

<b>Application No:</b>	<b>17/00954/FUL</b>	
<b>Proposal:</b>	<b>Removal of part of Condition 1 attached to planning permission 12/00562/FUL (change of use from paddock to gypsy and traveller residential caravan site) to allow the site to be permanent</b>	
<b>Location:</b>	<b>Land Off Sandhills Sconce, Tolney Lane, Newark</b>	
<b>Applicant:</b>	<b>Messr's Coates, Gray, Knowles, Calladine, Biddle, Jones</b>	
<b>Registered:</b>	<b>14 December 2017</b>	<b>Target Date: 8 February 2018</b>

**This application is being referred to the Planning Committee for determination in line with the Council's Scheme of Delegation as Newark Town Council object to the application which differs from the professional officer recommendation.**

The Site

The application site is situated west of the Newark Urban Area, within the Rural Area as defined by the Newark and Sherwood Allocations and Development Management DPD and within the open countryside. Located at the south-westernmost end of Tolney Lane which runs from the Great North Road, the site is on the north-west side of the River Trent and to the south-east of the A46.

The site measures 1.35 hectares in area, is roughly rectangular in shape and provides 10 pitches for gypsy and travellers, on a temporary basis. The pitches are located either side of a central track formed by compacted ground, and are bounded by stone walls. Hedges define the north-west and south-east boundaries and the Old Trent Dyke forms the south-western boundary beyond which are open fields. The site uses an existing access road that runs through a site known as Hirrams Paddock which has been extended to the south-west to serve Green Park, which terminates development along Tolney Lane.

Approximately 90% of the site is within Flood Zone 3b of the Environment Agency's Flood Map, which includes the access road serving the site from Tolney Lane, the remaining 10% at the north-eastern end is located within Flood Zone 2. Parts of Tolney Lane itself are located within Flood Zone 3.

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

Relevant Planning History

12/00562/FUL - An application for the retrospective change of use from paddock to gypsy and traveller residential caravan site was refused in October 2012 on the grounds of flooding, developmental creep into the open countryside and prematurity.

Following an extensive Public Inquiry (APP/B3030/A/12/2186071), the Inspector resolved to grant temporary permission for 5 years (until 30 Sept 2018) and a personal permission for the named occupiers. Other conditions imposed included the land levels on Pitch 8 to be reduced and removal of stone walls, together with strict emergency evacuation procedures.

14/01640/FULM - Remove/vary conditions 5 and 6 attached to the planning permission granted on appeal at Plots 1 – 10 Green Park, Tolney Lane. These conditions related to the removal of the unauthorized raising of land on Pitch 8 and removal of stone walls and close boarded timber fences and replacement with post and rail fencing. This was refused in December 2015 on a basis of a failure to demonstrate that it would result in no increased flood risk.

### The Proposal

Planning permission is sought to remove part of Condition 1 attached to planning permission 12/00562/FUL for the change of use to the gypsy and traveller residential caravan site, to allow the use to be permanent.

Condition 1 states:

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

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 September 2018, 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 September 2018, 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 7 hereof.”

The only supporting information submitted with the application is a copy of the Inspector’s appeal decision dated 5 April 2017 for the site at Newark Road, Wellow, which was up-held and planning permission granted. The agent points out that the Inspector at that appeal rejected the argument that there were suitable alternative gypsy and traveller sites available.

The Inspector gave the then suggested allocation of a site at Quibells Lane within the Core

Strategy Review very limited weight, given the substantial number of objections to the Council's preferred approach given that even if it were progressed, it was unlikely to be available in the near future. The Inspector went on to state that notwithstanding the very limited weight they gave the consultation document and whatever the precise need figures were (at least 20 at that time), the evidence before them suggested a significant and urgent need for pitches in the district and the Council continued to accept that it is not yet in a position to demonstrate a 5 year supply of pitches and that this carried significant weight in favour of the proposal.

#### Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter. A site notice has also been displayed near to the site.

#### Planning Policy Framework

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1 : Settlement Hierarchy

Spatial Policy 3 : Rural Areas

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

#### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

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

- **Publication Amended Core Strategy (July 2017)**

The Publication Amended Core Strategy was submitted to the Secretary of State in its amended form on 29<sup>th</sup> September 2017, with the hearings scheduled to take place on the 1<sup>st</sup> and 2<sup>nd</sup> of February 2018. As per paragraph 216 of the NPPF weight can be given to relevant policies within an emerging plan, subject to three tests. These tests concern the plans stage of preparation, the extent of unresolved objection and the degree of consistency with national planning policy.

Both Core Policy 4 and 5 are proposed for amendment through the Plan Review. As amended Core Policy 4 sets out how the District Council will work with partners to address future gypsy and traveller pitch provision in line with the most up-to-date Gypsy & Traveller Accommodation Assessment (GTAA) and seeks to focus future pitch provision in line with the Spatial Strategy, with a particular emphasis on securing additional provision in and around the Newark Urban Area. Notwithstanding this Tolney Lane is underlined as being subject to significant flood risk and so to

justify additional pitch provision (usually of a temporary nature) proposals would need to demonstrate material considerations which outweigh flood risk.

With respect to Core Policy 5 the amendments provide further guidance over future development at Tolney Lane. This again emphasises the need for application of the sequential and exceptions tests, and indicates that where satisfied this will normally be through the granting of temporary planning permission.

In terms of the weight which can be attached to CP4 and CP5, as amended, the Publication Amended Core Strategy represents the version of the document which the District Council would wish to submit for examination and ultimately adopt, and so can be taken to be fairly well advanced in terms of its preparation. In respect of the approach to development on Tolney Lane the main response came from the Environment Agency who have welcomed the consideration of flood risk and introduction of the requirements over the sequential and exceptions tests. Nevertheless the Body has underlined that the location of caravan sites within Zones 3a and 3b is not appropriate from a flood risk perspective. Consequently were there to be a continuation in the permitting of temporary planning permissions then there must be a commitment that this would be as a last resort, with a more proactive approach to finding sites at lesser flood risk and a clear timetable for progression away from new provision in the Tolney Lane area. This approach reflects the position adopted by the Authority in the determination of recent proposals on Tolney Lane, such as the former Abbatoir site. Given the purpose of making amendments through the Plan Review the Authority is comfortable that those in respect of CP4 and CP5 are consistent with the content of national planning policy. On this basis it would appear reasonable to afford some weight to the emerging policy position.

- **National Planning Policy Framework 2012**
- **Planning Practice Guidance (on-line facility)**
- **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 exit their property during flood conditions.....The emergency services are unlikely to regard developments that increase the scale of any rescue as being safe.”

#### Consultations

**Newark Town Council** – “Objection was raised to this application as there was no supporting information provided to justify removing the conditions.”

**NCC Highways Authority** – “Planning permission 12/00562/FUL was granted at appeal. Neither the original refusal by the Planning Authority, nor the Appeal decision refer to highway related matters. Therefore no objections are raised.”

**Environment Agency** – “The Environment Agency made our position clear when the original planning application was submitted in 2012 and maintains that this is not a suitable site for highly vulnerable uses due to the flood risk posed to the site.

While new modelling has not been issued for this section of the River Trent new climate change guidance has been issued. Details of the changes can be accessed from the Gov.uk website.

The up-dated climate change guidance now includes a requirement for new development to consider both 30% and 50% climate change allowances. Although this is not new development we would not recommend the removal of condition 1 to allow for the temporary site to become permanent. This is due to the high likelihood of an increase in risk posed to the site in relation to the revised climate change guidance.”

**Trent Valley Internal Drainage Board** – Copied their previous comments on 12/00562/FUL stating the site is served by the Board maintained Old Trent Dyke, an open watercourse which is located along the southern site boundary. In order to protect the Board’s machinery access, no excavation of soil, deposition of spoil, planting of trees, structure or fencing or other such obstructions will be allowed within 9m of the edge of the above watercourse without the prior consent of the Board. The Board note that pitches 9 and 10 are located adjacent to the above watercourse. No objection to the proposal provided that no temporary or permanent structures are located within 9m of the top edge of the bank of Old Trent Dyke.

The application indicates that post and rail fencing will be erected within 9m of the above watercourse. Subject to obtaining the Board's formal consent this will be acceptable provided that the post and rail fencing does not exceed 0.9m in height and is sited between 0.5m and 1m from the top edge of the bank. Access gates with a minimum clear opening of 4.25m must also be provided at the upstream and downstream site boundary to allow the Board machinery access along the watercourse. The applicant is advised to contact the Board's Planning and Byelaw Officer, for further information.

**NSDC, Environmental Health** – "No observations but if approved I would be grateful if you let the applicant know that the site will require a caravan site licence."

**NSDC, Access and Equalities Officer** – No observations.

#### Comments of the Business Manager for Growth and Regeneration

Temporary planning permission was granted for the existing use of the gypsy and traveller caravan site on 10 June 2014, following an extensive Public Inquiry. The principle of the use of the site for these purposes for a temporary period has therefore been established.

The Inspector stated within his decision following the Public Inquiry that *"...the absence of a 5 year supply of deliverable sites for gypsy and travelers must carry weight, notwithstanding paragraph 28 of PPTS. Nevertheless, principally because of the serious flood risk, I am still not persuaded that all the material considerations justify a permanent permission. .... However, the section of the PPG concerning the use of planning conditions indicates that temporary permission may be appropriate where it is expected that the planning circumstances may change by the end of the relevant period. There is at least a realistic prospect of safer, more suitable sites being allocated through the development plan process and delivered, with planning permission, within the next 5 years. If the risks can be effectively managed and minimized over a finite and temporary period then, in the very particular circumstance of this case, the material considerations identified as weighing in favour of the development would cumulatively indicate that permission should be granted for a temporary period, notwithstanding the national and local policy objections."*

The Inspector concluded in adding to the reasons for a temporary permission that *"it still requires the occupiers to leave the appeal site at the end of the temporary period, but this is a proportionate response and interference with the residents' rights under Article 8 of the ECHR, give the legitimate objective on ensuring safety and avoiding undue additional burdens on the Council and emergency services."*

The original consent was granted following the Inspector's balancing the lack of available gypsy and traveller pitches at the time of consideration against the high level of flood risk on the site. The decision was intended to cater for the applicants' immediate accommodation needs whilst allowing for the possibility of identifying other sites at lesser risk of flooding. The current temporary consent remains extant until 30 September 2018. As confirmed in the PPTS there is no presumption that a temporary grant of planning permission should be granted permanently. Accordingly there would need to have been a material change in circumstance since the determination of the current extant consent to justify any permanent permission. In this respect, the applicant has argued that following the appeal decision at Newark Road, Wellow, the argument that there is a suitable alternative site in Newark has been comprehensively rejected by the Planning Inspector.

In reaching the decision on that appeal, the Inspector attached limited weight to the suggested allocation of a site at Quibell's Lane, Newark, to meet gypsy and traveller need over the plan period. Concluding that it is unlikely that the site, were it to become an adopted allocation, would be available in the near future. Furthermore in considering the evidence put before them, the Inspector came to the view that there was a 'significant and urgent' need for pitches in the District and the Council was not yet in a position to demonstrate a five year supply – which carried significant weight in favour of the proposal. Since this appeal decision, the proposed allocation at Quibell's Lane has been dropped, with the site no longer being considered deliverable. This has led to the review of the Core Strategy and Allocations & Development Management DPDs being 'decoupled' from one another, with the review of the Core Strategy being advanced ahead of the of that of the A&DMPDP. This will allow for further site identification work to be undertaken to provide for gypsy and traveller needs within, or close to, the Newark Urban Area. An Amended A&DMPDP is anticipated to be adopted by the end of 2018.

### Gypsy and Traveller Pitch Requirements

Paragraph 24 of the PPTS states that the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicants continue to be relevant matters in the determination of this proposal. During public inquiry on this site, the Council's case was that there was a need for 21 pitches at that time, although this figure was disputed by the applicants who contended the figure was much higher. Both parties agreed and the Inspector concluded that the unmet need was significant and that there was no five year land supply.

Pitch requirements for the period 2013-2028 are provided by the June 2016 Gypsy and Traveller Accommodation Assessment (GTAA). The pitch requirements below follow the five year tranches of the GTAA:

<b>Time period</b>	<b>Precise Pitch Requirement</b>	<b>Rounded Pitch requirement</b>
2013 – 2018	13.8 pitches	14 pitches
2018 – 2023	14.3 pitches	15 pitches
2023 – 2028	10.9 pitches	11 pitches
<b>Total Required</b>		40 pitches

It should be noted that for the purposes of the GTAA the 10 temporary pitches contribute towards the 'forecasts of 'pitch need' post 31<sup>st</sup> March 2018. This effectively means that the assessment has projected their lapsing forwards, and so they influence the generation of pitch requirements for the 2018-2023 period.

### Supply

Following the appeal decision at Wellow, which yielded 8 pitches, 12 of the 14 pitches required for the first five year tranche period (2013 – 2018) of the GTAA have now been permitted, leaving a residual requirement of 2 pitches within this period. This is not considered a significant shortfall or to represent a substantial level of need. The Council is however required to identify, on an annual rolling basis, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against the locally set target, with five year period we are currently in being the 1st April 2017 to 31st March 2022. Under this measure the Authority is presently unable to demonstrate sufficient

supply at 1.81 years, which equates to an unmet requirement of 14 pitches for the period 2017 – 2022. With respect to the temporary consent, it should be noted that these 10 pitches do not form part of the five year supply, which only counts permanent pitches. Notwithstanding the above I would draw Member's attention to a recent appeal decision against the refusal of one traveller pitch (comprising one mobile home, one touring caravan, one mobile utility unit and hardstanding) at Land east of Beck Lane, Blidworth, whereby taking account of the appeal approved at Wellow, the Inspector found that the need could now not be identified as so significant.

However, paragraph 27 of the PPTS states that the inability to demonstrate an up-to-date five year supply of deliverable sites should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary (Officer emphasis) planning permission. However, the absence of a five year supply should not, in itself, necessarily outweigh all other relevant material planning considerations, but rather should be afforded a proportionate level of weight within the planning balance, which is always a matter of planning judgement.

It is clear therefore, that just as the Inspector gave considerable weight to the lack of a five year supply in 2014, this remains to be the case currently and therefore weighs in favour of the proposal. In terms of need, the worst case scenario recognizes and acknowledges a need and this also weighs in favour.

The other relevant material planning considerations are set out below.

#### Flood Risk

The majority of the site (approx. 90%) is located within Flood Zone 3(b) and as such is at high risk of flooding and within the functional floodplain of the River Trent, as are parts of the access to it, along Tolney Lane.

National planning policy remains unchanged since 2014 (as does local planning policy on flood risk). Table 2 of the Planning Practice Guidance to the NPPF states that caravans, mobile homes and park homes intended for permanent residential use are classified as "highly vulnerable" uses. Table 3 of the Practice Guidance states that within Flood Zones 3a and 3b, highly vulnerable classification development should not be permitted. Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible within this Flood Zone and should therefore not be permitted.

In coming to his decision in 2014, the Inspector acknowledged that the development was contrary to local and national policies concerning flood risk, such that it would represent a highly vulnerable use and therefore inappropriate development in Flood Zone 3 that should not be permitted. However, he concluded that if residents of the site could be evacuated within 8 hours of the first flood alert warning, before flood levels are likely to prevent safe evacuation from the site for the residents, then there would be no input required from the Council or emergency services, and the development need not give rise to an additional burden. The Inspector concluded that the lack of a five year supply was sufficient to warrant the grant of a temporary consent, subject to managing the risk to occupants of the site through the use of very prescriptive conditions to reduce the risk and secure a site specific evacuation plan.

In considering whether it would be appropriate to permit a permanent permission, I consider it remains the case that the site is located within Flood Zone 3(b) and therefore remains at high risk of flooding and as such represents inappropriate development in this location. The Environment



Agency continues to object to the development and refer to new guidance in relation to climate change that would increase the bar in relation to the assessment of new development. Flood risk therefore continues to weigh significantly against the proposal for a permanent permission.

It is therefore considered that the proposal continues to be contrary to the NPPF (and its PPG), Core Policies 5 and 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

#### Impact on the character and appearance of the countryside

In line with the second reason for refusal, the Inspector concluded that there would be some limited harm from the development on the character and appearance of the countryside, and as such was contrary to Spatial Policy 3 and Core Policies 5 and 9 of the Core Strategy. However, he concluded that that had to be weighed against the advice within the PPTS that gypsy and traveller sites may be located in rural areas and as such some level of harm is inevitable. This consideration was weighed in the balance within the Inspector's overall decision and found not to be fatal to the principle of the development.

#### Personal Circumstances

The personal circumstances of the applicants appear to remain unchanged and as previously, this weighs in favour of the proposal.

#### Other matters

The local planning authority has been previously satisfied over the acceptability of the proposal in respect to the other planning considerations of residential amenity, highway safety, ecology and relatively close proximity to Newark Urban Area with resulting access to facilities and services, and as such the development continues to accord with the Development Plan policies referred to in the Planning Policy Framework section of this report above in this regard, which weigh in favour of the proposal.

#### Conclusions and Balancing Exercise

There is no presumption that a temporary grant of planning permission should be granted permanently, and given the reasoning behind the granting of the current temporary consent, there would need to have been a material change in circumstance since its determination to justify doing so.

In this respect, it is acknowledged that the Authority is not currently able to demonstrate a five year land supply and that the lapse in temporary consent without compensation would add to the overall pitch requirement. It is also acknowledged that there is an unmet need. 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 Authority is proactively 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 that 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 a permanent consent. Indeed, the reasoning behind the Inspector's granting of a temporary consent continue to remain valid at this time.

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, and 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.

## **RECOMMENDATION**

**That planning permission is granted on a temporary basis for a further 3 years and subject to the conditions set out below:**

### **Conditions**

01

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

- Steven and/or Cherylanne Coates;
- Adam and/or Florence Gray
- Zadie Wilson (soon to be Knowles) and/or Joe Knowles
- Danny and/or Marie Knowles
- Richard and/or Theresa Calladine
- Edward and/or Margaret Biddle
- Steven and/or Toni Coates and Peter Jones
- Amos and/or Jaqueline Smith
- John and/or Kathy Hearne
- Susie and/or Billy Wiltshire

And shall be for a limited period being the period up to 30 September 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 September 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 7 hereof.

02

No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, 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

Within 3 months of the date of this permission, all of the solid walls and close boarded fences erected on the site shall be demolished and the resultant debris removed from the site and those walls and fences shall be replaced with post and rail fences, all in accordance with the plan showing the layout of the site received by the Council on 5 April 2012, but that providing where that plan indicates a "new wall" at the access to the site, that shall also be a post and rail fence.

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).

06

Within 3 months of the date of this permission, the ground level within Pitch 8, which is identified on the plan showing the layout of the site received by the Council on 5 April 2012, shall be reduced so that, at the south-western boundary of Pitch 8, corresponds with the unaltered ground level on the other side of the south-western boundary fence, so that in all other respects, the ground level within Pitch 8 is no higher than the levels indicated for that area on Site Levels Drawing No 1636.A.2 received by the Council on 5 April 2012 All resultant materials shall be removed from the site.

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).

07

The scheme for the restoration of the site to its condition before the development took place, as shown on the submitted and approved on Drawing No 1636.A.3 dated July 2014, shall be carried out and completed in accordance with the approved timetable at the end of the period for which planning permission is granted for the use.

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).

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 (vi) below:

- (i) 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 first and second anniversaries of the date of this permission; and (b) any written request from the local planning authority for such confirmation;
- (ii) 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 anniversary of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iii) 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 prior to the first occupation of the site hereby approved. 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 anniversary of the date of this permission; and (c) any written request from the local planning authority for such details;
- (iv) 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;
- (v) 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
- (vi) 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).

## Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

The applicants' attention are drawn to the following comments from the Trent Valley Internal Drainage Board:- The site is served by the Board maintained Old Trent Dyke, an open watercourse which is located along the southern site boundary. In order to protect the Board's machinery access, no excavation of soil, deposition of spoil, planting of trees, structure or fencing or other such obstructions will be allowed within 9m of the edge of the above watercourse without the prior consent of the Board. The Board note that pitches 9 and 10 are located adjacent to the above watercourse. No objection to the proposal provided that no temporary or permanent structures are located within 9m of the top edge of the bank of Old Trent Dyke.

The application indicates that post and rail fencing will be erected within 9m of the above watercourse. Subject to obtaining the Board's formal consent this will be acceptable provided that the post and rail fencing does not exceed 0.9m in height and is sited between 0.5m and 1m from the top edge of the bank. Access gates with a minimum clear opening of 4.25m must also be provided at the upstream and downstream site boundary to allow the Board machinery access along the watercourse. The applicant is advised to contact the Board's Planning and Byelaw Officer, Mr Andrew Dale for further information.

04

The applicants' attention is drawn to the comments of the District Council's Environmental Health officer that state that if approved site will require a caravan site licence.

## 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](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 17/00954/FUL

