



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Wednesday, 5 March 2025

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

Members of the Committee:

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

**Councillor P Rainbow
Councillor S Saddington
Councillor M Shakeshaft
Councillor T Smith
Councillor L Tift
Councillor T Wildgust**

MEETING:	Planning Committee
DATE:	Thursday, 13 March 2025 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, 13 February 2025 at 4.00 pm.

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

Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor K Melton, Councillor E Oldham, Councillor P Rainbow, Councillor M Shakeshaft and Councillor L Tift

ALSO IN ATTENDANCE: Councillor N Allen and Councillor I Brown

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

106 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.

107 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

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

108 MINUTES OF THE MEETING HELD ON 16 JANUARY 2025

AGREED that the minutes from the meeting held on 16 January 2025 were agreed as a correct record and signed by the Chair.

109 LAND AT YORKE DRIVE AND LINCOLN ROAD PLAYING FIELD, LINCOLN ROAD, NEWARK ON TRENT - 22/01528/RMAM

The Committee considered the report of the Business Manager – Planning Development, which sought reserved matters approval comprising the erection of 207 dwellings including relevant demolition, landscaping and car parking, with new pavilion sports pitches, associated landscaping and associated car parking pursuant to outline planning permission 22/00426/S73M; (redevelopment of parts of the Yorke Drive Estate).

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 Pegasus Group.

Mr C Calvert, agent for the applicant, spoke in support of the application.

Members whilst considering the application sought clarification on the parking arrangement for the leisure facility and whether that was sole use. Clarification was also sought regarding whether the leisure facility was doubling up as a community centre and whether a height barrier was required. The Director for Planning Growth confirmed that the leisure facility would be multi-functional and the car park was for sole use of that facility. The car park barrier needed to be part of the management regime, which could be included in that part of the conditions.

Clarification was sought whether there was any other provision for sport other than football. The Director for Planning Growth confirmed that the cricket pitch had been relocated and Sports England were aware of the pitch provision. The Council had a play pitch strategy and facilities plan and therefore through a Section 106, this could be pursued for further enhancement. It was also confirmed that every dwelling had an electric vehicle charging point and three charging points in the leisure facility car park.

A Member suggested that there was a recreational opportunity around the playing facilities and cycle routes and asked if this could be looked at in greater detail through the active travel plan for cycle routes.

Director for Planning Growth confirmed that there was renewable energy in the new developments. Heat pumps and some solar panels would be installed on suitable roofs within the development.

A Member raised concerns about the loss of trees and sought clarity on tree planting and requested further details regarding the new trees to be planted.

The Director for Planning Growth confirmed the location and type of trees to be planted were detailed on the approved landscape masterplan but generally, trees would be replaced on (at least) a two for one basis.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and the amendment to the conditions as detailed in the schedule of communication, including the inclusion of a car parking barrier at the leisure facility, in the management and maintenance regime.

110 OLLERTON HALL, MAIN STREET, OLLERTON - 25/00048/S73

The Committee considered the report of the Business Manager – Planning Development, which sought a variation of Condition 18 (approved plans) attached to planning permission 22/00852/FUL for change of use and conversion of the hall to new residential apartments with new bin and cycle store. The quantum of residential units would change from eight to ten.

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 Planning Case Officer and Ollerton and Boughton Town Council. An amendment to the lime pointing condition was proposed to change it from a pre-commencement condition.

The Business Manager – Planning Development discussed the poor condition of the building and some of the significant structural works required to make the building secure. Consideration was given to the need to make pragmatic changes to the building to ensure its long-term preservation. The Business Manager – Planning Development advised that the changes to the apartments were fairly minor and did not harm the significance of the listed building.

Members considered the application and welcomed the proposed amendments. It was felt that the changes within the building reflected the history of the building, the area and the community. The addition of two further flats was considered acceptable.

In answer to a Member question regarding the maintenance of the grounds, the Business Manager – Planning Development confirmed that the owner would retain ownership of the building and maintain the grounds. There was also a mechanism to maintain a space through a maintenance service charge. He confirmed that the Partner had always been sensitive to the maintenance of the grounds and the Council had ways to address those concerns.

AGREED (unanimously) that Planning Permission be approved subject to the conditions contained within the report and the amendment to Condition 06 as detailed in the schedule of communication.

Councillor E Oldham left the meeting at this point.

111 GREAT NORTH ROAD SOLAR PARK - UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development, which provided an update on the current statutory consultation for the GNR NSIP Project, which remained at the pre-application stage, but for which the applicant was currently undertaking their statutory consultation for the project. The statutory consultation period for the GNR project commenced on the 9 January and ran until the 20 February 2025. Further information on the applicant's consultation was provided in the report.

Members were asked to highlight any key areas of concern, to be considered by officers in formulating the Council's formal response to the statutory consultation. This could be done in the meeting or after the meeting until close of business, 14 February 2025.

The following comments were raised:

Cumulative impact and agricultural land, tying up prime agricultural land was of real concern in a rural community. The district was a hub magnet for this, and residents had problems with this, irrespective of this being renewable energy.

Concern was raised that the district was acting in a national capacity for energy supply. The whole country would benefit from this, which was considered like the past with coal. It was questioned what the actual benefit was for the district in relation to the huge loss of amenity. It was felt that the district needed huge investment to improve its water structure, this could be achieved through long term investment to bring the drainage and sewage works back to standard.

The Planning Committee Chair asked for the Council's formal response to be forwarded to him and the Planning Committee Vice-Chair for final sign off.

AGREED that:

- (a) the report be noted;
- (b) the Council's formal response be forwarded to the Planning Committee Chair and Vice-Chair for final sign off.

112 APPEALS LODGED

The Business Manager – Planning Development informed the Committee that the address was not included in the report for enforcement reference: 23/00013/ENFNOT, the address was confirmed as Yew Tree Way, Coddington.

AGREED that the report be noted.

113 APPEALS DETERMINED

AGREED that the report be noted.

114 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Business Manager – Planning Development updating Members as to the activity and performance of the planning enforcement function over the third quarter of the current financial year.

The report provided Members with examples of cases that had been resolved, both through negotiation and via the service of notices and provided detailed and explanations of notices that had been issued during the period covered 1 October 2024 – 31 December 2024.

AGREED that the contents of the report and the ongoing work of the planning enforcement team be noted.

Meeting closed at 6.13 pm.

Chair



Report to Planning Committee 13th March 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Ellie Sillah - Senior Planner

Report Summary			
Application No.	24/01714/FULM		
Proposal	Erection of buildings for industrial purposes following demolition with associated landscaping, car and cycle parking, pedestrian and vehicular accesses.		
Location	Clipstone Holding Centre, Mansfield Road, Clipstone		
Applicant	Newark Sherwood District Council - Mr Dennis Roxburgh	Agent	RG+P - Mr Jack Whitehead
Web Link	24/01714/FULM Erection of buildings for industrial purposes following demolition with associated landscaping, car and cycle parking, pedestrian and vehicular accesses. Clipstone Holding Centre Mansfield Road Clipstone		
Registered	10.10.2024	Target Date:	09.01.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0.		

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

1.0 The Site

1.1 This application relates to land to the south of Mansfield Road, Clipstone. The site was previously in use as an industrial complex with various industrial buildings/warehouses on the site. The site is not currently in use and only two buildings remain which are located to the south-east side and are large industrial warehouse style buildings. The majority of the site is laid to hard surfacing.

- 1.2 To the north of the site, beyond the earth bund and line of tall mature trees forming the site boundary and across the highway, are residential properties. Residential development also lies to the west of the site, an industrial site lies to the east and a woodland associated with Vicar Water Country Park lies to the south where the land level gently rises.
- 1.3 It is understood that the site was formerly the train yard for the Clipstone colliery, for which the old power house and headstocks (Grade II listed, ref. 1380235) still stands to the east of the site. The spoils tip for the colliery lies directly to the south (the Country Park). The site also lies within the setting of the Clipstone Colliery Village which is an identified Non-Designated Heritage Asset (HER ref: M17389).
- 1.4 Clipstone Holdings is located within 2km of three statutory and 13 non-statutory ecological sites, including Vicar Water Nature Reserve (including Local Wildlife Site (LWS)), Clipstone Heath SSSI and Sherwood Forest Golf Course SSSI.
- 1.5 The site lies within the urban boundary of Clipstone but outside of the defined local centre) and within the Mansfield Fringe Area.



2019 Aerial Image of the Site (when the site was last in use)

- 1.6 The site has the following constraints:
- Location adjacent to existing residential, industrial and recreational uses.
 - Location adjacent to existing Nature Reserve/LWS
 - Existing Trees
 - Location close to Grade II Listed Clipstone Headstocks and Power House
 - Location within the setting of the NDHA Clipstone Colliery Village
 - Coal Authority: Development High Risk Area as defined by the Coal Authority

2.0 Relevant Planning History

- 2.1. 65840485 – Coal Board Machinery Maintenance Building – Permitted 12.07.1984
- 2.2. 65861291CM – New Stores Building – Permitted 24.02.1987
- 2.3. 02/00776/ADV – Installation of an entry sign – Permitted 11.06.2002

- 2.4. 00/00571/FULR3 - Office accommodation to replace existing temporary accommodation – Permitted 18.08.2000
- 2.5. 01/00504/OUT – Use of site for industrial use - B1/B2/B8 and residential – Permitted 20.12.2002
- 2.6. 03/02816/OUT - Use of site for industrial use - B1/B2/B8 and residential - Variation of outline consent 01/00504/OUT – Permitted 16.06.2004
- 2.7. 03/02925/RMAM - Construction of 74 dwellings with associated roads and sewers – Permitted 07.07.2004 (appears only to relate to the residential portion of the outline permissions listed above).

3.0 The Proposal

- 3.1 The application seeks planning for the redevelopment of this site and construction of industrial units (for B2¹ use). The proposed plans have been revised throughout the lifetime of the application to address concerns from NCC Highways.
- 3.2 The site plan shows 8 blocks of development, comprising 30 units, arranged around a spine road providing access to each block. The table below indicates how the blocks would be subdivided to accommodate 30 units with a combined Gross Internal Area (GIA) of 4,551.8m² and the plan below shows how the units would be arranged around the site:

Block	GIA (m2)	GIA (ft2)	Unit 1	Unit 2	Unit 3	Unit 4
Block A	650.0	7000	1	0	0	2
Block B	650.0	7000	8	0	0	0
Block C	464.6	5000	0	1	0	1
Block D	557.4	6000	1	1	0	1
Block E	557.4	6000	6	0	0	0
Block F	464.6	5000	0	0	2	0
Block G	464.6	5000	0	0	2	0
Block H	743.2	8000	0	4	0	0
Total	4551.8	49000	16	6	4	4
Mix	-	-	53.33%	20.00%	13.33%	13.33%

¹ General Industrial - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste).



Proposed Site Plan 102-450/(P)102A

- 3.3 Four different unit sizes have been proposed shaded in yellow, pink, orange and blue on the proposed site plan above with GIAs as follows:
- Yellow: 92.9m²
 - Pink: 185.8m²
 - Orange: 232.3m²
 - Blue: 278.7m²
- 3.4 The units are shown as two storey buildings with pitched roofs, gable ends and the use of glazing, rooflights and roller shutter doors. The maximum height of any building on the site would be 8.5m (6.2m to the ridge). All units would have Solar PV panels. Materials proposed include Corten steel cladding, red/orange bricks, RAL 2013 (burnt orange) windows, doors and RWGs and off-black powder coated steel cladding, black/grey brick panels and RAL 9004 windows, doors and RWGs.
- 3.5 The proposal also includes an environmental strategy including the incorporation of solar panels, landscaping and greenery to increase biodiversity, permeable surfacing in parking areas to reduce surface water run-off into storm drains and cycle stores to promote sustainable travel.
- 3.6 Access would be provided by the existing access into the site off Mansfield Road. The site plan also shows areas for onsite parking (84 spaces (14 EV charging spaces), 6 motorbike and 30 cycle spaces).



Indicative Proposed Visuals

3.7 Documents assessed in this appraisal (plans in red text to be updated):

Document Title	Reference	Date Deposited
Application Form		27.09.2024
Arboricultural Method Statement		27.09.2024
Arboricultural Survey		27.09.2024
Archaeology Desk Based Assessment & Heritage Statement		27.09.2024
Biodiversity Metric Calculation Tool		27.09.2024
Biodiversity Net Gain Assessment		27.09.2024
Coal Mining Risk Assessment		27.09.2024
Design And Access Statement		27.09.2024
Ecological Impact Assessment		27.09.2024
Environmental Noise Assessment Report	BSP Consulting, dated Aug 2024	27.09.2024
Flood Risk Assessment And Drainage Strategy		27.09.2024
Framework Travel Plan	210961-02B	05.02.2025
Phase 1 Geo-Environmental Report		30.01.2025
Phase 2 Site Investigation		27.09.2024
Ground Gas Risk Assessment	Solmek, dated 06.09.2022	12.11.2024
Transport Assessment	210961-01B	05.02.2025

Asbestos Consignment Notice		30.01.2025
Waste Carrier Registration Certificate		30.01.2025
Plans		
Site Location Plan	102 450 P 100	27.09.2024
Existing Site Plan	102 450 P 101	27.09.2024
Proposed Site Plan	102 450 P 102 REV B	11.12.2024
Arboricultural Impact Assessment	102 450 P 102 REV A	27.09.2024
Tree Protection Plan	102 450 P 102 REVA	27.09.2024
Material Distribution Plan	102 450 P 103 REV B	27.09.2024
Refuse And Cycle Strategy	102 450 P 104 REV B	27.09.2024
Roof Plan	102 450 P 105 REV B	27.09.2024
Boundary Treatment	102 450 P 106 REV B	27.09.2024
Existing Street Scenes	102 450 P 110	27.09.2024
Existing Street Scenes	102 450 P 111	27.09.2024
Proposed Street Scenes	102 450 P 112	27.09.2024
Proposed Street Scenes	102 450 P 113	27.09.2024
Proposed Street Scenes	102 450 P 114	27.09.2024
Block A Floor Plan and Elevations	102 450 P 200	27.09.2024
Block B Floor Plan and Elevations	102 450 P 210	27.09.2024
Block C Floor Plan and Elevations	102 450 P 220	27.09.2024
Block D Floor Plan and Elevations	102 450 P 230	27.09.2024
Block E Floor Plan and Elevations	102 450 P 240	27.09.2024
Block F Floor Plan and Elevations	102 450 P 250	27.09.2024
Block G Floor Plan and Elevations	102 450 P 260	27.09.2024
Block H Floor Plan and Elevations	102 450 P 270	27.09.2024
Refuse And Cycle Stores and Substation Plans and Elevations	102 450 P 280	27.09.2024
Detailed Landscape Proposals Sheet 1 of 2	1234 L D PL 201 REV V1	27.09.2024
Detailed Landscaping Proposals Sheet 2 of 2	1234 L D PL 202 REV V1	27.09.2024
Indicative Landscape Strategy	1636 L D PL 200 REV V3	27.09.2024
Detailed Soft Landscape Proposals	1636 L D PL 300 REV V1	27.09.2024
Proposed External Lighting Layout	5022933 RDG XX XX D E 906001 REV P03	27.09.2024
Private Drainage Layout	MRCL BSP ZZ ZZ D C 0240 REV P04	27.09.2024

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 34 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visit undertaken on: 18.10.2024

5.0 **Planning Policy Framework**

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

Spatial Policy 1 – Settlement Hierarchy
 Spatial Policy 2 - Spatial Distribution of Growth
 Spatial Policy 6 - Infrastructure for Growth
 Spatial Policy 7 - Sustainable Transport
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 7 – Tourism Development
 Core Policy 8 – Retail & Town Centres
 Core Policy 9 – Sustainable Design
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment
 MFAP1 – Mansfield Fringe Area

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM3 – Developer Contributions
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment
 DM10 – Pollution and Hazardous Substances
 DM11 – Retail and Town Centre Uses
 DM12 – Presumption in Favour of Sustainable Development

5.3. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation and has subsequently been examined in November 2024, the Council are awaiting the Inspector's report. 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 2024 (NPPF)
 Planning Practice Guidance (online resource)
 Newark and Sherwood Developer Contributions & Planning Obligations SPD (Dec 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. **NCC Highways – Comments received on 26.02.2025 in relation to Revised Site Plan reference 102-450/(P)102A** (Summary) - The TA includes swept path plots for HGV movements within the site. These demonstrate that articulated HGVs (and therefore smaller vehicles) can enter, turn within, and leave the site in forward gear. Having regard to this and given that the site layout revisions have addressed the more significant issues previously raised by the highway authority the highway authority could not sustain an objection to the current site layout proposals.
- 6.2. Further details are required to satisfy the highway authority that the site access arrangements will incorporate safe and convenient provision for pedestrians rather than, as currently proposed, being detrimental to pedestrian safety and accessibility. The highway authority therefore recommends that this planning application should not be determined until the applicant has satisfactorily addressed the above issues. The highway authority will comment again following receipt of further information.
- 6.3. *Further discussion has taken place with NCC Highways to resolve the above – this is discussed in the Impact on Highway section of the report.*
- 6.4. **The Coal Authority** – No objection subject to conditions.
- 6.5. **Lead Local Flood Authority** – Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application which was received on the 11/27/2024. Based on the submitted information we have no objection to the proposals and can recommend approval of planning subject to conditions.

Town/Parish Council

- 6.6. **Clipstone Town Council** – No objection.

Representations/Non-Statutory Consultation

- 6.7. **NSDC Conservation Officer** – No objection subject to conditions.
- 6.8. **LCC Archaeology** – On balance there is considered to be very low to negligible archaeological potential within the site boundary and no further action is required in respect to this matter.
- 6.9. **Nottinghamshire County Council Planning Policy** – No objection, request financial contribution for bus stop improvements.
- 6.10. **NSDC Planning Policy** – Support the proposal.
- 6.11. **NSDC Environmental Health** – No objection subject to conditions.
- 6.12. **NSDC Contaminated Land** – The Phase 1 Geo-Environmental Report by William Saunders (Dec 24) has been updated to reflect the proposed development and now has no planned residential properties, some of the risks have therefore been revised down. In addition, consignment notes have been provided for removal of asbestos from site.

There remains the requirement for additional sampling and completion of ground gas monitoring amongst other matters discussed in my memo dated 15/10/24.

- 6.13. **NSDC Ecologist** – The proposal has been supported by an appropriate ecological assessment covering habitats and species and significant harmful impacts would be avoided. Therefore, I would consider the proposal complies with the requirements of Policy DM5 in relation to ecology matters.
- 6.14. Although the submitted BNG calculation is incorrect I consider that when amended, the calculation will still show a measurable net gain for biodiversity. If measures to mitigate potential impacts on the nearby designated Local Wildlife Sites, and European hedgehog, badger, bats and amphibians, reptiles, breeding bird and fox, are implemented via a Construction and Environment Management Plan (CEMP), and species specific measures in the form of some bat and/or bird boxes are provided, I would consider that the proposed development complies with matters concerning biodiversity within the NPPF, and relevant local planning policies DM5, DM7 and Core Policy 12. The CEMP could be secured via an appropriate pre-commencement planning condition. The provision of bat and/or bird boxes could also be secured via an appropriate planning condition based around the submission of an annotated plan.
- 6.15. **Comments have been received from 1 local resident that can be summarised as follows:**
- Concerns in relation to noise affecting nearby properties
 - Concerns regarding surface water flooding – has infiltration analysis been carried out?
 - Street lighting will cause overspill and become nuisance
 - Buildings will be overbearing
 - Development likely to lead to blocking of TV signals at adjacent properties

No further comments from third parties have been received to date.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Impact on the Character of the Area including Heritage Matters
- Impact on Residential Amenity
- Access and Highways Safety
- Impact on Ecology
- Land Contamination
- Flood Risk and Drainage
- Developer Contributions
- Other Matters

7.2. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the

Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF 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. As the application concerns designated heritage assets (listed building setting) section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the setting of listed buildings as 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 setting of a listed building, it must give that harm considerable importance and weight.

Principle of Development

- 7.4. The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The site lies within the urban boundary of Clipstone, which is identified as a Service Centre by Spatial Policy 1 (Settlement Hierarchy). Service centres act as a focus for service provision for a large local population and rural hinterland and Clipstone is classified as a service centre identified for regeneration by SP2 (Spatial Distribution of Growth). This means that within the urban boundary of Clipstone, the Council will seek to secure new employment opportunities and the regeneration of vacant land (inter alia).
- 7.5. Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy) sets out that within the urban boundaries of service centres, proposals will be supported for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant development plan policies.
- 7.6. This particular location is also identified as the Mansfield Fringe Area (policy MFAP1) where the Amended Core Strategy seeks to promote the Service Centres of Rainworth and Clipstone and the Principal Village of Blidworth as sustainable settlements for their residents, promoting new housing and employment opportunities and the provision of new community infrastructure appropriate to their size. This policy sets out that the Council will seek the redevelopment of key regeneration sites in the Mansfield Fringe Area to aid the development of the area.

- 7.7. Core Policy 6 (Shaping our Employment Profile) considers how the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities. This policy explains that most growth, including new employment development, will be provided at the sub-regional centre and that of a lesser scale directed to services centres to match their size, role and regeneration needs. This policy also supports the retention and safeguarding of employment land and sites where there is a reasonable prospect of them being required for that purpose.
- 7.8. The site is currently vacant and two former industrial/commercial buildings remain on site, albeit it is noted that the planning history for the site shows that outline permission was granted (but does not appear to have been implemented) for B1/B2/B8 uses. B1 (Business) use was revoked from 1 September 2020 with the new Use Class Order and has been replaced by the new Class E(g). B2 (General Industrial) and B8 (Storage and Distribution) remain valid uses classes.
- 7.9. This application proposes the redevelopment of the site for B2. Given the site is currently vacant, this proposal would present a regeneration opportunity of a former commercial/industrial site within a sustainable location identified for regeneration opportunities which would align with the aims and objectives of policies SP2, DM1 and MFAP1 as set out above. In terms of the scale of the development in relation to the size and location of the settlement and its status in the settlement hierarchy, it is noted that as an existing industrial site the principle of such a use has previously been found to be acceptable, but in any event, the scale of development is not considered to be excessive for this Service Centre location.
- 7.10. Overall, the principle of the proposed development in this location is considered to be acceptable given the existing and former uses of the site and that the proposal would align with the spatial strategy. However, this is subject to a site-specific assessment which will follow.

Impact on the Character of the Area and Heritage Matters

- 7.11. Core Policy 9 states that new development should 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. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF 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.
- 7.12. Given that the site is located within the setting of listed buildings and the Clipstone Colliery Village which is an NDHA, regard must also be given to the potential heritage impact of the development in accordance with Policy DM9 of the DPD and Core Policy 14 of the 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. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the NPPF.

- 7.13. The site was previously in use as an industrial complex with various vacant industrial buildings/warehouses (albeit only two of the larger buildings currently remain on site) - most of the land laid to hard surfacing. To the north of the site, beyond the earth bunds and line of tall mature trees forming the site boundary and across the highway, are residential properties. Residential development also lies to the west of the site, an industrial site lies to the east and a woodland associated with Vicar Water Country Park lies to the south where the land level gently rises.
- 7.14. It is understood that the site was formerly the train yard for the Clipstone colliery. The proposal would be situated in the vicinity of Clipstone Colliery headstocks and powerhouse, which is a Grade II Listed Building, and would also be situated opposite Clipstone Colliery Village which is considered an NDHA. The headstocks and powerhouse (Grade II) are the remains of a mid-20th century industrial complex associated with the development of coal mining in post-war England. The headstocks are landmark features as they dominate over the immediate colliery village and are also highly visible in the wider Sherwood Forest landscape.
- 7.15. Pre-dating the colliery, Vicars Water/Pond was created by the Duke of Portland in the 1870s as a fish pond and boating area. 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 complements and accentuates the building's prominence in the landscape.
- 7.16. 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 planned 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.

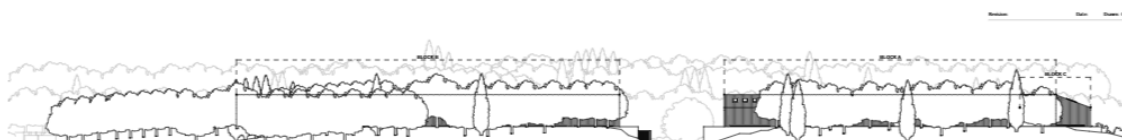


c.1955 National Grid Map [online] (National Library of Scotland)

- 7.17. Historically, the application site formed part of the railtrack leading to the colliery, however, the modern use of the site has eroded these tangible connections to the listed headstocks. The headstocks (Grade II), due to their dominant scale, have an

extensive setting and the development site forms part of the wider setting of this designated heritage asset. The colliery village, considered a NDHA, is also situated opposite the site. The site is visible in the foreground on the approach to the listed headstocks and views of some of the NDHA. Development on the site therefore has the potential to impact the setting of these heritage assets.

- 7.18. The proposal would involve demolition of the warehouse buildings currently on the site and replacement with new industrial units. The proposed site layout shows 8 blocks, with Block A & B parallel to the road and Block C-H orientated perpendicular to the roadside. The units are shown as two storey buildings with pitched roofs, gable ends and the use of glazing, rooflights and roller shutter doors. Taking reference from the local vernacular, materials proposed include Corten steel cladding, red/orange bricks, RAL 2013 (burnt orange) windows, doors and RWGs and off-black powder coated steel cladding, black/grey brick panels and RAL 9004 windows, doors and RWGs.
- 7.19. The proposed street scene extracts below show the boundary of the site with the highway is formed by an earth bund and a mature tree belt which contributes positively to the character and appearance of the area. Trees/vegetation also form the western and southern boundaries and assist in buffering the industrial site from the residential properties to the west and the transition with the country park to the south. To the east is an existing site in industrial use. The proposed show the existing trees and vegetation to be retained and enhanced around the perimeters of the site which is considered to be a positive element of the scheme given the vegetation around the site not only affords visual screening of the site but provide an important buffering function with the residential properties to the west (visual and acoustic) and transition with the country park to the south.



Proposed Highway Boundary Street Scene

- 7.20. In terms of scale and massing, the development would result in an increase in built form across the site when compared to when the site was last in operation. However, the development has been subdivided into a series of smaller blocks and arranged to respond to the site topography and context. It is noted that residential development exists to the north and west, however to the east of the site are large industrial buildings such that the proposed development would not be uncharacteristic for the immediate area, or indeed the site itself given large warehouse buildings are already present in the southeast corner. However, the retention of the boundary screening and use of smaller blocks of development are positive design elements of the scheme that assist in reducing the visual dominance of the development.
- 7.21. From a heritage perspective the Conservation Officer (CO) has advised that there are no concerns with a light industrial development situated on the site, which given the

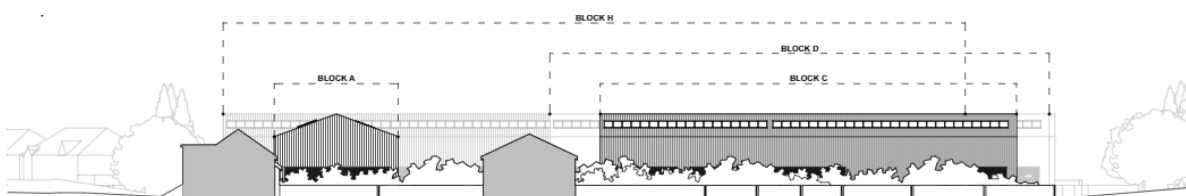
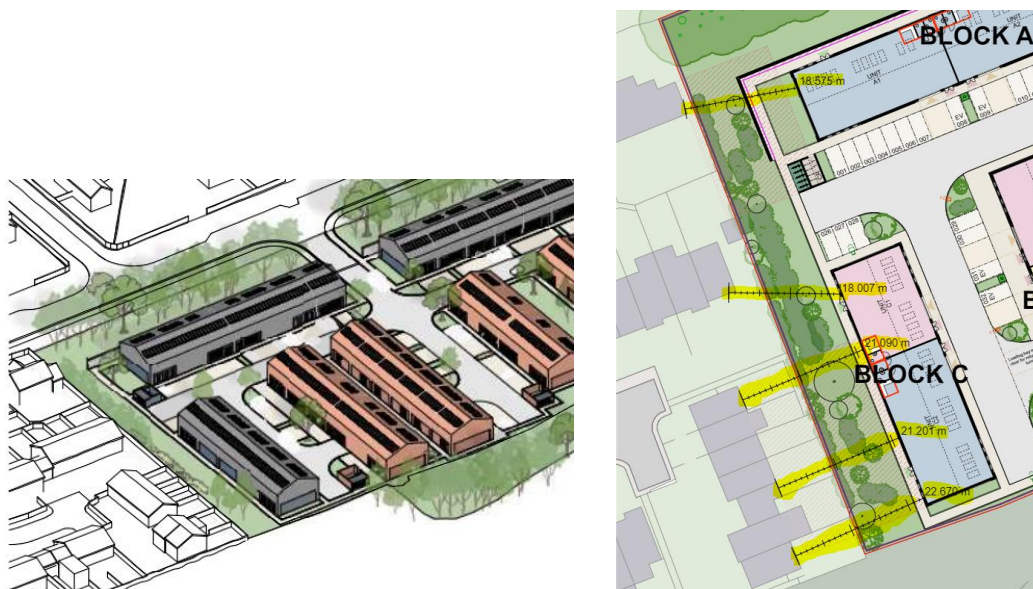
historic context, would not be completely out of character to the setting of the adjacent heritage assets.

- 7.22. The industrial units would be typical modern industrial blocks and would have a very uniform appearance. Whilst uniformity is often characteristic of industrial complexes, concerns were initially raised that the proposed scale of development could result in a monotonous and overbearing appearance to the site. However, the proposal has attempted to address this by using a variety of materials – Corten and black cladding – on different blocks. And the Design & Access Statement highlights how this would take cues from the mix of materials at the headstocks and powerhouse (Grade II), the principle of which is supported from a conservation and design perspective.
- 7.23. Nevertheless, the CO notes that the proposed use of different materials is quite regimented with the dark cladding being solely used on the perimeter buildings which the CO considers could result in a harsh visual impact on the setting of heritage assets, particularly the colliery village (non-designated heritage asset) in closer proximity to the development site. It has therefore been suggested that the application of the different materials is more varied within the site, for example some Corten and red-orange bricks used on the blocks along the perimeter of the site. It was also recommended that the solar panels proposed within the roofscapes utilise dark frames and installed on integrated or low-rise brackets to minimise their visual contrast and engineered appearance.
- 7.24. However, the agent has advised that the material approach has been carefully considered and the centralised Corten-type material is considered to be the most appropriate choice for the middle of the site to suit the site's context and functionality. The agent advises that due to the change in levels and the trees acting as a natural barrier between the site and Mansfield Road, there would be limited off-site views of the peripheral areas. Focusing the Corten-type material at the centre would result in a striking, visible feature from the main entrance, creating a distinct and cohesive focal point. The darker units positioned at the periphery *“serve to form a subtle shadow buffer, blending harmoniously with the surrounding environment. Differentiation in these areas is achieved through carefully designed brick panels and glazed fenestration, ensuring visual interest and architectural cohesion without detracting from the central hub”*. Officers note the rationale behind the design strategy, however equally note the conclusion of the CO that the proposal as submitted would result in harm to the setting of the colliery village as a non-designated heritage as it could result in an overbearing visual impact. The CO advises that on balance, it would not result in the total loss of significance of the colliery village and therefore assessing this harm requires a balanced judgement, in accordance with the NPPF.
- 7.25. Overall the CO has confirmed that the development would preserve the setting of the nearby listed building in compliance with s.66 of the Planning (Listed Building and Conservation Area) Act (1990) and whilst there would be a low level of harm on the setting of the adjacent colliery village as a NDHA, Officers consider, on balance, that the harm would not result in the loss of significance of the colliery village and would be outweighed by the benefits of bringing this site back into use to improve the overall character of the site, the economic benefits of the additional industrial units and employment opportunities that would arise as a result of the development.

- 7.26. The application has also been accompanied by an Archaeology Desk-Based Assessment and the Phase 1 Geotechnical Report (dated March 2022). This latter report included photographic evidence of the remediation taken in respect of the (coal mining) fissure identified on site. These have been reviewed by LCC's Archaeologist who has advised that, based on the site's use history and identification in the DBA and geotechnical report of made-ground between 1m to 2m, as well as the excavation associated with the capping of the fissure, and the potential for further remediation in respect of soil contamination, on balance there is considered to be very low to negligible archaeological potential within the site boundary and no further action is required in respect to this matter.
- 7.27. Overall, in light of the above conclusions and subject to conditions as recommended by the CO, the development is considered to accord with the policy and advice contained within CP9 and CP14 of the Amended Core Strategy, DM5 and DM9 of the ADMDPD and the provisions of the NPPF in this regard.

Impact on Residential Amenity

- 7.28. 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.
- 7.29. In terms of the impact on existing occupiers the nearest sensitive/residential receptors lie to the west of the site and would be adjacent to Blocks A and C (see plan extracts below). The proposed plans show the trees along the western boundary are to be retained and enhanced and the use of a buffer area between the proposed development and the closest elevations of the neighbouring properties. Separation distances would be approx. 22m where development would be rear-rear (in the case of Block C) and 18m where the development would be side-side or side-rear in the case of Block A and the northern end of Block C. The plan extracts below show the proposed relationships, an indicative 3D view and the site section along the western boundary for context:



Indicative 3D Proposed Image, Proposed Site Plan Extract and Proposed Section (W)

- 7.30. The retention and enhancement of the western boundary vegetation would assist in the visual screening of the development from the properties to the west, as well as acoustic buffering. Given the proposed separation distances and planting along this boundary Officers do not consider there would be any unacceptable overbearing or overshadowing affect as a result of the development. Furthermore, Block C is not proposed to have any windows at first floor on the rear elevation such that there would be no potential for overlooking impacts either.
- 7.31. On the eastern side of the site, Block H would be approx. 25m from the commercial building to the east. Given the degree of separation, orientation of the neighbouring building and nature of the use of the land to the east it is not considered that there would be any adverse overbearing, overshadowing, or overlooking impact in this direction as a result of the proposal. Properties to the northwest, across the highway, would also be sufficiently separated from the development and screened by the earth bund and boundary trees such that there would be no impact in this direction either.
- 7.32. Given the proximity of the site to residential properties to the north and west the application has also been accompanied by an Environmental Noise Assessment Report. The report explains that although generally considered a medium noise environment, noise generated by traffic travelling along Mansfield Road, located to the south, together with existing industrial premises to the west, forms a consistent background noise level across the site. The report considers noise from fixed plant but does not consider other potential noise sources that may be associated with the

type of industrial use and hours of operation.

- 7.33. The Council's Environmental Health Officer (EHO) has reviewed the report and advised that whilst it is understood that the site already has existing consent for B2/B8 (General Industrial/Storage or Distribution), in line with the acoustic report, when the details of any fixed plant intended to serve any proposed buildings have been finalised, this should be examined by an acoustic consultant to determine the noise impact and identify any noise control measures that may be necessary. The EHO has advised that given the end users of the building are not known and that this development relates to an existing industrial site where levels of noise generated from the site could be similar, this could be dealt with by way of planning condition. For example, requiring details of any external plant serving proposed buildings on the site to be submitted to and approved by the LPA along with any acoustic mitigation measures that may be required. This is considered to be reasonable and necessary to protect the amenity of properties to the north and west.
- 7.34. Turning now to external lighting, the application has been accompanied by an external lighting plan which demonstrates that, with appropriate cowling, light spill from the lighting would be limited. This has been reviewed by the EHO and they have raised no objection to the proposed details.
- 7.35. Consideration also needs to be given to the impact of demolition and construction methods and working practices on sensitive receptors in the vicinity. The EHO advises that this is necessary in order to ensure best practicable means are employed to minimise noise and dust. Therefore, a construction management plan would be required (and could be secured by condition) to be implemented in full during the demolition and construction phases of development.
- 7.36. Overall, subject to conditions the proposal is considered to accord with Policy DM5 and Part 12 of the NPPF in this regard.
- 7.37. Access and Highway Safety
- 7.38. 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.
- 7.39. The site has an existing access onto the classified B6030 Mansfield Road, which is subject to a 30mph speed limit in the vicinity of the site. The existing B2 floor area was circa 1089sqm. The scheme proposes a new gross floor area of 4645sqm resulting in a net increase of 3556sqm. The existing site access would be utilised. 78 car parking spaces are proposed, along with a further 6 disabled spaces and 30 cycle spaces. 14 of the parking bays will be electric vehicle (EV) charging bays and 6 motorcycle parking spaces are proposed. The site layout plan illustrates 8 buildings (referred to as blocks), accommodating 30 individual units in total. Each unit would have a pedestrian access and roller shutter doors for goods/service access.
- 7.40. Nottinghamshire County Council (NCC) as the Highway Authority has reviewed the proposal and advised that the site layout plan is now acceptable.

- 7.41. However, concerns were raised due to the plan showing the removal of an existing pedestrian refuge to the west of the access. The reason its removal was proposed was to accommodate vehicles when turning left to exit the site. Further discussion has taken place with the Highways Officer and it is now proposed to retain the existing refuge, following submission of new swept path drawings. To enable access for articulated HGVs, it is now proposed to amend the existing access slightly to allow more space for a turning HGV. This has been agreed in principle with NCC Highways and the Proposed Site Plan is being updated to reflect this. Conditions have been drafted by the NCC Highways Officer to attach if permission is granted, to ensure the necessary pedestrian access improvements are carried out. These have been included at the end of this report however will require updating with the correct plan reference numbers once the revision is received.
- 7.42. The site access works would need to be progressed through a Section 278 Agreement, which would address detailed design, specification, and safety audit issues post-planning.
- 7.43. The following contribution has also been requested:
- 7.44. Payment of a sum of £15,000 to the County Council for monitoring of the Travel Plan with a further £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
- 7.45. Financial contributions, for bus stop improvements, have been identified by the County Council's Transport and Travel Services team – see separate observations for details.
- 7.46. NCC Planning Policy Team have also reviewed the proposal and have commented in relation to transport and travel services. In relation to bus services, NCC advise that given the presence of existing bus services, no contribution towards local bus service provision would be sought. However, a bus stop infrastructure contribution of £19,500 is requested to provide improvements to the two bus stops, NS0459 & NS05441 Third Avenue. This would upgrade the current bus stop pole and flags, along with a polycarbonate shelter to real time bus stop poles and displays, including electrical connections and raised boarding kerbs. These improvements would promote sustainable travel and would align with the County Council's Highway Design Guide. The County consider these improvements to be necessary to make the development acceptable in planning terms due to the potential increase in demand of bus users given the expansion of gross internal area and employment levels proposed across the site. This contribution would need to be secured through a S106 agreement.
- 7.47. Overall, subject to conditions and the signing of a S106 agreement in respect of the financial contributions, Officers consider the development would be acceptable in relation to access and highways safety in accordance with the abovementioned policies.

Impact on Ecology

- 7.48. 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.

Habitats and Protected Species

- 7.49. A Preliminary Ecological Appraisal (PEA) and an Ecological Impact Assessment (EclA) have been submitted with this application to assess potential impacts on designated sites, habitats, and protected and notable species.
- 7.50. The NSDC Ecology Officer has reviewed the submitted reports.
- 7.51. The EclA has concluded that there would be no adverse impacts on any site afforded a statutory nature conservation designation. The Ecology Officer has commented that it is unlikely that the proposals would have any adverse impacts on any Sites of Special Scientific Interest (SSSI) that are concerned with the SSSI Impact Risk Zones that the application site is located within.
- 7.52. The desk study has not identified the need to consider the possible potential Sherwood Forest Special Protection Area (ppSPA). How impacts on the ppSPA should be considered are set out in a Natural England Advice Note. This sets out a risk-based approach that should be taken to consider likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest region. The application site falls within the area that such an approach should be taken but the supporting information makes no mention of the ppSPA. Given the habitats within the site, there is unlikely to be any likely effect on breeding nightjar or woodlark as these are not suitable habitats for these species, and because of the urban setting of the application site. The proposed industrial usage of the site is unlikely to result in impacts on the habitats in the ppSPA area, that are required to support breeding populations of these species.
- 7.53. The EclA has identified potential impacts on adjacent and nearby non-statutorily designated Local Wildlife Sites (LWS) and the need for measures to mitigate these impacts. These measures are set out in Section 5 of the EclA. The Ecology Officer has advised that these are appropriate and proportionate. They could be secured via a Construction Environment Management Plan (CEMP) as a planning condition should the proposal be granted planning permission.
- 7.54. The PEA has concluded that mitigation measures are required for the following: European Hedgehog, badger, reptiles, amphibians and breeding birds. These measures are also set out in Section 5 of the EclA. In addition, for fox, precautionary working methods were considered necessary for animal welfare reasons. The Ecology Officer has advised that these are all acceptable and required. These should also be secured via an approved CEMP as a planning condition, should the application be granted planning approval.

Trees and Hedgerows

- 7.55. Turning now to the potential impact on trees and hedgerows – the application has been supported by an Arboricultural Survey, Arb. Impact Assessment and Method

Statement and Tree Protection Plan.

- 7.56. A total of 2no. individual trees, 6no. groups of trees and 1no. hedge were surveyed. All were categorised as good condition, varying between 'B.1' to 'C.2'.
- 7.57. The Tree Work Schedule detailed on the Arboricultural Method Statement includes the removal of T02 (Goat Willow), partial removal of G01, G02 and G05, and reduction of G03 and G04.
- 7.58. Considering the proposal includes the retention of a high number of trees around the site, it is not considered that the proposed tree works would result in any unacceptable impacts, nor be contrary to Core Policy 12 or DM7.

Biodiversity Net Gain (BNG)

- 7.59. 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. Given the nature and scale of this application BNG is mandatory.
- 7.60. The proposal includes on-site biodiversity net gain through soft landscaping proposals and landscape buffers to the boundaries.
- 7.61. The NSDC Ecology Officer has reviewed the submitted information regarding BNG and provided comments.
- 7.62. The following table shows the values reported within the BNG Report and those showing in the submitted Statutory Biodiversity Metric (SBM). There is an inconsistency with the values used within the BNG report and those in the calculation. Also, in paragraph 4.1 of the BNG Report it is stated that there is a net gain of 111.96% which contradicts the reported gain elsewhere in the report and does not correspond with the values in the SBM.

		SBM		BNG Report	
On-site baseline	Habitat units	2.31		2.48	
	Hedgerow units	0.89		0.97	
	Watercourse units	0.00		0	
On-site post-intervention (Including habitat retention, creation & enhancement)	Habitat units	4.83		5.73	
	Hedgerow units	1.91		2.1	
	Watercourse units	0.00			
On-site net change (units & percentage)	Habitat units	2.52	108.95%	3.25	130.76%
	Hedgerow units	1.02	115.45%	1.13	115.45%
	Watercourse units	0.00	0.00%		0.00%

- 7.63. Since the BNG calculation has been undertaken, there have been numerous minor amendments to the proposed landscaping scheme and the layout throughout the lifetime of the application. Consequently, the submitted BNG calculation is incorrect

as it is not based on the current proposed site layout and associated soft landscaping scheme.

- 7.64. Government guidance is that “...it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain plan objective will not be met.”
- 7.65. Although the calculation is incorrect, initial checks by the Ecology Officer, regarding the amendments needed to address the issue of incorrect application of strategic significance indicate that those amendments would still result in a revised calculation showing a net gain in excess of the mandatory minimum 10%. This would therefore be acceptable.
- 7.66. If planning permission were granted, the General Biodiversity Gain Condition would apply, and this will need to be discharged before development can commence. The legislative requirements of what should be included in the Biodiversity Gain Plan do not require the management and maintenance measures to be specified, or the relevant management plan to be approved. Consequently, these matters need to be secured via a planning obligation or a planning condition. Given the need for a Section 106 for other reasons, this would be the appropriate mechanism to secure these matters.
- 7.67. Given the above and the conclusions drawn by the Ecology Officer, it is considered that, subject to conditions and the S106 agreement, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Amended Core Strategy, and the requirements of mandatory BNG.

Land Contamination

- 7.68. Paragraph 120 of the NPPF requires the LPA in their decision making to ensure that new development is appropriate for its location to prevent unacceptable risks from pollution and land instability.
- 7.69. The Council’s Contaminated Land Officer (CLO) reviewed the proposal and advised that historic mapping and aerial photography show that the enquiry site lies on the former mineral railway sidings and in close proximity to the former colliery.
- 7.70. The application has been accompanied by a Phase 1 Geo-Environmental Report by William Saunders (Mar 22) and Phase 2: Site Investigation report by Solmek Ltd (Jun 22) in addition to a Ground Gas Risk Assessment addendum report completed by Solmek. The CLO has reviewed these reports and advised that there were several outstanding matters reported in the Phase 2 report which would require further investigation and sampling post-demolition such that they would request the use of the full phased contaminated land condition to be imposed to ensure a thorough contamination investigation across the site and to secure an appropriate remediation strategy. The Ground Gas report also determines that the buildings would require CS2 gas protection. However, subject to imposing the contaminated land condition the development would not present any unacceptable contamination risks to future site

users.

- 7.71. Further to the above, updated reports have been submitted and the Environmental Health Officer has reviewed them. The Phase 1 Geo-Environmental Report by William Saunders (Dec 24) has been updated to reflect the proposed development and now has no planned residential properties, some of the risks have therefore been revised down. In addition, consignment notes have been provided for removal of asbestos from site. There remains the requirement for additional sampling and completion of ground gas monitoring amongst other matters discussed in my memo dated 15/10/24. It has been confirmed by the EHO that the use of the full phased condition is required.
- 7.72. The site also lies within the Coal Authority's defined Development High Risk Area. The Coal Authority's records also indicate two fissures/break lines present within the site (on the eastern side) which were noted as having the potential to affect the safety and stability for the proposed development. The application has been accompanied by a Coal Mining Risk Assessment by William Saunders (July 2024) in addition to the contaminated land reports. The Phase II Site Investigation Report, whilst predominately addressing land contamination issues, also considers the fissures on site with Section 8.8 explaining that the two fissures have been treated (reinforced concrete cap and membrane). Recommendations have been made within Section 8.10 that as no fissures were recorded as part of the site investigation works. A watching brief for fissures at rockhead is recommended during site investigation works, a series of trial trenches is recommended during stripping of excess made ground to identify additional fissures and treated areas and additional treatment works may be required prior to redevelopment.
- 7.73. Based on the information submitted with this application it is clear that the Applicant (the Council) is fully aware of the coal mining risks at the site and plans to comply with the recommendations of the report; including additional investigations to attempt to precisely locate the fissures and the provision of details of engineering mitigation measures for slabs and foundations in the potential vicinity of the fissures. Based on all the information that has now been provided to support this planning application, the Coal Authority have concluded that the applicant has demonstrated that the site can be made safe and stable for the proposed commercial development as required by the NPPF paras. 189 and 190 by incorporating engineering mitigation measures as detailed within the Coal Mining Risk Assessment, July 2024 (Risks to the Site & Mitigation: page 7) prepared by William Saunders.
- 7.74. Subject to conditions as recommended by the Coal Authority it is considered that the development would be acceptable in relation to land contamination and risks associated with coal mining.

Flood Risk and Drainage

- 7.75. Core Policy 9 (Sustainable Design) provides that development should 'through its design, pro-actively manage surface water, where feasible, the use of Sustainable Drainage Systems.' Core Policy 10 (Climate Change) seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the

intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

- 7.76. The site lies within Flood Zone 1 which is at lowest risk of fluvial flooding and is at low risk of surface water flooding.
- 7.77. A Flood Risk Assessment (FRA) and Drainage Strategy (carried out by bsp Consulting) has been submitted as well a drainage layout. This confirms that on site surface water attenuation will drain to soakaways through the permeable parking areas. Rainwater from the building roofs would connect into rain gardens and soakaways. Foul drainage is proposed to be discharged to a Severn Trent Water combined sewer within Mansfield Road with Severn Trent having confirmed that there is capacity within the combined sewer.
- 7.78. Paragraph 4.3.1 of the FRA and Drainage Strategy states that ‘the proposed soakaways are to be designed in accordance with the latest design standards and will have enough storage so as not to flood in the 100 year + 40% climate change storm. No surface water will leave the development site and therefore we can confirm the development will not increase flooding or exacerbate the local waterways or drainage systems.’ Further, paragraph 4.4.1 states, ‘The investigations carried out as part of this flood risk assessment and flood risk management measures proposed have demonstrated that the development will be safe, without increasing flood risk elsewhere.’
- 7.79. NCC Flood as the Lead Local Flood Authority (LLFA) has been consulted and has raised no objection to the proposal subject to a condition requiring a detailed surface water drainage scheme based on the principles of what has been submitted.
- 7.80. Subject to the above, it is considered there would not be any adverse impacts relating to flooding or surface water run-off and the proposal would accord with CP10 and the NPPF in flood risk terms.

Developer Contributions

- 7.81. Spatial Policy 6 (Infrastructure for Growth) seeks to ensure that local infrastructure and served that are essential for a development to take place are secured through an associated legal agreement. Policy DM3 (Developer Contributions and Planning Obligations) states that the delivery of planning growth set out in the Core Strategy is dependent upon the availability of infrastructure to support it.
- 7.82. For a development of this nature, there are no ‘automatic’ contributions triggers which would be hit in terms of the Developer Contributions SPD. However, a legal agreement would be required for the provision of bus stop infrastructure as requested by Nottinghamshire County Council, as well as a contribution of £15,000 to the County Council for monitoring of the Travel Plan with a further £1,200 per annum for subsequent years beyond year 5 up to and including the year after the end of construction.
- 7.83. As NSDC is the applicant, we will need to seek agreement with Nottinghamshire

County Council to be the enforcing authority for the purposes of the contributions and BNG.

Other Matters

- 7.84. Community Infrastructure Levy – Given the proposal would not include residential or retail uses the proposed development is zero rated for CIL purposes.

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 proposed development for industrial units on this site has been found to be appropriate for the scale of this settlement and would be acceptable in accordance with the Development Plan. The proposal would result in economic benefits through the creation of jobs, both during construction and ultimate operation and an on-site biodiversity net gain of a minimum 10% (likely to be higher). The development would sustain the overall character and appearance of the area, the setting of nearby listed buildings and whilst there would be some minor adverse impact to the setting of the colliery village as a non-designated heritage asset, this would be outweighed by the benefits of the development. There would not be any adverse impacts on amenity, highways safety, drainage, contamination, or ecology implications either, subject to conditions.
- 9.2. It is therefore recommended that this application is approved subject to conditions and the signing of a S106 agreement for a financial contribution towards bus stop infrastructure.

10.0 Draft Conditions (Plan references to be inserted/updated where required)

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:

Plans		
Site Location Plan	102 450 P 100	27.09.2024
Existing Site Plan	102 450 P 101	27.09.2024
Proposed Site Plan	102 450 P 102 REV A	11.12.2024
Arboricultural Impact Assessment	102 450 P 102 REV A	27.09.2024
Tree Protection Plan	102 450 P 102 REVA	27.09.2024
Material Distribution Plan	102 450 P 103	27.09.2024
Refuse And Cycle Strategy	102 450 P 104	27.09.2024
Roof Plan	102 450 P 105	27.09.2024
Boundary Treatment	102 450 P 106	27.09.2024
Existing Street Scenes	102 450 P 110	27.09.2024
Existing Street Scenes	102 450 P 111	27.09.2024
Proposed Street Scenes	102 450 P 112	27.09.2024
Proposed Street Scenes	102 450 P 113	27.09.2024
Proposed Street Scenes	102 450 P 114	27.09.2024
Block A Floor Plan and Elevations	102 450 P 200	27.09.2024
Block B Floor Plan and Elevations	102 450 P 210	27.09.2024
Block C Floor Plan and Elevations	102 450 P 220	27.09.2024
Block D Floor Plan and Elevations	102 450 P 230	27.09.2024
Block E Floor Plan and Elevations	102 450 P 240	27.09.2024
Block F Floor Plan and Elevations	102 450 P 250	27.09.2024
Block G Floor Plan and Elevations	102 450 P 260	27.09.2024
Block H Floor Plan and Elevations	102 450 P 270	27.09.2024
Refuse And Cycle Stores and Substation Plans and Elevations	102 450 P 280	27.09.2024
Detailed Landscape Proposals Sheet 1 of 2	1234 L D PL 201 REVV1	27.09.2024
Detailed Landscaping Proposals Sheet 2 of 2	1234 L D PL 202 REV V1	27.09.2024
Indicative Landscape Strategy	1636 L D PL 200 REV V3	27.09.2024
Detailed Soft Landscape Proposals	1636 L D PL 300 REV V1	27.09.2024
Proposed External Lighting Layout	5022933 RDG XX XX D E 906001 REV P03	27.09.2024
Private Drainage Layout	MRCL BSP ZZ ZZ D C 0240 REV P04	27.09.2024

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

Pre-Commencement Conditions

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

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 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 appropriate mitigation for potential impacts on sites afforded a nature conservation designation and on priority species as required by the NPPF, Allocations and Development Management Development Plan Document Policy DM7 and Amended Core Strategy Core Policy 12.

05

The approved development shall not commence until bat box and/or swift box plan has been submitted to, and been approved by, the local planning authority. The plan is to show the type and location of the proposed boxes, and details for fixing these into place. B. Photographic evidence of the installed boxes shall be submitted to, and approved by, the local planning authority to fully discharge the condition.

Reason: To provide a measurable gain for biodiversity as required by the NPPF and maximise opportunities to enhance biodiversity as required by Core Strategy Policy 12.

06

No development shall commence until;

a) a scheme of intrusive site investigations as recommended by William Saunders (report author of the Coal Mining Risk Assessment, July 2024) have been carried out on site to establish the risks posed to the development by past coal mining activity (fissures), and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan to illustrate the exact location and extent of any fissures and their relationship to the approved development. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interest of safety.

07

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 Flood Risk Assessment (FRA) and Drainage Strategy ref: MRCL-BSP-ZZ-XX-RP-C-0001-P03_Flood_Risk_Assessment_&_Drainage_Strategy, 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.

- o No surcharge shown in a 1 in 1 year.
- 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.

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 (including sample panel showing brick bond, mortar and pointing specification)
- Cladding
- 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 to preserve the setting of the nearby listed building and non-designated heritage asset.

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
- Solar Panels

Reason: In the interests of visual amenity and to preserve the setting of the nearby listed building and non-designated heritage asset.

10

Prior to installation, details of any external plant serving proposed buildings on the site should be submitted to and approved in writing by the LPA along with any acoustic mitigation as required. The external plant equipment shall be installed in accordance with the approved details only.

Reason: In the interest of residential amenity.

Pre-Occupation Conditions

11

No part of the development hereby permitted shall be brought into use until the on-site access roads and parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan 102 450 P 102 REV B. The 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.

12

No part of the development hereby permitted shall be brought into use until the site access onto Mansfield Road, including the pedestrian refuges to the east and west of the site and bus boarding facility on the northern side of Mansfield Road, has been improved in accordance with the scheme illustrated on drawing number 102 450 P

102 REV B, the technical details of the scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

13

No part of the development hereby permitted shall be brought into use until all on-site access roads and parking/turning areas are surfaced in a hard bound material (not loose gravel) and the parking bays are delineated as shown on drawing number 102 450 P 102 REV B in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfaced access roads and parking/turning areas shall be maintained in such materials for the life of the development.

Reason: In the interest of 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, covered parking of cycles, secure cycle equipment storage facilities, secure motorcycle parking facilities, and electric vehicle charging facilities in accordance with details to be first 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 furthering travel by sustainable modes.

15

No part of the development shall be occupied until details of the proposed arrangements and a plan for future management and maintenance of the on-site access roads, including associated drainage of the development, have been submitted to and approved in writing by the Local Planning Authority. The streets and drainage shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure appropriate management of the private on-site roads and in the interest of highway safety.

16

Notwithstanding the submitted Travel Plan, no part of the development hereby permitted shall be occupied until the Travel Plan has been approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring 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 promote sustainable travel.

17

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) 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.

18

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interest of safety.

Compliance Conditions

19

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.

Informatives

01

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

02

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

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

03

Notes from the Coal Authority:

Ground Investigations Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

04

The highway works shall be constructed to the satisfaction of the Highway Authority at the developer's cost. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

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. To undertake the works, which must comply with Nottinghamshire County Council's 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.

Any details submitted in relation to a reserved matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Contact hdc.north@nottscc.co.uk 0115 804 0022

Works to existing street furniture, road markings, and signage shall be at the developer's expense.

The deposit of mud or other items and/or the discharge of water onto the public highway are offences under Sections 149 and 151, Highways Act 1980. The applicant/developer, any contractors, and the owner/occupier of the land must therefore ensure that nothing is deposited on the highway, nor that any soil or refuse etc is washed onto the highway, from the site. Failure to prevent this may force the highway authority to take both practical and legal action (which may include prosecution) against the relevant party/parties.

Planning consent does not confer consent to work on or adjacent to the public highway. Prior to any works commencing on site, including demolition works, the developer must contact Highways Network Management at licences@viaem.co.uk to ensure all necessary licences and permissions are in place.

05

Biodiversity Net Gain Informative

The development granted by this notice must not begin unless:

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

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

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))

Based on the information available, this permission is considered by NSDC to require the approval of a biodiversity gain plan before development is begun, because none of the statutory exemptions or transitional arrangements are considered to apply.

06

LLFA Informative:

We ask to be re-consulted with any changes to the submitted and approved details of any FRA or Drainage Strategy which has been provided. Any deviation from the principles agreed in the approved documents may lead to us objecting to the discharge of conditions. We will provide you with bespoke comments within 21 days of receiving a formal consultation.

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.





Report to Planning Committee 13 March 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officers: Oliver Scott, Business Manager – Planning Development, x5847 and Bryony Norman, Principal Legal Officer – Commercial

Report Summary	
Report Title	Review and update of the Protocol for Planning Committee and Planning Scheme of Delegation
Purpose of Report	The report provides: (a) Suggested amendments to the Protocol for Planning Committee and Planning Scheme of Delegation.
Recommendations	It is recommended that: 1) Committee approves the amendments to the Protocol for Planning Committee and Scheme of Delegation; and 2) Confers delegated authority to officers to format, update and publish the amended Protocol for Planning Committee and Planning Scheme of Delegation.

Background

- 1.1 The Planning Committee have adopted the Protocol for Planning Committee (the “Protocol”) and the Planning Scheme of Delegation (the “Scheme”) which require review on an annual basis. The last full review was undertaken in 2024-2025 and changes adopted on 08 April 2025. A review of the public speaking provisions within the Protocol was undertaken and changes (including minor changes to the Scheme) were adopted on 08 January 2025.
- 1.2 A Planning Committee Member workshop was held on the 04 February 2025 to review and discuss the Protocol and Scheme. It was broadly agreed that the arrangements were working well, but some clarity was sought around the referral provisions within the Protocol. Key observations included:
 - 1.2.1 That there should be some flexibility around referrals and the ability to withdraw a referral where appropriate if concerns raised by a Ward Member have been addressed through the consideration of the application.

1.2.2 Additional discretion for later referrals or the reasons for the referral often due to the lack of consultation responses received.

- 1.3 As a result of the workshop, officers have suggested potential amendments to the Protocol and Scheme of Delegation to ensure clarity and fairness.
- 1.4 Overall, the suggested amendments respond to the outcomes of the workshop and provide clarifications on the referral of applications to the Planning Committee.
- 1.5 The suggested amended Scheme of Delegation and Planning Protocol are attached as Appendices to this report.

2.0 Implications

- 2.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

Appendices

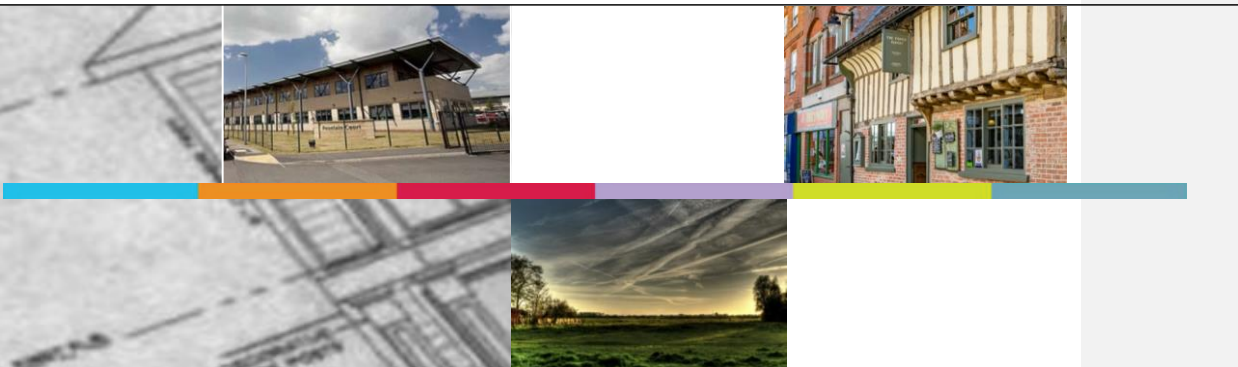
Draft amended Scheme of Delegation – Appendix 1

Draft amended Protocol for Planning Committee – Appendix 2

- The Local Government Association 'Probity in planning: Advice for councillors and officers making planning decisions'
- Adopted Planning Committee Scheme of Delegation to Officers
- Adopted Statement of Community Involvement
- Adopted Protocol for Members in Dealing with Planning Matters – Updated April 2024

Planning Committee Scheme of Delegation to Officers

Effective from ~~08 January~~01 April 2025



Version Control	Adopted
v.1	9th June 2022
v.2 Addition of paragraphs 1.8 – 1.17 inclusive and 146i) Amendments to paragraphs 1.28, 1.42, 1.46i), 1.46k) and 1.51	11 th August 2022
v.3 – full review of document.	08 April 2024
v.4 – Addition of paragraph 1.7 Amendment of paragraph 1.3 & 1.9	08 January 2025
<u>v.5</u>	<u>01 April 2025</u>

Planning Committee Scheme of Delegation to Officers

~~The remit and functions of the Planning Committee are contained in the Council's Constitution and within that it. The Council's Constitution permits a Schemes of Delegation to Officers. This Scheme outlines the delegations to Officers but also details certain exceptions where matters are reserved to the Planning Committee. The Scheme is to be approved by Planning Committee and reviewed as necessary and at least annually. Additionally, the Constitution contains the Officer Scheme of Delegation which delegates responsibility to the Director of Planning and Growth in relation to planning related matters.~~

~~The Protocol for Planning Committee contains including the ability for District Councillors to reserve refer matters to Committee in circumstances prescribed by the Scheme Protocol; the Scheme to be reviewed as necessary and at least annually. Additionally, the Constitution contains the Officer Scheme of Delegation which delegates responsibility to the Director of Planning and Growth in relation to planning related matters.~~

This Scheme of Delegation is supplementary to the delegation contained within the Constitution. All of the following delegated powers relating to planning can also be exercised by the Business Manager – Planning Development, who may also delegate to other suitable qualified and/or experienced officers in accordance with an agreed Scheme of Delegation.

1. Business Manager – Planning Development shall have authority to:

- 1.1. To determine applications for planning permission, conservation area consent, consent for the display of advertisements and listed building consent in respect of all listed and the determination of, or response to, any other application or matter received in respect of the town and country planning function subject in each case to the proviso that any ~~m~~Member of the Council may bring the application before the Planning Committee for decision in accordance with the provisions in adopted Protocol for Planning Committee.
- 1.2. To exercise all functions in relation to planning and planning enforcement including, but not limited to, applications, approvals, section 106 planning obligations under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservations Areas) Act 1990, and associated legislation (as amended or may be amended).
- 1.3. To exercise planning and related functions including service and withdrawal of notices and making, varying or revoking orders under, but not limited to, the following legislation (or as may be amended from time to time) and any other enabling powers:

Town and Country Planning Act 1990

Town and Country Control of Advertisement Regulations 2007

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 ~~(as amended)~~

The Proceeds of Crime Act 2002 ~~(or as amended)~~.

Planning (Hazardous Substances) Act 1990

Community Infrastructure Levy Regulations 2010 ~~(as amended)~~.

Licensing Act 2003.

Conservation of Habitats and Species Regulations 2017 ~~(as amended)~~.

Part 4 Chapter 1 of Anti-social Behaviour, Crime and Policing Act 2014

Levelling-up and Regeneration Act 2023

- 1.4. Formulate and issue decision notices following ~~consideration a decision~~ by the Planning Committee in accordance with the resolution of the Planning Committee and as required to make amendments to planning conditions, Section 106 legal agreements or reasons for refusal prior to issuing a decision notice, ~~where the decision has been made by the Planning Committee,~~ where those changes are minor and non-material and subject to the change(s) having no impact on the substance and terms of the planning decision in order to provide precise and robust conditions or reason(s) for refusal.
- 1.5. In consultation with the Planning Committee Chair~~man~~ and/or Vice Chair~~man~~, issue a grant of permission without a completed Section 106 agreement ~~first being signed~~, where the original Planning Committee resolution requires the prior completion of a Section 106 legal agreement ~~or payment of Community Infrastructure Levy, but where a consultee who required the agreement no longer considers an agreement is necessary and a planning condition can be used to cover their requirements.~~
- 1.6. Power to make minor alterations to the Planning Application Validation Checklist and Planning Enforcement Plan.
- 1.7. To decide whether the Council's case at planning appeal should be by way of written representations, hearing or public inquiry and to agree the nature and extent of the case to be presented or defended.
- 1.8. Power to authorise payments or provide other benefits in cases of costs awarded against the Council in respect to planning and related appeals, maladministration and in respect of the local settlement of complaints in respect of matters falling within the remit of the planning function.
- 1.9. Determine all applications in accordance with the scheme of delegation with the exception of the following:
 - a) Environmental Impact Assessment - Applications where an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been provided.
 - b) Major Developments - All ~~m~~Major Development¹ ~~(defined as 10 or more dwellings, where new floor space would be 1,000m² or greater or have a site area of 1 hectare or greater)~~ applications where the recommendation is one of approval, contrary to the response received from a Statutory Consultee² ~~as defined by the Town and Country~~

¹ As defined by Article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

² As defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015

~~Planning (Development Management Procedure) (England) Order 2015~~ in respect to that application.

~~c) S73 Applications for Major Developments (S73 and/or Reserved Matters following Outline) – Major a Applications made under Section 73³ of the Act for Major Development where they raise new material planning impacts arising from the subject of the condition(s) being varied/removed and where the previous application was dealt with by Planning Committee.~~

~~e) Reserved Matters Applications following Outline Permission – Applications made for the reserved matters following the grant of Outline permission for Major Development where the where the recommendation is one of approval, contrary to the response received from a Statutory Consultee in respect to that application and where the Outline application was dealt with by Planning Committee.~~

d) Parish or Town Council/Community or Voluntary Organisation Application- The application has been submitted by a community or voluntary organisation, a town or parish council/meeting and could in the opinion of the Authorised Officer, in consultation with the Chair~~man~~ and Vice-Chair~~man~~ of the Planning Committee, result in a significant community benefit and would otherwise be recommended for refusal.

e) Authorised Officer Referral - Any application which raises significant issues such that in the opinion of the Authorised Officer, it would be prudent to refer the application to Planning Committee for decision.

f) Departure - Applications where the principle of development would represent a material departure from any policy within the Development Plan where the recommendation is for approval.

g) Ward member referral – when referred to Planning Committee for decision as set out within the [Protocol for Planning Committee](#)

h) Any planning related application, other than Excepted Applications within the Protocol for Planning Committee, submitted to the Council by Officers or Members or their close associates who would be involved in the decision-making process.

The “Authorised Officer(s)” for the purposes of this part of the Constitution -and relevant legislation shall be the Director whose remit for the time being includes responsibility for planning, the relevant Business Manager with responsibility for the discharge of the development management function or an Officer authorised in writing by them to act on their behalf.

³ [Town and Country Planning Act 1990](#)

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Protocol for Planning Committee

Effective from ~~08 January 2025~~ 01 April 2025



Version Control

Version	Date	Change
v1	08 April 2024	Protocol Adopted
v2	08 January 2025	Amended Protocol adopted – review of public speaking
v3	01 April 2025	Amended Protocol adopted

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Interpretation:

Working Day – means any day Monday to Friday which is not a public or bank holiday from time to time in England.

Reference to Town & Parish Councils shall include Parish Meetings

1. Introduction

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest.
- 1.2 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Planning necessarily affects land and property interests and as a consequence decision can often be highly contentious.
- 1.3 The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision-making process is open and transparent.
- 1.4 The aim of this Protocol is to ensure that the planning process is undertaken in a fair, impartial and transparent way and so there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.5 This Protocol applies at all times when Members, Council Officers and the public are involved in the planning process. This includes meetings of the Planning Committee, meetings of the Council when exercising the functions of the [Local](#) Planning Authority and less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies to planning enforcement matters, to site specific policy issues and to the making of compulsory purchase orders on planning grounds.
- 1.6 This protocol does not constitute legal advice.

IF YOU HAVE ANY QUERIES OR CONCERNS ABOUT THE APPLICATION OF THIS PROTOCOL TO YOUR OWN CIRCUMSTANCES YOU SHOULD SEEK ADVICE EARLY FROM THE MONITORING OFFICER, ~~OR~~ DEPUTY MONITORING OFFICER [OR LEGAL ADVISOR](#) AND PREFERABLY WELL BEFORE ANY MEETING TAKES PLACE

2. Relationship to the Members Code of Conduct

- 2.1 The Council [is required to promote and main high standards of conduct and specifically adopt a local code of conduct¹](#). The Council has adopted a local Member Code of Conduct which reflects the seven principles of public life, also known as the Nolan Principles. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This Code of Conduct for Members can be found in the Council's Constitution.
- 2.2 This Protocol is intended to supplement the Code of Conduct for Members where Members are involved in the planning process.

¹ [s.27 Localism Act 2011](#)

- 2.3 The rules set out in the Code of Conduct for Members must be applied first and must always be complied with.
- 2.4 Where a Member does not abide by the Code of Conduct for Members and/or this Protocol when involved in the planning process it may put the Council at risk of challenge on the legality of any decision made or at risk of a finding of maladministration.
- 2.5 The failure is also likely to be a breach of the Members Code of Conduct and may be the subject of a complaint to the Standards Committee.

MEMBERS SHOULD APPLY COMMON SENSE IN THE INTERPRETATION OF THIS PROTOCOL

3. The General Role and Conduct of Members and Officers

- 3.1 Members and Officers have different but complementary roles. Both serve the public, but Members are responsible to the electorate whilst Officers are responsible to the Council as a whole. Officers advise Members and the Council and carry out the Council's work. They are employed by the Council, not by individual Members. A successful relationship between Members and Officers will be based upon mutual trust, understanding and respect of each other's position. The Council has adopted a Protocol giving guidance on relationships between Officers and Members which can be found in the Council's Constitution.
- 3.2 Both Members and Officers are guided by their respective codes of conduct contained in the Council's Constitution. The Code of Conduct for Members and its relationship to this Protocol are set out in section 2 above.
- 3.3 Planning Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct breaches of which may be subject to disciplinary action by the Institute. Officers from the Legal Team who are qualified solicitors are regulated by the Solicitors Regulation Authority (SRA) and must uphold the SRA Principles.
- 3.4 In addition to these codes, the Procedure Rules found in the Council's Constitution set down rules which govern the conduct of Council business [which includes the Planning Committee](#).
- 3.5 Members and Officers should view with extreme caution any offer of gifts or hospitality, with a view to not only avoiding impropriety but also any perception of impropriety. The Council has adopted separate protocols for Officers and for Members giving guidance on gifts and hospitality and outlining specific requirements in relation to the acceptance of gifts or hospitality.
- 3.6 Serving Members who act as agents for people pursuing planning matters within the District should not be Members of the Planning Committee.
- 3.7 Members and particularly those serving on the Planning Committee are required to receive training on planning when first appointed to the Planning Committee and before they can take

any planning decisions. Members should then receive training a minimum of once annually thereafter.

3.8 Care needs to be taken in the use of social media by Members and Officers, especially where any posts could relate to decision making functions. Members should be mindful that posts or comments made on social media, in any capacity by Members, could be perceived by Members of the public that a Member is predetermined or biased. The Social Media Protocol for Members can be found in the Council's Constitution.

3.9 Members should not participate in social media or exchanges by texting as a Member of the Planning Committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.

4. Registration and Disclosure of Interests

4.1 The Code of Conduct for Members (the "Code") sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests and details of other interests. This Protocol should be read as supplementary to these requirements for registering interests. Members should not participate in any decision making and should leave the meeting for the duration of the agenda item where they have a disclosable pecuniary interest unless they have first obtained a dispensation.

4.2 In addition, unless they have obtained a dispensation they should: -

- **NOT** participate or give the appearance of trying to participate in the making of any decision on the matter by the Council as Local Planning Authority
- **NOT** get involved in the processing of the application
- **NOT** use their position to discuss the proposal with Officers or Members when other Members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.

4.3 In addition, the Code requires Members to consider whether they have any Other Registrable Interests or Non-Registrable Interests.

4.4 In the event that a Member considers that they have an Other Registrable Interest or Non-Registrable Interests in any matter, they should disclose the existence and nature of the interest at or before the consideration of that item of business or as soon as the interest becomes apparent.

4.5 The Member then needs to consider very carefully whether it would be appropriate to participate in discussion and voting on the matter and the requirements in the Code. They should think about how a reasonable Member of the public, with full knowledge of all the relevant facts would view the matter when considering whether their participation would be appropriate or could give rise to the perception of bias or pre-determination.

5. Predisposition, Predetermination or Bias

5.1 Planning issues must be assessed fairly and on their planning merits, the decision-making process must be seen to be fair and impartial from the perspective of an external observer. To protect the rights of planning applicants and to preserve the integrity of committee decisions, it is vital that Members do not make up their minds before they have all relevant materials and arguments before them at the Planning Committee meeting.

5.2 Pre-determination occurs when a decision-maker approaches a decision with a 'closed mind', with the effect that they are unable to apply their judgment fully and properly to an issue requiring a decision. Clearly expressing an intention to vote in a particular way or clear support or opposition of an application is indicative of a closed mind and may leave the any decision vulnerable to challenge by Judicial Review. A councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider that the councillor was biased. Avoiding predetermination and the impression of it is essential.

5.3 Predisposition is where a Member may have a pre-existing opinion or attitude about the matter under discussion but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting. Members are able to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision.

5.15.4 Predetermination arises when Members' minds are closed, or importantly, reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a Member who states "wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee" has a closed mind. A Member who states "many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area" does not have a closed mind although they are predisposed towards opposing such applications.

5.25.5 Members must not come to a meeting with a closed mind or appear to have a closed mind. Members must maintain an open mind whilst they hear any speakers, the Officer's presentation and other evidence at the Planning Committee when the matter is considered. This is particularly important if a Member is contacted by an external interest or lobby group.

5.35.6 If a Member has made up their mind prior to the meeting and is not able to reconsider their previously held view then they are predetermined. They will not be able to participate in the decision making of the matter by the Planning Committee because if they did take part in the discussion or vote it would put the Council at risk of challenge. in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute

maladministration. Secondly, the Council could be at risk of legal challenge and leave a decision of the Planning Committee vulnerable to Judicial Review.

~~5.4 Predisposition is where a Member may have a pre-existing opinion or attitude about the matter under discussion but remains open to listening to all the arguments and changing their mind in light of the information presented at the meeting. Members are able to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision. Predetermination arises when Members' minds are closed, or importantly, reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a Member who states "wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee" has a closed mind. A Member who states "many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area" does not have a closed mind although they are predisposed towards opposing such applications.~~

5.55.7 Members may take part in the debate on a proposal when acting as part of a consultee body (i.e., where they are also a Member of the County or host Parish Council as well as being a Member of the Council) provided that: -

- They make clear during discussion at the consultee body that: -
 - (i) Their views are expressed on the limited information before them only; and
 - (ii) They will reserve judgement and the independence to make up their own mind on each separate proposal when it comes before the District Council's Planning Committee, and they have heard all the relevant information; and
 - (iii) They will not in any way commit themselves as to how they or others may vote when the proposal comes before the District Council's Planning Committee.

5.65.8 In the interests of transparency, the Member should, in such circumstances, disclose the personal interest regarding their Membership of the consultee body when the District Council's Planning Committee comes to consider the proposal.

5.75.9 Where a Member has already made up their mind ("fettered their discretion") and therefore declines to ~~speak~~ partake in the debate or vote on a proposal, they do not also have to withdraw from the Committee meeting (unless required due to an interest and have not obtained a dispensation) but it is preferable to do so. They may be entitled to speak under the Public Speaking provisions of this Protocol from paragraph 12.

5.85.10 If a Member decides to stay in the meeting, they should explain that they do not intend to speak and vote because they have (or could reasonable be perceived as having) judged the

matter elsewhere, and why they have decided not to withdraw, so that this may be recorded in the minutes.

5-95.11 Members who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making on individual applications for that reason.

6. Consideration of matters reserved to Planning Committee

6.1 The responsibility for functions for Planning Committee is contained within the Council's Constitution. The Planning Scheme of Delegation delegates responsibility to Council Officers with certain exceptions which are reserved to Planning Committee.

~~6.1 Matters reserved to the Planning Committee are contained in the Planning Scheme of Delegation and the Constitution.~~

6.2 Proposals submitted by serving and former Members, Officers or their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

6.3 Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular: -

- If a Member or Officer submits their own proposal to the Council, they should play no part in its consideration.
- The Council's Monitoring Officer should be informed of any proposal submitted by any Member, or any Officer employed by the Council on the grade of Business Manager or above or any Officer who could otherwise have been involved in processing or determining the application.
- Such proposals should be reported to the Planning Committee and not dealt with by Officers under delegated powers.

6.4 A Member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to assist in the consideration of their application and public speaking but the Member, as applicant, should also not seek to improperly influence the decision.

6.5 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.

7. Lobbying of and by Members

7.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging

policy, will often seek to influence it through an approach to their Ward Member or to a Member of the Planning Committee. The Nolan Committee's 1997 report stated: *"it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the Members themselves"*.

- 7.2 Lobbying can, however, lead to the impartiality and integrity of a Member being called into question, unless care and common sense is exercised by all the parties involved.
- 7.3 When being lobbied, Members and Members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.
- 7.4 In such circumstances, Members should consider restricting themselves to giving advice about the process and what can and cannot be taken into account.
- 7.5 Members can raise issues which have been raised by their constituents with Officers.
- 7.6 If a Member does express an opinion to objectors or supporters, it is good practice to make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and having taken into account all relevant material and planning considerations at Planning Committee.
- 7.7 If any Member, whether or not a Planning Committee Member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting once [any public or ward member speaking opportunities have been completed](#) ~~the opportunity to make representations has been completed~~ in order to counter any suggestions that Members of the Committee may have been influenced by their continuing presence.
- 7.8 In no circumstances should planning decisions be made on a party-political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- 7.9 Planning Committee Members and Members of the Planning Policy Board in general should avoid organising support for or against a planning application and should not lobby other Members.
- 7.10 Members should not put pressure on Officers for a particular recommendation or decision and should not do anything which compromises, or is likely to compromise, the Officer's impartiality or professional integrity. This would be contrary to the Member Code of Conduct.
- 7.11 Members should pass any lobbying correspondence received by them to the Business Manager – Planning Development at the earliest opportunity.
- 7.12 Any offers made of planning gain or restraint of development, through a proposed S106 Agreement or otherwise should be referred to the Business Manager – Planning Development.

- 7.13 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 7.14 Members should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate Officers to follow the matter up.

8. Requests to Refer Items to Planning Committee

8.1. District Members may wish to request the referral of sensitive or controversial planning applications, that would otherwise be delegated to Officers, for decision by the Planning Committee. Members can submit a referral request for any planning applications within their Ward in accordance with paragraph 8.58-3. Adjoining Ward Members may also refer applications where the application site is within 100 metres of the Ward boundary and/or would have significant impact upon that adjoining Ward. Applications subject to strict time limits for determination are excluded and include prior notification and/or approvals, works.

8.1-8.2. Where an application is subject to strict time limits for determination including, but not limited to:- works to trees in a Conservation Area, Prior Notifications, Prior Approvals, and Certificate of Lawfulness proposals, Certificate of Lawfulness of Proposed Works to a Listed Building, or applications where the decision is an outcome of expert advice, for example works to tree subject to a Tree Preservation Order then these applications are excepted from the referral process ("Excepted Applications").

8.3. Referrals should be made, in writing and setting out the material planning reasons for the referral, as soon as possible after the date a valid application is submitted to avoid unnecessary delays in determining applications, but within 15 Working Days of the distribution of the weekly list or within 8 Working Days of notification of significant amendments to applications or other timeframe communicated by the Business Manager – Planning and Development. Referrals can only be made once an application has been validated.

8.2-8.4. Once a referral has been made by a Member, if any concerns raised are resolved through the process of considering the application then the referral can be withdrawn and dealt with under the Scheme of Delegation to Officers.

8.3-8.5. A referral request **must be** based on the following circumstances:-

- a) The application has attracted an unusually high level of public interest raising material planning considerations to the development being considered, which might be reflected in the number of letters or emails, or a petition received in connection with the application;
- b) There has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case;

- c) The application has wider ramifications of more than just local interest;
- d) Any other reasons based on individual planning merits and circumstances of the application;
- e) For referrals by Adjoining Ward Members where the application, in their opinion, would have a material planning impact on the whole or part of their ward (8.1) the referral request shall include a reason or reasons as to how the application will have a material planning impact on their Ward.

8.4-8.6. A referral **should not** be made in the following circumstances:-

- a) To resolve a disagreement between an applicant and the objector(s) to an application; or
- b) Because the applicant considers that there is more likelihood of a grant of permission if the application is referred to the Committee for a decision; or
- c) Because the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to the Committee for a decision; or
- d) Because the applicant/objector does not agree with the advice given by a Planning Officer.
- e) Ward (or Adjoining) Members who have referred an application to Planning Committee are able to speak to the Planning Committee in accordance with the procedures set out at section 11.

8.5-8.7. Referral requests by the Ward Member should set out in writing, preferably email:

- a statement outlining material planning reasons why the proposal needs to be considered by Committee i.e. how it falls within the criteria set out in paragraph 8.58-3;
- a list of related Development Plan policies (or part of) and, where applicable, national planning policies (including paragraph numbers).

8.6-8.8. Referral requests by Adjoining Ward Members must, in addition to the criteria in 8.78-5, also set out how:

- in their opinion the application would have a material planning impact on the whole or part of their ward (or the District as a whole or part) having regard to the nature of the development; and
- shall notify the relevant host Ward Member(s) prior to the referral.

~~Should amendments be received including plans/documents that are subject to re-consultation/notification which result in new material planning impacts not previously notified of, the relevant Ward Member or adjoining Ward Member may refer the application to Planning Committee within 10 days of the notification and subject to the referral criteria set out within this Protocol.~~

~~Exceptions to the referral process are those applications which are subject to strict time limits for determination including, but not limited to, Works to Trees in a Conservation Area, Prior Notifications, Prior Approvals and Certificate of Lawfulness proposals and applications where the decision is an outcome of expert advice and are referred to as Excepted Applications.~~

9. Pre-Application Discussions

9.1 Pre-application discussions between a potential applicant and the Council can benefit both parties and are therefore encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.

9.2 Members have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving Members can help identify issues early on, helps Members to lead on community issues and helps to ensure that issues do not come to light for the first time at Planning Committee. Officers must therefore consider involving the local Ward Member(s) particularly in relation to major applications and where a Development Consultation Forum does not apply (refer paragraph ~~9.49-49.3~~ below).

9.29.3 ~~The Localism Act, particularly Section 25, which establishes prior indications of view of a matter not to amount to predetermination, has given councillors much more freedom to engage in pre-application discussions. However~~Nevertheless, in order to avoid perceptions that Members might have fettered their discretions, such discussions should take place in accordance with the following guidelines: -

- (i) It should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- (ii) It should be acknowledged that consistent advice should be given by Officers based upon the development plan and material planning considerations.
- (iii) Officers should be present with Members in pre-application meetings. Members should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.

- (iv) Members should not become drawn into any negotiations which should be done by Officers (keeping interested Members up to date) to ensure that the Council's position is co-ordinated.
- (v) ~~A written note should be made of all meetings.~~ An Officer should make the arrangements for such meetings, attend with the Member, and ~~write notes~~ make a written record of the meeting for the case file. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised, or advice given can still normally be placed on the file to reassure others who are not party to the discussion.
- (vi) Care should be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to Committee could appear to be advocacy.

9-39.4 Some pre-application and pre-decision proposals are of a scale or complexity, for example, whereby engaging with Members, Town/Parish Councils and Meetings as well as the public can be of benefit to enable wider understanding. Such proposals will be, with the agreement of the Business Manager – Planning Development, ~~Chairman~~ and ~~Vice Chairman~~ of Planning Committee in consultation with the Ward Member(s), recommended to be presented via a Development Consultation Forum (“DCF”). Such Forum’s will enable wider engagement in accordance with the Council’s Statement of Community Involvement. They will not be a decision-making meeting. The purpose, process and schemes that might be eligible are detailed within the document ‘Development Consultation Forums, Guidance for Developers and Public’. The ~~Chairman~~ of the DCF will be agreed prior to the meeting being held and will be either a District Member or Officer of the Planning Development department.

9-49.5 Although the term “pre-application discussions” has been used, the same consideration should apply to any discussions which occur before a decision is taken.

9-59.6 Common sense should be used by Members in determining the scale of the proposals to which the guidelines set out in 9.2 above will apply. Members talk regularly to constituents to gauge their views on matters of local concern. Keeping a register of such conversations would be neither practical nor necessary. If for example a Member is approached by an applicant or an objector in respect of what could reasonably be considered to be a minor application, it would be more appropriate for the Member concerned to give advice on process only and what can and cannot be taken into account (see paragraph 16.4) and to refer the constituent to a planning Officer if they need planning or technical advice.

10. Officer Reports to Committee

10.1 Officer reports to Committee should be comprehensive and should include a summary of the substance of any objections and other responses received to the consultation. Relevant

information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material planning considerations.

- 10.2 Reports should have a written recommendation for a decision to be made and should contain technical appraisals which clearly justify the recommendation.
- 10.3 Reports should be read in full by the Members sat on Planning Committee ahead of the meeting.
- 10.4 If the reports recommendation is contrary to the provisions of the development plan the reasons must be stated clearly. Determinations must be made in accordance with the development plan unless material considerations indicate otherwise².
- 10.5 Any oral updates or changes to the report should be recorded within the minutes.

11. Consideration of Business on the Public Agenda

11.1 All applications to be decided by the Planning Committee will be dealt in line with the Committee Procedure Rules contained within the Council's Constitution and as follows:

- i. Members who have pre-determined the proposal or have a Disclosable Pecuniary Interest (DPI) will be required to leave the meeting whilst the relevant agenda item is debated. Officers with a DPI will also be required to leave.
- ii. The Chair~~man~~ will announce the agenda item number.
- iii. The Planning Officer will introduce the application with any relevant updates and provide a visual presentation to aid Members' understanding of the context of the application.
- iv. The Chair~~man~~ will propose and another Member of the Planning Committee, usually the Vice Chair~~man~~ will second the Officer recommendation (noting that this does not fetter their ability to vote to the contrary after taking all relevant matters into account).
- v. The Speakers will then be invited by the Chair~~man~~ to address the Committee from an allocated desk in the following order:
 - i. Objector(s)
 - ii. Statutory Consultee
 - iii. Parish/Town Councillor
 - iv. Applicants or their Agent, or supporter
 - v. Ward Member

² S.38(6) of the Planning and Compensation Act 2004 c.5*

*Subject to amendments under s.93 of the Levelling-up and Regeneration Act 2023 c.55

Each speaker will be limited to a maximum of 3 minutes.

- vi. The Chairman will invite Officers to respond to any points raised by the speakers for clarification.
- vii. The Chairman will then ask Members if they have technical questions of Officers.
- viii. The Planning Committee will then discuss/debate the application.
- ix. Members may seek further clarification of: -
 - a) particular points from Officers, regarding the application; or
 - b) on points raised by speaker(s), in the main debate, through the Chairman. Officers will respond to issues and questions raised by Members.
- x. The Committee will then make a decision by vote.
- xi. Refusals, contrary to Officer recommendation will, alongside recording each Member's vote, also record the proposer and seconder for the refusal.

11.2 In most cases the debate is heard in public. However, occasionally, the Committee may need to go into closed session, which excludes the press and public, to consider information that is confidential or exempt from publication. If this happens, the Committee will pass a resolution to that effect and any participant who is not a Member of the committee or Officer of the Council will be asked to leave the meeting.

Public Speaking at Planning Committee

12. General Principles

- 12.1. The primary intention is to allow members of the public, agents, Parish/Town Councillors, and Newark and Sherwood District Members to speak to the Planning Committee on a specific planning application before the Committee and bring to the Committee's attention concerns already raised during the statutory consultation process.
- 12.2. In the interests of equity, the time allowed for presentations for and against the development should be the same, and those speaking should be asked to direct their presentation to reinforcing or amplifying representations already made to the Council in writing.
- 12.3. Although Planning Committee meetings are held in public, they are not public meetings; as a result, a person, who is not attending as a Member or Officer of the committee, may only speak to the committee if they have registered to speak as shown below.

- 12.4. Please note that this Protocol does not interfere with the right of a Member, who is attending as a Member of the Committee, to address the Committee on any application submitted for consideration.
- 12.5. Speakers are expected to make verbal presentations only. Speakers may not circulate statements, papers, photographs or other documents or make slide presentations at meetings of the Committee.
- 12.6. Messages should never be passed to individual committee Members, either from other Members or from the public. This could be seen as seeking to influence that Member improperly and could create a perception of bias that would be difficult to overcome.
- 12.7. Speeches made at the Committee will not be recorded in the minutes of the meeting verbatim.

13. Who May Speak to a Planning Committee Meeting

13.1. All Speakers:

- (1) Speakers must submit a request to address a specific Planning Committee meeting in line with the requirements outlined below in section 14. A request will only be accepted if it relates to a planning application included in the agenda for that meeting.
- (2) No speaker is allowed to address the Committee more than once or for more than 3 minutes except where reasonable adjustments are required and additional time may be given at the discretion of the Chair of the Planning Committee.

Members of the Public, Agents, and Applicants:

- (3) Any member of the public, agent, and/or applicant may address the Committee subject to the rules of this Protocol. Only Members of the public who have made representation to the application at the time of the agenda being printed will be permitted to speak unless otherwise agreed by the Business Manager - Planning Development in consultation with the ~~Chairman~~ and/or Vice-~~Chairman~~ of Planning Committee.

Ward Members (subject to the provisions at section 14 below):

- (4) A Newark & Sherwood District Ward Member, who is not attending the Committee as a Member of the Committee and represents the Ward within which the application site is wholly or partially situated may address the Committee.
- (5) A Ward Member shall also have the right to make representations on applications adjoining their Ward area in circumstances where the application site is within 100m of the Ward boundary and it can clearly be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the ~~Chairman~~ and/or Vice-

~~Chairman~~Chair of the Planning Committee that the application will have a material impact on the whole or part of their ward area.

Parish/Town Councillor (subject to the provisions at section 14 below):

- (6) Any Parish/Town Councillor or the Clerk who represents the Parish or Town Council within which the application site is wholly or partially situated may address the Committee. As such they will be bound by their own Authority's rules on conduct. Any professional agent or other third party appointed by the Town/Parish Council shall have no right to speak at Committee.
- (7) An adjoining Parish/Town Councillor or Clerk wishing to speak to Planning Committee may do so when it can be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the ~~Chairman~~Chair and/or Vice-~~Chairman~~Chair of the Planning Committee that the application will have a material impact on the whole or part of their parish/town area and the host Parish/Town Councillor or Clerk is not registered to speak.

Statutory Consultees/Internal Consultees

- (8) Any statutory consultee to the application as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) or Business Unit or Council Officer/consultant who has made representations may be permitted to speak with the agreement of the Business Manager – Planning Development in consultation with the ~~Chairman~~Chair and/or Vice-~~Chairman~~Chair of the Planning Committee.

14. Registering to Speak

14.1. All Speakers:

- (1) All requests to address the Committee should be in writing and must include the information required below in paragraph 14.2 or 14.3 (as applicable). These requests should be via completion of the following online form. It is strongly recommended that speakers submit requests via the online form as these can be picked up more quickly.
- (2) General enquiries may be sent to the Democratic Services Team by emailing:

committees@newark-sherwooddc.gov.uk

or by letter sent to:

Democratic Services Team, Newark & Sherwood District Council, Castle House,
Great North Road, Newark, NG24 1BY

Any requests submitted must include the information required at paragraph 14.2 and 14.3 (as applicable).

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- (3) Where additional support or assistance may be needed in registering to speak please contact the Democratic Service Team on 01636 650000
- (4) Requests to speak at the Committee must be received by Democratic Services Team by no later than 12noonpm three Working Days before the date of the meeting.
- (5) If you have a disability within the meaning of the Equality Act 2010 please contact Democratic Services as soon as possible to provide details and any adjustments we may need to consider.

14.2. Members of the Public, Agents, Applicants, Supporters, Parish/Town Councillors and/or Statutory Consultees:

- (1) The following information is required when registering to speak at the Committee:
 - Contact details, including email address, of the person(s) or organisation(s) who will be addressing the meeting
 - application number and details of the relevant application
 - whether the speaker is supporting or opposing the application
 - that the speaker is happy for their details to be shared with others who register the same request to speak.

14.3. Ward Members:

- (1) The following information is required when registering to speak at the Committee:
 - application number and details of the relevant application
 - whether their representations are in support or opposition of the application
 - if the application site is outside their ward area but within 100m of the boundary, the reasons why they consider that the application will have a material impact on the whole or part of their ward area.

14.4. Failure to Register to Speak – if a speaker does not register in full accordance with 14.1 to 14.3 above, they will not be allowed to speak, and the Committee will decide the application without their involvement.

15. Limit on the Number of Speakers

15.1. Members of the Public, Agents, Applicants and Parish/Town Councillors:

- (1) In the event that more than one person wishes to speak as an objector, with [the requisite](#) consent, we will arrange to put them in touch with the other interested people so that they can agree between them who should speak on behalf of all the objectors. In the event that agreement cannot be made, the person in closest proximity to the application site will have the right to speak. Should those wishing to speak be the same distance from the application site, the first person to register as an objector will have the right.
- (2) Only one person can speak in support of an application. Priority will be given to the applicant or their agent. In the event that more than one person wishes to speak and they are not the applicant or their agent, the same process as set out in 15.1(1) will take place.
- (3) Only one Parish/Town Councillor will be able to speak to the Committee on each application. The host Parish/Town Councillor will have the right to speak in the event more than one wishes to speak. In the event that an application site straddles more than one Parish or Town Council then a maximum of two speakers will be allowed to speak on the application: one in support of and one objecting to an application. Otherwise, lots will be drawn by Council Officers to establish which Parish/Town Council shall be able to speak should more than one register.

15.2. Ward Members:

(1) Subject to section 14, only one Ward (or Adjoining) Member can speak on each application except where there are opposing views, either in support of or objecting to an application, ~~then a~~ [where one Ward Member speaks in support of an application and one speaks opposing the application.](#)

~~(1)~~(2) The Ward Member will have the right to speak in the event that the Ward and an Adjoining Ward Members wish to speak. In the event that more than one relevant Ward Member wishes to speak, then Officers will draw lots to allocate who will speak.

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15.3. Statutory Consultees/Internal Consultees

- (1) One representative for each Statutory Consultee is able to speak.

16. Notification of speaking and speaking at Committee

16.1. All those who have registered to speak will be notified by 4pm two Working Days in advance of the meeting by Democratic Services, except in exceptional circumstances where it may not be possible. The notification will confirm whether or not the request has been accepted i.e. whether it complies with the criteria above and where appropriate, if the speaker has been selected where multiple requests have been submitted.

16.2. Speech Texts

All Speakers

- (1) Speakers are permitted to make verbal representations only; slides or any other audio or visual presentations are not permitted.
- (2) Speakers may, if they wish, send a written copy of their proposed speech to the Democratic Services Team before the start of the meeting. Subject to below, such texts will not be circulated to Members or Officers of the Council but will be referred to in the minutes of the meeting and published after the meeting has ended as shown in paragraph 16.2(3) below.
- (3) Speeches are not recorded verbatim in the minutes of the meeting. A speech will be recorded as follows:

Where a speaker does not submit a copy of their speech to the Council before the start of the meeting:

“The Committee was addressed by XXX, who spoke in support/against the application”

Where the speaker submits a copy of their speech prior to the start of the meeting:

“The Committee was addressed by XXX, who reiterated the issues set out in the summary text of their speech submitted prior to the meeting, which had been published on the Council’s website”

- (4) If a speaker does not attend the meeting, any written text summarising the intended speech submitted by, or behalf of the speaker will not be considered by the Committee or referred to in the minutes, unless it is received prior to the closing of receipt of late representations, refer paragraph 17.1.

16.3. What should be included in a speech

All Speakers:

- (1) It is important to remember that the Planning Committee can only consider certain issues when deciding a planning application. To help speakers make the most of the time they have been allocated to speak, we have provided examples below of what can and cannot be considered, this is not an exhaustive list.

MATERIAL PLANNING CONSIDERATIONS	NON-MATERIAL CONSIDERATIONS
Design and visual impact	The applicant or agent
Privacy / daylight / sunlight	Land ownership

Noise, smell, pollution	Private rights e.g. access/covenants
Access / traffic	Need (with some exceptions
Health / health and safety	Property value
Ecology, landscape	Competition
Crime (and fear of)	Loss of view
Economic impact	“moral” issues (e.g. gambling)
Planning history / related decisions	Numbers of representations
Fallback position e.g. PD Rights	Change from previous scheme
Cumulative impact	Building regulation issues
Viability of the development “	“better” use or “better” site

- (2) It is strongly recommended that speakers prepare a speech in advance so that they are able to make all their points in the time available.
- (3) Speakers should avoid defamatory comments in their speech or speech text. If a speaker says or writes something defamatory in public, they may be at risk of legal action.

Parish/Town Councillors

- (4) A Parish/Town Councillor or Clerk shall put forward views or representations which reflect the views of the Parish Council which they are representing. They shall not be entitled to put forward personal views or opinions or views which differ from those of the Parish Council which they represent.
- (5) A Parish Meeting representative shall have the same rights to speak as a Parish Council provided that they are able to evidence that they are reflecting the views of the Parish Meeting (for example as recorded in the minutes of the Parish Meeting) rather than their personal views.

Statutory Consultees

- (6) A statutory consultee shall put forward views or representations which reflect the views of the Consultee which they are representing. They shall not be entitled to put forward personal views or opinions or views which differ from those of the Consultee which they represent.

16.4. Time Limits for Speakers

All Speakers

- (1) The time limit of three minutes for each speaker will be strictly followed and cannot be exceeded. All speakers must stop when requested to do so by the Chair~~man~~.

Ward Members

- (2) Ward Members are encouraged to contact the Planning Officer prior to the Committee meeting to clarify any factual issues with the planning application and raise any queries relating to the content of the report to Committee.

16.5. Right to Appoint a Representative

Members of the Public, Agents, Applicants, Supporters, Parish/Town Councillors and Statutory Consultees

- (1) A speaker may appoint another person to speak in their place subject to the provision of this Protocol if they notify the Democratic Services Team of the change at least 24 hours before the meeting is due to start. The other party appointed must have made a representation prior to the agenda being published or be either the applicant or the agent on the application. Changes within 24 hours of the start of the meeting will be permitted at the discretion of the Chair of the Planning Committee.

Ward Members

- (2) A Ward Member may appoint another Ward Member to speak in their place provided that:
 - (a) the Member is not attending as a Committee Member;
 - (b) they notify the Democratic Services Team of the change at least 24 hours before the meeting is due to start. Changes within 24 hours of the start of the meeting will be permitted at the discretion of the Chair of the Planning Committee.

16.6. Failure of Speakers to attend the Committee

All Speakers

- (1) If a registered speaker or their representative does not arrive at the meeting before the Committee begins, the Committee will continue to consider and determine the application in their absence.

16.7. Deferral of an Application

All Speakers

- (1) If an application is deferred to be considered at a later meeting, any person wishing to speak will need to register to speak again in accordance with paragraph 14.

16.8. Procedure for Speakers at the Meeting

- (1) Committee meetings will start at the time and be held at the venue advertised on the Council's website.
- (2) All speakers are recommended to arrive 10 minutes before the start of the meeting. A ~~M~~member of the Democratic Services Team will be there to greet speakers and explain the procedure, including how to use the microphone.
- (3) No written material, photographs or diagrams or other papers may be distributed by speakers at the meeting itself.
- (4) Speakers cannot give slide or video presentations at the meeting.
- (5) All speakers will be requested to return to the public seating area after they have made their representation. Once the speakers have returned to the public seating area, they are not permitted to enter the debate further. Following the speeches, the ~~Chairman~~ will invite the case Officer to provide any further comments.

17. Late Representations

- 17.1. All representations received up to ~~12noonpm~~ two Working Days before the Planning Committee meeting will be reported to Planning Committee by means of a late paper summarising any late representations received in respect of items on the agenda for the Committee. Representations received after this time will be considered by Officers as to whether they raise any new material planning considerations not considered as part of the agenda report. Should any representation raise new material planning considerations, the Business Manager – Planning Development or other ~~Authorised Signatory~~ Authorised Officer will consider whether the item (development proposal) should be withdrawn from the agenda to enable the matter(s) to be properly considered and addressed in a future report.
- 17.2. New documents should not be circulated to the Committee. Members may not be able to give proper consideration to the new information and Officers may not be able to check for accuracy or provide considered advice on any material considerations arising.

18. Decisions Which Differ from an Officer Recommendation

- 18.1. The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the National Planning Policy Framework (NPPF)) indicate otherwise ^{3*}.

³ s.38 Planning and Compulsory Purchase Act 2004 c.5 **amendments pending*

- 18.2. This applies to all planning decisions. Any reasons for refusal and any approval must be justified against the development plan and other material considerations.
- 18.3. The courts have expressed the view that the Planning Committee's reasons should be clear, convincing and substantiated with evidence. The personal circumstances of an applicant or any other non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.
- 18.4. Planning Committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes this will relate to conditions or requirements of a S106 obligation. Sometimes it will change the outcome from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.
- 18.5. The Planning Committee should take the following steps before taking a decision which differs from an Officer recommendation: -
- (i) Record the detailed reasons as part of the mover's motion
 - (ii) If necessary, adjourn for a few minutes for those reasons to be discussed and then agreed by the Committee
 - ~~(ii)~~(iii) Where there is concern about the validity of reasons, considering deferring to another meeting to have the reasons tested and discussed.
 - ~~(iii)~~(iv) Ensure that a recorded vote is taken, recording the individual names of those voting for and voting against the motion and the names of those abstaining.
- 18.6. If the Planning Committee makes a decision contrary to the Officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the Committee's reasons shall be made, and a copy placed on the application file. A number of appeals are confined in the documents that can be used to defend it (Officer report and Committee minutes only). Members should be prepared to explain in full their planning reasons for not agreeing with the Officer's recommendation, which should be set in the context of the development planning or the NPPF. The precise wording of such conditions or s106 obligations or reasons for refusal shall be delegated by the Planning Committee to the Authorised Officers.
- 18.7. The Officer(s) shall also be given an opportunity to explain the implications of the contrary decision should one be made- including an assessment of a likely appeal outcome based on policies set out in the development plan and the NPPF, and chances of a successful award of costs against the local authority, should one be made.

- 18.8. Applications which are refused contrary to Officer recommendation and subsequently appealed may be required to be defended by either and/or both the proposing or seconding Member to the resolution or any other Member who is willing to defend the Council's decision.
- 18.9. All applications that are clearly contrary to the development plan and constitute notifiable departures must be advertised as such and are known as "departure" applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- 18.10. The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (S77 of the Town and Country Planning Act 1990). If the Officer's report recommends approval of such a departure, the justification for this should be included, in full, in that report.

19. Committee Site Visits

- 19.1. Committee site visits do not constitute formal meetings of the Council but rather their purpose is to enable Members to observe the site and to gain a better understanding of the issues. Accordingly, attendance by Members at Committee site visits is not essential and non-attendance will not preclude a Member from discussing and voting on the relevant matter at the Planning Committee meeting. Notwithstanding this, Members should make every effort to attend where it is considered that a site visit is necessary and appropriate. In addition, any relevant information which Members have gained from the site visit will be reported back to the Committee so that all Members have the same information.
- 19.2. Site visits should only be conducted where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and material considerations already. A site visit should not take place unless:
- 19.2.1. There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; or
 - 19.2.2. There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed; or
 - 19.2.3. The impact of the proposed development is difficult to visualise; or
 - 19.2.4. The comments of the applicant and/or objectors cannot be expressed adequately in writing; or
 - 19.2.5. The proposal is particularly contentious, and the aspects being raised can only be viewed on site.

- 19.3. A record should be kept of the reasons why a site visit is called. It is important that the Council adopts a clear and consistent approach on when and why to hold a site visit and how to conduct it to avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 19.4. Only Members of the Planning Committee and Officers should participate in site visits. Planning Committee Members should not attend a site visit where they have either an interest in the site as set out in Section 4 of this Protocol and within the Council's Constitution and/or will not be taking part in the debate or the vote for reasons set out within Sections 4 or 5.
- 19.5. The applicant and/or third party may be present on site but should be kept a discreet distance away from the Planning Committee Members and Officers so that they cannot be a party to any comments or questions raised. Upon the refusal of the applicant and/or third party to respect this requirement, the Committee shall leave the site immediately.
- 19.6. Members should not express opinions or views at the site meeting but may ask Officers present questions or seek clarification from them on matters which are relevant to the site investigation.
- 19.7. Under no circumstances should the site visit Members hear representations from any party. If any Member present at a site visit is approached by the applicant or a third party, they should advise them that they should make representations in writing to the Council and should direct them to, or inform, the Officer present. If the applicant and/or third party fails to respect this requirement, the Committee shall leave the site immediately. Any late correspondence received will be dealt with as set out in paragraph 17.1.
- 19.8. Once a Member becomes aware of a proposal, they may be tempted to visit the site alone. In such a situation, a Member is only entitled to view the site from public vantage points, and they have no individual rights to enter private property. Any request by the owner/occupier of a site to enter on to a premise or by a neighbour to view a site from their premise should be strongly resisted to avoid the risk of the owner/occupier/neighbour trying to influence that Member improperly, potentially creating a perception of bias and risk of legal challenge or allegation of maladministration.

20. Voting at Committee

- 20.1. Any Member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. For clarity, the *'whole of the presentation and debate'* comprises only the presentation of the Case Officer, any speakers and debate on the day the application is determined. It does not include any previous presentation and/or debate of the item ~~for either referrals or resolutions to approve subject to '...'~~ which might include completion of a s106 planning obligation, consultations, or notifications to expire or other matter.

21. Deferral

- 21.1. Members should not seek to defer consideration of any item put before the Planning Committee unless there are clear and demonstrable reasons for doing so such as a relevant planning issue arising for the first time not having been previously considered and needing further investigation.
- 21.2. Where a Member might otherwise be minded to seek deferral of an item by reason that they wish to seek clarification on a particular issue and/or consider that further material information is required on a particular matter or for any other substantial reason, they should seek to obtain such clarification or additional information from the relevant Business Manager or the relevant Case Officer at least two hours prior to the commencement of the Planning Committee meeting.

22. Biennial Review of Decisions

- 22.1. It is good practice for Members to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 22.2. Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

23. Complaints

- 23.1. Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.
- 23.2. So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by Committee and under delegated powers, and to applications, enforcement, and development plan matters.

PLANNING COMMITTEE – 13 MARCH 2025

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@newark-sherwooddc.gov.uk quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 03.02.25 – 03.03.25)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/D/25/3359286 24/01760/HOUSE	89 London Road Newark On Trent NG24 1SR	Remove the existing flat roof and parapet wall and erect a first floor rear extension on the footprint of the existing rear extension	Fast Track Appeal	refusal of a planning application
APP/B3030/W/25/3359646 24/01576/OUTM	12 Manor Close And Land North Of Manor Close Bleasby NG14 7GE	Outline application for up to 9 detached, self build dwellings with all matters reserved except access	Hearing	refusal of a planning application

Future Hearings and Inquiries

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
23/00013/ENFNOT	Appeal against Tree Replacement Notice	Hearing – date to be confirmed	Michael Read
24/01576/OUTM	Outline application for up to 9 detached, self build dwellings with all matters reserved except access	Hearing – Date proposed 4-5 June 2025 To be confirmed	Helen White

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

PLANNING COMMITTEE – 13 MARCH 2025

Appendix B: Appeals Determined (between 03 February and 03 March 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
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No Decisions received

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
Business Manager – Planning Development



Report to Planning Committee 13 March 2025

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Oliver Scott, Business Manager – Planning Development, x5847

Report Summary	
Report Title	Development Management Performance Report
Purpose of Report	This report relates to the performance of the Planning Development Business Unit over the three-month period October to December 2024 (Quarter 3).
Recommendations	For noting.

1.0 Background

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

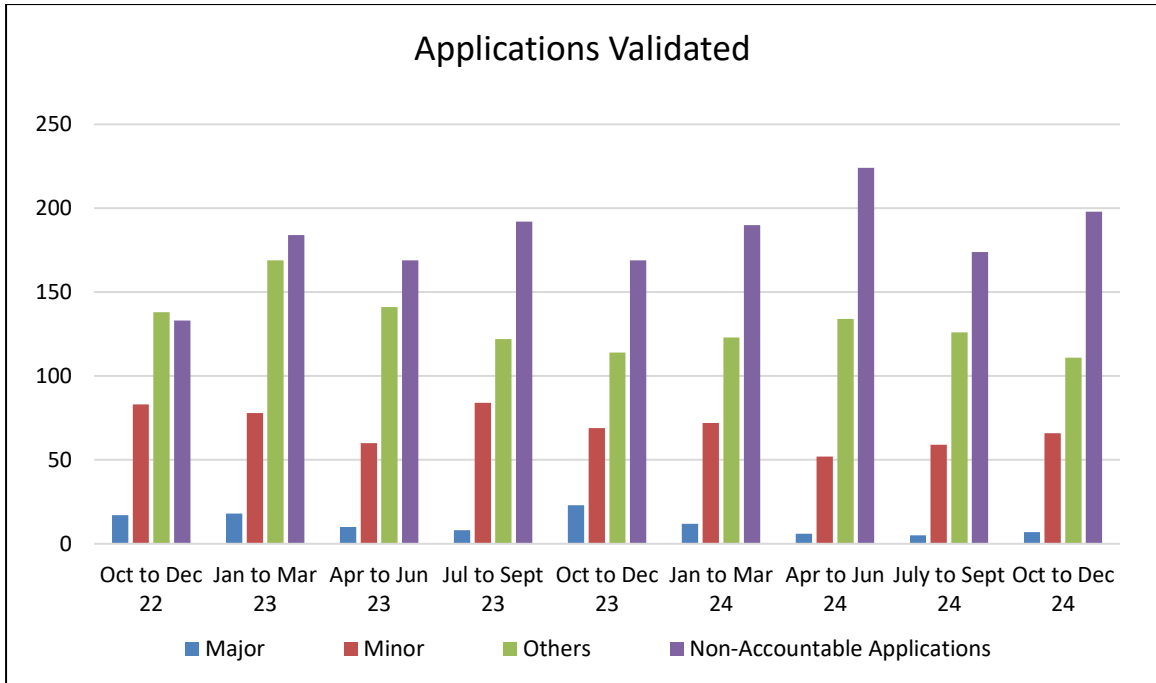
2.0 Performance

2.1 The table and graph below show the number of applications that have been received as valid each quarter from October 2022 up until December 2024. They are presented in line with the Council's reporting to Government.

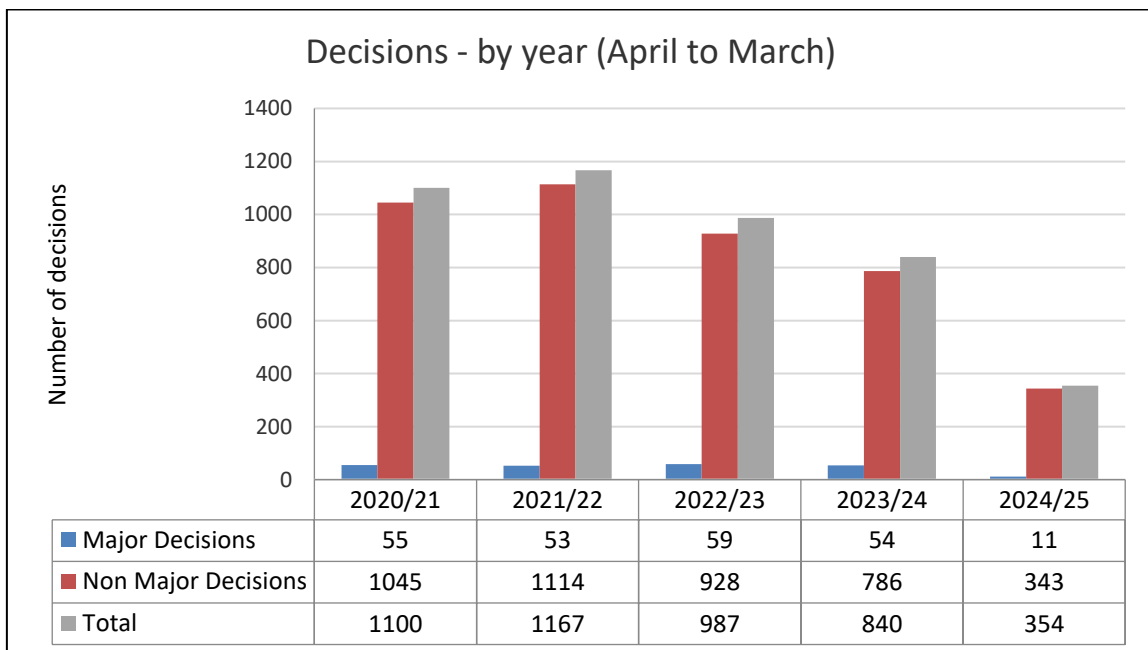
Category	Oct to Dec 22	Jan to Mar 23	Apr to Jun 23	Jul to Sept 23	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24	Oct to Dec 24
Major	17	18	10	8	23	12	6	5	7
Minor	83	78	60	84	69	72	52	59	66
Others	138	169	141	192	114	173	134	174	111
All other*	324	355	342	369	352	399	402	390	407
Total	562	620	553	583	558	606	594	580	591

**Includes: Non – accountable applications, applications/S211 notices regarding protected trees and trees in a conservation area and Pre-application advice*

2.2 In the quarter October to December 2024, a total of 591 applications were validated. When comparing season trends, this quarter represents between 5% and 6% increase compared to the same periods in 2022 and 2023. Furthermore, reversing the trends from previous years in that the service experienced an increase in numbers. In the final quarter of 2023/24, a total of 610 applications were validated. It is important to note, Major category applications however continue to be low.



2.3 Potential factors for the reduction in majors could relate to the impact of Biodiversity Net Gain requirements. There has also been a change in government and a raft of policy announcements. However, there are signs of major development picking up again. Combining potential planning reform next year and likely fee increases, there is reason to be optimistic about planning income over the next 6-12 months.



2.4 Assessing local planning authorities' performance was introduced in the Growth and Infrastructure Act 2013. Planning performance is considered annually based on a defined previous 24-month assessment period that separately measures the speed and quality of decision-making. Speed of decision-making is measured by the proportion of applications that are decided within the statutory determination period (8 weeks for non-major applications or 13 weeks for major applications), or an agreed extended period of time. The authority needs to achieve 60% for majors and 70% for non-majors. Quality of decision-making is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. Quality is set at 10% (this being the threshold for appeal overturns).

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

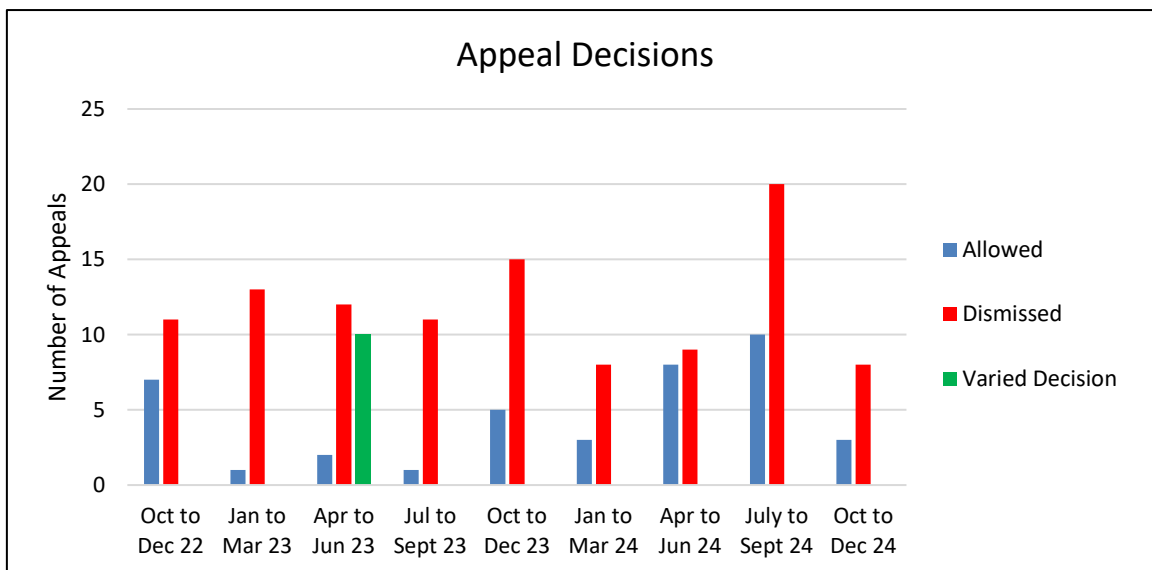
Year	Q1 Apr to Jun	Q2 Jul to Sept	Q3 Oct to Dec	Q4 Jan to Mar
Majors – target 60% in 13 weeks				
2024/25	100%	86%	91%	
2023/24	100%	93%	85%	92%
Minors – target 65% in 8 weeks				
2024/25	95%	87%	95%	
2023/24	94%	89%	92%	97%
Others – target 80% in 8 weeks				
2024/25	95%	97%	91%	
2023/24	94%	96%	86%	92%

2.6 Performance at NSDC remains positive, with majors determined beyond the national threshold in in all quarters in 2024/25 monitoring period. Minors and all Others also surpass the national target. This performance should also be understood in the context of staffing changes.

2.7 There is a right of appeal against most local authority decisions on planning permission and other planning decisions, such as advertisement consent, listed building consent, prior approval of permitted development rights, and enforcement notices. The table and graph below highlight the number of appeals and whether or not they were allowed or dismissed. In general, appeals are determined on the same basis as the original application. The decision will be made taking into account national and local policies, and the broader circumstances in place at the time of the decision.

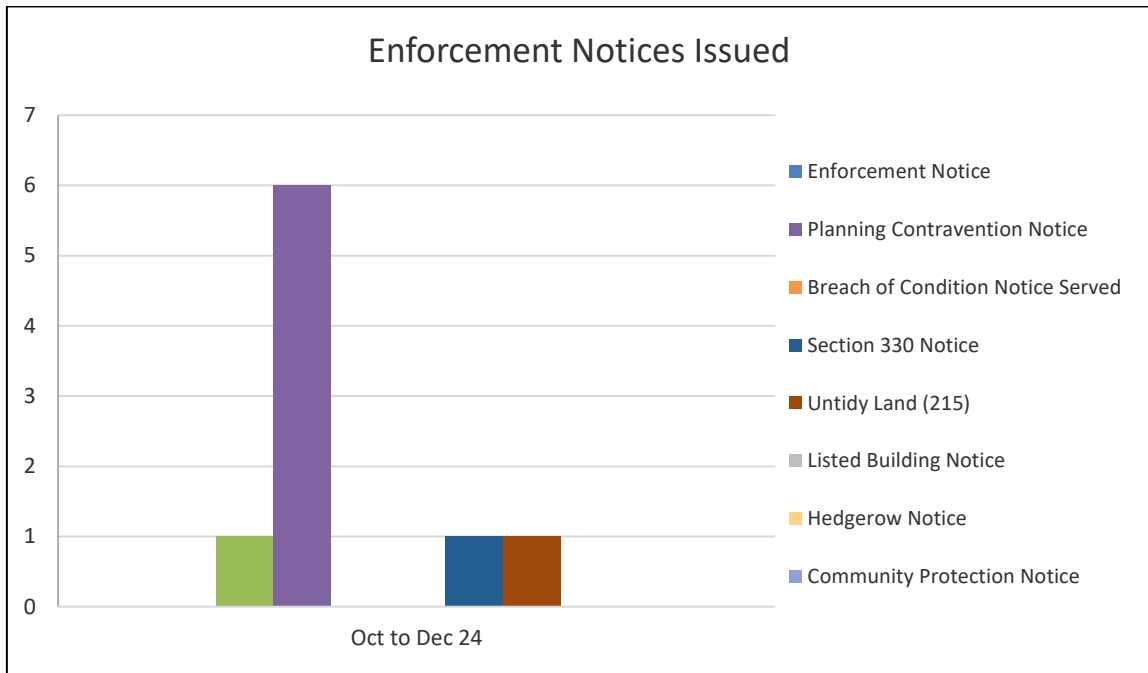
Appeal Decision	Oct to Dec 23	Jan to Mar 24	Apr to Jun 24	July to Sept 24	Oct to Dec 24
Allowed	5	3	8	10	3
Dismissed	15	8	9	20	8
Total determined	20	11	17	30	11
LPA success rate	75%	73%	53%	67%	73%

2.8 The appeal will be determined as if the application for permission had been made to the Secretary of State in the first instance. This means that the Inspector (or the Secretary of State) will come to their own view on the merits of the application. The Inspector will consider the weight to be given to the relevant planning considerations and come to a decision to allow or refuse the appeal. As Inspectors are making the decision as if for the first time, they may refuse the permission on different grounds to the local planning authority. Where an appeal is made against the grant of permission with conditions, the Inspector will make a decision in regard to both the granting of the permission and the imposition of conditions.

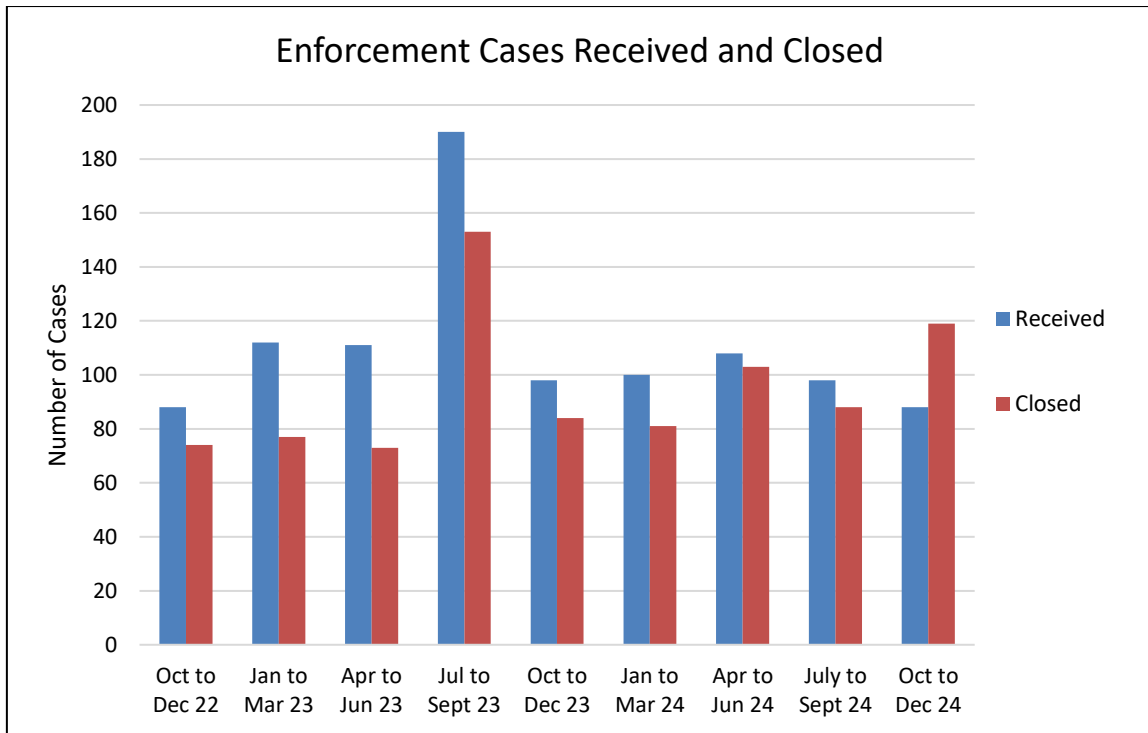


2.9 As discussed in the previous performance report, quarter 1 saw a drop-in success rate which was an outlier. This rose in quarter 2 and again in quarter 3.

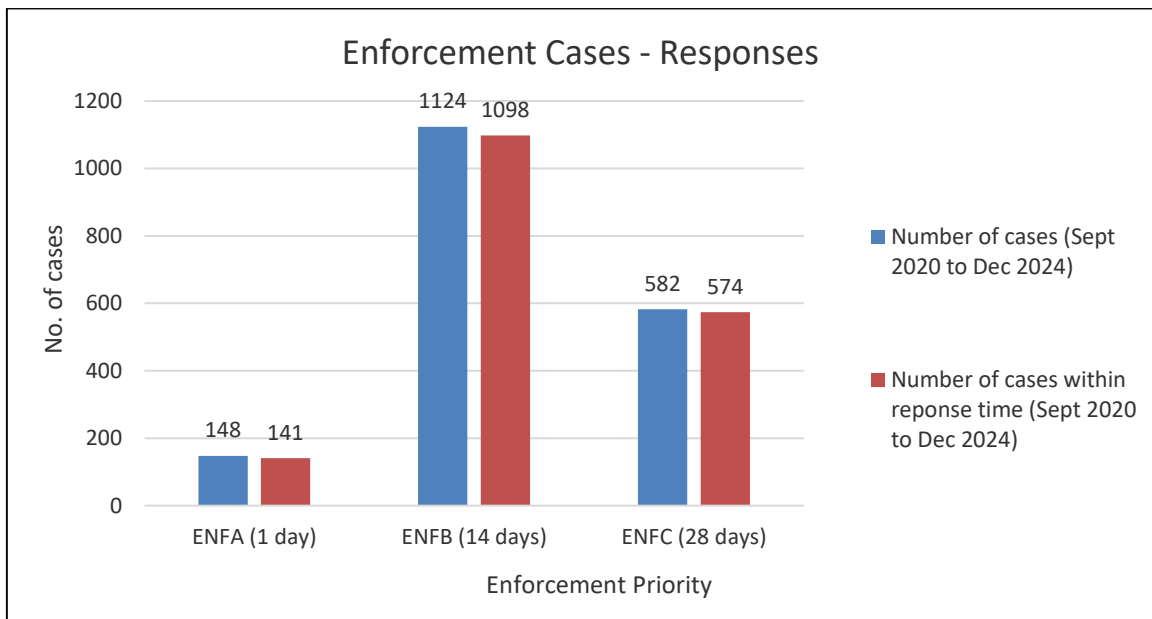
2.10 During the third quarter of this year, Enforcement have served 9 Notices, bringing to total those served since April 2024 to 41, slightly less than the corresponding period during 2023/24.



2.11 The graph below shows the relationship between cases raised and cases closed.



2.12 The speed of investigation is defined by the enforcement protocol. The graph below correlates the categories with their response times.



2.13 Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the local planning authority gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Below is the Council's performance on s211 Notices (TWCA) over the last 12 months.

TWCA Total Applications	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
Total Applications	32	20	39	30	27	33	23	36	32	44	53	37	37
Determined within 6 Weeks	31	19	39	29	26	30	22	30	31	42	53	36	37

2.14 When determining applications for consent under a Tree Preservation Order, the authority may: grant consent unconditionally; grant consent subject to such conditions as it thinks fit; refuse consent. The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others. The Council's performance on TPO applications is set out below.

TPO Total Applications	Dec-23	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24
Total Applications	5	2	11	3	5	4	3	6	10	7	9	5	11
Determined within 8 Weeks (or EOT)	4	2	11	3	5	3	3	4	6	4	8	5	10

- 2.15 It can be seen that there was a drop in performance during May to September, but this has picked up again in quarter 3 due to the hard work of tech support officers.
- 2.16 Other notable areas of work include ongoing measuring of our address data across the district against the 2024/25 Address Improvement Schedule – this, like all other Local Authorities in England is measured must adhere to the ‘The Data Entry Conventions’ (DEC), a rulebook for the creation and maintenance of consistent local address data creation. Overall, the level achieved across all criteria of the schedule is Gold – this continues the excellent level as per previous months.
- 2.17 From the start of the 2024-2025 financial year, HM Land Registry have been, for local authorities who have migrated their local land charges register, issuing them with their Local Land Charges performance metrics over the past quarter. These reports cover everything from number of late charges added, to the number of searches conducted on our dataset. Furthermore, it breaks them down into sub-percentages, before giving the LA an overall score and a colour grading, i.e. gold, silver, bronze, special measures (red). The lower the percentage, the better the score. Unfortunately, due to timings of reporting, we can only report on the previous quarter (for example, on this occasion, Q2 2024/24 and not Q3 2024/25).

Overall, we achieved gold grading, continuing the excellent work from previous Q1 2024/25 (ranked 23 out of 101 migrated LA’s).

3.0 Implications

- 3.1 In writing this report and in putting forward recommendation’s officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

4.0 Conclusions

- 4.1 Performance has continued to be met and exceeded, despite challenges within and without the organisation.