



Report to Planning Committee 18 January 2024  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
<b>Application Number</b>	21/02690/FUL		
<b>Proposal</b>	Engineering works to form new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works		
<b>Location</b>	Newark Castle, Castle Gate, Newark- on-Trent		
<b>Applicant</b>	Newark And Sherwood District Council - Carys Coulton-Jones	<b>Agent</b>	Martin Ashley Architects - Ms Ellen McBride
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk">21/02690/FUL   Engineering works to form new gatehouse approach, alterations to existing castle, creation of new pedestrian access, construction of new entrance pavilion and multi-functional events facility and landscaping works   Newark Castle Castle Gate Newark On Trent (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	13.01.2022	<b>Target Date</b>	10.03.2022
		<b>Extension of Time</b>	22.01.2024
<b>Recommendation</b>	That planning permission is APPROVED, subject to the conditions set out within Section 10 of this report		

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation because Newark and Sherwood District Council is the applicant.**

**1.0 The Site**

The application site relates to Newark Castle and Gardens which are located on the edge of Newark Town Centre on the east bank of the River Trent, opposite the Ossington (Grade II\* Listed Building) and at the junction between Beast Market Hill to the north and Castle Gate to the east.

The castle is a Grade I listed building and a Scheduled Monument. The gardens are a Grade II registered park and garden. The site is also located within Newark Conservation Area.

The Grade II listed now Federation of Women's Institute (former Tollhouse) building (known as Trent Bridge House) is located to the north-west of the site fronting Beast Market Hill. This building is used as offices and meeting rooms. To the east of the site and within the castle grounds (but not within the application site) is the Grade II listed Gilstrap Building which houses the registry office and is owned and run by the County Council. To the south of the site is a footpath which connects Castle Gate to the path along the river. There are many other Grade II listed buildings located along Castle Gate.

The western boundary of the site is formed by a dwarf brick wall that forms the riverbank adjacent to the river path. Beyond this on the opposite side of the river is Riverside Park which forms an open setting to the castle from the west. All other boundaries are formed by low stone walls supporting iron railings with mature tree and hedgerow planting behind.

Pedestrian access is currently achieved from Castle Gate at the northeast and southeast corners of the site (with vehicular access also from Castle Gate at the southeast entrance).

The lower land levels, including the river path, to the west of the castle curtain wall lies predominantly within Flood Zone 3a (with a very small area in Flood Zone 3b) which means it is at high risk of main river flooding with Flood Zone 2 (medium risk) extending further into the site to up the gatehouse ruin. Surface Water Flood Risk is very low within the site.

Ground levels on the site range from 10.5m AOD (adjacent to the River Trent) to 19.3m AOD across the grounds.

## **2.0 Relevant Planning History**

96/50975/CAC - Demolish existing public toilets facilities. Permitted 01.01.1996.

98/51120/FUL - New vehicular entrance, replacement railings, repairs to perimeter wall and demolition of existing toilet block. Permitted 20.05.1998.

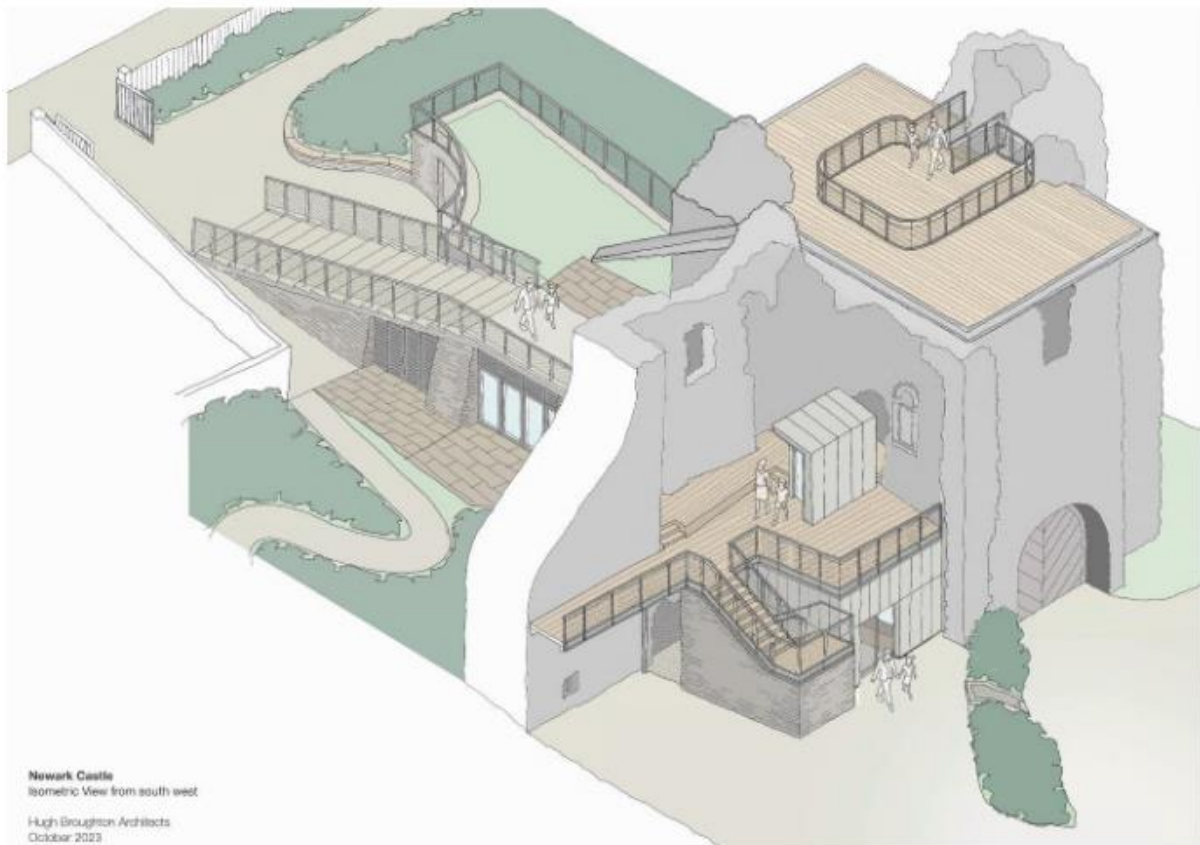
## **3.0 The Proposal**

Although Newark Castle is a listed building, it is also a Scheduled Monument. As such, no application for listed building consent is required to be determined by the Local Planning Authority for these proposals, as any physical alterations to the building would require Scheduled Monument Consent from Historic England, which would override the need for listed building consent in this case.

This application seeks full planning permission for the creation of a new pedestrian access from Beast Market Hill adjacent to the Women's Institute building and the formation of a new gatehouse approach, the construction of a new entrance pavilion and multi-function building providing an events facility through alterations to the existing castle.

## Entrance

- New pedestrian gated entrance between new stone piers from Beast Market Hill;
- Gatehouse approach (appearance of stepped moat bridge) with multi-function building beneath;
- Reprofilng of ground surface to provide accessible ramps to provide a sinuous path through the gardens to entrance pavilion on other side of curtain wall;
- Materials: brick piers and iron entrance gates; concrete screed steps; stainless steel balustrade and handrails; Blue Lias coursed rubble walling with coursed aggregate lime mortar bedding; resin bound gravel path surfaces.



## Multi-function building

- Sits below stepped moat bridge and extends into accessible flat roofed area to a new single storey building to the north and east, partly semi-buried/incorporated into the slope of the land;
- 160m<sup>2</sup> floorspace beneath new stepped moat bridge and existing gardens;
- Paved accessible entrance from west leading into building;
- Staff office and storerooms;
- Multi-function events space 85m<sup>2</sup> to include educational/engagement activities;
- WC and accessible WC;
- Materials: Coursed Blue Lias stone walling; grey powder coated aluminium bi-fold doors; aluminium louvres; part green/part hard surfaced roof.

## Gatehouse

- Re-inserted first and smaller second floor, roof and creation of roof-top viewing deck;
- Stepped access to second floor leading to roof-top viewing deck (approx. 26 sqm in area)
- Materials: Duratek/recycled plastic walkway boarding to roof deck; course ban-sawn seasoned English oak for structural timber boards and clenched nail doors; iron-strapped and oak-boarded double external doors; leaded casements and fixed light windows reinstated in historic locations; stainless steel mesh balustrades and handrails to roof deck.

## Entrance pavilion

- New building erected in the corner between the west side of the gatehouse and the curtain wall;
- To be constructed independently from the castle structure;
- Ticketing point and retail area at ground floor level (the only area internally heated)
- External step access up to first floor walkway and viewing gallery;
- External step access down to existing dungeons;
- Lift to first floor of pavilion building and walkway to NW tower;
- Concrete raft foundation to protect underlying archaeology;
- Materials: Coursed Blue Lias walling; steel steps; terne/batten roll zinc cladding; stainless steel mesh balustrades, screens and gates; steel and glass entrance sliding doors.

## NW tower alterations

- Removal of the existing 1990's first floor and installation of new oak floor structure at the Medieval 1<sup>st</sup> floor level;
- New floor above existing ground floor level for wheelchair accessibility to ground floor level.

## Alterations within existing gardens

- Reprofilng of ground surface, including cut and fill, to provide accessible ramps and sinuous path from the entrance point, through the gardens to the entrance pavilion on other side of curtain wall;
- Removal of tree and vegetation around new entrance in north-west corner;
- Provision of new external lighting, seating, bin facilities, trim trail and bicycle parking provision.

The proposals seek to better control and direct visitor movement across the site, provide inclusive access to ground and first floor levels of the Gatehouse, entrance pavilion, North-West Tower and multi-function building. Whilst all external space would continue to be financially free to access by all as is currently the case, a charge would be payable on implementation of the scheme to access the buildings.

Proposed Site Layout:



There are a considerable number of plans and supporting documents relating to this application. In order to avoid duplication, the plans are listed within Condition 012 below and all the supporting reports and documents are listed within Informative 010 towards the end of this report.

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

Occupiers of 42 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.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 7 - Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 7 – Tourism Development
- Core Policy 9 - Sustainable Design
- Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
NAP1 - Newark Urban Area

## **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

## **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance (online resource)
- Newark Castle Gatehouse Project Conservation Management Plan Oct 2023 by Purcell
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 Consultations**

Comments have been summarised below but are available to view in full on the Council website.

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

**Historic England** – support the scheme, which will better reveal the significance of the Castle and enhance visitor understanding and enjoyment. The revised form of the pavilion structure better respects the architectural form of the gatehouse whilst delivering access arrangements etc. In regard to the 3 laurels to the east of the gatehouse, rather than fell two and retain one, they recommend all three should be retained but managed as a designed group and very heavily cut back. The lighting arrangements on the waterside need refining in new masonry pilasters against the dry side of the existing riverside wall with shallowed armoured cable connections rather than deep cable trenching. Such final detailing and archaeological controls can be appropriately addressed through conditions on Scheduled Monument and Planning consents, along with those details of seats, bins and other bollard lighting.

**Ancient Monuments Society (Historic Buildings and Places)** – Initial comments state unclear why both entrance pavilion and multi-function space are fully attached to castle and not stand-alone structures with minimal connections needed to link the ramp, stair and lift to the Gatehouse and why ticket office is not within multifunction building where visitors first arrive on the site. Recommends less intrusive options are fully explored before proceeding with the application to consider less intrusive options. No comments have been received to latest revised submission.

**NCC, Highway Authority** – No objection to a new pedestrian entrance as the gates are proposed to open inwards, away from the public highway, subject to a condition preventing the use of the access by any motorised vehicles. The applicant has previously been advised that the amendment of the Traffic Regulation Order to allow new disabled parking on Beast Market Hill may not be successful and the submitted drawing should not therefore form an

integral part of any permission. Recommend an informative be added to any permission to explain that the applicant will be able to make an application to amend the TRO but the outcome cannot be guaranteed.

**The Environment Agency** – No objection although the developer may wish to include measures to reduce risk posed to the general public and staff in the event of future flooding of the western access and immediate riverside area. Use of the riverside area should be avoided well before any flooding occurs. In the event of a Flood Alert Warning, evacuation should be sought in accordance with the measures put forward within Section 4.3 of the submitted Flood Risk Assessment. Recommend an informative be added to any permission regarding the need for the applicant to apply for an Environmental Permit from the EA.

**NCC, Lead Local Flood Authority** – No bespoke comments on surface water drainage but recommend a number of general guidance points.

**The Gardens Trust** – Do not wish to comment at this stage, and this does not signify their approval or disapproval of the proposals.

**Canals & River Trust** – No objection but raise some concern in relation to the impact on the stability of the waterway wall as the proposed drainage strategy shows a soakaway approx. 7.5m from the waterway wall, which can adversely affect stability through excavations and increased ground saturation. At the distance and depth proposed such adverse effects are unlikely to arise. However, the strategy states that the soakaway design is likely to change. Therefore, it is requested that final drainage plans shall be conditioned, clarifying the soakaway location to ensure the stability of the wall is not adversely affected. The Trust is also interested in the archaeology relating to this historic coal wharf which may survive between the western wall and the River Trent. The recommendations of the Archaeology Report should be implemented via a planning condition and that any findings relating to the wharf and/or waterway form part of future interpretation, particularly addressing the relationship between the castle and the waterway, which is central to its significance and visual presence within the Conservation Area. Recommend a number of informatives be attached to any permission granted.

**(b) Parish Council**

**Newark Town Council** – No objection.

**(c) Non-statutory Consultees and Representations**

**Nottinghamshire Federation of Women's Institutes** – neither object nor support but make the following comments. The removal of all trees around the perimeter of their building except the Yew tree at the rear, would expose the rear and side of the building and make it more vulnerable to break ins and theft and prone to litter from the castle site blowing through the railings; disruption due to noise and interruption to water supply and potentially lack of toilet facilities; the multi-function room seats up to 40 people with 2 toilets, wash hand basins and a sink. Notts Federation of WI's has been approached by NSDC requesting use of the sewer pump to service the waste as the WI own the pipework which leads from the sewer pump in the back yard, under the castle grounds to the corner of the castle grounds, where it meets the town sewer. The current pump is over 20 years old and unlikely to meet the demands of any extra load. The request by NSDC for shared use of the sewerage pump and transfer pipe has been declined by the Trustees; any damage to sewer pipework during heavy machinery usage must be made good by NSDC.

**NSDC, Conservation** – Subject to clarification and justification of the structural work to the Gatehouse, overall, the proposed development preserves the special interest of the listed building and the character and appearance of Newark Conservation Area.

Structural details submitted in relation to the floor and viewing deck within the Gatehouse show a 60mm diameter steel column, however, architect drawings show columns will be 100mm and hollow to thread cabling through. Floor plans show most of the columns located close to the edge/corners of the rooms, assisting to mitigate their visual impact, however, some are located a greater distance away, making them more visible and impacting the visitor experience and ability to access features such as the window on the second floor. Further information and clarification in relation to the structural requirements would be helpful to confirm if columns could be moved closer to the edges or made smaller? There is also potential to reduce the number of bollard lighting and thereby the visual intrusion within the park and garden by removing the bollards between the benches at the end.

**NSDC, Tree and Landscape Officer** – Suggests that the documents submitted are biased and do not take into account the living heritage or history in its full breadth of this location; suggests that the tree survey does not give sufficient information to fully evaluate the proposal and both Category A and B trees should not be removed as they are considered significant to the historic character of the area and the scheme be redesigned to ensure retention; no justification for the removal of the trees and no mitigation proposed (where, on the balance of benefits, trees are lost, replacement should be required by condition within 2m of the stump, ensuring canopy coverage is replaced at full mature size) and impact on the remaining trees is an unknown due to insufficient information supplied.

**NSDC, Biodiversity and Ecology Lead Officer** – has commented as follows - I can advise that I consider a satisfactory level of survey and assessment has been undertaken to determine the potential ecological impacts of the proposal. This has been undertaken by suitably competent ecologists using best practice guidelines. Based on the submitted documents I would concur with the key conclusions of the ecological assessment which are summarised below:

- There would be no impact on any site designated for its nature conservation interest;
- There would be no impact on any priority habitats (i.e., Habitats of Principal Importance as listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006);
- There would be a potential impact on a common pipistrelle *Pipistrellus pipistrellus* roost located in the northwest tower;
- There would be potential impacts on foraging and commuting bats from artificial lighting;
- There is potential for impacts on nesting birds during vegetation clearance;
- Except for the impacts on bats and nesting birds, there would be no impacts on other protected and/or priority (i.e., species listed on s41 of the NERC Act 2006);
- The invasive non-native plant Japanese Knotweed *Reynoutria japonica*, which is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is present along the riverbank; and
- There is potential for biodiversity enhancement via an appropriate soft landscaping scheme.

**NSDC, Environmental Health** – no objection but recommends a Construction Method Statement is submitted to control hours of construction and deliveries be restricted to normal building hours.



**Newark Business Club** – support the application.

**One letter of representation has been received** from an interested resident of the District who consider the series of steps proposed up to the Gatehouse would have been out of place in 1123/1133 and underneath would have been the original moat and a bridge type structure would have been required to cross it (although there does not appear to be any slots for a drawbridge) and questions is this to be indicated in any way in the proposed works?

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

The key issues are:

1. Principle of Development
2. Impact on Heritage Assets and Visual Amenities of the Area
3. Impact on Residential Amenity
4. Impact on Highway Safety
5. Impact on Ecology
6. Impact on Trees
7. Impact on Flood Risk
8. Other matters

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

As the application concerns designated heritage assets of the setting of listed buildings and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*" Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Newark is one of England's finest market towns and was identified by the Council for British Archaeology in 1964 as one of only 51 towns of national importance. Today, Newark is still a remarkable town historically and architecturally, with a range of historical assets reflecting

the Medieval, Civic War, Georgian and Victorian periods. This includes Newark Castle, which is perhaps the jewel, given its contribution to the nation's history and its prominent siting within the wider built environment together with its position on the River Trent and it can be considered the town's most significant key asset.

### Principle of Development

Spatial Policy 1 (Settlement Hierarchy) identifies the Sub Regional Centre (Newark) to be the main location for investment for new services and facilities within the district. Spatial Policy 2 (Distribution of Growth) states Newark Town Centre will act as a focus for new retail, cultural and leisure development, which is also reflected in Policy DM1 (Development within Settlements Central to Delivering the Spatial Strategy).

Spatial Policy 8 (Protecting and Promoting Leisure and Community Facilities) states the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address both deficiency in current provision and where they meet the identified needs of communities, both within the district and beyond. It goes on to state that small-scale development that is ancillary to existing open space and recreational land and which would result in a small loss of space will be supported, provided that it contributes toward the improvement and better use of the remainder.

Core Policy 7 (Tourism Development) states that the Council recognises the economic benefits of sustainable tourism and visitor-based development and will view positively proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls an existing provision subject to:

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport, infrastructure, community services and in locations adjacent to the open countryside, landscape character.

Policy NAP1 (Newark Urban Area) seeks to protect and enhance the architectural, historic and archaeological character of Newark and its riverside, identifying locations and sites to be the subject of conservation and sensitive redevelopment. This policy also seeks to promote Newark Town Centre as one of the district's key tourism destinations by developing and enhancing culture, leisure and entertainment facilities and uses and heritage assets which attract visitors and residents to the area.

This application seeks to promote and better reveal the significance of Newark Castle and improve the visitor experience through a combination of better access, increased facilities, and greater deployment of historic knowledge and interpretation. Such improvements would be enjoyed by visiting tourists, schools, residents of the district and beyond. As such, it is considered that the principle of the development is acceptable and would accord with the summary of Development Plan policies above, subject to the assessment of site-specific considerations which are set out below.

## Impact on Heritage Assets and Visual Amenities of the Area

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. Key issues to consider for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Core Policy 9 states that new development should achieve a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the district and is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Paragraph 135 of the NPPF states planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

The site sits in a prominent and important location, at the end of the Great North Road, at the main entrance to the town and adjacent to the River Trent. It is also a significant historic location, the existing castle dating back to late 13<sup>th</sup>/early 14<sup>th</sup> century and is Grade I listed and a Scheduled Monument. The site is also a Grade II registered park and garden. Sitting within Newark Conservation Area, it is also surrounded by other listed buildings, including the Ossington (Grade II\* Listed Building) to the north on the opposite side of Beast Market Hill, the Grade II listed former Tollhouse (now occupied by the Women's Institute) to the north-west, the Grade II listed Gilstrap Building fronting Castle Gate to the east. There are many other Grade II listed buildings located along Castle Gate. This site is therefore in a highly significant historic environment.

The site of the castle and grounds is well contained and generally well screened with only limited views in. The castle is an impressive building and a dominant architectural feature, it has a long and distinctive curtain wall punctuated by a complete Romanesque Gatehouse. It

is this wall which today forms the stunning view of the castle on entering Newark along the Great North Road. The castle is a prominent building which positively contributes to the character and appearance of Newark Conservation Area.

Newark's first castle was probably a motte and Bailey built in the wake of William the Conqueror's push northwards during the winter of 1068-69 with Newark targeted as one of the key positions needed to establish control in the East Midlands. Newark castle was substantially rebuilt in the late 13th/ early 14th century. Although little is known about the siege in 1218, it is thought that the walls were in poor condition. The castle had been restored as an aristocratic residence at the end of the 16th century but following the third siege of Newark in 1646 was left as a roofless ruin.

After the Civil War, the abandoned castle and grounds were put to an extraordinary variety of uses and by 1788 the southern part of the grounds were given over to a Bowling Green and gardens with the remainder of the site being occupied by stables, tenements, workshops, slaughterhouses, a blacksmith shop and a candle manufacturer. Squatters had occupied the North-West Tower of the castle and the area had become something of a slum.

In 1839 the tenements were cleared and the area became a cattle market which was moved from its congested location on Beast Market Hill with a public bath house built in the south-east corner of the grounds.

In 1887 the Town Corporation decided to landscape the castle grounds as a lasting memorial to Queen Victoria's jubilee and a public park was opened in 1889. At this time the site was levelled and tarmacked, the baths demolished and a number of less sensitive repairs were carried out to the castle fabric. Henry Ernest Milner (1845-1906) was commissioned to design the gardens and it is thought that the layout remains largely unchanged.

The riverside area of the castle grounds runs directly below the ruins of the curtain wall. Access along the river by the castle is via a gravel pathway and boardwalk which gives way to a grassed area with parterra and gardens linking uphill to the inner gardens within the castle walls. The disabled ramp has been incorporated sensitively into the design here, as at other points within the grounds. These gardens run past the Gatehouse which again towers over the grounds here, making it better appreciated from some distance.

The inner gardens are made-up of a series of formal lawns and interconnecting pathways. The pathway layout reflects the designs of Henry Ernest Milner of 1887, with some minor modifications such as the bandstand. Running adjacent to and within the northwest curtain wall is an upper terrace providing a promenade which gives access to the former windows of the castle.

The trees within the castle grounds are an essential element of the character of this historic park and garden and are mainly the inheritance of H.E. Milner's original scheme implemented in 1887, although some predate this.

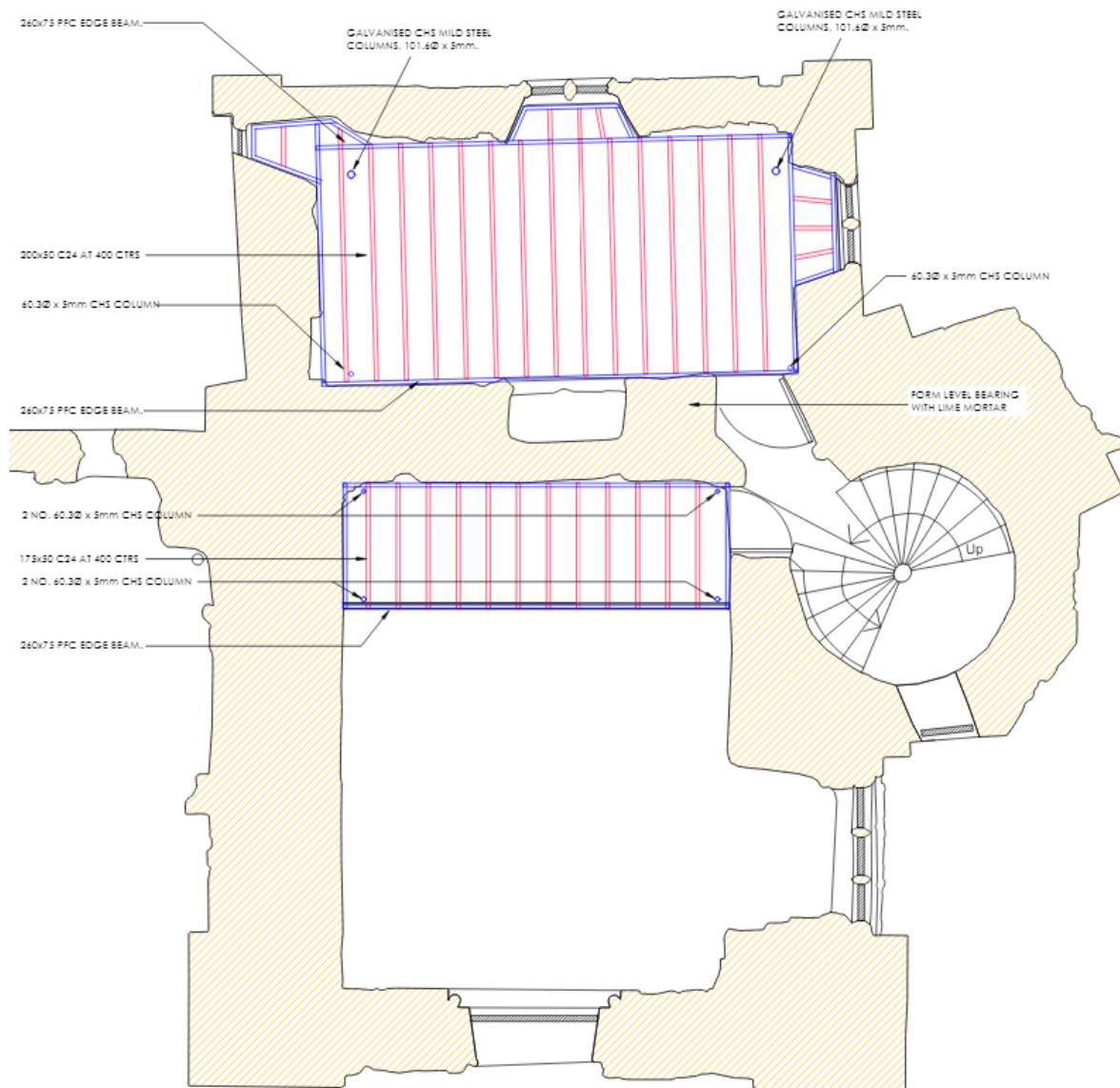
The castle has gone through a number of significant phases through-out its history from its medieval origins to its Victorian garden setting. These proposals could therefore represent an important continuation of the story of the castle.

The proposals seek to retain the garden setting character in the north-east corner of the site but also to reinstate the historic entrance to the Gatehouse from Beast Market Hill in the north-west corner. The addition of new modern structures and other alterations proposed to the castle ruin itself, would also introduce intimate elements to the historic fabric, but they would be modern and easily read, as would the new entrance which would represent the historic horse-bridge feature into the Gatehouse. The Council's Conservation Officer considers the proposals would better reveal the significance of this part of the castle as well as reintroducing a historic view of the Gatehouse, thereby enhancing the character and appearance of the Conservation Area.

The multi-function internal space has been designed to be sub-terranean to mitigate some of the impact on the Registered Park and Garden. In addition, this part of the Registered Park and Garden has been altered over time through previous archaeological investigations.

In relation to the Gatehouse proposals, the Council's conservation officer states that the rooftop viewing deck is large enough for a whole school class to be accommodated at one time. It has been designed so any views of the viewing deck barrier from elsewhere are minimal and the barrier has been designed to be lightweight.

Structural details have been submitted in relation to the floor and viewing deck within the Gatehouse which are supported by steel columns. The applicant has confirmed that there is no contradiction in the plans but that two of the steel columns are 60mm and two are hollow and 100mm. Floor plans show that most of the columns would be located close to the edge/walls of the rooms which would assist with mitigating their visual impact. However, the conservation officer has commented that one column in particular is located away from the wall which would make it more visibly intrusive and which could also impact the visitor experience and ability to access a window in the west elevation at second floor level. Further clarification has been sought to see if this column can be relocated to a less sensitive location and will be further reported.



In terms of the entrance pavilion with accessible platform lift to the first floor level, allowing access to the Gatehouse and North-West Tower, its roof provides a flat viewing platform to provide an accessible elevated viewing area over the park and garden. Its independent construction from the castle structure means it would have no direct impact on the heritage asset. The proposed balustrade detail is lightweight and would have some interpretation designed into it. Conservation colleagues do not raise any concerns in relation to this element.

The proposed ground floor alterations to the northwest tower include level and inclusive access from the entrance pavilion and reinstatement of a first floor connecting walkway and timber beams to the second floor would improve access to the North-West Tower and reinstate historic features which would better reveal the heritage asset, in the view of the conservation officer.

The new entrance would remove part of the 20th century railings however, the new gates would be designed to reflect those at Castle Gate. The creation of new pathways within the park and garden allow for better accessible access around the site and deal with the difficulties of changes in ground levels with appropriate gradients. Whilst the new winding

footpaths are reflective of the H. E. Milner garden design, their increase would result in changes to soft landscaping. The landscape master plan for the whole site includes benches and play equipment which would be generally low-level equipment and would not appear visually intrusive.

The scheme includes a range of bollard lighting within the park and garden, placed periodically along footpaths and between benches. The conservation officer considers there is potential to reduce the number of bollards to reduce visual clutter and this can be conditioned as part of any permission granted. Additional services such as lighting, heating and ventilation details within the buildings would also need to be conditioned.

Another significant aim of the project is to carry out important conservation work. These conservation works include:

- removal of vegetation, lichen and moss;
- cleaning of stone;
- replacement and repair to stone;
- removal of previous masonry repairs;
- repointing.

These are considered to be important for the future of the heritage asset and reflect the principals set out in paras 196, 203 and 205 of the NPPF.

Overall, with clarification on the positioning of one of the steel columns, both the conservation officer and planning officer consider that the proposed development would preserve the heritage assets that would be affected by these proposals.

Historic England has raised no objection to the proposal in terms of its impact on the Scheduled Monument, other than to query the loss of two trees and the need for conditions to require greater detailing on lighting, benches and bin facilities.

The Garden Trust do not wish to raise any comment at this stage. Although no up-to-date comments have been received from the Historic Buildings and Places, the fact that the entrance pavilion is now an independent building from the castle structure, does respond to their initial comments in part.

The comments of the Canal and River Trust are noted in relation to their desire to condition further archaeological investigations to be carried out between the castle and the river, however, the applicant has confirmed that this is unlikely to occur within this project and it would be unreasonable for a condition to be imposed to require this, given works to this area are limited to additional planting and lighting. In response to the matter raised by a third party in relation to the historic moat, it is considered that the new entrance structure would adequately reflect a horse-bridge feature.

It is considered that reinstating the historic entrance to the castle would better reveals its significance and therefore its positive contribution to the character and appearance of Newark Conservation Area. However, it is also acknowledged that this would come at a cost through the loss of the majority of the mature planting in this north-west corner of the site (which is not currently supported by the Council's Tree and Landscape Officer). The strong

existing planting provides a soft setting to the heritage assets and surrounding area which contributes positively. However, it also serves as a barrier to the wider appreciation of the historic Gatehouse entrance and divorces this principal elevation from its connection with Beast Market Hill. Any decision would therefore have to consider whether the harm resulting from the loss of some of the existing trees to both the Registered Park and Garden and the Conservation Area would be outweighed by the benefits of better revealing the significance of Newark Castle, through reinstating its historic entrance, increasing its visual prominence and its positive contribution to the character and appearance of Newark Conservation Area (which is considered to represent a clear and convincing justification required by para 206 of the NPPF). These considerations are also of relevance to the impact of the proposals on the general visual amenities of the area and street scene.

Giving weight to the fact that the castle would not historically have had trees within its setting and the fact that the original layout of the Victorian garden design is still retained in the north-east area of the site, officers consider that in this case the benefits would outweigh the harm in terms of the impact on heritage assets and the visual amenities of the area, which will be weighed in the conclusion and planning balance below. Furthermore, the harm identified is considered to be at the lower end of less than substantial harm and which, in accordance with para 208 of the NPPF, this harm would be outweighed by the public benefits of the proposal, in terms of heritage (better revealing the significance of the castle), economic (increased tourist attraction) and social (improved education facilities) benefits.

In conclusion therefore, although some limited harm is acknowledged, this is outweighed by heritage and public benefits, and subject to conditions, would comply with CP14 and DM9 of the Development Plan and the guidance set out within Section 16 of the NPPF. Overall, the impact of the proposal on the general visual amenities of the area and street scene would also be acceptable in compliance with CP9 and Policy DM5.

#### Impact upon Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Paragraph 135 of the NPPF seeks to ensure a high standard of amenity for existing and future users of land and buildings.

The nearest residential properties to this part of the application site are those flats situated in the upper floors of the Ossington, approx. 40 m to the north-east of the proposed new entrance point, situated on the opposite side of Beast Market Hill.

Given this distance together with the scale of the proposed new built form, it is not considered that the proposal would result in any over-bearing impacts or loss of light. Clearly the introduction of the roof deck at the Gatehouse would increase the potential capacity for an increased degree of loss of privacy to these occupiers. However, there would be a distance of approx. 66m between the two and on this basis it is not considered any unacceptable loss of privacy would be experienced by residents. Environmental Health colleagues have raised



no objection to the development.

It is acknowledged that there may be some disturbance from increased levels of noise during any construction period, however a Construction Method Statement would be conditioned on any permission which could control hours of construction and deliveries be restricted to acceptable hours.

The development would not likely result in any adverse residential amenity impacts to existing occupiers and would accord with the requirements of Policy DM5 of the ADM DPD and guidance within Para 135 of the NPPF.

#### Impact upon Highway Safety

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 ADMDPD requires the provision of safe access to new development and appropriate parking provision.

Paragraph 114 of the NPPF states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Highway Authority have confirmed they have no objection the proposed new pedestrian entrance as the gates proposed would open inwards, away from the public highway. However their comments are subject to the imposition of a condition on any permission preventing the use of the access by any motorised vehicles. Any vehicles to the site would have to use the existing vehicular access from Castle Gate.

The Highway Authority also refer to the fact that the submitted plans show two disabled parking bays being provided within the cobbled layby area at the side of Beast Market Hill that is already used for general parking. However the Highway Authority have requested an informative be added to any grant of permission to inform the applicant that such provision would require an amendment of the Traffic Regulation Order but that the outcome cannot be guaranteed. They also advise that such proposals should not therefore form an integral part of any permission. However, it is considered that even though such proposals may be drawn on a plan that may be approved for planning permission purposes, this does not and cannot override any requirement required under the TRO. This area is also outside the red lined application site and as such does not form part of the consideration of this planning application in any event.

There are two proposed locations for new bicycle parking facilities adjacent to existing pedestrian access points within the Registered Park and Garden but no details have been submitted and so this will need to be conditioned within any permission granted.

Subject to conditions, the application is considered to be acceptable in relation to highway safety having regard to the requirements of Spatial Policy 7 of the Newark and Sherwood Amended Core Strategy and Policy DM5 of the Newark and Sherwood Allocations &

Development Management DPD and the guidance set out at paragraphs 114 and 115 of the NPPF (2023).

### Impact upon Ecology

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

DM7 states 'On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.'

Para 180 of the NPPF states in parts a) and d) that planning decision should contribute to and enhance the natural and local environment by:...

...a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

...d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."

Para 186 of the NPPF states that "When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application has been accompanied by an Ecology Report and a Bat Survey Report as well as proposed Eaves Bat Box Detail and Putlog Hole Roost Detail.

The information submitted acknowledges that the proposal would potentially impact on a common pipistrelle bat roost located in the North-West Tower and therefore to be lawful, a European Protected Species (EPS) Mitigation Licence will be required from Natural England to enable a derogation from the legislation that affords protection to all UK bat species and their places of shelter (roosts).

When Natural England consider an EPS licence application they must consider three 'tests', and court judgements have established that a local planning authority must as part of its planning considerations consider whether the Statutory Nature Conservation Organisation (i.e., Natural England) would be likely to grant a licence.

The 'tests' are:

- A licence can be granted for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

- There is no satisfactory alternative.
- The population of the species concerned will be maintained at a favourable conservation status in their natural range.

To make a judgement as to whether an EPS Mitigation Licence is likely to be granted, NSDC needs to also consider the three 'tests.' The Council's Biodiversity and Ecology Lead Officer has advised that sufficient survey information, and details of proposed mitigation in the form of replacement artificial roost opportunities, has been provided within the application to enable such a judgement on the third test.

It is considered that with the proposed mitigation measures implemented that the favourable conservation status of the species affected (common pipistrelle) would be maintained, but with the caveat that Natural England might require minor modifications to the proposed mitigation. Consequently, these measures should be secured by condition on any grant of permission.

In relation to the first test, the proposals are considered to be of overriding public interest in social and economic terms given the education and economic benefits it would bring through its contribution to local schools and attraction of increased visitors to the town and can be considered of primary importance for the continued sustainability of the historic environment. In relation to the second test, there is no satisfactory alternative because there are no other castles in the district and this scheme is completely unique to this building and so cannot be repeated elsewhere. As such, it is considered that all three derogation tests are passed in this case.

The applicant needs to be aware that if the application for the licence is made after May 2024 there is likely to be a need for the emergence surveys to be repeated so that the licence application is determined by Natural England using sufficiently up to date surveys. This would be a matter between the applicant, their contracted ecologist and Natural England and an informative can be added to any permission to this effect. This could be added as an Informative on any permission.

The potential impacts on foraging and commuting bats are likely to be mitigated by the way the proposed lighting scheme has been designed, which has given due consideration to these potential impacts. Consequently, this should be secured satisfactorily within the decision notice should approval be granted.

Potential impacts on nesting birds can be adequately mitigated by ensuring that any removal of vegetation takes places during the period September-February (inclusive), i.e., outside to the nesting season for most species. If this is not possible, areas to be cleared should be checked in advance by an ecologist. This can be conditioned.

The Ecology Survey has identified Japanese Knotweed on the riverbank which is an invasive, non-native species. Whether this is currently being subjected to control/eradication methods is not clear, however, an informative is considered appropriate to inform the applicant to its presence and ensure that management measures are in place to control and prevent spread. A condition is already imposed to control depths of digging out for cabling serving proposed new lighting along the riverbank in order to protect archaeology which could also minimise

the potential for disturbance and spread of this very harmful species.

Given the historic nature of the site and the need to make the grounds attractive for visitors for as long as possible throughout the calendar year, landscaping planting cannot be based solely on providing biodiversity benefits. Against this background, the Council's Ecology Officer considers that the proposed soft landscaping scheme provides an acceptable balance.

With the mitigation measures discussed above, it is considered that the proposals would not likely result in significant harm to biodiversity and would provide a proportionate level of enhancement for biodiversity.

To conclude, the proposals would have no impact on any site designated for its nature conservation interest, or on any priority habitat, and with the proposed mitigation measures in place, impacts on protected and notable species would be adequately mitigated. Also, within the wider constraints discussed above, the proposals have sought to maximise opportunities for biodiversity. Consequently, it is considered that, subject to conditions, the proposals accord with the requirements of Core Policy 12 and the guidance within the NPPF with regard to biodiversity.

### Impact on Trees

Policy DM5 states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Paragraph 136 of the NPPF states trees make an important contribution to character and existing trees should be retained wherever possible.

There are no Tree Preservation Orders on the site but the trees are protected by their location within the Conservation Area. The application has been accompanied by a Tree Survey Report and Arboricultural Impact Assessment dated 1 Nov 2023 by RPS Group. The Survey was carried out in the north-west corner of the site only and recorded 22 trees, 3 Groups, 3 hedges and 12 scrub areas.

The Report identifies that the following are proposed for removal:-

- 16 existing trees (3 No. Grade A (high quality and value) trees; 3 No. Grade B (moderate quality and value) trees and 10 Grade C (low quality and value) trees).
- 2 Category C groups (G1 and G3);
- 3 Hedges (H1, H2 and H3); and
- 5 areas of scrub (S5, S7, S10, S11 and S12).

It also identifies that it may be necessary to lift the crowns of many tree that would overhang the Tree Protection Fencing within the development site in order to lift them clear of works and it recommends it should be carried out to the specification laid out in Section 6 of the report, which would be minimally invasive and have little impact on the overall health of the trees. However, Section 6 is very general and does not detail the extent of crown lift proposed for the trees. This would therefore need to be conditioned prior to works commencing.

The Arboricultural Report states the proposed works within the Root Protection Area of T14 is the installation of a footpath. The Report sets out that guidance within 5.23 of BS5837

states that permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within a Root Protection Area and the report uses this same limit of 20% as a guide when determining whether or not the impact on an affected tree is acceptable. The area of RPA for T14 is 275 sqm and the proposed incursion is 26sqm, which represents a total of 9.45%. The Report states that provided the guidance set out is followed, the incursion would have minimum impact on the physiology of the tree. The new path will require the current levels to be manipulated to form a level surface. This work must be done in both a “no dig” manner where the levels are to be raised and hand dug where the levels are to be lowered. Any roots under 25mm found in the excavation process are to be pruned in accordance with BS3998. Any roots larger than 25mm are to be retained within the new surfacing and protected by backfilling around the roots with sand. This should therefore be conditioned on any permission.

The Arboricultural Report recommends that Construction Exclusion Zones should be defined by protective fencing on the site in accordance with Appendix B which defines the siting of the Root Protection Fencing to protect existing trees to be retained. The Protective fencing should accord with the details within Appendix C of the Arboricultural Report and should be in place for the duration of the construction works, which can be conditioned.

The only existing trees that would be retained in the north-west area of the site is a Yew Category A tree to the rear of the Women’s Institute building and a Holly Category C tree just east of the North-West Tower. The Group of 3 laurel trees (Category C) referred to by Historic England are much further to the eastern side of the site closer to Castle Gate.

In relation to new planting proposals, a Landscape Masterplan and Planting Strategy has been submitted. The former plan shows a new hedgerow to be planted along the northern boundary and one new tree to be planted and a proposed play trail area in the south-west corner of the site. The latter plan identifies 4 planting character areas:-

- 01 – Entrance and pleasure ground planting in north-east corner of the site;
  - 02 - Woodland Planting along southern boundary of the site (including play trail elements);
  - 03 - Terraced Gardens between the castle and the Women’s Institute Building; and
  - 04 – Watergate Gardens between the castle curtain wall and the River Trent.
- However, precise planting schedules would need to be conditioned.

The Council’s Tree and Landscape Officer has raised concerns that the submitted information does not take into account the living heritage or history in its full breadth of this location; that the tree survey does not give sufficient information to fully evaluate the proposal; that both Category A and B trees should not be removed as they are considered significant to the historic character of the area and the scheme be redesigned to ensure their retention; no justification for the removal of the trees and no mitigation proposed (where, on the balance of benefits, trees are lost, replacement should be required by condition within 2m of the stump, ensuring canopy coverage is replaced at full mature size) and impact on the remaining trees is an unknown due to insufficient information supplied.

It is undoubtedly clear that the proposals would result in a loss of existing trees and planting from the Registered Park and Garden, designed by H.E. Milner, that is of historic interest and contributes positively to the amenity and character of the area. A considerable element of Milner’s garden design would be retained, including the tear-drop feature. Planting removals

are concentrated in the north-west corner of the site and are required in order to provide the new entrance and to provide pathways within the site that are of the correct gradients to enable accessible access to the proposed new facilities. These aspects represent the wider justification for the proposed amendments to the layout of the park and garden and removal of much of the existing planting in this area, as well as the desire to restore the historic entrance to the castle and give this landmark structure a more prominent and visible setting.

It is clear that there are a number of competing planning considerations in relation to the assessment of this application that need to be weighed in the balance and it is acknowledged that the loss of mature tree planting from the site represents moderate harm that weighs negatively in the overall planning balance.

The submitted Landscape Design & Access Statement states that in relation to mitigation for the loss of trees on the site opportunities for replacement tree planting are limited by the existing stock and the desire to retain the openness of the gardens. In addition, it states that any new tree planting would need to be located away from sensitive archaeological areas to avoid any damage to underground archaeology by tree roots and consequently the proposals only include for the introduction of one new tree. However, the applicant is keen to offset the loss of existing trees with new planting as close as possible to the site and as such it is proposed to plant at least 15 new trees within the Riverside Park, on the opposite side of the river from the castle. These would be a range of native and ornamental trees chosen for their wildlife value and ornamental appeal, planted large enough to create an immediate effect.

Whilst this suggested mitigation is acknowledged, there are a number of issues with it, including the distance from the application site and whether it would be appropriate to introduce new planting of some height in this area, given that it currently provides an appropriate open setting for the castle on approach to it from Great North Road. Furthermore, it has not been identified as a requirement in terms of mitigation for ecological impacts. For these reasons, officers consider it would not be appropriate to insist on this suggested mitigation strategy in this case.

### Impact on Flood Risk

Core Policy 10 of the Amended Core Strategy requires new development to be located away from areas at highest risk of flooding in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. Policy DM5 and the guidance within the NPPF requires that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test.

The lower land levels, including the river path, to the west of the castle curtain wall lies predominantly within Flood Zone 3a (with very small area in Flood Zone 3b) which means it is at high risk of main river flooding, with Flood Zone 2 (medium risk) extending further into the site to up the Gatehouse ruin. Development proposals on land at high risk of flooding would be limited to new planting and external lighting. The proposed new entrance pavilion and the new entrance structure and small section of the multi-function building are located within Flood Zone 2 according to the Environment Agency flood maps.

In terms of the application of the Sequential Test, it is evident that the proposed development

is specific to this unique building and therefore could not be reasonably provided on land elsewhere at lower flood risk. It is therefore considered that the Sequential Test is passed. The Sequential Test does not need to be applied for surface water flooding as the risk at the site is very low.

It is considered that in terms of flood risk vulnerability set out in Annex 3 of the NPPF, the proposal would fall within a less vulnerable class. Table 2 of the PPG identifies that the Exception Test is not required for less vulnerable uses within Flood Zone 2.

Nevertheless, para 173 of the NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere.

The application has been supported by the submission of a Flood Risk Assessment (FRA), Drainage Strategy, Flood Risk Plan as proposed and Proposed Drainage Layout Plan. The FRA identifies that apart from the fluvial flood risk, there is a low potential risk from the proposed increased impermeable areas on the site that would increase surface water flood risk that would need to be appropriately managed as part of the scheme. Flood levels on the site at the 1 in 100year + climate change event would be 12.02mAOD and in the 1 in 1000-year event it would be 12.29mAOD. The base of the access ramp would be 13.77mAOD and floor levels of the multi-function building being 14.2mAOD. Floor levels of the entrance pavilion would be 19.47mAOD. The FRA therefore confirms these flood levels would only affect areas of garden and paths on the area between the curtain wall and the river and would not impact either of the proposed new buildings. The policy would be to avoid use of the riverside area when river levels are high and well before any flooding occurs. No further site safety and evacuation procedures are considered necessary in this case.

The Environment Agency raises no objection to the proposal although recommends that the Flood Alert Warning Evacuation subject to

The proposed Drainage Layout Plan shows various proposed systems to deal with drainage matters across the site, including:

- Proposed foul connection into the Women's Institute pumping station and connections into existing foul drainage system to be determined
- Geo-cellular soakaway crates located in garden area to north of NW Tower. Soakaway preliminary sized using a rate of  $1 \times 10^{-5}$  m/s. Size of soakaway likely to change subject to percolation tests to be undertaken
- Rodding Eye, mushroom cowl vent and various acro multi drains and downpipes to be located across the site but precise details are yet to be confirmed

Clearly in the light of the comments made by the Women's Institute, the proposed foul connection into their pumping station is no longer an option, as shown on the submitted drainage plan. The applicant is aware and in the process of designing an alternative provision such as providing a gravity drain across the Wharf to the Severn Trent sewer network. There are still tests and work to be carried out before the final detailed drainage design is determined. As such, it is considered a condition requiring final drainage details to be submitted and approved should be imposed on any grant of permission. Subject to this condition, no flood risk harm has been identified.

## Other matters

The concerns of the Women's Institute relating to the fear for potential increased risk of crime as a result of the majority of existing planting would be removed around their site is noted. However, there is also a consideration that in removing the majority of planting and opening up the boundaries of the site, could in fact improve securing as any potential intruders would be more easily and clearly seen. However, this fear expressed is acknowledged and is therefore afforded some minor negative weight in the overall planning balance set out below.

### **8.0 Implications**

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

### **9.0 Planning Balance and Conclusion**

Core Policy 7 (Tourism Development) recognises the economic benefits of sustainable tourism and visitor-based development, stating that proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, those that complement and enhance existing attractions will be viewed positively. Policy NAP1 seeks to promote Newark Town Centre as one of the district's key tourism destinations by developing and enhancing culture, leisure and entertainment facilities and uses and heritage assets which attract visitors and residents to the area. The principle of the proposal is therefore considered to accord with both of these strategic policies of the Amended Core Strategy which attracts significant positive weight in the determination of this application.

As set out in this report, no harm would result in terms of residential amenity, ecology, flood risk/drainage or highway safety impacts, subject to conditions, which are neutral in the overall planning balance.

There is no doubt that the proposal would result in a loss of the majority of existing trees and planting in the north-west corner of the site, which contribute positively to the amenity of the area. This would represent moderate harm that weighs negatively against the scheme, and the fear of crime expressed by the occupiers of Trent Bridge House would be a minor negative.

In terms of impact on heritage assets, the loss of existing trees and planting in this area would have some negative impact on the historic significance of the Registered Park and Garden and as well as the existing soft setting of the Grade I listed castle and be harmful to the character and appearance of Newark Conservation Area. However, this harm is considered to be less than substantial harm and according to the NPPF must be weighed against the public benefits of the scheme. This report identifies that the proposal would represent benefits in terms of heritage (better revealing the significance of the castle), economic (increased tourist attraction) and social (improved education facilities) considerations. Furthermore, the reinstatement of the historic gateway into the castle would better reveal the significance of



this listed building and scheduled monument which would also positively contribute to the character and appearance of Newark Conservation Area.

Overall, based on a balancing exercise of positive benefits against harm identified, it is considered that the positive elements outweigh the harm identified and the scheme is judged to be acceptable, representing a sustainable development in accordance with the NPPF and the Development Plan.

## **10.0 Conditions**

01

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

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

02

Prior to any new stone being laid, a stone sample panel, showing the stone, coursing, mortar and pointing technique shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel.

Reason: To preserve the special architectural and historic interest of the heritage assets.

03

Prior to the construction of the relevant element, samples or detailed specifications of all external materials to be used on the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To preserve the special architectural and historic interest of the heritage assets.

04

Prior to the windows and doors hereby approved being installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed window and door details.

Reason: Insufficient details of these matters have been submitted with the application and in order to ensure that the development preserves the special architectural and historic interest of the heritage assets.

05

Prior to their installation, full details of the siting, appearance and materials to be used in the construction of all extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, rainwater goods or any other external accretion shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details.

Reason: Insufficient details of these matters have been submitted with the application and in order to ensure that the development preserves the special architectural and historic interest of the heritage assets.

06

Prior to the commencement of development, an up-to-date detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses:

- Details of fixings to the listed building
- New structural elements

The development shall be carried out only in accordance with the agreed methodology.

Reason: To preserve the special architectural and historic interest of the heritage assets.

07

Prior to the installation of the metal railings/handrail, details of their design, scale, materials and finish, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and agreed in writing with the Local Planning Authority. The development shall only be carried out in accordance with the agreed railing/handrail details.

Reason: To preserve the special architectural and historic interest of the listed building.

08

Prior to the commencement of the use of the development hereby approved, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved landscape details. 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;
- proposed finished ground levels or contours;
- means of enclosure;
- hard surfacing materials;

- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, external lighting, bicycle parking etc.
- All external lighting details submitted shall be in accordance with the Lighting Design Report (Doc Ref. 1262-700-RP-S3\_Rev 07 – 30/10/2023 – Michael Grubb Studio) and Lighting Specification (Doc Ref. 1262-900-SP-S3\_Rev 00 – 27/11/2023 – Michael Grubb Studio);
- proposed and existing functional services above and below ground (for example, drainage, power and communications cables etc).

All the approved details listed above (other than the soft landscaping) shall be provided on site prior to the proposed development being first brought into use and retained for the lifetime of the development.

Reason: To preserve the special architectural and historic interest of the heritage assets.

09

The approved soft landscaping shall be completed during the first planting season following the use of the development commencing. 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 the same size and species.

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

010

Development must be undertaken strictly in accordance with the recommendations of section F3.1 of the Bat Survey Report [LM0140] BSR [Newark Castle Gatehouse Project] Rev C dated July 2023 by LM Ecology and as amended by Drawing Nos: 2269-01/06/09, 2269-01/06/10 and 2269-01/06/11, except where these may be varied by the terms of a European Protected Species Licence granted by Natural England.

Reason: In the interests of protected species and biodiversity.

011

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting season (beginning of March to end of August inclusive). If such works are required to be conducted within the breeding season, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any nests located must then be identified and left undisturbed until the young have left the nest.

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

012

Notwithstanding the information shown on submitted plans, prior to any works being undertaken to existing trees being retained on the application site, the extent and details of those works shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details.

Reason: In the interests of the trees to be retained on the site and amenity of the area.

013

The proposed footpath to be located within the Root Protection Area of T14 and shown on the plan attached at Appendix B of the submitted Tree Survey Report and Arboricultural Impact Assessment dated 1 Nov 2023 by RPS Group, shall only be constructed in full compliance with mitigation measures set out in Para 5.26 of the same Report.

Reason: In the interests of this tree to be retained on the site and amenity of the area.

014

Prior to the commencement of development, the root protection fencing shall be installed in accordance with the details and location shown on the plan attached at Appendix B of the submitted Tree Survey Report and Arboricultural Impact Assessment dated 1 Nov 2023 by RPS Group and shall be retained for the whole duration of the construction phase.

Reason: In the interests of the trees to be retained on the site and the amenity of the area.

015

The bat mitigations and enhancements as shown on:-

- Detail Drawing – Gatehouse Putlog Hole Roost Detail as proposed (Drawing No: 2269-01/06/09)
- Detail Drawing – Gatehouse Eaves Bat Box Detail as proposed (Drawing No: 2269-01/06/10)
- Detail Drawing – Entrance Pavilion Wall Void Bat Roost Detail as proposed (Drawing No: 2269-01/06/11)

shall be fully provided prior to any of the buildings hereby approved being brought into use and retained for the lifetime of the development.

Reason: In the interests of protected species and biodiversity.

016

The development hereby approved shall be implemented in accordance with the submitted Flood Risk Assessment (Ref: 12376-WMS-ZZ-XX-RP-39301-S8-P2) dated Nov 2023 by William Saunders. The development shall be operated in full accordance with the approved details for its lifetime.

Reason: In the interests of flood risk and keeping visitors to the site safe in a flood event.

017

Notwithstanding the submitted Proposed Drainage Layout Plan (Drawing No: 12376- WMS-ZZ- XX- DR- C- 39201- S3 Rev P1) which is not hereby approved, prior to the commencement of development, details of the final Drainage Strategy and Plans shall be submitted to and approved in writing by the Local Planning Authority, which shall include the disposal of both surface water and foul sewerage from the site. The approved Drainage Strategy shall be fully implemented on site prior to the proposed development being first brought into use and retained for the lifetime of the development.

Reason: In the interests of flood risk and amenity.

018

No motorised vehicles shall use the access onto Beast Market Hill, hereby approved.

Reason: In the interests of pedestrian safety.

019

Prior to the commencement of development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:

- i. construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 14:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;
- ii. deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 14:00 on Saturdays and at no time on Sundays or Bank Holidays;
- iii. the provision of site compound facilities;
- iv. the provision of any hoarding around the site;
- v. the parking of vehicles of site operatives and visitors;
- vi. loading and unloading of plant and materials; and
- vii. storage of plant and materials used in constructing the development.

The construction of the development shall only proceed in accordance with the approved Construction Method Statement until construction is complete.

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

020

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

Site Location Plan as existing (Drawing No: 2269-01/04/01)

A – Gatehouse – Ground Floor Plan showing removals (Drawing No: 2269-01/02/03)

A – Gatehouse – Intermediate & First Floor Plans showing removals (Drawing No: 2269-01/02/04)  
A – Gatehouse – Second Floor Plan showing removals (Drawing No: 2269-01/02/05)  
A – Gatehouse – Roof Plan showing removals (Drawing No: 2269-01/02/06)  
A – Gatehouse – Elevations & Sections Key Plan as existing (Drawing No: 2269-01/02/07)  
A – Gatehouse – North Elevations showing removals (Drawing No: 2269-01/02/08)  
A – Gatehouse – East Elevations showing removals (Drawing No: 2269-01/02/09)  
A – Gatehouse – South Elevations showing removals (Drawing No: 2269-01/02/10)  
A – Gatehouse – West Elevations showing removals (Drawing No: 2269-01/02/11)  
A – Gatehouse – Section A-A showing removals (Drawing No: 2269-01/02/12)  
A – Gatehouse – Section B-B showing removals (Drawing No: 2269-01/02/13)  
A – Gatehouse – Section C-C showing removals (Drawing No: 2269-01/02/14)  
A – Gatehouse – Section D-D showing removals (Drawing No: 2269-01/02/15)  
A – Gatehouse – Section E-E showing removals (Drawing No: 2269-01/02/16)

B+C – Link Passage & NW Tower – Ground Floor Plan showing removals (Drawing No: 2269-01/02/20)  
B+C – Link Passage & NW Tower – First Floor Plan showing removals (Drawing No: 2269-01/02/21)  
B+C – Link Passage & NW Tower – Second Floor Plan showing removals (Drawing No: 2269-01/02/22)  
B+C – Link Passage & NW Tower – Roof Plan showing removals (Drawing No: 2269-01/02/23)  
B+C – Link Passage & NW Tower – Section A-A showing removals (Drawing No: 2269-01/02/25)  
B+C – Link Passage & NW Tower – Sections B-B & C-C showing removals (Drawing No: 2269-01/02/26)  
B+C – Link Passage & NW Tower – Internal Elevations showing removals (Drawing No: 2269-01/02/27)  
B+C – Link Passage & NW Tower – Internal Elevations showing removals (Drawing No: 2269-01/02/28)  
B+C – Link Passage & NW Tower – North Elevations showing removals (Drawing No: 2269-01/02/29)  
B+C – Link Passage & NW Tower – South Elevations showing removals (Drawing No: 2269-01/02/30)

R – Conservation & Repairing Works – Elevations & Sections Key Plan as proposed (Drawing No: 2269-01/03/01)  
R – Conservation & Repairing Works – Gatehouse - North Elevation as proposed (Drawing No: 2269-01/03/02)  
R – Conservation & Repairing Works – Gatehouse - East Elevation as proposed (Drawing No: 2269-01/03/03)  
R – Conservation & Repairing Works – Gatehouse - South Elevation as proposed (Drawing No: 2269-01/03/04)  
R – Conservation & Repairing Works – Gatehouse - West Elevation as proposed (Drawing No: 2269-01/03/05)  
R – Conservation & Repairing Works – Gatehouse - Section A-A as proposed (Drawing No: 2269-01/03/06)

R – Conservation & Repairing Works – Gatehouse - Section B-B as proposed (Drawing No: 2269-01/03/07)  
R – Conservation & Repairing Works – Gatehouse - Section C-C as proposed (Drawing No: 2269-01/03/08)  
R – Conservation & Repairing Works – Gatehouse - Section D-D as proposed (Drawing No: 2269-01/03/09)  
R – Conservation & Repairing Works – Gatehouse - Section E-E as proposed (Drawing No: 2269-01/03/10)

R – Conservation & Repairing Works – NW Tower & Link Passage – Key Plan as proposed (Drawing No: 2269-01/03/11)  
R – Conservation & Repairing Works – NW Tower & Link Passage – Section A-A as proposed (Drawing No: 2269-01/03/12)  
R – Conservation & Repairing Works – NW Tower & Link Passage – Section B-B & Elevation C as proposed (Drawing No: 2269-01/03/13)  
R – Conservation & Repairing Works – NW Tower – Internal Elevations as proposed (Drawing No: 2269-01/03/14)  
R – Conservation & Repairing Works – NW Tower – External Elevations as proposed (Drawing No: 2269-01/03/15)  
R – Conservation & Repairing Works – NW Tower & Link Passage – North Elevation as proposed (Drawing No: 2269-01/03/16)  
R – Conservation & Repairing Works – NW Tower & Link Passage – South Elevation as proposed (Drawing No: 2269-01/03/17)  
R – Conservation & Repairing Works – Internal Elevation F as proposed (Drawing No: 2269-01/03/18)

Archaeological Context Plan as proposed (Drawing No: 2269-01/04/03)  
Flood Risk Plan as proposed (Drawing No: 2269-01/04/04)  
Local Transport Plan as proposed (Drawing No: 2269-01/04/05)  
Impact Statement Key Plan as proposed (Drawing No: 2269-01/04/06)

General Arrangement – Lower Ground Floor Plan as proposed (Drawing No: 2269-01/05/01)  
General Arrangement – Ground Floor Plan as proposed (Drawing No: 2269-01/05/02)  
General Arrangement – First Floor Plan as proposed (Drawing No: 2269-01/05/03)  
General Arrangement – Second and Third Floor Plans as proposed (Drawing No: 2269-01/05/04)  
General Arrangement – Roof Plan as proposed (Drawing No: 2269-01/05/05)  
General Arrangement – Existing Archaeology Entrance Pavilion Building as proposed (Drawing No: 2269-01/05/06)  
General Arrangement – Existing Archaeology Multi-Function Building as proposed (Drawing No: 2269-01/05/07)  
General Arrangement – Accessible Parking Plan as proposed (Drawing No: 2269-01/05/08)  
General Arrangement – Gatehouse North Elevation as proposed (Drawing No: 2269-01/05/10)  
General Arrangement – Gatehouse East Elevation as proposed (Drawing No: 2269-01/05/11)  
General Arrangement – Gatehouse West Elevation as proposed (Drawing No: 2269-01/05/12)  
General Arrangement – Gatehouse South Elevation as proposed (Drawing No: 2269-01/05/13)

General Arrangement – Gatehouse Section A-A as proposed (Drawing No: 2269-01/05/14)  
General Arrangement – Gatehouse Section B-B as proposed (Drawing No: 2269-01/05/15)  
General Arrangement – Entrance Pavilion S. Elevation as proposed (Drawing No: 2269-01/05/16)  
General Arrangement – NW Tower External Elevations as proposed (Drawing No: 2269-01/05/17)  
General Arrangement – NW Tower Section A-A as proposed (Drawing No: 2269-01/05/18)  
General Arrangement – NW Tower Section B-B as proposed (Drawing No: 2269-01/05/19)  
General Arrangement – NW Tower Internal Elevations as proposed (Drawing No: 2269-01/05/20)  
General Arrangement – Multi-Functional Building West Elevation as proposed (Drawing No: 2269-01/05/21)  
General Arrangement – Multi-Functional Building Section A-A as proposed (Drawing No: 2269-01/05/22)

Detail Drawing – Entrance Gates and Pillars as proposed (Drawing No: 2269-01/06/01)  
Detail Drawing – Roof Edge Typical Detail as proposed (Drawing No: 2269-01/06/02)  
Detail Drawing – Metal Mesh Typical Detail as proposed (Drawing No: 2269-01/06/03)  
Detail Drawing – Metal Mesh for opening EP-FW01 as proposed (Drawing No: 2269-01/06/04)  
Detail Drawing – Metal Mesh for opening EP-FW02 as proposed (Drawing No: 2269-01/06/05)  
Detail Drawing – Metal Mesh for opening EP-FW03 as proposed (Drawing No: 2269-01/06/06)  
Detail Drawing – Tudor Fixed Window Typical Detail as proposed (Drawing No: 2269-01/06/07)  
Detail Drawing – Norman Fixed Window Typical Detail as proposed (Drawing No: 2269-01/06/08)  
Detail Drawing – Gatehouse Putlog Hole Roost Detail as proposed (Drawing No: 2269-01/06/09)  
Detail Drawing – Gatehouse Eaves Bat Box Detail as proposed (Drawing No: 2269-01/06/10)  
Detail Drawing – Entrance Pavilion Wall Void Bat Roost Detail as proposed (Drawing No: 2269-01/06/11)  
Detail Drawing – Gatehouse Metal Gate (GH-GD01) Details as existing and as proposed (Drawing No: 2269-01/06/12)  
Detail Drawing – Typical Mesh Screen to Arrow Loop Details as proposed (Drawing No: 2269-01/06/13)  
Detail Drawing – Fixed Window Gatehouse (GH-SW06) Details as proposed (Drawing No: 2269-01/06/14)  
Detail Drawing – First Floor Build Up Gatehouse Typical Details as proposed (Drawing No: 2269-01/06/15)  
Detail Drawing – Second Floor & Balcony Floor Gatehouse Typical Details as proposed (Drawing No: 2269-01/06/16)  
Detail Drawing – First Floor Build Up NW Tower Typical Details as proposed (Drawing No: 2269-01/06/17)  
Detail Drawing – NW Tower Arrow Slit Detail Fixed Window NT-FW02 – as proposed (Drawing No: 2269-01/06/18)  
Detail Drawing – Balustrades Typical Details as proposed (Drawing No: 2269-01/06/19)  
Detail Drawing – Gatehouse Fire Door (GH - SD01) Typical Details as proposed (Drawing No: 2269-01/06/20)



Detail Drawing – NW Tower Ground Floor Details as proposed (Drawing No: 2269-01/06/21)  
Detail Drawing – NW Tower Ground Floor Threshold Details as proposed (Drawing No: 2269-01/06/22)  
Detail Drawing – NW Tower Door – (NT-GD01) Detail NT-04 as proposed (Drawing No: 2269-01/06/23)  
Detail Drawing – NW Tower Door (NT-GD02) Detail NT-05 as proposed (Drawing No: 2269-01/06/24)

Cut and Fill Analysis (Drawing No: 12376- WMS- ZZ- XX- DR- C- 39002- S2 Rev P1)  
Development Viewports (Drawing No: 12376- WMS- ZZ- XX- DR- C- 39003- S2 Rev P1)  
Proposed Contours and Levels (Drawing No: 12376- WMS- ZZ- XX- DR- C- 39004- S2 Rev P1)

Structural Scheme - Multi Functional Space (Drawing No: 1 01 Rev B)  
Structural Scheme - Gatehouse Courtyard Level & First Floor Plan (Drawing No: 1 02 Rev B)  
Structural Scheme - Gatehouse Second Floor and Roof Plans (Drawing No: 1 03 Rev C)  
Structural Scheme - NW Tower Section & Floor Plans (Drawing No: 1 04 Rev C)  
Structural Scheme - Entrance Pavilion (Drawing No: 1 05 Rev E)  
Structural Scheme - Gatehouse Sections (Drawing No: 1 06 Rev D)

Electrical Symbols Legend (Drawing No: 99663/E001 Rev T1)  
Electrical Distribution Schematic Layout (Drawing No: 99663/E002 Rev T1)  
Indicative Data Schematic Layout (Drawing No: 99663/E003 Rev T1)

Multi-Function Building – Ground Floor Main Below Ground Electrical Service Routes (Drawing No: 99663/E101 Rev T1)  
Multi-Function Building – Ground Floor Main Electrical Service Routes (Drawing No: 99663/E102 Rev T1)  
Pavilion – Ground Floor Main Electrical Service Routes (Drawing No: 99663/E111 Rev T1)  
Pavilion – First Floor Main Electrical Service Routes (Drawing No: 99663/E112 Rev T1)  
Pavilion – Second Floor & Roof Main Electrical Service Routes (Drawing No: 99663/E113 Rev T1)  
Multi-Function Building – Ground Floor Proposed Lighting Layout (Drawing No: 99663/E201 Rev T1)  
Pavilion – Ground Floor Proposed Lighting Layout (Drawing No: 99663/E211 Rev T1)  
Pavilion – First Floor Proposed Lighting Layout (Drawing No: 99663/E212 Rev T1)  
Pavilion – Second Floor & Roof Proposed lighting & Small Power Layout (Drawing No: 99663/E213 Rev T1)  
Multi-Function Building – Ground Floor Proposed Small Power & Ancillary Services Layout (Drawing No: 99663/E301 Rev T1)  
Pavilion – Ground Floor Proposed Small Power & Ancillary Services Layout (Drawing No: 99663/E311 Rev T1)  
Pavilion – First Floor Proposed Small Power & Ancillary Services Layout (Drawing No: 99663/E312 Rev T1)  
Multi-Function Building – Ground Floor Indicative Intruder Alarm Layout (Drawing No: 99663/E401 Rev T1)  
Pavilion – Ground Floor Indicative Intruder Alarm Layout (Drawing No: 99663/E411 Rev T1)  
Multi-Function Building – Ground Floor Indicative Fire Alarm Layout (Drawing No: 99663/E501 Rev T1)

Pavilion – Ground Floor Indicative Fire Alarm Layout (Drawing No: 99663/E511 Rev T1)  
Pavilion – First Floor Indicative Fire Alarm Layout (Drawing No: 99663/E512 Rev T1)  
Pavilion – Second & Third & Roof Indicative Fire Alarm Layout (Drawing No: 99663/E513 Rev T1)

Mechanical Symbols Legend (Drawing No: 99663/M001 Rev T1)  
Multi-Function Building – Ground Floor Heating Layout (Drawing No: 99663/M101 Rev T1)  
Multi-Function Building – Ground Floor Ventilation & Above Ground Drainage Layout (Drawing No: 99663/M201 Rev T1)  
Multi-Function Building – Ground Floor Domestic Hot & Cold Water Services Layout (Drawing No: 99663/M301 Rev T1)

Landscape Master Plan (Drawing No: 1263-001-DR-S3-00 Rev 01)  
Landscape Masterplan (Drawing No: L2752-URB-XX-00-L-DR-497150 Rev P09)  
Typical Details - Sheet 1 of 2 (Drawing No: L2752-URB-XX-00-L-DR-497151)  
Typical Details - Sheet 2 of 2 (Drawing No: L2752-URB-XX-00-L-DR-497152)  
Planting Strategy (Drawing No: L2752-URB-XX-00-L-DR-497153 Rev P00)

Reason: So as to define this permission.

### Informatives

01

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

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

03

The development seeks amendment to an existing traffic Regulation Order. Should the applicant wish to pursue this, please e-mail [businessdevelopment@viaem.co.uk](mailto:businessdevelopment@viaem.co.uk) or telephone 0300 500 8080. Please note that this work would be carried out at cost to the applicant and may not result in the desired changes.

04

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the riverbank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

05

The applicant/developer is advised to contact the Canal and River Trust Works Engineering Team on 0330 0404040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust."

06

The applicant is advised that any surface water discharge to the River Trent will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement. The applicant should contact the Trust's Utilities Team on 01942 405766 for further advice in the first instance.

07

The applicant is advised that the Canals and River Trust encourage the applicant to incorporate information in interpretive signage related to:-

- the strategic location of the castle on the River Trent is promoted alongside the importance of the feature to the castle in terms of the development of the market town; and
- the importance of the river today as a place for recreation and well-being.

Please contact the Trust's Heritage Adviser, Kerry Walmsley at [Kerry.walmsley@canalrivertrust.org.uk](mailto:Kerry.walmsley@canalrivertrust.org.uk), or on 0788 0446202/0303 0404040, to discuss further.

08

It should be noted that if the application for the licence is made after May 2024 there is likely to be a need for the emergence surveys to be repeated so that the licence application is determined by Natural England using sufficiently up to date surveys. This would be a matter between the applicant, their contracted ecologist and Natural England.

09

The applicant needs to be made aware that the Ecology Report identified a growth of Japanese Knotweed along the riverbank. This is an invasive non-native species that is very

difficult to eradicate and requires intensive management to prevent spread. If there are currently no measures in place to control this species, it is strongly advised that this is put in place as a matter of urgency.

010

List of Supporting Reports and Documents:

Design and Access Statement by Martin Ashley Architects dated Nov 2021 Rev B

Landscape Design & Access Statement (Ref: 2752-URB-ZZ-XX-DA-A-2A3750-P00) dated Nov 2023 by Urban Edge Architecture

Ecology Report dated Nov 2023 by BSG Ecology

Bat Survey Report Rev C dated July 2023 by LM Ecology

Tree Survey Report and Arboricultural Impact Assessment dated 1 Nov 2023 by RPS Group

Heritage Impact Assessment by Martin Ashley Architects dated Nov 2023 – Rev A

Archaeological Assessment (Report No: YA/2023/180) dated 31 Aug 2023 by York Archaeology

Structural Comments by Hockley & Dawson dated Dec 2021

Flood Risk Assessment (Ref: 12376-WMS-ZZ-XX-RP-39301-S8-P2) dated Nov 2023 by William Saunders

Drainage Strategy (Ref: 12376-WMS-ZZ-XX-RP-C-39201-S8-P2) dated Nov 2023 by William Saunders

Lighting Design Report (Ref: 1262-700-RP-S3 Rev 07) dated Oct 2023 by Michael Grubb Studio

Lighting Specification (Ref: 1262-900-SP-S3 Rev 00) dated Nov 2023 by Michael Grubb Studio

Mechanical and Electrical Services RIBA Stage 3 Design Report (Ref: P99663/R02P4) by Martin Thomas Associates Ltd dated Nov 2021

CDM Designers Risk Assessment (Ref: 99663.R04) by Martin Thomas Associates Ltd dated Sept 2023 Rev A

Hazard Elimination and Management Register by Philip Waller Consulting

Scheme Design (Parts 1 – 4) dated Nov 2023 by Nissen Richards

BACKGROUND PAPERS

Application case file.

