



Report to Planning Committee 7 August 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Yeung Browne - Planner

Report Summary			
Application No.	25/00628/S73		
Proposal	Application for variation of condition 02 to replace approved drawings with revised to replace existing lean-to with minor extension attached to planning permission 22/01023/FUL; Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse		
Location	90 Kirklington Road, Southwell NG25 0AX		
Web Link	25/00628/S73 - Application for variation of condition 02 to replace approved drawings with revised to replace existing lean-to with minor extension attached to planning permission 22/01023/FUL - 90 Kirklington Road Southwell NG25 0AX		
Applicant	Mr And Mrs Corden	Agent	Trevor Muir Ltd - Mr Trevor Muir
Registered	29.05.2025	Target Date	24.07.2025
		Extension of time agreed	12.08.2025
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Rainbow due to concern for the visual impact in the rural setting and historic impact.

1.0 The Site

- 1.1 The application site comprises of a detached two storey dwelling within Southwell. To the east of the dwelling is a range of detached outbuildings. The host dwelling is a traditional red brick property with a slate tile roof identified as a non-designated heritage asset (NDHA). To the west and south lies Kirklington Road beyond which is the Norwood Park Golf Course. Directly to the southeast of the site is a Grade II Listed Building (88 Kirklington Road). The site does not lie within a Conservation Area nor an area at risk of flooding.

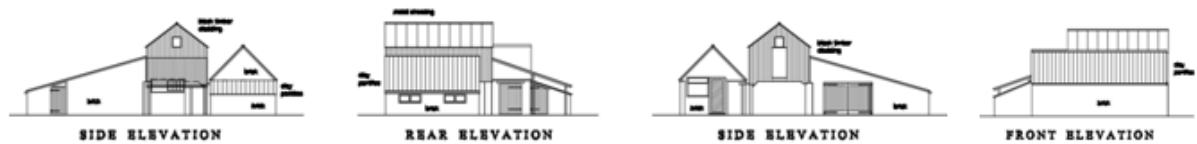
- 1.2 The dwelling benefit from consent for *'single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse'* in the 2022 householder application under reference 22/01023/FUL. The 2022 householder application has obtained confirmation that conditions 3 (external facing materials) and 4 (external features including external window, rooflights, rainwater goods, ridge, verge and eaves details) have been discharged; the other conditions were for compliance only. Therefore, the conditions were fully discharged.

2.0 Relevant Planning History

- 2.1. 22/01023/FUL- Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse. Approved on 01.11.2022. Conditions 3&4 were discharged on 06.03.2023 under reference 23/00094/DISCON.
- 2.2. 20/02467/PIP - Application for Permission in Principle for residential development of one dwelling, together with demolition of existing garage and timber/lean-to outbuildings. Application refused on 28.01.2021.

3.0 The Proposal

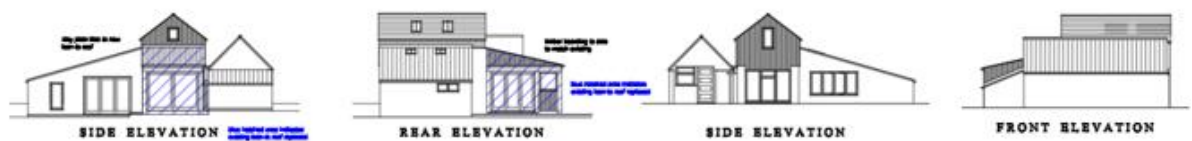
- 3.1 The application seeks permission to vary condition 2 (plans) from planning approval 22/01023/FUL, to replace approved drawings with revised to replace existing lean-to with minor extension specifically to the *'partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse'*. No variations are proposed to the single storey extension to the host dwelling.
- 3.2 Condition 2 stated that *'The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:*
- *Amended Site Location Plan (deposited 18.08.2022)*
 - *Proposed Site Plan – Ref. 2362 5 J (deposited 21.10.2022)*
 - *Proposed Ground Floor Plan – Ref. 2362 6 J (deposited 21.10.2022)*
 - *Proposed First Floor Plan – Ref. 2362 7 H (deposited 21.10.2022)*
 - *Proposed Elevations and Sections – Ref. 2362 8 H (deposited 13.10.2022)*
- 3.3 The amendment proposed in the current S73 consists of the following:
- a) Roof section of the lean-to structure on the west elevation is larger (in volume) than the previously approved, but footprint remain the same.
 - b) Cladding dimensions on the side (eastern) elevation that is facing the main dwelling is slightly different to the approved.
 - c) Cladding dimensions on the side (western) elevation, and completed with two panes door rather than three panes.
- 3.4 The original elevations of the outbuilding range are shown below:



3.5 The approved elevations under application 22/01023/FUL are shown below:



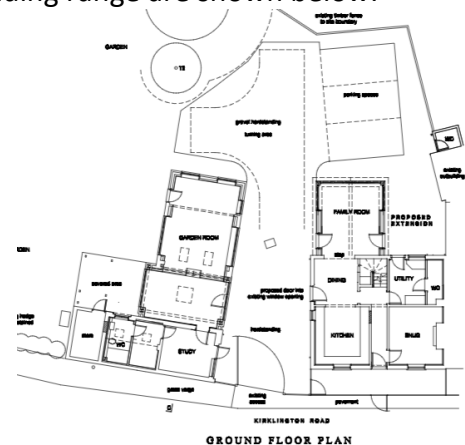
3.6 The proposed elevations through this S73 application are shown below:



3.7 The original and approved layout of the outbuilding range are shown below:

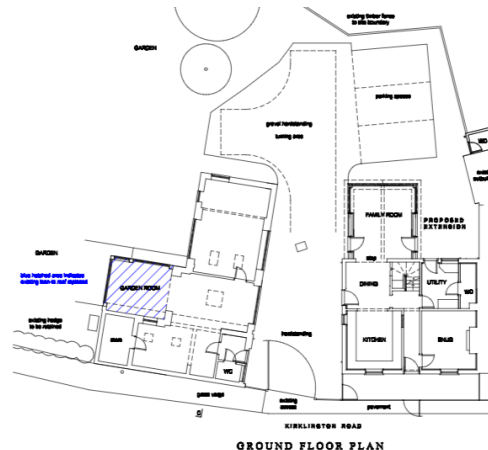


The original layout of the proposed site at ground floor level



The approved layout of the proposed site at ground floor level with parking arrangement

3.8 The proposed layout of the outbuilding range and parking arrangement through this current S73 application are shown below:



3.9 The following drawing and document have been submitted with the current application:

- Application form received 08 April 2025
- Existing floor plans and section ref: 2362 2 REV E received 08 April 2025
- Existing elevations ref: 2362 3 REV A received 08 April 2025
- Proposed site plan ref: 2362 5 REV K received 08 April 2025
- Proposed elevations and sections ref: 2362 8 REV K received 08 April 2025
- Proposed ground floor plan ref: 2362 REV K received 08 April 2025

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

4.2 Site visit undertaken on 09 June 2025.

5.0 Planning Policy Framework

The Development Plan

5.1 Southwell Neighbourhood Plan (2016)

- Policy SD1 – Delivering Sustainable Development
- Policy DH1 – Sense of Place
- Policy E3 – Green Infrastructure & Biodiversity
- Southwell Design Guide

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

- Core Policy 9 - Sustainable Design
- Core Policy 14 – Historic Environment

5.3 Allocations & Development Management DPD (adopted July 2013)

- DM5 – Design
- DM6 – Householder Development
- DM9 – Protecting and Enhancing the Historic Environment
- DM12 – Presumption in Favour of Sustainable Development

5.4 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and completed its Examination In Public during November 2024. This is therefore at an advanced stage of preparation, albeit there are unresolved objections to amended versions of all the above DM policies (apart from DM12) emerging through that process. As such, the level of weight to which those proposed new policies can be afforded is therefore currently limited. As such, the application has been assessed in-line with all policies from the adopted Development Plan.

5.5 Other Material Planning Considerations

- National Planning Policy Framework 2024 (as amended Feb 2025)
- Planning Practice Guidance (online resource)

- SPD for Conversion of Traditional Rural Buildings
- Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

6.0 **Consultations**

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

Statutory Consultations

6.1 None.

Town/Parish Council

6.2 **Southwell Town Council** – has no objection to the proposed S73 application, but raised concern over planning condition 5 of the original approved application, which stated: *The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.* In order to prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

Representations/Non-Statutory Consultation

6.3 **Southwell Civic Society** – Object to this application. Stated that no information about the uses of the rooms and how this building would act as an ancillary to the enjoyment of the dwelling house. The application must continue to demonstrate (which it does not) that condition 5 of planning permission 22/01023 is being respected.

It is also noted that a fence has been erected adjoining the highway which is over one metre in height. This is detrimental to the rural nature of this part of Kirklington Road and has removed the views over the land which is designated as a Traditional Orchard by Natural England.

6.4 **NSDC Conservation team** – has no concern to the section 73 application as there are minimal changes to what has been approved.

6.5 **One representation have been received**, object to the proposal with the following grounds:

- Conversion was only granted permission once all previously proposed extensions were removed.
- The new extension being retrospectively applied for was covered by tin sheet and was not attached to the historic roadside outbuilding range. The addition should be of similar to the original.
- The addition created is substantial and very prominent on its side/front position.
- The enlarging and domesticating of these outbuildings must surely be detrimental to their rural heritage and the surrounding area.

- The historic wooden apple loft now has a large swathe of terracotta tiling joining to its gable end. This is visible from the road and pavement.
- The fence partially obscures from view an extremely large new summer house which is placed very close to the boundary fence along the roadside and the historic outbuildings.
- The conversion was granted as ancillary use to the main dwelling, and it must remain the case.
- The conversion of these outbuildings was considered large for ancillary use. The extension is now even less subservient to the main dwellinghouse.
- The conversion has lights on each evening and has further domesticated the appearance of these former rural outbuildings.
- The applicants have been residing in the outbuilding conversion since May 2024 and the conversion has been created a fully functioning separate dwelling not reliant on the main dwelling for any facilities except for sharing the driveway.
- Two householders are consequently using this driveway entrance situated on particularly bad bend.

6.6 The applicant has made reply to the objection received, which has been summaries below:

- no objections received from NSDC conservation, or town council except the question of usage of the property in general.
- The application is S73 (varying or removing conditions on an existing planning permission), not an application for new dwelling.
- The land and property is presently for the use of one family, family member consist of 2 grandparents, 1 son and his 2 young children.
- Objection from the former owner previously applied for permission to demolish these outbuildings and remove many trees in order to develop new housing and car parking.
- (as applicant) It is considered these outbuilding in question created a great street scene entrance to 90, Kirklington Road.
- There is a covenant between the Vendor (the previous owner, also the objector to this application) and the applicant on the purchase stating "*associated outbuildings and any extensions to the property may include a self-contained annexe*". It is felt that the comments has broken the goodwill of the legal agreement and the comments should be removed from any consideration for this S73 application.
- These buildings were in exceptionally bad, totally unmaintained condition by the previous owner and could have been lost forever. It is felt that the approved conversion has saved the buildings for future generations to enjoy.

7.0 Appraisal

- 7.1. The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF

refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

- 7.2. The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.
- 7.3. Following public consultation and independent examination, at its council meeting on 11th October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of Development

- 7.4. An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.
- 7.5. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application, the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—
 - (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
 - (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.
- 7.6. The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local

authority has the power to vary or remove other conditions if minded to grant a new planning consent.

- 7.7 The original application had the following description of development: *Proposed single storey extension to host dwelling and alterations, partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse*. It is considered that the amended plans subject to this application fall under within the same description of development as originally set out in the approved applications 22/01023/FUL.
- 7.8 The development has been completed as confirmed on the application form that the date completed was 01 December 2024.
- 7.9 This S73 application concerns only to the “*partial rebuilding and conversion of outbuildings for use ancillary to the enjoyment of the dwellinghouse*” of the originally approved application. The following are the variations from the approved scheme:
- a) Roof section of the lean-to structure on the west elevation is larger (in volume) than the previously approved, but footprint remain the same.
 - b) Cladding dimensions on the side (eastern) elevation that is facing the main dwelling is slightly different to the approved.
 - c) Cladding dimensions on the side (western) elevation is slight different to the approved, and completed with two panes door rather than three panes.
- 7.10 While the external alteration is demonstrated on the drawing, question has also been raised if the converted building still remained ancillary to the main dwelling. The key issues for consideration are therefore:
- Would the current use of the converted buildings remained ancillary to the main dwelling
 - Impact on Heritage Assets and the visual amenities of the area

Would the current use of the converted buildings remain ancillary to the main dwelling

- 7.11 The original application was approved with a condition stated that ‘*The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.*’ This is to prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.
- 7.12 Assessment for the conversion to be considered as an annex was carried out in the previous approved application. The previous case officer evaluated in the report and stated that ‘*A residential annexe is accommodation ancillary to the main dwelling within the residential curtilage and must be used for this purpose. The annexe should form part of the same ‘planning unit’ by sharing the same access, parking area and garden.*’
- 7.13 The report explained further that ‘*the building is located close to the dwelling, within its confined boundaries and it would share the host dwellings existing access, parking*

and garden areas. It is noted that the internal floor area of this outbuilding range is large, however following revisions there are now no extensions proposed to the outbuilding range, which would be converted within its existing confines save for some minor rebuilding of one of the central timber sections of the outbuilding range. In terms of a physical link, whilst the outbuilding range is separate from the hostdwelling (i.e. not physically connected) it does share a close relationship with the main dwelling and is not proposed to have a kitchen or full bathing facilities which would mean that any future occupiers would rely on the hostdwelling for day-to-day facilities. It is therefore considered in this case that the outbuilding range would have a physical link with the hostdwelling.'

- 7.14 This S73 application consists of the variation of some minor external finishing (dimension of the cladding and number of panes on the doors), and the roof volume increased of the lean-to structure positioned on the western elevation compared to the approved scheme.
- 7.15 It is acknowledged that the main concern from the Southwell Town Council and the main objection from the Southwell Civic Society is that the building in question is no longer ancillary to the host dwelling, known as no.90 Kirklington Road. This is also one of the grounds of objection from the letter received of the interest party. The reason for objection is that the converted building is being used as a sperate dwelling and no longer ancillary to the host dwelling. The other grounds of objection is that the internal layout of the converted building has been altered since its completion.
- 7.16 The conversion was completed in December 2024 as confirmed on the application form. Section 55 of the Town and Country Planning Act 1990 ("the 1990 Act") states that "development" includes the making of any material change in the use of any buildings or other land. Under section 192, local planning authority needs to ask "*if change of use had occurred, or if operation had commenced, on the application date, would it have been lawful for planning purposes?*"
- 7.17 In this case, it would be weather the current use of the converted building constitutes a material change in the use of the outbuilding by the members of same family. Internal alterations to a completed building (except for Listed Building) does not constitute a development in planning terms. The previous planning approval has already assessed the physical and functional links of this converted building as annex to the main dwelling. The conclusion is that '*given the close access arrangement, shared garden space and the intention for the outbuilding range to be used to support the main function of the dwellinghouse, it is considered that the outbuilding range would have a physical and functional link to the host dwelling and thus could be regarded as ancillary*'.
- 7.18 The submitted details include the parking arrangement on the previously approved scheme and the proposed S73, no alteration on the parking arrangement is proposed. It is therefore considered the physical link remained unaltered from the previously approved scheme.
- 7.19 The applicant provided confirmation that the grandparents are staying in the converted building while the grandchildren and their father stay in the main dwelling.

During the site visit, the applicant further confirmed that the meals are prepared in the kitchen at the main house for all 5 family members, and the grandparents would be looking after the grandchildren in the main house while the father is at work. It is considered this arrangement established a functional link between the converted building and the main dwelling.

- 7.20 Taken the above in consideration and given that all the available parking area is positioned directly rear to the main dwelling as shown on the proposed floor plan (both previous approved and the current S73 scheme), it is considered the use of the converted building remained ancillary to the main dwelling both physically and functionally. Condition 5 of the original planning permission is therefore being complied with.

Impact on Heritage Assets and the visual amenities of the area

- 7.21 The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Southwell Design Guide also states that all new development should ensure there is consistency with existing material colours.
- 7.22 Core Policy 14 states that the Council will aim to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess.
- 7.23 As explained in the site description, 88 Kirklington Road is a Grade II listed building. Number 90 is also a period cottage with some attractive detailing, possibly reflective of an older Regency design (c.1840s). The brick and tile outbuilding adjacent to the highway appears to be contemporaneous with no 90, but the rear timber and other brick structure are more modern. Late-19th century maps reveal that 88 and 90 Kirklington Road were in the same ownership. For this reason, no 90 is considered to have some heritage value as a non-designated heritage asset (NDHA), contributing to the setting and experience of the adjacent listed building. The spaciousness around the property also makes a positive contribution in this setting. In the context of the lane, this small group of historic buildings also makes a positive contribution to the character and appearance of the area, as well as being an attractive feature on approach from the north.
- 7.24 The conversion of the outbuildings as a whole involved some section to be demolished and rebuilt as it was not structurally sound for conversion. The approved replacement

building has the same overall height, design and cladded in similar timber cladding as the original.

- 7.25 It is acknowledged that a lower section of lean-to structure on the west elevation was completed with a higher roof which created a larger volume at the roof section compared to the approved scheme. It is also recognised that the footprint of this lean-to structure remained same as originally approved. While the cladding areas on both side elevations are slightly different to the approved scheme, the overall result of the development is similar as confirmed by the NSDC conservation team that there is no impact to the heritage assets.
- 7.26 No other alteration is proposed on the scale of the fenestration to the converted building in terms of its overall footprint, orientation and external finishing. The use of external facing materials (conditions 3) and external features including external window, rooflights, rainwater goods, ridge, verge and eaves details (condition 4) have been discharged; the other conditions were for compliance only. Therefore, the conditions were fully discharged.
- 7.27 Overall considering the scope of amendments it is therefore considered that the revised scheme advanced within this application would have no greater impact upon the NDHA or the setting of any nearby listed buildings than that previously approved application in November 2022 which is in accordance with the objective of preservation required under section 66 of the Act as well as complying with heritage, design and amenity policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF. As such, it is considered that there are no material reasons why planning permission should not be granted.

Impact upon Residential Amenity

- 7.28 Policy DM5 of the Allocations & Development Management DPD (2013) states development should be accepted providing it does not result in loss of amenity in terms of overbearing impacts, loss of light and privacy. Policy DM6 of the Allocations & Development Management DPD (2013) states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. Paragraph 135 of the NPPF (2024) requires developments to create places with a high standard of amenity for existing and future users.
- 7.28 The currently proposed alterations have not altered the scale of footprint, orientation of the previously approved outbuilding, the relationship with the neighbouring properties remained the same as the previously approved application in 2022. Furthermore, there is no new opening proposed above the ground floor level. Taking in consideration of the existing boundary treatment, it is not considered this application would have any negative impact to the amenity of any neighbouring properties.
- 7.30 Therefore, the proposal is not considered to result in any adverse impacts to residential amenity and is in accordance with Policies DM5 & DM6 of the Allocations & Development Management DPD (2013) with regard to amenity.

Impact upon Highway Safety

- 7.31 Policy DM5 of the Allocations and Development Management Policies DPD (2013) requires provision of safe access to new development and appropriate parking provision. Policy DM6 of the Allocations and Development Management DPD (2013) states that provision for safe and inclusive parking provision should be achieved and parking arrangements are maintained as a minimum. Spatial Policy 7 of the Amended Core Strategy (2019) seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 115 of the NPPF (2024) states that schemes can be supported where they provide safe and suitable access for all. The Council has also adopted a Residential Cycling and Car Parking Standards Design Guide SPD (2021) which is material to decision making.
- 7.32 The proposed development would not increase the intensity of the use of the site and would not affect the number of bedrooms at the dwellinghouse. The proposed development would not affect the provision of parking on site.
- 7.33 Therefore, based on the above assessment it is considered that the development complies with the Residential Cycling and Car Parking Standards Design Guide SPD (2021), Policies DM5 of the Allocations and Development Management Policies DPD (2013), as well as Spatial Policy 7 of the Amended Core Strategy (2019), and paragraph 115 of the NPPF (2024).

Other Matters

- 7.34 It is acknowledged that grounds of objection from Southwell Civic Society and the third party included a section of boundary timber fence adjacent to the highway and another outbuilding further west to the converted building. These elements are not within this S73 application and did not form part of the proposal (or the original approval). It is therefore outside of this current application's consideration.
- 7.35 The planning enforcement team has been informed of the above and these are separate matters to this current S73 application.

Other Matters (BNG)

- 7.36 Since the previous decision, biodiversity net gain legislation has come into force in England. However, this application would be exempt because it is a Section 73 application to an application submitted before BNG was in force.

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.

8.2 Legal Implications - LEG2425/248

Planning Committee is the appropriate body to consider the content of this report. A Legal Advisor will be present at the meeting to assist on any legal points which may arise during consideration of the application.

9.0 Conclusion

- 9.1. Only the very narrow scope of the matters of varying the condition imposed are open for consideration. While the use of the building did not form part of the proposal, concern and objections were raised if the converted building remained as ancillary to the host dwelling. It is considered that the amendments sought to the approved plans would not have any greater unacceptable impact on the character or appearance of the area, the Southwell rural character or the Listed Building nearby, nor residential amenity than previously approved. It is also concluded that the current arrangement and use of the converted building by members of same family maintain the physical and functional link to the host dwelling.
- 9.2 The amended proposal complies with the requirements of Core Policies 9 and 14 of the Amended Core Strategy, Policies DM5 and DM9 of the ADMDPD, section 66 of the Act and section 16 of the NPPF. As such, it is considered that there are no material reasons why planning permission should not be granted.
- 9.3 For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with strikethrough text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording.

10.0 Recommendation

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

Conditions:

~~01~~

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

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

~~02~~ **01**

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

- Amended Site Location Plan (deposited 18.08.2022)

- ~~— Proposed Site Plan — Ref. 2362 5 J (deposited 21.10.2022)~~
- ~~— Proposed Ground Floor Plan — Ref. 2362 6 J (deposited 21.10.2022)~~
- ~~— Proposed First Floor Plan — Ref. 2362 7 H (deposited 21.10.2022)~~
- ~~— Proposed Elevations and Sections — Ref. 2362 8 H (deposited 13.10.2022)~~
- **Proposed site plan ref: 2362 5 REV K received 08 April 2025**
- **Proposed elevations and sections ref: 2362 8 REV K received 08 April 2025**
- **Proposed ground floor plan ref: 2362 REV K received 08 April 2025**

Reason: So as to define this permission.

~~03~~

~~No development above damp proof course shall take place until manufacturers details (and samples upon request) of all external facing materials (including colour/finish) including:~~

- ~~• Bricks (including a sample panel showing coursing, jointing, brick bond pattern and mortar specification)~~
- ~~• Roofing materials (including a sample)~~
- ~~• Cladding (including fixings and any stain)~~

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

~~Reason: In order to safeguard the special architectural or historical appearance of the non-designated heritage asset and nearby listed buildings.~~

~~04~~

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

- ~~• External windows, roof lights, doors and their immediate surroundings, including details of materials, opening, glazing and glazing bars, colour and finish.~~
- ~~• Ridge, verge and eaves details~~
- ~~• Rainwater goods~~

~~Reason: In order to safeguard the special architectural or historical appearance of the non-designated heritage asset and nearby listed buildings~~

~~05- 02~~

The outbuilding range to the north-west of the main dwelling shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling, known as 90 Kirklington Road, Southwell, Nottinghamshire, NG25 0AX.

Reason: To prevent the creation of a separate dwelling in a location where new residential development would not normally be permitted.

06

~~The development hereby permitted shall be carried out in accordance with the recommendations set out at Section 5 of the Protected Species Survey (dated 30 March 2022) submitted with the application unless otherwise agreed in writing by the local planning authority.~~

~~Reason: In the interests of maintain and enhancing biodiversity.~~

Informative

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 gross internal area of new build is less 100 square metres

03

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

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

a) a Biodiversity Gain Plan has been submitted to the planning authority, and

b) the planning authority has approved the plan;

OR

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated

legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk))

Based on the information available, this permission is considered by NSDC not to require the approval of a biodiversity gain plan before development is begun, because the following reason or exemption is considered to apply - The application is a section 73 planning application, where the original planning application was exempt from BNG.

BACKGROUND PAPERS

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

Application case file.



Committee Plan - 25/00628/S73

