phase 2 enhanced public open space (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 currently being considered 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 darker green eastern edge providing ecological mitigation area and surface water attenuation ponds for housing and leisure development, strip of red along the south-western boundary is a reptile translocation area for the housing development, Phase 3 comprises the purple area as proposed employment land and the pink area as proposed retail land. Ecological mitigation for Phase 3 is likely to fall under Biodiversity Net Gain with mitigation having to be provided through off-site provision. In highway terms the masterplan shows an elliptical access road around the listed buildings (with space for it to be widened, initially 6m wide carriageway and 3m shared surface and then enlarged to a 7.3m wide carriageway when Phase 3 comes forward) that would serve the proposed recreation, employment, and retail development. In relation to surface water disposal, a future swale and SuDS pond would be created to provide surface water attenuation for the employment and retail areas. The master plan also shows a bridleway link within the employment land from the elliptical footpath/access road which would eventually link to Vicar Country Park, the Bridleway No 4/Sustrans route adjacent to the eastern

boundary of the allocated site, in accordance with the requirement of the site specific policy.

- 8.12 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 fatally prejudiced.
- 8.13 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, the potential provision of the recreation facilities would represent the enhanced open space requirement, and this application is currently under consideration and is 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.
- 8.14 There is no objection to this approach for delivering the allocation, provided each separate application can *'wash its own face'*. The policy requirements around infrastructure provision (highways and surface water attenuation), addressing constraints (ecological mitigation/compensation are proposed both on-site and off-site for this housing application, no confirmation has been received to date in relation to the mitigation provision for the proposed recreation development (although the dark green area adjacent to the south-east boundary of the allocation has the potential to provide on-site mitigation for this part of the allocation) and ecological mitigation for Phase 3 is likely to fall under Biodiversity Net Gain with mitigation having to be provided through off-site provision) adequately demonstrates that the full delivery of the site allocation would not be prejudiced and there is confidence that those areas of the allocation 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 submitted with this first application to be determined on this larger allocated site, in accordance with the site specific policy, although the scale of uses emerging through the process are not totally aligned with the allocation. Nevertheless, this alternative approach delivers strong local benefits to the community. Overall, it is considered that this application and the submission of the wider Master Plan has reasonably demonstrated that the different types of proposed development and their phasing, taking account of infrastructure provision (highways and drainage) and constraints (crucially biodiversity) to ensure that the delivery of the range of uses is not prejudiced, in accordance with the site specific allocation policy.

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 also above the national described space standards minimums (best practice).
- 8.19 In relation to affordable housing, Core Policy 1 (Affordable Housing Provision) 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 (Sustainable Design) requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 (Design) requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.
- 8.22 The site would be surrounded on three sides 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 20th 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.



House Type Plan Extracts

- 8.23 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 also provided along the Mansfield Road frontage which is approx. 14m deep. Efforts have also been undertaken to secure tree-lined streets in grass verges, along the two main thoroughfares.
- 8.24 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. However, providing high fencing around this area was not considered to be acceptable in visual impact terms.

In addition, 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 which. 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. 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.

- 8.25 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 a 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	2, 160 sqm	2, 848 sqm

	people		
Light Green	Amenity Green Space	1, 814 sqm	3, 748 sqm
Lightest Green	Green Verges	-	857 sqm

8.26 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.

8.27 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.

8.28 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

8.29 Core Policy 14 (Historic Environment) and Policy DM9 (Protecting and Enhancing the Historic Environment) 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.

- 8.30 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).
- 8.31 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.
- 8.32 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.
- 8.33 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).
- 8.34 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-20th 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 fishpond 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)

- 8.35 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 20th 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-20th century, the planned village layout and connection to the historic interest of the adjacent Listed Building.
- 8.36 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.
- 8.37 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.

- 8.38 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 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.
- 8.39 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.
- 8.40 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.
- 8.41 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.
- 8.42 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, the harm identified 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 wider public benefits arising from the proposed housing development. In accordance with the requirements of the NPPF, 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

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.
- 8.47 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.
- 8.48 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 most of the dwellings have a private garden space commensurate to their size. The Council's Environmental Health Team have recommended that the 4 dwellings nearest Mansfield Road be protected from noise from this main road through a scheme to be submitted and approved through a condition. There are 2 situations where the relationships between proposed dwelling is below the min. distance of 13m expected between the rear elevations of dwellings and the side elevations of others (to avoid an over-bearing impact). These are:
- the distance between the rear elevation of Plot 11 and the side elevation of

Plot 12, being 8.5m;

- the distance between the rear elevation of Plot 43 and the side elevation of Plot 41 being 9m;

The rear elevation of Plot 8 and the side elevation of Plot 10 is 10.8m, although with Plot 10 being a bungalow, this is considered to be an acceptable relationship.

Apart from the two examples quoted above, the amenity of proposed occupiers is considered to be acceptable and accords with Core Policy 9 and Policy DM5 in this regard.

Impact upon Highway Safety

8.49 Spatial Policy 7 (Sustainable Transport) 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.

8.50 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:

Unit Size	Car Parking Spaces
1 bed	1 space
2 bed	2 spaces
3 or more beds	3 spaces

8.51 Parking spaces are expected to meet the minimum dimensions set out in the SPD including garages where they are relied upon for parking. The parking SPD states that in relation to visitor/overflow parking, it will be encouraged where the site cannot deliver the recommended minimum space standards outlined above. The layout relies on a variety of parking solutions including frontage parking and parking to the side in tandem. The scheme provides the level of parking required as set out above, however, there are currently 18 of the proposed 126 plots, served by triple tandem parking, which although complying with the parking spaces required, is recommended to be a parking solution to be avoided in the SPD. The applicant was invited to reduce this number through alternative layouts, but they considered that 18 out of 126 was not an excessive amount and reasonable in the balance. However, it could be 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. The SPD also states on schemes of 10 or more dwellings, visitor parking will be encouraged

near smaller dwellings, although no visitor spaces are provided within the proposed development. The parking serving Plots 117 and 118 in the western corner of the site are some distance away, being provided adjacent to the children's play space being connection via a footpath, which is far from ideal. The row of parking/landscape proportions to the western side of the play area falls below the SPD standard by every 4 parking spaces being separated by an area of soft landscaping of a car park width. The case officer requested the Applicant to amend both these aspects of the proposed layout but they declined.

- 8.52 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. In properties proposed with no garage, the submitted details show bicycle storage being provided within small timber structures in rear gardens.
- 8.53 As set out above, there are a number of compromises in relation to parking provision but also within the layout of the development in relation to highway safety. Having initially raised concerns, the Highway Authority is now comfortable that these issues can be rectified through the imposition of a number of conditions and so overall, on this basis they raise no highway objection. The concerns raised by the Parish Council in relation to increased traffic, and impacts on Mansfield Road have been considered as well as the single point of access to serve the development, which is a concern of the local ward member, but all have been found to be acceptable to the Highway Authority. The concerns relating to the potential for mopeds to ride along the footpath along the boundary with the headstocks is noted and a condition has been imposed to require details of a scheme to seek to discourage such behaviour be submitted, approved, and implemented.
- 8.54 Therefore, subject to amendments that can be achieved through conditions, overall, the proposed development is not considered to result in harm to highway safety and therefore on balance accords 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

- 8.55 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.
- 8.56 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 (Climate Change) 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.

- 8.57 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.
- 8.58 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.
- 8.59 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.
- 8.60 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

- 8.61 Core Policy 12 (Biodiversity and Green Infrastructure) of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Para 186 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The PPG also reiterates the application of the biodiversity hierarchy to avoid, mitigate or compensate.

8.62 An Ecological Appraisal has been submitted which concludes that the proposed development would not result in any adverse impact upon any protected species if proposed mitigation measures are implemented. These include:

- Roosting provision for whiskered bat in houses alongside gardens and greenspace;
- Sensitive lighting scheme
- Nest boxes for breeding birds
- Timing of vegetation clearance to avoid bird nesting season
- Capture and translocation of reptiles, amphibians and hedgehog
- Hedgehog friendly garden fencing scheme.

which can be secured by planning condition and/or a S106 Agreement.

8.63 In relation to the capture and translocation of reptiles, amphibians and hedgehogs, the case officer requested confirmation of this translocation area being identified on a plan, so that it could be secured through the S106 agreement. A strip of land, 4,145 sqm in area, located on the south-western boundary of the allocated site, has now been designated for this translocation from the area proposed for housing development. This can be seen as coloured red on the Master Plan shown in para 8.5 of this report above. The applicant has stated that this strip would also be used to comply with a bullet point of the allocation policy (CI/MU/1) which requires 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 and Vicar Water Country Park.”* Although this area is identified on the Master Plan for employment development, Officers consider that this would not be fatally prejudicial to this element of the allocation coming forward in the future and is a reasonable use of this area that would accord with the allocation policy.

8.64 Consideration of the potential impact of the proposed development upon the possible potential Special Protection Area (ppSPA) and the conservation of woodlark and nightjar is also required.

8.65 The site is located with Natural England’s (NE’s) Indicative Core Area (ICA) within which the need for the impact on the possible 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 of the Birkland and Bilhaugh Special Area of Conservation (SAC) to the north.

8.66 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.

- 8.67 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.
- 8.68 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.
- 8.69 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.
- 8.70 This planning application was submitted prior to the mandatory requirement for 10% Biodiversity Net Gain (BNG) to be demonstrated on major development sites and therefore BNG is not a requirement for this application.
- 8.71 The submitted Ecological Appraisal identified that the majority 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."*
- 8.72 In applying the ecology hierarchy, it is clear that avoidance was not an option for this site, given the principle of development on the site has already been established through the allocation policy. Therefore, an assessment was made of the proposed mitigation/compensation that the application was offering to counter this loss, and it was found to be very little.
- 8.73 The Council's Biodiversity and Ecology officer and the Case Officer have spent a considerable amount of time and resources with the applicant/agent negotiating

whether this mitigation/compensation could be provided on the wider allocation site (as the way the application development was proposed meant that it was unable to acceptably mitigate within the red line site). The ability to use the wider allocation site for mitigation was an option because the whole allocation site (apart from the headstocks) is owned by a single party.

- 8.74 Difficulties have arisen, however, over how to establish what the quantum of habitat loss would be from the development in terms of ecological value and therefore what level of mitigation/compensation should be provided, in relation to an application that was submitted prior to when the requirement for BNG (where the standard metric is used) was introduced (and which therefore could not reasonably be applied) and where the currently adopted Development Plan policies do not refer to any specific levels of mitigation/compensation that should be provided or any mechanism to quantify habitat loss or gain in terms of ecological value. In order to seek to assist and find a pragmatic way forward, the Council's Biodiversity and Ecology officer came up with a broad-brush methodology that would enable the baseline habitat value pre-development to be compared with the post-development value and thereby quantify the impact. This methodology was based on the standard approach used in Ecological Impact Assessments which includes valuing habitats on a geographical scale: 'None' (i.e., built development such as roads which have no ecological value), 'Site', 'Local', 'District', 'County', 'National' and 'International'. A multiplier is then used on the area of habitat to determine value; for example, 1 ha of habitat of 'Site' value is multiplied by x1 to give a value of 1 unit and 1 ha of habitat of 'County' value is multiplied by x4 to give a value of 4 units. The applicants and their ecology consultant agreed to this as being a reasonable approach.
- 8.75 A Biodiversity Mitigation Assessment was submitted by the applicants on 18 September 2024, which using the agreed methodology was able to calculate the habitat loss. The application of the methodology yields an on-site baseline value of 13.7431 units. The post development on-site mitigation will yield 2.8511. The assessment calculates that there would therefore be a deficit of 10.892 units (which in percentage terms is the equivalent to 79% loss). Further on-site mitigation beyond tree planting and measures for protected species (nesting birds, bats and reptiles) is not feasible and as such off-site mitigation on third party land would be required to demonstrate policy compliance. To achieve a net gain, it would be necessary to secure 10.9 units. Using the agreed methodology, the area of off-site land required will be dependent on the baseline ecological value of the land, what habitats are proposed, and their target value following management interventions to either enhance existing habitats or to create new habitat. The Biodiversity Mitigation Assessment includes examples of how the compensation might be achieved using different off-site baseline values and potential habitats to be enhanced or created, and officers consider these examples accurately reflect the agreed methodology. The assessment concludes by stating it is anticipated that the compensation land will be located within the boundaries of the National Character Area, which is Sherwood Forest.
- 8.76 The National Character Area of Sherwood Forest extends beyond the boundary of Newark and Sherwood District. Whilst this event would be somewhat unusual, it is fully acknowledged that biodiversity continues and pays no attention to municipal borders and should probably be seen in the light of BNG legislation which does not

require compensation land to be within the municipal boundary of the District in which the development is permitted. The Council's Biodiversity Officer and the case officer, therefore, consider that this should not present a difficulty per se. However, the case officer then requested the applicants provide a plan that identified the compensation site so that comfort could be given that this land would indeed be deliverable and allow it to be secured in the S106 Agreement, the applicants have responded by stating that it is 3 hectares of arable land to be scrub to achieve the required level of improvement. However, they are unable to specify the exact land and it requires agreement from controlling parties to finalise the arrangements. The applicants consider that as long as the off-site mitigation will be provided as per the units required within the mitigation assessment, it could then be approved under delegated powers prior to the completion of the signing of the S106 Agreement.

- 8.77 Whilst this is far from ideal, officers consider that any planning permission that Members are minded to grant, cannot be formally issued until the S106 has been signed and sealed, so there is still an element of control that can be applied here. So, if Members were comfortable with the principle of this approach, perhaps also with the agreement with the Chairman and Vice Chairman, this could be a way forward. If it cannot be agreed, the application could come back to the Planning Committee for reconsideration. Officers are comfortable with this approach.
- 8.78 So provided, the on-site mitigation can be controlled by condition through the requirement for a Biodiversity Management Plan to be submitted, and the off-site mitigation of the equivalent value stated within the Biodiversity Mitigation Assessment is secured through the S106, that the biodiversity harm that would result from the proposed development can be adequately and acceptably compensated for and as such would comply with the relevant policies of the Development Plan and the guidance within the NPPF and PPG.

Trees

- 8.79 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 within the submitted Arboricultural Report) mainly close to the northern boundary and close to the attenuation basin (see the description of the development for further detail).
- 8.80 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.



8.81 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 first 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.

8.82 The concerns of the Tree and Landscape Officer relating to proposed trees include:

- Main access route: Indicative tree lined street show trees with canopies of 6m 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.



8.83 The concerns of the Tree and Landscape Officer summarised above are noted. The Applicant has been made aware of the concerns but have chosen not to address them and consider that any impact of underground drainage pipes or utility cabling on the new trees proposed to be planted along the two main roads, which form part of an overall scheme of 76 new trees being planted on the whole site, could be adequately managed and potential impacts controlled at condition stage (see condition 05 set out below). This could equally apply to the proposed underground storage crates for surface water. Concerns regarding lack of space could be controlled by the species of tree chosen. Officers have sought to negotiate on the matters raised by the Tree

Officer and consider that this is the best outcome that could be reached and have sought to be pragmatic in relation to these issues. These matters need to be weighed in the overall planning balance in the conclusion below.

Other Matters

- 8.84 **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.
- 8.85 **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 £0m² for CIL purposes.
- 8.86 **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 this application, which was submitted prior to the legislation coming into force.
- 8.87 **Developer Contributions**

	Contribution Based on up to 126 Dwellings (all index linked)
Affordable Housing	30% on site provision (60% social/affordable rent; 25% First Homes and 15% shared ownership)
Open Space / Children's Play Area/Outdoor Sports Facilities	<p>On site provision & maintenance of amenity green spaces and for children and young people including:</p> <p>Provision of Amenity Green Space 14.4 sqm per dwelling = 0.1814 ha (Policy Requirement 1814 sqm). (Proposed provision 3748 sqm)</p> <p>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)</p> <p>Long term maintenance of the public open space will be undertaken by a management company.</p> <p>Off site commuted sum for Outdoor Sports Facilities - £737.72</p>

	per dwelling = £92,952.72		
Education	£90,322 as a contribution towards a single Special Educational Needs and Disabilities (SEND) space		
Community Facilities	Off-site community facilities contribution £1,384.07 x 126 = £174,392.82 + indexation		
Libraries	£4,366 towards library stock		
Transport	Contribution of £150,000 to fund improvements to local bus services and a bus stop infrastructure contribution of £24,400 to provide improvements of 2 bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent		
NHS/Health	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.		
Monitoring Fees (sums for each phased payment / monitoring event, if applicable)	Financial Obligation	Health	£390
		Education	£390
		Community Facilities	£390
		Libraries	£390
		Transport	£390
	Physical Obligation	Affordable Housing	£595
		Open Space	£595
		Biodiversity	£595

- 8.88 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.
- 8.89 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.

8.90 In the event of an approval of planning permission, the S106 should also include:

- the management of proposed cellular storage and attenuation basin and open space on site to be managed by a Private Management Company, the open space to be managed is identified in blue on the plan below,
- to locate and secure off-site mitigation/compensation measures through a Biodiversity Management Plan and
- to secure a brideway connection shown on the submitted Master Plan to link the allocation site with 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 applicant has now sufficiently demonstrated that granting planning permission for this housing development, independently from the rest of the allocated site area, would not prejudice the delivery of the remainder of proposed development on the allocated site 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 types, 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, boundary treatments, external materials and landscaping would help minimise some of the proposed heritage harm. It is also acknowledged that this type of development forms part of the requirements of the allocation policy CI/MU/1, albeit with no scheme for the conservation of the headstocks. This represents heritage harm which in accordance with the NPPF can be considered against any public benefit arising from the proposed development.
- 10.3 Some compromises have been made in relation to parking layouts and 18 plots providing triple tandem parking spaces, which according to the SPD should be avoided, as well as the lack of visitor parking, which represents a level of harm to be weighed in the balance, however, overall, the Highway Authority does not object to the scheme, subject to conditions and therefore it is not considered that this would represent a strong reason to refuse planning permission. The scheme includes the retention of some existing trees and the loss of others and shows new hedgerow planting along the majority of frontages and prominent side boundaries. Negotiations have provided tree lined streets in grass verges along the two main thoroughfares, that have been conditioned to seek to protect against harm of underground pipes/cablings and limited distances from houses can be controlled by choosing an appropriate species. There is also concern relating to the layout of the proposed children's play space both functionally and visually. These aspects also need to be given appropriate weight in the planning balance.
- 10.3 In biodiversity terms, it is acknowledged that the proposed development would result in a considerable loss of district value on-site habitat. The applicants have acknowledged this and are now promoting mitigation/compensation for this loss off-site but has not as yet confirmed where this land would be, and it could be beyond the District boundary. No planning permission can be issued until the S106 agreement has been signed and sealed. Officers are therefore comfortable that provided an acceptable mitigation site is identified on a plan that is of the required ecological value and that is agreed by the Chair and Vice-Chair and relevant officers, that the biodiversity and ecology impacts can be adequately compensated. If a site is not identified and agreed prior to the signing of the S106, then the application will be

brought back to Members to enable this factor to be weighed again in the overall planning balance.

- 10.4 Overall the above assessment has acknowledged heritage harm to the setting of the listed building and nearby non-designated heritage assets and some compromises in relation to parking provision and layout, and the poor layout of the children's play area as well as the balance between the loss of some existing trees and the planting of 76 new ones as well new hedgerow planting. These harms need to be weighed against the public benefits arising from the proposed housing development, including boosting the supply of new housing to serve the District as well as being Policy compliant in terms of S106 developer contributions, which include 30% affordable housing. In the overall balance of considering harms against benefits, it is considered that the benefits outweigh the harms identified in this case.
- 10.5 On consideration of all the material planning considerations, it is considered that the development generally accords with the adopted Development Plan, and therefore subject to a S106 Agreement and the conditions outlined below, a recommendation of approval is presented to Members.

11.0 RECOMMENDATION:

Approve full planning permission subject to:

- 1) The completion of a signed S106 agreement to secure the details set out in the table at paragraph 8.87 above and the following:**
- a. the maintenance and management of on-site open space and management and maintenance of proposed cellular storage and attenuation basin by a Private Management Company,**
 - b. to identify on a site location plan edged in blue and secure the provision off-site biodiversity mitigation/compensation in accordance with the values set out in the submitted Biodiversity Mitigation Assessment through a separate Biodiversity Management Plan; and**
 - c. to secure the bridleway connection shown on the submitted Master Plan to link the allocation site with Sherwood Forest Pines Park, Vicar Water Country Park and Sustrans Route 6.**
- 2) The conditions set out below:**

Conditions

01

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

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

02

No development above damp-proof course shall take place until samples of the external roofing and brick materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to safeguard the setting of the special architectural or historical appearance of the adjacent listed building.

03

Before any construction occurs above damp-proof course, a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved details.

Reason: To order to safeguard the setting of the special architectural and historic appearance of the adjacent listed building.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows, including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars;
- Ridge, verges and eaves details; and
- Solar Panels.

Reason: In order to safeguard the setting of the special architectural and historical appearance of the adjacent listed building.

05

Prior to first occupation of any of the dwellings hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;

- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground and their proximity to proposed new trees within the streets (for example, drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping outside any individual private plots shall be completed during the first planting season following the first occupation of the 50th dwelling hereby approved. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation of each respective dwelling.

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

07

Prior to any landscape work being undertaken a landscape management plan, including long term objectives, management responsibilities and maintenance schedule for all landscape areas, other than privately owned, domestic gardens (as shown on the submitted Management Company Plan Drawing No: LE-007 Rev E) shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall thereafter be carried out in accordance with the approved details.

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.

08

No development shall commence until an arboricultural method statement and scheme for protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include

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

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

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

09

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Travis Barker Ltd Flood Risk Assessment (FRA) and Drainage Strategy dated 28 March 2023 ref 22123, 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:

- 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 and NPPF Paragraph 175.
 - Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
 - Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - 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 30 year and 1 in 100 year plus climate change return periods.
- No surcharge shown in a 1 in 1 year.

- No flooding shown in a 1 in 30 year.
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of 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 effectiveness.

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.

010

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.

Part A: Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

human health,

property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

adjoining land,
groundwaters and surface waters,
ecological systems, and
archaeological sites and ancient monuments.

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land contamination risk management (LCRM)'

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing by the Local Planning Authority in accordance with Part C.

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.

011

No part of the development hereby permitted shall be brought into use until plans denoting the location of bus stops within the site has been made in accordance with a scheme (to include a timetable for installation) to be submitted to and approved in writing by the Local Planning Authority and shall include the following: Bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb, real time displays including LV power ducted and cabled to the location of the real time pole; bus stop clearway; lowered access kerbs; additional hard standing (if required). The approved scheme shall be installed within the approved timescale and be retained for the lifetime of the development.

Reason: To provide sustainable transport facilities to occupiers of the development.

012

No part of the development hereby permitted shall be brought into use until the relocation (if necessary) and scheme of improvements (to include a timetable for installation) to two bus stops NS0491 Greendale Crescent and NS0476 Greendale Crescent have been submitted to and approved in writing by the Local Planning Authority and shall include the following: Bus stop pole including flag; bus shelter; solar lighting in bus shelter; raised kerb, real time displays including LV power ducted and cabled to the location of the real time pole; bus stop clearway; lowered access kerbs; additional hard standing (if required). The approved scheme shall be installed within the approved timescale and be retained for the lifetime of the development.

Reason: To provide improved sustainable transport facilities to occupiers of the development.

013

No part of the development hereby permitted shall be brought into use until the details of a scheme for provision of free bus passes to residents of the development upon occupation, are submitted to and approved by the Local Planning Authority. The scheme should include details of the bus passes including period of validity or equivalent, the area of coverage, arrangements for promoting the passes, application and monitoring arrangements. The approved scheme shall then be implemented in full in accordance with the approved details.

Reason: To encourage the use of and provide sustainable transport facilities to occupiers of the development.

014

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

- a) Risk assessment of potentially damaging construction activities;

- b) Identification of “biodiversity protection zones;”
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs;
- i) An annotated plan providing a summary of the elements covered by items b), c), d), e) and h).

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

Reason: In the interests of maintaining and enhancing biodiversity throughout the construction phase.

015

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

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 for a period of 30 years);
- f. Identification of who will be responsible for implementing the BMP; and
- g. A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council

at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

Reason: In the interests of maintaining and enhancing biodiversity.

016

Prior to the occupation of the 4 dwellings fronting Mansfield Road, noise mitigation measures providing detailed specifications for acoustic fencing, glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed prior to the occupation of these dwellings.

Reason: In order to protect the occupiers from noise from Mansfield Road.

017

The construction phase of the development shall adhere to the submitted Construction Environmental Management Plan (CEMP) (Drawing No: SL-007 Rev C) throughout the construction period.

Reason: To ensure appropriate mitigation for the impact on residential amenity and ground water pollution caused by the construction phase of the development.

018

Prior to any part of the development hereby permitted being occupied, details of a scheme for the following:

- i) to prevent vehicles accessing the footpath along the south-western boundary of the site from the parking areas around the children's play space;
- ii) to discourage inappropriate motorised vehicles at high speeds using the same footpath; and
- iii) fence and gates, hard surfacing and soft landscaping to treat the existing private access onto Mansfield Road

shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety, visual amenity and discouraging anti-social behaviour.

019

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

- a) A layout of the site, including materials storage and internal routes for construction traffic;
- b) Parking for site operatives;
- c) Details of the proposed build program.

Once approved, the Construction Traffic Management Plan shall be adhered to at all times during the construction phase.

Reason: In the interests of Highway safety.

020

No works above damp-proof course level 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.

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

021

Notwithstanding Site Layout drawing number SL001 rev G, prior to any works above damp-proof course level taking place, a drawing showing a reduction in width to the existing site access shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved drawing prior to first occupation of any of the proposed dwellings.

Reason: In the interests of highway safety.

022

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.

023

No dwelling shall be occupied until the associated access 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).

024

Prior to first occupation, the refuge identified on drawing number CSCC-BSP-XX-XX-D-S-0008 rev P03 to the southwest of the proposed access shall be upgraded to include tactile paving.

Reason: In the interests of pedestrian safety.

025

Notwithstanding the submitted Parking Heat Map drawing number CSCC-BSP-XX-XX-D-S-501 rev P04, drawing/s showing traffic management measures to prevent parking where required shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation. Any measures approved shall be implemented within 12 months of first occupation of the site.

Reason: In the interests of highway safety.

026

Notwithstanding the submitted layout plan Site Layout – SL001 rev G, details of the locations of the bin stores shall be submitted to and approved in writing by the Local Planning Authority before first occupation of each respective dwelling. The bin stores shall be provided in accordance with the approved details prior to the occupation of each respective dwelling.

Reason: To reduce the chance of obstruction on the adjacent highway, in the interests of highway safety.

027

Prior to the provision of any bicycle storage facility within any plot, details shall first be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage facility shall be installed in accordance with the approved details, prior to first occupation of the respective dwelling and a similar facility retained for the lifetime of the development.

Reason: In the interests of encouraging the use of sustainable means of transport.

028

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

- Location Plan (Drawing No: SL-028 Rev A)
- Full Allocation Phased Master Plan (Drawing No: 1418- A- (08)106_Rev A02)
- Clipstone Colliery Masterplan – Supporting Statement – 10.08.2023
- Site Layout (Drawing No: SL-001 Rev G)
- 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)
- Garage Drawing (Large) (Drawing No: PD-025A-G&M Rev S)
- 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 P04)
- 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 E)

- Habitat Stack
- Bird Box
- Bat Box
- Typical Street Tree Station
- Typical Park Tree
- Hedge Reinforcement Fence

Reason: So as to define this permission.

Informatives

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

The grant of planning permission does not permit the obstruction of the public highway. Separate statutory approval for the stopping up Order will be required under the provisions of the Highways Act 1980 or the Town and Country Planning Act 1990.

04

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.

05

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

06

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

07

All correspondence with the Highway Authority should be addressed to:- hdc.north@nottscc.gov.uk

08

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.

09

List of Supporting Reports and Documents

- 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
- Biodiversity Mitigation Assessment from Rachel Hacking Ecology dated 18 September 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

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 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Honor Whitfield, Planner, 5827

Report Summary			
Application No.	23/01779/FULM (major)		
Proposal	Residential redevelopment of former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages.		
Location	Checkers Farm, Priory Road, Thurgarton, NG14 7GU		
Applicant	Lannoy Group Ltd - Mr Hoy And Langley	Agent	GraceMachin Planning & Property - Mr George Machin
Web Link	23/01779/FULM Residential redevelopment of former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages. Checkers Farm Priory Road Thurgarton NG14 7GU (newark-sherwooddc.gov.uk)		
Registered	17.10.2023	Target Date:	12.12.2023
		Extension to:	11.10.2024
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and the expiry of the press notice.		

This application is being referred to the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.

1.0 The Site

1.1 The wider Checkers Farm site is remotely located from Thurgarton village, in the open countryside and comprises a complex of former agricultural buildings and farmhouse (which is outside of the applicant’s ownership). The site is accessed via a long and informal single width track road from the termination of Priory Lane at its eastern end and through the village by Thurgarton Priory (Grade I and II* listed along with Thurgarton Priory Parkland which extends over the adjacent woodland to the site). The access is lined by mature woodland and set lower than the village. To the south there is dense planting which leads down to Thurgarton Beck – this forms the

boundary of the Green Belt which lies to the south of the site.

- 1.2 Buildings on site are a mix of agricultural storage buildings of generally low quality (a mix of masonry stonework, brick and vertical timber clad buildings). One of the barns is identified as a non-designated heritage asset (Historic Environment Record Number: M17727), but none of the remaining buildings on site would appear to possess any architectural or historic merit. There appears to have been no agricultural activity on the site for some time as surfaces have been broken up and there is vegetation growing through the floors of the buildings. The farmhouse lies directly adjacent to the complex of farm buildings to the east.
- 1.3 The site does not lie within the Conservation Area but the site access and southern boundary is identified as Flood Zone 3 (FZ3a) by the Environment Agencies Flood Mapping. Parts of the site are also identified by the EA as being an area at risk of high and low surface water flooding risk. Two Local Wildlife Sites (LWS) are in close proximity to the site, approx. 232m to the north (Foxhole Wood) and 142m to the west (Thurgarton Beck Dumble). The site also includes an area of agricultural land in the north-west portion of the site.



Fig. 1 - Aerial Image of the Site with the Application Site Boundary annotated (approximately)

2.0 Relevant Planning History

- 2.1. 23/00084/CPRIOR – Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 dwellinghouses including the formation of domestic curtilages and for building operations reasonably necessary for the conversion as Schedule 2 Part 3 Class Q – Prior Approval Required and Refused 31.03.2023 due to the level of demolition exceeding that permitted under the regulations and insufficient information to determine the highways safety, contamination, flooding risks, impact on protected species and whether future occupiers would have adequate internal amenity to be considered under ‘permitted

development'.

- 2.2. 22/02265/CPRIOR - Application to determine if prior approval is required as to the impacts of the proposed 'Change of use of existing agricultural buildings to B8 storage use' and risks on site - Prior Approval Required and Refused 22.05.2023 due insufficient information submitted to assess the transport/highways and contamination impacts of the development to be considered under '*permitted development*'.
- 2.3. 11/00939/FUL - Conversion of a redundant stone barn for use as B8 storage – Refused 21.12.2011 due to the building not being of sufficient architectural or historic merit to warrant its preservation through re-use/conversion and the level of rebuilding proposed. The proposed use was also not considered to be suitable in this location resulting in unsustainable development.

3.0 **The Proposal**

- 3.1 For the avoidance of doubt amended plans have been submitted throughout the course of this application.
- 3.2 The application seeks permission for the redevelopment of a former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages.
- 3.3 Fig. 2 below shows the arrangement of the proposed plots, the buildings to be retained and converted highlighted in blue and those to be demolished in red. Three buildings on the eastern side of the site are not part of the conversion and are proposed to be demolished as part of the proposal.



Fig. 2 - Extract of Demolition and Retention Plan

- 3.4 **Plot 1:** would comprise the conversion of two buildings, a two-storey brick and stone building on an E-W alignment and a single storey brick-built range that is aligned N-S. Existing modern portal frames attached to these buildings would be demolished. A two-storey glazed link is proposed to be constructed between the stone and brick portions of the two-storey building. Other external alterations are limited to the glazing of existing openings, addition of new windows and doors and roof lights. The proposed material palette encompasses existing stone, red brick, and black framed windows. This plot would be a 4-bed unit served by three parking spaces externally and internal double garage space. The plots private garden area would be provided to the north. Plot 1 would have access to three garage spaces within the detached garage block to the south.
- 3.5 **Plot 2:** would be formed by the conversion of an existing modern two-storey agricultural building set on a N-W alignment to the west of Plot 1. External alterations would include the insertion of windows and doors, including rooflights and the addition of Portland stone render and black composite cladding. This plot would be a 5-bed dwelling served by three parking spaces externally and internal double garage space. The plots private garden area would be provided to the north and west.
- 3.6 **Plot 3:** would be formed by the conversion of three existing adjoining agricultural buildings, a two-storey red brick building on an E-W alignment and two single storey red brick ranges that project south. Existing modern portal frames attached to these buildings would be demolished. External alterations would include the insertions of windows and doors, including the re-glazing of existing openings and the insertion of roof lights. The proposed material palette for this project consists of existing red brick, black composite cladding, black framed windows and expansive large format glazing. This plot would be a 6-bed unit served by three parking spaces externally and three parking spaces in the detached garage to the east. The plots private garden area would be provided to the west.
- 3.7 **Detached Garage:** would be formed by the conversion of the existing brick-built building and would contain 6 no. parking spaces (for plots 1 and 3) and two garden storerooms. Alterations are limited to the installation of garage/access doors.
- 3.8 On the wider site, bin storage is proposed for each plot which would be accessed via the existing access track to the east. To the west of the plots an area is identified for tree planting and wild grass as part of the biodiversity enhancements proposed as part of the scheme. Timber estate fencing is proposed to demarcate the curtilages associated with each plot (as shown on the Proposed Site Plan).
- 3.9 Documents assessed in this appraisal (Title, Reference, Date deposited):
- COVERING LETTER, 02 Apr 2024
 - AMENDED PLANNING STATEMENT, 29 May 2024
 - DESIGN STATEMENT, Rev. B, 07 May 2024
 - STRUCTURAL REPORT, 02 Apr 2024
 - HISTORIC BUILDING RECORDING, 06 Oct 2023
 - PRELIMINARY (GEO-ENVIRONMENTAL) RISK ASSESSMENT, 06 Oct 2023

- LIMITED GROUND INVESTIGATION, REMEDIATION AND VERIFICATION STRATEGY, 19 Oct 2023
- FACTUAL INFILTRATION REPORT, Rev. 01, 25 Apr 2024
- LANDSCAPE AND VISUAL APPRAISAL, INF_N1064_R02, 23 May 2024
- ECOLOGY LETTER, 02 Apr 2024
- BIODIVERSITY NET GAIN REPORT, JME_1924_BNG_01_V1 (APRIL 2024), 17 Apr 2024
- BIODIVERSITY NET GAIN CALCULATIONS, (APRIL 2024), 17 Apr 2024
- PROTECTED SPECIES REPORT, JME_1937_PSR_01_V1, 15 Apr 2024
- PRELIMINARY ECOLOGICAL APPRAISAL, JME_2081_PEA_01_V2 (APRIL 2024), 17 Apr 2024
- PROTECTED SPECIES SURVEY REPORT, JME_2081_PSR_01_V3, AUGUST 2024
- TRANSPORT NOTE, 23 228 005 01, 26 Jun 2024
- FLOOD RISK ASSESSMENT AND OUTLINE SUSTAINABLE DRAINAGE STRATEGY, 02 Apr 2024
- FLOOD WARNING AND EVACUATION PLAN (dated July 2024), 29 Jul 2024

Existing Plans (Title, Reference, Date deposited):

- SITE LOCATION PLAN, TEH ARC S1 XX DP A 1200 P2, 22 Apr 2024
- EXISTING SITE PLAN, TEH ARC S1 XX DP A 1201 P4, 22 Apr 2024
- PLOT 01 - EXISTING GROUND AND FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2000 P2, 22 Apr 2024
- EXISTING ELEVATIONS PLOT 02 - RETAINED ELEMENTS, TEH-ARC-B2-XX-DE-A-3521 P1, 02 Apr 2024
- PLOT 2 - EXISTING GROUND AND FIRST FLOOR PLAN, TEH-ARC-B2-XX-DP-A-2020 P2, 22 Apr 2024

Proposed Plans (Title, Reference, Date deposited):

- PROPOSED SITE PLAN, TEH-ARC-S1-XX-DP-A-1203-P3, 26 Jun 2024
- PROPOSED DEMOLITION PLAN, TEH-ARC-S1-XX-DP-A-1202-P2, 22 Apr 2024
- PLOT 1 - PROPOSED GROUND FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2210-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2211-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FRONT ELEVATION, TEH-ARC-B1-XX-DE-A-3710-P2, 09 Jul 2024
- PLOT 1 - PROPOSED REAR ELEVATION, TEH-ARC-B1-XX-DE-A-3711-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 01 ELEVATION, TEH-ARC-B1-XX-DE-A-3712-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 02 ELEVATION, TEH-ARC-B1-XX-DE-A-3713-P2, 09 Jul 2024
- PLOT 2 - GROUND FLOOR PLAN, TEH-ARC-B5-00-DP-A-2250-P1, 01 Aug 2024
- PLOT 2 - FIRST FLOOR PLAN, TEH-ARC-B5-01-DP-A-2251-P1, 01 Aug 2024
- PLOT 2 - PROPOSED ELEVATIONS, TEH-ARC-B5-XX-DE-A-3750-P1, 01 Aug 2024

- PLOT 3 - PROPOSED GROUND FLOOR GA, TEH-ARC-B2-00-DP-A-22201 P1, 02 Apr 2024
- PLOT 3 - PROPOSED FIRST FLOOR GA PLAN, TEH-ARC-B2-01-DP-A-2221 P1, 02 Apr 2024
- PLOT 3 PROPOSED FRONT ELEVATION, TEH-ARC-B2-XX-DE-A-3750 P1, 02 Apr 2024
- PLOT 3 PROPOSED REAR ELEVATION, TEH-ARC-B2-XX-DE-A-3751 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 01 ELEVATION, TEH-ARC-B2-XX-DE-A-3752 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 02 ELEVATION, TEH-ARC-B2-XX-DE-A-3753 P1, 02 Apr 2024
- GARAGE - PROPOSED GROUND FLOOR GA PLAN, TEH-ARC-B3-00-DP-A-2230 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 1 OF 2), TEH-ARC-B3-XX-DE-A-3730 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 2 OF 2), TEH-ARC-B3-XX-DE-A-3731-P3, 01 Aug 2024
- MASTERPLAN ILLUSTRATIVE, N1064 (08) 007, 23 May 2024
- SOFT PALETTE SHEETS, N1064(03)002, 003 & 004, 23 May 2024
- HARD PALETTE SHEET, N1064 (03) 005, 23 May 2024
- ENHANCEMENT PLAN, N1064 (03) 001 REV C, 23 May 2024
- PROPOSED PHASING PLAN, TEH-ARC-S1-XX-DP-A-1208 REV P2, 01 Aug 2024
- PROPOSED PARKING PLAN, TEH-ARC-S1-XX-DP-A, 26 Jun 2024
- 3D VIEWS SHEET 1 of 2, TEH-ARC-S1-XX-DB-A-1210 P1, 01 Aug 2024
- 3D VIEWS SHEET 2 of 2, TEH-ARC-S1-XX-DB-A-1211 P1, 01 Aug 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 17 property have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on: 16.11.2023

5.0 Planning Policy Framework

5.1. Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development

Policy 2: Residential Development

Policy 3: Transport Impact of Development

Policy 6: Historic and Natural Environment

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

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

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

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

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

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)
 Planning Practice Guidance (online resource)
 NSDC Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 NSDC District Wide Housing Needs Assessment 2020
 NSDC Landscape Character Assessment SPD 2013

5.6. On 30 July 2024 the Government published a consultation on proposed reforms to the NPPF (2023). The consultation and draft NPPF do not constitute Government policy or guidance. However, they are capable of being material considerations in the assessment of this application.

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. NCC Highways – No objection subject to conditions.
 6.2. The Environment Agency - No objection subject to conditions.

Town/Parish Council

- 6.3. Thurgarton Parish Council – Object, concerns raised:
- Support the broad principle of replacing the existing buildings with residential dwellings however note concerns relating to:

- Traffic movements during construction and the potential impact on road users.
- Traffic movements once the dwellings are occupied and the potential impact on road users.
- Impact on the amenity of the nearby Farmhouse.
- Lack of suitable noise and disruption control measures.
- Lack of suitable landscaping plans.

Representations/Non-Statutory Consultation

- 6.4. NSDC Conservation Officer – No objection subject to conditions.
- 6.5. Archaeology Advisor – No objection subject to conditions.
- 6.6. NCC Flood Risk – Standing advice applies.
- 6.7. Trent Valley Internal Drainage Board – Standard advice given in relation to nearby watercourses.
- 6.8. NSDC Contaminated Land - No objection subject to the use of the full phased contaminated land condition.
- 6.9. NSDC Ecology – No objection subject to conditions.
- 6.10. Comments have been received from 16 local residents/interested parties that can be summarised as follows:

Highway Impact

- Concerns about access via The Hollows and Priory Road and whether it is suitable for additional traffic and construction vehicles.
- Concerns about the impact on cyclist and pedestrian safety and horse riders/dog walkers.
- Concerns about the access track off Prior Road and whether it is wide enough/has sufficient passing places for additional traffic.
- Queries over whether the Applicant has legal right of passage over the passing places along the access track.
- Concerns about access for farm vehicles and potential conflict with new residential dwellings.

Character/Visual Amenity

- Concerns about modern architecture impacting the countryside.

Ecology

- Concerns about the impact of construction activity on wildlife.

Flood Risk

- Concerns about the flood risk along the access track.
- Concerns about the potential impact on any future plans for flood alleviation in the area.

Residential Amenity

- Concerns about the impact on Holly Cottage adjacent to the site.
- Risk of increased noise pollution impact residents.
- Impact of construction noise to local residents.

Other Matters

- Concerns about where construction waste will be disposed of.
- Concern about increased pollution.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Housing Mix
- Impact on the Character and Appearance of the Area including Heritage Matters
- Impact of Flood Risk
- Impact on Highways Safety
- Impact on Amenity
- Impact on Ecology
- Impact on Archaeology
- Other Matters

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

7.3. It is noted from the planning history section of this report that there have been two recent prior approval applications submitted and refused for the conversion of the existing buildings to residential use. These applications were refused on various grounds that exceeded the scope of the prior approval process – it was therefore concluded that planning permission is required for the change of use.

Principle of Development

7.4. The Core Strategy details the settlement hierarchy (Spatial Policy 1) which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services (as set out by Spatial Policy 2). Beyond these areas development will be

considered against the criteria for 'other villages' which is the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

- 7.5. Spatial Policy 3 states that 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. Consideration will also be given to the re-use of rural buildings of architectural merit. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being the extant Policy DM8 (Development in the Open Countryside). This policy is considered up to date (save for the element discussed in para 7.10) for the purposes of decision making and is NPPF compliant.
- 7.6. Given the location of the site, clearly outside of Thurgarton village envelope as identified in Map 1 of the Thurgarton Neighbourhood Plan (TNP), the site does not fall to be considered as *within the village* for the purposes of SP3 but is, as a matter of fact, in the Open Countryside – policy DM8 is therefore applicable.
- 7.7. Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development, limited to exceptions of certain types. One of these exceptions relates to the conversion of existing building. Point 5 of DM8 states that: *"[...] Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed assessment of proposals will be made against a Supplementary Planning Document."*
- 7.8. In this case, it is noted that the buildings on site vary in quality and design. The stone barn that forms part of Plot 1 is identified on the County HER as being of local interest (ref M17727). The barn appears to be c.1800 (demonstrating historic interest) with some vernacular detailing (demonstrating architectural interest). In accordance with the Council's Criteria for identifying non-designated heritage assets (2022), the Council's Conservation Officer's (CO) comments explain that the barn may have significance as an estate feature with historic agricultural significance making it a non-designated heritage asset (NDHA). Other buildings on site include red brick buildings that have been altered over time including the addition of metal sheet roofing and portal buildings attached to them (for example, the single storey range of Plot 1, the elements proposed to be retained to form Plot 3 and the garage block) and Plot 2 is a modern breezeblock agricultural building. Only the stone range of Plot 1 is considered to be a NDHA and the remaining red brick buildings, whilst attractive, are not NDHAs. Nevertheless, they are reflective of traditional agricultural vernacular and possess some architectural merit, despite their alterations. Plot 2, however, does not have any architectural or historic merit.
- 7.9. In terms of their structural condition, the application has been accompanied by an updated Structural Survey which shows the extent of retention of the buildings, elements of proposed demolition and areas of localised rebuilding. Overall, the survey concludes that the buildings are of robust and permanent construction and in a good structural condition, fit for conversion into dwellings without structural alterations.

The plans also show that the buildings would remain in their existing form (with modern portal elements/add-ons removed), albeit with some alterations including the addition of windows, doors, and a glazed linking extension for Plot 1. Given Plots 1 and 3 contain some historic and architectural merit, the principle of their conversion is considered to be acceptable subject to assessing the site-specific impacts, including the impact on the character of the buildings which will follow in a subsequent section of this report.

- 7.10. In relation to Plot 2, given this building is not considered to be of any architectural or historic merit, the conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 79 and 80 of the NPPF advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 80). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.80c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.
- 7.11. There is no statutory definition of what constitutes an *'isolated home'*. However, giving judgement in *Braintree District Council v SOSCLG & ORS (2018) EWCA Civ 610* (reaffirmed in *City & Bramshill v SoSHCL (2021) EWCA Civ 320*), Lindblom J said paragraph 80's advice was to avoid *'new isolated homes in the countryside'* which *'simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'*. The Judgement goes on to explain that *'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand'*.
- 7.12. In this case, the site is situated along Priory Road where there are sporadic properties including the Farmhouse to the north-east and properties adjacent to Thurgarton Priory further east. Therefore, whilst the buildings themselves are not considered to be *isolated* given they are sited around other dwellings, the buildings are separated from any defined settlement or village. Therefore, arguably, this proposal is eligible to be considered under para.80 of the NPPF, having regard to the abovementioned judgments.
- 7.13. The aim of the NPPF is to promote sustainable development in rural areas and support local housing where it will enhance or maintain the vitality of rural communities. Paragraph 80c of the NPPF supports the re-use of *redundant* or *disused* buildings for housing, provided that it enhances its immediate setting. In light of this, the intention of the amendments to DM8 as part of the Plan Review process is to omit the restriction of the conversion of existing buildings to *only* those of architectural or historic merit. On this basis giving weight to the NPPF's stance on the conversion of rural buildings which is up to date and taking into account the Plan Review intention to align DM8 with the NPPF, it is concluded that this should be given more weight than the current

version of DM8. That is, subject to this proposal demonstrating that the building is redundant/disused, capable of conversion without significant re-building, alteration or extension and provided the proposal can be concluded to enhance its immediate setting the principle of development could be acceptable under para.80c of the NPPF.

- 7.14. In this respect, Plot 2 is not currently in use and is no longer required for agricultural purposes, given the building has been sold off from the wider farm site and has not been in use for agricultural purposes in recent years. As such the building is redundant for its current purposes. In light of the structural condition of the building and the proposal only seeking to add windows and doors, but otherwise utilise the building's existing structural walls, it is considered that the building is capable of conversion without significant re-building etc.
- 7.15. In terms of whether the proposal would enhance its immediate setting, a full assessment of the proposals impact on the character and appearance of the area, will follow, however it is noted that the proposal would look to enhance the exterior of the building through cladding the existing materials and using good quality glazing and architectural details to enhance the exterior of the building. The proposal also includes additional planting and soft landscaping throughout the scheme to enhance the visual amenity of the site. The proposal also includes the creation of a wildflower meadow in place of the buildings on the eastern side of the site which are proposed to be demolished (in light of highways comments which will be discussed below) and this would enhance the setting of Plot 2, the site complex as a whole, and the site's overall biodiversity value.
- 7.16. The overall improvement of the exterior of the building (upgrading it to a higher quality finish), landscaping, and biodiversity enhancements could be said to enhance the building and site overall. Whilst not significant changes, in this particular context it is considered that given the location of Plot 2, adjacent to other buildings proposed for conversion and the Farmhouse to the east, where a residential use would be more appropriate than a redundant or vacant building, that the changes proposed would meet the requirements of para.80c of the NPPF.
- 7.17. Therefore, whilst on the basis of the information submitted with this application it is not considered that the conversion of Plot 2 would be compliant with the current wording of policy DM8, it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the open countryside is a material consideration that weighs in favour of this proposal in principle, in that it would enhance its immediate setting, and the conversion could be undertaken without significant re-building or alteration (and would align with the direction of travel of the amended version of policy DM8 in the plan review). On this basis, in this specific context the principle of development is therefore considered to be acceptable.
- 7.18. As mentioned above, the buildings on the eastern side of the site are proposed to be demolished as part of the application to overcome highways concerns in relation to potential trip generation. These building are of no particular architectural or historic merit to warrant their preservation and therefore their demolition is considered to be acceptable subject to securing the biodiversity enhancements proposed.

- 7.19. Overall, in light of the assessment above, it is therefore considered that the proposed development would be acceptable in principle.

Housing Mix

- 7.20. Core Policy 3 of the adopted Development Plan states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. Policy 2 of the Thurgarton Neighbourhood Plan sets out that development of market housing should suit the specific needs identified in a current Housing Needs Survey. In 2015 a Parish Housing Needs Survey was undertaken but given the passage of time this is somewhat outdated. However, a District Wide assessment was produced in 2020 which is considered to be the most up to date housing need data for the area.
- 7.21. The District Wide Housing Needs Survey (2020) identifies that within the Southwell Sub-Area (of which Thurgarton is a part) that the greatest need for additional housing is for 3-bed properties (33.3%), followed by 4 or more bedrooms (24%). This proposal is for three large dwellings (one 4-bed, one 5-bed and one 6-bed) that would provide three generous sized dwellings. This would contribute to meeting the need for larger houses within the sub-area and is therefore considered to accord with Core Policy 3.

Impact on the Character and Appearance of the Area and Heritage Matters

- 7.22. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 (Sustainable Design) states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 (Design) 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.
- 7.23. In relation to heritage matters, one of the buildings on site is noted to be a NDHA and the site is in close proximity to Thurgarton Priory (Grade I and II* along with Thurgarton Priory Parkland) and Scheduled Monuments as identified in the Archaeological section of this report. Policies CP14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) of the Council's LDF DPDs are therefore relevant which, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets (for example nearby listed buildings), furthermore, is expressed in section 16 of the NPPF which advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).
- 7.24. Core Policy 13 (Landscape Character) of the Core Strategy is also relevant and addresses issues of landscape character. It states that development proposals should

positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

- 7.25. The site falls in Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands'. The Landscape Character Area (LCA) identifies the area to be gently undulating with rounded topography that allows for medium distance views frequented by wooded skylines. There is a mixture of arable fields with defined headlines leading to being considered as having a high landscape sensitivity and visibility value. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.
- 7.26. The Council also has an SPD relating to the Conversion of Traditional Rural Outbuildings which is of relevance and applies to traditional rural buildings, which possess some architectural or historic value. The SPD supports the conversion of such buildings and explains that to retain the character and architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to the minimum necessary to facilitate the new use. Features out of keeping with the character of traditional rural buildings such as dormer windows, windows and doors of domestic or suburban character, masonry chimneys and external meter boxes fixed to the building should also be avoided. Where the introduction of new windows is unavoidable, they should be sensitively positioned so that the overall character of the building is not compromised.
- 7.27. Considering each of the plots in turn, Plot 1 comprises an amalgamation of agricultural buildings that have undergone various modifications and additions over time. This proposal would see the retention of the existing stone (NDHA) portion of the building and brick-built range, while removing the portal frame additions to the south. The proposed design looks to preserve and integrate the original stone structure and small contemporary linking structure to the brick barn. Existing openings would be glazed with wooden shutters pinned back (where appropriate) and other new, contemporary additions are proposed to provide rooms with sources of natural light (see figs. 3 & 4 below). Rooflights are also proposed (and have been reduced in quantum during the course of the application). The Council's Conservation Officer (CO) has provided advice on the proposed conversion approach and the Applicant has amended the scheme throughout the lifetime of the application to address concerns relating to the extent of proposal alterations. Whilst noting that additional openings are proposed, the CO has advised that the amended proposal is acceptable in this context given the heavily altered nature of the barn ranges at present and the benefit of securing the future re-use of the NDHA stone barn.

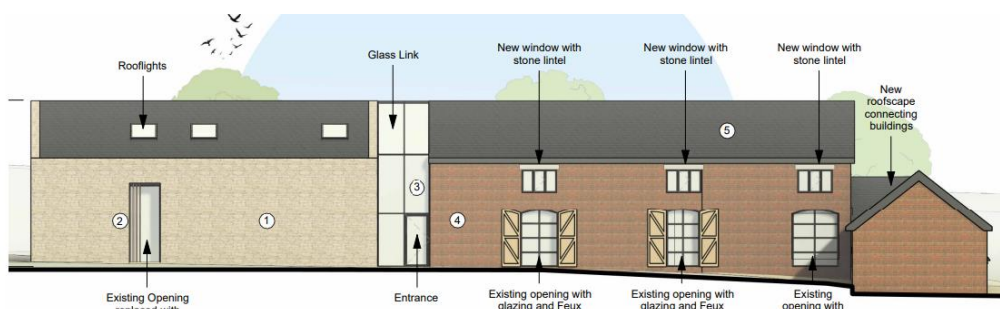


Fig. 3 – Plot 1 Proposed Front (S) Elevation

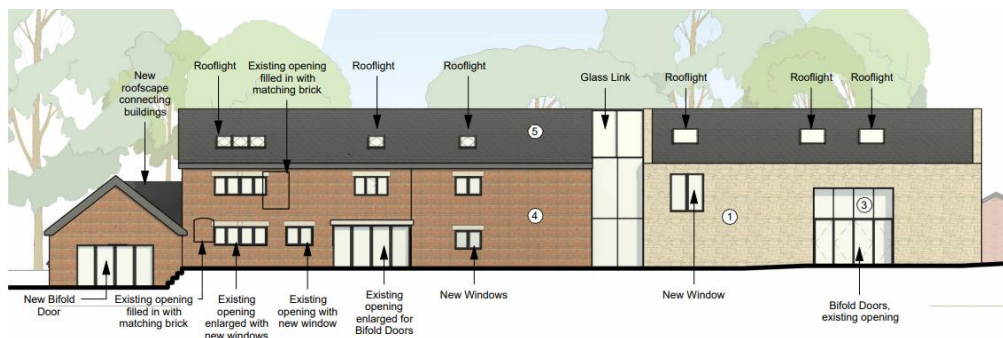


Fig. 4 – Plot 1 Proposed Rear (N) Elevation

7.28. Turning now to Plot 2, this is a modern agricultural building which possesses no architectural or historic merit. The conversion approach would see the retention of the existing stone exterior and addition of metal cladding panels above as well as the insertion of contemporary glazing (see fig. 5 below). Given this is a modern building it is not appropriate to apply the Council’s Conversion SPD and therefore whilst new windows and modern glazing is proposed throughout the building to facilitate the conversion, this is considered to be acceptable in this context. Whilst the appearance of the building would be overtly modern and would contrast with the traditional appearance of the other plots on site, the proposal seeks to materially enhance the appearance of the existing building and given the remoteness of the site this is unlikely to have any appreciable impact on the wider character and appearance of the area.



Fig. 5 – Plot 2 Proposed Front (E) Elevation

7.29. Plot 3 is proposed to be formed by the two-storey red brick building with adjoining single-storey red brick projecting gable ranges. The modern portal structures with corrugated sheeting roofs are proposed to be removed from between the two single

storey ranges and around the buildings which would better reveal the brick-built structures. Existing windows would be re-glazed and larger openings would be infilled by glazing to provide a contemporary appearance. Black composite cladding is proposed on elements of the building to reference the former agricultural use of the site and provide a contemporary aesthetic. Whilst new window openings are proposed, these are mostly at first floor on the side elevation (within the cladding infill panels).



Fig. 6 – Plot 3 Proposed Front (E) Elevation



Fig. 7 – Plot 3 Proposed Rear (W) Elevation

7.30. The garage block would be retained in its existing form and existing openings would be infilled by grey garage door openings. The roof would be replaced with grey pantiles. The image below shows the indicative 3D overview of the site:

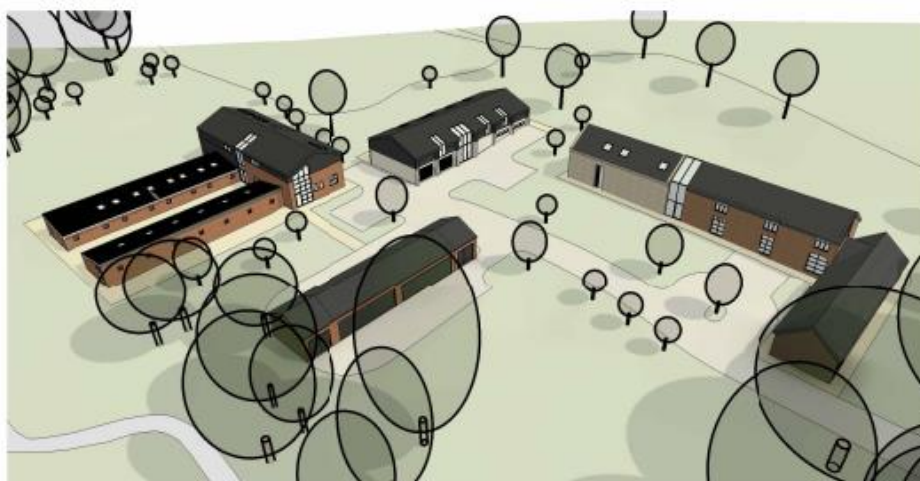


Fig. 8 – Indicative 3D Overview of Site

7.31. The CO has reviewed the proposal and has raised no objection to the development subject to a number of conditions relating to materials and architectural details to

ensure the development is delivered to a high quality and preserves the character of the site. The CO also recommends a condition requiring the conversion of Plot 1 to be completed prior to the occupation of Plots 2 and 3 to secure the heritage benefit of preserving the NDHA as part of the wider development. This is considered to be reasonable in the context of enhancing the wider setting and securing the heritage benefits of the scheme.

- 7.32. The proposal would result in three large dwellings and an associated garage on the site, however, there would not be an increase in built development. The proposed site plan notes that there would be a 61% reduction in built footprint across the site and where buildings are proposed for demolition, the land would be either incorporated into the respective curtilages for each plot or landscaped as part of the biodiversity enhancements. Native hedgerow, shrub groups and existing and proposed woodland are proposed to delineate boundaries with some open aspects. The Illustrative Masterplan submitted shows considerable new planting proposed including large blocks of hawthorn scrub to the west of the plots and the addition of 58 native trees.
- 7.33. The Application has been accompanied by a Landscape Visual Impact Assessment (LVIA) which explains that, upon completion, the proposal would have a *negligible adverse* impact upon the local landscape (in respect of landscape effects). The nature and scale of the changes are reported to be small with the overall mass of built form reduced. When planting matures any glimpsed views that may be available, along one section of southern local public right of way, would be heavily filtered and views largely unchanged. The proposal is therefore noted to result in a *neutral change* and not detracting to local character within the immediate environment.
- 7.34. In respect of visual effects, sensitive visual receptors are public rights of way users in the immediate vicinity of the site. The LVIA notes that foreground views of fields in the immediate environment would not change, and the Proposals would not reduce the largely undeveloped view experience for those nearby receptors. From local PRow and from the wider footpaths, there will be *negligible adverse* impact arising from the proposals, due to local topography, and intervening vegetation. Once planting matures any higher adverse impacts due to construction would be mitigated. The planting would introduce a greater wooded character, in keeping with relevant key characteristic of the local landscape, with a more parkland aesthetic towards the west of the site. The planting would provide an informal grassed landscape, and ultimately any interior views of landscaping at plot boundaries would be screened from public views.
- 7.35. Whilst it is not a requirement for this proposal to provide on-site Biodiversity Net Gain (BNG) (due to the date of submission being prior to the legislation coming into effect), the proposed landscaping would result in a 16.6% increase in habitats and 18.75% increase in hedgerow habitats across the site. The additional planting and landscaping proposed, coupled with the sensitive design of the conversions and significant reduction in built form is considered to result in a material enhancement to the character and appearance of the site and its setting which would align with the Landscape Character Aims and the previously mentioned requirements of para. 80c of the NPPF. This, coupled with the preservation of the NDHA on site weighs in favour of the proposal and would accord with the aims and objectives of the abovementioned

design, heritage and landscape character policies. The development is therefore considered to be acceptable in this regard.

Impact on Flood Risk

- 7.36. Core Policy 10 (Climate Change) 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 CP10, Policy DM5 (Design) 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. Para. 167 of the NPPF advise that more vulnerable uses such as new dwellings (Table 2 of the PPG) should not be permitted in these areas unless both the Sequential Test and Exception Test are passed.
- 7.37. Whilst the buildings themselves lie in FZ1, the site access lies in land identified as FZ3a by the Environment Agencies Flood Mapping and as such is in an area at high risk of fluvial flooding (land identified as having a 1 in 100 or greater annual probability of river flooding). The land surrounding the line of the Dover Beck is also identified by the EA as being an area at risk of surface water flooding.
- 7.38. The proposal would result in a change of use from a 'less vulnerable' use to a 'more vulnerable' use in flood risk terms. Whilst change of use proposals do not require the application of the sequential test, a site-specific flood risk assessment is nevertheless required to assess the flood risk to future occupiers and third parties. An FRA has been submitted (and subsequently amended) to consider the flood risk to future occupiers and whether any flood resilience or resistance measures would be required to ensure the properties are safe for their lifetime.
- 7.39. The EA have reviewed the application and raised no objection to the development subject to a condition requiring the development be carried out in accordance with the submitted flood risk assessment (FRA). The EA have confirmed that they have no modelling data for the site and the Ordinary Watercourse that runs along the southern site boundary and therefore flood levels are not available. The FRA provides LiDAR data which demonstrates that the existing land levels at the extent of Flood Zone 2 are approximately 34.00m AOD. Therefore, in order to take account of climate change and the lack of detailed flood levels the minimum ground floor level of the proposed dwellings would be set 600mm above this level (i.e., 34.60 m AOD). Given the positioning of the dwellings on higher land than the adjacent watercourse and the actual land levels assessed within the FRA the actual risk to the properties themselves would be very low, as such no extra flood resistance and resilience measures are proposed to the buildings other than the finished floor level and EV charging points being located on land within FZ1.
- 7.40. Turning now to access and escape, it is noted that the extent of the land in FZ3 covers an approx. 120m section of the access road (see fig. 9 below). In a flood event, access to the properties may therefore be prohibited by foot and car, however the EA have confirmed that they do not hold any modelled data for the watercourse and therefore

have no information on what the flood depths could be along this track during a flood event. The FRA recommends that future occupants sign up to the EA flood warning service and a flood warning and evacuation plan (FW&EP) be the requirement of a planning condition. Given the potential risk to future occupiers a FW&EP has been requested upfront and submitted as part of this application.



Fig. 9 – Access Track affected by Flooding

- 7.41. The FW&EP explains that future occupiers would sign up for the EA’s flood forecasting and warning service and the Flood Warnings Direct service. The FW&EP sets out that given the dwellings are outside of any flood risk area, staying within the dwellings will be safe in flood events. The length of the access road effected by potential flooding is not in an area at risk of rapid inundation and the onset of flooding is slow. Therefore, once warnings are received, residents would have time to consider whether to leave their properties or stay within the properties (which are not at risk of flooding themselves) and wait for flood waters over the access track to subside.
- 7.42. Regarding surface water, the Council’s Strategic Flood Risk Assessment identifies a low potential for infiltration in this area. However, the demolition of buildings on site, removal of hardstanding and planting with wildflower meadow areas would reduce the amount of impermeable surfaces on site and therefore improve surface water drainage across the site.
- 7.43. Officers are aware that NCC Flood Risk, the TVIDB and the EA are in discussions regarding a flood prevention scheme which would involve nearby watercourses, Officers have sought advice from these parties on the proposed development and whether there would be any implications for the flood alleviation scheme of vice versa, however neither of these consultees have raised any concerns in this regard. This development does not propose any alterations to the nearby watercourse or ground levels and therefore would not impact any future alleviation plans.
- 7.44. Overall, in light of the conclusions above it is considered that the development would comply with CP10, Policy DM5 and the NPPF in this regard.
- 7.45. Impact on Highway Safety

- 7.46. Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.47. Firstly, considering parking provision and the site layout, NSDCs Residential Cycle and Car Parking Standards Design Guide SPD sets out recommended minimum car parking standards which would require 3 car parking spaces and 3 cycle parking spaces for a 4+bed dwelling in this location. The proposed plans show at least 3 car parking spaces per plot within the site (noting additional garage spaces) in addition to space for turning/manoeuvring and storage space for cycles. As such the proposal is considered to accord with the requirements of the SPD.
- 7.48. The internal site layout has also been amended during the course of the application to provide adequate space for the turning and manoeuvring of vehicles, including adequate swept paths for refuse and delivery vehicles. The Highway Authority (HA) have reviewed the proposed site plan and have commented that the internal layout and parking arrangement is acceptable. They also recommend the imposition of a Construction Management Plan to address matters relating to construction access and to include measures to mitigate construction traffic impacts on Priory Road which is considered to be reasonable.
- 7.49. Turning now to access, the applicant has submitted revised proposals during the course of this application which proposes three dwellings within the site, along with demolition of existing farm buildings which would not be converted as part of the scheme. The proposed development is served by a narrow private track which joins the adopted highway at Priory Road some 700m to the east of the main part of the site. Priory Road then continues for some distance before reaching the A612 Nottingham Road in Thurgarton. The applicant proposes improvements to the access track to include a passing place to the southern side of the track (shown in Fig. 10 below), widening of the track on entry to the main body of the site and a commitment to improve the surface of the track within the application site.

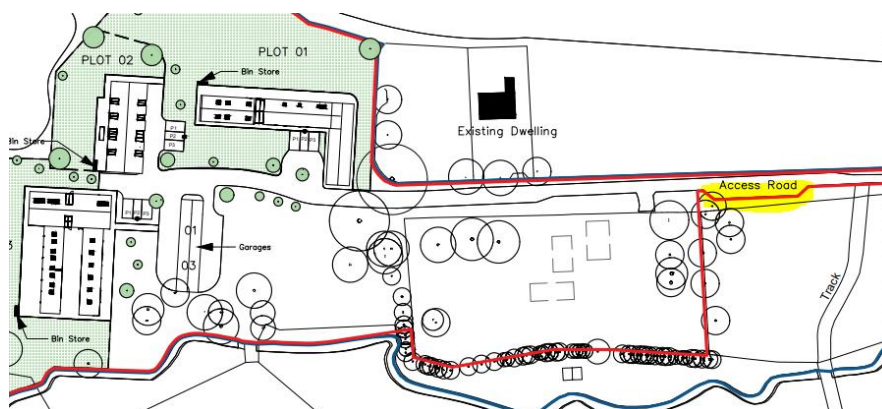


Fig. 10 – Proposed Site Plan Extract showing Passing Bay (highlighted yellow)

- 7.50. The site is occupied by buildings associated with the former Checkers Farm. Whilst not currently in use, the extant use of the site is agricultural, and this would attract associated traffic. The application proposes three dwellings. The supporting Transport

Note (TN) confirms that demolition of redundant buildings that are not required for the proposed development will be undertaken to prevent them being brought back into use. The HA note that this will assist in offsetting the potential trip generation of the proposed development (i.e., will remove any potential for agricultural traffic from the site **in addition** to the proposed dwellings) and is welcomed – the demolition of these buildings prior to occupation of the dwellings could therefore be conditioned to secure this trip offsetting. The TN also confirms that there have been no recorded personal-injury accidents in the study area during the most recent 5-year period for which data is available.

- 7.51. In light of concerns raised by local residents, the TN assesses the suitability of the access track and includes an assessment of passing places along that section of the access track between the site and the adopted Priory Road. Third party representations challenge the ownership/control of these passing places and, hence, the legality of vehicles generated by the proposed development being able to use such passing places. However, notwithstanding the fact that land ownership and rights of access are not material planning considerations, the applicant has supplied proof of rite of passage over the land during the course of the application.
- 7.52. The HA comments noted that the estimates of traffic generation for the proposed dwellings, as presented in the TN, are not accepted by the highway authority. However, based on the highway authority's own assessment of the potential trip generation of the established and proposed site uses, the highway authority considers that the proposal for three dwellings, along with demolition of those not converted as part of the scheme, is unlikely to give rise to a material traffic impact on the capacity of the local highway network when compared to the traffic generation which could arise from the established use of the site. The HA therefore concluded that that the proposed development, particularly with the measures proposed by the applicant, would have no material impact on road safety. The Highway Authority therefore raises no in-principle objection to the proposed development on highway capacity or safety grounds.
- 7.53. The proposed phasing plan indicates improvements to the internal site access road, including the proposed passing place, and the demolition of redundant buildings during the first phase of development. The HA noted that the implementation of the access improvements and demolition of redundant buildings would be necessary prior to commencement of construction of the proposed dwellings to ensure adequate access for construction traffic and no scope for use of the redundant buildings to add to site traffic flows. Phasing could also be addressed in detail in the proposed CMP.
- 7.54. Overall, given the support of the Highway Authority and particularly considering the extant use of the site, the proposal would not have any adverse impact on highway capacity or safety. The development is therefore considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Impact on Residential Amenity

- 7.55. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that

the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

- 7.56. Taking into account the remoteness of the site, the external alterations to facilitate the conversions of the buildings would not result in any adverse impact on the amenity of any neighbouring property. The closest dwelling is the existing farmhouse to the east of the site, however, given the separation distances and relative positioning of the buildings to this property it is not considered that there would be any adverse overlooking, overshadowing or overbearing impacts as a result of the proposed operational development. Furthermore, it is noted that concerns have been raised about the potential use of the land to the south of the farmhouse for commercial purposes, however it is noted that the buildings are proposed for demolition and the land planted for biodiversity benefits which would alleviate these concerns.
- 7.57. Consideration has been given to the use of the buildings as dwellinghouses and whether this would result in any material disturbance to the closest dwelling to the east, however given the lawful agricultural use (which could re-commence at any time without consent) and separation distances between the properties it is not considered that any unacceptable impact would arise.
- 7.58. Turning now to consider the impact on the amenity of future occupiers – it is noted that the internal floorspace of the dwellings would exceed the national space standards for units of these sizes and all habitable rooms would be served by adequate sources of natural light and outlook. The buildings would also be served by external amenity areas that would be commensurate with the size of the units they would serve and owing to the relative positionings it is not considered that there would be any adverse overlooking impacts between plots.
- 7.59. The proposal would therefore accord with Policy DM5 and the guidance in the NPPF in this regard.

Impact on Ecology

- 7.60. Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.61. The Site supports some arable land and a farm courtyard with agricultural buildings and a belt of woodland to the south. The surrounding landscape is rural with a minor watercourse south of the Site. The wider landscape is dissected by woodland, trees, hedgerows, roads and watercourses.

Habitats and Protected Species

- 7.62. Given the proposal would result in the demolition and conversion of existing buildings that have the potential to support protected species a Preliminary Ecology Appraisal (PEA) and a Protected Species Report (PSR) have been submitted to accompany the application.

- 7.63. The Reports explain that the proposal would not have any adverse impacts on any statutory or non-statutory sites of nature conservation, however, recommend some mitigation measures due to the site being adjacent to the Thurgarton Beck Dumble Local Wildlife Site such as adoption of standard pollution control measures during construction and construction worker awareness.
- 7.64. Bats – The reports identified two common pipistrelle non-maternal day roosts involving a small number of individuals within the buildings referred to as B4 and B10 within the reports. The development would result in the loss of these roosts. Therefore, to be lawful, a European Protected Species Licence (EPSL) will be required to allow a derogation from the legislation that affords protection to all UK species of bats and their places of shelter. Because these are classed as low conservation status roosts, and there are only two, the Council’s Ecologist has advised that this meets the criteria for the use of the Bat Mitigation Class Licence (BMCL) approach. However, it is nevertheless reasonable to consider the derogation tests that would be required by the EPSL route in the event that the BMCL approach could not be followed to give confidence that a License would be granted for the development in any event.
- 7.65. Government guidance has set out the legal duty of a LPA when determining a planning application for a development that might have an impact on a European Protected Species (EPS). When Natural England consider a EPSL application they must consider three derogation ‘tests’, and case law has established that a LPA must consider the likelihood of an ESPL being granted when determining a planning application. The three tests are:
- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
 - ii. There must be “no satisfactory alternative”; and
 - iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 7.66. In terms of the first of these tests relating to overriding public interest, due to the small-scale nature of the proposal the public benefits are limited. However, the proposal does promote the opportunity to utilise and secure the future use of a building with some heritage value (the NDHA) and convert other buildings of merit for housing thus contributing towards, albeit minimally, the available housing stock within the District. If the current proposal was resisted there is potential that the NDHA building and the site generally would remain underutilised and fall into further disrepair, with potential loss of the NDHA. In relation to the second test, given the proposal is to convert existing buildings there would be no satisfactory alternative.
- 7.67. In order for a EPSL to be granted it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case a series of mitigation measures are recommended within the survey which can be found at Section 5.4-5.7 of the Protected Species Survey Report which form the broad principles of mitigation

measures to ensure the favourable conservation status of bats. The Council's Ecology Officer has confirmed that the outline mitigation measures would achieve this requirement which would pass the third test.

- 7.68. Subject to the mitigation and compensation measures being secured by planning condition, in addition to an application for a EPSL, it is considered that the favourable conservation status of the bats could be maintained in this instance in accordance with the aims of Core Policy 12.
- 7.69. Birds – The reports have identified the presence of nesting barn owl. Mitigation measures are set out in paragraphs 5.12-5.21 of the Protected Species Survey Report. These include measures for little owl and tawny owl, which although not protected or priority species, could suffer adverse effects from the proposals. The Council's Ecology Officer has advised that these measures are proportionate and appropriate and are therefore acceptable.
- 7.70. Other Species – The reports consider the potential for impacts on other protected and priority species such as otter, badger, hedgehog, amphibians and reptiles and conclude that there would be no unacceptable impact on any of these species subject to appropriate mitigation measures and good working practices. The Council's Ecologist has agreed that this is proportionate and acceptable to this application.

Trees and Hedgerows

- 7.71. Turning now to the potential impact on trees and hedgerows – it is noted that the proposed development would be limited the confined of existing buildings and no trees are proposed to be removed or impacted by the development proposals. The ecology reports refer to some localised removal of saplings as part of the overall biodiversity enhancement plan for the site, however as these trees are self-set saplings that do not have any significant public amenity value and could be removed from the site without prior consent of the LPA, this is considered to be acceptable. Tree planting is also proposed across the site (resulting in a measurable net gain, see below), which would be secured as part of the biodiversity enhancements, which would offset this localised removal.
- 7.72. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Biodiversity Net Gain (BNG)

- 7.73. 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)) for major developments from 12 February 2024 and 'minor sites' on 2 April 2024. 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, where an application was submitted before the relevant dates listed above BNG is not mandatory. This application was submitted in October 2023 which means that BNG is not applicable in this case.

- 7.74. However, irrespective of this, the application proposes a number of biodiversity enhancements across the site and is supported by a voluntary BNG metric and report which details that with additional planting (including the planting of 58 trees and hedgerows, scrub planting and wildflower and lawn seed planting) that the development would result in an overall net gain of 16.6% for habitat units and 18.75% for hedgerow units. The BNG report details how this BNG would be achieved across the site with the supporting landscaping strategy, however the report also recommends a Biodiversity Management and Monitoring Plan (BMMP) is required by condition to provide prescriptions associated with habitat creation/enhancement and long-term management so secure the benefits of this net gain. It is noted that the BNG Report details a 30 year management plan, however as this relates to mandatory BNG the Council's ecologist has advised that this is not reasonable for this application and instead a monitoring schedule will be agreed as part of the BMMP condition (condition 07) that is proportionate to the agreed management plan.
- 7.75. Whilst this BNG is not a legislative requirement of this development, the applicant is voluntarily proposing such enhancements to support the principle of development which requires such schemes to enhance their immediate setting. The Council's Ecology Officer has reviewed the metric calculation and advised that the proposed habitats and target conditions are appropriate and realistic and therefore if implemented, would represent a biodiversity gain. Subject to conditions securing a detailed soft landscaping plan and BMMP the Ecologist has raised no objection to the proposal.
- 7.76. Overall, given the conclusions reached above and the support from the Council's Ecology Officer it is considered that, subject to conditions, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Impact on Archaeology

- 7.77. Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk-based assessment and, where necessary a field evaluation. This is supported by para. 194 of the NPPF.
- 7.78. The site lies in an area of archaeological potential associated with Roman, medieval and post-medieval activity. Several significant Roman sites including a villa complex and bath house are recorded to the west of the proposed site. Cropmarks that may relate to Roman or pre-historic activity are also noted to the west and north.
- 7.79. The medieval Thurgarton Priory is located to the east of the site, with the associated historic park bounding the development site. Castle Hill is located to the east of the site and is a Scheduled Monument (SM) thought to contain the remains of a castle, although the site can only be confirmed as an extensive area of medieval earthworks. Crop marks showing a track extending from the SM towards the proposed site have recently been confirmed during geophysical investigation for a neighbouring scheme.

- 7.80. Given the proposal does not include any new buildings/ground intrusion it is not considered reasonable or necessary to require any archaeological investigation as part of this application, however given the proposal includes alterations to a NDHA it would be reasonable to condition a historic building record to be undertaken. A Historic Building Record has been provided throughout the course of this application and the Conservation Officer has advised that this is acceptable, removing the need for any further conditions in this regard.

Other Matters

- 7.81. Community Infrastructure Levy – The proposal is for the conversion of existing buildings on site to residential use. Given none of the buildings on site have been in lawful use for at least 6 months out of the last 3 years all the gross internal area is CIL liable. The site is located within Housing Very High Zone of the CIL Charging Schedule where residential development in this area is rated at £100m². The development would result in 1780m² of residential GIA across the site, therefore the CIL charge on the development is £207,394.50.
- 7.82. Contaminated Land – The Contaminated Land Officer has provided general advice in relation to the potential for contamination from the previous agricultural use of the land which can be attached via an informative note to the Applicant.

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 principle of the conversion of plots 1 and 3 is supported by policy DM8 given the buildings possess architectural and historic merit and they are capable of conversion without significant alteration. However, plot 2 is a modern agricultural building. Whilst the principle of the conversion of plot 2 to residential use would not be compliant with the current wording of policy DM8, it is considered that the stance of para.80 of the NPPF which supports the reuse of redundant or disused buildings for housing in the open countryside (under para. 80c) is a material consideration that weighs in favour of this proposal given it has been concluded that the proposal would enhance its immediate setting (though operational development and landscape/biodiversity enhancements), and the conversion can be undertaken without significant re-building or alteration.
- 9.2. Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would enhance the visual amenity and character and appearance of the wider area and secure heritage benefits through the reuse of a NDHA and retention of traditional farmstead buildings. The proposal is also considered to be acceptable in terms of the housing mix and how this relates to local need and

would not result in any adverse impacts on amenity, flood risk, ecology or highways safety, subject to conditions.

- 9.3. Therefore, whilst the proposal would be contrary to the current wording of policy DM8 in principle, it has been found to be acceptable in all other respects in accordance with the abovementioned policies in addition to the provisions of the NPPF, the Council's SPDs which are materials considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan in respect of plot 2.
- 9.4. It is therefore recommended that the application is approved, subject to conditions.

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 except in complete accordance with the following plans, reference numbers:

- SITE LOCATION PLAN, TEH ARC S1 XX DP A 1200 P2, 22 Apr 2024
- PROPOSED SITE PLAN, TEH-ARC-S1-XX-DP-A-1203-P3, 26 Jun 2024
- PROPOSED DEMOLITION PLAN, TEH-ARC-S1-XX-DP-A-1202-P2, 22 Apr 2024
- PLOT 1 - PROPOSED GROUND FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2210-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2211-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FRONT ELEVATION, TEH-ARC-B1-XX-DE-A-3710-P2, 09 Jul 2024
- PLOT 1 - PROPOSED REAR ELEVATION, TEH-ARC-B1-XX-DE-A-3711-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 01 ELEVATION, TEH-ARC-B1-XX-DE-A-3712-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 02 ELEVATION, TEH-ARC-B1-XX-DE-A-3713-P2, 09 Jul 2024
- PLOT 2 - GROUND FLOOR PLAN, TEH-ARC-B5-00-DP-A-2250-P1, 01 Aug 2024
- PLOT 2 - FIRST FLOOR PLAN, TEH-ARC-B5-01-DP-A-2251-P1, 01 Aug 2024
- PLOT 2 - PROPOSED ELEVATIONS, TEH-ARC-B5-XX-DE-A-3750-P1, 01 Aug 2024
- PLOT 3 - PROPOSED GROUND FLOOR GA, TEH-ARC-B2-00-DP-A-22201 P1, 02 Apr 2024
- PLOT 3 - PROPOSED FIRST FLOOR GA PLAN, TEH-ARC-B2-01-DP-A-2221 P1, 02 Apr 2024
- PLOT 3 PROPOSED FRONT ELEVATION, TEH-ARC-B2-XX-DE-A-3750 P1, 02 Apr 2024
- PLOT 3 PROPOSED REAR ELEVATION, TEH-ARC-B2-XX-DE-A-3751 P1, 02 Apr 2024

- PLOT 3 PROPOSED SIDE 01 ELEVATION, TEH-ARC-B2-XX-DE-A-3752 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 02 ELEVATION, TEH-ARC-B2-XX-DE-A-3753 P1, 02 Apr 2024
- GARAGE - PROPOSED GROUND FLOOR GA PLAN, TEH-ARC-B3-00-DP-A-2230 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 1 OF 2), TEH-ARC-B3-XX-DE-A-3730 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 2 OF 2), TEH-ARC-B3-XX-DE-A-3731-P3, 01 Aug 2024
- ENHANCEMENT PLAN, N1064 (03) 001 REV C, 23 May 2024
- PROPOSED PHASING PLAN, TEH-ARC-S1-XX-DP-A-1208 REV P2, 01 Aug 2024
- PROPOSED PARKING PLAN, TEH-ARC-S1-XX-DP-A, 26 Jun 2024

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

Pre-Commencement Conditions

03

The access road passing place and improvements to the width and surface of the access driveway within the site, between the eastern site boundary and the access to Plot 1 (as illustrated on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3), shall be undertaken in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the commencement of the remainder of the development hereby approved and shall be maintained for the life of the development.

Reason: In the interest of highway safety.

04

The existing buildings noted as being demolished (on the eastern side of the site) as shown on the Proposed Phasing Plan (ref. THE-ARC-S1-XX-DP-A-1208 Rev P2) and identified on the Proposed Demolition Plan (ref. THE-ARC-S1-XX-DP-A-1202 Rev. P2) shall be demolished prior to the commencement of any other part of the development hereby approved. The remaining buildings to be demolished (as shown on the demolition plan) shall be demolished prior to the occupation of any of the dwellings hereby approved.

Reason: In the interest of highway capacity and highway safety and the amenity of future occupiers.

05

Prior to the commencement of development, a methodology of external repairs for Plots 01 and 03 (as identified on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) shall be submitted to and approved in writing by the local planning

authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic interest of the buildings and secure the heritage benefits of the development.

06

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

07

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

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years);
- f. Identification of who will be responsible for implementing the BMP; and
- g. A schedule for monitoring the implementation and success of the BMP, this is to include a timetable for monitoring reports to be submitted to Newark and

Sherwood District Council at agreed intervals and the implementation of any recommendations of the monitoring reports.

Reason: In the interests of maintaining and enhancing biodiversity and to secure the mitigation, compensation and enhancement measures detailed in the Ecology reports that support this application.

Pre-Installation Conditions

08

No development above damp-proof course or installation of any external facing materials shall take place until manufacturers details (and samples upon request) of all external facing materials following materials (including colour/finish) including but not limited to:

- Bricks or Stone
- Wall Cladding materials
- Render
- Roofing materials

have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in recognition of the heritage benefit of the proposed development.

09

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars
- Glazed Link to Plot 1
- Timber Shutters/Faux Doors
- Treatment of window and door heads and cills
- Ridge, verges and eaves
- Rainwater goods
- Chimney(s)/Flue(s)
- External Vents
- Metre boxes
- Airbricks
- Soil and Vent pipes

Reason: In the interests of visual amenity and in recognition of the heritage benefit of the proposed development.

Pre-Occupation Conditions

10

The conversion of Plots 1 and 3 (as identified on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) must be completed and the dwellings made available for residential occupation prior to the occupation of Plot 2, in accordance with the Proposed Phasing Plan (ref. THE-ARC-S1-XX-DP-A-1208 Rev P2).

Reason: Due to the reasons that justified the principle of the development and securing the heritage benefits of the scheme.

11

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works (which must be informed by the Biodiversity Management Plan as required by condition 07) shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- all boundary treatments/means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- details of external bin and cycle stores.

Reason: In the interests of visual amenity and biodiversity.

12

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number THE-ARC-S1- XX-DP-A-1203 Rev P3). The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety.

13

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and shall include provision for:

- a) Routing of vehicles of site operatives, construction traffic and visitors.
- b) Timings of vehicular arrivals and departures.
- c) Measures to manage/mitigate two-way traffic conflicts at the site access and along Priory Road.
- d) Advanced warning and route signage on Priory Road.
- e) Parking of vehicles of site operatives and visitors.
- f) Loading and unloading of plant and materials
- g) Wheel washing and road sweeping facilities.
- h) Development phasing.

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

14

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Reason: In the interest of supporting sustainable transport modes.

Compliance Conditions

15

The approved hard and soft landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District 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.

16

The submitted archaeological mitigation strategy (ARCHAEOLOGICAL MITIGATION STRATEGY Checkers Farm, Thurgarton - RPS 10/10/2023) shall be implemented in full and the site work must be undertaken in full accordance with the approved strategy and any subsequent written schemes of investigation required. The applicant must 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.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

17

All archaeological and historic building recording reports shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved mitigation strategy/written scheme of investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

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.

18

The development shall be carried out in accordance with the Recommendations made at Section 6 (pages 25-28) of the Preliminary Ecological Appraisal (Ref. JME_2081_PEA_01_V2, dated April 2024, produced by JM Ecology) and the mitigation measures it details. These mitigation measure shall be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of nature conservation.

19

The development shall be carried out in accordance with the Mitigation Measures detailed at Section 5 (page 12) of the Flood Risk Assessment & Outline Sustainable Drainage Strategy, ref. RLC/1292/FRA+OSDS01 Rev. 3 dated 25/03/2024. These mitigation measure shall be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

20

The development shall be carried out in accordance with the Flood Warning and Evacuation Plan, ref. RLC/1292/FW&EP01, dated 25/07/2024 and the plan shall be complied with throughout the lifetime of the development.

Reason: To safeguard residents against the risk of flooding.

21

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

- Class AA: Enlargement of a dwellinghouse by construction of additional storeys.
- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class C: The painting of the exterior of any building.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not undermine the positive design elements of the approved scheme or adversely impact upon the openness of the countryside or heritage significance of the buildings on site.

22

The garages hereby permitted (as shown on the Proposed Site Plan, ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) shall be used solely for purposes incidental to the enjoyment of the dwelling houses and not for any commercial, industrial or business purpose.

Reason: In the interests of highways safety, residential amenity and in recognition of the sites location in the open countryside.

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

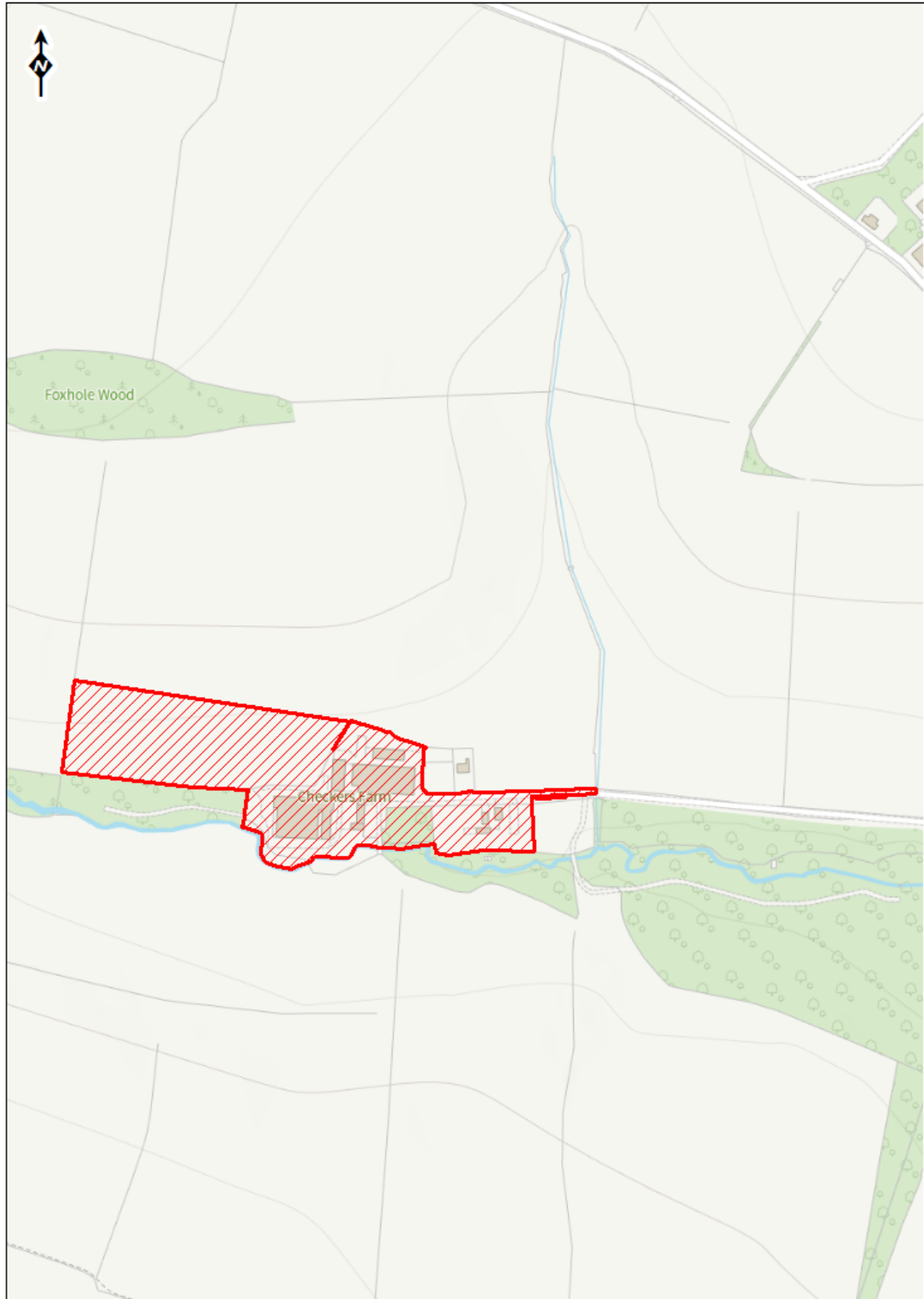
With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, to discuss the requirements and request preparation of a brief for the works.

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.

Committee Plan - 23/01779/FULM



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Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

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

Report Summary			
Application No.	24/00808/FUL		
Proposal	Change of use from stables building to single dwelling		
Location	Trent Valley Livery Ltd Trent Valley Equestrian Centre Occupation Lane Fiskerton Southwell NG25 0TR		
Applicant	Mrs Rose Wilson	Agent	Mr George Machin
Registered	23.05.2024	Target Date	18.07.2024
		Extension of Time	04.10.2024
Web Link	Trent Valley Livery Ltd Trent Valley Equestrian Centre Occupation Lane Fiskerton Southwell NG25 0TR		
Recommendation	That planning permission be APPROVED subject to the conditions outlined at the end of this report.		

This application has been referred to the Planning Committee for determination, in accordance with the Council’s Constitution, because the proposal is a departure from the Development Plan.

1.0 The Site

1.1 The application relates to an existing empty stables building at Syndre Farm, which is located on the north side of Occupation Lane, approximately 1.0 mile north of the village of Fiskerton. The application site forms part of the Trent Valley Equestrian Centre, which was granted under planning permission reference 05/02613/FULM. The main Equestrian Centre entrance is located approximately 300 metres northeast of the Occupation Lane/Station Road junction near Fiskerton Railway Station. However, there is another entrance approximately 150 metres closer to the same junction, which is included within the red line boundary of this application.

- 1.2 The application site is located to the rear of an equestrian barn directly opposite the site entrance from Occupation Lane and includes the empty stable building, old timber stables (proposed to be removed) and a white painted block building (proposed to be retained and converted alongside the empty stable building). There is also a sand surfaced manège to the north west side of the main stable building.
- 1.3 The nearest residential building is the associated farmhouse approximately 62 metres to the east. Station House lies approximately 150 metres to the south west of the site, and Oakdale approximately 150 metres to the west.
- 1.4 The site does not form part of a site of special scientific interest, safety hazard area or military explosives storage area nor is it a schedule monument or a listed building. Although it does fall within Flood Zone 3a where there is a high probability of flooding.
- 1.5 The site has the following constraints:
- Flood Zone 3a
 - Contamination Risks

2.0 Relevant Planning History

Application Building

- 2.1 21/01735/FUL - Proposed conversion of the rear west stables building into 3 no. holiday let units. Application Permitted 01.11.2021.
Not Implemented due to expire 31.10.2024.

Wider Site

- 2.2 24/00305/FUL – Replacement equestrian barn (retrospective). Application Permitted 23.04.2024.
- 2.3 23/00883/S73 - Application for variation of condition 02 to swap the layout of the approved elevations attached to Prior Approval 20/02466/CPRIOR; Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Application Permitted 26.07.2023.
Not Implemented building replaced (see 24/00305/FUL)
- 2.4 20/02466/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Prior Approval Required and Granted 03.02.2021.
Not Implemented building replaced (see 24/00305/FUL)
- 2.5 21/01246/FUL - Agricultural storage building and associated Change of Use of land from Equestrian to Agricultural. Application Permitted 02.08.2021.
Not Implemented expired 01.08.2024.
- 2.6 21/00581/CPRIOR - Notification for Prior Approval change of use from agriculture

- All new windows to be natural timber or grey uPVC frames
- New path, steps, and ramp (formed by a raised brick planter) up to a new porch entrance within a new recessed arched opening (north east 'front' elevation)
- New steps up to a new porch entrance within a new arched opening (south west 'rear' elevation)
- New steps up to other external doors providing access into the garden areas
- Installation of timber post and rail fencing to enclose the garden areas
- All external walls to have internal stud insulated lining walls
- Existing concrete floor slab to be retained, and new concrete beam and block raised floor incorporating floor insulation built a minimum of 450mm above existing slab with honeycomb sleeper support walls and perimeter gaps/openings for flood water to flow through.



3.4 Documents assessed in this appraisal (revised plans received 29 August 2024):

- Topographical Survey (Drawing no. 21 33 01)
- Existing Site Location Plan (No ref, Scale 1:1250)
- Proposed Site Location Plan (No ref, Scale 1:1250)
- Existing Floor Plans & Elevations (Drawing nos. SFOLF 2021 PE1 & PE2)
- Floor Plan – as proposed (Drawing no. SF F 2024 03 REV 1)
- Elevations – as proposed (Drawing no. SF F 2024 04 REV 1)
- Block Plan (No ref, 1:500)
- Flood Risk Assessment prepared by Roy Lobleby Consulting dated September 2024 (Document ref: RLC/1509/FRA01 Issue 2)

- Enhancement Map (Drawing no. JME 2043 DR1 V1)
- Structural Report prepared by Moran Structural Consultants dated February 2021
- Update Daytime Bat Survey Report prepared by JM Ecology dated 22.05.2024 (Ref: JME_2043_BR_01_V1)
- Supporting Planning, Design and Access Statement prepared by George Machin dated May 2024
- Site Photographs
- Biodiversity Net Gain Scoping Opinion prepared by JM Ecology dated 17.07.2024 – confirms the development meets the de minimis exemption.

4.0 Departure/Public Advertisement Procedure

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

4.2 Site visit undertaken on 14.06.2024.

5.0 Planning Policy Framework

5.1 Fiskerton-cum-Morton Neighbourhood Plan (made December 2019)

- FCM5 – Character and Design Policy
- FCM13 – Flood Risk

5.2 Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure

5.3 Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)

- Policy DM5 – Design
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM10 – Pollution and Hazardous Materials
- Policy DM12 – Presumption in Favour of Sustainable Development

5.4 The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 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 which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.5 Other Materials Considerations

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Landscape Character Area SPD (December 2013)
- Residential Cycle and Car Parking Standards & Design Guide SPD (June 2021)

6.0 Consultations and Representations

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

a) Statutory Consultations

6.2. **Environment Agency** – No objection. The proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the recommended planning condition is included. A condition to secure details of a scheme to dispose of foul drainage is also recommended.

b) Parish Council

6.3. **Fiskerton Parish Council** – Support.

c) Representations/Non-Statutory Consultation

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

7.0 Appraisal

7.1 The key issues are:

- 1) Principle of Development
- 2) Impact on Character
- 3) Flood Risk and Drainage
- 4) Impact on Residential Amenity
- 5) Highway Safety and Parking
- 6) Impact on Ecology (including Biodiversity Net Gain)
- 7) Contamination Risks

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

Principle of Development

- 7.3 The application site is located outside the main built-up area of Fiskerton village and within the open countryside as defined in the Fiskerton-cum-Morton Neighbourhood Plan. There is no policy within the Neighbourhood Plan that relates specifically to the conversion of existing buildings.
- 7.4 Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD (2019) 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 Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD allows for the conversion of existing buildings but states "planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration, or extension". In this case, the building is not considered to possess any architectural or historic merit given it is a typical portal framed agricultural building of modern construction.
- 7.6 Given the building is not considered to be of any architectural or historic merit, the proposed conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 83 and 84 of the NPPF 2023 advise that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 84). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.84c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.
- 7.7 There is no statutory definition of what constitutes an '*isolated home*'. However, giving judgement in *Braintree District Council v SOSCLG & ORS* (2018) EWCA Civ 610 (reaffirmed in *City & Bramshill v SoSHCL* (2021) EWCA Civ 320), Lindblom J said paragraph 80's advice was to avoid '*new isolated homes in the countryside*' which '*simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement*'. The Judgment goes onto explain that '*whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand*'.
- 7.8 In this case, the site is situated along Occupation Lane where there are sporadic properties as well as the Trent Valley Equestrian Centre development. However, the site is well separated from the village of Fiskerton which is located to the south. Therefore, whilst the building itself is not physically *isolated* given it is largely

surrounded by other buildings, its conversion to residential use would clearly result in an *isolated home* which would be separate/remote from any defined settlement or village. It is therefore considered reasonable to consider this proposal under para.84 of the NPPF, having regard to the abovementioned judgments.

- 7.9 Consequently, taking each requirement in turn, it is first necessary to determine whether the building is redundant/disused. At the time the LPA considered the previous application to convert the building to three holiday lets (ref 21/01735/FUL), the building was in use for stabling (see online planning file for photographs showing horses in the stables). The Planning Statement submitted in support of this latest application states the building is no longer required for equestrian purposes and is surplus to requirements of the existing operations. Indeed, during a recent site visit the building was observed to be empty and cordoned off and would therefore appear to be redundant for its current purposes and compliant with para.84c in this regard.
- 7.10 Moving on to whether the proposal would enhance its immediate setting, a full assessment of the impact of the development on the site and surrounding area will follow, however, it is noted that the proposal generally seeks to enhance the exterior of the building by replacing cladding and roof sheets and inserting new windows and doors. The area immediately surrounding the building would also be enhanced through the creation of a formal entrance and garden areas that would replace existing areas of hardstanding forming part of the former livery yard. The application is also supported by an Enhancement Map (Drawing no. JME 2043 DR1 V1) detailing preferred locations for bat and bird boxes and a species rich hedgerow along the north western boundary of the site (although the latter is not reflected on the submitted block plan). Cumulatively, all of these elements result in a proposal that would enhance its immediate setting in accordance with para.84c.
- 7.11 Although not technically required as the proposal is considered a departure from Policy DM8, consideration has also been given to whether the building can be converted without significant re-building, alteration, or extension. The application is supported by a Structural Survey prepared by Moran Structural Consultants, which is the same report that was submitted and accepted for the previous application to convert the building to form three holiday lets. This report confirmed that the existing steel frame was, at the time, in a satisfactory condition and was even capable of supporting a new first floor level, although this latest application proposes accommodation at ground floor level only. In addition, it was concluded that the existing ground bearing slab was in good condition, but insulation and screed would need to be laid on top to upgrade to the standard of a dwelling. The report also confirmed that the existing external walls could remain in place and insulation/internal wall finishes could be installed in accordance with the proposed details. To the LPA's knowledge, there has been no significant change to the building since the previous application was determined and it is therefore accepted that the building is still structurally sound and capable of conversion without significant re-building, alteration, or extension as per the previous approval.
- 7.12 Consequently, based on the information submitted with this application it is not considered that the proposal would be compliant with the current wording of Policy

DM8, but it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the open countryside is a material consideration that weighs in favour of this proposal in principle, as the proposal would enhance its immediate setting, and the conversion could be undertaken without significant re-building, extension or alteration (and would align with Policy DM8 in that regard). On that basis, and in this specific context, the principle of development is therefore considered acceptable.

Impact on Character

- 7.13 Policy FCM5 of the Neighbourhood Plan relates largely to new build development, but also states, relevant to this application, that developments will be supported provided the visual impact of external materials reflect the locally distinctive palette. The policy also refers to flood risk and parking, which are discussed in more detail below.
- 7.14 Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, *“achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”*. In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 ‘Design’ of the Allocation and Development Management DPD.
- 7.15 As noted earlier at 7.11, the application is supported by a Structural Survey prepared by Moran Structural Consultants, which confirms the building is structurally sound and capable of conversion. Although it has no architectural or historic merit, the proposal seeks to retain much of the existing character and integrity of the building so that the overall appearance of the building would not be significantly altered. There are no existing window openings, so the introduction of new windows is unavoidable, however new windows have been sensitively positioned so that the overall character of the building is not compromised. The proposed openings to the front and rear elevations would be slightly at odds with the existing character of the building but are not considered harmful enough to warrant revision or removal. Joinery details are not clear and would need to be secured by condition on an approved application along with more precise details of external finishing materials as recommended.
- 7.16 Whilst the proposed plans include details of hard and soft landscaping it is considered appropriate to impose a condition on an approved application requiring specific details to be submitted to and agreed in writing by the LPA prior to occupation of the dwelling to ensure the development enhances its immediate setting in the manner envisaged.
- 7.17 To ensure future development does not unduly undermine the approved design or plans to enhance the immediate setting, it is considered reasonable and necessary to withdraw certain specific permitted development rights relating to development that could significantly alter the character of the dwelling and its residential curtilage. This would not prevent such development being brought forward but would allow the LPA to consider the impacts of such proposals should they come forward.

- 7.18 Overall, the proposed development would integrate well with the site and surrounding area in accordance with Core Policy 9 and Policy DM5 of the DPD and Policy FCM5 of the Neighbourhood Plan.

Flood Risk and Drainage

- 7.19 The site falls within Flood Zone 3 where there is a high probability of flooding as shown on the Environment Agency's Flood Map for Planning.
- 7.20 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.
- 7.21 Notwithstanding the above, changes of use are not subject to the Sequential or Exception Tests, although, with reference to Annex 3: Flood risk vulnerability classification as set out in the PPG, the proposed change of use would increase the flood risk vulnerability classification from 'less' to 'more' vulnerable.
- 7.22 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 Zone 3a. National flood risk standing advice requires the Environment Agency to be consulted on changes of use in Flood Zone 3a where the vulnerability classification will be 'more vulnerable'.
- 7.23 The Environment Agency were consulted on the submitted application, which originally sought to provide a 3-bedroom dwelling with all accommodation on the ground floor. The Environment Agency objected to this proposal, due to concerns the submission had failed to consider how a range of flooding events (including extreme events) impacting ordinary watercourses in the vicinity (namely Beck Dyke and Marlock Dyke) could affect the people and property, particularly with sleeping accommodation proposed on the ground floor. The proposal was subsequently amended to include first floor sleeping accommodation, which was previously accepted by the Environment Agency as part of the approval to convert the building to holiday-lets under planning permission 21/01735/FUL. The Environment Agency has since withdrawn their objection and confirmed the proposed development would meet the NPPF requirements in relation to flood risk subject to a condition to secure development in accordance with the submitted flood risk assessment (FRA).
- 7.24 The submitted FRA prepared by Roy Lobley Consulting (Report reference RLC/1509/FRA01 Issue 2) acknowledges the level of flood risk and recommends flood

resilience measures to be included in the development, including no ground floor sleeping accommodation.

7.25 For completeness, the application has been assessed against national flood risk standing advice for vulnerable developments which covers the following aspects that have been assessed under corresponding sub-headings below with reference to the submitted FRA (Report reference RLC/1509/FRA01 Issue 2):

- Floor levels
- Extra flood resistance and resilience measures
- Access and escape
- Surface water management.

Floor levels

7.26 Standing advice for vulnerable developments 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. The application includes a Topographical Survey (Drawing no. 21 33 01).

Ground level of the site	15.10mAOD (adjacent to the building)
Ground level of the access road (s)	15.31mAOD (at site entrance)
Finished floor level of the lowest room	FRA recommends 15.50mAOD with all sleeping accommodation at first floor

All levels are stated in relation to Ordnance Datum.

7.27 Standing advice for vulnerable developments 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 confirms the estimated river or sea flood level is 15.05mAOD (1:1000 level) – 15.15mAOD (1:100+50% climate change level). The recommended finished floor level is 15.50mAODm which is 450mm above the worst case 1:1000yr predicted event. Standing advice recommends finished floor levels should be a minimum of 300mm above the highest level, which, is actually the adjacent road level. However, given the building is set well back from the road the proposed floor level, which is more than 300mm above the flood level, is considered acceptable.

Extra flood resistance and resilience measures

7.28 Standing advice for vulnerable developments requires designs to be appropriately flood resistant and resilient if finished floor levels cannot be raised to the required height. Given the finished floor levels can be raised to an acceptable height extra flood resistance and resilience measures are not necessarily required. However, the EA has indicated that flood risk posed by the nearby Beck Dyke and Marlock Dyke has not been adequately assessed, so it is possible the finished floor levels have not been raised above the possible flood heights. Consequently, the FRA takes a cautious

approach by recommending additional flood resilience measures, including electrical installations above 15.80mAOD, which are recommended to be secured by condition on an approved application. The condition also asserts there shall be no ground floor sleeping accommodation.

Access and escape

- 7.29 Standing advice for vulnerable developments 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, finished floor levels would be set above the estimated flood level. Nevertheless, the FRA recommends future occupants sign up to the EA flood warning service and a flood evacuation plan, so a condition to secure such details is recommended.

Surface water management

- 7.30 The proposal is for the conversion of an existing building and, as such, there would be no uplift in surface water run-off. Indeed, the application proposes removal of an existing timber stable building and the replacement of hardstanding with garden areas, which would reduce the extent of impermeable surfaces across the site. Notwithstanding this, the application fails to provide any details regarding existing or proposed surface water disposal, which are recommended to be secured by condition.
- 7.31 Having assessed the submitted FRA against the EA's standing advice for vulnerable developments, and after receiving no objection from the EA, it is concluded that the application is supported by a satisfactory FRA. Subject to the recommended conditions, the proposed development would comply 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.

Foul drainage

- 7.32 The application form indicates foul drainage for the proposed development is unknown, so a condition to secure such details is recommended in accordance with the EA's advice.

Impact on Residential Amenity

- 7.33 Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.34 The building is sited a sufficient distance from neighbouring residential properties to ensure no adverse impact on the amenities of neighbouring residents in terms of overbearing impacts, loss of light or privacy. Occupants of the proposed new dwelling would also be afforded a good standard of amenity through the provision of private

garden areas to the side and rear of the dwelling. The close proximity of other stables is noted; however, the dwelling would be occupied by the site owner who operates the wider site including the main Equestrian Centre to the north east. Even if this were not the case, any future occupier would be aware of the proximity of the stables and wider equestrian setting prior to occupation.

- 7.35 The proposal therefore complies with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD in this regard.

Highway Safety and Parking

- 7.36 Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals to provide appropriate and effective parking provision.

- 7.37 The application site is served by an existing access from Occupation Lane with sufficient space for turning and parking of vehicles on site. Indeed, the proposal includes car parking spaces and secure cycle storage in accordance with the requirements of the Council's Residential Cycle and Car Parking Standards & Design Guide SPD. It is noted that in granting permission for the conversion of the building to 3-holiday lets, a condition was imposed requiring the existing access to be widened to enable two vehicles to pass each other at the entrance. However, this was based on the knowledge that, at the time, this access was being used as a main entrance into the site. Since then, the equestrian uses have been shifted closer towards the main Equestrian Centre, which is accessed further up the road towards Rolleston Railway Station, reflecting the applicant's desire to make the southwest part of the site more private. It is therefore not considered reasonable nor proportionate to impose the same condition here as circumstances have changed and the proposed dwelling would generate far fewer comings and goings than the approved holiday lets. The development is therefore considered acceptable in this regard.

Impact on Ecology (including Biodiversity Net Gain)

- 7.38 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.

- 7.39 The Preliminary Roost Assessment was undertaken by Brindle & Green Ecological Consultants in February 2021, and identified the buildings as having Low suitability to support roosting bats. A follow-up daytime bat survey was undertaken by JM Ecology on 22nd May 2024 and reaffirms the buildings have low or negligible roosting potential. Notwithstanding this, the report recommends a precautionary approach advising that a suitably experienced and licensed ecologist be on site to check fascia boards and supervise roof removal on the structures immediately prior to demolition works commencing, to account for the extremely low risk of transient individual bats

occupying these features at the time. The report also recommends a bat sensitive lighting scheme, which is recommended to be secured by condition on an approved application.

- 7.40 As noted earlier at 7.10, the application is supported by an Enhancement Map (Drawing no. JME 2043 DR1 V1) detailing preferred locations for bat and bird boxes and a species rich hedgerow along the north western boundary of the site, which are recommended to be secured by condition within 6-months of occupation of the dwelling.
- 7.41 Therefore, subject to appropriately worded conditions, the proposed development is considered to meet the relevant provisions of Core Policy 12 and Policy DM5 of the DPD.

Biodiversity Net Gain

- 7.42 Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. 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)) for major developments from 12 February 2024 (developments over 1Ha in area) and for 'minor sites' on 2 April 2024. This application was received after 2 April 2024 and, therefore, must be considered under the statutory framework for biodiversity net gain. 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 exemptions to where BNG is applicable – these are set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk). One exception is the 'de minimis' exemption that sets out that BNG does not apply where the development would not impact an onsite priority habitat and impacts less than 25 square metres (5m by 5m) of non-priority on-site habitat (such as modified grassland) or 5 metres of non-priority on-site linear habitats such as hedgerows. This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
- 7.43 The application is supported by a Biodiversity Net Gain Scoping Opinion prepared by JM Ecology which confirms the following:

“Having reviewed the proposal at Syndre Farm, Fiskerton under planning reference (24/00808/FUL) against mandatory Biodiversity Net Gain (BNG) requirements. It is our opinion that the project does not require BNG Assessment under the ‘De-minimis’ exemption.

This is due to the entire application Site comprising either hardstanding and buildings (i.e., developed land; sealed surface) or a sand finished menage (artificial unvegetated unsealed surface). Whilst the application Site is greater than 25m², all of the habitats proposed for impact have an associated biodiversity score in the statutory metric of 0

and none of the features are priority habitats (excluding peripheral hedges which are not being impacted). As such the Site qualifies under de-minimis exemption as per the example below from the government guidance website for BNG in planning”.

Based on the submitted information, the proposed development is considered exempt from mandatory BNG.

Contamination Risks

- 7.44 Policy DM10 ‘Pollution and Hazardous Materials’ requires that development proposals near hazardous substance installations should take account of and address the potential risk arising from them.
- 7.45 The Council’s Environmental Health Technical Officer considered the application as submitted and identified the potential for contamination, due to past uses, and migration of ground gases from a nearby closed landfill site. It is therefore considered appropriate to impose standard phased contamination conditions on an approved application to ensure appropriate investigation and mitigation in accordance with the provisions of Policy DM10 of the DPD.

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 Based on the information submitted, the proposal constitutes a departure from Policy DM8 as the building has no historic or architectural merit that warrants its preservation, although it has been duly demonstrated that the building can be converted without significant re-building, alteration, or extension. Nevertheless, the NPPF is a material consideration and allows for the reuse of a redundant or disused building for residential purposes provided the development would enhance its immediate setting (para.84c). The proposal would do this by improving the external appearance of the building and land immediately surrounding it and providing ecological enhancements that would cumulatively enhance the immediate setting.
- 9.2 Subject to conditions, no harm has been identified in terms of the impact of the development on character of the area, flood risk and drainage, residential amenity, highway safety nor ecology, and potential contamination risks can be managed by an appropriately worded condition. It is therefore recommended that planning permission be approved subject to the conditions outlined 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

Notwithstanding any amendments that may be secured through Condition 04 (Drainage Strategy), the development hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference

- Existing Site Location Plan (No ref, Scale 1:1250)
- Proposed Site Location Plan (No ref, Scale 1:1250)
- Floor Plan – as proposed (Drawing no. SF F 2024 03 REV 1)
- Elevations – as proposed (Drawing no. SF F 2024 04 REV 1)
- Block Plan (No ref, 1:500)

Reason: So as to define this permission.

03

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. This must be conducted in accordance with DEFRA and the Environment Agency's '*Land contamination risk management (LCRM)*'.

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.

Part A: Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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.

04

Notwithstanding the approved plans, prior to commencement of the development, a final Drainage Strategy including details of foul sewage and surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include written evidence of agreements and permits from any public body and/or statutory undertaker, or any other arrangements made to secure the effective operation of the Drainage Strategy throughout the lifetime of the development.

The approved Drainage Strategy shall thereafter be implemented in accordance with the approved details and timescale contained therein.

Reason: To ensure the provision of satisfactory means of foul sewage and surface water disposal and to ensure the development does not increase the risk of flooding.

05

Notwithstanding the submitted details, no development in relation to the following details shall be commenced until samples and/or specifications as required have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Vertical timber board cladding

Render

Roofing materials

Reason: To ensure the conversion takes the form envisaged to enhance the immediate setting and in the interests of visual amenity.

06

Notwithstanding the submitted details, no development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows, doors, and their immediate surroundings, including details of glazing and glazing bars.

Reason: To ensure the conversion takes the form envisaged to enhance the immediate setting and in the interests of visual amenity.

07

Notwithstanding the submitted details, no part of the development hereby permitted shall be brought into use until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new hedgerows noting species, plant sizes, proposed numbers, and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

means of enclosure

driveway, parking and turning area materials

other hard surfacing materials

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

08

No part of the development hereby permitted shall be brought into use until a Flood Warning and Evacuation Plan, drafted in accordance with paragraph 5.8 of the submitted flood risk assessment (Document ref: RLC/1509/FRA01 Issue 2) has been submitted to and approved in writing by the Local Planning Authority.

The approved Flood Warning and Evacuation Plan shall be issued to all occupants and users of the development for its lifetime.

Reason: To ensure the development will be safe for its lifetime taking account of the vulnerability of its users.

09

Within 6 months of completion of the development hereby permitted, the ecological enhancements detailed on the submitted Enhancement Map (Drawing no. JME 2043 DR1 V1 shall be implemented, and photographic evidence submitted to and approved in writing by the Local Planning Authority.

The approved features shall thereafter be retained and maintained for the lifetime of the development.

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).

10

No additional external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill, light pollution, and impacts on 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.

Reason: In the interests of visual and residential amenity and to prevent disturbance to protected species.

11

The development shall be carried out in accordance with the submitted Update Daytime Bat Survey Report prepared by JM Ecology dated 22.05.2024 (Ref: JME_2043_BR_01_V1) and the recommendations/mitigation measures outlined on page 5.

For the avoidance of doubt, written confirmation of the following from a suitably qualified ecologist shall be submitted to and approved in writing by the Local Planning Authority:

- a) They have attended site and undertaken a search for bats immediately prior to demolition works commencing; and
- b) They have supervised roof removal on the structures immediately prior to demolition works commencing.

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).

12

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Document ref: RLC/1509/FRA01 Issue 2) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 15.50 metres above Ordnance Datum (AOD).
- There shall be no ground floor sleeping accommodation.
- Electrical installation shall be set no lower than 15.80 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to mitigate against the risk of damage to the property and to speed up recovery following a flood event.

13

Notwithstanding the details approved through condition 05, the development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

14

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

Class A: The enlargement, improvement, or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure.

Class C: The painting of the exterior of any building.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General

Permitted Development) (England) Order 2015 or any amending legislation and to ensure that any proposed further alterations, extensions, or additions are sympathetic to the fact that the dwelling is a converted equestrian building, and the development is permitted on the basis that it would enhance the immediate setting.

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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

03

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

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

04

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If

bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted at the following address: Apex Court, City Link, Nottingham, NG2 4LA (tel: 0300 060 3900).

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

Foul Drainage – EA Advice

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, additional to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing

non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

07

Biodiversity Net Gain

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition “the biodiversity gain condition” that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, **and**
 - b) the planning authority has approved the plan;
- OR**
- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain ([Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/biodiversity-net-gain))

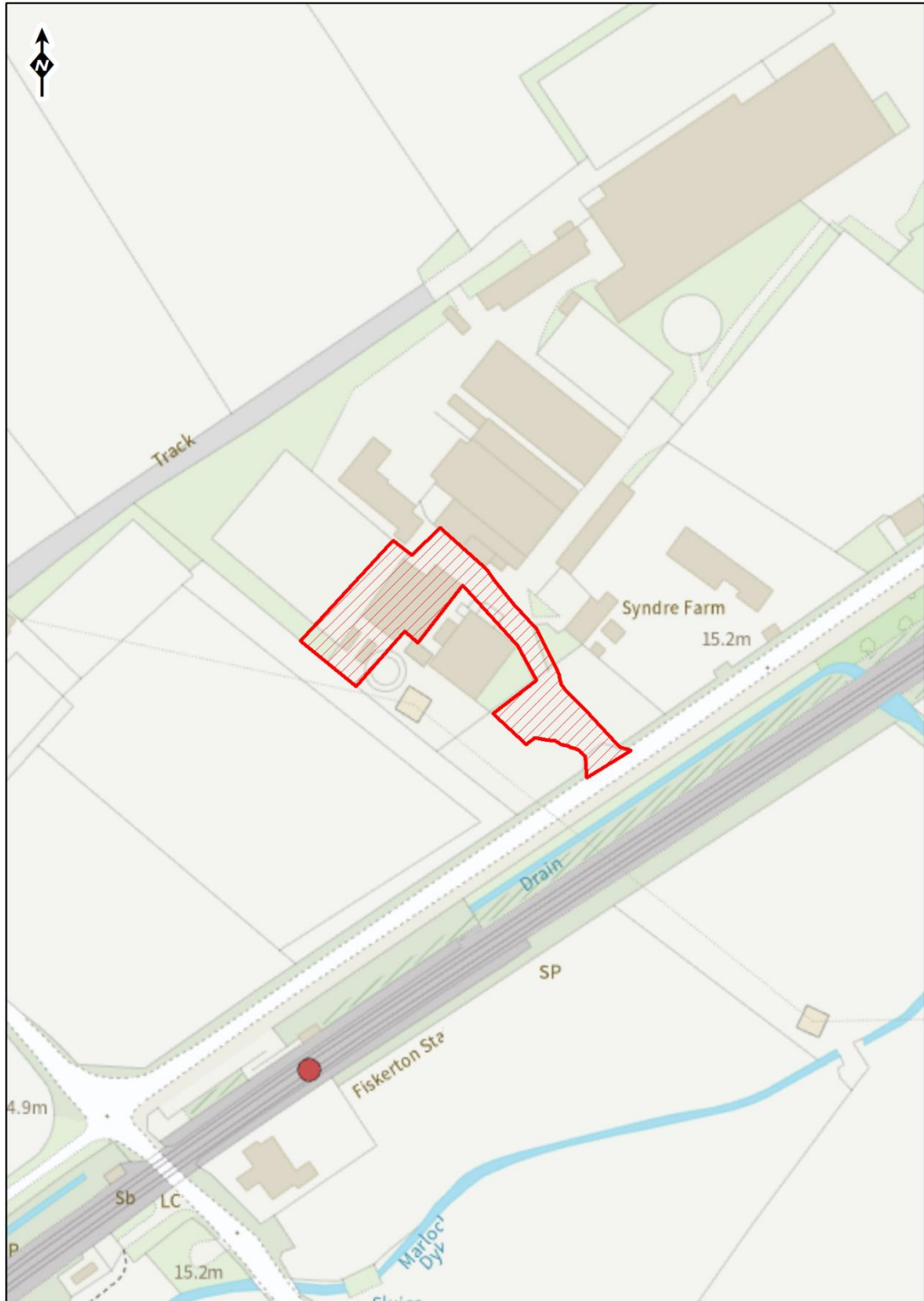
Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply:

- Below the de minimis threshold.

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 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Honor Whitfield, Planner, 5827

Report Summary			
Application No.	24/00814/HOUSE		
Proposal	Erection of raised platform with screen fencing and ramp		
Location	Hendre Cottage, Main Street, Epperstone, NG14 6AD		
Applicant	Mr Colin Wells	Agent	N/A
Web Link	24/00814/HOUSE Retention of access ramp and platform to existing doorway. Hendre Cottage Main Street Epperstone NG14 6AD (newark-sherwooddc.gov.uk)		
Registered	04.07.2024	Target Date	29.08.2024
		Extension To	11.10.2024
Recommendation	That Planning Permission is <u>REFUSED</u> for the reason(s) detailed at Section 10.0		

This application is being referred to the Planning Committee for determination by the Development Manager due to personal circumstances that have been put forward by the applicant to be considered as part of the application. Due to reasons of privacy and compliance with the General Data Protection Regulations, full details are not included within the report, however, should members wish to obtain further details then they should contact officers individually.

1.0 The Site

1.1 The application relates to Hendre Cottage, a semi-detached dwellinghouse located immediately adjacent to the footway on the northern side of Main Street, Epperstone. The dwelling is constructed from red bricks with a clay pantile roof and adjoins a building to the east which is current being used as a café. The site is situated within Epperstone Conservation Area (CA) and the Nottinghamshire-Derby Green Belt.

1.2 The property is enclosed to the rear by a mix of mature planting and fencing – the rear

garden extends north-east and is set at a higher level than the rear elevation of the dwelling. The dwelling has recently been extended with a two-storey gable end projection (ref. 20/00565/FUL) and a raised platform, ramp and screen fence has been erected to access the first floor of this extension from the garden level – it is this development that is the subject of this application. The aerial photos below show a comparison of the application site and dwelling from 2007 (left image) to 2022 (right image).



Fig 1. Aerial Images of Site from 2007 (L) and 2022 (R)

1.3 The site constraints are:

- Epperstone Conservation Area
- Nottinghamshire-Derby Green Belt

2.0 Relevant Planning History

2.1. 20/00565/FUL - Householder application for demolition of existing outbuilding and construction of two storey rear extension – Permitted 14.09.2020 (Committee Overturn)



Fig. 2 Approved Proposed Elevations and Floor Plans

- 2.2. 94/50556/FUL – IMPROVEMENTS, ALTERATIONS AND EXTENSIONS TO DWELLINGHOUSE – Permitted 15.06.1994

3.0 The Proposal

- 3.1 The application seeks permission for the erection of an access ramp and raised platform.
- 3.2 The raised platform is approx. 3m deep x 3 m wide, raised 2.3m above ground level with an adjoining ramp that is approx. 0.91m wide x 3.84m long sloping into the garden. The raised platform is enclosed by a trellis with screen fencing approx. 1.8m in height and the ramp has a timber post and handrail long its length.

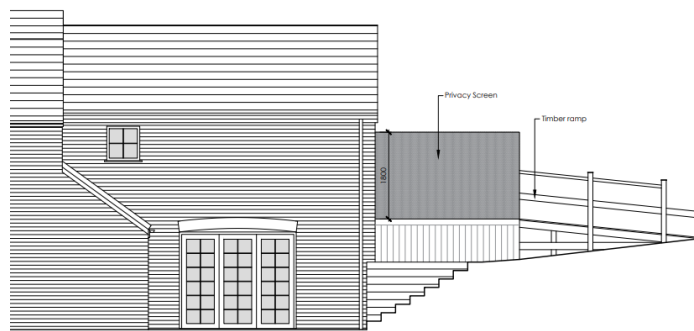


Fig. 3 Elevation Plan Extract

- 3.3 The photos below show the development from the rear garden and view from the highway:



Fig 4. Site Photos of the development from the rear garden (L) and view from the highway (R)

- 3.4 The raised platform is accessed via a doorway at first floor which differs from the approved plans for the two-storey extension.

NB: All measurements above are approximate.

- 3.5 Documents assessed in this appraisal:

- Application Form
- Photos: Photo of Ramp, Photo of Decking, Deck Viewed from Inside House
- Heritage Impact Assessment
- Deck Elevations and Construction Drawings
- Location and Block Plan – Ref. 2006.060.011
- Proposed Plans and Elevations (as built drawings) – Ref. 2006.060.010
- Existing and Proposed Site Plan – Ref. 2006.060.011

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on: 30.07.2024

5.0 Planning Policy Framework

5.1. Epperstone Neighbourhood Plan (December 2019)

Policy EP 11: Design Principles

Policy EP 16: Epperstone Conservation Area

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

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B – Green Belt Development

Core Policy 9 – Sustainable Design

Core Policy 14 – Historic Environment

5.3. Allocations & Development Management DPD (2013)

DM5 – Design

DM6 – Householder Development

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

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

5.5. Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

NSDC Householder Development SPD (2014)

The Planning (Listed Buildings and Conservation areas) Act 1990

6.0 **Consultations and Representations**

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

Statutory Consultations

6.1. None.

Town/Parish Council

6.2. Epperstone Parish Council – Support the application. Comments submitted:

- The Parish Council would request that a condition regarding the provision and maintenance of a side screen to the platform be included, to safeguard the neighbouring property against being overlooked and a loss of privacy.
- The original application was approved by NSDC after consideration by the Planning Committee due to the very special health circumstances that the family face with their children. The platform and ramp should have been included in the original planning application, as in the case of a fire, the internal lift will not be an escape option and the secondary means of escape via the door, platform and ramp are essential. Provision of the platform also greatly enhances the health and wellbeing of their family.
- We have visited the neighbouring property shown as Sunnyside on the application Block Plan but is called Southview Cottage and spoken to the owner occupiers. We appreciate their concern over the platform height and the fact it overlooks their house and garden. The platform currently has a screen in place, and this certainly helps the situation. As such we would request that the permanent provision of the screen should be a condition, and that is attached to any approval of this application. This would then ensure that it is a permanent requirement even if the property was sold and had new owners in the future.

Representations/Non-Statutory Consultation

6.3. NSDC Conservation Officer – No objection.

6.4. Comments have been received from **ONE** interested party that can be summarised as follows:

- Impact on the amenity of neighbouring properties through overlooking by virtue of the height of the decking.
- Concerns that the two-storey extension has not been built in accordance with the plans as the gable end features a door at first floor that goes out on to the decking.

7.0 **Appraisal**

7.1. The key issues are:

- Principle of Development
- Impact on the Green Belt

- Impact on the Character and Appearance of the Conservation Area
 - Impact on Amenity
- 7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 (Presumption in Favour of Sustainable Development) of the Allocations and Development Management DPD (2013).
- 7.3. As the application is within the Conservation Area, which is a designated heritage asset, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is relevant. Section 72(1) requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. The duty in s.72 does not allow an LPA to treat the desirability of preserving the character and appearance of conservation areas as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

- 7.4. Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6 (Householder Development). These criteria include the provision that the proposal should respect the character of the surrounding area. It also states that there should be no adverse impact in the amenities of neighbouring users including loss of privacy, light and over-bearing impact. Policy DM5 (Design) also supports development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. These themes are also reflected in the NPPF which states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.
- 7.5. The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B (Green Belt Development) of the Core Strategy. SP4B considers the principle of new housing and employment development in the Green Belt and defers to National Green Belt policy for other developments.
- 7.6. Chapter 13 of the National Planning Policy Framework (NPPF) considers proposals affecting the Green Belt and states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances (para. 152). The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate development in Green Belt although there are exceptions, as set out in para. 154.

- 7.7. The term “*building*” is not defined by the NPPF, however section 336(1) ‘*Interpretation*’ of the Town and Country Planning Act 1990, defines the term “*building*” to include any structure or erection, and any part of a building. It is therefore considered to apply to the development that is the subject of this application.
- 7.8. One such exception to inappropriate development in the Green Belt (as set out in para. 154 of the NPPF) allows for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. It is under this stipulation that the appropriateness of the proposal will be assessed further below.

Impact on the Green Belt

- 7.9. The NPPF states that substantial weight is given to any harm to the Green Belt although there are exceptions to this including that any extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building, could be considered acceptable.
- 7.10. Under current policy there is no definitive percentage of floor space increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume, footprint and/or floor space increase) in determining whether householder extensions are disproportionate to the original dwelling.
- 7.11. Notwithstanding the degree of judgement involved in firstly determining whether a development proposal is inappropriate, by reason of being disproportionate to the original building, it is useful to understand the size of the proposed extension compared to the original dwelling. For clarity, the original dwelling has been extended previously under two separate permissions as described in the planning history section of this report.
- 7.12. The most recent approval, ref. 20/00565/FUL (see fig. 2), was approved by the Planning Committee contrary to the recommendation of Officers and resulted in a 103% increase in footprint (Gross External Area/GEA) and 94% increase in floor space (Gross Internal Area/GIA) which clearly exceeds the typical percentage increases ordinarily applied by the LPA for developments of this nature. In their assessment of the two-storey extension the Officer concluded that the extension would be substantial in comparison to the exiting property and although it would not be highly visible from the street scene or any other public vantage point, it nevertheless would result in a large development of significant mass and bulk that would occupy a large portion of residential curtilage. This, coupled with the percentage increase in footprint and floor space of the building was considered to result in a disproportionate addition

to the host building and concluded to have an adverse impact on the openness of the Green Belt. However, the Planning Committee concluded that the applicant's personal circumstances (disability needs) constituted very special circumstances that outweighed the green belt harm.

- 7.13. Notwithstanding this, the table below compares the original dwelling and proposed extensions:

	Original Dwelling	Proposed Dwelling with Extensions (historic and proposed)	Percentage Increase (%)
Footprint (GEA)	53m ²	118.1m ² Dwelling as of 2024: 106m ² + 12.1m ² platform and ramp)	122.8%
Floor Space (GIA)	74m ² (GF: 38m ² and FF: 36m ²)	156.1m ² Dwelling as of 2024: 144m ² + 12.1m ² platform and ramp)	110.9%

- 7.14. Clearly when taking account of the previous extension to this property the proposed platform and ramp would result in further disproportionate additions to the original dwelling. However, whilst the above calculations help in quantifying the difference in size between the original building and the proposed addition (taking account of previous extensions), Officers acknowledge that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate. Consideration therefore also needs to be given to the design of the proposal and whether its scale, form, mass and layout, result in additions that would be disproportionate to the original dwelling.
- 7.15. The raised platform and ramp is not enclosed on all sides but comprises a timber platform raised approx. 2.3m above the ground level of the dwelling, extending a maximum length of 6.84m to join the land level of the garden. The sides of the platform have been enclosed by screen fencing as can be seen in Fig. 4. Whilst located to the rear of the dwelling it is noted that this property has already been significantly and disproportionately extended in recent years (as can be seen in Fig. 1). The two-storey rear extension constructed has subsumed the proportions of the original dwellinghouse, resulting in an unbalanced and incongruous addition to it. Any further addition would only exacerbate this impact and further unbalance the original dwelling such that its original proportions would be entirely dwarfed by the extensions to it. This is contrary to the objective of this exception point of the NPPF which only supports proportionate additions to buildings.

- 7.16. Just looking at the footprint of the raised platform and ramp alone it is noted that the scale would be relatively small, however when considering the footprint and floorspace of the original dwelling the proposed development in addition to the extensions that have taken place would clearly constitute disproportionate additions over and above the size of the original dwelling, resulting in an adverse impact on the openness of the Green Belt. This would fail to comply with para. 154(c) of the NPPF. The proposal would therefore be inappropriate development in the Green Belt. It would therefore conflict with Spatial Policy 4B of the Amended Core Strategy (2019) and the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and the NPPF directs that substantial weight should be given to this harm.
- 7.17. Officers are mindful that the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. *'Very special circumstances'* will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no definitive list for what constitutes very special circumstances, but it has been established in Case Law that the threshold is high and will turn on the facts and circumstances of the individual application.
- 7.18. The applicants have not put forward an argument of *'very special circumstances'*, however, a supporting statement detailing the disability needs of the applicant's children has been submitted explaining that the structures allow the applicant's child (who has mobility issues) to access the garden and enjoy the outdoors, as well as providing them with outlook and a space that is beneficial for their mental wellbeing. However, Officers note that the 2020 permission for the two-storey extension was advanced on the basis that it was required to provide additional space for wheelchair access (with no requirement to access the garden from the first-floor bedroom) and that the floor plans showed the property has a lift installed inside which facilitates disabled access from ground to first floor (and therefore the garden). Officers also note that views into the garden would be similarly achievable from a window.
- 7.19. Whilst officers are extremely sympathetic to the applicant's circumstances, it is considered that the argument advanced would have already been met by existing means (i.e., the lift and existing windows). Therefore, whilst the applicant's personal circumstances carry some weight, they are not considered to carry sufficient weight to outweigh the harm of the development on the Green Belt by reason of inappropriateness, and any other harm. In this instance it is important to note that personal circumstances are rarely a reason for granting a planning permission given permissions attach to the land rather than to the person. Officers have considered whether a temporary permission could be imposed, however the length of time that this development would be required would be unknown, resulting in harm for an indefinite period until the applicant ceases living in the property.
- 7.20. Therefore, it is not considered that the private benefits of the proposal would be sufficient to amount to considerations that would clearly outweigh the harm by reason of inappropriateness and the impact on openness of the Green Belt to amount to the very special circumstances necessary to justify the development. Officers therefore consider that the development would be inappropriate in the Green Belt

and would therefore fail to accord with the requirements of Spatial Policy 4B and Chapter 13 of the NPPF.

Impact on the Character and Appearance of the Conservation Area

- 7.21. In addition to the policy requirements discussed above in relation to householder development and design, the NSDC Householder SPD sets out the general design principals which all householder development should seek to follow in order to ensure that the standard of development within the District accords with the high standards of sustainable development set out within the NPPF. Policy EP11 (Design Principles) of the Epperstone Neighbourhood Plan also requires developments to respond positively to the character and historic context of the area.
- 7.22. Given that the site is located within the Conservation Area (CA) regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Amended Core Strategy. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.
- 7.23. 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). Paragraph 200 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).
- 7.24. Considering first the design of the proposal, the raised platform, ramp, and screening fencing is considered to be an obtrusive and incongruous addition to the dwellinghouse, creating an unusual and engineered feature that is out of character with the host building and its vernacular style. The photos below show the development facilitates access from the first floor to the garden (owing to a change in land levels where the garden is set on higher ground). From the side view, the development appears as an unsympathetic and development that further erodes the proportions and character of the original dwelling.



Fig. 5 Site Photos of Development

- 7.25. It is noted that from the public realm views of the development are limited to the aspect that can be seen in fig. 5 (i.e., the top of the timber screen fence) which is also

seen against other fences in the vicinity and vegetation. However, good design should not just exist in visible locations and the impact of the development on the character of the area and property itself is not limited to what can be seen in the public realm. It is also noted that existing fences and vegetation on an adjacent site currently screen views of the ramp and platform and should these site conditions ever change (in terms of removal of modern fencing) there would be the potential to see more of the structure. Overall, it is considered that the design would fail to respect the design, materials and detailing of the hostdwelling and the character of the surrounding area, contrary to DM6 and EP11. It would also fail to achieve the high standards of design advocated by CP9 given the development would not be of an appropriate form and scale to its context and would fail to complement the existing built environment, contrary to DM5.

Heritage Impact

- 7.26. Turning now to the heritage impact of the proposal – the Conservation Officer has provided a detailed assessment in their consultation response. In summary they conclude that the impact to the appearance of the Conservation Area is limited, and the development is not considered to result in heritage harm. This is due to the structure not being prominent in views back towards the Conservation Area (CA) from the public footpath to the north and the main significance that the host building contributes to the CA is its survival as a historic cottage, with attractive architecture and form, primarily enjoyed from the public realm (the rear being less visible and now quite altered), along with the sense of enclosure it provides to the main road. Given this, the proposal is not concluded to harm these qualities and is considered to preserve the special character of Epperstone Conservation Area in accordance with the requirements of the Council’s heritage policies (CP14 and DM9), section 16 of the NPPF and the objective of preservation set out under section 72 of the 1990 Listed Building and Conservation Areas Act.

Impact upon Residential Amenity

- 7.27. Policy DM5 requires development to have a satisfactory relationship with neighbouring properties and land uses.
- 7.28. Given the positioning of the platform and ramp, the neighbouring dwelling most likely to be affected by the proposals lies to the north-east (‘Sunnyside’ as labelled on the block plan but known as ‘Southview Cottage’) – see fig. 6 below. To the west is the property ‘The Gray Horse’, however given the common boundary is formed by high mature vegetation there is no intervisibility between the two sites (see fig. 5).
- 7.29. The raised platform and ramp are effectively at first floor level; however, it is noted that the land level increases further north and therefore the height of the structure appears more akin to single storey in height when viewed from the garden/higher ground to the north. Fig. 7 below demonstrates the outlook that is achieved from the first-floor doorway that is accessed via the ramp and this shows that there is no immediate intervisibility from the bedroom towards Sunnyside/Southview Cottage. Furthermore, the screen fencing erected obscures any views from the raised platform towards Sunnyside/ Southview Cottage to the north-east or the adjoining premises

and its curtilage immediately east. In the event that this application were to be recommended for approval a condition could be imposed to require the retention of this screen fence for the lifetime of the development to prevent any perceived (or potential for) overlooking between properties.

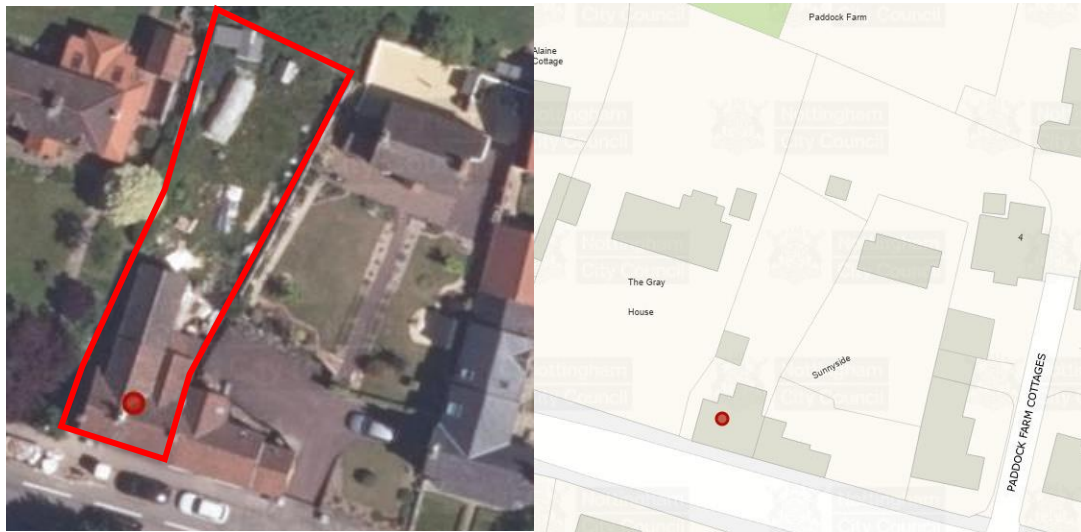


Fig. 6 Aerial Image of the Site and Neighbour Relationships



Fig. 7 Outlook from the First Floor Door onto the Structure

- 7.30. Therefore, whilst noting the concerns raised by neighbouring residents, given the relative positioning of the development, its proportions, separation and height when compared to surrounding ground levels, it is not considered that the development results in any impact on neighbouring living conditions through overlooking, overbearing or overshadowing impacts. The development is therefore considered to be acceptable in accordance with DM5 in this regard.

Other Matters

- 7.31. **Community Infrastructure Levy (CIL)** - The proposed development would not result in any gross internal area given it would not be fully enclosed. It is therefore not CIL

liable.

- 7.32. **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)) for major developments from 12 February 2024 and ‘minor sites’ on 2 April 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%. However, there are some developments that are exempt from the BNG such as Householder Developments (under Regulation 5¹). BNG is therefore not applicable in this case.

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. Whilst the development is not considered to result in any adverse impact on neighbouring amenity or result in harm to the character or appearance of the Epperstone Conservation Area, it has been concluded that the development (particularly when considered along with previous additions to the dwelling) would represent a disproportionate addition over and above the size of the original building and would have an adverse impact on the openness of the Green Belt by virtue of its scale and massing. The development is therefore considered to constitute inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances would arise from this proposal even in the context of the applicant’s personal circumstances which, whilst carrying limited weight, are not considered to outweigh the harm by reason of inappropriateness, and any other harm.
- 9.2. Furthermore, it is concluded that the development results in an obtrusive, unbalancing and incongruous addition to the dwellinghouse, creating an unusual and engineered feature that is out of character with the host building and its vernacular style. Overall it is considered that the design would fail to respect the design, materials and detailing of the host dwelling and the character of the surrounding area, would fail to achieve a high standard of design given it would not be of an appropriate form and scale to its context and would fail to complement the existing built environment.
- 9.3. The development is therefore considered to be contrary to Spatial Policy 4B (Green Belt Development) and Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policies DM5 (Design), DM6 (Householder

¹ [The Biodiversity Gain Requirements \(Exemptions\) Regulations 2024 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Development) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations & Development Management DPD (2013) as well as Policy EP11 (Design Principles) of the Epperstone Neighbourhood Plan (2019) and the provisions of the NPPF which is a material planning consideration.

9.4. It is therefore recommended that the application is refused.

10.0 Reason(s) for Refusal

01

The site is located within the Nottinghamshire-Derby Green Belt. In the opinion of the Local Planning Authority the proposed development, together with previous extensions, would result in a disproportionate addition over and above the size of the original building and would adversely affect the openness of the Green Belt. It would therefore constitute inappropriate development within the Green Belt and there are no very special circumstances of sufficient weight to outweigh this harm. The development is therefore contrary to Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019) and the National Planning Policy Framework (2023), which is a material consideration.

02

In the opinion of the Local Planning Authority the development results in an obtrusive, unbalancing and incongruous addition to the dwellinghouse, creating an unusual and engineered feature that is out of character with the host building and its vernacular style. The design of the development would fail to respect the design, materials and detailing of the host dwelling and the character of the surrounding area, would fail to achieve a high standard of design given it would not be of an appropriate form and scale to its context and would fail to complement the existing built environment. The development is therefore to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Amended Core Strategy (2019), Policies DM5 (Design), DM6 (Householder Development) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations & Development Management DPD (2013) as well as Policy EP11 (Design Principles) of the Epperstone Neighbourhood Plan (2019) and the provisions of the National Planning Policy Framework (2023) which is a material planning consideration.

Informatives

01

Refused Plans/Documents:

- Application Form
- Photos: Photo of Ramp, Photo of Decking, Deck Viewed from Inside House
- Heritage Impact Assessment
- Location and Block Plan – Ref. 2006.060.011
- Proposed Plans and Elevations (as built drawings) – Ref. 2006.060.010
- Existing and Proposed Site Plan – Ref. 2006.060.011

02

The applicant is 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/

03

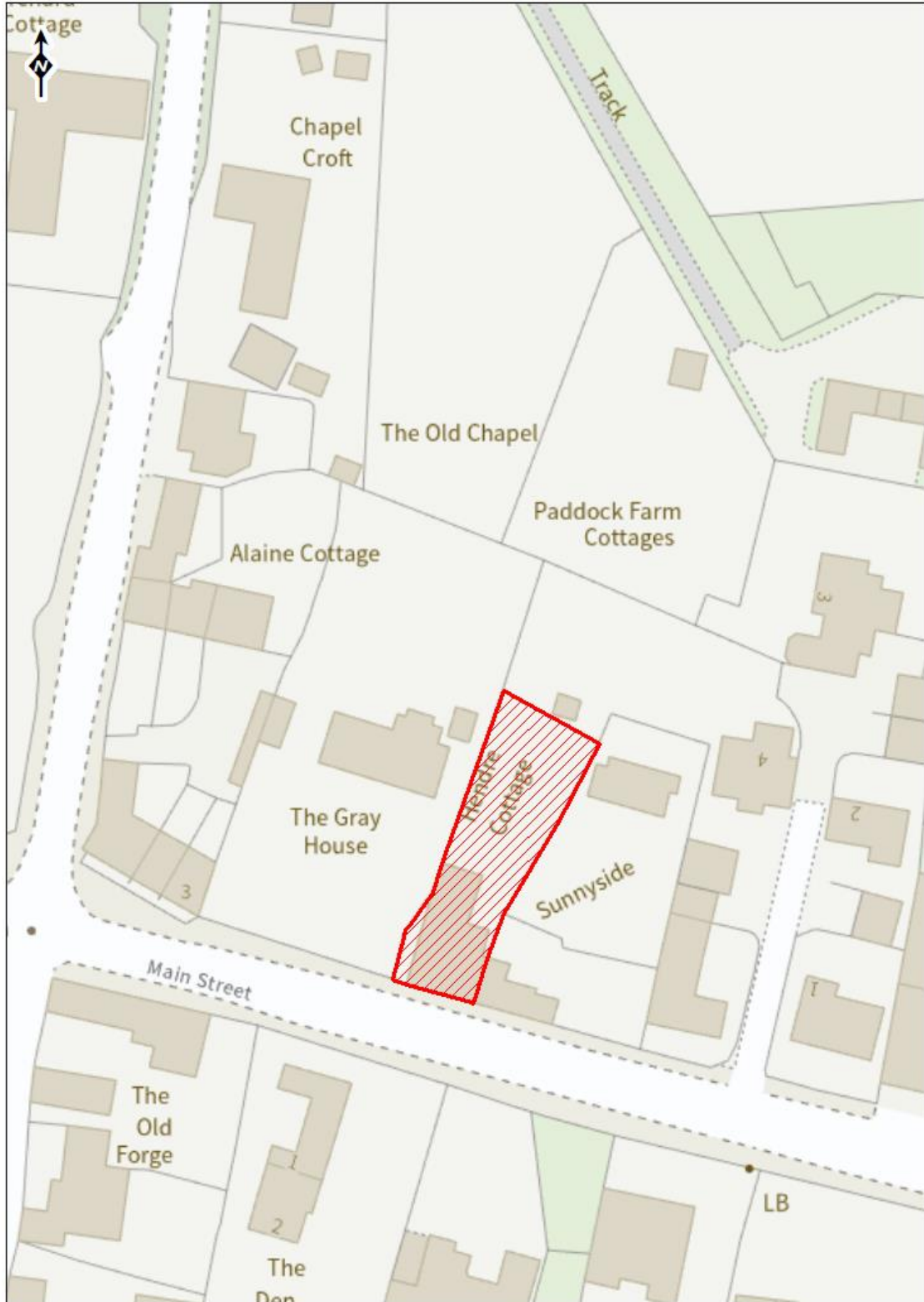
The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 24/00814/HOUSE



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Report to Planning Committee 03.10.2024

Assistant Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Jennifer Wallis, Planner

Report Summary			
Application No.	24/01146/S73		
Proposal	Application for removal of condition 04 for the time period for which a person can occupy the pitches for holiday use attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective)		
Location	Robin Hood Retreat Caravan Park, Belle Eau Park, Bilsthorpe, Newark on Trent NG22 8TY		
Applicant	Mr J Kennedy	Agent	Mrs Angela Simmonds
Web Link	<u>24/01146/S73 Application for removal of condition 04 for the time period for which a person can occupy the pitches for holiday use attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective) Robin Hood Retreat Caravan Park Belle Eau Park Bilsthorpe Newark On Trent NG22 8TY (newark-sherwooddc.gov.uk)</u>		
Registered	28.06.2024	Target Date	23.08.2024
		Extension of Time	Requested 11.10.2024
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0.		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Rainbow, on the grounds that:

- The removal of the condition (4) would enable the site to become a permanent residential site which would have an impact on local tourism trade. Tourism is important to us all, it generates, revenue, jobs and in some cases supports

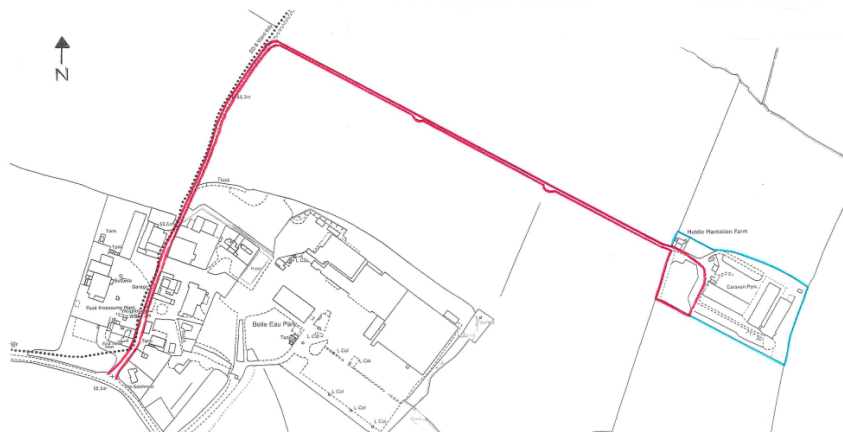
communities. Visitor 'turn-over' is vital for the surrounding area and its attractions.

- Environmental concerns regarding the effect a further 15 pitches would have on the current sewage system.

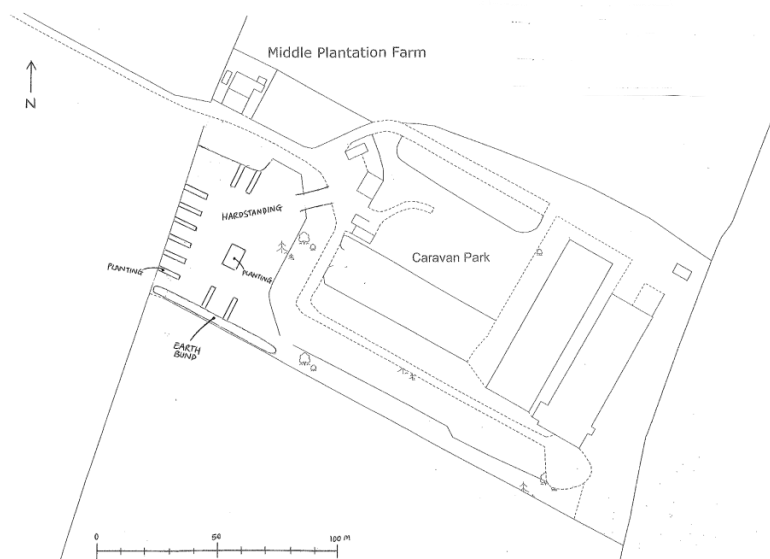
1.0 The Site

1.1 The application site occupies an existing caravan touring site, situated in a hill top location within the undulating open countryside, which is accessible via a single width private track off Kirklington Road, which leads through Belle Eau Park industrial estate.

1.2 Overall, the wider existing touring site comprises c2.41 ha. Two large agricultural buildings are located to the south east of the site. The centre of the site is in use as a holiday park for 30 holiday caravans and for the storage of caravans. There is a residential dwelling house located to the north-western corner and an amenity building for the caravan site close to the entrance. The site is partly enclosed by an earth bund along the southern boundary of the wider site and the application site.



1.3 The red line of the application site includes the access track from Kirklington Road to the caravan site, together with an area of land to the western corner of the caravan park which measures c0.56 hectares, upon which are 15 touring caravan pitches laid out with hardstanding (permitted under 17/00147/FUL).



- 1.4 The site is within the Open Countryside and is designated as being within the Sherwood Forest Regional Park. The site is visible from the main A617 (Kirklington Road) highway due to its elevated position.

2.0 Relevant Planning History

- 2.1. **46911253** – Establishment of a holiday caravan park (25 vans).
- 2.2. **FUL/961279 (96/50813/FUL)** – Replacement office with reception and toilet facilities and use of land for touring caravans and storage of caravans. Application Permitted. (A condition was imposed restricting the siting to 30 holiday caravans).
- 2.3. **10/00261/FUL** - Proposed use of land for the siting of 30 timber cabins (caravans) for tourist use plus reception/site managers accommodation. Refused by LPA but allowed on appeal. This proposal was in lieu of the caravan use, not in addition to it, but the permission was never implemented, and it has now expired. The permission authorised the use of the area to the south of the site, which is currently being used for caravan storage, for this use. There was no restriction placed on the numbers of caravans that may be stored. A condition was imposed that required details of a landscaping scheme. The scheme was required to be retained for a period of four years. There is no details on the file as to whether a scheme was submitted. Regardless, the period for retaining any such scheme would now have expired.
- 2.4. **16/00180/ENF** – A complaint was received regarding the provision of additional caravan pitches at the site and was duly investigated. The applicant was advised that the only way in which the proposal may be acceptable would be to apply for permission so that appropriate mitigation and controls could be secured on the site in the event that permission was forthcoming. No such application was submitted and therefore the visual harm identified could not be secured. Officers therefore had no choice but to issue a planning enforcement notice in September 2016 alleging to following breach(s);
- A. Without planning permission, development consisting of works to alter the level of land shown hatched on the attached plan

- B. Without planning permission, development consisting of the material change of use of land shown hatched on the attached plan to use for the stationing and positioning of caravans.
- C. Without planning permission, development consisting of works to create an earth bund along the South boundary of the land shown edged blue on the attached plan (the annotated plan shows the general position of the earth bund and may not be the exact line as it may be subject to distortions in scale).

The enforcement notice was subsequently appealed, however prior to a decision being issued, the enforcement notice was therefore withdrawn pending the outcome of planning application 17/00147/FUL.

- 2.5 **17/00147/FUL** - Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective). Application Permitted on 07.07.2017, subject to conditions, including the following condition 04:-

'The pitches hereby permitted for use of holiday use shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the Local Planning Authority.'

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

- 2.6 **17/01451/FUL** - Application for removal/variation of condition 4 attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use. Application Refused on 08.06.2018, for the following reason:-

'Condition 4 attached to planning permission 17/00147/FUL prevents the occupation of the 15 pitches by the same person or persons for a total period exceeding 28 days in any calendar year. The Local Planning Authority considers this restriction is necessary to retain adequate control over the length of occupation of these pitches to allow them to be available for more transitory purposes (holiday use), in contrast to the existing 30 pitches, and to ensure that they are not occupied for permanent residential purposes in a location where new residential development would not normally be permitted. The Local Planning Authority considers that the imposition of existing Conditions 5 and 6 attached to planning permission 17/00147/FUL alone, would not allow for a touring, more transient use with increased comings and goings to and from these pitches and would not provide the same necessary level of control to prevent more permanent occupancy.'

The proposal is thereby contrary to Spatial Policy 3 of the Newark and Sherwood Core Strategy and Policy DM8 of the Allocations and Development Management DPD, as well as paragraph 55 of the National Planning Policy Framework, which is a material planning consideration.'

A planning appeal (APP/B3030/W/18/3215568) against the refusal of the application

was subsequently submitted and dismissed on the following grounds:-

'The appellant considers that conditions 5 and 6 are sufficient to control occupancy and No 4 therefore is unnecessary. Whilst conditions 5 and 6 also restrict the residential occupancy of the pitches, they do not restrict the length of time when the pitches can be occupied. I can appreciate the Council's concern that general residential development would raise issues including the rural location, given the Council's policies referred to above and the aims of the Framework in terms of the countryside; and access via a long narrow track. I note the appellant's comments about the changing nature of caravanning and the role that seasonal bookings plays in this. However, there is nothing before me that convinces me that the condition need be especially onerous or prevent the operation of the caravan park. I have considered all other matters raised but none alter my conclusion. I conclude that condition 4 on the original permission is not changed, and the occupancy of the 15 pitches permitted shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year, unless otherwise agreed in writing by the Local Planning Authority.'

- 2.7 **17/01450/DISCON** - Request for confirmation of discharge of conditions 1 (details of soft landscape works) and 7 (methodology for the investigation of potential contamination) attached to planning permission 17/00147/FUL; Works to facilitate the siting of up to 15 additional caravans for holiday use. All conditions discharged 01.11.2017.

3.0 The Proposal

- 3.1 The application is a Section 73 application which seeks to remove condition 04 attached to planning permission 17/00147/FUL, to remove the 28 days in any calendar year maximum occupancy of the 15 touring caravan pitches.
- 3.2 The Applicant seeks to remove this condition to allow greater flexibility for holiday users visiting the site. The supporting statement submitted with the application states:-

'This 28-day restriction is considered to be overly restrictive in nature and does not take into account the recent trends and personal preferences in holidaying. Since the onset of Covid, peoples working practices are far more flexible and with the improvements in caravan and lodge design, all year-round holidaying is far more popular and more modern planning conditions reflect this. Also, for those who have semi or fully retired, their use of a caravan or lodge may extend over the whole season even though their main residence is elsewhere in the Country. Conditions which specifically require the evidence of a permanent alternative address with a detailed record kept of those staying on the site, along with the rules and regulations of the site licence, are now generally accepted as sufficient controls to preserve the tourist element and therefore prevent full time residential. It is becoming evident that seasonal occupancy period conditions are being removed in their entirety to be replaced by a holiday occupancy condition.'

- 3.3 The Applicant states that Conditions 05 and 06 which were attached to 17/00147/FUL, and which they are not seeking to remove or vary, are sufficient to prevent the 15 touring pitches from being used for permanent residential occupation. These conditions read as follows;-

Condition 05

'The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year unless otherwise agreed in writing by the local planning authority.'

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

Condition 06

'The development hereby approved does not allow for any pitch or any caravan to be occupied for residential purposes at any time.'

Reason: For the avoidance of doubt.'

- 3.4 Documents assessed in this appraisal:

- Application Form dated 24.06.2024
- Planning Statement dated June 2024

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 19 properties have been individually notified by letter.

- 4.2 Site visit undertaken on 30.07.2024.

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
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 7 – Tourism Development
 Core Policy 9 – Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 13 – Landscape Character
 ShAP1 – Sherwood Area and Sherwood Forest Regional Park

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. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

- 5.4. **Other Material Planning Considerations**
 National Planning Policy Framework 2023
 Planning Practice Guidance (online resource)
 Landscape Character Assessment SPD 2013

6.0 **Consultations and Representations**

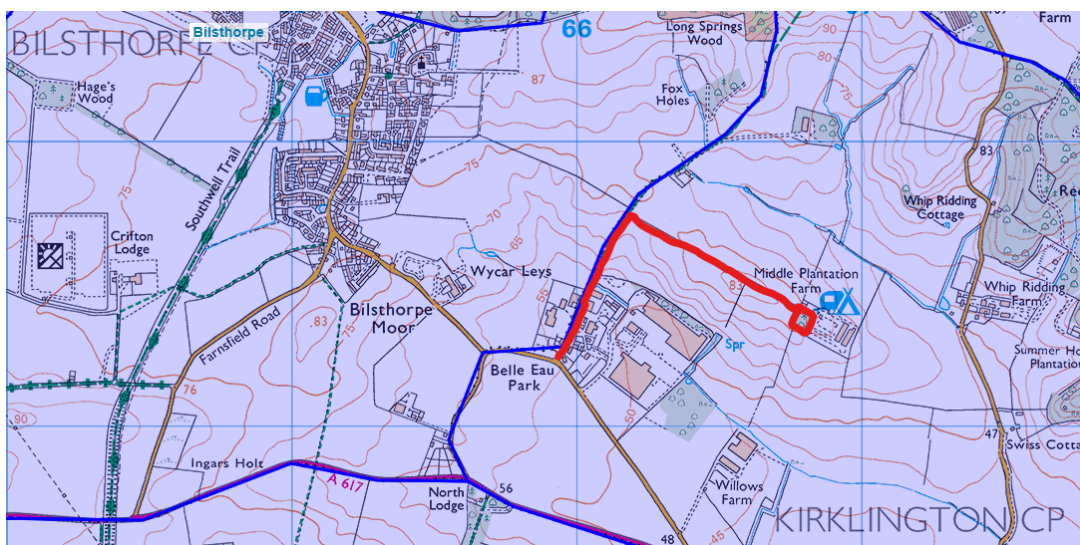
Please Note: Comments below are provided in summary - for comments in full please see the online planning file.

Statutory Consultations

- 6.1. None.

Town/Parish Council

- 6.2. The application site is located within the Parish of Kirklington, however the access to the site off Kirklington Road, is parallel with the boundary of Bilsthorpe Parish.



- 6.3. **Bilsthorpe Parish Council – No response received**
- 6.4. **Kirklington Parish Council – Object, on the following grounds:-**

- as a small Parish, Kirklington is sensitive to incremental increases within its boundary - permission to build residences should, quite rightly, be subject to control and this should be the case whether for temporary or permanent use.
- as the site is intended for use for holidays, it is sensible that a time limit for stays is set in order to be able to define it as 'not being permanent' - there needs to be a time bound limit to prevent them being for permanent residence.
- it is felt that the current time limit is sufficient and that changes do not need to be made / the clause does not need to be removed.
- Feedback given to the Parish Council suggests that there may be wider issues where other conditions have not / are not being met. As this is not within the Parish Council's responsibility / remit to review, it was suggested that NSDC's Enforcement Team be contacted directly to raise concerns. The Parish Council is aware that site visits can be made as deemed necessary.

Representations/Non-Statutory Consultation

- 6.5. NSDC Environmental Health Officer – No objections. The subject caravan site is currently licensed by NSDC under the terms of the Caravan Sites and Control of Development Act 1960. The proposed alterations to the occupancy period will have no impact on the site licence as, if approved, the site will remain for holiday use as per the existing licence. As such I have no objections to the application.
- 6.6. Comments have been received from any third party/local resident/Comments have been received from 2 third parties/local residents that can be summarised as follows:
- Condition 4 has never been adhered to, as people reside at the caravan site.
 - The 2010 appeal was subject to a condition requiring a landscaping scheme being submitted to the LPA for approval, which has not been adhered to.
 - The earth bund provides no screening from the main road. The applicant has not mitigates the impact on the development upon the skyline or surrounding natural landscape.
 - The relaxation of condition would lead to further breaches.
 - The removal of the condition would result in extra traffic, noise and litter.
 - Flooding of neighbouring farming land with sewerage from the site, which could be exacerbated with longer term occupancy.
 - There was a previous condition requiring dog proof fencing, which has been buried beneath earth allowing dogs and children to roam freely. This could be a greater problem with long term residency.

7.0 Comments of the Business Manager – Planning Development / Appraisal

7.1. The key issues are:

- Principle of development
- Impact Landscape Character and Visual Amenity
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Impact on Ecology and Bio-Diversity

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. An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

7.4. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

(a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and

(b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

7.5. The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if they are minded to grant a new planning consent.

- 7.6. In this case, full planning permission was granted in July 2017 under 17/00147/FUL for the “Works to facilitate the siting of up to 15 additional caravans for holiday use (retrospective).” The permission was granted subject to seven conditions. The condition seeking to be removed here is Condition 04, in order to remove the ‘28 day in any calendar year’ occupancy limitation. No operational development is proposed.
- 7.7. The supporting statement puts forward that the current condition is overly restrictive in nature and does not take into account the recent trends and personal preferences in holidaying. The statement goes on to state that since the onset of Covid, peoples working practices are more flexible and with the improvements in caravan and lodge design, all year-round holidaying is far more popular, and as such, modern planning conditions should reflect this. The Applicant proposes that the retention of conditions 5 and 6, which require the owners/operators of the site to maintain an up-to-date register of the names of all owners/occupiers of individual caravans on site at any time, and prevent the caravan pitches from being occupied for residential purposes at any time, would be sufficient to prevent permanent residential occupation of the 15 touring pitches.
- 7.8. The supporting statement advances that seasonal occupancy conditions are being removed in their entirety to be replaced by a holiday occupancy condition, and there are a large number of planning appeal decisions, since the previous application to remove condition 04 on this site was refused, where this is the case. The most relevant to this case quoted is the appeal decision relates to a site within the District at Kilvington Lakes, Vale of Belvoir, Newark (APP/B3030/W/19/3239439) which was allowed on 23 January 2020.
- 7.9. The condition in dispute in that appeal was Condition 21 which stated: *“The properties hereby permitted for use as a holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 6 weeks in any calendar year”*. The reason given for the condition was: *“To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.”* In this case the condition in dispute prevents occupation by the same person for a total period not exceeding 28 days in any calendar year. I am therefore of the view that there are direct comparisons between the two cases.
- 7.10. In the Kilvington Lakes appeal decision, The Inspector stated the following:-
- ‘5. Paragraph 55 of the Framework requires conditions to be kept to a minimum and only imposed where they pass the required tests, including being reasonable and necessary. The Council’s reason for the imposition of condition 21 is deemed to prevent a residential use, in a location which would be unsuitable for such a use, in combination with conditions 19 and 20. Planning Practice Guidance (the Guidance) identifies that planning conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission.*
- 6. Policy DM8 of the Newark & Sherwood Allocations & Development Management Development Plan Document (2013) relates to development in the open countryside. This policy only allows new dwellings that are of exceptional design or are for*

agricultural workers. Furthermore, the policy identifies that tourist accommodation will be supported where it is necessary to meet identified needs and can support local employment, community services and infrastructure. The principle of development was agreed based on the tourism and employment benefits of the proposal. It was also noted that the scheme would deliver wider community benefits through access to the café, the lakes and associated water-sports and facilities. These also weighed in favour of the development. Accordingly, it is reasonable that conditions be imposed that prevent permanent residential use and ensure that the facility would contribute towards the Council's tourism objectives.

7. However, the Council has not identified a policy requirement to limit the tenancy of holiday lets. There is no compelling reason to require such a measure in this case. Furthermore, there is no compelling evidence that the development would lead to the creation of permanent residential use without condition 21. Moreover, conditions 19 and 20 ensure that the holiday accommodation would be maintained in that use. This would prevent the site becoming available for permanent residential use. Consequently, by maintaining a list of registered occupiers an observer can easily identify any units with no occupant turnover. Without the restriction of condition 21 an occupant could remain on site for a prolonged period. However, this would be clearly evident on the register of occupants and would show a lack of adherence to the terms of the approval.

8. Also, the Guidance states that conditions should not impose broad unnecessary controls. The Council's objective is to prevent the site becoming a location for permanent residential use. Nevertheless, the application specifically relates to holiday accommodation and there is therefore no question that they could be used as permanent homes within the limits of the permission. It would also be clear from associated attendant behaviour, and the lifestyle of occupants, as to whether the units were being used exclusively for permanent occupation. The associated behaviour, and retained conditions, would therefore enable contravention to be identified. It would therefore be possible to ensure that unauthorised use as a dwelling does not become established. Furthermore, insufficient justification has been submitted to explain why 6 weeks is an essential maximum period of stay and there is no planning reason to prevent someone returning on holiday for longer periods.

9. The removal of the condition would not change the nature of the development, as originally assessed, as it would remain limited to the exclusive use of holiday accommodation. Consequently, it is necessary to prevent the permanent residential use and therefore conditions 19 and 20 are reasonable and necessary. However, in contrast, Condition 21 is unnecessary and would place an unreasonable burden on the operational use of the site as holiday accommodation. Accordingly, the retention of conditions 19 and 20 would be sufficient to enable the development to continue to meet the relevant objective of policy DM8.'

- 7.11. The concerns of the Parish Council and local residents regarding the occupancy of the caravan park are noted, however the site is not intended for permanent residential use. The current condition 04 only permits individuals to occupy the site for a maximum of 28 days in any calendar year. How the 28 days is spread across the year is not controlled. For example, occupiers could either stay for one 28 day visit, or four

week long visits, or fourteen weekend visits only. The proposal is not an expansion of an existing facility, but seeks to provide more flexibility to the occupancy condition to allow holiday makers to use the site year-round for holiday purposes with no limit on the maximum number of days they can be on site.

- 7.12. In principle, year-round holiday use for caravan/tourism sites is not uncommon – there are other holiday accommodation sites within the District, and across the country, which rely upon conditions similar to the two conditions (05 and 06) which would remain. The site is located within the Open Countryside - Spatial Policy 3 states that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting (as set out in DM8) such as tourist accommodation (point 12). This part of DM8 states that tourist accommodation will be supported subject to a number of criteria and a site-specific assessment of the potential impact. Chapter 6 of NPPF also recognises the need to support economic growth in rural areas with para. 84 advising that there should be support for sustainable rural tourism developments which respect the character of the countryside. In this case the site is an established caravan site for tourism purposes and thus the principle of holiday use is not in dispute.
- 7.13. Whilst the concerns raised by the Parish Council and local residents are noted, it is considered that the proposal to removed condition 04 to allow year-round holiday occupancy (subject to conditions 05 and 06 remaining in place to prevent permanent residential occupation) would not be unreasonable. The application site is an established tourist accommodation site that contributes to local employment (albeit on a small scale) and the rural economy. By allowing the removal of this condition to give more flexibility on the length and frequency of tourist visits would support the continued operation of an existing tourism facility.
- 7.14. The concerns of the Parish Council and local residents are noted and have been duly taken on board throughout this assessment. It is noted that one of their main concerns relates to the potential for the site to be used for permanent residential occupation and the inability for the Council to control this. Whilst it is accepted that the isolated and set back nature of the site from the highway makes passive surveillance difficult, a condition (05) shall remain in place, which requires the owner to maintain a register of occupiers for each calendar year, which is made available for inspection by the local planning authority at any time, and a copy of which is supplied to the local planning authority at the end of each year.
- 7.15. It is also noted that the site currently operates under a licence issued by NSDC under the terms of the Caravan Sites and Control of Development Act 1960, and if this application is successful, the site will continue to remain for holiday use as per the existing licence.
- 7.16. Overall, in considering the requirements of DM8 it is considered that the proposed removal of condition 04 to allow year-round holiday occupancy and give more flexibility on the length and frequency of tourist visits would support the continued operation of an existing tourism facility, together with other leisure and tourist attractions in the District. It is therefore considered that the removal of the condition

would accord with Core Policy 7 of the Core Strategy and Policy DM8 of the DPD and is therefore acceptable in principle.

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

- 7.17. Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. The NPPF states that good design is a key aspect of sustainable development.
- 7.18. No physical changes are proposed as a result of the variation to the occupancy condition. Concerns have been raised by local residents with regards the visual intrusion of the site into the open countryside and the lack of landscape screening around the site.
- 7.19. The provision of a soft landscaping scheme on the site was required by condition 01 of 17/00147/FUL, a scheme for which was submitted to and approved in writing by the Local Planning Authority on 01.11.2017. The approved soft landscaping scheme comprised of additional planting on the western and southern boundaries, planted divides between caravan pitches, picnic area and an earth bund.
- 7.20. Condition 02 of 17/00147/FUL related to the timescale for implementing the approved soft landscaping scheme, and was worded as follows;-

'The approved soft landscaping shall be completed during the first planting season following the approval of details, 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. Any hard landscaping shall be carried out to an agreed timescale.'

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

- 7.21. Condition 02 required the soft landscaping scheme to be planted in the first planting season following the approval of details. The planting appears to have been implemented on site in accordance with the approved plan.
- 7.22. The soft landscaping details were approved on 1st November 2017. The planting season in the UK normally runs from November to March. Even if it were argued that the first new planting season, following the approval of the soft landscaping details, was between November 2018 and March 2019, five years from the end of the planting season would be March 2024. As a result, the five year timeframe within which to require any plants which have died, been removed or have become seriously damaged or diseased, to be replaced with others of similar size and species, has past, and is therefore beyond the enforcement period.

- 7.23. The area of the caravan site, to which this application relates, is bounded by established hedgerows, which screen the touring caravans from the wider area, and as a result they do not result in any significant visual intrusion from the surrounding open countryside, the proposed removal of condition 04 would not result in any physical changes to the site, or any further intrusion into the open countryside, over and above that which currently exists.



Aerial view of the site taken from Google Maps

- 7.24. Overall, it is not considered that the variation proposed would result in any landscape character of visual harm, thus the proposal is considered to accord with the aims of Policies DM5 and DM6 of the NSDC DPD and CP13 of the Core Strategy in this regard.

Impact upon Residential Amenity

- 7.25. Policy DM5 of the ADMDPD states planning permission will be granted for development provided it would not adversely affect the amenities of the adjoining occupiers, in terms of loss of privacy, loss of light or over-bearing impacts.
- 7.26. No physical changes are proposed as part of this application, which only seeks to remove the restriction which prevents the pitches from being occupied by the same person or persons for a total period exceeding 28 days in any calendar year. As set out previously, it is not considered that the amendment sought would be substantially different to how the site could lawfully operate at present. There would be no discernible increase in traffic, noise or litter, the caravan pitches could, under the current application, be occupied for 12 months of the year by different visitors, the removal of condition 04 allowing visitors to stay for more than 28 days in any one calendar year, would not in theory increase the occupancy of the site, but could potentially reduce the frequency of 'change overs' and therefore reduce the associated noise and disturbance associated with traffic movements to and from the site.

- 7.27. It is therefore not considered that any amenity impacts would arise from this change and therefore the proposal is considered to comply with Policy DM5 of the DPD in this regard.

Impact upon Highway Safety

- 7.28. Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities.
- 7.29. No physical changes are proposed as part of this application which only seeks to remove the restriction which prevents the pitches from being occupied by the same person or persons for a total period exceeding 28 days in any calendar year. As set out previously, it is not considered that the amendment sought would be substantially different to how the site could lawfully operate at present. The caravan pitches could, under the current application, be occupied for 12 months of the year by different visitors, the removal of condition 04 allowing visitors to stay for more than 28 days in any one calendar year, would not in theory increase the occupancy of the site, but could potentially reduce the frequency of 'change overs' and therefore reduce the number of traffic movements to and from the site.
- 7.30. It is not considered therefore that any highways safety impacts would arise from this change, as such the proposal is considered to comply with Policy DM5 and SP7 in this regard.

Impact upon Ecology and Bio-Diversity

- 7.31. Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the DPD seeks to protect, promote and enhance green infrastructure. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.
- 7.32. The application site, which includes the access road and 15 touring caravan pitches, is largely hard surfaced, within some areas laid to lawn, surrounded by boundary hedging. No physical changes are proposed as part of this application, which only seeks to remove the restriction which prevents the pitches from being occupied by the same person or persons for a total period exceeding 28 days in any calendar year.
- 7.33. For these reasons, the removal of the occupancy condition would not result in any harm to protected species of their habitat, and the proposal would accord with the policy aims and objectives of CP12 and DM7 and the provisions of the NPPF.
- 7.34. Biodiversity Net Gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. 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)) for major developments from 12 February 2024 (developments over 1Ha in area) and for 'minor sites' on 2 April 2024. This application was received after 2 April 2024 and, therefore, must be

considered under the statutory framework for biodiversity net gain. 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 exemptions to where BNG is applicable – these are set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 (legislation.gov.uk).

- 7.35. One exception is the ‘de minimis’ exemption that sets out that BNG does not apply where the development would not impact an onsite priority habitat and impacts less than 25 square metres (5m by 5m) of non-priority on-site habitat (such as modified grassland) or 5 metres of non-priority on-site linear habitats such as hedgerows. This exemption is designed to ensure that BNG does not apply to either very small-scale development or development which does not impact habitat, through loss or degradation within the red line boundary.
- 7.36. In accordance with the requirements of the legislation, I am of the view that the proposal to remove a condition relating to the occupancy of a caravan touring park is subject to the ‘de minimis’ exemption, as it involves land which is already hard surfaced and there are no physical alterations to the site proposed.

Other Matters

- 7.37. A local resident has raised concerns relating to the disposal of foul drainage. The proposal to removal condition 04 relating to the maximum number of days in any one calendar year that visitors can occupy the site, would not, in theory, increase the levels of foul drainage from the site. There would be no increase in the number of touring pitches on the site, which could be occupied all year now by different visitors.
- 7.38. With regards to this application leading to future breaches of planning consent, the intentions of the Applicant must be taken on good faith and without any prejudice that they intend to operate the site in any other manner than that described in the application. Any reports that the site is being operated in breach of conditions, would be investigated by the Council’s Enforcement Team.

Assessment of Remaining Conditions

- 7.39. The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.
- 7.40. For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording. The conditions have also been amended/deleted accordingly in line with a previous application to discharge conditions at the site.

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. Overall, it is considered that the proposed removal of condition 04, to allow year-round holiday occupancy and give more flexibility on the length and frequency of tourist visits, would support the continued operation of an existing tourism facility, together with other leisure and tourist attractions in the District. The permanent residential occupation of the touring caravan site would still be prevented by the retention of conditions 05 and 06. It has also been concluded that the removal of condition 04 would not unduly impact upon the character or visual amenity of the area, the amenity of any neighbouring land users, the safety of the highway network or result in any unacceptable drainage impacts. As such there is not considered to be any justification to resist the proposed amendment and thus it is recommended that planning permission is granted subject to the conditions outlined below.

10.0 Conditions

01

~~Within 3 months of the date of this permission (or an alternative agreed timescale to be agreed in writing with the local planning authority) full details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:~~

- ~~• a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;~~
- ~~• existing trees and hedgerows, which are to be retained pending approval of a detailed scheme~~

~~Reason: In the interests of visual amenity and biodiversity.~~

(Condition discharged under 17/01450/DISCON)

02

~~The approved soft landscaping shall be completed during the first planting season following the approval of details, 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. Any hard landscaping shall be carried out to an agreed timescale.~~

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

(Condition outside the timescales for enforcement)

~~03~~ 01

Within the application site (as identified by the Site Location Plan referenced RHR-LP) there shall be no more than 15 pitches provided and these shall be laid out in accordance with the approved Block Plan, plan reference RHR-BP.

Reason: For the avoidance of doubt and in the interests of sustainability and amenity.

~~04~~

~~The pitches hereby permitted for use of holiday use shall not be occupied by the same person or persons for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the Local Planning Authority.~~

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

~~05~~ 02

The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year unless otherwise agreed in writing by the local planning authority.

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

~~06~~ 03

The development hereby approved does not allow for any pitch or any caravan to be occupied for residential purposes at any time.

Reason: For the avoidance of doubt.

~~07~~

~~Within 21 days of the date of this permission, a methodology for the investigation of any potential contamination of the application site, including establishing nature and extent of contamination, shall be submitted to and approved in writing by the Local Planning Authority. Within 28 days of the methodology being approved in writing the investigation shall be carried out in full accordance with the approved methodology and a report submitted to the Local Planning Authority with the results of the investigation. If any contamination is found during the site investigation, the site shall cease to be occupied within 1 day of this being reported and a further report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated fully in accordance with~~

~~the approved measures which shall then be confirmed as satisfactorily completed in writing by the Local Planning Authority before any further occupation of the application site.~~

~~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 site can be occupied safely without unacceptable risks.~~

(Condition discharged under 17/01450/DISCON)

Informatives

01

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

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/ The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

From the information provided as part of the application, the development granted by this notice is considered exempt from the biodiversity gain condition.

Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 states that planning permission is deemed to have been granted subject to the condition "the biodiversity gain condition" that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

- c) the development is exempt from the biodiversity gain condition.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission is Newark and Sherwood District Council (NSDC).

There are statutory exemptions and transitional arrangements which mean that the

biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (<http://www.gov.uk>)]www.gov.uk)

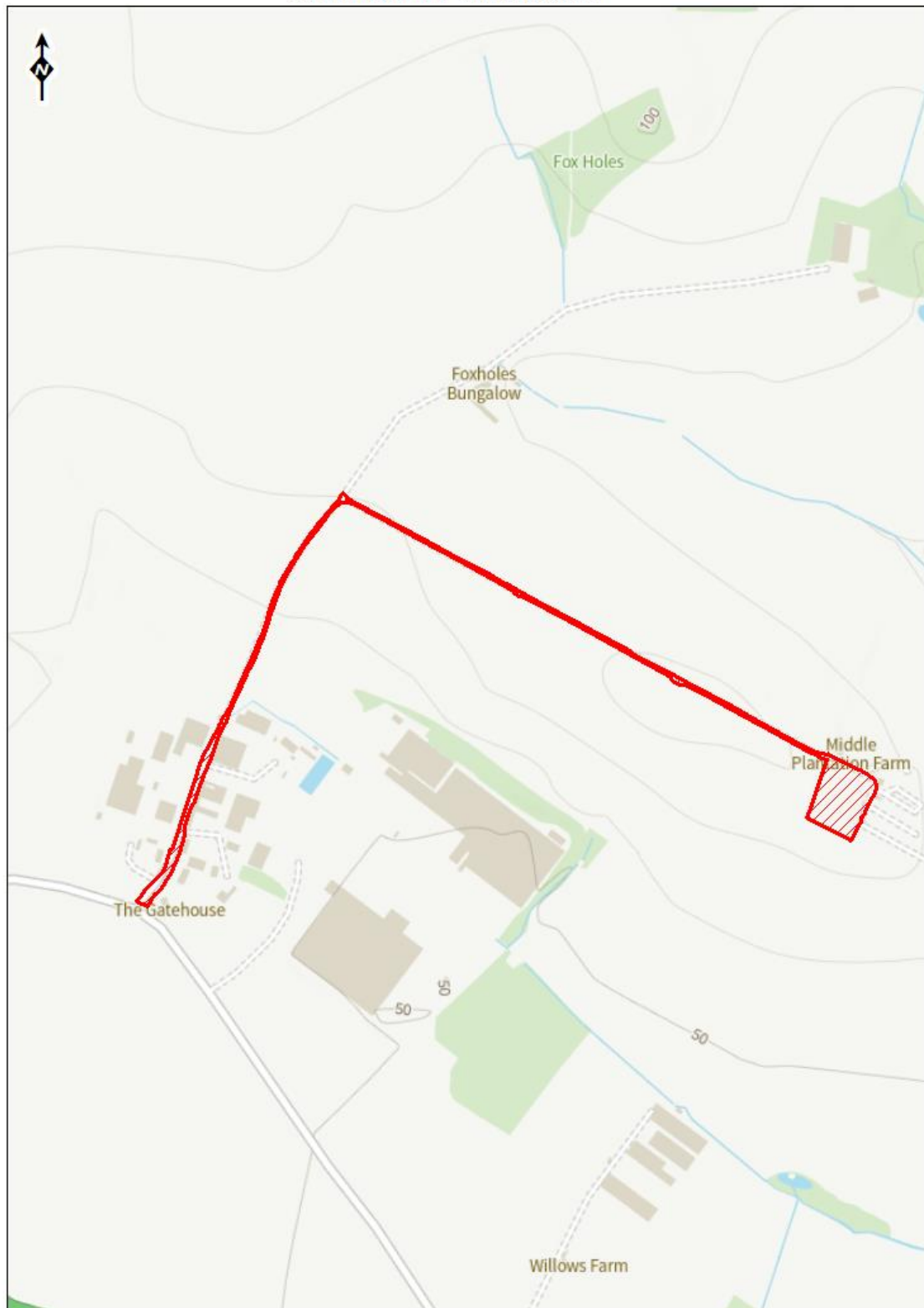
Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply - The proposal falls under the 'de minimums' exemption as it is for the removal of a condition relating to occupancy, which will have no impact on BNG.

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.

Committee Plan - 24/01146/S73



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Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah, Senior Planning Officer, Ext Number 5267

Report Summary			
Application No.	24/00618/FUL		
Proposal	5 bungalows		
Location	Land At Bowbridge Road Newark On Trent		
Applicant	Newark and Sherwood District Council	Agent	Mrs Karolina Walton - Studio-G Associates LLP
Web Link	24/00618/FUL 5 bungalows. Land At Bowbridge Road Newark On Trent (newark-sherwooddc.gov.uk)		
Registered	12.04.2024	Target Date	07.06.2024
Recommendation	Grant Planning Permission subject to the Conditions set out at Section 10.0 of this report.		

This application is being referred to the Planning Committee for determination in line with the Scheme of Delegation, as the applicant is Newark and Sherwood District Council.

1.0 The Site

- 1.1 The application site is located within the defined 'Newark Urban Area' and comprises part of a former commercial premises known as Mekur House. The previous building was of an industrial style but has now been demolished and removed from the site. The site as existing comprises a mixture of grass and former hardstanding and is approximately 0.34 hectares in size.
- 1.2 The site is accessed from Bowbridge Road which lies to the east. The access also serves 3 retail units including a Co-op, a café and a charity shop, which have parking to the front and a servicing area to the rear. The majority of the application site lies to the rear of the retail units.

1.3 To the north of the site are the rear gardens of dwellings on Pollard Close, enclosed by timber fencing. To the west is Newark Hospital, and to the south is a recently constructed car park which serves the hospital, separated from the site by metal fencing.

1.4 The site is not within a conservation area, it is not in close proximity to any listed buildings, and it is not in an area at risk of flooding from any source.

2.0 Relevant Planning History

2.1. None.

3.0 The Proposal

3.1 The application seeks permission for the erection of 5 affordable rent bungalows. The application was originally submitted for 6 bungalows however has been reduced to allow for revisions to ensure the retention of a tree protected by a TPO to the north, and to also address comments from NCC Highways and the Environmental Health Officer. The block plan shown below is the latest revision:



3.2 Each bungalow would have 2 off street parking spaces, and an enclosed garden space. Plots 1 and 2 would have 3 bedrooms whilst Plots 3, 4, and 5 would have 4 bedrooms. Landscaping and open space would be provided throughout the site.

3.3 The bungalows with 3 bedrooms would have a floor area of 94 m², one of the 4 beds

would have a floor area of 110 m², and the remaining two 4 beds would have a floor area of 125m².

3.4 The following 3D visual has been provided as part of the application:



3.5 Documents assessed in this appraisal:

506 SGA 225 SL DR A 0001 REV P2 Existing Site Plan
 640-SGA-225-SL-DR-A-0002 REV P8 Site Plan received 16th September 2024
 640-SGA-225-SL-DR-A-0008 REV P2 Swept Path Analysis received 14th August 2024
 640-SGA-225-XX-DR-A-0005 REV P3 3B5P Bungalow Type 2 received 14th August 2024
 640-SGA-225-ZZ-DR-A-0004 REV P4 3B5P Bungalow Type 1 received 14th August 2024
 640-SGA-225-ZZ-DR-A-0006 REV P4 4B6P Bungalow received 14th August 2024
 640-SGA-225-ZZ-DR-A-0007 REV P4 4B6P BUNGALOW TYPE 2 received 14th August 2024
 Revised Acoustic Survey received 14th August 2024
 Preliminary Ecological Appraisal Survey received 28th March 2024
 Design and Access Statement received 28th March 2024
 Phase 2 Pre-Development Arboricultural Report received 28th March 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 21 properties have been individually notified by letter. A site notice has also been displayed near to the site.

4.2 Site visit undertaken on 13.05.2024.

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 7 - Sustainable Transport

Core Policy 1 – Affordable Housing Provision
 Core Policy 3 – Housing Mix, Type and Density
 Core Policy 9 -Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 NAP1 - Newark Urban Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM12 – Presumption in Favour of Sustainable Development

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

5.4. **Other Material Planning Considerations**

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

6.0 **Consultations and Representations**

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

Statutory Consultations

6.1. **Nottinghamshire County Council (Highways) –**

The latest submitted details are, in principle, now acceptable to the highway authority and the highway authority would therefore have no objection to the proposed development subject to recommended planning conditions.

Town Council

6.2. **Newark Town Council** – No objection to the application.

Representations/Non-Statutory Consultation

6.3. **Environmental Health:**

The previous noise report identified there was no practical method of reducing sound at proposed dwellings in order to adequately protect outdoor amenity from noise emitted by the existing pizza extraction system not in the ownership or responsibility of the applicant. However, an amended report has now been submitted with a revised site layout and noise mitigation, to include an array of acoustic barriers at 4.2m, 3.2m, and 2.0m high. While we do not doubt the outcome of modelling in the context of the noise assessment, it is not clear how or by whom these barriers would be maintained, particularly the higher specification 4.2m absorptive noise barrier.

Officer Note: It has been confirmed that NSDC as the landlord would be responsible for the maintenance of the acoustic barriers. The Environmental Health Officer has confirmed this is acceptable subject to condition.

6.4. **3 comments have been received from local residents. These are summarised in the points below:**

- Querying if the bungalows would be market dwellings or Council owned (neither support or object).
- Development will satisfy an important need for social/affordable housing.
- Design is not contemporary or progressive.
- Layout does not create sense of place.
- Little evidence of consideration of climate change and renewable energy systems.
- Wet rooms have been provided which is commendable.
- Is there storage for mobility scooters?
- Any housing on waste land should be commended.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- Principle of Development and Housing Mix
- Impact on the Character of the Area
- Impact on Residential Amenity
- Impact on the Highway
- Impact on Trees and Ecology

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

Principle of Development

- 7.3. The application site is within the defined Newark Urban Area whereby new development is acceptable in principle in accordance with Spatial Policy 1 (Settlement Hierarchy), Spatial Policy 2 (Spatial Distribution of Growth) and Area Policy NAP 1 (Newark Urban Area), subject to site specific impacts.

Housing Density, Need and Mix

- 7.4. Core Policy 3 states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.
- 7.5. The most up to date Housing Needs Assessment was carried out by Acr4 in 2020. The assessment sets out the needs for each local area within the district. Table 5.3 (extract below) sets out the need for affordable dwellings.

Dwelling type/size			
	Collingham	Mansfield Fringe	Newark
1 or 2-bedroom house	58.6	0.0	11.7
3-bedroom house	21.6	42.5	14.8
4 or more-bedroom house	16.6	32.2	19.5
1-bedroom flat	0.0	11.0	7.1
2 or 3-bedroom flat	0.0	0.0	0.0
1-bedroom bungalow	0.0	0.0	19.8
2-bedroom bungalow	3.1	14.2	27.1
3 or more-bedroom bungalow	0.0	0.0	0.0
Other	0.0	0.0	0.0
Total	100.0	100.0	100.0
Gross annual need	31	112	258

- 7.6. The table identifies that Newark has an annual need of 258 affordable dwellings, of which 19.5% should have 4 or more bedrooms, and 14.8% should have 3 bedrooms. The proposal would provide 2x 3 bed bungalows and 3x 4 bed bungalows. This would contribute towards the need for affordable dwellings within Newark, as well as the need for dwellings for the elderly and disabled population. The proposed housing mix is therefore in accordance with the Development Plan.

Impact on the Visual Amenity and the Character of the Area

- 7.7. Core Policy 9 (Sustainable Design) seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.
- 7.8. 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.

- 7.9. Section 12 of the NPPF (Achieving Well Designed Spaces) paragraph 135 states that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.
- 7.10. The proposal is for 5 bungalows to the rear of existing retail units, on a former industrial site. Due to its position, the development would be largely screened and is not prominent from Bowbridge Road. The access road into the site would be a continuation of the existing access road that serves the retail units and car park.
- 7.11. The layout and design have been amended throughout the lifetime of the application to address concerns raised by NCC Highways and Environmental Health, as well as concerns with the design. The most recent site plan includes open space to the north of the access road, as well as landscaping to the front of the dwellings. There are trees included along the eastern boundary which would help create a visual barrier between the dwelling and the retail units, and there are also trees positioned next to Plot 3, which would be prominent upon entering the site and is welcomed.
- 7.12. The design of the bungalows is simple, with a pitched roof and a projecting gable to the front elevation set lower than the main ridge. The proposed materials are Forterra Clumber Red Mixture (or similar) bricks, Russell Grampian Slate Grey Tiles (or similar), white UPVC windows, and black composite front doors. The surrounding area hosts a wide variety of building types and materials, therefore there are no concerns with the proposed design of the bungalows.
- 7.13. In response to a revised noise assessment, acoustic barriers have been included within the scheme including a 4.2m fence to the eastern boundary and a 3.2m high fence to the eastern boundary of Plot 3. The 4.2m high fence would be between the site and the commercial units, therefore despite the height, it is not considered the fence would have a negative visual impact. In addition, there are trees proposed along this boundary also. The fence to the eastern boundary of Plot 3 would be visible upon entering the site and would be a lot higher than a typical boundary treatment. There are concerns regarding the visual impact of this fence, however when taking into account the proposed landscaping to the forefront of the fence, and the need for it in relation to residential amenity (discussed further in the next section), it is considered that on balance, the visual impact would be acceptable.
- 7.14. With the above in mind, the visual impact of the proposal overall is acceptable. The application is in line with Core Policy 9, DM5 and Part 12 of the NPPF.

Impact upon Residential Amenity

- 7.15. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.
- 7.16. Paragraph 135 of the NPPF seeks to ensure that new developments are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Loss of Privacy, Light, and Overbearing Impact

- 7.17. The bungalows would have a maximum height of 5.7m. Considering the low height, the boundary treatments, and the separation distances to the nearest neighbouring dwellings (minimum 15.6m), there are no concerns that the proposal would lead to any unacceptable impacts in relation to a loss of light, or overbearing impact.
- 7.18. In relation to privacy, it is generally accepted that there should be a distance of 21m between dwellings that are positioned back to back. Plots 4 and 5 to the north side of the site would be a distance of 18m to the rear of the two storey dwellings further north. Although this is below the 21m distance, due to the single storey design of the dwellings and the boundary fencing, there would be no direct views between habitable rooms (i.e. first floor to first floor) and therefore in this instance, the distance is considered acceptable.
- 7.19. The proposed layout of the 5 bungalows allows sufficient space to ensure no overshadowing or overbearing impacts, and their positioning would ensure sufficient privacy levels for future occupiers within the site.

Amenity Space

- 7.20. In relation to amenity space, the layout means that the private garden space for each bungalow is relatively small. However, it is noted there is a large open grassed area within the scheme that would be available to occupiers to use in addition to their gardens. Considering this, the level of outdoor amenity space for each bungalow is acceptable.
- 7.21. The bungalows would have an internal floorspace over the minimum floor area set out in the Government's Nationally Described Space Standards (minimum for 3 bed 5 person single storey dwelling is 86m² and minimum for 4 bed 6 person single storey dwelling is 99m²). As such, there are no concerns that the occupants would have a low level of amenity within the bungalows.

Noise

- 7.22. The Council's Environmental Health Officer initially raised concerns regarding excessive noise generated from an extractor which is located to the rear of the Pizza Plaza within the adjacent retail unit. In response to the comments, a new acoustic survey has been submitted.
- 7.23. The report proposes outdoor mitigation in the form of a 4.2m absorptive noise barrier along the eastern boundary of the site with the commercial premises, a localised 3.2m reflective (conventional) noise barrier adjacent to the private rear garden at the south of the site (Plot 3), and 2m high reflective noise barrier around other plot rear gardens.
- 7.24. The overall conclusion of the survey is that the site appears acoustically suitable for residential development with conditions that the recommendations contained in the report are followed. Internal sound levels are predicted to comply with the normal guidance subject to the specifications outlined in the report being followed.

- 7.25. Given the above, subject to conditions to ensure the mitigation measures are included, the noise levels would be acceptable. The Environmental Health Officer has reviewed the report and no longer objects to the application. The comments query who will maintain the acoustic barriers, and it has been confirmed by the agent that NSDC, as the landlord, would be responsible for the maintenance. A condition can be included if the application is approved, to require a maintenance plan to be submitted.

Impact upon Highway Safety

- 7.26. Spatial Policy 7 states that new development should provide appropriate and effective parking provision and Policy DM5 states that parking provision should be based on the scale and specific location of development.
- 7.27. The Residential Cycle and Car Parking Standards & Design Guide SPD sets out the minimum expectations for parking provision for new development in the District.
- 7.28. Map 1: Newark Parking Standard Zones of the SPD includes the site within the 'Inner Newark Parking Zone'. In accordance with Table 2: Recommended Minimum Car Parking, dwellings within this zone with 3 bedrooms and 4+ bedrooms require a minimum of 2 spaces per dwelling. The proposed layout meets this requirement.
- 7.29. Table 2 states that where bungalows are proposed, consideration should be given to the secure storage of mobility scooters. There is a cycle storage shed proposed within the gardens of each dwelling which could alternatively be used for a mobility scooter if desired.
- 7.30. Paragraph 115 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.31. The proposal would utilise the existing access off Bowbridge Road which serves the adjacent retail units. This access is suitable for the proposed development and there are no concerns with the increase in use which would not be significant considering the number of proposed units (5).
- 7.32. The proposal has undergone revisions following comments from NCC Highways.
- 7.33. The comments from NCC Highways regarding the layout have been addressed with the revised plan. 0.5m service strips have been added on both sides of the access, for a length of 8m as requested. Final comments have been received from NCC Highways, confirming no objection to the scheme subject to conditions regarding access and parking provision, ensuring a bound surface at the access, and provision of cycle storage. Conditions have been included as recommended. The comments also recommended a condition for electric vehicle charging provision however this is covered by building regulations and is therefore not necessary.
- 7.34. With the above in mind, the proposal would not result in any unacceptable impacts on highway safety or the highway network.

Impact upon Ecology and Trees

- 7.35. The proposal has been amended by reducing the number of proposed bungalows and altering the layout, to allow the retention of a mature tree on the northern boundary of the site which is protected by a Tree Preservation Order (TPO N313). There are no other trees on site or close to the site that are protected.
- 7.36. The proposed site plan shows several new trees to be planted within the open space, this can be secured via a landscaping condition.
- 7.37. The submitted preliminary ecology appraisal does not recommend any further surveys. The site has already been largely cleared, however should any further clearing be required this should take place outside of the bird breeding season (March – September inclusive). The report also recommends that a suitable lighting scheme is used to reduce light splay towards the northern boundary is used to avoid potential impact to breeding bird populations during the site's redevelopment and operational phases. This can be secured as part of a construction management plan condition.

Drainage

- 7.38. The proposed block plan states that surface water would be disposed of via a SUDs drainage system or soakaway. Given the low risk of flooding of the site, there are no concerns in relation to the proposed drainage. It is not considered that the development would increase the risk of surface water flooding within the area. Foul drainage is proposed to be connected to the existing sewer – this is acceptable.

Other Matters

- 7.39. **Community Infrastructure Levy (CIL) -**

The site is located within Housing Medium Zone 2 of the approved Charging Schedule for the Council's Community Infrastructure Levy. As such residential development in this area is rated at £45m² for CIL purposes. The development would result in a total of 548m² of Gross Internal Area. Details of the CIL charge on this development will be sent to the applicant following determination of the application. As the development is proposed as affordable rent, the exemption for social housing can be applied for.

- 7.40. **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 applications for small development that were submitted prior to 2nd April 2024. This application was submitted initially on the 28th March 2024 therefore is exempt from mandatory BNG.

8.0 Implications

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

9.0 Conclusion

- 9.1. In summary, the principle of development is in accordance with Spatial Policies 1 and 2 and Core Policy 3 of the Amended Core Strategy. Due to comments received from NCC Highways and the Environmental Health Officer, the proposal has been revised throughout the lifetime of the application. The layout submitted on the 16th September 2024, as well as the new acoustic report, have addressed the issues. In terms of visual impact, the proposed noise mitigation for Plot 3 includes a 3.2m high fence that could look unsightly due to the excessive height. However, the planting of trees and hedgerow is shown on the grassed area to the side of the plot, which would soften the appearance and over time, largely screen the fence. As such, it is not considered that this element of the proposal should be a reason to refuse the application. The height of the acoustic fence to the eastern boundary with the commercial units is higher at 4.2m, however given its position and the backdrop of the commercial units, plus proposed planting in front, it is not considered that the fence would be overly prominent or have a negative impact on the overall proposal.
- 9.2. The proposal would contribute to the need for affordable housing within Newark, as well as the need for bungalows specifically, which is welcomed. The scheme is considered to accords with the Development Plan when read as a whole, as well as Parts 9 and 12 of the NPPF. The recommendation is therefore to approve the application, subject to conditions. There are no material considerations to indicate otherwise.

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/submitted documents:

- 640-SGA-225-SL-DR-A-0002 REV P8 Site Plan
- Site Location Plan received 16th September 2024

- 640-SGA-225-SL-DR-A-0008 REV P2 Swept Path Analysis received 14th August 2024
- 640-SGA-225-XX-DR-A-0005 REV P3 3B5P Bungalow Type 2 received 14th August 2024
- 640-SGA-225-ZZ-DR-A-0004 REV P4 3B5P Bungalow Type 1 received 14th August 2024
- 640-SGA-225-ZZ-DR-A-0006 REV P4 4B6P Bungalow received 14th August 2024
- 640-SGA-225-ZZ-DR-A-0007 REV P4 4B6P BUNGALOW TYPE 2 received 14th August 2024
- Revised Acoustic Survey received 14th August 2024

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

04

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials (parking area shall be of no-dig construction type as per email dated 9.6.24);
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

05

The hard landscaping shall be completed in accordance with the approved details prior to first occupation of the dwellings hereby approved and retained for the lifetime of the development.

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

06

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, 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 next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

07

The noise mitigation measures detailed at section 3.3 (Plan of Suggested Acoustic Specification) of the Acoustic Survey Report carried out by David Garritt and dated 12th August 2024, shall be fully implemented prior to first occupation of the dwellings hereby approved, and maintained for the lifetime of the development.

Reason: In the interests of residential amenity.

08

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity.

09

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number 0002 Rev P8). The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles, and shall be retained for the lifetime of the development.

Reason: In the interest of highway safety.

10

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a bound material, along the full width of the driveway for a minimum distance of 8m within the site measured from the back of footway at the western end of the extended cul-de-sac shown on drawing number 0002 Rev P8. This area of driveway shall be maintained in the bound material for the life of the development.

Reason: In the interest of highway safety.

11

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles and provision of secure cycle equipment storage facilities as shown on drawing number 0002 Rev P8. The approved facilities shall be maintained for the life of the development.

Reason: In the interest of furthering travel by sustainable modes.

Informatives

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not be payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Biodiversity Net Gain is not applicable to this application as it was submitted prior to 2nd April 2024 and is therefore exempt as a small development. "Small development" means

development which is not major development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

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.com.

05

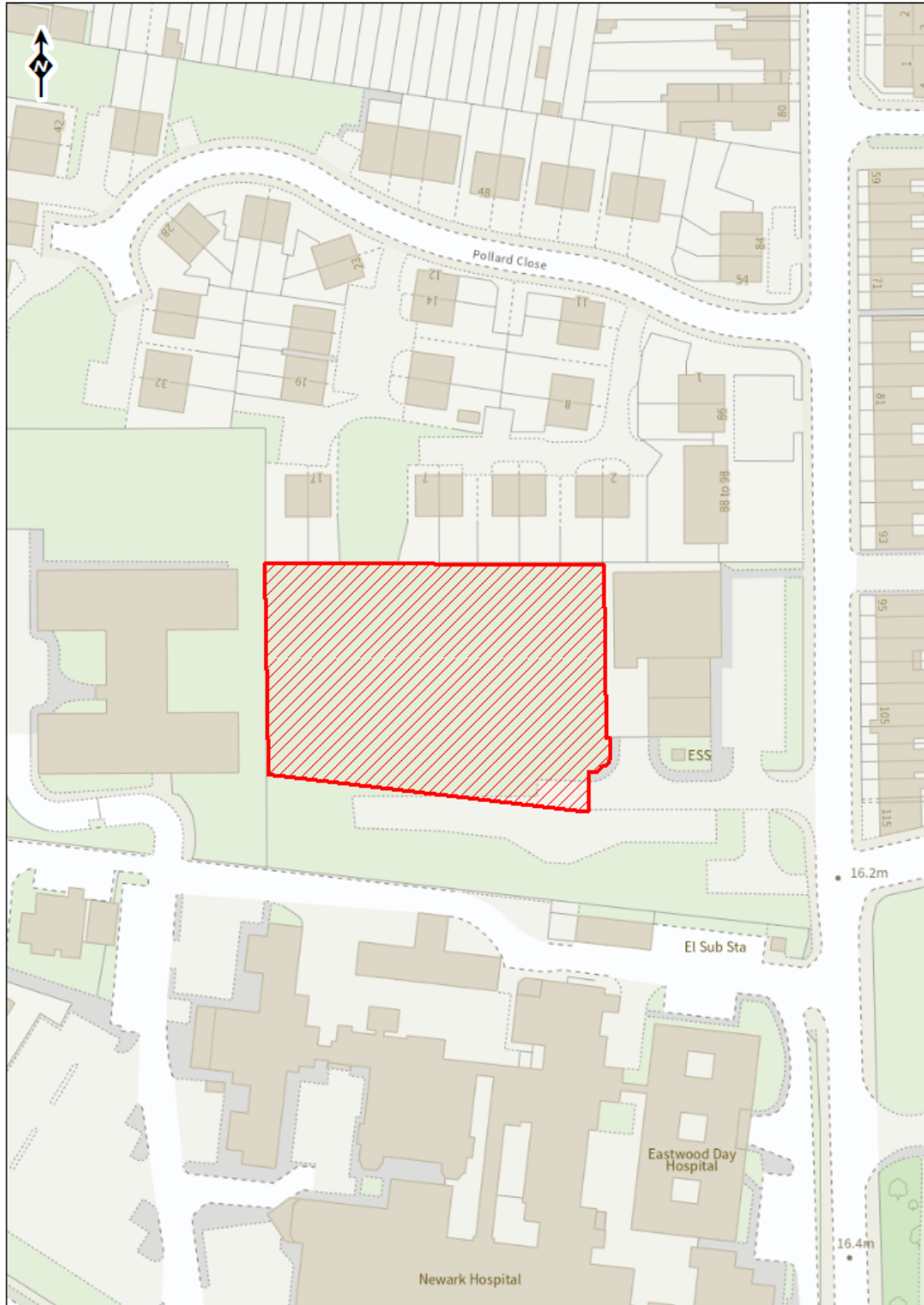
The proposed access serving the development requires the extension of the existing cul-de-sac, including new footway provision on the northern and western sides of the cul-de-sac extension and a margin on its southern side, which serves the site from Bowbridge Road. The highway authority's records show that the existing cul-de-sac has not been adopted as public highway. Notwithstanding this, the extension of the cul-de-sac, including the footways and margin, should be constructed in accordance with the highway authority's specification.

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.

Committee Plan - 24/00618/FUL



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Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Simon Betts, Planner (Major Projects) 01636 655369

Report Summary			
Application No.	24/00317/FULM (Major)		
Proposal	Extension to and re-development of site to provide new plant and vehicle workshop, welding services workshop, office and training academy, pylon training facility and other associated works.		
Location	Murphy Pipelines Ltd, Newark Road, Ollerton		
Applicant	J Murphy & Sons Limited	Agent	WSP
Web Link	24/00317/FULM Extension to and re-development of site to provide new plant and vehicle workshop, welding services workshop, office and training academy, pylon training facility and other associated works. Murphy Pipelines Ltd Newark Road Ollerton NG22 9PZ (newark-sherwooddc.gov.uk)		
Registered	15.3.24	Target Date	14.6.24 extension (agreed until 7.10.24)
Recommendation	Approve, subject to the recommended conditions within section 10.0 of this report		

This application is being referred to the Planning Committee for determination as it represents a material departure from policy within the Development Plan.

1.0 The Site

1.1 The application site comprises approximately 24ha of land situated to the east of Newark Road in Ollerton. The western portion of the site is located within the urban boundary of Ollerton and is bounded by a dismantled railway line that extends around this part of the site to the north, east and south. This part of the site comprises the existing operational site of Murphys and comprises a mix of open storage and workshop buildings, together with the existing office. The operational part of the site

wraps around an existing residential cul-de-sac (Kesley Avenue).

- 1.2 The remaining part of the site comprises agricultural land accessed via an existed gate that cuts through the former railway line embankment. This land lies outside, but immediately adjacent to the edge of the urban boundary. This triangular shaped part of the site, is split into two distinct parcels, split by a mature hedgerow, running in a north easterly direction to the railway line, that runs alongside the northern boundary of this part of the site. Whilst the land is more open to the north, this part of the site benefits from an existing substantial tree belt and associated vegetation to the east and western boundaries and therefore this has less intervisibility through this part of the site.
- 1.3 The site benefits from an existing vehicular access point from Newark Road, with a car parking area lying to the south of the access and a small gatehouse building set back from the highway with barrier, offering security for vehicles entering and exiting the site.
- 1.4 The site has the following constraints:
 - As referred to above, the eastern portion of the site lies outside of the urban boundary and therefore in open countryside;
 - The railway embankment land and the eastern boundary of the site are designated as a Site of Importance for Nature Conservation (SINC);
 - The western portion of the site lies in close proximity to existing residential development.

2.0 Relevant Planning History

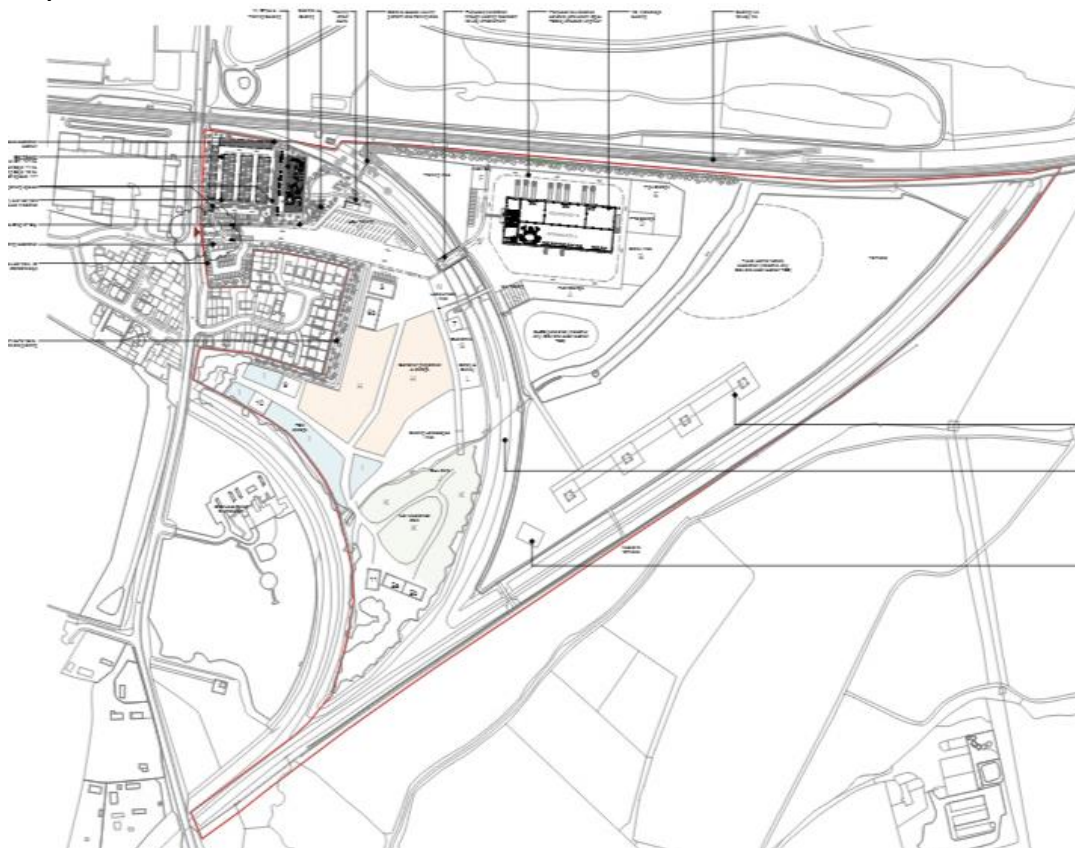
- 2.1. 19/01660/FUL – Erection of Storage Building. Permitted – 31.1.20.
- 2.2. 21/00134/FUL – Erection of New Industrial Building – Permitted 1.7.21.

3.0 The Proposal

- 3.1 The application seeks permission for the redevelopment and extension of the existing Murphy's operational site. The proposed development seeks consent for the demolition of existing buildings on the current operational site and the erection of new buildings both within this area and the introduction of new development on the adjacent agricultural land.
- 3.2 In respect of the existing operational site (depot) the application is presented as a reconfiguration, so as to reduce and/or improve any associated impacts on the adjacent residential properties in the day-to-day operation of the facility. In this regard, the existing office and workshop area to the north west corner of the site will be demolished and the heavy plant machinery workshop, which is currently located adjacent to the boundary with the residential properties.
- 3.3 In respect of new buildings, within the existing depot site area, a new office and

training academy building is proposed in the north west corner, by way of a replacement for the existing. This building will be 1,500sqm in area and will be fronted by a new area of car parking provision. A new workshop building will be provided to the northern portion of the current agricultural land that lies to the east of the main depot area. This workshop will comprise of two integrated workshop buildings, both of which will be 2,500sqm in area. They will be used for plant machinery and construction vehicle maintenance, alongside specialist welding and pipe testing services.

Proposed Site Plan



- 3.4 Finally, the southern portion of the agricultural land will host a new pylon training area and associated viewing platform. The training area seeks to replicate the construction, operation and maintenance of pylons and sub-stations. Whilst it is understood that in broad terms the pylon training area will comprise the dismantling and re-erection of pylons, for the purposes of the application, they have been considered as permanent new structures.
- 3.5 The application submission has been accompanied by and considered on the basis of the following documents and plans. To avoid duplication, a number of other plans have been assessed and are listed in suggested conditions no. 2 and 14.

Document Description	Reference	Date Deposited
Plans		
SITE LOCATION PLAN	117-GTH-01-ZZ-DR-A-2001 Rev A	14 February 2024
SITE PLAN EXISTING	117 GTH 01 ZZ DR A 2010 REV A	14 February 2024

Reports		
Covering Letter	WSP	14 February 2024
Agricultural Land Quality Report	Reading Agricultural Consultants	14 February 2024
Air Quality Assessment	Hoare Lea	14 February 2024
Arboricultural Impact Assessment	Delta Simons	14 February 2024
Arboricultural Survey	Delta Simons	14 February 2024
Archaeological Desk Based Assessment	WSP	14 February 2024
Biodiversity Metric Calculation Tool	Delta Simons	14 February 2024
Biodiversity Net Gain Assessment	Delta Simons	5 March 2024
CIL Form 1	WSP	14 February 2024
Design and Access Statement	GTH Architects	14 February 2024
Ecological Impact Assessment	Delta Simons	14 February 2024
Economic Impact Assessment	WSP	14 February 2024
Flood Risk Assessment	Delta Simons	14 February 2024
Landscape CDM Risk Register	Fabik	14 February 2024
Lighting Strategy	WSP	14 February 2024
Landscape and Visual Appraisal	Fabik	14 February 2024
Noise Assessment	WSP	14 February 2024
Planning Statement	WSP	5 March 2024
Preliminary Ecological Appraisal	Delta Simons	14 February 2024
Preliminary Geo-environmental Report	Delta Simons	14 February 2024
Preliminary Mineral Resource Assessment	WSP	14 February 2024
Statement of Community Involvement	Murphy	14 February 2024
Sustainability Statement	Hoare Lea	14 February 2024
Transport Assessment	TPP	14 February 2024
Travel Plan	TPP	14 February 2024

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 99 properties have been individually notified by letter. A site notice has also been displayed near to the site (27.3.24) and an advert was placed in the local press on the 27.3.24. The application has been advertised as a departure to the

development plan.

4.2 A site visit was undertaken on the 26.4.24.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

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

Core Policy 14 – Historic Environment

ShAP2 – Role of Ollerton & Boughton

5.2. Allocations & Development Management DPD (2013)

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

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

5.4. Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Landscape Character Area, SPD

Draft NPPF Consultation July 2024

6.0 Consultations and Representations

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

Statutory Consultations

- 6.1 **Nottinghamshire County Council (Highways)** – Latest comments dated 27.8.24, offering no objections to the proposed development, subject to the imposition of suitable planning conditions.
- 6.2 **National Highways** – Comments dated 19.3.24. No objection to the proposed development. Updated comments dated 13.8.24, continuing to offer no objection to the proposed development.
- 6.3 **Nottinghamshire County Council (Lead Local Flood Authority)** – Comments dated 26.3.24. No objection to the proposed development, subject to conditions. Updated comments dated 23.8.24 offered no new comments beyond original response.
- 6.4 **Nottinghamshire County Council – Rights of Way** – Confirm that based on the ‘Definitive Map’ no Public Rights of Way are recorded over the development site, although note that a ‘Claimed Route’ is currently being considered and advise of the need to accommodate this route within the proposed development (or provide for an alternative).
- 6.5 **Environment Agency** – Comments dated 28.3.24. Originally objected on the basis of foul drainage. Updated comments provided 8.8.24 withdrawing original objection and confirm no objection subject to a proposed planning condition securing the agreement and implementation of a remediation strategy.
- 6.6 **Coal Authority** – Comments dated 4.4.24. No objection to the proposed development. Updated comments dated 20.8.24 offered no new comments beyond original response.
- 6.7 **Active Travel England** – Comments dated 20.3.24. No objection to the proposed development and refer to Standing Advice. Updated comments 12.8.24 continue to refer to Standing Advice.

Parish/Town Councils

- 6.8 **Boughton and Ollerton Town Council** – Comments dated 3.9.24 confirming no objections to the proposed development, providing the application meets with environmental and flooding requirements.

Representations/Non-Statutory Consultation

- 6.9 **NSDC Environmental Health (Air Quality)** - Comments dated 18.3.24. No objections to the proposed development.
- 6.10 **NSDC Environmental Health (Noise)**. Latest comments dated 28.8.24 confirmed no objections to the proposed development, following the submission of further information by the applicant.
- 6.11 **NSDC Environmental Health (Contaminated Land)** - Comments dated 19.3.24. No

objections to the proposed development, subject to conditions.

- 6.12 **NSDC Economic Development** - Comments dated 28.3.24. Offer support to the proposed development on the basis of job creation and skills development in training. Updated comments provided 12.8.24 continuing to offer support to the proposed development as per the original comments.
- 6.13 **NSDC Conservation Officer** – Comments dated 16.4.24. No objections to the proposed development.
- 6.14 **NSDC Tree Officer** – Makes general comments 04.6.24, including lack of information, raising that the tree survey and impact assessment doesn't allow for future growth, concerns with generic species survey, would like to see parking interspersed with trees,
- 6.15 **NCC Planning Policy** – Comments dated 12.8.24 confirm no strategic planning observations to make.
- 6.16 Comments/concerns have been received from 4 third parties/local residents that can be summarised as follows:
- Dust associated with the existing use of the site.
 - Noise associated with the existing use.
 - Impact on privacy and amenity.
 - Adequacy of proposed landscaping scheme.
 - Highways safety and access.

7.0 Comments of the Business Manager – Planning Development

7.1. The key issues are:

- Principle of development
- Impact on the Character of the Area
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology
- Impact on Trees
- Impact on Archaeology

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.

7.3. Principle of Development

- 7.4. The existing site is located within the defined urban boundary for Ollerton. Its ongoing use for employments purposes aligns with Ollerton's role as a service centre within the Settlement Hierarchy (Spatial Policy 1). Core Policy 6 notes that employment development directed to service centres should provide a range of suitable sites in these locations to enable employment levels to be maintained and increased, both for traditional and emerging business sectors. This is reinforced by policy ShAP2 which includes a key aim of promoting employment opportunities within the town.
- 7.5. The site has been occupied by the applicant for a number of years and further permissions on the site have been given in recent years for storage and industrial purposes that have subsequently been implemented. The existing site plays a key role as a successful and high-profile employment and industrial use within Ollerton and its ongoing growth within the defined urban boundary is supported by policy DM1 of the Allocations and Development Management DPD, which supports employment development within the urban boundaries of service centres.
- 7.6. The principle of development in relation to redevelopment of the existing site is therefore considered to be acceptable. Notwithstanding this, the proposals include a large extension of the existing site to the east and onto adjacent agricultural land. Whilst this land is adjacent to and therefore linked with the existing site, it falls to be considered within the context of planning policies pertaining to development within the open countryside. Policy DM8 sets out the limits of development that will typically be allowed for within the countryside. Part 8 of the policy seeks to allow for 'small scale' development, where it can demonstrate a need for a rural location and sustaining such employment to meet local needs. It further states that 'proportionate' expansions of existing businesses will be supported, where they can demonstrate an ongoing contribution to local employment.
- 7.7. In the planning statement accompanying the submission, the applicant notes that neither 'small scale' or 'proportionate' are defined within policy DM8, but that the proposals include for a 65% increase in overall floor space, which is submitted to be proportionate. In terms of policy DM8, it is clear that the policy does not specifically account for business expansion adjacent to an existing settlement boundary. Whilst it is evident that the eastern part of the site lies within open countryside in policy terms, the policy particularly seeks to limit larger scale employment in more isolated and unsustainable locations and to ensure proposals are typically proportionate with the scale and extent of development in such locations.
- 7.8. As such, although it is difficult to argue that the extent of the application site area that falls within open countryside can be considered to be 'small scale' proportionality is a matter of judgement in each case and must be informed by the nature and scale of the existing employment use and the associated operations. In addition, although it cannot yet be afforded significant weight (as it has not proceeded through examination), the amended ADMDPD notes the need for clarity within existing policy DM8 with the following additional proposed text additions:

'Proposals to expand existing businesses or construct buildings for new businesses in the open countryside are more likely to be appropriate in areas such as industrial estates where the principle of such development is established. Where it is demonstrated that it is necessary, expansion into adjacent areas could be considered appropriate if the impacts are judged to be acceptable. The proportionality of such developments should be assessed individually and cumulatively and impacts on both the immediate vicinity and the wider setting should be considered. It should be demonstrated that location on existing employment allocations or on employment land within urban boundaries or village envelopes is not more appropriate.'

- 7.9. Utilising the above for guidance purposes, the proposals are judged to be considered favourably, in that the proposed expansion lies adjacent to an existing settlement boundary and forms part of an expansion of a single operational use that has been established for several years. Further to this, officers have been in discussion with the applicant and have sought additional justification (although noting that a sequential assessment is not strictly necessary) as to why such an expansion is necessary in a rural location and whether an area within the urban boundary of Ollerton or other parts of the district is feasible. In providing a response, the applicant has offered the following explanation and justification:

'Policy DM8 does not require justification through a sequential test for the proposals and officers have not requested that one be undertaken. However, it should be noted that operationally Murphys require this operation to be within a single site, therefore, it would not be possible to sever the new proposals from the existing site. Accordingly, if it were not permitted to extend its operations as proposed the Murphys would need to relocate the entire existing operation to a suitable site. This would mean finding a suitable brownfield (sequentially preferable) site of approximately 10ha with limited to no building coverage to facilitate the open storage and training elements which are incorporated within the site.

Generally speaking, it is highly unlikely that such a site would be both suitable and available. Most commercial land-owners would look to optimise rental opportunities from commercial developments through construction of buildings that they could rent by the sqft. The only real scenario where this may be an opportunity if an existing brownfield site were to be made available for Murphys to purchase as a freehold. This, of course, would have significant additional financial and operational expense for the business to likely be unviable, and certainly unsuitable.

At a local level, Murphys has a long-term interest and investment within Ollerton and wishes to remain in the area. It is highly unlikely that an alternative and sequentially preferable location would be found in Ollerton so any relocation would certainly take Muphys out of the town.

Further, any subsequent search would also be undertaken on a regional basis. Whilst Murphys require a base in the east midlands, it is not wedded to Newark and Sherwood as a District, this means the site search is likely to cover up to half a dozen

local authority areas (and potentially more). If required to relocate the chances are that this would mean the business leaving the District entirely.'

- 7.10. Further to the above, it is understood that the applicant holds a number of framework contracts whereby equipment needs to be deployed in the short term and therefore this presents a further operational challenge to relocate such an existing use to a new site, whilst maintaining its ongoing operational obligations. As such the proposed development is bespoke for the long-term consolidation of the other operational sites of the applicant and will support its growth as an important local employer. In that regard it differs from a new industrial/business park that seeks to provide new operational space in a speculative manner for multiple occupiers.
- 7.11. In addition to the above points, the applicant contends that the proposed development brings significant economic benefits, particularly through the creation of high skilled jobs in the area and increased spending in the local economy. The net additional employment is presented as being 86 FTE jobs expected on the site, with a supporting contribution to a further 21 FTE jobs in the area. This is equated to generate £13.8m in GVA per annum of which 12.4m could support the district economy at the local level.
- 7.12. The economic benefits of the proposals are fully supported by the economic growth team, who note that the job creation associated with the proposals is in line with the goals and objectives of the Community and Town Investment Plan. They also note that the creation of a new specialist training centre would close the gap in the country's skilled workforce and that this would generate job and training opportunities that would support the local workforce, alongside being of national interest.
- 7.13. In addition to the above, it is noteworthy that in July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations and provide a useful direct of travel for planning policy. The reforms that are likely to become national policy by the end of this calendar year include a focus of delivering 1.5m new homes which would need to come forward alongside linked employment and also focuses on infrastructure. This proposal would therefore assist with the longer-term policy objectives that are coming through in national policy which also adds some weight to the decision-making process.
- 7.14. Taking account of the above factors, whilst there is judged to be some conflict with policy DM8 of the local plan, the proposals are considered to be compliant with the key aspects of the policy in avoiding large scale employment uses in isolated and unsustainable rural locations. The application proposes to consolidate and allow for the growth of an existing established employment use and the economic benefits as presented by the applicant are judged to weigh heavily in favour of the proposed development as important material planning considerations. Whilst officers do not consider the expansion is necessarily 'proportionate', the case for expanding this site is on balance acceptable taking into account the edge of settlement location, the genuine economic benefits, the lack of harm and that the eastern boundary provides

a natural barrier to contain the expanded site. The principle of development is therefore considered to be acceptable.

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

- 7.15. Whilst the principle of development is considered to be appropriate in policy terms, there is nonetheless a need to consider the extent of the impact upon the character and appearance of the open countryside. In this regard the redline area extends a substantial distance to the east. The land to the east is currently accessed via an existing access gate and short section of hardstanding immediately beyond the gate, opening up into the open countryside part of the site. This accessway would be widened, punching through the existing (redundant) railway embankment, to allow for two way traffic movements into and out of this part of the site.
- 7.16. At this part of the site, the land then opens up into two separate field parcels, bisected by an established hedgerow (that would be retained) that runs across the site in an approximate north easterly direction, between the northern and western boundaries of the site. In the initial part of the site within the first field parcel (as the site is accessed through the railway embankment) a new substantive workshop building is proposed to a height of just under 15m. This building will be surrounded by a new concrete yard and associated external storage areas (for cranes, pipes and plant) and an outside training area (positioned to the western side of the building and in between the railway line and embankment) which add to the more substantial change in character of this part of the site, not least from the visual perspective. The training area would be observed from a proposed new viewing platform, that would be accessed via stairs and a walkway created through the existing railway embankment. An 'indicative' SUDS pond is also shown on this part of the site and whilst it does not propose 'built' development, it would be a fairly substantial engineering operation to establish. Further details of this would need to be considered and agreed, given its indicative status.
- 7.17. Beyond the dividing boundary of the hedgerow and in the other field, further development includes a training pylon area and associated training substation. This forms a key part of the proposals for the applicant, as it seeks to offer a dedicated training facility for contractor works on pylon areas, comprising of new overhead line and substation specialist training facility. Based on information provided in the Design and Access Statement accompanying the application submission, it is understood that contractors will be taught to erect, maintain and dismantle electricity pylons, working on electrified training pylons that are 30m tall. It is further understood that the pylons will be dismantled and re-erected on a regular basis as part of the training exercises.
- 7.18. In the consideration of the application, discussions have been held with the applicant as to the potential to relocate the training pylon areas closer to the workshop building and/or railway line, so as to limit the extent to which development extends further into open countryside to the east and so as to focus the new development as close to the defined urban boundary of Ollerton as possible and they have offered the following explanation and justification:

'Officers have questioned whether the proposed pylon training area could be located in a more confined area of the site to limit encroachment into the countryside area. This, unfortunately, is not possible due to the space and operational requirements of the proposed operations. In order to simulate the actual configuration of High Voltage Overhead Line infrastructure which apprentices, employees and trainees will encounter in the field we need to have the greatest distance possible between towers. This will allow us to train individuals in the elements of conductor installation between towers, the conductor sagging operations and the high-level installation of conductor spacers.

Generally, in the field distance between Overhead Line Towers is circa 330m to 400m with three basic tower types, these being Terminal Towers, Tension Towers and Suspension Towers. Our proposed tower training configuration at Ollerton provides Terminal Towers at each end of the training line, and with a combination of both Suspension and Terminal towers along the proposed training line. This provides a realistic Overhead Line training configuration. This, of course, means that the size of the pylon area cannot be reduced and, therefore, there is no obvious alternative location within the existing depot, or around the location of the new proposed warehouse, for the pylons to be relocated.

Furthermore, exclusion zones are required during the training of tower assembly and erection. During these operations, there will be a requirement to create safety exclusion zones to facilitate craneage operations, tower delivery, unloading, the part assembly of towers and final tower erection training. During the training installation of tower insulators and conductors together with conductor spacers between towers, there is a requirement to establish "safety drop zones" along the length of the training line and around each training tower, to protect personnel from the potential of falling objects. It is, therefore, an operational requirement that there is significant space around the pylons so they will always need to be located away from the wider operations of the depot.

- 7.19. The existing operational site contains a variety of functional workshop and other buildings and a variety of outside storage areas. In this regard, the visual appearance of the site, has a neutral impact upon the surrounding street scene. The most prominent building proposed is the office building, which lies closest to Newark Road, albeit it is set back from the road and to the rear of the proposed car parking area. The western elevation facing the road, includes glazed panels at ground floor and first floor level, which assist in breaking up the expanse of the building, including a clad green finish at first floor level. The building is a modern equivalent to the existing office building, but with a part industrialised appearance, reflecting both the nature of the business undertaken, but this also helps to integrate this part of the site into the other areas of the site, which includes a prevalence of industrial sheds and similar. The new gatehouse building also offers a similar industrial clad appearance.
- 7.20. Whilst being less visible than the office building, the proposed new workshop building again has the typical appearance of an industrial shed, albeit that the shallow pitched roof and the dark green finish, will help to integrate it into the more landscaped surroundings of where the building will be located. As such the proposed design and

appearance of the proposed development is considered to integrate in an acceptable way within the existing site context and will have an acceptable impact within the wider street scene area, for those more visible parts of the proposed development. There is no objection to their appearance or design when considered against the policy objectives of CP9 or DM5.

- 7.21. The site is located within the 'Sherwood' Character Area, and specifically within the 'Ollerton Estate Farmlands' Policy Zone 27 in the Newark and Sherwood Landscape Character Assessment (SPD). Landscape condition is defined as 'moderate' and sensitivity to change is considered 'moderate' giving a policy action of 'conserve and create' as embedded in Core Policy 13. For landscape features this means conserving existing hedgerows and seeking opportunities to restore hedgerows and tress where appropriate to field boundaries with new development being contained within existing historic field boundaries.
- 7.22. The scheme would achieve these policy actions by retaining hedgerows and trees and the scheme would be relatively contained. In overall terms, it is clear that the nature and appearance of the two fields will change substantially as a result of the proposed development, through the introduction of new built development, with particular regard to the new workshop building. Nonetheless, it is also apparent that the land in question whilst being designated open countryside has the visual characteristics of being self-contained, which helps to reduce the impacts of the proposed development beyond the boundaries of the site as defined by the redline area. In particular the railway embankment that separates the defined urban boundary and the open countryside part of the site, which will offer substantial screening benefits and limit views of this part of the site from Newark Road. Equally, the south western boundary of the site (which will be unaffected by the proposed development) offers a substantial existing tree belt and landscaped area, that help to contain any through views of the site and joins with the western boundary to provide for significant screening of 2 of the 3 boundaries of the site.
- 7.23. The northern boundary of the site is also defined by an existing railway line and associated planting and this area of existing infrastructure assists in both containing the site from wider views and also comprises a logical location to locate built development forming an existing area of development, that also brings the new workshop building into closer proximity to the defined urban boundary that runs through the site and other areas of development within the existing operational parts of the site.
- 7.24. The main views of the part of the site that comprises the workshop buildings and training pylon area will be most visible from Ollerton Pit Woods, beyond the northern boundary of the site. Much of these views would, however, be from an elevated position and longer views of the site. The workshop building would in particular be seen within the context of the railway embankment that it lies adjacent to and beyond this, the more densely occupied parts of the existing operational site.
- 7.25. The training pylons would although introducing new development to the eastern parts of the site be at a reduced height of 30m, rather than the operational structures which are typically 50m in height. It is also of note that operational pylons are an accepted

part of the landscape that feature as areas of infrastructure in many rural locations. In this regard, they are typically accepted parts of the landscape. In this case the pylons, as they are being used for training purposes are located in a self-contained area and at a reduced height, both of which limit their wider landscape and visual impact, alongside the intervisibility of the structures themselves. Whilst the associated roadways/hardstanding areas contribute to a more urbanising impact, they are not judged to be harmful within the context of the issues already discussed above.

- 7.26. When considered in overall terms, the proposed development will introduce expansive new areas of development in open countryside, but the fact that this part of the development proposals will be linked to the existing defined urban boundary, indicate that the site is a sustainable location to support the expansion of the existing operational site. Equally landscape and visual impacts are judged to be localised and taking account of the self-contained and heavily landscaped parts of this site, are judged to be acceptable. As already referred to above, the other economic benefits of the proposal are afforded significant weight in the planning balance.

Impact upon Residential Amenity

- 7.27. Impacts on existing occupiers is a material planning consideration and should be assessed against the criteria set out in Policy DM5 having regard to matters such as noise, general disturbance as well as impacts from the physical buildings themselves.
- 7.28. The existing operational site to the west shares a boundary with a small residential cul-de-sac (Kelsey Avenue). The existing site wraps around the residential properties to the north south and east, bringing the operational site and the occupiers of the residential properties into close proximity. In order to address the nature of this existing relationship, the proposals on the operational part of the site seek to relocate areas of development further away from this boundary. The application also proposes a 20m wide landscape buffer area, immediately adjacent to this shared boundary, to offer improved protection of the amenity of the occupiers of properties within Kelsey Avenue. The timing of this would be controlled via condition 16.
- 7.29. Further to this, some building demolition is proposed adjacent to this boundary, which will create additional distance between the residential properties and the nearest operational buildings. As such, the existing heavy plant building will be demolished which is currently located adjacent to the western boundary with the residential properties. The existing workshop and office area to the north west of the site will also be demolished, with the new office building and associated car parking area being located further away from the residential properties also. Building demolition is indicated on the plan below.

Extract of plan showing building demolition



- 7.30. In considering the proposals for redevelopment and reconfiguration of the site, it is considered that the proposed development offers improved protection of amenity, in comparison to the current unrestricted status quo. New buildings (particularly those that emit noise such as workshop buildings) are located further away than the current buildings on the site, including those proposed for retention. In particular, the new 1B. Workshop Building is sited some distance away from this boundary and on the other side of the railway embankment. The proposed landscape buffer, further reinforces the protection of neighbour amenity and offers an improved situation to the current scenario, if development was to not take place.
- 7.31. It is also noted that Environmental Health Officers have no objection to the proposed development in respect of noise and associated impacts, subject to the imposition of conditions as referred to at the end of this report. Accordingly, amenity impacts are therefore judged to be acceptable in respect of the proposed development.

Impact upon Highway Safety

- 7.32. In respect of Highway Safety, discussions have taken place throughout the application period and the Highway Authority have sought to ensure the impacts of the proposed development are properly understood. This has included the submission of further information and clarification. Following this further consideration, the Highway Authority have confirmed that they are content that the impacts of the proposed development are neither severe in terms of the capacity of the highway network, nor unacceptable in highway terms.
- 7.33. In respect of possible movements associated with the training element of the proposals, the highway authority have recommended that suitable controls be put in place to limit the training area to the designated area within the proposed office building. Whilst the proposed training workshops associated with the Pylon Areas are a positive in that they offer a bespoke and specialised facility, the success of this facility if not subject to control, may offer unacceptable highway impacts either in respect of traffic movements or onsite car parking provision. Accordingly, a suitable planning condition is proposed to offer control over this issue, requiring the submission of a

further application, should the demand for the training element increase, beyond that identified in the floor plans associated with the proposed office use.

- 7.34. Officers are therefore satisfied that the proposal would accord with the policies (DM5 and SP7) subject to the imposition of conditions.

Impact upon Ecology

- 7.35. The Council's Lead Ecology Officer has reviewed the full extent of the biodiversity survey and reporting as submitted in support of the application. The direct loss of a small part of the existing Local Wildlife Site (LWS) of the former railway embankment is noted, but when considered in the context of the long-term management of the LWS and habitat creation within the wider site, is judged to be acceptable.

- 7.36. Turning to potential impacts on species and other habitat areas, the ecology officer advises that with suitable mitigation measures in place as set out within the Ecological Impact Assessment (EclA), impacts are considered to be acceptable. Such mitigation measures will need to be secured in both the construction and operational phases of a development. The mechanisms for this will comprise of pre-commencement conditions in relation to the preparation and implementation of both a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP). Suitable conditions are presented later within this report.

- 7.37. Turning to Biodiversity Net Gain (BNG), the application submission was made shortly before the provision of BNG became mandatory, but nonetheless the applicant has chosen to provide a BNG Metric Calculation and includes proposals for BNG as follows:

- Habitat Units – 41.28%
- Hedgerow Units – 10.04%
- Watercourse Units – 14.08%

- 7.38. The ecology officer notes that the supporting information associated with BNG does not include detail of all assessment and it has also been undertaken within the context of features such as the SUDS basin, which do not yet have a fixed and final design. It is therefore recommended that an updated BNG assessment is undertaken in accordance with the production of the LEMP, secured through a further planning condition. Subject to conditions the proposal is considered to accord with Policies DM5, DM7 and CP12 as well as the NPPF, a material planning consideration.

Impact on Trees and Proposed Landscaping

- 7.39. Policies CP12 and DM7 state that natural features, such as trees and hedgerows, should be retained where possible.

- 7.40. An arboricultural survey and impact assessment has been submitted with the application which has surveyed 16 individual trees and 5 groups of trees within the site which are located on the slopes of the former railway embankment, interspersed with self-set saplings. 9 individual trees and 2 tree groups are categorised as grade B

(moderate to high quality) with the remainder categorised as grade C (low quality).

- 7.41. The comments of the Tree Officer are noted, particularly with regard to the lack of information and detail. However, I am satisfied that the authority has sufficient information to be able to reach an informed view on the acceptability of the proposal.
- 7.42. The development would result in the loss of 2 grade B trees (T8 – a 13m high Oak and T20 – a 14m high Oak both semi-mature) and one group of B graded trees (TG2 – a 16m high Hawthorn and Oak) as well as 2 x C grade trees (T9 – a 9m high Hawthorn, T19 – a 8m high Hawthorn) and 2 grade C groups (TG3 – a 9m high Oak and TG7 – average 14m high Silver Birch and Goat Willow); a total of 4 trees and 3 tree groups all of which are semi-mature. This is clearly regrettable but necessary to make way for access into the adjacent land. I am satisfied that the tree loss has been kept to the minimum necessary.

Extract from Tree Impact Plan



- 7.43. To compensate for the tree loss however, the scheme would offer significant tree planting throughout the wider site comprising both formal and more naturalised areas. A landscape strategy has been developed with different areas, including street- scene trees and those to create a screen/habitat, parkland planting and trees that would be appropriate around the SUDs basin. Native species are also proposed across the site. This would offer a significant level of mitigation and over time would provide a tree enhancement to the site overall. As such it is not considered that the loss of these trees should be a constraint to this development, subject to the imposition of conditions to secure the planting at appropriate times.

Extract of Proposed Landscaping Plans



- 7.44. Mitigating the effects of the construction upon trees can be dealt with by conditions and subject to suggested conditions (numbers 5 and 22) I am satisfied that the scheme would not unduly compromise retained trees.

Impact on Archaeology

- 7.45. The site holds high archaeological potential, particularly with the likelihood of prehistoric funerary activity.
- 7.46. The applicant has undertaken a Desk Based Assessment (DBA) to consider the potential for buried archaeological remains to be present beneath the site (with a focus on the agricultural land) which concludes the need for further investigation to be carried out. The County Archaeologist has underlined the importance of undertaking further intrusive investigations, prior to a decision being made on the application.
- 7.47. To this end a Written Scheme of Investigation (WSI) has been prepared and agreed between the applicant and the County Archaeologist, which sets out the nature and methodology for the further ground investigation works that are considered necessary. Unfortunately, the ability of these works to be carried out in the near future is constrained by the active use of the land currently for agricultural purposes and is further constrained by the lack of available and suitably qualified specialist contractors.
- 7.48. The lack of thorough site-specific investigation poses a significant risk to both the archaeological resource and the development proposal itself. The applicant's clear preference is for handling these issues post-consent albeit this approach leaves the developer vulnerable to unanticipated delays and escalating costs. Best practice would be to know the issues before a decision is issued. However, the Council's Archaeological advisor does accept that the matter could be dealt with by way of a condition to ensure that the geophysical survey, subsequent trial trenching, and any

necessary mitigation are carried out before any development commences. This will at least mitigate some of the risks involved, though it does not eliminate them entirely.

- 7.49. It is important to strike an appropriate balance between safeguarding potential archaeology and allowing for growth and expansion without delay and on balance it is considered that a conditioned approach would be reasonable to safeguard the potential heritage asset on site in accordance with DM9 and CP14. The suggestion wording forms suggested condition 3.

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 Planning Balance and Conclusion

- 9.1. Despite the conflict with the development plan in that this scheme doesn't constitute a 'proportionate' expansion in land take terms, the expansion is nevertheless considered logical, contained and in a sustainable area allowing for the enlargement of an established employment use. This would bring about genuine, tangible economic growth benefits weighing in favour of the scheme and when considered in the balance are persuasive that this is an appropriate location for growth and that the principle of development in this case is acceptable in planning terms.
- 9.2. In addition, the reconfiguration and redevelopment of the site offers opportunity to improve and mitigate impacts upon the occupiers of neighbouring properties, through the provision of a significant landscape buffer on the boundary with those properties and by locating new development at a suitable distance away from this more sensitive boundary of the site. This again weighs in favour of the scheme.
- 9.3. Whilst the element of the development on open countryside will introduce new significant built form, the site is well screened by existing mature and established tree planting and other vegetation and views of this part of the site are limited from the public realm, consisting of longer and elevated views from the nearest public vantage points. The landscape and visual impacts are therefore judged to be of a localised nature only.
- 9.4. Other impacts including those upon highways, trees, ecology and archaeology are either judged to be acceptable or they can be mitigated to a satisfactory extent through the imposition of suitable planning conditions. In particular, the scheme sets out provision for BNG, despite it not being a mandatory requirement in this case, which also weighs in favour and alongside the economic benefits associated with the proposed development.
- 9.5. Whilst some conflict with the development plan is identified within this report, the proposals are otherwise considered to represent sustainable development and the benefits associated with this conflict are considered to be outweighed this conflict. As

no demonstrable harm is identified and technical constraints have been identified and addressed, the recommendation is for the grant of planning permission.

10.0 Draft Conditions

Pre-commencement conditions require agreement by the applicant. In any event it is good practice to share and agree all conditions where possible. The below list of conditions has been shared with the planning agent in advance of agenda print but these haven't yet been formally agreed. Some changes may be required, for example if phasing is required and a revised list of conditions will be provided for Members at committee if necessary.

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.

Pre-commencement conditions

02

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e. measures to control the emission of dust and dirt during construction;
- f. wheel washing facilities;
- g. hours/days of constructions; and
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

Part 1

No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains in sensitive areas, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording;
 3. Provision for site analysis;
 4. Provision for publication and dissemination of analysis and records;
 5. Provision for archive deposition; and
 6. Nomination of a competent person/organisation to undertake the work
- The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. 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 to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Part 3

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 archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Mitigation Strategy and Written Schemes of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and 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.

04

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A site investigation scheme, based on the Preliminary Geo-Environmental and Coal Mining Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework.

05

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

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- 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).
- 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.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

06

No construction works pursuant to the permission hereby given shall commence until the access as indicatively shown on 31310/AC/019 rev A is provided, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

07

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

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

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the protection of biodiversity interests.

08

Prior to the commencement of the approved development, a Landscape and Ecology Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years and implemented for 30 years);
- e. Identification of who will be responsible for implementing the LEMP; and
- f. A schedule for monitoring the implementation and success of the LEMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition. The approved LEMP shall then be implemented in accordance with the approved details therein.

Reason: To ensure the protection of biodiversity interests.

09

Prior to the commencement of the approved development an amended/updated Biodiversity Net Gain Report and accompanying Biodiversity Metric Calculation shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be implemented in accordance with the approved details.

Reason: To secure proposals for BNG as part of the development proposals and mitigate the impacts of the proposed development.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved DeltaSimons Flood Risk Assessment and Drainage Strategy dated December 2023 ref 87854.548836, 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:

- Include scaled drawings and sections as appropriate, in particular relating to the indicative SUDS basin
- 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 and NPPF Paragraph 169.

- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.
 - o No surcharge shown in a 1 in 1 year.

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 30 year and 1 in 100 year plus climate change return periods.

o No flooding shown in a 1 in 30 year.

o For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of 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 effectiveness.

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.

Prior to Occupation/first Use

11

Notwithstanding the submitted version, which is not approved, no part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanisms) to promote travel by sustainable modes which are acceptable to the local planning authority and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance

with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the potential for sustainable transport movements is secured.

12

No part of the development hereby approved (except the pylon training facility) shall become first operational until a 1.8m high acoustic fence has been installed along the perimeter boundary of the properties with Kelsey Avenue, the details and precise location of which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with the submission, in particular the noise assessments and technical note at 3.2.3 undertaken by WSP.

13

No part of the development hereby approved shall become first operational until such time as an updated Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall agree matters such as typical hours of operation and mitigation measures that will be put into place for when operations that have been identified within the updated Noise Assessment (dated 1st July 2024 by WSP) as potentially problematic such as grinding take place. The agreed mitigation measures shall thereafter be implemented on site.

Reason: In the interests of residential amenity and to accord with the submission.

14

Prior to first occupation of the development hereby permitted, 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. 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.

Reason: In the interests of visual and residential amenity.

15

Prior to the development being first brought into use, details of an internal signage scheme directing visitors to parking arrangements (including the overflow parking area) shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall be made available for use prior to the development being first brought into use and shall thereafter be retained for parking for the lifetime of the development.

Reason: To ensure that the development provides sufficient parking in the general interests of highway safety.

16

No part of the development hereby permitted shall be occupied, until the 20m buffer zone and planting area as show on Drawing No. 117-GTH-01-ZZ-DR-A-2011 (Rev E) adjacent to the boundary with Kelsey Avenue is established, after which it shall be maintained in perpetuity. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

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

Compliance Conditions

17

Notwithstanding the requirement of condition 16, the approved soft landscaping as shown on the following drawings:

Indicative Plant Schedule (1000 Rev PL02)

Soft Landscape General Arrangement Plan – Sheet 1 (1001 Rev PL02)

Soft Landscape General (1002 PL02)

Arrangement Plan – Sheet 2 (1002 PL02)

Soft Landscape General Arrangement Plan Sheet 3 (1003 REV PL02)

Soft Landscape General Arrangement Plan Sheet 4 (1004 REV PL02)

Soft Landscape General Arrangement Plan Sheet 5 (1005 REV PL02)

Soft Landscape General Arrangement Plan Sheet 6 (1006 REV PL02)

Soft Landscape General Arrangement Plan Sheet 7 (1007 REV PL02)

Soft Landscape General Arrangement Plan Sheet 8 (1008 REV PL02)

Soft Landscape General Arrangement Plan Sheet 9 (1009 REV PL02)

Soft Landscape General Arrangement Plan Sheet 10 (1010 REV PL02)

Soft Landscape General Arrangement Plan Sheet 11 (1011 REV PL02)

Soft Landscape General Arrangement Plan Sheet 12 (1012 REV PL02)

Soft Landscape General Arrangement Plan Sheet 13 (1013 REV PL02)

shall be completed during the first planting season following the first occupation/use of the development, 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 next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

18

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987 (as amended) the Tunelling building (Building 9 on the site plan) to remain on site, shall only be used for storage purposes.

Reason: In the interests of residential amenity and to accord with the submission, in particular the noise assessments undertaken by WSP.

19

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

Reason: In the interests of visual amenity.

20

All gates including the pedestrian gates as indicated on drawing number 31310/AC/019 rev A shall be kept fully open during business hours.

Reason: In the interests of highway and pedestrian safety.

21

The external lighting permitted by this permission shall only be illuminated during the operational hours of the premises to which it relates.

Reason: In the interests of visual and residential amenity.

22

During the construction period the following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- 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.

- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

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

23

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

Site location Plan (117-GTH-01-ZZ-DR-A-2001 Rev A)
Site Plan Proposed (117 GTH 01 ZZ DR A 2011 REV E)
Site Plan Proposed Office Area (117 GTH 01 ZZ DR A 2012 REV P)
Site Plan Proposed Workshop Area (117 GTH 01 ZZ DR A 2013 REV B)
Site Plan External Finishes Plan (117 GTH 01 ZZ DR A 2014 REV A)
Site Sections 1 (117GTH 01 ZZ DR A 2051)
Site Sections 2 (117 GTH 01 ZZ DR A 2052)
Site Sections 3 (117 GTH 01 ZZ DR A 2053)
Site Sections 4 (117 GTH 01 ZZ DR A 2054)
Site Sections 5 (117 GTH 01 ZZ DR A 2055)
Site Sections 6 (117 GTH 01 ZZ DR A 2056)
Elevations (117 GTH 02 GF DR A 2111 REV B)
Illustrative Elevations (117 GTH 02 GF DR A 2112 REV B)
Typical Training Pylon Elevation (117 GTH 01 ZZ DR A 2070)
GA PLAN, GROUND FLOOR (117 GTH 02 00 DR A 2100 REV B)
GA PLAN, FIRST FLOOR (117 GTH 02 00 DR A 2100 REV B)
GA PLAN, ROOF PLAN (117 GTH 02 02 DR A 2102 REV A)
GA PLAN, GROUND FLOOR (117 GTH 03 GF DR A 2200 REV A)
GA PLAN, FIRST FLOOR (117 GTH 03 01 DR A 2201 REV A)
GA PLAN, ROOF PLAN (117 GTH 03 02 DR A 2203 REV A)
GA PLANS, GROUND AND FIRST FLOOR (117 GTH 03 ZZ DR A 2202 REV A)
OLLERTON WORKSHOP, ELEVATIONS (117 GTH 03 ZZ DR A 2211 REV A)
OLLERTON WORKSHOP, ILLUSTRATIVE ELEVATIONS (117 GTH 03 ZZ DR A 2211 REV A)
OLLERTON WORKSHOP SECTIONS (117 GTH 03 ZZ DR A 2212 REV A)
OLLERTON GATEHOUSE, GA PLAN, GF (117 GTH 04 GF DR A 2300)
OLLERTON GATEHOUSE, SECTIONS (117 GTH 04 ZZ DR A 2310)
OLLERTON TRAINING VIEWING AREA, PLAN (117 GTH 05 ZZ DR A 2400)
OLLERTON TRAINING VIEWING AREA, ELEVATIONS (117 GTH 05 ZZ DR A 2411)
ILLUSTRATIVE LANDSCAPE MASTERPLAN (5000 REV PLO2)
LANDSCAPE SECTIONS (8001 REV PLO2)
INDICATIVE SITE ACCESS (31310/AC/019 & 020)

Reason: So as to define this permission.

24

Classroom training shall only take place in the areas as defined on drawing number 117-GTH-02-00-DR-A-2100 rev B.

Reason: To ensure that the development accords with the highway assessments, in the interests of highway capacity and safety.

Informatives

01

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

02

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

03

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk

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

The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 189), 'where a site is affected by End 3 contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.

Model Procedures and good practice

We recommend that developers should:

- Follow the risk management framework provided in LCRM – Land Contamination Risk Management when dealing with land affected by contamination.

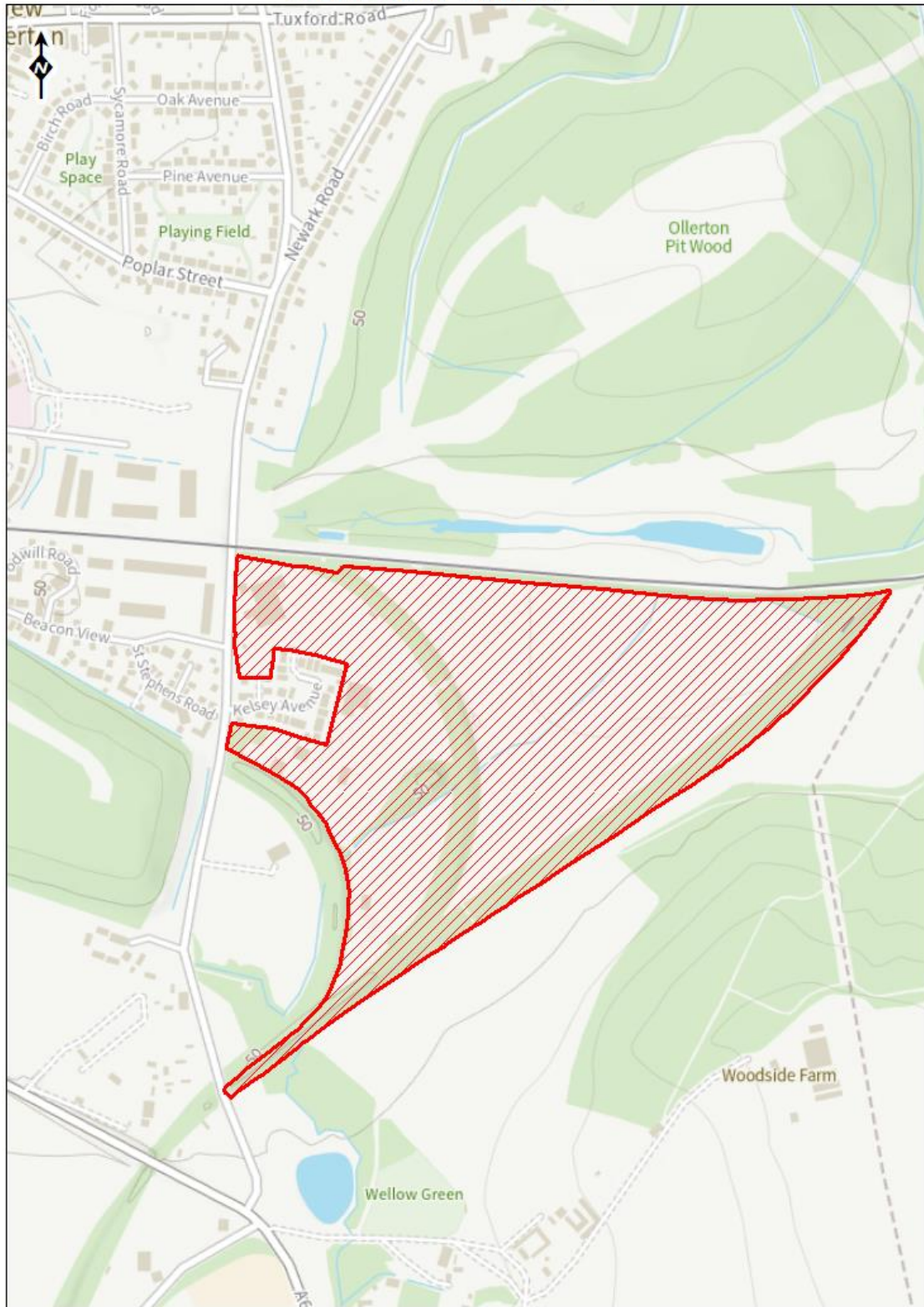
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information. 'The Environment Agency's approach to groundwater protection' We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:
 - Waste management
 - Discharge of liquid effluents
 - Land contamination
 - Ground source heat pumps
 - Cemetery developments
 - Drainage

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.

Committee Plan - 24/00618/FUL



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PLANNING COMMITTEE – 3 OCTOBER 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 quoting the relevant application number.

Oliver Scott
Acting Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 23 August and 24 September 2024)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/W/24/3348128 23/02283/OUT	Land Off Great North Road South Muskham	Outline application for four dwellings with all matters reserved except access.	Written Representation	refusal of a planning application
APP/B3030/D/24/3348239 24/00637/HOUSE	Ivy Cottage Main Street Norwell Newark On Trent NG23 6JN	Replace existing garden shed with wooden store	Fast Track Appeal	refusal of a planning application

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
22/00976/FULM Field Reference Number 2227 Hockerton Road Caunton	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure.	Hearing 5 November 2024	Honor Whitfield
22/00975/FULM Land At Knapthorpe Lodge Hockerton Road Caunton	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure.	Hearing 5 November 2024	Honor Whitfield

<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>Hearing 08 November 2024 – *Note - This date is currently being negotiated</p>	<p>Richard Marshall</p>
<p>Without planning permission, "operational development" consisting of works and alteration to existing buildings, comprising of::</p> <ul style="list-style-type: none"> -The insertion of 3 rooflight windows (figures 1 & 2 within Appendix 1). -The installation and creation of a glazed openings and door (figure 3 within Appendix 1). -The application of horizontal timber cladding (figure 5 within Appendix 1). -The installation of a glazed window opening and the bricking up of an existing door opening (figure 6 within Appendix 1). - The fixing of rainwater goods to the building. Building B (outlined in blue on plan 2) -The insertion of 2 rooflight windows (figure 9 within appendix 1). -The erection of "dwarf" brick walls within two of the openings to the front of the building (figure 10 within appendix 1). -The fixing of rainwater goods to the building. Building C (outlined in orange on plan 2) -The insertion of 2 rooflight windows -The erection of a dwarf wall and capping to the eastern gable end of Building C, (figure 11 within appendix 1). -The fixing of rainwater goods to the building. Courtyard (identified within an X on Plan 2). -Erection of brick walls (including "well" type construction) and a pole (figures 12 & 13 within appendix 1). -The creation of a hard surface comprising of slabs and crush stone (highlighted in green on plan 2). 			
<p>22/00360/TPO</p>	<p>Undertake work to Cedar tree identified as T5 protected under TPO N282: T5 Cedar as identified on schedule attached to N282. Remove tree.</p>	<p>Hearing – to be confirmed</p>	<p>Sean Davies</p>

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

PLANNING COMMITTEE – 3 OCTOBER 2024

Appendix B: Appeals Determined (between 23 August and 24 September 2024)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00056/ENFB	The Magnolias Ricket Lane Blidworth NG21 0PF	Without planning permission, development consisting of the erection of a boundary treatment/means of enclosure (as shown within photographs 1 and 2)			Appeal Dismissed	29th August 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R84INYLBOFL01						
23/00073/ENFB	2 St Marys Drive Edwinstowe NG21 9LY	Without planning permission, operational development consisting of the erection of a single storey rear extension (as shown within photographs 1 and 2 and identified with an X on Plan A).			Appeal Dismissed	11th September 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0TGL9LB0FL01						
22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	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).			Appeal Allowed	2nd September 2024
Click on the following link to view further details of this application: https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3RKNDLB0FL01						

22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	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);			Appeal Allowed	2nd September 2024
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3RLL3LB0FL00>

23/00776/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Outdoor swimming pool, spa, raised platform area and retaining walls, balustrading and 2 pagodas (retrospective).	Delegated Officer	Not Applicable	Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BGLLBIGD00>

23/00775/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Erection of a summer house, installation of soft matting, service shed and timber shed (retrospective).	Delegated Officer	Not Applicable	Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BG1LBIGB00>

23/00774/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Reconfiguration and landscaping of patio area including construction of retaining walls, pagoda, pergolas and sun pod (retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:
<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BFILBIG900>

23/00773/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Erection of outdoor gym building (retrospective)	Delegated Officer	Not Applicable	Appeal Allowed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BERLBIG700>

23/00772/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Erection of a car port (part retrospective)	Delegated Officer	Not Applicable	Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BE7LBIG500>

23/00771/HOUSE	Fernhill Hoveringham Road Caythorpe NG14 7EE	Installation of security cameras (retrospective)	Delegated Officer	Not Applicable	Appeal Allowed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RU5BD4LBIG300>

22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	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)			Appeal Allowed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3RLU9LB0FL00>

22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	Without planning permission, "operational development" consisting of the erection of a raised "platform" area, occupying approximately 348 sqm finished using timber cladding and containing a swimming pool measuring approximately 11m by 3m, set into the raised platform described above and a smaller 3m by 1.8m "spa" pool to the rear of the larger pool.			Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3RM2SLB0FL01>

22/00393/ENFB	Fernhill Hoveringham Road Caythorpe NG14 7EE	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)			Appeal Dismissed	2nd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S3RM7MLB0FL00>

23/01614/S73	Forest Farm House Mansfield Road Farnsfield NG22 8JB	Application for variation of condition 02 to add first floor link, change roof layout, remove dormers and rooflights and add through-route archway attached to planning permission 23/00107/FUL.	Delegated Officer	Not Applicable	Appeal Allowed	18th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0TPJILBKEX00>

22/02430/FUL	Land Off Sand Lane Spalford	Provision of two new Live/work Dwellings including a separate building containing detached work spaces and under cover parking.	Delegated Officer	Not Applicable	Appeal Dismissed	17th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RN5DXYLBGDK00>

23/00839/CPRIOR	Honey Lane Farm Honey Lane Farndon	Notification for Prior Approval for a Proposed Change of Use of Agricultural Buildings to 5 Dwellinghouses and for Associated Operational Development	Delegated Officer	Not Applicable	Appeal Dismissed	20th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RUR8DJLBIMM00>

23/01578/FUL	The Acre Main Street Bleasby NG14 7GH	Erection of 1 dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	23rd September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0ILKDLBKBF00>

23/01119/FUL	Aubourn Firewood Ltd Chase Holt Farm Sand Lane Besthorpe	Proposed new office building, car parking area and repositioning of bio-mass boiler.	Delegated Officer	Not Applicable	Appeal Dismissed	29th August 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RX0NGGLB0FK00>

23/01092/FUL	Paddock Land Southwell Road Kirklington	Erection of storage barn	Delegated Officer	Not Applicable	Appeal Dismissed	29th August 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWPMZ3LBJ8A00>

23/01296/FUL	Field Reference Number 9208 Moor Lane East Stoke	Demolition of existing stable block and replacement with dwelling including new vehicular access.	Delegated Officer	Not Applicable	Appeal Allowed	29th August 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYATH0LBJOT00>

23/02101/FUL	Land Off Main Road Boughton	Erection of 4No. semi detached dwellings with associated parking and landscaping works (resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	12th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S4U8BZBLK200>

23/01432/FUL	Annexe 16 Mansfield Road Clipstone NG21 9EH	Change of use of annex to use as separate dwelling (not ancillary to existing dwelling) (retrospective). Erection of fence	Delegated Officer	Not Applicable	Appeal Dismissed	18th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RZDBI6LBJZD00>

23/01584/FUL	Beck House Station Road Edingley NG22 8BX	Proposed Detached Two Bed Dwelling	Delegated Officer	Not Applicable	Appeal Allowed	23rd August 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S0KJ19LBKC600>

23/01381/FUL	Blue Bell Farm Great North Road Weston Newark On Trent NG23 6SZ	Erection of holiday accommodation	Delegated Officer	Not Applicable	Appeal Not Determined	20th September 2024
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Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYUYC1LBJV100>

Legal Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Oliver Scott
Acting Business Manager – Planning Development