



Report to Planning Committee 1 August 2024

Business Manager Lead: Lisa Hughes – Planning Development

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

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

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

1.0 The Site

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

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

Planning.

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

2.0 Relevant Planning History

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

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

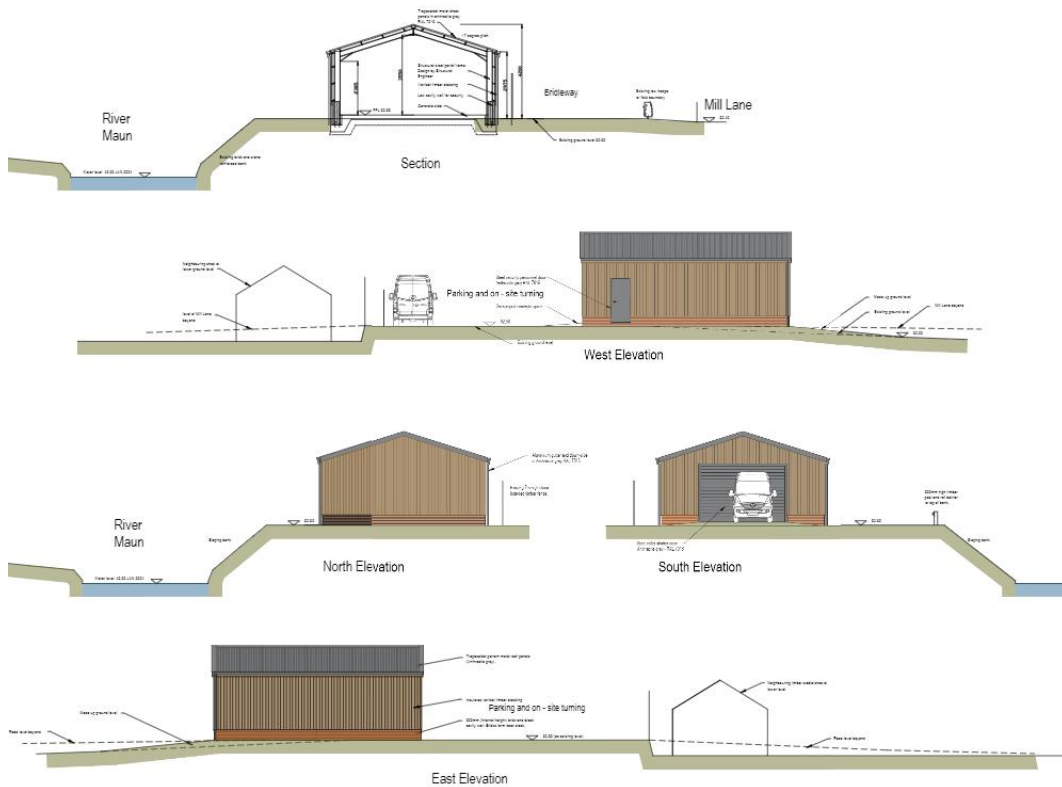
For the avoidance of doubt, the 'surrounding land' is the land edged red on the plan extract below:



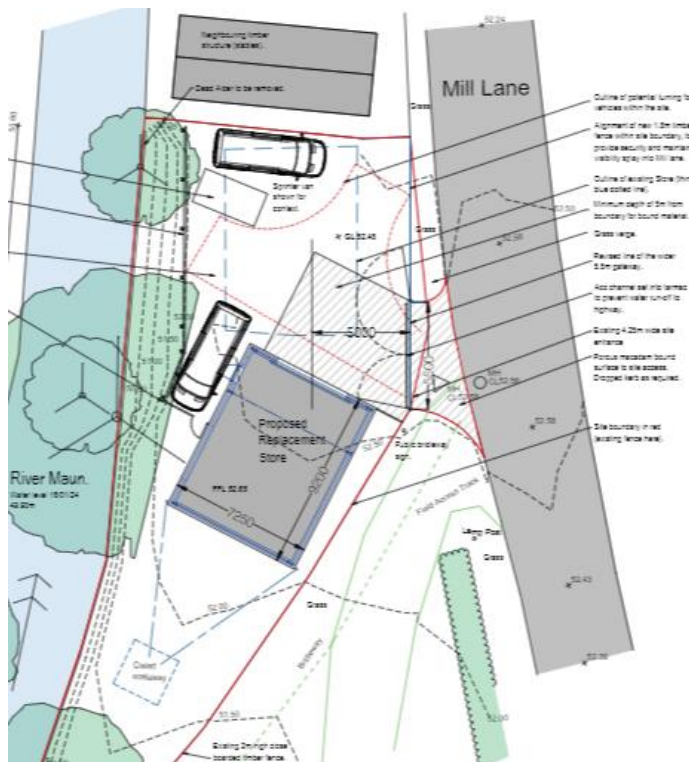
- 2.2 02/00004/OUT- Residential development (one dwelling unit). Refused 14.03.2002. Appeal Dismissed 31.01.2003.
- 2.3 00/01599/FUL- Erection of a dwelling house. Refused 20.02.2001.
- 2.4 67871134- Erect one dwelling. Refused 14.03.1988.

3.0 The Proposal

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



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



3.3 Documents assessed in this appraisal:

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

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

4.0 Departure/Public Advertisement Procedure

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

4.2 Site visit undertaken on 27.03.2024.

5.0 Planning Policy Framework

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

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 6 – Shaping our Employment Profile
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

5.2. Allocations & Development Management DPD (2013)

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM12 – Presumption in Favour of Sustainable Development

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

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

5.4. Other Material Planning Considerations

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Newark and Sherwood Landscape Character Area SPD (December 2013)

6.0 Consultations and Representations

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

Statutory Consultations

- 6.2. **Nottinghamshire County Council (Highways)** – No objections, subject to the recommended conditions and informatives.

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

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

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

Parish Council

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

Representations/Non-Statutory Consultation

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

7.0 Comments of the Business Manager – Planning Development

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

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

Principle of Development

- 7.3. Spatial Policy 1 of the Amended Core Strategy DPD (2019) details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services (Spatial Policy 2).
- 7.4. The application site is located outside of any defined settlement boundary and is therefore considered to be within the open countryside. Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD states "Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD."
- 7.5. In accordance with the requirements of Spatial Policy 3, Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD states that 'planning permission will be granted for the replacement of non-residential buildings where they are related to established uses or proposed uses enabled by other criteria'. 'Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses'. Finally, "the replacement building should be located within the curtilage of the site it is intended to serve". These requirements are listed and assessed in turn below:

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

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

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

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

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

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

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

Has the building been abandoned?

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

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

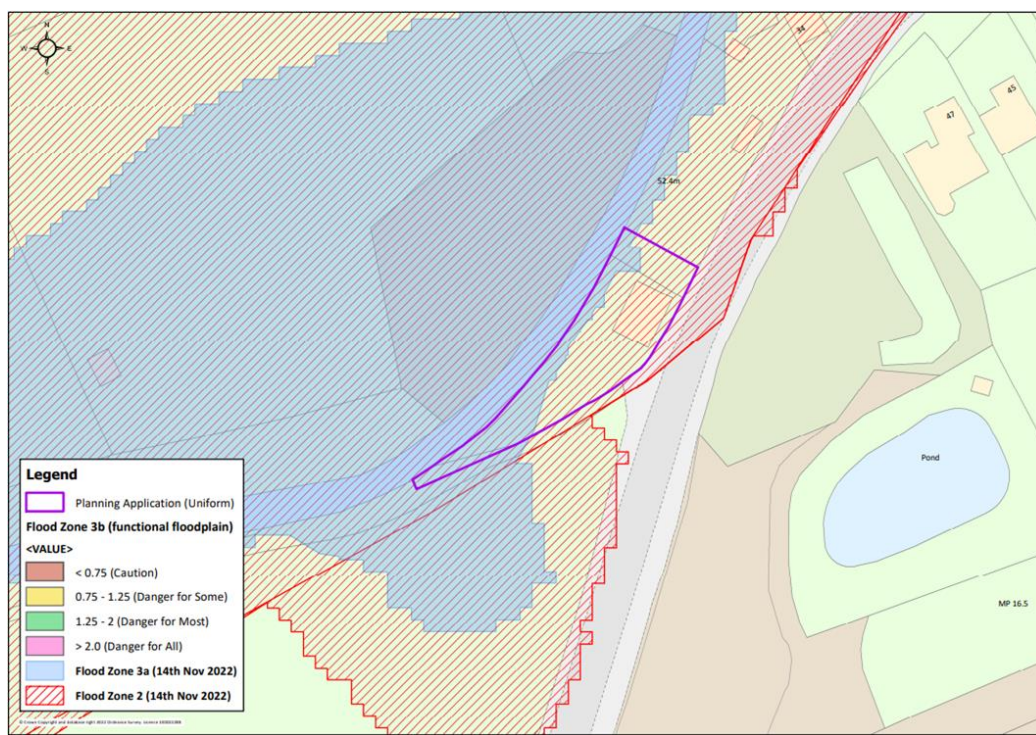
7.11. The proposed building would be sited within the curtilage of the site it is intended to serve.

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

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

Flood Risk and Drainage

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



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

Floor levels

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

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

All levels are stated in relation to Ordnance Datum.

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

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

Extra flood resistance and resilience measures

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

Access and escape

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

Surface water management

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

Impact on Landscape Character

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

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

Highway Safety and Parking

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

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

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

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

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

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

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

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

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

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

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

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

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

Ecology and Trees

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

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

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

8.0 Implications

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

9.0 Conclusion

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

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

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

10.0 Conditions

01

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

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

02

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

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

Reason: So as to define this permission.

03

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

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

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

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

04

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

Reason: In the interests of maintaining and enhancing biodiversity.

05

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

Reason: To secure development that protects the District's ecological and biological assets, with particular regard to priority species, and which maximises opportunities to conserve and enhance biodiversity in accordance with the Newark and Sherwood Amended Core Strategy, Core Policy 12 Biodiversity and Green Infrastructure (2019).

06

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

Reason: In the interests of highway safety.

07

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

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

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

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

Reason: In the interests of highway safety.

08

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

Reason: In the interests of highway safety.

09

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

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

Informatives

01

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

02

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

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

03

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

04

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

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

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 24/00496/FUL

