

PLANNING COMMITTEE – 20 NOVEMBER 2018

Application No:	18/01430/FUL	
Proposal:	Change of use of former abattoir site and paddock to gypsy and traveller caravan site	
Location:	Park View Caravan Park, Tolney Lane, Newark On Trent	
Applicant:	Mssrs Bower	
Registered:	4 October 2018	Target Date: 29 November 2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site is located on the northern side of Tolney Lane. The majority of the site lies within the Newark Urban Area, as defined within the Allocations and Development Management DPD. The site is closely located to the town and its centre and is relatively sustainable as a result. The site is located within Zone 3b of the floodplain and is also located within Newark's designated Conservation Area.

The north of the site abuts the main railway line linking Nottingham and Lincoln. Open amenity land exists to the south, on the opposite side of Tolney Lane, adjacent to the River Trent. To the east is a local authority operated public car park, while finally to the west an open field/paddock beyond which is another Gypsy and Traveller site.

Comprising approx. 0.6ha in area the site includes the former abattoir building, a single storey structure which remains, oriented gable end on and adjacent to Tolney Lane. The site is relatively flat and is currently in use as a gypsy and traveller caravan site for up to 15 caravans with the benefit of a 3 year temporary permission that expired on 30 September 2018. Access to the site is taken at two points off Tolney Lane, though main access to the site under the most recent planning consent is via the central access point.

The southern boundary is walled, at a height of 1.5m. Palisade fencing and trees sitting outside the application site are situated to the rear boundary. Other boundary treatments comprise of vertical timber boarding (along the north-eastern boundary) and timber post and rail fencing (along the south-western boundary).

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 200 pitches.

Relevant Planning History

18/00887/FUL - Variation of condition 1 and removal of condition 5 attached to 15/00354/FUL for

change of use of former abattoir site and paddock to gypsy and traveller caravan site on a permanent basis – still pending but awaiting confirmation of withdrawal as application 15/00354/FUL is no longer extant.

17/00949/FUL - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission permanent and general (Re-submission of 16/1879/FUL) - Refused 07.11.2017 for the following reason:

“The application site lies within Flood Zone 3b where the NPPF states that inappropriate development should be avoided by directing it towards areas at lower risk of flooding. When temporary permission was first granted on this site there were no available Gypsy & Traveller sites in areas at lower risk of flooding. Whilst the Local Planning Authority cannot currently demonstrate a five year supply of pitches, the shortfall of 2 pitches is not considered significant or severe. The purpose of granting temporary consent was to cater for the applicants immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The temporary consent still has almost a year to run (up to 30th September 2018) and the Authority is pro-actively pursuing the identification of a suitable site to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area. Although there would be some social, economic and environmental factors which would weigh in favour of the proposal it is not considered that these, in combination with the supply position, are sufficient to outweigh the severe flood risk and warrant the granting of permanent consent. To allow permanent occupation of a site at such high risk of flooding would therefore be contrary to the aims of the NPPF and put occupiers of the site and members of the emergency services at unnecessary risk.”

16/01879/FUL - Application to remove conditions 1 and 5 of planning consent 15/00354/FUL to make the personal and temporary permission permanent and general – Application refused 04.01.2017 on grounds of flood risk.

15/00354/FUL - Variation of Conditions 6(i) and Condition 5(i) of Planning Permission 14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 15.05.2015 to extend the time scales within which to comply with conditions.

14/01106/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Approved 02.09.2014 on a temporary basis until 30 September 2018 and on a personal basis with named occupiers

13/01167/FUL - Change of use of former abattoir site and paddock to gypsy and traveller caravan site – Refused 14.11.2013 Appeal Withdrawn

11/01509/FUL - Change of use of former abattoir site and paddock to form site for touring caravans – Refused 24.01.2012 Appeal Dismissed

10/00889/FUL - Erection of front boundary wall with two gateways (revised design) – Approved 09.08.2010

10/00245/FUL - Erection of a front boundary wall with two gateways to paddock and hard standing. – Refused 26.04.2010

06/01948/LDC - Application for certificate of proposed lawful development in relation to 1 dwelling – LDC proposed REFUSED – 21.02.2007 Appeal Dismissed

03/02316/FULM - Erection of 33 apartments – Refused 04.10.2006

03/02054/FULM - Erection of 24 dwellings – Refused 04.10.2006

02/02488/FULM - Erection of 33 apartments – Refused 17.07.2003

FUL/980280 - Erection of 24 dwellings – Approved 25.09.1998

CAC/980353 - Demolish old abattoir and outbuildings – Approved 25.09.1998

920607 - Enclosure of existing loading canopy to create a loading bay dock & form two external doors – Approved 18.09.1992

900703 - New abattoir and meat distribution plant to replace existing facility – Refused 10.09.1990

900001 - Heritage centre, hotel, offices, and housing + associated roads car parking, harbour & parkland – Approved 10.04.1990

890636LB - Demolition of existing buildings – Approved 03.04.1990

78482 - Extensions to Abattoir (offal fridge and cutting room) – Approved 20.06.1978

76496 - New at cost building to serve as garage/new freezer unit – Approved 15.07.1976

The Proposal

Full permanent planning permission is sought for the change of use of the former abattoir site and paddock to a gypsy and traveller caravan site. Although the description of the development includes the change of use of a 'paddock,' the existing paddock to the west of the application is excluded from the red line boundary identifying the application site and so for clarity, is excluded from the proposed change of use. Although temporary planning permission was previously granted until 30 September 2018 under reference 14/01106/FUL, the permission has lapsed due to non-compliance with conditions but the use is currently continuing on the site.

The submitted site plan shows fifteen pitches with gravel surface each accommodating a touring caravan arranged around a central circular landscaped area and served by 5m wide tarmac roads. Each pitch is defined by a 0.9m high timber fence. The former abattoir building provides an amenity block to serve the occupiers whose finished floor level is 0.6m above ground level and is served by an access ramp.

The application has been supported by the following supporting information:

- Topographical Survey dated 11 November 2009
- Flood Risk Assessment dated May 2018

Whilst no information has been submitted regarding the gypsy and traveller status of the occupiers of the site directly with this application, this information (for the same occupiers) has been submitted within a previously approved application that has been acknowledged and accepted in the past.

The plans that are being considered under this application are:

- Location Plan Scale 1:1250 received 24 July 2018
- Site Plan (Drawing No: 20/48/2009) dated 28 June 2013

Departure/Public Advertisement Procedure

No occupiers of properties have been individually notified by letter but a site notice has been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 (Settlement Hierarchy)

Spatial Policy 2 (Spatial Distribution of Growth)

Spatial Policy 7 (Sustainable Transport)

Core Policy 4 (Gypsies & Travellers and Travelling Showpeople – New Pitch Provision)

Core Policy 5 (Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople)

Core Policy 9 (Sustainable Design)

Core Policy 10 (Climate Change)

Core Policy 13 (Landscape Character)

Core Policy 14 (Historic Environment)

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption on Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy 2017
- Planning Policy for Traveller sites – August 2015

When determining planning applications for traveller sites, this policy states that planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates their traditional and nomadic way of life while respecting the interests of the settled community.

Applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies within the NPPF and this document (Planning policy for traveller sites).

This document states that the following issues should be considered, amongst other

relevant matters:

- Existing level of local provision and need for sites;
- The availability (or lack) of alternative accommodation for the applicants;
- Other personal circumstances of the applicant;
- Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- Applications should be determined for sites from any travellers and not just those with local connections.

The document goes on to state that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan and sites in rural areas should respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on local infrastructure.

- Emergency Planning Guidance produced by the Nottingham and Nottinghamshire Local Resilience Forum (August 2017)

This document states: “New developments in flood risk areas must not increase the burden on emergency services. The Emergency Services are in heavy demand during flood incidents. The Fire and Safety Regulations state that “people should be able to evacuate by their own means” without support and aid from the emergency services. The emergency services and local authority emergency planners may object to proposals that increase the burden on emergency services.”

“New development must have access and egress routes that allow residents to exit their property during flood conditions. This includes vehicular access to allow emergency services to safely reach the development during flood conditions. It should not be assumed that emergency services will have the resource to carry out air and water resources during significant flooding incidents; therefore safe access and egress routes are essential.....

The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe...”

Consultations

Newark Town Council – “Members decided to Object to this application and could see no reason to change their original objection. The site should be appropriately landscaped. There could be a flood risk which could impact significantly on any touring caravans on the site in periods when flooding occurs. This application should not be in conflict with the Allocations and Development Management Options Report for designating Traveller and Gypsy sites in Newark. If permission was to be given for this application, Members of the Town Council Planning Committee would like to see a relevant boundary environmental screening put in place in order to make it less visible from the A46.”

NCC Highways Authority – “No objections are raised to this proposal. However, in the interests of pedestrian safety and convenience, and to promote sustainable travel, the existing highway arrangement (with large unused access mouths) should be reshaped to close off a redundant

access and formalize the new access with a narrower dropped kerb crossing point for pedestrians, as indicated on the attached drawing. [copied below]

Generally gates at access points should be kept open or set back from the back edge of the footway by a minimum of 5m so that vehicles do not have to wait in the carriageway whilst gates are open and/or closed.

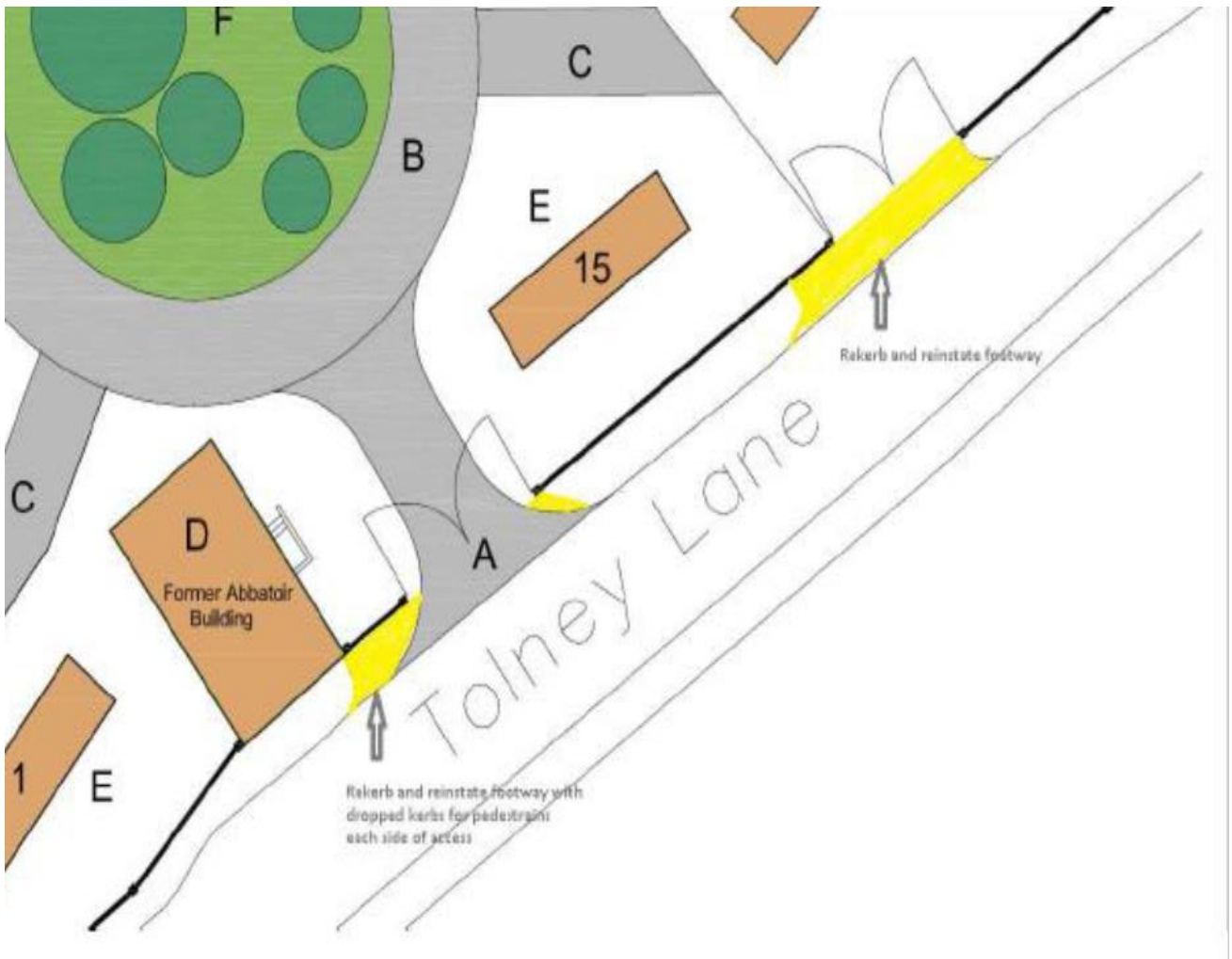
Suitable conditions might be applied to any approval (as with the approved application 14/01106/FUL):

- The development hereby approved shall not be brought into use unless or until footway reinstatement and access works on Tolney Lane have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.
Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel.
- The gates at the single vehicular access point shall either be removed or left open at all times or set back a minimum of 5 metres from the highway boundary.
Reason: In the interests of highway safety.

Note to Applicant:

The development makes it necessary to alter vehicular crossings over a footway within the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at:

<http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>”



Environment Agency – “We **object** to the proposed development as it falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. The application is therefore contrary to the National Planning Policy Framework (NPPF) and its associated planning practice guidance (PPG).

The PPG classifies development types according to their vulnerability to flood risk and provides guidance on which developments are appropriate within each flood zone. This site lies within flood zone 3b, which is land defined by the PPG as functional floodplain. This is an area where flood water is stored during times of flood, and the risks associated with this are significant. The development is classed as highly vulnerable in accordance with table 2 of the flood zones and flood risk tables of the planning practice guidance. Tables 1 and 3 make it clear that this type of development is not compatible with this flood zone and therefore should not be permitted.

Furthermore, we object to this application because it fails the second part of the flood risk exception test. The NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the exception test. The NPPF makes it clear that both elements of the exception test must be passed for development to be permitted. Part 2 of the test requires the applicant to demonstrate, via a site-specific flood risk assessment (FRA), that the development will be safe, without increasing flood risk elsewhere. Where possible, the development should reduce flood risk overall.

In this instance the developer’s FRA fails to:

- demonstrate that the development is ‘safe’;
- demonstrate the provision of safe access and egress routes.

Flood risks to the site

We would like to take this opportunity to highlight the risks to the site should a flood event occur. We ask that you present this information to planning committee so they are fully aware of the current day risks to the site, and even more importantly, the increased risks associated with climate change. It is our opinion that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for permanent permissions. This is essential given the much longer lifetime associated with permanent developments. It is our opinion that committee need to be fully aware of this when reaching a decision.

The flood depths that would impact this site during various flood events, according to our modelled data, are set out below. Given the highly vulnerable nature of the proposed development, you may wish to consider the flood depths arising from the 1 in 1000 year event:

- The site could flood to a level of 12.37mAOD during a 1 in 1000 year event, which equates to **flood depths of up to 2.58m.**
- The site could flood to a level of 12.02mAOD during a 1 in 100 year 20% climate change event, which equates to **flood depths of up to 2.24m;**
- The site could flood to a level of 11.82mAOD during a 1 in 100 year event, which equates to **flood depths of up to 2.06m;**
- The site could flood to a level of 11.25mAOD during a 1 in 20 year event, which equates to **flood depths of up to 1.5m.**

Furthermore, it is worth noting that these flood depths are those which are shown to impact the site itself, the depths increase when you look at the proposed access and egress route known as Tolney Lane.

In terms of mitigation, the development is proposing to rely solely on flood warning and evacuation planning; there are no proposals to raise land, and there are no proposals to raise the touring caravans themselves. There are no innovative proposals to reduce flood risk to the development and future occupants. The FRA proposes to rely on evacuation of the site before a flood event.

Where a development proposes to rely on flood warning and evacuation, our preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognises this and instead proposes to manage the flood risk by way of advanced flood warning and evacuation planning; a matter which falls outside of our remit as a statutory consultee. The PPG makes clear that the Local Planning Authority are responsible for determining the adequacy of flood warning and evacuation plans, in consultation with emergency planners.

We strongly recommend that prior to determining the application, your Authority seek expert advice from the local emergency planners in order to consider whether or not the proposed flood warning and evacuation plans will demonstrate the safety of the development and future occupants over its lifetime.

Previous decisions

We are mindful that a planning committee has previously deemed temporary occupancy of this site appropriate; the committee overruled our flood risk objection, and surprisingly deemed it appropriate to grant a temporary planning permission despite the significant flood risks to this site. This was presumably off the back of a planning inspectors decisions on the nearby 'Green Park' site. This decision, rightly or wrongly, set a planning precedent for highly vulnerable development on this site. This situation allowed the site to accommodate an identified need whilst

the Local Plan process continued to develop, with the ultimate aim of identifying an alternative site of lesser flood risk to which the temporary occupants of this site could then be moved.

Like with the nearby Green Park site, we have now reached the end of the temporary permission, and an alternative site of lesser flood risk has still not been identified. We are understanding of the situation this leaves your Authority in. On the face of it, nothing has really changed since the planning committee deemed a temporary planning permission suitable, i.e. there are still no alternative sites for gypsy and traveller provision in Newark and Sherwood, and the flood risks to the site are essentially the same as they were 5 years ago. Having considered the previous decisions taken by the planning committee and the planning inspector (for the Green Park site), we understand that your Authority may be minded to grant another temporary permission. Another temporary planning permission would allow your Authority to continue long term work on identifying an alternative site, or look at options to reduce the flood risks to the existing site. However, it is vitally important that your Authority consider the planning position that might result from the continuous granting of temporary planning permissions; whilst case law can be seen as a fluid situation, we are aware of scenarios where continuous 'temporary' permissions could result in a 'deemed permission' for permanent use. Your Authority, and planning committee, must consider this in reaching a decision re: temporary use. Our recommendation is that if you are indeed minded to approve another temporary permission, you only do so with a time limit that would prevent the use from becoming 'permanent' through case law.

Next steps

Given the information set out above, we do not foresee how this application can overcome our objection; it is contrary to the NPPF at a fundamental level, and the flood risks to the site are highly significant. Whilst we are understanding of the difficult position that your Authority is in, we must act reasonably and fulfil our role as a statutory expert on flood risk.

None the less, if your Authority is minded to approve the application on a temporary basis we ask that you re-consult us and notify us of your intention to do so.

If you are minded to approve the application on a permanent basis, we must stress that we would consider instigating the call in direction as we consider the risks to this site to be too significant to allow permanent 'highly vulnerable' development to proceed, without further work to reduce flood risks to the site beforehand."

Trent Valley Internal Drainage Board – "The site is within the Trent Valley Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority."

NSDC Policy –

"Amended Core Strategy

The Inspector examining the Amended Core Strategy has reached the view, as set out in post-hearing note 4 (issued 8 May 2018), that "the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA is insufficient." In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspectors favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six

week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5.

National Policy

Confirms that the Framework has not changed the statutory status of the development plan as the starting point for decision-making. Proposed development which accords with an up-to-date Local Plan should be approved and proposed development which conflicts should be refused, unless other material considerations indicate otherwise.

Carries a presumption in favour of sustainable development, which should be seen as a golden thread running through plan-making and decision-taking. The policies in paragraphs 18-219, taken as a whole, constitute what sustainable development means in practice for the planning system. A sequential approach to development and flood risk should be followed, with the objective of steering new development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, then the flood risk vulnerability of the proposed use should be taken into account and consideration given to reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, applying the Exception Test if required. Whilst general changes of use proposals are absolved from application of the tests this does not extend to those which would result in a caravan site.

The Planning Policy for Traveller Sites (PPfTS) (2015) sets out, in conjunction with the NPPF, Government policy for traveller sites. This steers LPA's towards ensuring that traveller sites are sustainable, economically, socially and environmentally. Through the policy Local Planning Authorities (LPAs) are required to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Beyond this there is an obligation for LPAs to identify the same standard of supply, or broad locations for growth, for years 6 to 10 and, where possible, years 11-15. Where an LPA cannot demonstrate an up-to-date five year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. There is however no presumption that a temporary grant of planning permission should be granted permanently.

Assessment

The application at Green Park (18/01443/FULM) seeks a number of variations to the conditions attached to the temporary consent granted under 12/00562/FUL in order to make it permanent, whilst the proposal at Park View Caravan Park (18/01430/FUL) represents a fresh application following the lapsing of the previous temporary consent. Given the overlapping issues I have provided one set of comments.

Need for Gypsy and Traveller Pitches

Whilst as a result of the Amended Core Strategy examination the precise level of need cannot be currently defined it is clear that there is unmet need. Given the circumstances it is also the case that the Council is unable to demonstrate a five year supply of sites. Therefore the contribution the proposals would contribute towards meeting future need and the current supply position ought to weigh heavily in their favour.

Flood Risk

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071). Whereby the lack of available sites to meet need weighed heavily in the balance against flood risk issues, to the

extent that temporary was supported so that immediate accommodations needs could be met whilst more appropriate land was identified through the Development Plan process. With the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply.

Subsequently through a recent appeal decision, (APP/B3030/W/17/3180652) at Shannon Falls also on Tolney Lane, a different Inspector deemed that, notwithstanding the above decision and the line taken by the Council with respect to temporary consent, national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. Furthermore the Inspector also considered that the Green Park decisions differed significantly to those relevant to the Shannon Falls appeal, with static caravans and utility blocks being proposed, the need for the raising of ground levels and for flood plain compensation. This led her to reach the view that significant harm in terms of flood risk to third parties would result, with all the measures to pass the Exception Test being unable to be achieved. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

The majority of Green Park (18/01443/FULM) and the entirety of Park View (18/01430/FUL) are located within the functional floodplain (Flood Zone 3b). Furthermore a section of the only point of access serving the Tolney Lane is also situated within the functional floodplain. Clearly this represents a significant level of flood risk to both people and property. Table 3 'Flood Risk Vulnerability and Flood Zone Compatibility' within the Planning Practice Guidance (PPG) is categorical that 'highly vulnerable' uses such as that proposed here should not be permitted within Zone 3b. Where developments may contain different elements of vulnerability (such as Green Park) then the PPG helpfully outlines that the highest vulnerability category should be used, unless development is considered in its component parts. I do not consider that this would be practical in this case however, given the single highly vulnerable use proposed and the layout of development relative to the outline of the floodplain. Consequently there exists a strong policy objection against the grant of planning consent.

Planning Balance

Consequently key to your consideration will be whether the contribution granting permanent consent would make towards meeting gypsy and traveller needs and the current supply position outweighs the strong policy objection from a flood risk perspective. In my opinion this should not be the case given the danger to people and property posed by the level of flood risk - the PPG provides a clear steer in this regard. Consequently I would not be able to provide support for the granting of a permanent consent.

Nonetheless I am mindful that both locations have previously been deemed acceptable for the granting of temporary consent and that the factors underpinning those decisions remain equally applicable here. It is anticipated that production of a new GTAA will occur well in advance of the two year requirement suggested by the Inspector for the Amended Core Strategy, and that the identification of a more appropriate site (or sites) will occur through the efficient review of the Allocations & Development Management DPD. Whilst there is the need to prepare a new GTAA it is not considered that this will dramatically extend the timelines involved with the review of the Allocations & Development Management DPD – with adoption of the amended DPD forecast in the Local Development Scheme for November 2020. The context which previous consents were granted within therefore remains largely the same.

Accordingly I would be inclined to take the view that a further temporary consent could be justifiable - in order that the applicants immediate accommodation needs can continue to be met whilst more appropriate land is identified. This support would however be contingent on the applicant's temporary occupancy of the land falling short of the period of time which would create an expectation of permanence – whilst the PPfTS is clear that this expectation shouldn't exist I believe that there is relevant caselaw. The applicant will also need to be able to demonstrate the Exceptions Test as passed. I would accept that the proposal would be able to demonstrate sustainability benefits, but I would defer to the Environment Agency for advice over the technical aspects of the test. In this respect I note that a Flood Risk Assessment (FRA) prepared in March 2013 has been submitted in support of the Green Park proposal (18/01443/FULM). This is clearly some time ago and predates the review of the Strategic Flood Risk Assessment undertaken in support of the Core Strategy review. It is therefore important that we are content the FRA provides an appropriate basis for considering flood risk issues for the site – and I have some concern as to whether that is the case. I would suggest that input is required from the Environment Agency on this matter.

Conclusion

The contribution which the proposals would make towards meeting gypsy and traveller needs and the inability to demonstrate a five year supply weigh heavily in favour of the proposal; I am however not convinced that these material considerations outweigh the strong flood risk policy objection to the extent that permanent consent should be granted. I would nevertheless provide support for the granting of a further temporary consent to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process – subject to the qualifications outlined above.”

NSDC Emergency Planner – no comments received.

NSDC Conservation – “Conservation provided previous commentary for this site under 17/00949/FUL, in which it stated that:

‘the previous report relating to this proposal considered it unlikely that this proposal would have any significant effect on the appearance of the streetscene or wider CA character even without the landscape proposals. I consider that the proposed variations to the consent would have no impact on this assessment.’

Historic England in their guidance ‘The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)’ state that: ‘the extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.’

In this instance, consideration must be given to the fact that the paddock site is to be granted change of use, on the fringes of the Newark on Trent Conservation Area. As such the newly proposed land use is a material consideration for the impact on setting of the CA, as well as Newark Castle and surrounding designated heritage assets and scheduled ancient monuments. Conservation has scrutinized the submitted plans and it is considered that that change of land use and the presence of caravans on the site is not sufficient harm to warrant a refusal of the application. The advice provided under 17/00949/FUL remains and there is no objection to the proposal.”

NSDC Environmental Health – “In response to the consultation request for the above planning application I can confirm that if the application is successful the site operator will be required to submit an application to NSDC for a Caravan Site Licence under the terms of the Caravans Sites and Control of Development Act 1960. In determining any such application the Authority will have regard to any planning consent conditions regarding the duration of the planning approval and pitch numbers/occupation levels and the licence duration and conditions will mirror any such restrictions. In addition the site licence will include conditions in regard to site layout, spacing, drainage, fire safety, amenity provision etc. I’m aware that the subject site has an amenity block and the licence conditions will require within this block sufficient amenity provision (wc’s, whb, showers etc.) for the proposed number of occupiers.”

NSDC Environmental Health (Contaminated Land) – “The previous use of this site has been identified as an abattoir, this is a potentially contaminative use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.”

NSDC Access and Equalities Officer – “It is recommended that the developer be advised to give consideration of inclusive access to and around the proposal. Access to available facilities and features should be carefully considered.”

No letters of representations have been received from local residents/interested parties.

Comments of the Business Manager

Although previously granted temporary planning permission until 30 September 2018 under reference 14/01106/FUL, the permission has lapsed due to non-compliance with conditions.

The main planning considerations in the assessment of this proposal are the need for gypsy and traveller sites and supply, the planning history of the site, flooding, the impact on Newark Conservation Area and the character of the area, highway issues, access to and impact on local services, residential amenity for occupants of the application site and neighbouring sites and the personal circumstances of the applicant and the status of occupiers of the site.

The site is relatively sustainable purely in terms of its location (within the Newark Urban Area indicated in the Allocations and Development Management DPD), being well related in position to the highway network and its proximity to the town centre and services.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government’s ‘Planning policy for traveller sites’ requires that Local Planning Authorities maintain a rolling five year supply of specific deliverable Gypsy & Traveller sites together with broad locations for growth within 6-10 years and where possible 11-15 years. Government policy states that a lack of a five year supply should be a significant material consideration in any subsequent planning decision when considering applications for the grant of planning permission.

Core Policy 4 (CP4) set a district wide target of 84 pitches to be provided up to 2012. 93 pitches were provided over this period and since that time work has been progressing on a new assessment of need and approach to meeting this. The Council initially intended to produce a separate Gypsy and Traveller DPD but now propose to include this within the review of the

Development Plan. The District Council is currently engaged in the review of its Core Strategy and Allocations & Development Management DPD. The review was initially progressed jointly, but has now had to be uncoupled on account of a proposed gypsy and traveller allocation in Newark proving to be undeliverable. The Core Strategy will be progressed first and was submitted to the Secretary of State in its amended form on the 29th September 2017, and the hearings were held on the 1st and 2nd February 2018. Core Policy 4 and 5 which relate to Gypsy and Traveller development are proposed for amendment through this process and set out the new pitch requirements, the approach to meeting these requirements and the criteria for considering site allocations and proposals to meet unexpected demand.

However, the Inspector since the Plan Review hearing has stated that he has “formed the view that the GTAA is very likely to have underestimated need which means that the number of pitches set out in Draft Core Policy 4, which is based on the GTAA, is insufficient.” In response the Council has therefore drafted main modifications to Core Policy 4 and 5, in line with the Inspector’s favoured approach. Making the commitment to produce a new GTAA over the short-term (i.e. within the next two years), and to include revised pitch requirements and site allocation/allocations to meet any residual need within the Amended Allocations & Development Management DPD. The main modifications have been subject to a six week public consultation, which closed on the 21st September with no representations being received on the amendments to Core Policy 4 or 5. We are still awaiting a response from Inspector in this regard.

Whilst the Plan Review will result in the need for a new GTAA to be carried out in the short term (over the next 2 years) and subsequent site allocations (in the forthcoming DPD) being based on the new GTAA, the current level of need cannot be accurately calculated. However, what is clear is that it will result in an identification of unmet need (precise quantum yet to be identified) and in determining this application now appropriate weight must be afforded to this consideration in favour of the application. In addition to an unmet need, there are currently no other sites with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. This weighs heavily in support of this proposal.

Flood Risk

The final criterion of Core Policy 5 states that ‘in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within PPS 25: Development and Flood Risk and the findings of the Newark and Sherwood Strategic Flood Risk Assessment. Where flooding is found to be an issue, the District Council will require the completion of a site specific Flood Risk Assessment’. The NPPF states that local planning authorities should minimise risk by directing such development away from high risk areas to those with the lowest probability of flooding. National guidance/policy relating to flood risk has introduced new guidance in relation to climate change that increases the bar in relation to the assessment of new permanent development. Policy DM5 also reflects the advice on the location of development on land at risk of flooding and aims to steer new development away from areas at highest risk of flooding.

The application site is located within Flood Zone 3b, at high risk from flooding and within the functional floodplain of the River Trent and it is therefore essential that in any decision, the benefits of meeting the need already identified is carefully weighed against the flood risks.

The proposal is for residential caravans intended for permanent residential use, which are identified as being ‘highly vulnerable’ as set out in Table 2 (paragraph 66) relating to ‘Flood Risk Vulnerability Classification’ in the Planning Practice Guidance (PPG). Table 3 (in paragraph 67) of the Guidance states that within Flood Zone 3b, highly vulnerable classification development should not be permitted. Flood risk therefore continues to weigh significantly against the

proposal. The Environment Agency has stated that whilst climate change does not need to be considered or mitigated for temporary planning permissions, it is vitally important that the increased flood levels associated with climate change are considered and mitigated against for permanent permission. The EA comments in the consultation section above set out the flood depths that would impact the site during various flood events.

The consideration of recent proposals on Tolney Lane has been largely framed by the 2014 Green Park appeal decisions (APP/B3030/C12/2186072, 2186073, 2186074 and 2186071), with the Inspector being of the view that whilst there was a strong flood risk policy objection the sequential and exceptions tests did not strictly apply. The EA has commented that the NPPF and PPG clearly state that change of use applications, where the proposed use is a caravan site, are not exempt from application of the Exception Test.

Subsequently through a recent appeal decision, (APP/B3030/W/17/3180652) at Shannon Falls also on Tolney Lane, a different Inspector deemed that, notwithstanding the above decision and the line taken by the Council with respect to temporary consent, national guidance requires the sequential and exceptions tests to be applied to any proposal involving the change of use to a caravan site. Furthermore this Inspector also considered that the Green Park decisions differed significantly to those relevant to the Shannon Falls appeal, with static caravans and utility blocks being proposed, the need for the raising of ground levels and for flood plain compensation. This led her to reach the view that significant harm in terms of flood risk to third parties would result, with all the measures to pass the Exception Test being unable to be achieved. Consequently no material considerations (including the matters of need and five year land supply) were deemed sufficient to outweigh the strong policy objection in flood risk terms.

If Members take the view that the Sequential and Exception Tests are applicable whilst the Sequential Test may be considered passed, on the basis that there are no reasonably available alternative sites for this use at lower risk, the proposal fails the Exception Test. There are two parts of the Exception Test set out in the NPPF, which must be passed:

- It must be demonstrated that the development provides for wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and where possible the development should reduce flood risk overall.

Firstly, whilst it is accepted that the development would provide some wider sustainability benefits to the community, in terms of the occupants of the site being able to access schools, hospitals and other services within the Newark Urban Area, this does not outweigh the severity of the harm caused to that same community by the high flood risk at the site.

This application complies with criterion 6 of Core Policy 5 through the inclusion of a site specific FRA.

The submitted FRA asserts that;

- The site is within Flood Zone 3b (where there is a high risk of flooding);

- The existing uses currently comprise a lawful Gypsy and Traveller site, however, the temporary permission for the current development expires on 30 September 2018 (the assessment was written in May 2018);
- There is no scope for sequentially testing the development based on Table 3 of the PPG;
- The Sequential Test is considered to be passed as there are no reasonably available sites in areas at lower risk of flooding;
- The Exception Test is considered to be passed but the assessment provides no evidence or demonstration of how this is the case;
- In terms of flood risk management, the applicant would comply with the Draft Flood Emergency Plan set out within Appendix 6 of the assessment (subscription to the EA's advanced warning system; evacuation of site with all tourer caravans prior to flood event; 3 nominated flood wardens to be trained by NSDC Community Safety Team; all residents have identified location where they would evacuate to etc)
- In terms of impact of flood risk elsewhere the current proposal proposes no additional built form or raising of ground levels to obstruct flood flows or reduce floodplain storage and the retention of the existing hardstanding on the site will not increase the rate of volume of surface water runoff.

However, in relation to the second part of the Exception Test, the proposal is considered to fail. This is confirmed by the comments from the Environment Agency who conclude that the FRA fails to demonstrate firstly that the development is 'safe' and secondly the provision of safe access and egress routes. The EA comments that where a development proposes to rely on flood warning and evacuation, the preference is for dry access and egress routes to be provided in order to demonstrate the safety of the development and future occupants. In this particular location the access and egress route is the first area of the site to flood, and it floods to extremely significant depths. The FRA recognizes this and proposes to manage the flood risk by way of advanced flood warning and evacuation planning – a matter which falls to the Local Planning Authority in consultation with emergency planners. The formal comments of the Council's Emergency Planner are still awaited and will be reported to Committee on the Late Items Schedule, but given the comments received on the Green Park application, it is likely to be an objection to the proposal.

The proposal therefore represents inappropriate development in this high risk flood location. The proposal is considered to be contrary to Development Plan policies as well as the NPPF and the PPG and this weighs heavily against the proposal in the planning balance.

However, in reaching its previous decision to grant temporary permission on this site the Local Planning Authority balanced the benefits of meeting an acknowledged need against flooding and gave significant weight to an appeal decision on Green Park. The majority of the Green Park site is also situated within Flood Zone 3(b) with the remainder in Flood Zone 3(a) so there is also a high probability of flooding on that site as well as on the access to it. That particular site is also at the far end of Tolney Lane. The Inspector for the appeal at Green Park recognised that the development in that case was contrary to local and national policies concerning flood risk, such that it would not normally be allowed. However, if residents of that site could be evacuated in a flood situation before any significant input was required from the Council or emergency services, the development need not give rise to an additional burden and the residents would be likely to be reasonably safe. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent at Green Park subject to managing risk to occupants of the site through the use of conditions to secure a site specific evacuation plan.

In light of the above, the Council previously considered the Inspector's decision at Green Park was an indication of the relative weights to be attached to flood risk and the lack of deliverable sites to meet the need for new Gypsy and Traveller pitches, subject to appropriate conditions. It is therefore considered that notwithstanding the failure of the proposal to meet the second part of the Exception Test in this case, the management of flood risk in the way proposed has been regarded as being an acceptable temporary mitigation strategy on this site previously. The same approach to conditions could therefore been applied again to this site, as in the past perhaps on a further temporary basis. Flood risk therefore continues to weigh significantly against the proposal and this is considered further within the Conclusion and Planning Balance set out below.

Highway Safety

Criterion 3 of Core Policy 5 requires that sites should have safe and convenient access to the highway network.

Spatial Policy 7 states that development proposals provide safe, convenient and attractive accesses for all, including the elderly and disabled, and others with restricted mobility, and provide links to the existing network of footways, bridleways and cycleways, so as to maximise opportunities for their use. Proposals should provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. Proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems.

The Highway Authority has raised no objections to this application subject to conditions being attached requiring alterations to be made to the site entrance and in respect of the management or relocation of the gates. Subject to these conditions being attached to any consent, I consider the proposal would meet the requirements of Core Policy 5 and Spatial Policy 7 and would not result in any danger in highway safety terms.

Impact on the character and appearance of the Conservation Area and visual amenities

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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 in proposals 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). The significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Paragraph 194 states that such harm or loss to significance requires clear and convincing justification. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

The site lies at the very fringe of Newark Conservation Area (CA). The site is well screened by the boundary wall to Tolney Lane but otherwise the site does not have a character that positively contributes to the character of the CA. Noting the adjacent car park and residential caravan site to

either side of the site which form the immediate character of this part of Tolney Lane it is unlikely that this proposal would have any significant effect on the appearance of the streetscene or wider CA character and appearance and this is supported by the Council's Conservation officer. However, I also note the comments made by the Town Council concerning additional landscaping, which would assist in screening the site, however, I am also mindful of the relatively secluded relationship of the site within the public realm. Although the use is likely to be recommended on a temporary basis, a condition could be imposed to provide some additional planting along the frontage of the site. I am therefore satisfied that the proposal complies with

I am also mindful of the Environmental Health Officer's Caravan Licensing requirements. Any planning permission would not override the need for this license and a note can be attached to any consent to advise the applicant of this. I consider that any associated structures that a needed to comply with the licensing requirements are unlikely to be so significant to unduly impact on the character of the area when viewed in context with the wider proposals and a suitable condition could be attached to any consent requiring confirmation of details of any such structures.

On balance, it is considered that the proposal would be acceptable and would preserve the character and appearance of the Conservation Area in compliance with Section 72 of the 1990 Act. The proposal is also considered to comply with heritage policy contained within Core Policy 14 of the Core Strategy and DM9 and DM5 of the Allocations and Development Management DPD and section 16 of the NPPF.

Residential Amenity

Criterion 4 of Core Policy 5 states 'the site would offer a suitable level of residential amenity to any proposed occupiers and have no adverse impact on the amenity of nearby residents'.

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

The site is directly adjacent to a public car park on the one side, but is buffered from a residential caravan site to the west by an open paddock. Any typical impacts would be caused by noise/disturbance from occupiers and from traffic movements. Given the proposed scale of the use, I do not consider that the proposal would cause unacceptable levels of noise and disturbance to existing nearby occupiers. Planning conditions could be imposed requiring details of any external lighting for example to ensure lighting is compliant with generally expected levels.

The proposals therefore meet the requirements of Criterion 4 of Core Policy 5 and Policy DM5.

Personal Circumstances

The Design and Access Statement submitted with the previously approved application on this site states that the applicant and his family are a local family of gypsy and traveller status who previously resided at Bowers Caravan Site within the local area/community. The site continues to be for the sole use of family members, some fifteen in number. The pitches were principally required to allow for the expansion of the families that currently live on the adjacent Bowers Caravan Site which was becoming congested.

In order for appropriate weight to be given to the unmet need for Gypsy and Traveller pitches in the consideration of these proposals, the onus is on the applicant to prove that both him and his family along with any other occupier of the site, have Gypsy and Traveller status in accordance

with the definition set out in the Planning Policy for Travellers Sites. Whilst no information has been submitted directly with this application, confirmation was provided with the previous application that all the site residents pursued a nomadic way of life and have not ceased travelling, however they just do so around their education and caring responsibilities. I am therefore satisfied that the information previously provided is acceptable in this instance.

Conclusion and Planning Balance

At the present time there is an unmet need for Gypsy and Traveller pitches within the district, although the exact quantum is currently unknown. National policy and guidance dictates that such an unmet need and the lack of deliverable sites carries significant weight when determining applications for temporary permissions. In further support for the proposal is the lack of a 5 year supply and the lack of other available sites as well as the suitability of this site by reference to the criteria listed by Core Policy 5 (heritage, ecology, sustainable location, highway safety, residential amenity and visual amenity) all of which are material considerations that need to be given positive or neutral weight in the determination of this application.

In allowing the appeal decision at Green Park on Tolney Lane (for touring caravans that would evacuate the site at the Environment Agency's flood warning as is set out within this proposal), the Inspector considered that that whilst Gypsy and Traveller development would usually be inappropriate in a high risk Flood Zone, balanced against all the other considerations that weigh positively listed above, a temporary permission was appropriate in that instance. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time. This decision was reflected in the previous granting of a temporary permission for 3 years on the previous approval granted on this site.

There has been little material change to planning considerations since that decision was reached. However, the matter that requires careful consideration is the continued granting of temporary permissions consecutively. Whilst the Planning Policy for Traveller Sites (PPfTS) (2015) sets out that there is no presumption that a temporary grant of planning permission should be granted permanently, there is case law that exists that where continuous temporary permissions are granted, it could result in a deemed permission for permanent use. This would represent the second consecutive temporary permission on this site, if Members consider would be acceptable on a temporary basis.

The site remains at high risk of flooding, being situated within the functional flood plain of the River Trent (Flood Zone 3(b) and the proposal represents a highly vulnerable use which should not be permitted. As such the recommendation to Members is that a further temporary permission be granted for a further 3 year period, to allow the applicant's immediate accommodation needs to continue to be met, whilst the extent of future need is quantified and more appropriate land identified through the Development Plan process. This would tie in with the Allocations and Development Management DPD which is forecast for adoption in November 2020. The approval should be subject to the same stringent conditions previously imposed regarding site evacuation measures. Members should, however, also carefully consider that the Inspector considered that the use was acceptable on flood risk grounds with this level of management "on a finite basis" and the longer the applicants are on the site, the more the considerations of flood risk appear to diminish over time. The temporary approval is recommended subject to the same stringent conditions previously imposed on this site to ensure any risk to occupants from flooding can be effectively managed.

Recommendation

That planning permission be granted on a temporary basis for a further 3 years until 30 November 2021 subject to the conditions and reasons set out below:

01

The use hereby permitted shall be carried on only by the following and their resident dependents:

- Mr. Harold William Bower and/or Mrs. Donna Bower – wife of Mr. H.W. Bower
- Mr. David Bower and/or Mrs. Deborah Bower
- Mrs. Elizabeth Salmon and/or Mr. Paul Salmon

And shall be for a limited period being the period up to 30 November 2021, or the period during which the land is occupied by them, whichever is the shorter. When the land ceases to be occupied by those named in this condition 1, or on 30 November 2021, whichever shall first occur, the use hereby permitted shall cease and all caravans, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place in accordance with a scheme approved under condition 5 hereof.

Reason: In the recognition of the current need for gypsy and traveller sites within the district and to allow for further assessment of alternative sites to meet this need including sites at less risk of flooding in accordance with the aims of Core Policy 10.

02

No more than 15 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which none shall be a static caravan, shall be stationed on the site at any time.

Reason: In order to define the permission and protect the appearance of the wider area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

03

No commercial or industrial activities shall take place on this site, including the storage of materials associated with a business.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

04

No vehicles over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: In the interests of the appearance of the surrounding area and the amenities of surrounding land uses in accordance with the aims of Core Policies 5 and 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for purposes of such use shall be removed within 18 months of the date of the failure to meet any one of the requirements set out in (i) to (iv) below:

- (i) Within 3 months of the date of this decision a scheme for the restoration of the site to its condition before the development took place, (or as otherwise agreed in writing by the local planning authority) at the end of the period for which planning permission is granted for the use (hereafter referred to as the restoration scheme) shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for the implementation of its various parts;
- (ii) Within 11 months of the date of this decision the site restoration scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- (iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted site development scheme shall have been approved by the Secretary of State; and
- (iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Reason: In order to protect the long term appearance of the area in accordance with the aims of Core Policy 13 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

06

The use hereby permitted shall cease and all caravans, equipment and materials brought onto the land for the purposes of such use shall be removed within 6 months of the date of any failure to meet any one of the requirements set out in (i) to (vii) below:

- (i) Within 28 days of the date of this permission, each of the residents named in condition 1 hereof (hereafter referred to as the residents) shall (a) register with the Environment Agency's Floodline Warnings Direct Service (hereafter referred to as the Flood Warning Service which expression shall include any replacement for that Service provided by

the Environment Agency); and (b) provide the local planning authority with confirmation from the Environment Agency that they have done so;

- (ii) Each of the residents shall maintain their registration with the Flood Warning Service (or any replacement service) throughout the life of this permission and shall provide the local planning authority with further confirmation from the Environment Agency that they are registered within 28 days of each of the following: (a) the second and third anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;
- (iii) Each of the residents shall notify the local planning authority in writing of the locations to which they could evacuate in the event of a Flood Alert, together with their current telephone contact details within 28 days of each of the following: (a) the date of this permission; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iv) Throughout the life of this permission, no less than 3 of the residents shall be nominated as Flood Wardens for the site. Details of the first nominated Flood Wardens including names and telephone numbers shall be provided within 28 days of the date of this permission. Thereafter, the names and telephone numbers of the Flood Wardens shall be confirmed in writing to the local planning authority within 28 days of each of the following: (a) any change to the identity of any of the nominated Flood Wardens; (b) the second and third anniversaries of the date of this permission; and (c) any written request from the local planning authority for such details;
- (v) Within 8 hours of a Flood Alert, this being the first alert issued through the Flood Warning Service, all of the residents will evacuate the site, bringing all caravans and vehicles with them;
- (vi) Within 10 hours of a Flood Alert the Flood Wardens, or any one of them, will confirm to the local planning authority that all of the residents have evacuated the site; and
- (vii) None of the residents shall return to the site until notice is issued through the Flood Warning Service that the Flood Alert is at an end and the all clear has been given.

Reason: In the interests of reducing flood risk in accordance with the aims of Core Policies 5 and 10 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

Prior to any installation, details of any ancillary structures including those that might be required to meet separate Caravan licensing legislation shall be submitted to and approved in writing by the local planning authority. Once approved any such ancillary structures shall only be kept on the site

in accordance with the approved details and once use of the proposed use site ceases shall be removed in accordance with any scheme for the restoration agreed under Condition 5 of this consent.

Reason: In order to ensure any proposals are of an appropriate design in accordance with the aims of Core Policy 9 of the Newark and Sherwood Core Strategy (March 2011) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

08

Within six months of the date of this permission the footway reinstatement and access works on Tolney Lane shall have been carried out in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of pedestrian safety and convenience, and to promote sustainable travel in accordance with the aims of Spatial Policy 7 of the Newark and Sherwood Core Strategy (2011).

09

The gates at the single vehicular access point shall either be removed or left open at all times or set back a minimum of 5 metres from the highway boundary.

Reason: In the interests of highway safety.

010

Within 3 months of the date of this permission full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and include the Tolney Lane frontage.

- an implementation and phasing programme.

- proposed finished ground levels or contours;

- means of enclosure;

- hard surfacing materials and means of drainage;

- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, external lighting etc.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of Core Policies 5, 7 and 12 of the Newark and Sherwood Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management DPD (2013).

Notes to Applicant

01

You are advised that this permission does not override any other private legal matters including the need for a Caravan Licence. You are advised to apply to the Council at the earliest opportunity to ensure the site is compliant in this regard. Any approved structures shall be removed from the application site

02

Your attention is drawn to the attached plan provided by the Highway Authority with their comments of 10 October 2018 which should be read in conjunction with Condition nos.8 and 9 of this consent.

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 18/01430/FUL

