

## PLANNING COMMITTEE – 2 MARCH 2021

<b>Application No:</b>	<b>20/02279/FULM</b>	
<b>Proposal:</b>	<b>Change of use of land for the siting of 5 no. holiday lodges, erection of timber decking structures, formulation of new internal access tracks and creation of new vehicular access from Gainsborough Road.</b>	
<b>Location:</b>	<b>Land Adjacent 2 Gainsborough Road, Winthorpe, Newark-on-Trent</b>	
<b>Applicant:</b>	<b>Bentley Homes</b>	
<b>Agent:</b>	<b>Mr James Rigby - Globe Consultants Limited</b>	
<b>Registered:</b>	<b>30.11.2020</b>	<b>Target Date: 01.03.2021</b>
	<b>Extension of Time Agreed Until 05.03.2021</b>	
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QK3IVWLBKJ100">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QK3IVWLBKJ100</a>	

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Winthorpe with Langford Parish Council have objected to the application which differs to the professional officer recommendation.**

### The Site

The application site relates to a broadly rectangular plot of land just under 2 hectares in extent to the north-west of Gainsborough Road on the edge of the village of Winthorpe. The site is within the same ownership as the residential dwelling known as High Leas to the south west as well as additional open agricultural land to the north east. The site is currently in agricultural use and is in part used for grazing horses with an associated manège. There is an existing locked field gate onto the B1186 Gainsborough Road.

The site is within Flood Zone 1 according to the Environment Agency maps albeit the boundary to Flood Zone 2 is close to the North western boundary of the site.

There is a local site of nature conservation approximately 110m to the north-west of the site boundary, The Fleet, recognised as, '*a notable mosaic of aquatic, marginal and marshy grassland habitats*'.

### Relevant Planning History

The following planning history relates to the site itself:

**20/00362/AGR** - Erection of agricultural storage building. *Prior approval not required.*

**14/01686/AGR** - Erection of a steel frame agricultural building. *Planning permission not required.* However there is also planning history related to the host dwelling to the south and its associated

curtilage:

**20/00678/FUL** - Householder application for proposed domestic garage and workshop. *Application approved.*

**19/02277/S73** - Application to vary condition 2 attached to planning permission 19/01129/FUL to amend the approved plans for plot 1. *Application approved.*

**19/01129/FUL** - 2 No. detached dwellings with integral garages. *Application approved.*

**17/00478/FUL** - Householder application for erection of a triple garage (re-submission of 16/01970/FUL). *Application approved.*

**14/01803/FUL** - Householder Application for Side and Rear Extension and Alterations to existing dwelling and new Gates and entrance walling. *Application approved.*

### The Proposal

The application seeks full planning permission for the change of use of the land and the siting of 5 holiday lodges arranging in a semi-circular orientation towards the north-western end of the site around 150m from Gainsborough Road. Each lodge would provide 2 en-suite bedrooms with an open plan kitchen / living area. Externally the lodges would be accessed by steps and a ramped access and would also have a raised decking area. Each lodge would be just under 60m<sup>2</sup> in footprint designed with a mono-pitched roof with a maximum height of around 4.4m (taking account of gradient changes). Material finishes proposed are horizontal timber or composite boarded with timber fascia's and barge boards. A total of 10 car parking spaces would be provided between the lodges.

A new access road is proposed from Gainsborough Road including passing spaces.

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

- Site Location Plan – reference 2939 2<sup>nd</sup> revision dated 09/12/20;
- Topographical Survey 1 of 2 – 18 – 122 – 01 Rev. B;
- Topographical Survey 2 of 2 – 18 – 122 – 03;
- Ecological Constraints Survey – 20-0897.01 dated 15/07/2020 Rev. 2;
- Site Plan (unreferenced);
- Site Layout – 804H-02C;
- Proposed Lodges (floor plans)– 804H-03;
- Proposed Lodges (elevations) – 804H-04;
- Site Entrance Details – 804H-05;
- Supporting Planning Statement by globe consultants – 2939 dated November 2020 Rev. Version 1.1;
- Flood Risk Assessment & Outline Sustainable Drainage Strategy - RLC/0388/FRA+OSDS01 by Roy Lobley Consulting dated 18/11/2020;
- Preliminary Ecological Appraisal by deltasimons 20-0897.01 dated January 2021;
- Access Technical Note dated January 2021.

## Departure/Public Advertisement Procedure

Occupiers of 11 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.

## **Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 7 – Tourism Development

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

#### **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

#### **Other Material Planning Considerations**

- National Planning Policy Framework 2019;
- Planning Practice Guidance (online resource);
- D2N2 Visitor Accommodation Strategy prepared for D2N2 Visitor Economy Advisory Group dated June 2017;
- Nottinghamshire County Council's Visitor Economy Strategy 2019-2029;
- Destination Management Plan for Newark on Trent 2018.

## Consultations

**Winthorpe with Langford Parish Council** – Concerns relating to recent removal of hedgerow and installation of gate for proposed access. Note the allowance for a 5m wide tarmacked entry but wholly inappropriate visually and from a safety perspective. The road survey was limited (the parish council have included detail from Nov 2020 and Jan 2014). The Parish is having to deal with the potentially highly damaging impact of the changes to the A46.

**NCC Highways Authority** – Original comments requesting that speed readings be taken in accordance with CA185 (Highways England). The readings have been undertaken demonstrating the visibility splay distances. The submitted information is satisfactory to demonstrate safe access and therefore no objections subject to conditions.

**NCC Flood** – No objections.

**Trent Valley Internal Drainage Board** – No Board maintained watercourses in close proximity to the site.

**Nottinghamshire Wildlife Trust** – Original comments recommend further ecological work should be submitted. No further comments received to date to re-consultation requests.

**Representations have been received from 13 local residents/interested parties which can be summarised as follows:**

#### *Principle of Development*

- There is already camping and caravanning available on the cricket club;
- There is no demand for these holiday homes;
- Not enough is being done to protect the over development of land around Winthorpe;
- There are already air b&b lets in the village;
- Once erected there is concern the use will be changed to residential;
- These may become more permanent residences for people of a semi-transient basis;
- The site is outside the village envelope – there is concern of the longer term plan for permanent dwellings which would be easier if the site has structures on it;
- There is no information in the application as to whether the applicant is looking for full residential use or just seasonal.

#### *Impact on Character*

- The development will spoil the rural approach to the village;
- The design of the lodges is not in keeping with the general architecture in the rest of the village;
- Winthorpe has a conservation area and many historical buildings and prides itself in the open fields which surround it;
- There are neighbouring Grade II and II\* listed properties.

#### *Impact on Highways*

- The section of road can be very busy during the day for access to the school;
- The school does not benefit from dedicated parking so traffic is reduced to a single lane;
- There have been near misses and multiple incidents that have been experienced to date;
- One time visitors would not be aware of the local risks;
- There will be numerous cars at the property with the building of the two new properties;
- The proposed access is close to the road bend at the village entrance;
- The Planning Statement suggests the holiday homes may service events at the showground which often involve large vans and lorries;
- The access has only existed for several weeks created to facilitate the application;
- The village is potentially going through significant changes due to the proposed changes to the A46 which will potentially increase road noise and pollution.

### *Impact on Amenity*

- The proposal will lead to noise pollution.

### *Impact of Flooding*

- The land is at risk of flooding and not suitable for development.

### *Other Matters*

- The owner of the land is a property developer with business interests rather than a connection to the community;
- Other fields around the village have been illegally occupied and there is concern that this will give a signal to others than this is acceptable;
- There have been 7 planning applications in the past 6 years – a longer term future for the site would help inform considerations;
- The application indicates there is only 1 house on the plot where 2 more are to be built;
- No allowance has been made for waste storage or collection.

### Comments of the Business Manager

#### Principle of Development

Although the site is adjacent to the residential curtilage of High Leas (which also has extant permission for further residential development) the site is very clearly distinct from the residential curtilage and marks the transition between the built form of the village and the open countryside beyond. The site is therefore considered to fall within the open countryside albeit at the very edge of the village boundary.

In accordance with the requirements of Spatial Policy 3, development in the open countryside is strictly controlled and limited to certain types listed in Policy DM8. Of these types of development, there is an in principle allowance for tourist accommodation where it is necessary to meet identified tourism need and can support local employment, community services and infrastructure.

The D2N2 Visitor Accommodation Strategy 2017 aims to provide a robust assessment of the future opportunities for visitor accommodation development across Derbyshire & Nottinghamshire and the requirements for public sector intervention to support and accelerate visitor accommodation. In addition to considering and analysing existing provision, the study looked at new provision of accommodation across the above area. The report shows that there is a significant interest in, and market potential for, the development of all forms of non-serviced accommodation (holiday cottages, holiday lodges and lodge parks, golf lodges, fishing lodges, eco lodges, holiday resorts, holiday parks, caravan and camping sites, camping pods, glamping, treehouses, hostels, bunkhouses and outdoor education centres) across the D2N2 area. Nottinghamshire County Council's Visitor Economy Strategy 2019-2029 acknowledges that more accommodation is required for visitors to stay in the countryside.

Core Policy 7 outlines that the District Council recognises the economic benefits of tourist accommodation and in doing so will view such proposals positively. In the context of countryside setting however, there is a need to meet a number of criteria as discussed further below.

## Impact on Tourism

The submitted Planning Statement has assessed the proposal against the criteria of local policy and presents a case that the proximity of the site to the Newark Urban Area means that the "Destination Management Plan for Newark on Trent" is a pertinent document. There is no dispute that this document notes the visitor economy to be a core contributor to the economic wellbeing of the town given the known correlation between increased spending and overnight stays. Reference is also made to the D2N2 Visitor Accommodation Strategy 2017 which it is noted specifically states:

*"From talking to these types of accommodation operator in the D2N2 area, the appeal of a holiday cottage, holiday lodge, caravan or camping holiday in the area appears to be largely about getting away from it all to spend a relaxing break in the countryside." (para. 4.2.12.)*

Holiday lodge parks are identified as achieving 75-92% occupancy with the national chain Centre Parcs reporting much higher occupancy rates (pre-Covid 19 restrictions).

Core Policy 7 accepts that countryside locations can meet an identified tourism need not provided for through existing facilities of the main built up area of villages. It is considered that the proposal would achieve such a requirement in providing a countryside appeal but in close proximity to the village and its associated facilities but also the wider Newark Urban Area which would be readily accessible from the site.

I concur with the stance of the application that the development would positively contribute towards the tourism offer of the District in an area of the District specifically capable of supporting the economy of the Newark Urban Area. This weighs positively in the overall planning balance and renders the proposal compliant with Core Policy 7 and Policy DM8 subject to the assessment of other material considerations outlined below.

## Impact on Landscape

The site is within the East Nottinghamshire Sandlands Policy Zone 4: Winthorpe Village Farmlands as defined by the Landscape Character Assessment for the District. Characteristic features include a flat landscape with occasional undulating landform around the village and a mixture of intensive arable fields with strongly trimmed hedges and some low intensity farming. The landscape condition and sensitivity is defined as moderate with the landscape action to conserve and create. In terms of built features one of the policy actions is to conserve what remains of the rural landscape by concentrating new development around existing settlements. The positioning of the site at the edge of the village would meet this requirement.

The built form associated with the proposal would be discretely positioned at the north western edge of the site some 150m set back from Gainsborough Road. There is a natural land and level change to this part of the site meaning that the proposed lodges would be between 11-12m AOD compared to the road at around 17m AOD. This will naturally reduce the landscape impact of the lodges given their modest proposed height of approximately 4.4m. Land to the south west (within the applicant's ownership) is also heavily vegetated which will further screen the lodges, as will proposed additional planting which could reasonably be secured by condition. There would need to be some hedgerow cut back to create the visibility splays at the site access but this would be minimal in the context of the entire hedgerow along the site frontage.

The Planning Statement details that the siting of the lodges at a low point within the wider landscape is a deliberate intervention to reduce the overall zone of visual influence and associated landscape impacts. When taken in the context of the proposed additional landscaping, I concur that the application, *“is not considered to have any negative or unacceptable impact on the Landscape Character Zone within which the Site is located, nor on the character or appearance of the area which immediately surrounds the Site”*.

### Impact of Design

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The five lodges would all follow the same design set in a crescent arrangement with external terraces facing broadly towards the north western boundary of the site. The construction with external cladding is typical of a development of this nature albeit the plans leave some ambiguity to the precise materials proposed which has been queried with the agent during the life of the application. The agent has agreed that precise material details could be agreed by condition.

In the context of the aforementioned section in respect to landscape impacts, the design of the buildings would also be relatively well screened from the surrounding area and no specific harm has been identified against the relevant criteria of Policy DM5. .

### Impact on Ecology and Trees

Policy DM7, consistent with the requirements of Core Policy 12, establishes that new development *“should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network”*.

The Planning Statement included details of an ecological constraints survey. The site is largely laid to grass with scattered trees and shrubs predominantly around the boundaries of the site. There are existing fences within the site owing to the use of the land for grazing horses. Notwithstanding the details contained within the Planning Statement, the original comments of Nottinghamshire Wildlife Trust requested further ecological assessments of the site be undertaken given the habitats in and adjacent to the site. These comments were passed to the agent and a Preliminary Ecological Appraisal was received during the life of the application.

The report details the potential on-site habitats for a variety of species including birds; reptiles; bats; badgers; otters and great crested newts. It concludes that the existing grassland habitat which dominates the site offers limited ecological value where it has been grazed albeit there is a smaller proportion of longer grassland in the north which may provide increased opportunities. Moreover, the hedgerow, scattered trees and scrub may offer potential for nesting birds. Equally the site provides foraging and commuting habitat for bats, particularly around the boundaries.

A number of recommendations are made for the construction and operational phases of the development both in respect to habitat protection and enhancement. Crucially, no further survey work is deemed necessary from the outcome of the initial survey.

Nottinghamshire Wildlife Trust have been invited to comment on the document noting their original request for further works to be undertaken. Unfortunately no further comments have been received to date. Nevertheless, the preliminary appraisal provides a robust means on which to assess the ecological impacts of the proposal and subject to the protection / enhancement measures being secured by condition, the proposal does not create conflict with Core Policy 12 or Policy DM7.

### Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

The lodges would all be accessed from one access from Gainsborough Road which would require the creation of visibility splays but would also include passing bays along the access road. It is noted that works to create the site access have been undertaken without the benefit of planning permission as referred to within the comments of the Parish Council. The planning enforcement team have been made aware of these works but given the pending application, no formal action has been taken. The proposed access arrangements include the removal of the existing field gate and the widening of the first 25m of the access to 5m site before narrowing to 3.7m but with passing bays.

The Planning Statement details an expectation that the majority of check in and check out journeys will be outside of peak highways hours. There is also a detailed analysis of the sustainability of the site detailing nearby footpaths, cycle routes and bus stops to demonstrate that the occupiers of the lodges could access Winthorpe's modest range of local amenities or at a wider level the full range of services within the Newark Urban area.

The proposal has been assessed by Nottinghamshire County Council as the Highway Authority. The original comments acknowledged that the applicant had entered pre-application discussions but nevertheless acknowledged that the access is positioned on a piece of land that sits between the existing built up area of the village and the start/end of the 30mph restriction. The concern being that the actual vehicle speeds may exceed the 30mph limit as vehicles enter or leave the built up area. The comments requested speed reading to be taken which have since been received during the life of the application.

The speed survey was undertaken on 6<sup>th</sup> January 2021 at the location of the proposed access to the development site. The results showed the following:

Table 2-1 Speed Survey Results

Direction	Average Speed	85 <sup>th</sup> Percentile Speed
Northbound	26 mph	31 mph
Southbound	26 mph	29 mph

Based on the 85<sup>th</sup> percentile speed recorded, visibility splay requirements were calculated and demonstrated on the latest drawing.

The latest comments of NCC Highways conclude that the submitted information is satisfactory to demonstrate that safe access can be achieved and raise no objection subject to the inclusion of conditions. It is noted that the site access and highways safety continues to be of concern to the Parish Council. Reference is made to the future A46 works which may cause disruption to the village but clearly this would not be within the scope of the current application to address.

The Parish Council comments reference a request recently made to NCC Highways for a speed survey to be undertaken at broadly the same location as the applicant has undertaken given the local concern of vehicles speeding at this part of the highway which is close to the Primary School; bus stop and the bend approaching the A1133. Speed data from November 2020 and January 2014 has been provided. The 2014 data shows that one of the locations of the survey was broadly at the location of the site access and recorded an 85<sup>th</sup> percentile average of 37mph. No specific location is shown for the 2020 data but assuming the locations were similar then again the 85<sup>th</sup> percentile averages are higher than that presented by the applicant at 38mph on average.

It is considered fair to discount the 2014 data given the passage of time since that survey. However, there is a clear discrepancy between the data of two surveys just 2 months apart. Officers have invited NCC Highways to comment on the data provided by the Parish Council but at the time of agenda print are awaiting a response. It is not considered that this will amount to a fundamental objection to the proposal, it may mean however that the visibility splays need to be further increased as a precaution on the basis of an average between the data sets but this could be achieved within the site location plan. Any response and indeed updated visibility plans will be shared with Members at the meeting.

#### Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

Owing to the countryside location of the site, there are limited neighbouring receptors which would be affected by the development. The closest would be the dwelling known as High Leas which falls within the same ownership of the site. It is also notable that permission has been granted for two additional dwellings to the west of the dwelling also shown within the same ownership. However, there remains a possibility that the ownership of the site may be separated at a later date and therefore matters of amenity still require a thorough and careful consideration.

The lodges would be single storey and given the intervening vegetated boundary treatment, the proposal is unlikely to have any visual amenity impacts such as overbearing or loss of privacy. The greatest potential impact would be a general increase in noise and disturbance. However, the orientation of the lodges is such that their outdoor amenity areas would face north westwards towards a wooded area beyond the site. This would limit the amount of sound carried to neighbouring properties as the physical built form of the lodges would act as a partial barrier. Even if all 5 lodges were to be occupied at the same time, the level of activity created externally is unlikely to be a nuisance to existing neighbours given the distance between the lodges and neighbouring built form (around 100m) but also the existing and proposed landscaping.

On the basis of the above, there would be no justifiable reason to resist the application on amenity grounds.

### Drainage and Flooding

The site is within Flood Zone 1 according to the Environment Agency maps. The site is at very low risk of surface water flooding. However, the extent of Flood Zone 2 lies at the north western boundary of the site. The application has nevertheless been accompanied by a Flood Risk Assessment (given that the site area is over 1hectare) which confirms the following:

*The lodges will be raised approximately 0.60m above the existing ground level.*

*It is proposed that the surface water runoff from the access road, hardstanding, and roofs will mimic the existing greenfield drainage so as not to increase the volume of water entering the watercourse system.*

*The access road and hardstanding areas will be constructed from permeable material such as gravel which will allow infiltration into the ground. Any remaining surface water will be discharge onto the surrounding grass areas to drain naturally through the sub-soil which will provide attenuation.*

*The surface water from the roofs of the five lodges will discharge directly onto the existing surrounding grassland to soak into the ground and mimicking the existing natural drainage pattern.*

Nottinghamshire County Council as the Lead Local Flood Authority have confirmed that there are no objections to the proposal. The development would be sequentially appropriate falling within Flood Zone 1 and taking account of the intentions details above, there is no further information required in relation to flooding or drainage issues.

### Impact on Economy

Core Policy 6 seeks to expand the District's employment base in line with the economic aims of the NPPF. The Planning Statement deals with the development impact on the economy estimating (using VisitBritain data) that *"it is possible to show that the Application could generate c.£160,000 in visitor spending based on an assumed year round occupancy rate of 80% and 2 no. economically active adults staying in each lodge per stay"*.

There is clearly the opportunity for increased spend in the area through the users of the lodges using local facilities or even just local shops for the convenience of self-catering.

The application form stated that the development would not create any jobs. This has been clarified with the agent who has confirmed that the figure should in reality read as unknown albeit based on previous applications of a similar nature, 1 no. full time employee is created by every 309 visitors. The response goes on to confirm that based on the development being shown to attract 470 visitors per year, it would be reasonable to estimate between 1-2 FTEs would be supported by the development (albeit in reality it is more likely that the employment will be made up of various part time roles).

In addition to this, the construction of the development would create short term construction jobs. All of these factors can be weighed positively in the overall balance.

### Other Matters

Although the site does not relate to permanent occupations, there will still be an expectation from occupiers that they will enjoy a certain level of privacy. The original submission did not identify the boundary treatments between the lodges. These details have been sought during the life of the application however the agent has confirmed that they would be satisfied for these details to be sought be condition.

### Overall Balance and Conclusion

Despite being within the open countryside, the proposal relates to a tourism use which is in principle acceptable under the development types of Policy DM8. The applicant has demonstrated that the proposal would contribute towards much needed overnight accommodation close to the Newark Urban Area. This and the economic benefits of the proposal are deemed as strong factors in favour of the development.

The lodges would be modest in their height and positioned at a natural low point in the site which will assist in their assimilation into the open countryside. The nearest neighbouring property, despite currently being within the same ownership would be some distance from the nearest lodge and moreover this distance would be intervened by both existing and proposed landscaping. No other harm has been identified in respect to ecological impacts; impacts on the highways network or in respect to matters of flooding and drainage. The economic and tourism benefits therefore hold positive determinative weight and the proposal is recommended for approval subject to the conditions outlined below.

### **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

#### Conditions

01

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

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

02

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

- Site Layout – 804H-02C;
- Proposed Lodges (floor plans)– 804H-03;
- Proposed Lodges (elevations) – 804H-04;
- Site Entrance Details – 804H-05.

Reason: So as to define this permission.

03

The development hereby permitted shall be used for holiday accommodation and for no other purpose including any other purpose within Class C3 'Dwelling Houses' of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any purpose permitted through the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order). No part of the accommodation hereby approved shall be used by any person as their sole or main residence.

Reason: To avoid the creation of a separate residential unit in a location which would not be considered sustainable for such and in acknowledgement of the intentions of the application.

04

The owners/operators of the visitor accommodation hereby approved shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority, at any time, and a copy of the register shall be supplied to the Local Planning Authority at the end of each calendar year.

Reason: The proposed visitor accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed accommodation is only acceptable as a tourism development. To grant permission without such a condition would be contrary to policies Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

05

The development hereby permitted is for use as holiday accommodation and no unit shall be occupied by the same person or persons, for a total period exceeding 28 days in any calendar year.

Reason: To ensure that the units are not occupied for residential purposes in a location where new residential development would not normally be permitted in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

06

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In the interests of visual amenity.

07

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

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

Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

08

Notwithstanding the details shown on plan reference Site Layout – 804H-02C, no development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall thereafter be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities.
- The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and shall take account of the advice within Section 6.2 'General Site Enhancement' and associated Appendix F of the Preliminary Ecological Appraisal by deltasimons 20-0897.01 dated January 2021.

Reason: In the interests of visual amenity and biodiversity.

09

The approved soft landscaping shall be completed during the first planting season following the occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping shall be implemented on site prior to first occupation.

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

10

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

11

The development hereby approved shall be carried out in accordance with the mitigation measures outlined by the submitted Preliminary Ecological Appraisal by deltasimons 20-0897.01 dated January 2021 specifically Section 6.2 which includes but is not limited to:

- Lighting on site to be functional and directional in order to minimize the impact on bats;
- No excavations or trenches to be left uncovered overnights during the development works (or inclusion of ramps);

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

12

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local Planning Authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the first occupation of each individual unit and shall then be retained thereafter for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

13

Details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of visual and residential amenity.

14

No part of the development hereby permitted shall be brought into use until the access to the site has been provided in accordance with drawing 804H-02C and surfaced in a bound material for a minimum distance of 25 m from the public highway.

Reason: In the interests of highway safety, and; to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

15

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. 403.11633.00001-01 (Appendix 3 of the document Access Technical Note dated January 2021) are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

#### Notes to Applicant

01

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

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

02

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

03

The development makes it necessary to construct an access within part of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to agree details and arrange for these works to be Page No. 2 carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licencespermits/temporary-activities>

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 20/02279/FULM

