



*Castle House
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Friday, 4 March 2022

**Chairman: Councillor R Blaney
Vice-Chairman: Councillor Mrs L Dales**

Members of the Committee:

**Councillor M Brock
Councillor R Crowe
Councillor L Goff
Councillor Mrs R Holloway
Councillor Mrs P Rainbow
Councillor Mrs S Saddington
Councillor M Skinner**

**Councillor T Smith
Councillor T Thompson
Councillor I Walker
Councillor K Walker
Councillor T Wildgust
Councillor Mrs Y Woodhead**

MEETING: Planning Committee

DATE: Tuesday, 15 March 2022 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Notts, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place
and on the date mentioned above for the purpose of transacting the
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

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2. Declarations of Interest by Members and Officers
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There are none.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 15 February 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Smith, Councillor T Thompson, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor L. Brailsford, Councillor R. Jackson and Councillor T. Wendels

104 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L Dales, I Walker and K Walker declared Registerable Interests as Council appointed representatives on the Trent Valley Internal Drainage Board and Upper Witham Valley Drainage Board.

Councillor Mrs Y. Woodhead informed the Committee that she had received 2 phone calls and emails in relation to item 12 – Field Reference 8024, Wellow Road, Eakring.

All Members noted that Newark and Sherwood District Council was the applicant in relation to item 6- 32 Stodman Street, Newark, and the land owner in relation to item 7- Former Newark Livestock Market, Great North Road.

The Committee noted that Councillor R. Jackson, who was in attendance, was the joint applicant for Agenda Item 10- Site Adjacent the Old Grain Store, Old Epperstone.

105 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman advised the Committee that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

106 MINUTES OF THE MEETING HELD ON 18 JANUARY 2022

AGREED that the minutes of the meeting held on 18 January 2022 were approved as a correct record and signed by the Chairman.

107 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business and Agenda items 8 and 9 were taken after Item 4. The agenda resumed its stated order thereafter.

108 PARK VIEW CARAVAN PARK, TOLNEY LANE, NEWARK ON TRENT - 21/02492/S73

The Committee considered the report of the Business Manager- Planning Development, which sought the Variation of Condition 1 attached to planning permission 18/01430/FUL to make the temporary permission permanent (Change of use of former abattoir site and paddock to gypsy and traveller caravan site).

Members considered the presentation from the Senior Planner, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published from the Agent. The Senior Planner explained that this detailed an amendment to the recommendation in the report to one of approval, for a temporary three year period.

Members considered the application, with some Members raising concern over flooding of the site, noting the objections of the Environment Agency. However, others were mindful that the residents of the site were aware of the flooding risks and felt that the application should be approved to give the residents security whilst alternative sites could be found.

AGREED (unanimously) that Planning Permission be approved for a period of three years as a temporary permission in accordance with the Officer recommendation set out in the late items schedule.

109 LAND AT SHANNON FALLS, TOLNEY LANE, NEWARK ON TRENT - 21/02613/FUL

The Committee considered the report of the Business Manager- Planning Development, which sought use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works for temporary 3 year period (Retrospective) Re-submission of 21/01900/FUL. The application was being reported to the Planning Committee as the specifics of the application warranted determination by the Planning Committee in line with the Council's Scheme of Delegation.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published which included an objection from a neighbour and correspondence from the Agent.

Members considered the application with general agreement that the permission should be granted on a temporary basis. Amenity blocks were a necessity for the residents of the site, who were aware of the flooding risks. Members discussed the extant enforcement notice on the site, relating to the requirement to remove materials that had been used to raise the level of the site. The Legal Advisor to the Committee suggested that a condition to require the removal of the material where possible be included, should the application be permitted.

A vote was taken to refuse planning permission which fell, with 0 votes for.

AGREED (unanimously) that contrary to Officer recommendation, that Planning Permission be granted for a temporary period of three years subject to conditions appropriate to the proposal (aligning as appropriate with those included within the decision for Park View) as well as a condition requiring the levels to be reduced to align with the extant enforcement notice on the site.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

| Councillor | Vote |
|-------------------|------|
| R Blaney | For |
| M. Brock | For |
| R. Crowe | For |
| Mrs L. Dales | For |
| L. Goff | For |
| Mrs R. Holloway | For |
| Mrs P Rainbow | For |
| Mrs S. Saddington | For |
| M. Skinner | For |
| T. Smith | For |
| T. Thompson | For |
| I. Walker | For |
| k. Walker | For |
| T. Wildgust | For |
| Mrs Y. Woodhead | For |

110 SITE ADJACENT 'THE OLD GRAIN STORE', OLD EPPERSTONE ROAD, LOWDHAM, NOTTINGHAMSHIRE - 21/01830/FUL

Councillor R. Jackson, who was in attendance at the meeting, left the meeting for the whole of the duration of this item.

The Committee considered the report of the Business Manager- Planning Development, which retrospectively sought the change of use of agricultural land and extension to the existing wood fuel production business, retention of earth bunds, retention of concrete retaining wall/clamp, retention of re-sited biomass boiler, wood drying kiln and roof cover over. The application was before the Planning Committee for determination as a District Councillor was joint applicant.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published.

Councillor T. Wendels, Local Ward Member was in attendance and spoke in support of the application. Members considered the application with comments in support of rural business, but others frustrated at the retrospective application and concern over the extension into Green Belt land.

A vote to refuse the application fell, with 3 For, 10 Against and 2 Abstentions.

It was therefore proposed, and duly seconded by Councillors I. Walker and R. Blaney that the application be deferred pending further negotiation and a Noise Impact Assessment.

AGREED (with 12 For and 3 Against) that the application be deferred for the applicant to address concerns relating to amenity/noise and, if required, undertake a Noise Impact Assessment and for any mitigation works to also be explored.

111 32 STODMAN STREET, NEWARK ON TRENT - 21/00699/FULM (MAJOR)

The Committee considered the report of the Business Manager- Planning Development, which sought the demolition of the building with retention of the Art Deco façade and replacement with a 4-Storey development comprising parking, services and mixed use (Class E) space at ground floor with apartments above. The application was before the Planning Committee as the District Council was the applicant.

Members considered the presentation from the Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published.

Members considered the application, agreeing that it would be a positive development within the town and emphasised the need for the building materials to be sympathetic to the local area.

AGREED (unanimously) that Planning Permission be granted in accordance with the Officer recommendation and subject to the Conditions contained in the report.

112 FORMER NEWARK LIVESTOCK MARKET, UNIT 1 GREAT NORTH ROAD, NEWARK ON TRENT - 21/02484/FULM (MAJOR)

The Committee considered the report of the Business Manager- Planning Development, which sought the erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping. The application was before the Planning Committee as the District Council was the landowner.

Members considered the presentation from the Senior Planner, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published, including requirement of a parking scheme to prevent errant parking on Great North Road.

Members considered the application, welcoming the economic benefits the proposed development would bring, and the opportunities to raise aspirations for young people in the area. Members did comment on the colour of the bricks and agreed that parking restrictions would be required for Great North Road.

AGREED (unanimously) that Planning Permission be granted subject to the Conditions contained in the report and subject to the condition changes in late items (22 and 23) and to condition 16). Reason associated with Condition 3 amended to read 'Conservation Area'.

113 HILL HOUSE, CHAPEL LANE, EPPERSTONE - 21/02533/FUL

The Committee considered the report of the Business Manager- Planning Development, which sought the erection of a replacement dwelling and associated works and landscape enhancements. This application was being presented to the Planning Committee in line with the Council's Scheme of Delegation as it has been called to Committee by Cllr R Jackson on behalf of Epperstone Parish Council.

Members considered the presentation from the Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published which clarified that should the application be resolved to be approved, it would be subject to referral to the Secretary of State due to the size of the proposed development on Green Belt land.

Councillor R. Jackson, Local Ward Member, was in attendance, to speak against the application on behalf of Epperstone Parish Council, who raised concern over the scale of the development which they felt was out of keeping with the conservation area of Epperstone.

Members considered the application and following discussion agreed that a site visit would be useful to understand the site and the sizing and location of the proposed development.

AGREED (11 For 4 Against) that the Application be deferred to March committee for a site visit to be undertaken.

Councillors R. Jackson and I. Walker left the meeting at this point.

The meeting adjourned at 18:02 and reconvened at 18:10.

114 LAND ADJACENT ORCHARD HOUSE, THORNEY ROAD, WIGSLEY - 21/02336/OUT

The Committee considered the report of the Business Manager- Planning Development, which sought the erection of two dwellings with all matters reserved.

Members considered the presentation from the Senior Planner, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published, including a letter of objection from the Parish Meeting due to overcrowding of the proposed site.

Members considered the application, noting the concerns raised by the Parish Meeting. However it was felt that as the application was an outline application, when the reserved matters application was submitted, concerns of over intensification and over development could be addressed dependant on the design.

AGREED (with 10 and 4 for) that Planning Permission be granted in accordance with Officer recommendation, subject to the Conditions within the report.

115 FIELD REFERENCE NUMBER 8024, WELLOW ROAD, EAKRING - 20/02296/FUL

The Committee considered the report of the Business Manager- Planning Development, which sought the erection of 1 single storey fossil-fuel-free dwelling and detached car port.

Members considered the presentation from the Business Manager- Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received by the Planning Case Officer, after the Agenda was published, including a short video of the proposed development.

Members discussed the proposed application, considering aspects such as ventilation, heating, sustainability of design and the proposed battery storage. Members noted the requirements for a Section 106 agreement and were supportive of the innovative design and experimental nature of the development.

AGREED (unanimously) that Planning Permission be granted subject to the completion of a planning obligation securing the measures and conditions contained in the report.

116 APPEALS LODGED

AGREED that the report be noted.

117 APPEALS DETERMINED

AGREED that the report be noted.

118 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report presented by the Business Manager- Planning Development which related to the performance of the Planning Development Business Unit over the three month period October to December 2021. In order for the latest quarter's performance to be understood in context, in some areas data going back to October 2020 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED that the report be noted.

119 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Business Manager- Planning Development which provided an update on Enforcement Action for the third quarter from 1 October to the 30 December 2021, including cases where formal action had been taken and case studies which showed how the breaches of planning control had been resolved through negotiation. Members discussed enforcement action taken at Greater Fernwood in November 2021.

AGREED that the report be noted.

Meeting closed at 6.54 pm.

Chairman

PLANNING COMMITTEE - 15 MARCH 2022

| | | |
|-----------------------------|---|--|
| Application No: | 21/02533/FUL | |
| Proposal: | Erection of a replacement dwelling and associated works and landscape enhancements | |
| Location: | Hill House, Chapel Lane, Epperstone, NG14 6AE | |
| Applicant: | Mr and Mrs Mould | |
| Agent: | Hughes Town Planning Consultancy Ltd - Mr Rob Hughes | |
| Registered: | 03.12.2021 | Target Date: 28.01.2022 Extension Agreed to: 18.02.2022 |
| Link to Application: | 21/02533/FUL Erection of a replacement dwelling and associated works and landscape enhancements Hill House Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk) | |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation and it has been called to Committee by Cllr R Jackson on behalf of Epperstone Parish Council.

Background

The application was deferred at the February Planning Committee to enable a site visit to be undertaken. Members will recall that Officer's also referred the application to the Secretary of State (SoS) for consideration of call-in due to the amount of floorspace being created within the Green Belt. The SoS confirmed on 02.03.2022 that they do not wish to call-in this application and has confirmed that the application can be determined by the Local Planning Authority.

The Site

This application site relates to an approx. 0.9 ha parcel of land situated on the western side of Chapel Lane in the northern extremities of the village of Epperstone. The plot includes Hill House, which is a large detached dwelling (estimated at 239.75m² footprint) in addition to a garage and shed (at 45m²), a disused tennis court which lies to the south-east of the dwelling and a large formal garden area. Access is taken from the north-east corner of the site off Chapel Lane past the dwelling known as 'The Elms'. Hill House is set back in excess of 100 m within the site and is not immediately visible from the entrance into the site. The dwelling sits on an elevated position in the landscape where the topography increases from Chapel Lane west further into the application site, however, given existing boundary vegetation the property can only be seen in glimpsed views from the surrounding area.

The existing dwelling is of buff brick and concrete tile construction and is not considered to be of any architectural or historic merit. There are a number of mature trees within the site and along its boundaries, particularly along the north, east and south, which assist in screening the built form. The site lies within the Epperstone Conservation Area and the Nottingham-Derby Green Belt but

does not lie within an area at risk of flooding. A Public Right of Way (PRoW) passes along the eastern boundary of the site in a broadly north-south direction.

Relevant Planning History

No relevant site history.

The Proposal

Permission is sought for the demolition of the existing dwelling on site and erection of a replacement dwelling with associated landscaping. The replacement dwelling would be of a radically different and contemporary design, set within an integrated landscape.

The plans show a substantial sized property positioned broadly centrally on a NW-SE alignment towards the northern part of the site. The dwelling is shown as a series of linear blocks that would cut into the landscape as it raises to the west. The plans show the site would become re-landscaped around the dwelling with a pond in the SE corner adjacent to the existing tree belt, a pavilion, sculpture and seating area, stepped bank and outdoor dining area all shown within the grounds. The core of the site would be cleared for construction of the new dwelling and garden, however the existing trees and shrubs around the perimeter would be retained and supported and extended with new trees around the western end of the site. The west side of the house would be partly embedded in the sloping ground allowing the landscape to integrate onto the roof of the dwelling.

The dwelling would be contemporary in appearance with a predominant flat roof form, set into the landscape and around significant vegetation. The Engineering Concepts and Sustainability Strategy details that the dwelling would incorporate a robust SUDS strategy (including mitigation through green roofs and retention ponds, both of which would have a net positive effect on the biodiversity of the site), a water efficiency strategy (including the recycling of water) and an energy reduction strategy (to reduce the overall energy consumption and carbon emissions of the dwelling, by prioritising passive design approaches).

The replacement dwelling would overlay the position of the existing house and would have a linear form orientated so that the main living space faces the sun and the larger part of the garden. Access would remain via the existing drive and garaging is proposed under the house.

The below table shows a comparison of the existing vs proposed built form on the site:

| | Existing Dwelling | Replacement Dwelling | % Increase |
|------------|---|--|-----------------------------|
| Footprint | 157m ² | 800m ² | 410% |
| Floor Area | 283m ² (House Total: 239.75m ² (GF: 132.16m ² FF: 107.59m ²) Garage: 36.12m ² Shed: 8.37m ²) | 1230m ² (GF: 709.4m ² FF: 131.1m ² Basement: 388.9m ²) | 335% |
| Volume | 911m ³ | 5913m ³ (House above ground: 3600 m ³ House basement level: 290 m ³ Uninsulated garage area: 1120 m ³) | 549% (295% above ground) |

All calculations are approximate

The proposal also includes extensive landscaping – the scheme largely ensures the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, the Proposed Development will require the removal of eight individual trees and two groups of trees. Landscaping proposals also include the removal of four individual trees, the partial removal of mainly understory trees through selective thinning and the removal of a mature beech hedgerow.

Access would remain as existing and parking would be provided within the site.

Departure/Public Advertisement Procedure

Occupiers of 10 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Earliest Decision: 20.01.2022

Planning Policy Framework

The Development Plan

Epperstone Neighbourhood Plan, adopted December 2019

EP 7: Trees and Hedgerows

EP 8: Biodiversity

EP 9: Distinctive Views and Vistas

EP 11: Design Principles

EP 16: Epperstone Conservation Area

EP 17: Epperstone Historic Character

NSDC Amended Core Strategy Adopted 2019

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 - Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- Planning Practice Guidance
- National Planning Policy Framework Adopted (NPPF) (2021)
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Landscape Character Assessment Supplementary Planning Document Dec 2013

Consultations

NB: A summary of consultee comments is set out below, comments can be found in full here: [21/02533/FUL](https://www.newark-sherwooddc.gov.uk/21/02533/FUL) | [Erection of a replacement dwelling and associated works and landscape enhancements | Hill House Chapel Lane Epperstone NG14 6AE \(newark-sherwooddc.gov.uk\)](https://www.newark-sherwooddc.gov.uk/21/02533/FUL)

Epperstone Parish Council – Object – “Following our Epperstone Parish Council meeting on 18 January 2022, we write to inform you that after lengthy discussions and presentations by the proposers and objectors, the Parish Council voted as follows; 5 Objected and 2 Supported with construction issue and light pollution conditions. As such the Parish Council objects to this planning proposal for a replacement dwelling, for the following reasons:

1. The design, size and visual impact of the proposed house which sits in our conservation village, within the Green Belt.
2. The design is contrary to The Epperstone Neighbourhood Plan 2016-2033 and in particular para.4.4.1 which provides the basis for acceptable design.
3. The scale and size of the proposed house is huge and disproportionately large compared to other large houses in Epperstone. The proposed house is of the order of five times larger than the existing house it seek to relace, albeit no higher.
4. The construction access related issues for the village, Chapel Lane in particular and local residents will be enormous and exacerbated by the disproportionate size of the proposed house.
5. Light pollution and intrusion for neighbouring properties is a concern, due to the proposed length of the proposed house, which will sit on and into the hill.”

NSDC Conservation – No objection subject to conditions – “The development will not cause any significant material harm to the special character and appearance of the Conservation Area (CA). [...] There are no listed buildings within the immediate vicinity. Any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. I am satisfied in that context, however, that no harm is caused to any listed buildings.”

NCC Rights of Way – No objection subject to informative notes to the applicant.

Ramblers Association – No objection – “Epperstone Footpath No. 1 runs along the first part of the access drive to this application site. Nottinghamshire Area Ramblers are pleased to see that the route of this right of way is acknowledged in the Design & Access Statement. However there is concern that traffic resulting from the considerable demolition and construction work could cause a hazard to walkers on this narrow section of the access drive. It is suggested that if approval is given that a condition is attached requiring adequate safety procedures to be followed to protect walkers from construction traffic on the right of way through this corner of the application site.”

NCC Flood Risk – Flood Risk Standing advice applies.

NSDC Tree Consultant – No objection subject to conditions relating to: submission of an arboricultural method statement, prohibited activities on site and a replacement planting scheme.

Cadent Gas - No objection subject to informative notes to the applicant.

Comments have been received from THREE interested parties that can be summarised as follows:

- Concerns that the development will increase flood risk locally to third parties as a result of

- the new pond and recontouring the ground.
- Access to the site for delivery of building materials will pose a highways safety issue as vehicles will block Chapel Lane. The structure of the lane also cannot cope with heavy traffic and emergency vehicle access will be compromised.
 - The plans are very detailed and not easy to read in small print.
 - Vermin will be disturbed by the work which will impact neighbouring properties.
 - The increase in size of the new dwelling will have a substantial impact on neighbouring residents as it will dominate views from surrounding properties.
 - The new building will have a significant impact on the green belt and conservation area, particularly when viewed from public footpaths.
 - The replacement dwelling will stand proud of its surroundings and offer a stark, dramatic contrast.
 - The multiple slot windows proposed will overlook neighbouring properties and result in an increase in light pollution with the whole upper floor lit from dusk onwards, dominating views.
 - The design fails to reflect the character of the village and would be contrary to the Epperstone Neighbourhood Plans Village Design Statement.
 - Whilst sustainability and performance of building is admirable, building a property 6 times larger than the existing, for two people, is not environmentally sensitive.
 - There have been numerous replacement dwellings along Chapel Lane and many have undergone substantial redevelopment but were limited in size to minimise the impact on the green belt and conservation area.
 - The design is of an aggressive style, completely out of character with its surroundings in terms of scale and mass and has a flat roof which is uncharacteristic of the Conservation Area.
 - There will be a significant loss of outlook for walkers that use the footpaths which will dominate the village outlook.
 - A six fold increase in built form with greatly increase surface water run-off locally.
 - The LVIA notes inappropriate change of character affecting the CA as a result of the development.

Comments of the Business Manager

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other

considerations. There is no definite list for what will constitute very special circumstances, but the threshold can be high and will turn on the facts and circumstances of the individual application.

In assessing this application, the main issues are:

1. Whether the proposal would represent inappropriate development in the Green Belt;
2. The effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and
3. If the proposed development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Point 1: The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception is *“the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces”*. It is under this exception point that the appropriateness of this proposal is assessed. The NPPF establishes two tests, firstly relating to the use, and then an objective assessment of the relative size of the existing and replacement building. The application proposal would be the same use, passing the first test. The second test is a matter of judgement based on the evidence of each case, as neither the NPPF of the Development Plan defines *‘materially larger’* or offers any definitive guidance in this regard.

A comparison of the exact figures between the existing and proposed dwelling can be found in the description of the proposal section above however in short there would be a 410% increase in built footprint across the site, 335% increase in floor area and a 549% increase in volume (albeit a 295% increase in volume above ground). The new dwelling would significantly exceed the existing footprint, floor space and volume of the existing dwelling and would therefore result in a building that would be materially larger than the one to be replaced. The development would therefore not fall within exception d) of Paragraph 149 of the NPPF. To this extent, and in principle, the proposal would therefore be inappropriate development within the Green Belt in conflict with the aims of the NPPF.

Point 2: An essential characteristic of the Green Belts is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm and has both spatial and visual aspects.

In simple spatial terms, this proposal would have a clear and demonstrable effect on the openness of the Green Belt by introducing considerably more built development (in scale and mass) into land which is currently predominately open around the existing dwelling house. The replacement with such a large dwelling, spread over a greater proportion of this site would therefore bring about more built development where there is presently none. Whilst the development would be visually contained within the existing boundaries of the site, thus not encroaching into the agricultural land that surrounds it, and the design of the dwelling is such that it tapers to become integral to the landscape with the ground flowing over it, it would nevertheless have an adverse impact on the spaciousness and openness within the site.

In visual terms, I accept that when considering the massing and bulk the dwelling is proposed to be set into the landscape which assists in reducing its above ground impact. It also follows a very lateral, layered design to sink the design into the surrounding plot, is limited to two storeys above ground and set under a flat roof to reduce the overall height profile of the building and therefore I accept that the sculpting into the landscape may reduce the immediate impact of sheer scale of the

proposed dwelling in visual terms. However, the existing dwelling's ridge height is c.7.8m, compared with a proposed maximum height of c8m for the replacement dwelling and the volume of built development above ground level would still increase by 295% (at 3600m³ compared with existing 911m³). The expanse of built development would exceed the existing dwelling significantly, the effect of which would be a significant reduction in openness of the Green Belt.

Having considered the submitted Landscape and Visual Impact Assessment (LVIA), I accept the conclusion that the proposal, given intervening boundary screening to the north, east and south would only be visible from certain viewpoints. However, regardless of whether or not the proposal would be conspicuous from a public vantage point the fact remains that the development would have an adverse effect on the openness of the Green Belt, particularly in spatial terms. This would fail to serve the related Green Belt purpose, would constitute an inappropriate form of development and therefore it would clearly conflict with the fundamental aim of national Green Belt policy.

Point 3: The application advances that the outstanding design quality and sustainability of this dwelling should be regarded as a very special circumstances that are sufficient to outweigh any harm identified by this proposal in accordance with para. 134(b) of the NPPF. The application also argues that there will be other economic, social and environmental benefits that would result from this proposal that too would contribute to the very special circumstances. I will now go on to assess these other material considerations of the development before undertaking the green belt and overall planning balance.

Assessment of the Design & Sustainability

Both national and local planning policies state that good design is a key aspect of sustainable development and new development should be visually attractive, achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments (CP9, CP13, DM5 and EP11 of the ENP in addition to the NPPF). Policy EP11 further states that whilst developments must respond positively to the character and historic context of existing development within Epperstone, contemporary and innovative materials and design will be supported where positive improvement can be robustly demonstrated without detracting from the historic context. Proposals should respect or enhance (but not necessarily replicate) the local character.

Of particular importance to this application is Chapter 12 of the NPPF which provides guidance in respect of achieving well-designed places and states at paragraph 134 that significant weight should be given to "outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings." The NPPF is clear that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; be sympathetic to local character and history, including the surrounding built environment and landscape setting, and that decisions should not prevent or discourage appropriate innovation or change.

Design

The supporting documents that accompany this application explain that the design for this replacement dwelling has evolved as part of an iterative design process and has principally taken reference from the landscape and built characteristics of Epperstone, with its distinctive boundary and retaining walls and structures (brick and stone), landscape patterns, ridge and furrow landscape and surrounding countryside to ensure the development references the character of its built and

natural surroundings. The intention is for this development to be a sustainable, legacy project with a strong relationship to the landscape and every room feeling as part of the garden.

The design concept proposes a series of parallel brick walls which 'slide' into the sloping site, spaced to replicate the pattern of the surrounding ridge and furrow landscape and creating a hierarchy of spaces within the dwelling. The volumes created by the walls are enveloped by a green roof and topped in part by a lightweight timber pavilion which draws reference to timber agricultural structures seen in the surrounding countryside. Architectural planes and interaction with topography and planting have been designed to break the mass and scale of the built structure so that in views from within and outside the garden the building merges with a landscape that flows over and around it. The landscape proposals are also informed by the site context with the landscaping around the dwelling aiding the transition between the countryside and the village, including the pattern and textures of the landscape, specifically the ridge and furrow fields, and the enclosure and screening of the site and trees which is a positive characteristic of the village. In addition to the built and natural features of the village influencing the design, the Design and Access Statement (D&A) also explains that the Applicant's family business has been a design influence with the elevations proposing to include textures from fabric weaving, and circulation/movement patterns.

To assist in the assessment of the design of this dwelling the Applicant has engaged with the Design: Midlands Review Panel (DRP) who are an independent, impartial panel that provide expert design support in the assessment of development proposals. Para. 133 of the NPPF advises LPAs and applicants to make appropriate use of processes for assessing and improving the design of developments such as the DRP and specifically states that in assessing applications, LPAs "*should have regard to the outcome of these processes, including any recommendations made by design review panels*". As such the Applicant's engagement with this process is commended and the advice of the panel should be an important consideration in the overall assessment of the scheme's design. In this case the design panel was formed by four experts in built and landscape architecture and a heritage specialist, their advice can be found in full on the online planning file and is summarised as follows.

The Panel commended the collaborative design approach put forward, combining ambitious landscape design and architecture, with a strong client desire to create a high performance, low energy, exemplary dwelling. They considered the proposal was a result of a well-researched and rigorous design approach and a comprehensive site analysis of Epperstone. They noted the analysis demonstrates an in-depth and robust understanding of the site and its relationship with the surrounding context which assists in ensuring that the proposal is responsive to this site context. The DRP commended the overall design concept and noted it had a clear and logical design narrative, advising it represented a sensitive and well-considered response to the character of the site, its setting and the Conservation Area. They further noted that the scheme embodied a strong local philosophy and was sensitive to the immediate and wider site context.

The House: With regard to scale, form and massing the DRP comment that "*Although the form of the proposed building is not traditional, in that it has a flat/green roof, the Panel commended the quality of the design and contribution that the building will make to the site and the village. The architectural 'language' and overall form of the design were considered to be effective in referencing the characteristics of the built and landscape character of Epperstone. The Panel in particular praised the relationship of the building with the landscape, and the way the house provides a strong sense of arrival and disappears into the landscape/topography as you move through the site from east to west.*"

The DRP considered the series of parallel, staggered, hierarchal, brick walls which 'slot' into the landscape to be the principal component of the scheme and the materiality, treatment and detail design of these as fundamental to the success of the project. The proposal to construct the building from brick was considered to be appropriate and in keeping with the character of Epperstone however the Panel noted that the choice of brick, including colour, texture, grain, bond, the choice of mortar, how the walls will be capped, e.g. where they meet the green roof etc. would be critical to the project to ensure the high design standard is not compromised. To this I note that as per para. 135 of the NPPF ensuring the quality of the proposal is not be diminished at a later stage by watering down the quality of materials or design features would be fundamental to the success of this scheme and would require control through conditions. Further to this the Panel noted that the provision of a hierarchy of walls in the design, the proposed use of lime mortar for the joints (avoiding a need for vertical movement joints) and the sourcing of specialist bespoke bricks was strongly supported and would result in a scheme that would be highly distinctive, yet sensitive to the village context.

The dwelling is clearly contemporary, proposed with a predominant flat roof form, set into the landscape and around significant vegetation. I recognise that the scheme has an interesting modern design that has consciously taken reference from the architecture of the area. I also acknowledge that the proposed sculpting into the hillside seeks to give the appearance that the dwelling is integral to the landscape. Despite its scale, the building has a relatively low profile, which reduces its visual impact, and the landscaping proposed softens the elongated linear retaining walls. In my opinion, the concept of such a sculpted design which takes reference from the form of the surrounding countryside is a strong positive feature of the design and I note something that the Conservation Officer (CO) says should be applauded. The staggered linear walls cutting into the landscape are reflective of retaining walls seen around Epperstone and cleverly draws in the village's built heritage in addition to the strong landscape links. The sheer scale and size of this dwelling is unavoidable and the design is overtly contemporary however the design is such that the massing is broken down by the staggering of walls and subterranean sculpted elements and the design concept clearly links back to the character of Epperstone.

Landscaping: In terms of the building and its relationship to the landscaping strategy the DRP state that *"The 'nature first – building second' approach [to the design], with the creation of zones which reference and reinforce the immediate site context, in particular the location of the site between the countryside and the village, the relationship of the landscape with the building to ensure every room feels part of the garden and exploring opportunities to draw from the clients business of weaving within the landscape is all commendable."* They also note that the simplistic design of the meadow to the north west/western part of the site, *"enabling the open and rural character of this part of the site to be retained, and the notion of the house nestling into the landscape is considered very positive"*.

I concur with the opinion that the landscaping strategy and integration with the built form of the dwelling is a very positive element of the scheme. The sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass and aid the seamless relationship between the house and the garden which is a key design element of the scheme. The planting proposals to the site perimeter would reinforce the green and naturalistic character of the site and the minimalistic approach to the core of the garden area allows some sense of spaciousness and openness to be retained within the wider site. Furthermore, the landscaping approach on the northern side of the site takes into account the rural aspect here which is considered to be positive.

Sense of Arrival & Views: The DRP note that the reuse of the existing access drive, the informal and natural approach to the house, and the provision of an understated entrance at a midpoint to the north elevation to be positive elements of the design. The entrance to the site is understated, and parking arrangements discreet. The Swales adjacent to the drive are also carefully considered. Given the sites set back position from Chapel Road the impact on the street scene would be very limited and the absence of a grandiose access to this site is a positive element of the design and reflective of the understated and integrated landscape approach taken in the overall design concept.

In order to raise the standard of design more generally in the area the DRP noted that good design does not need to be hidden. In this case the site benefits from existing mature boundary vegetation which buffers views into the site. However the LVIA submitted does note instances where glimpsed views of the dwelling would be achievable from public vantage points allowing chance views of the building and its design to be appreciated. The DRP note that glimpsed views providing a hint of the exceptional quality design of Hill House would contribute positively to the experience for those using the PRoW, the Conservation Area and the village.

Design Conclusion: Overall, it is evident from the various reports and statements submitted with the application that a detailed assessment of the character of the site and surrounding landscape has been undertaken. This has informed the proposed development and multidisciplinary teams have given thoughtful consideration to the design of the proposed dwelling. The DRP conclude their assessment of the scheme, commenting that this “[...] is very high quality proposal which the Panel believe will ensure the character and appearance of the Conservation Area is safeguarded and enhanced. It is a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow.

[...] The holistic and sensitive design approach integrating heritage, environment, landscape, character and context; robust design concept; strong client narrative, ambition and track record in delivering design quality has resulted in a scheme with a strong synergy between client, site/landscape and house. Hill House is an intelligent, exciting, yet sensitive scheme which is of its time and place. The Panel endorse the scheme wholeheartedly and believe that the proposals meet Paragraph 134 of the NPPF.”

The comments of the DRP are noted and I am mindful that the NPPF requires LPAs to have regard to the outcome and recommendations of DRPs. In this case I see no reason to come to a different conclusion than the one they have drawn. I consider this dwelling whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture within the District, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

The planning system supports the transition to a low carbon future in order to tackle climate change at a national and local level (NPPF and CP10). Development proposals should maximise the use of available opportunities for decentralised energy and mitigate the impacts of climate change through ensuring that development proposals minimise their potential adverse impacts during their construction and eventual operation.

The Buro Happold Engineering Concepts and Sustainability Strategy (Sustainability Strategy) contained within the D&A statement sets out the overall strategy for the construction of the dwelling. The D&A explains that sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale.

It is proposed that the dwelling would have a '*vastly reduced*' level of regulated emissions and energy usage for space and water heating, lighting and ventilation using a number of measures, including:

- Building Fabric: specified to produce a highly efficient thermal envelope by using highly insulated thermal elements, high performing glazing and minimising thermal bridges.
- Air Tightness: to reduce convective heat loss, eliminating inefficiencies in building services.
- Heat Distribution and Control: to encourage energy-efficient by combining efficient ground source heat pumps with intelligent zoning technologies.
- Low Energy Lighting and Control: maximising the amount of natural daylight through the design and orientation of the building to reduce energy demand.
- Passive Design: using a 'fabric first' approach and creating a building that acts as a '*solar collector*' to reduce space heating demands achieved through a combination of: orientation, shading and fenestration, passive ventilation, mechanical ventilation, mechanical ventilation heat recovery and thermal zoning.
- Water consumption: utilising low-water use appliances to reduce internal potable water use.

In addition to optimising the building form, renewable energy technologies are also proposed to increase the sustainability of the building, including:

- Ground Source Heat Pump: a low-carbon technology what ensures greater heating efficiency.
- PV Panels: proposed on the roof to provide energy to the property and create a carbon negative build.
- Battery Storage: to store surplus solar energy in-house and bypass the national grid.
- The dwelling is proposed to be '*all-electric*' to eliminate the buildings residual CO₂ emissions and benefit from the decarbonisation of the national grid.

The replacement dwelling would be a low energy all-electric building to allow the building to de-carbonise in line with the National Grid electricity. However, embodied carbon associated with construction materials throughout a building's life cycle is the dominant source of carbon emissions. As such, it is also proposed to utilise efficient construction materials and procurement policies to reduce wastage and encourage the reuse or recycling of materials in order to reduce the environmental impact of the dwelling during construction and for its lifetime. To achieve this and improve the embodied carbon of the build it is proposed to use:

- Sustainable and/or local material sourcing;
- The UK Government Timber Procurement Policy;
- Inherently environmentally inert, long life and low maintenance materials; and
- To use material and structural choices that have low embodied energy.

- Draw best practices from the Home Quality Mark.

The overall aim is to try and half the embodied energy of the build and better the government's current targets for embodied energy in residential buildings.

The Sustainability Strategy explains that the intention is to achieve at least 40% reduction in regulated carbon from the development over the baseline case. This is achievable with the employment of the abovementioned techniques and would reduce the carbon footprint of the development in accordance with CP10. Furthermore, in addition to the building construction and design techniques, the proposal also includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. This includes mitigation through green roofs and retention ponds, both of which have a net positive effect on the biodiversity of the site (which will be explored in greater detail in subsequent sections of this report). A water efficiency strategy would also be implemented, whereby efficient fittings, effective system design and the recycling of water, would minimise the use of potable mains water and foul water discharge to the sewer.

The technical details submitted with this application explain that the proposed development would promote high levels of sustainability and represent an exceptional quality of sustainable building and design construction to reduce the impacts of the development and ensure its resilience in the long term. Whilst in isolation the techniques and mechanisms proposed to be employed in this build are not considered to be at the forefront of sustainable innovation, I note that this is not the test in this case. The NPPF and CP10 encourage the incorporation of sustainable construction and operational techniques in order to reduce the carbon footprint of developments, and in turn the District, in order to tackle the causes and impacts of climate change. In accordance with para. 134 of the NPPF significant weight should be given to developments which promote high levels of sustainability.

In their independent assessment the DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *"one which others may be able to learn from and replicate"* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. I see no reason to disagree with this conclusion. The sustainability strategy designed for this dwelling incorporates a multifaceted approach to reducing energy consumption in both the construction and long term operation of this dwelling in a way that aligns with the aims of the NPPF, to encourage developments to minimise their impact on natural resources, to use renewable energy sources and be efficient in the consumption of energy, water and other resources. This development would therefore accord with the aims of Chapter 14 of the NPPF and CP10 in respect of tackling the causes and impacts of climate change and to delivering a reduction in the Districts carbon footprint. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

Impact on the Character and Appearance of the Area (including Heritage)

Heritage Impact

Given the site lies within Epperstone Conservation area Policies CP14 and DM9 and Section 4.6 of the ENP are relevant. These policies, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. 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 Conservation Officer (CO) fully appraises the significance of nearby heritage assets in their comments which can be found in the full on the online planning file, however in short they conclude that Hill House is not identified as a building of any local interest and no special landscape value is identified on the site or surrounding area. The existing dwelling is not considered to be of any merit in historic or architectural terms to resist its loss, and as such, there is no objection to the principle of demolition. Although not in the core of the historic built form of the village, the site is sensitive in that its designation within the Conservation Area (CA) provides a rural landscaped setting for the village which is significant given the topography of the site. There are listed buildings within the vicinity of the site such as the Grade II former Methodist Chapel on Chapel Lane, to the southeast and the Grade II listed complex at The Poplars to the south of Chapel Farm. Further south is the important grouping of the Church of the Holy Cross which is Grade I and a local landmark.

The replacement dwelling, in its footprint, architectural style and detailing it is a significant departure from the surrounding character of traditional vernacular dwellings seen within the CA. However the CO notes that the CA designation does not prevent development, but rather is a means of managing change, whether that be in the guise of preservation or enhancement. In this case, the development is clearly very different from the existing built vernacular of Epperstone and the building types that contribute positively to the CA. However, the CO notes that *“it does not follow that new development must be a pastiche of buildings that have gone before. As explained in the CA Appraisal, there is a wide variety of traditional building types furthermore, and there is no reason to think that a further variation of architectural form couldn't be capable of being sensitive to the inherent values of the existing CA. There is also variety in scale of dwellings within the CA, from small rustic cottages through to much larger, polite architecture such as the Manor House and Rectory.”*

The CO notes that the concept of a sculpted design is to be applauded. The site is set well back from Chapel Lane, and much more associated with the rural hinterlands of Epperstone than the denser urban grain of Chapel Lane and Main Street. Furthermore the CO notes that the large linear walls proposed to be cut through the site are the most prominent structural element of the new dwelling and acknowledges the precedent for retaining walls within the wider area, and the link to ridge and furrow in the arrangement of walls and bays. Nevertheless the CO also notes that the main length of the building is significant and would be a considerable uplift on more conventional domestic proportions. Further it is noted that the volume of domestic space would significantly increase, albeit acknowledged that the sculpted form of the development, partial subterranean form and the tapered sections of masonry, green roofs and use of glazing help reduce that sense of scale and mass. The above ground net gain of building is nevertheless thought to be in the region 295% more than the existing, and as a result the CO advises that the development would benefit from being reduced in scale, particularly in length.

Having discussed this with the agent they have advised that laying out the building in a slim and linear format enables the form to slide into the landscape, which is key to the concept of the design. The sculptural appearance of walls sliding into the land, only works as a linear element. Various building forms were considered and examined as explained in the D&A which resulted in a slender structure. In order to relate to the characteristic field patterns that have been identified in the adjoining land the building has required the scale and length as advanced in this submission. Reducing the length and pulling the volumes together would create a blocky object in the landscape and would fail to accurately reference the landscape, which is a key concept. Instead, the building nestles into the slope of the site, revealing itself slowly in layers and pieces as you approach. The

length of the building would only be perceptible at a distance, sitting low into the topography mostly below the skyline and embedded within its setting of mature trees. Along the long elevation, the house is intended to be read as a collection of walls as if it were a walled garden, with reference to the long linear walls that are a defining characteristic of Epperstone. The staggered planes created by the walls are proposed to dissolve bulk and create a structure of the garden, rather than a separate object that dominates its surroundings.

Considering the overall concept and commenting specifically on the proposal as submitted the CO concludes that the design concept should be commended. He states that it is noticeable that there is a lack of high quality bespoke modern architecture locally, not least in CAs where the typical response tends to be pastiche development of varied end quality. This is echoed by the DRP final report which argues that the development could become the heritage of tomorrow. To ensure the intended quality of the development is realised the CO notes that the masonry for the new wall sections will be critical and should be controlled by carefully worded conditions to ensure the development takes the form that is envisaged. The CO further notes that the quality of glazing and green roof specification is also important. Glazing should minimise light deflection where possible, and a management strategy for the green roofs and wider landscaping agreed to ensure that the development continues to take the form envisaged over time should be secured. The CO highlights that it is important that the quality of the proposal is not diminished at a later stage by watering down the quality of materials or design features as without the landscaping proposals, the development could become unduly prominent in CA terms.

Overall, the CO concludes that despite the scale and massing they do not consider the development would cause any significant material harm to the special character and appearance of the CA. They note that the site is discreetly located when experienced from Chapel Lane and the adjacent footpath network. The extent of trees already on site effectively screens the development from historic buildings along Chapel Lane, and this will be improved upon and potentially managed in a positive way (as shown in the tree strategy document). Given the lack of specific views and vistas of heritage to and from the site, the development is unlikely to be unduly prominent within the CA, even if glimpsed from unexpected receptors. Moreover, the combination of green roofs and significant landscaping design helps integrate the development into its environs, a conclusion which is supported by the LVIA and Heritage Impact Assessment documents that support the application. Whilst they do not agree with the assertion within the applicant's submission that the proposal will enhance the Conservation Area, given there is nothing inherently wrong with the existing arrangement, insofar as the current dwelling on site is neutral, they nevertheless conclude that the proposal will preserve the special character of the Conservation Area in accordance with the Act.

The CO goes on to further explain that there are no listed buildings within the immediate vicinity and any wider impact is limited to considering whether the proposal interrupts or distracts from the wider setting and experience of key listed buildings like the Grade I Church. However concludes that they are satisfied in this context that no harm would be caused to any listed buildings as a result of the development.

Overall, the positive conclusion of the Conservation Officer is noted and with the suggested conditions, it is considered that the proposal would cause no harm to the character and appearance of the Conservation Area or the setting of nearby Listed assets. As such it is considered that the scheme would comply with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage and design policies and advice contained within the Council's LDF DPDs and the NPPF.

Landscape Character and Visual Impact

In terms of the potential impacts on landscape character the site is located within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 40: Epperstone Village Farmlands with Ancient Woodlands as defined within the Landscape Character Assessment SPD. This states the condition of the landscape is good and the sensitivity is moderate with an outcome to conserve and reinforce the landscape. The policy zone justification states with regards to built features, proposals should conserve and reinforce the rural character of the Policy Zone by concentrating new development around existing settlements and conserve the local built vernacular and reinforce this in new development.

To support the application a Landscape Visual Impact Assessment (LVIA) has been undertaken. The LVIA submitted explains that the character of the immediate site would not change from that of a rural setting with scattered individual dwellings or farmsteads. Owing to the topography of the site visibility is noted to be low with the LVIA explaining that there are only limited locations where partial views into the site would be achievable. Section 4.0 of the LVIA considers the receptors and potential impacts that have previously been identified as having the potential to arise from the development. This section also goes on further to explain how the design of the scheme has evolved to mitigate the potential impacts identified.

Landscape Character

The LVIA states that the land use, cover and character of the immediate site will not change from that of rural setting with scattered individual dwellings or farmsteads as a result of the development. However, the proposal will introduce new landscape features (such as trees, hedgerows, planting etc.) which would be integrated into the landscape to reduce the profile of the development. Nevertheless, the development would not change the overall character of the landscape which is undulating, strongly rural and agricultural in nature as it would be confined to the existing boundaries around the site and has been designed to cut into the landscape to reduce its prominence and impact from surrounding vantage points.

Despite drawing reference from existing developments and features within Epperstone and the Conservation Area I am mindful that the design proposed would not reflect the prevailing local built vernacular. However, as explored in the assessment of the design of the dwelling it would be unashamedly modern/contemporary in a bid to represent an outstanding form of development for the area, but one that has been designed around references from Epperstone's built and natural characteristics. It is noted that development need not be a replica of all that has gone before it, or that currently exists in the locality to be acceptable – whilst the design of the dwelling would not completely accord with the relevant aims of the Landscape Character Assessment SPD in this regard, it is not considered that the development of this site in isolation would undermine the overall character of the local policy zone as it would result in a limited magnitude of change on PZ40 as a whole. Further, the structure of features within the landscape (such as hedgerows, trees etc.) would largely remain unchanged – whilst the scheme proposes an overall enhancement of the landscaping of the site (including significant additional planting) this is not considered to be uncharacteristic of the landscape given the area is typically interspersed with areas of woodland.

It is noted that the LVIA identifies the potential impact on the Conservation Area as a factor that could impact the overall landscape character however the CO has concluded that the development would not result in any harm to character and appearance of the CA or its setting. The mitigation measures detailed at para 4.1 of the LVIA that have been translated into the final design of the

dwelling are key factors in this respect. Therefore, overall, whilst the immediate character and openness of the site would change, the impact would be limited to within the site's boundaries. It is not considered that the character of the wider local policy zone would be significantly affected as a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone.

Visual Impact

With regard to visual impact the LVIA considers the area from which the site is visible, the nature of existing views and how the views of individuals or groups of people (and the visual amenity experience by them), may be altered by the proposed development. The LVIA states that properties within the village directly to the south and east have no views into the site - only properties to the north are likely to see changes to direct views; however, these are likely to be partial due to the low profile of the replacement dwelling, the retention of boundary vegetation and distance. The visual effect would be greatest on properties to the north and walkers using the nearby footpath (to the NE), albeit the LVIA argues that the change of visual amenity is considered negligible to these receptors in the context of this landscape setting.

With regard to the visual effects of the proposed development upon local receptors, the LVIA concludes that the greatest effect/change would be experienced no further than 1km north of the site boundary and road users would experience very limited change to views (the LVIA explains that there is limited stretch of road where drivers could possibly experience a change to the site, however, the landscape setting would reduce changes to barely noticeable). Two properties to the north are likely to have a direct views from windows towards the site and others are likely to experience oblique views becoming more open when vegetation is not in leaf. However, these views would be of the enclosed mature tree lines that bound the site, with partial views of the dwelling.

Despite the close proximity of Footpath 1 (to the east of the site boundary) there are limited views to the interior of the site due to the strong tree lines. The LVIA states that there could be glimpsed views of the dwelling alongside the site when vegetation is not in leaf however these would be intermittent due to the presence of evergreen trees. In comparison, the LVIA explains that there would be views of the site from Footpath 2 to the north, particularly of the northern boundary of the site, however owing to the topography visibility is intermittent along the length of the footpath. Overall the LVIA notes that it is unlikely the proposed changes within the site will be noticeable from the numerous PRoWs in the surrounding landscape and thus the proposal would have a negligible impact on receptors using the public rights of way. Policy EM9 of the ENP also identifies key distinctive views and vistas, however this proposal is not considered to adversely impact any of these views.



Figure 2 - PRoW/Footpath Map (p.37 of the LVIA)

The LVIA concludes that overall the effects of the scheme are considered to be long-term in duration given the building will become a permanent feature of the landscape, however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be 'negligible' and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development.

Overall, the LVIA concludes that although the receiving landscape character is intact, the site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

Impact upon Residential Amenity

Given the size of the plot and degree of separation it is considered that the development would afford a sufficient degree of amenity for existing and future residents. Whilst I acknowledge the concerns of local residents, owing to the site context, separation distances and intervening landscape which comprises a number of trees that provide good screening I do not consider there would be any impact through direct overshadowing, overbearing or overlooking on the occupiers of any neighbouring dwelling.

I note concerns raised by locals and the parish council relating to light pollution from the dwelling and the impact this will have on neighbouring properties. The Parish have specifically raised a concern that the length of the property, coupled with it sitting on a hill and with the design showing large windows at first floor will result in light pollution and intrusion for neighbours. Firstly, I would note that the site itself is well contained within its boundaries, as can be seen from the site photos below showing the east and western outlooks from within the site.



Figure 3 - Site Photos of Eastern and Southern Boundaries

The southern side elevation of the dwelling would sit c. 40m from the southern boundary and the eastern elevation would be c.50m from the eastern boundary, both of which are formed by mature trees, most of which would be retained as part of the proposal. The property Brigholme to the SW corner of the site would be in excess of 90m from the proposed dwelling, between which would remain extensive mature tree cover and landscaping – further, owing to the orientation of the proposed dwelling any visibility of the dwelling would be of the eastern elevation which has glazing panels recessed within the staggered façade as shown in the visual below. It is not anticipated that any adverse amenity impact (including through light pollution) would occur on this occupier or properties directly to the east.



Figure 4 - Visual of Proposed Eastern Elevation

Towards the south the closest properties are Fair View and Meadow View which would be in excess of 120m from the side elevation of the proposed dwelling, between which would remain the extensive tree line forming the southern boundary (see site photo below) which, given the height of the existing mature trees (which would mostly remain as part of the scheme), would provide a buffer between these properties and the replacement dwelling.



Figure 1 - Site Photo of Southern Boundary from Outside the Site (L) & Visual of Proposed Southern Elevation (R)



Figure 6 - Site Photo taken from the North of the Northern Boundary with Existing Dwelling (L) & Visual of the Proposed Northern Elevation (R)

Further, whilst I note there would be windows at first floor, these large glazed panels would serve a corridor leading onto the master suite rooms (on the south elevation) (including dressing rooms, bathroom, bedroom etc.) and the stair well (on the northern elevation) which are unlikely to be areas that would be continuously lit given they are essentially circulation spaces. As such it is not considered that neighbouring properties to the south would be adversely effected as a result of this proposal (including through light pollution). The same conclusion can be drawn for properties to the NE of the site which would be in excess of 100m from the dwelling and similarly buffered by intervening landscaping. Comments from local residents also refer to the impact on their amenity through the loss of a view, however this is not a material planning consideration. Overall, given the conclusions drawn above it is considered that the proposal would be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

Impact upon the Highway

The hostdwelling has one vehicular access point off Chapel Lane with off street parking provision within the site. Given the proposal is advanced as a replacement dwelling there would be no long term intensification of use of the site. Access and off-street parking within the site is also proposed to remain as existing. I note comments that have been received from local residents and the Parish Council regarding the width of Chapel Lane and its ability to accommodate construction traffic, however it is not considered that the relatively short term construction period which would require such traffic would result in a serve adverse highways safety impact that would warrant withholding permission. I note that other properties in close proximity, along Chapel Lane, appear to be undergoing building works and whilst it is accepted that an intensification of construction traffic

would cause some disruption to local residents it would be over a relatively finite period and would not result in long term impacts on the highway network, however given the scale of the project it is considered reasonable to require submission of a construction management plan to mitigate any short term impacts as best as possible. As such, the proposal is considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Furthermore, I also note the comments of the Ramblers, Parish and local residents regarding the footpath along the eastern boundary of the site. As this is not proposed to be physically altered as a result of the proposal I have no concerns in this regard, noting that the Rights of Way team have raised no objection to the proposal subject to informative notes regarding measures to protect pedestrians during construction.

Impact on Ecology

The aims of the NPPF and Policies CP12, DM5, DM7, EP7 and EP8 of the Development Plan are to protect, promote and enhance the natural environment and green infrastructure. Further, the NPPF states that planning decisions should contribute to and enhance the local environment by minimising impacts on and providing net gains for biodiversity (*inter alia*).

Impact on Protected Species

To assess the impact on protected species a number of surveys were undertaken as set out in the Preliminary Ecological Appraisal (PEA). No records of amphibians or potential breeding habitats were found on the application site, as such the survey concludes that the site is unlikely to be of local importance for amphibians. Therefore, no further survey work or mitigation is considered necessary. The survey area provides some features offering potential reptile habitat, however as the grassland is cut and disturbed on a regular basis it is generally sub-optimal for reptiles. The site is also a significant distance away from the nearest brook which would provide a potential commuting corridor for reptiles. The presence of reptiles within the site is concluded to be unlikely, however precautionary working methods are recommended as appropriate mitigation. No evidence of large mammals were found within the application site/survey area but precautionary working methods have been recommended.

Birds: The survey concludes that a variety of common bird species are likely to breed on the site, especially in the hedgerows, trees and shrubs. The garage and parts of the house exterior may also be used by birds. Therefore, any proposed demolition and/or tree, hedge or shrub removal should be constrained by the bird-breeding season, March to September inclusive.

Bats: The survey concludes that sparse evidence (3 droppings) of bats was found during the daytime inspection. Also, gap/crevice features were noted on the house exterior, particularly at gable-ends. The subsequent evening bat activity surveys that were recommended identified the location of a common pipistrelle bat roost (up to 6 bats) beneath roof tiles on the western slope of the main southern gable-end of the dwelling. Possible predation of these bats by a kestrel was also highlighted. As a bat roost was discovered, the survey explains that demolition work to the house can only proceed only after a European Protected Species (EPS) has been obtained from Natural England.

When considering applications which require an EPS, Local Planning Authorities are required to consider the likelihood of a licence being granted when determining a planning application and should have in mind the three tests set out in Regulation 53 of the Habitats Regulations, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic

- nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
 - iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In terms of the first of these tests relating to overriding public interest I am mindful that due to the nature of the proposal being for one dwelling the public benefits are limited. However, the proposal would result in wider ecological benefits with Biodiversity Net Gains being achieved across the site in addition to sustainability benefits with the new build dwelling which would result in broader public benefits being achieved as a result. The existing dwelling is also underutilised and the replacement dwelling would contribute to the available housing stock within the district. If a replacement dwelling were to be resisted there is potential that the building would remain unused and fall into further disrepair, resulting in a loss of one dwelling towards the available housing stock.

In order for an EPS Licence to be approved by Natural England it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case an initial mitigation recommendations have been proposed, however a full mitigation strategy has not been submitted. Nevertheless, the report states that to mitigate any impact bat boxes will need to be erected prior to the commencement of works, pre-works inspections will need to be undertaken immediately prior to the commencement of the destructive search, a destructive search via soft stripping by hand will be required in addition to bat adapted lighting to be very carefully considered on site.

Given the low conservation significance of the roost identified it is considered that these mitigation measures are acceptable. However, given that bats are highly mobile and can change roost sites throughout the year and from season to season, if the works at the site do not begin within twelve months of this initial survey it will be necessary to conduct a re-survey to determine if the characteristics of the roosts on site have changed.

Subject to the mitigation and compensation measures being secured by planning condition, in addition to an application for a Natural England European Protected Species (EPS) development license, it is considered that the favourable conservation status of the bats would be maintained in this instance in accordance with the aims of Core Policy 12.

Trees

The submitted Preliminary Arboricultural Assessment survey identifies the site as containing a mature landscaped garden with a number of young, early-mature and mature trees, which are predominantly in a good condition abutting the agricultural fields to the north, south and residential properties to the east. The most significant belt of trees exist along the east and southern boundaries which form a visual screen between the existing dwelling and houses to the east. These trees also contribute positively to the character of the area.

The Arboricultural Impact Assessment (AIA) submitted identifies that overall the Proposed Development would ensure the retention and incorporation of the vast majority of trees across the site alongside new tree planting and management of the existing tree stock as part of the wider landscape strategy. However, to accommodate the development and landscaping proposals, twelve individual trees and two groups of trees (species and condition as below in tables 5.1a and 1b) are proposed to be removed. Landscaping proposals also include the partial removal of mainly

understory trees through selective thinning and the removal of a mature beech hedgerow as set out in the tables included in the description of the proposal.

The AIA explains that the partial removal of trees from groups G1, G3 and G4 will focus on failed or weak trees, or trees of poor form that offer limited contribution to the landscape of the site and any trees that pose a potential safety risk. It also explains that the removal of T26 (retention category U) would be required irrespective of this planning application due to its poor condition and the potential safety risk it poses. No high-quality trees are to be removed as part of the proposed development or landscaping schemes. There would also remain suitable distances between the proposed development and high-quality tree cover which would ensure long-term retention through successful protection.

Two moderate-quality trees T28 and T29 are to be removed to improve construction access and ensure the high-quality tree (T4) adjacent to the entrance can be suitably protected. Tree Group G5, containing three birch trees of moderate quality, would also be removed to facilitate construction of the main dwelling as well as six low-quality trees and a single group of trees. The AIA explains that although the loss of moderate quality trees should generally be avoided, the potential impact of this loss would be considered minimal in this site context, and that the new landscaping for the site would provide sufficient mitigation. Further, the AIA concludes that sufficient mitigation would be provided across the site to offset the minor loss of tree cover proposed.

For the wider landscaping scheme, trees to be removed from the orchard (G1, Cat. B) are those trees found to be in general decline with the survey noting that several trees have failed recently. The remaining specimens are to be retained and reinforced with new fruit tree planting to diversify the species range within the group as mitigation for the losses identified. The remaining moderate-quality tree group (G4 – along the eastern boundary) would be managed sympathetically through selective thinning to remove poor or weak specimens. The remaining trees would be protected during the course of the development and enhanced with new tree planting which the AIA states would inevitably increase canopy coverage.

Overall the AIA concludes that the proposed development of the site is unlikely to significantly impact the visual amenity of the local area as a result of the proposed tree removal. The proposed development works are not concluded to impact significantly upon the long-term health of retained trees and landscaping proposals would be considered good arboricultural management in addition to compensating for the proposed tree loss. The landscaping proposals which include new tree planting are an integral part of the proposed development and having reviewed all documents submitted the Council's Tree consultant has raised no objection to the development subject to conditions which would require submission of an Arboricultural Method Statement, prohibit certain activities close to retained trees/hedgerows and require detailed landscaping plans to be submitted showing full tree planting specification.

The supporting documents to this application explain that the Applicants propose to mitigate the loss of any tree/hedgerow removal with an extensive replanting programme and landscaping scheme which would overall result in a biodiversity net gain (which will be discussed in further detail below). Having regard to the above, it is considered that the tree retention, removal and replanting balance would be acceptable, and that the proposal would accords with policies CP12, DM5, DM7, EP7, EP8 and the provisions of the NPPF in this regard.

Biodiversity Net Gain

In addition to the abovementioned policies which support nature conservation and the provision of net gains where possible, the Environment Act 2021 looks to set a minimum 10% net gain in biodiversity within all proposed developments as a legal requirement. There is a two-year grace period provided within the new legislation and therefore this requirement is not likely to become mandatory until 2023. However, many local planning authorities have already begun to require developments to achieve a minimum 10% biodiversity net gain. In the case of NSDC, we do not have any policies that currently adopt this approach, however achieving BNG on site is considered to be a benefit of developments.

The proposed development involves re-landscaping of the site, which will include on site enhancement of existing habitat and habitat creation. The boundary hedgerows will be enhanced by planting native tree and shrub species to infill gaps and manage them to achieve appropriate widths and heights. The plantation mixed woodland would also be enhanced by planting gaps with native trees, improving the species composition of the understorey and woodland edge by planting shade-tolerant native shrub species, and removal of non-native conifers/dying trees to encourage maturity of good quality trees. Scattered broadleaved and coniferous trees are also proposed to be planted to replace those lost to the development at a 2:1 ratio.

Green roofing is proposed to be installed on parts of the new dwelling, to include native meadow, wildflowers, and shrubs indicative of the local landscape. Shrub borders would also be created within the landscaping scheme and the creation of a pond with a natural form is also proposed. The pond would be filled from ground and rainwater and would be left to colonise naturally with aquatic and marginal vegetation. Furthermore, a 'Forest garden' would be created comprising fruit trees with native berries, vegetables, and wildlife-beneficial plants. A perennial meadow and species-rich wildflower and grass meadow would be created to replace areas of species-poor neutral grassland and swales are proposed to intercept surface drainage from the new dwelling and hardstanding.

An assessment of the potential for biodiversity net gain on the site has been undertaken using the Biodiversity Metric 3.0 Calculator (which is the most up to date assessment tool at the time of this report). This calculator looks at the on-site baseline and compares this with the on-site post-intervention (including habitat retention, creation and enhancement proposed). Comparing the two values gives an overall on-site net % change which is calculated for habitat units and hedgerow units. For this development, including all proposed habitat enhancements and creation, the proposed development would deliver a BNG of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. These percentage increases exceed the requirement for 10% BNG to be provided on site (as soon to be required through the Environment Act) and would be an ecological benefit of the development.

Taking all of the matters discussed above, when considering the ecological impact of the development overall it is not considered the proposal would result in an unacceptable ecological impact. Whilst there would be some initial loss on site, overall there is potential for the delivery of BNG in excess of 10% which would be a positive legacy of the scheme – noting the requirement to secure the recommended mitigation and enhancement measures by condition. Overall the proposal is considered to be in accordance with the aims of the NPPF and Policies CP12, DM5, DM7 and EP7 of the Development Plan in this regard.

Other Matters

Flood Risk & Drainage: The application site is located within FZ1 and is therefore not at medium or high risk of flooding from fluvial sources, similarly the area is also not at risk of surface-water flooding. It is noted that concerns have been raised by local residents that the development would

increase the risk of flooding locally (to third parties) as a result of increased impermeable surfacing within the site (increasing run-off) and the creation of the pond in the SE corner of the site. The D&A statement submitted with this application explains that a sustainable urban drainage strategy (SUDs) accompanies the proposal containing a hierarchy of sustainable methods of capturing and storing rainwater.

The SUDs features proposed in this development include incorporation of green roof systems in the dwelling to treat, attenuate and slow down rain water runoff and support uptake of water within the site with appropriate planting. Areas of hard roof is minimised with the use of green roofs, thus the building would have a low runoff flow rate overall. Filter strips/swales are also proposed to accommodate excess rain water runoff from the driveway and any hardstanding areas to manage rainwater within the site. The vehicular access routes will also be formed from permeable paving material to reduce the need of formalised drainage such as gullies or linear channels. Drainage pipes taking excess contributing flows from all of these elements will then direct surface water run-off to a retention pond in the SE corner of the site.

The retention pond would be a permanent feature within the site and has been designed to accommodate storage capacity that excess the relative impermeable surfacing within the site. No such drainage systems currently exist on the site. Further, as a precaution, any excess surface water from the pond would outflow into a designated run-off area within the site where a soakaway would allow infiltration to ground in events of high rainfall. Overall considering the low risk of the site to surface water flooding and the SUDs strategy proposed for this site it is not considered that the proposal would increase the risk of flooding to third parties which is in accordance with the LLFAs standing advice. The proposed SUDs strategy also accords with the principles set out within the standing advice and would improve the current drainage arrangement at this site. This is in accordance with CP9 and CP10 in addition to the advice in the NPPF in relation to flooding and drainage.

Pests: Concerns from local residents also refer to the construction of this dwelling having the potential to disrupt vermin, resulting in a pest control issue. This is not considered to be a material planning consideration and in any event is purely speculative.

CIL: As the application proposes a replacement dwelling which is larger than the existing property, CIL is required for the development. The site is located within the designated 'Housing Very High Zone 4' in accordance with the Council's CIL Charging Schedule and as such a CIL levy of £100 per square metre applies. The net additional GIA would be 947m², the CIL charge would therefore be £96,148.01.

Planning Balance and Conclusion

Given the comparative scale of the replacement dwelling the scheme would constitute inappropriate development in the Green Belt as defined by the NPPF. Whilst the development would be contained within the existing boundaries of the site, the extent of additional development within the site would result in a clear and demonstrable impact on the openness of the Green Belt contrary to Spatial Policy 4B and the NPPF. Substantial weight has to be attached to any harm to the Green Belt and in accordance with the NPPF harmful development should not be permitted except in very special circumstances.

The application is advanced on the basis that the dwelling is of an outstanding design, promotes high levels of sustainability and would help raise the standard of design more generally in an area and that these factors, coupled with other benefits of the scheme, should represent the very special

circumstances required to outweigh the harm identified to the green belt by virtue of inappropriate development.

I have concluded that this dwelling, whilst being unique to its setting, clearly responds to the site context and character of the area but in an innovative and contemporary way. The proposal, whilst a dwelling of a significant scale and of an unashamedly modern design, has a strong relationship with its built and natural surroundings and draws reference from the landscape and built characteristics of Epperstone which are translated into a high quality design. In my opinion it is the combination of the detailed architectural response to the surroundings, the quality of the proposed materials and the sensitive sculpted design and landscaping that collectively result in an outstanding design for this site – with a design that captures the spirit of its setting. The Design Review Panel have concluded that this development would be an intelligent, exciting, yet sensitive scheme which is of its time and place - a true legacy project, promising an exemplary building and landscape, which has the potential to become the heritage of tomorrow. The Panel have fully endorsed the scheme and consider it meets para. 134 of the NPPF.

To my knowledge this dwelling would be the first of its kind in Epperstone and it is noticeable that there is a lack of high quality bespoke modern architecture locally, it therefore has the potential to raise the standard of design locally. Overall, I agree with the conclusion that this replacement dwelling would be of an outstanding but sensitive design in this context and therefore consider the development would amount to meeting the ‘very special circumstances’ test and accord with the aims of Chapter 12 of the NPPF, Policies CP9, DM5 and EP11 of the Development Plan. In accordance with para. 134 of the NPPF, the outstanding design which also would help to raise the standard of design more generally in the area attracts significant positive weight.

In addition to this, sustainability is at the core of the design of this replacement dwelling, which would be built to passive design principles, incorporate green technologies and would attempt to improve on embodied carbon of traditional builds of this scale. Furthermore, the proposal also includes a detailed Sustainable Urban Drainage Strategy (SuDS) that consists of building and site-wide mitigation. The DRP have noted that the development would utilise a simple, efficient and practical approach to the environmental sustainability of the build but particularly note that this scheme is *“one which others may be able to learn from and replicate”* and should be seen as an exemplar of incorporating simple sustainable strategies into modern construction. Subject to securing the detailed Engineering Concepts and Sustainability Strategy as set out in the D&A statement by condition, in accordance with para. 134 of the NPPF, the high level of sustainability promoted in this development attracts significant positive weight.

In respect of landscape character and visual amenity, it has been concluded that whilst the immediate character and openness of the site would change, the impact would be limited to within the site’s boundaries. It is not considered that the character of the wider area/local policy zone would be significantly affected as a result of this development as there would not be an effective change in experience and perception of the wider landscape or the Epperstone Village Farmlands with Ancient Woodlands Policy Zone. In terms of visual impact, the LVIA concludes that overall the effects of the scheme are considered to be long-term in duration (given the building will become a permanent feature of the landscape), however there would be limited vantage points where the dwelling would be visible. The LVIA states that visibility from receptors would be ‘negligible’ and in any event would be against the backdrop of the vegetation that surrounds the site. Further, I am mindful that visibility does not equal harm and that the LVIA does not conclude that there would be any adverse visual effects as a result of the development. The site is not in a prominent position, and is in a well enclosed location in the village where there are few visual receptors. Whilst noting

that the development would be a marked change from the existing dwelling on site, given the above conclusions it is considered that the development would preserve the existing landscape character and visual amenity of the area. This is in accordance with the aims of policies CP9, 13, DM5 and EP9 of the Development Plan in addition to the aims of the NPPF.

Subject to conditions the application has also been found to be acceptable with regard to impact on residential amenity, highways safety, flood risk and ecology in respect of protected species and trees in accordance with policies SP7, CP9, CP12, DM5, DM7, EP7, and EP8. Furthermore it is considered that the proposal would preserve the character and appearance of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not adversely impact the setting of any nearby listed buildings in line with Section 66 of the Act, CP14, DM9, EP16 & 17 and Chapter 14 of the NPPF.

Whilst noting that there would be some tree loss within the site and destruction of a known bat roost that would require a European Protected Species License, through the Landscaping and Tree Strategy, creation of a wetland habitat and biodiversity enhancements proposed the development could nevertheless result in a biodiversity net gain of 27.72% in 'habitat units' and 22.62% in 'hedgerow units'. This Net Gain would exceed the 10% requirement of the Environment Act and would be an ecological benefit of the development that accords with policies CP12, DM5, DM7 and EP7 of the Development Plan. This biodiversity/ecological benefit attracts moderate positive weight insofar as planning decisions should encourage BNG where possible to mitigate adverse impacts of developments.

The NPPF advises that substantial weight attaches to the harm to the Green Belt by reason of inappropriateness. However, I have concluded that the proposal would reflect an outstanding design which promotes a high level of sustainability and would help to raise the standard of design more generally in addition to being sensitive to the defining characteristics of the local area. With this in mind the NPPF gives great weight to outstanding and sustainable designs which help raise standards. Therefore, in the overall balance, it is my opinion that the harm identified due to inappropriateness and impact on openness is considered to be outweighed by the outstanding design quality and sustainability of the scheme, coupled with the improvements in landscape management and biodiversity net gain that would occur, would amount to the very special circumstances necessary to justify the development. I therefore recommend on balance that subject to the conditions detailed below, planning permission is approved.

RECOMMENDATION

That planning permission, having referred the application to the Secretary of State who does not wish to call it in, is approved subject to the following planning conditions:

Conditions

01

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

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

02

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

- Site Location Plan – Ref. 217.08.10000.LP REV P1
- North and South Building Elevations – Ref. 217.08.31000.ELE REV P1
- East and West Building Elevations – Ref. 217.08.32000.ELE REV P1
- Site Plan Proposed – Ref. 217.08.12000.SITE REV P1
- Proposed Basement Plan – Ref. 217.08.20100.GA REV P1
- Proposed Ground Floor Plan – Ref. 217.08.20200.GA REV P1
- Proposed First Floor Plan – Ref. 217.08.20300.GA REV P1
- Proposed Roof Plan – Ref. 217.08.20400.GA REV P1
- Garden Layout – Ref. 069-02A
- Garden Sections 1-3 – Ref. 069-03A
- Garden Sections 4-5 – Ref. 069-04A
- Tree Strategy – Ref. 069-05

Reason: So as to define this permission.

03

No development above slab level shall take place until manufacturers details (and samples upon request) of all external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority, including but not limited to:

- Bricks;
- Wall Coverings;
- Roof Coverings;
- Green Roofs (full installation and planting specifications);
- Cladding and Detailing Materials;
- Timber;
- Coping Materials;
- Balustrades;
- Windows and Doors (including glazing).

Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that the development takes the form envisaged through the application submission.

04

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

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Balustrades;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Solar Panels (including number, positioning, inclination and specifications);
- Soil and vent pipes (if required);
- Any other external accretions.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

05

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

06

Prior to any development above slab level brick sample panels (of no less than 1sqm) showing the brick bond, mortar specification, pointing technique, and any architectural decoration (as detailed on the plans required by condition 05) shall be provided on site for inspection and subsequently agreed through written approval by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

07

The construction of the development hereby approved shall be undertaken in strict accordance with the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021 submitted in support of this application.

Reason: In recognition of the very special circumstances that support this development and to ensure that the development takes the form envisaged through the application submission.

08

No development other than demolition shall take place until full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours (should be shown in context of existing land levels);
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)

Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.

09

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation.

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

10

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

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.

- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

11

Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

12

The development hereby approved shall be undertaken in strict accordance with Mitigation, Compensation, Enhancement and Further Survey Recommendations outlined at Chapter 6 (pages 34-39) of the Preliminary Ecological Appraisal, Daytime Bat Survey, Bat Activity Surveys & Biodiversity Net Gain Assessment prepared by EMEC Ecology dated November 2021 submitted in support of this application.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

13

No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS), agreed by Natural England, has been submitted to and approved in writing by the Local Planning Authority. The approved BMS shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development. The BMS shall include:

- Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;
- A methodology of demolition
- Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.

Reason: In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.

14

No development shall be commenced, including any works of demolition or site clearance until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition and construction periods. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- measures to prevent the deposit of mud and materials on the highway.
- measures to control the emission of dust and dirt during construction;
- measures to protect pedestrians using the public right of way;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Hours of working.

Reason: In the interests of residential amenity.

15

Prior to occupation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be

installed. No external lighting shall be installed otherwise than in accordance with the specifications and locations set out in the approved scheme, and shall be retained and maintained thereafter. No other external lighting shall thereafter be installed.

Reason: In the interests of residential amenity.

16

No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.

17

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.
- Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the Green Belt.

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

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

Notes from NCC Rights of Way:

- The route of Epperstone Public Footpath No. 1 passes along the first section of the driveway to Hill House. The correct legal alignment of the public right of way can be checked by carrying out an official search, contact row.landsearches@nottsc.gov.uk.
- The applicant will need to demonstrate how members of the public using the footpath will be kept safe during the demolition and construction phase of the proposal. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route should be provided if possible.
- The surface of the driveway and therefore the footpath is currently a crushed stone/gravel surface with some worn tarmac where it meets the 'adopted' Chapel Lane. The plans seem to show no indication of the proposed treatment of the driveway surface following construction. Given the sloping nature of the drive; the likely increase in volume, size and weight of vehicles using the driveway during construction; it is likely that the existing surface will experience a high degree of damage and wear.
- Any vehicular damage to the surface of the footpath will need to be repaired by yourselves. The applicant will need to indicate and obtain approval of any changes to the surface treatment of the drive/Public Footpath.

- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

04

Notes from Cadent Gas:

- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions
- Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.
- Your responsibilities and obligations
- Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

BACKGROUND PAPERS

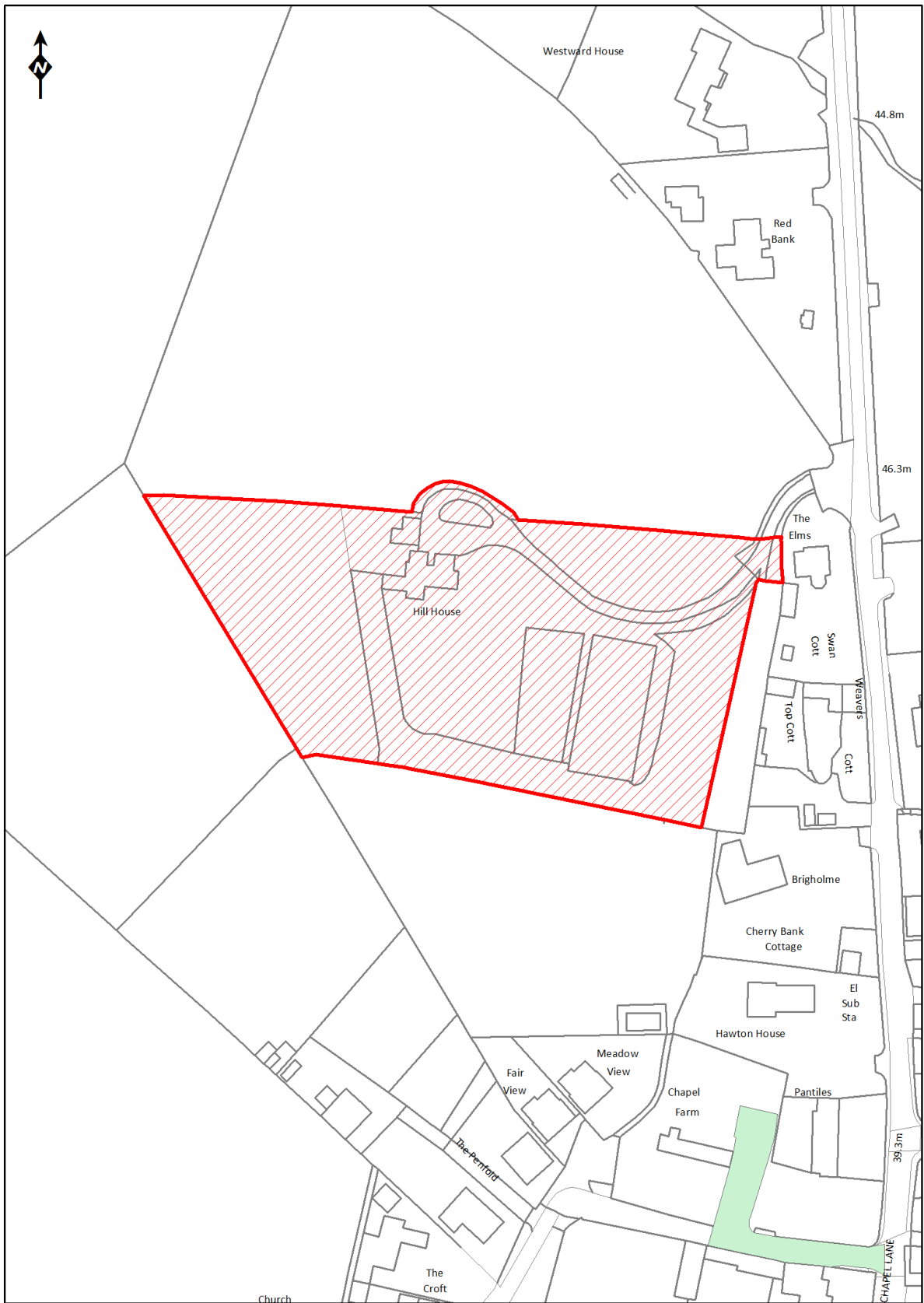
Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02533/FUL



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PLANNING COMMITTEE – 15 MARCH 2022

| | |
|------------------------|--|
| Application No: | 21/02094/OUTM |
| Proposal: | Outline application for the development of up to 50 dwellings (including affordable housing), open space, childrens play space and associated infrastructure, including a new access off Mansfield Road, with all matters reserved |
| Location: | Field Reference Number 8890 Mansfield Road Edwinstowe |
| Applicant: | Trustees of the Thoresby Settlement |
| Agent: | Pegasus Group - Mr Andrew Hodgson |
| Registered: | 28.09.2021 Target Date: 28.12.2021 |
| | Extension of Time Agreed Until 18.03.2022 |
| Website Link: | 21/02094/OUTM Outline application for the development of up to 50 dwellings (including affordable housing), open space, childrens play space and associated infrastructure, including a new access off Mansfield Road, with all matters reserved expect access Field Reference Number 8890 Mansfield Road Edwinstowe (newark-sherwooddc.gov.uk) |

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Edwinstowe Parish Council has objected to the application which differs to the professional officer recommendation. In addition to this Cllr Peacock has requested the application be considered by committee for the reasons set out in the consultation response section below.

The Site

The site is located on the western edge of Edwinstowe, adjacent to the existing settlement edge and to the north of the A6075, Mansfield Road. The site comprises a parcel of agricultural land c2.39 hectares in area, currently in arable use that has been partially allocated in the Development Plan for housing under policy Ed/Ho/2. The site is defined by agricultural hedgerows of varying maturity to the east, south and west whilst the northern boundary appears to be open. Dwellings to the east are predominantly late twentieth century of a mixture of single storey, dormer and two storey dwellings. There are some land level differences between the land to the east and the site as well as gradual rising landform across the site. There are also a small number of dwellings to the west alongside Mansfield Road which are outside of the defined village envelope of Edwinstowe.

The nearest public right of way is over 370m to the west from accessed off the A6075 in a northerly direction. The designated Conservation Area of Edwinstowe is over 600m to the east of the site. The site lies within the influence zone of a site of special scientific interest and within the 5km buffer zone of a RSBP important bird area boundary for nightjar and woodlark. The site is within Flood Zone 1 according to Environment Agency maps. Other than a small area in the south

eastern corner of the site, along Mansfield Road, the site is at very low risk of surface water flooding.

Relevant Planning History

Pre-application advice has been sought on the proposed scheme but there is no formal planning history relevant to the site.

The Proposal

The application seeks outline planning permission for the residential development of the site for up to 50 dwellings with associated facilities and infrastructure. The quantum of the development has been reduced during the life of the application (the original proposal was for 60 units).

The original application sought to agree matters of access but given that there may still need to be minor tweaks to the access arrangements this has been removed from formal consideration albeit it is accepted that the development would be served by a single vehicular access which is proposed to be a T-junction from Mansfield Road. The indicative plans show an intention for cycle and pedestrian accesses to be provided through the extension of Lintin Avenue and Thorseby Drive.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan – P20-3462_02 Rev C;
- Framework Plan – P20-3462_01 Rev F (*due to be updated prior to committee to reflect the reduced quantum of development*);
- Fig 9: Landscape Strategy – P20-3462_09B;
- Design and Access Statement – Pegasus Group – P20-3462_18B;
- Planning Statement – Pegasus Group – P20-3462;
- Landscape and Visual Impact Assessment – Pegasus Group – P20-3462
- Heritage Statement – Pegasus Group – P20-3462;
- Geophysical Survey Report – Sumo Survey – SUMO-02226;
- Flood Risk Assessment and Drainage Strategy – SCP Transport – VL/210032/FRA/Rev A;
- Transport Statement and Access Design – Pegasus Group – P20-3462;
- Framework Travel Plan – Pegasus Group – P20-3462;
- Habitats and Protected Species Report – Paul Hicking Associates – 2140 –PHA;
- Arboricultural Report and Impact Assessment – AWA Tree Consultants – AWA3783;
- Topographical Survey – 4862 Sheets 1 to 4;
- Underground Utilities Survey – 4862 Sheets 1 to 3;
- Air Quality Assessment – Create Consulting – NP/VL/P21-2313/01 Rev B;
- Noise Impact Assessment – Create Consulting – MT/VL/P21-2313/02 Rev. A;
- HRA Shadow Screening Assessment – Paul Hicking Associates - 2140 – PHA;
- Paul Hicking Associates letter dated 8th December 2021;
- Paul Hicking Associates letter dated 16th December 2021;
- Heritage Statement – Pegasus Group - P20-3462;
- Transport Statement Addendum – P20-3462 dated February 2022.

Departure/Public Advertisement Procedure

Occupiers of 116 properties have been individually notified by letter. A site notice has also been

displayed near to the site and an advert has been placed in the local press.

An additional round of re-consultation has taken place on the basis of the latest revised plan with the expiry date for comments of 14th March 2022. Any comments received between agenda print and the committee meeting will be report to Members through the schedule of late communications.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 5 – Delivering the Strategy
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 10A – Local Drainage Designations
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
ShAP3 – Role of Edwinstowe

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM2 – Development on Allocated Sites
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- District Wide Housing Needs Survey 2020, ARC4
- Affordable Housing SPD
- Developer Contributions SPD
- Landscape and Character Appraisal SPD

Consultations

All consultee comments and representations in these agenda papers are based on the original 60 unit scheme. Any updated comments in relation to the reduced quantum will be reported directly to Members.

Edwinstowe Parish Council – Object on the basis of the summarized reasons:

- Mansfield Road is a very busy road, further traffic would exacerbate traffic problems;
- Additional traffic will present problems for residents wishing to access Jubilee Park;
- The bus stop opposite the access is busy with pupils at certain times;
- Local schools are full and the new primary school at Thorseby Vale is uncertain;
- The situation with regards to secondary schools is uncertain;
- There are already parking problems;
- Around 120 new houses have been completed in the past 2 years, add on 800 at Thorseby Vale and 30 on Ollerton Road and there is an enormous strain on the High Street meaning residents will look for alternative shopping opportunities;
- Medical services are stretched;
- The site appears to be prime agricultural land;
- There is an SSSI in the area behind the site;
- Existing houses will be overlooked and will lose privacy;
- The area shown on the strategic plan as EDH02 is smaller than the plan submitted as a site plan;
- The site extends beyond the village envelope;
- The strategic buffer has gone;
- The development lies within the Sherwood Special Landscape area;
- This development may well be the straw that broke the camels back - when can residents expect a line to be drawn as far as building developments are concerned;
- The village will have grown exponentially changing the nature of the village.

NSDC Cllr Paul Peacock - Email received dated 18.10.2021 stating against the development and requesting consideration at Planning Committee, summarised as follows:

- Edwinstowe has already grown exponentially in terms of numbers of homes built but this not been reflected in the availability of services and facilities;
- The S106 funding is not enough to make a difference and too slow to be effective;
- There is too much traffic on the roads and not enough parking on the High Street;
- The site should have been de-allocated;
- Housing need in the District has been over-estimated;
- The site is prime agricultural land and should not be lost for the sake of short term profit;
- Mansfield Road is a busy road and the 30mph speed limit is regularly ignored;
- There are no zebra crossings;
- The site lends itself to a habitat for many species;
- Brownfield derelict sites should be used instead.

NCC Cllr Scott Carlton – Letter received dated 14.10.2021 stating cannot support the application, summarized as follows:

- Housing growth in Edwinstowe in recent times has been significant, including at Thoresby Colliery, which is starting to place significant pressure on the amenities of the village;
- It is already becoming harder to access the GP – CCG comments confirm facilities are working at capacity;
- This application will also add additional pressures on current and future planned schooling;
- Seek assurances over the level of current need and what scoping work has been done to assess that in this locality more houses are required;
- It is difficult to find a parking space in the village;
- The site shows a farm access so would presumably have farm traffic passing through;
- Parking spaces appear low;
- Have emergency services been consulted;
- Seek assurances that the existing properties will not be materially affect by loss of; privacy, amenity view, sunlight or financially adversely affected.

NCC Highways – Latest summarised comments received 28.02.2022:

- Disappointing that the development would only have one access point meaning that there will be detriment to the highway network should an incident or roadworks affect the point of access – albeit not a highways capacity issue;
- Lintin Avenue and Thoresby Drive are not suitable for construction traffic which should be addressed by a construction management plan;
- Speed surveys appear to have been done during a week of fog which is likely to have reduced speeds;
- Suitable visibility is likely to be available in consideration of the wide verge;
- If the site frontage hedge is to be retained it is essential that a maintenance plan is in place to ensure the visibility splay is kept clear;
- Eastbound speeds are a concern and are considered incongruous with residential development and associated increased vehicle, cycle and pedestrian movements – therefore seek mitigating measures on the eastbound approach;
- It will be necessary to site the refuge further west;
- Any reserved matters application will require the design to be in compliance with the NHDG;
- The Travel Plan is not acceptable in its current form.

Overall conclusion is no objection subject to conditions and informatives.

NCC Planning Policy –

Minerals and Waste – No Minerals safeguarding and consultation areas or waste sites in close proximity to the site.

Strategic Highways – No observations.

Planning Obligations Sought

Education - £228,969 (based on 13 pupils x £17,613 per place) for Primary education.

Libraries - = £2114 (based on 138 (population) x 1.532 (items) x £10.00 (cost per item)).

Transport – No contribution sought but comment as follows:

Based on the plans provided, the closest bus stops (NS1051 & NS1052) are situated in close proximity to the proposed vehicular access to the site. Transport and Travel Services would not wish to relocate either bus stop unless absolutely necessary. This should be taken into account as part of the detailed design. Should a relocation be necessary, the developer would be responsible for providing a suitable new location(s) and for funding the works required, which would be requested as a Planning Condition.

Further clarification that based on the submitted plan the bus stops would not need to be relocated subject to comments from HDC.

Additional comments were received that the Heritage Assessment failed to identify the Non-designated Heritage Assets of Villa Real Farmhouse and the associated small parkland. It has since been confirmed that the revised statements submitted during the life of the application has addressed those concerns and no objections are raised.

NCC Flood – No objection subject to condition.

NSDC Environmental Health (noise) – *Original comments seeking submission of a noise assessment. Revised comments on submission:*

On reviewing the noise survey provided by Create Consulting Engineers Ltd the report suggests that the land would be suitable for housing subject to the measures outlined in the report and conclusions section (7) of the noise report which outlines a number of recommendations that should be adopted and investigated further to enable the successful development of the site.

Once layouts and the building designs have been agreed, and once internal services have been finalised, a detailed acoustic design should be undertaken to ensure the developments compliance with all relevant standards.

The report outlines that no MUGA is planned only a local equipped area of play (LEAP) to the West extent of the site which will not require a noise survey.

Conditions also suggested for a construction method statement; restricted hours of operation / delivery and measures to control dust.

NSDC Environmental Health (air quality) - During construction phase, the impact of potential dust emissions is considered to be low for human health receptors but medium for dust deposition soiling from earthworks, construction and trackout.

The report therefore recommends a series of mitigation measures (section 6 of the report) which are based on IAQM Guidance. I broadly concur with the assessment and recommendations made within it. I can also agree with the proposal that these dust control mitigation measures should be incorporated into a Construction Environment Management Plan (CEMP) for the development.

NSDC Conservation – The site is adjacent to a dwelling identified on the County HER, Villa Real Farmhouse. The building dates to the 18th century. The building has historic and architectural interest.

The application site appears to not have a current or historic relationship with Villa Real. However the building enjoys a rural context.

The application is an outline for up to 60 dwellings. All matters are reserved except the access. The submitted indicative plan shows areas of open space to the west of the site, between Villa Real and proposed housing. Retaining a much of a green buffer to the west of the site will be important to retain the rural context of Villa Real.

Archeological Officer – The applicant has already undertaken some archaeological work on the site, but still needs to undertake a trial trench evaluation and any subsequent mitigation work required. The results of the geophysical survey suggest there is nothing of major significance, however these results still need testing.

Given the limited results, any further evaluation and mitigation work could be undertaken as a condition of consent.

Tree Officer - Proposal is broadly acceptable with ample scope for significant soft landscaping to improve boundary treatments and increase biodiversity within the site. Recommend any approval has attached conditions.

Natural England – *Original comments requesting further information in the form of a Habitats Regulations Assessment.*

Revised comments received confirming no objection. Further advice given on designated sites / landscapes.

Nottinghamshire Wildlife Trust – No comments received.

RSPB – Original comments object pending further information relating to direct, indirect and in combination impacts on the Birklands and Bilhaugh SAC and species associated with the potential Sherwood Forest Special Protection Area (ppSPA) including impacts to nightjar and woodlark and biodiversity net gain.

On the basis of revised information, no objection subject to conditions including creation of a habitat creation and management plan.

Woodland Trust - The Trust maintains a holding objection to this application on the basis of potential deterioration of Birklands ancient woodland (grid ref: SK620681), an Ancient Semi Natural Woodland and Plantation on Ancient Woodland Site designated on Natural England's Ancient Woodland Inventory (AWI). This ancient woodland site is also designated as SSSI and SAC and home to a significant population of ancient and veteran trees.

Community Relations Manager – If this application were to be approved I would expect a Community Facility contribution in accordance with the requirements of the current Supplementary Planning Document, such contribution to be used to support improvements to the existing community infrastructure in the locality.

Specific priorities include the refurbishment and improvement of the Bowls Pavilion at Fourth Avenue and improvements to the village hall for future proofing,

NHS CCG – Contribution of £982 per dwelling sought for enhancing capacity / infrastructure within existing local practices:

- Major Oak Medical Practice;
- Middleton Lodge Practice;
- Meden Medical Services Branch (Warsop PCC).

Strategic Housing – Suggested breakdown of affordable units for incorporation into S106.

Parks and Amenities – No comments received.

Representations have been received from 16 local residents/interested parties which can be summarised as follows:

Principle of Development

- Why does the village need a further 60 homes with the current development of over 800 homes on Thoresby Vale;
- The proposed housing extends beyond the allocated housing area and the strategic landscaping buffer has been removed;
- The effects of the housing being built should be realized;
- The development would lead to further development on the northwest side of the village;
- There is no need for more affordable housing as there is already plenty in the form of ex colliery and council houses;
- If anything there is a shortage of bungalows and accessible accommodation;
- Population growth has dropped since Brexit but new builds continue at a much greater rate;
- The village is turning into a town;

Impact on Infrastructure

- The resources are already stretched to meet the needs of the current population;
- These homes will add extra pressure to the schools; parking on the high street and the doctors surgery;
- The police don't patrol anymore;

Impact on Amenity

- There is little distance between the field and neighbouring properties
- The noise and development is causing anxiety;
- The view across open fields will be lost;
- There would be an increase in crime and antisocial behaviors because of foot access and a proportion of the houses being occupied by drug users and criminals;
- The proposed development for 2 and 2.5 story buildings will have a massive negative impact on the amenity of adjoining and local properties, which are predominantly bungalows through overlooking, overshadowing, loss of daylight, loss of privacy, potential noise and late night activity, and dust and vibration during the construction process;
- Residents choose to live here for quiet environment;

Impact on Wildlife

- Many flocks of birds gather here at various times of the year;
- The land is excellent for crops;

Impact on Highways

- There are already bottlenecks at junctions causing traffic jams and increased pollution of idling traffic;
- There isn't enough parking in the village;
- Ollerton roundabout can't cope with the additional traffic;
- The entrance to the proposed development is opposite Jubilee Park and a bridleway therefore the increased traffic in this area could pose a safety risk in an area where children are playing;
- The village is overwhelmed with traffic as a main road from Mansfield, Centre Parcs and Ollerton;

Other Matters

- Only contacting premises close to the proposal is inadequate;

Comments of the Business Manager

Principle of Development

This Council is able to demonstrate in excess of the necessary 5 year housing land supply and the Development Plan is considered up to date. Applications for development are therefore assessed against the development plan as required in statute and in line with DM12 of the plan.

Spatial Policies 1 and 2 of the adopted Amended Core Strategy, identify Edwinstowe as a Service Centre where the focus, as a sustainable settlement, is for housing and employment growth. Edwinstowe is expected to accommodate 25% of service centre growth over the development plan period. The majority of the site is located within the defined main built up area of Edwinstowe as identified on the relevant map of the Allocations and Development Management DPD and is allocated for housing under policy Ed/Ho/2 for around 50 dwellings, subject to the following:

- *Public open space within the site or at alternative locations within the village, provided in accordance with Policy DM3. Developer Contributions and Planning Obligations, which shall be designed to reflect the need to provide SANGS to relieve pressure on the Birklands and Bilhaugh SAC.*
- *Appropriate design which addresses the sites gateway location and manages the transition into the main built up area. In order to protect the setting of the Sherwood Forest Country Park, appropriate buffering in accordance with the landscape character of the area should be included within the northern part of the site;*
- *Developer funded localised sewer capacity improvements as required; and*

- *Pre-determination archaeological evaluation submitted as part of any planning application and post-determination mitigation measures secured by condition on any planning consent are likely to be required to reflect the medium archaeological potential of the site.*

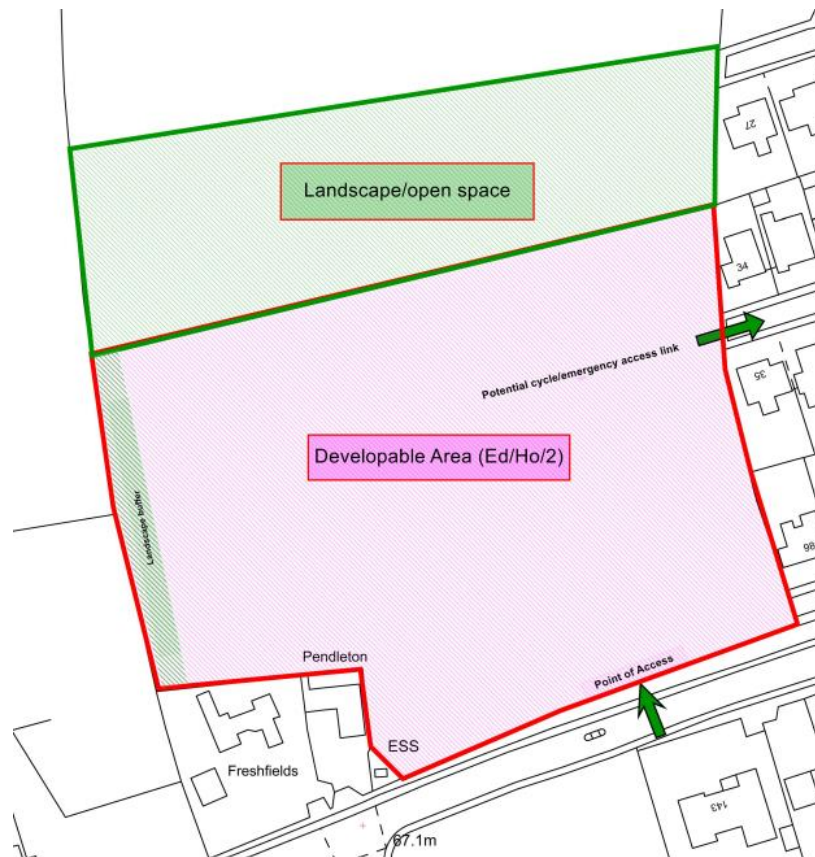
The revised proposal is for up to 50 units thereby meeting the intentions of the site allocation.

As per the comments of the Parish Council and interested parties, the original indicative plans showed that the developable area did not align entirely with Ed/Ho/2. As can be seen from the extract below, the settlement boundary for the village runs broadly along the same line as the rear gardens for the dwellings to the north of Thoresby Drive. Beyond this is an indicative strategic landscape buffer.



This has been subject to discussions during the life of the application on the basis that it would mean some of the dwellings would technically speaking be in the open countryside and therefore contrary to the development plan.

The latest indicative plan now shows that the area outside of the village envelope would be solely used for landscaping / open space with no residential development:



The site location plans remains unchanged. Although the plans are indicative at this stage, it would be reasonable to condition that any reserved matters application should not include residential development outside of the settlement boundary. On this basis the principle of the development is accepted by the policy allocation and the overall spatial strategy.

Landscape, Design, Character and Layout

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy which forms a Supplementary Planning Document. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The site lies within the Sherwood Regional Landscape Character Area and falls within policy zone 25 (Birklands Wooded Estatelands) of the SPD. This area generally has an undulating topography, a strong heathy character, frequent wooded skylines and trimmed hawthorn hedges. The landscape condition is considered to be 'good' and sensitivity to change is defined as 'moderate' giving a policy action embedded in CP13 of 'conserve and reinforce'. For example expectations are to conserve and reinforce the ecological diversity and distinctive character of the heathland and

semi-natural woodland habitats and to conserve and reinforce existing hedgerows and tree cover particularly oak and birch alongside woodland edges.

There is an implicit recognition through the site allocation that the character of the site will fundamentally change through its residential development. However, the allocation indicates the mitigating factors that will be expected to come forwards in such development namely public open space and an appropriate design to address the gateway location at the edge of the village. As referenced above, specifically it is suggested that there should be a landscape buffer within the northern part of the site.

The application has been accompanied by a Landscape and Visual Impact Assessment (LVIA). This document confirms that overall the proposed development will result in limited impacts at a localized level likely to affect the site area and its immediate context only. In the wider landscape, potential views of the proposals are limited and generally screened by topography, the existing built form of Edwinstowe and existing vegetation including Sherwood Forest to the north.

The LVIA suggests that the main landscape buffer should be along the western boundary stating that on maturity this buffer will help to assimilate the proposed development into the local landscape and provide screening for views from local receptors, particularly from the west. Notwithstanding this, the latest indicative plan has significantly increased the area of open space along the northern boundary to address the policy principle issue. The LVIA forms a site specific and robust assessment of developing the site and therefore the conclusions in relation to including a further landscape buffer on the western boundary are not disputed subject to the detail of the landscape strategy which would come forwards at reserved matters stage.

The NPPF sets an expectation for local planning authorities to make appropriate use of tools and processes for assessing and improving the design of development including specific reference to frameworks such as Building for a Healthy Life (BHL). Given the outline nature of the proposals it is not possible to undertake a thorough design assessment. Nevertheless, the submitted Design and Access Statement demonstrates that an in-depth assessment of the site and its surroundings have been undertaken in preparation of the indicative plan.

Housing Mix, Type and Density

Core Policy 3 sets out that densities of 30dph or more will be set for locations and allocations that are not part of the strategic urban extensions in Newark. Taking the whole site area into account, a scheme for 50 dwellings would create a site density of around 21 dwellings per hectare. However, based on the developable area the actual density for the areas of built form would be much higher. Nevertheless the quantum of development conforms to the expectation of the site allocation and there is an implicit allowance for a site specific density noting the policy requirements to manage the transition between open countryside and the main built up area. Moreover, any reserved matters application would still be required to demonstrate acceptable character and amenity impacts and thus it may be that the detailed design stage leads to less than 50 units coming forwards (which would still be in the realms of the outline application if approved given that the description of development as revised refers to 'up to' 50 dwellings).

In terms of the type and mix of units, CP3 sets out that the district council will seek to secure a housing development which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, small houses of 2 beds or less and housing for the elderly and disabled population. It goes on to say that the Council will seek to secure an appropriate mix of

housing to reflect local housing need and reflect the local circumstances of the site which may include viability considerations.

Within the Sherwood Sub Area (within which Edwinstowe is based) the recently (2020) published housing needs survey indicates that the overall need is as follows: 4 bed or more units (35.8%), 3 bed houses (20.2%), 1-2 bedroom houses (15.5%), 2 bedroom bungalows (14.4%), 3 or more bedroom bungalows (12.9%) with the rest of the need being made up of smaller flats.

The Planning Statement confirms an intention to bring forwards a range of house types and sizes. Given that the actual housing mix is a reserved matter, it is not possible nor appropriate to debate this matter further other than to acknowledge that the tenure split for affordable dwellings will need to be incorporated into the associated legal agreement as discussed further in the relevant section below.

Impact on Residential Amenity

Policy DM5 requires a consideration of amenity impacts both in respect to amenity provision for occupiers and amenity impacts to neighbouring properties. A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. If outline permission were to be forthcoming then the specific details of the scheme in terms of amenity impacts would need to be fully considered including in the context with the potential relationships with the nearest residential curtilages specifically along the western edge of the existing settlement boundary.

Notwithstanding the above, the original comments of the Councils Environmental Health Officer requested the submission of a noise survey in order to fully understand the potential impacts of industrial/commercial premises in close proximity to the site (namely Universal Fabrications Ltd. located at Villa Real Farm on Mansfield Road) and the A6075 Mansfield Road. Officers agree that this is a valid request at outline stage given the potential implications to the development of the site (i.e. the results of the survey could show that large parts of the site area are inappropriate for residential development).

A noise survey has been received during the life of the application which acknowledges the presence of the adjacent industrial use to the south west of the site. Long and short term noise monitoring took place in October 2021 from within the proposed development site as well as a series of measurements from the industrial site. The report concludes with a number of recommendations including a fence on the western boundary and the avoidance of habitable rooms overlooking the neighbouring business. Notably, it is recommended that further calculations would be recommended once a final site layout is available. There is nothing to suggest that the residential development of the site would be inappropriate once mitigation is employed. It would be reasonable to impose a condition to any outline consent requiring that any future reserved matters takes account of the mitigation of the submitted report with an updated report based on the final layout of the scheme. This has been agreed by colleagues in Environmental Health and subject to a condition requiring an updated noise survey with any reserved matters application no objections are raised to the principle of developing the site for residential purposes.

Highway and Parking

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new

development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Council has recently adopted an SPD on residential cycle and parking standards. Clearly it is not possible to assess the scheme against the provisions of this document at this stage but the commitment in the submitted Design and Access Statement for cycle links is welcomed in terms of ensuring that the occupiers of the development have access to sustainable means of travel. It is expected that any reserved matters submission which comes forward takes account of the SPD in the detailed design of the scheme.

The proposal would rely on a singular vehicular access point along the southern boundary of the site from Mansfield Road. The proposed junction includes a 6.75m wide carriageway with 2m wide footways either side. For the avoidance of doubt, the road access and layout is indicative at this stage.

The application submission includes both a Transport Assessment (TA) and a Travel Plan (TP). The TA estimates that the development (based on the original scheme for up to 60 units) would lead to a total of 31 am peak and 29 pm peak trips on a typical weekday. This equates to around one additional vehicle every 2 minutes in both the am and pm peak periods (without reductions to reflect the TP discounts which would include the aim to minimise single occupancy vehicle travel). The proposed site access junction is presented as being capable of operating efficiently within this development traffic scenario.

Both documents have been assessed by NCC as the Highways Authority. Their original comments raised a number of issues including references to comments which were made at pre-application stage which were not addressed in the formal submission. The applicant has sought to address the concerns during the lifetime of the application through the submission of a Transport Statement Addendum.

The latest comments, as summarised above, continue to raise some issues to the development but overall this is not substantiated to an objection. It should be stated that the latest comments are in reference to the previous plan which was for up to 60 units.

The Highways Authority contend that there has been a missed opportunity in not connecting a vehicular access through Lintin Avenue or Thoresby Drive albeit they do acknowledge that this is a connectivity issue rather than a capacity one. The point regarding the potential difficulties if there is a blockage (accident or roadworks) at the access is taken. However, there would be knock on impacts if either of the existing roads were used for day to day access. Firstly, it would have implications to the developable area of the site in that the roads would need to be made wider to be adoptable standard. In the case of taking an access from Lintin Avenue this would directly impact the northern landscape boundary and therefore would not be acceptable in principle terms (i.e. it would take residential development outside of the village envelope). An access from Thoresby Drive would be potentially plausible but it would greatly increase the level of disturbance to existing residents. There is also the issue that it is unlikely to fit with the detailed design of dwelling positions noting that there will be preference for the dwellings to face northwards to overlook the open space.

There is still indicated to be pedestrian and cycle access from the existing roads and therefore it is not considered that connectivity opportunities have been missed to the degree suggested by the highways authority. One of the conditions suggested is for details of pedestrian / cycle links to be

provided but this will be down to the detail of the reserved matters application and therefore this condition is not considered necessary.

The comments go on to criticise elements of the submitted transport data such as the method of visibility splay calculation / speed surveys but not to a degree that lead to an objection given that the concerns can be overcome by condition. The requirement to maintain visibility through the management of the site frontage hedge is not an uncommon request and one that can readily be secured by condition.

There are requests for offsite mitigation measures on the eastern approach and for the indicative refuge to be moved. It has been discussed whether or not these should be within the associated section 106 or by condition but given that the scheme of mitigation is not yet known (and therefore the associated costs are not yet known) it would be more appropriate for these details to be controlled by condition. Although they are outside of the red line for the application site they are within highways land and therefore can be imposed as Grampian conditions.

In the absence of a highways objection, and with the ability to impose conditions as suggested (with some tweaks to suggested wording to ensure they meet the tests) the development is compliant with Spatial Policy 7 and there would be no reason to resist the application on highways safety grounds.

Drainage and Flooding

Core Policy 9 requires developments to be pro-actively manage surface water and Policy DM5 builds upon this requiring developments to include, where possible, appropriate surface water treatments in highway designs and Sustainable Drainage Systems.

The site lies within Flood Zone 1 (at lowest risk of flooding) with the majority of the site at very low risk of surface water flooding according to the EA Flood Maps.

Given the site area, the application has been accompanied by a Flood Risk Assessment (FRA). This document outlines that the proposed required attenuation is 725m³ to attenuate the 1 in 100 year storm (albeit this may be reduced slightly at reserved matters stage noting that the quantum of development has reduced since the original submission). Foul water drainage is proposed to connect to an existing drainage network which runs parallel to the southern boundary of the site.

The drainage provisions have been subject to review by NCC Flood as the Lead Local Flood Authority. No objection has been raised subject to the imposition of a condition seeking exact details.

Heritage/Archaeology

The site is a considerable distance from heritage assets such as the conservation area and listed buildings albeit the site specific policy explicitly references archaeological potential.

A geophysical survey of the site has been undertaken which did not record any magnetic responses which could be interpreted as being of definite archeological interest. Several anomalies of uncertain origin were identified although the Heritage Assessment contends that these are likely to have been caused by agricultural and/or modern processes. Overall the potential for significant archeological remains of post-medieval to modern date within the site is considered to be low.

The findings presented with the application submission have not been disputed by the Councils Archaeological Advisor who has raised no objections to the development subject to conditions which could reasonably be imposed on an outline approval.

The Heritage Team at NCC submitted comments regarding a failure for the Heritage Assessment to take account of the Non-designated Heritage Assets of Villa Real Farmhouse and the associated small parkland. This has been addressed during the life of the application through a thorough assessment which concludes that the proposed development would result in no harm to the heritage significant of the non-designated Villa Real Farmhouse and its associated grounds. NCC have been re-consulted on the basis of the additional information submitted and confirmed that the revised document has addressed their concerns and any further consideration would be for the local planning authority. As above, conservation colleagues have raised no issues with the application noting the presence of the landscape buffer on the western boundary of the site. There would therefore be no reason to resist the application on heritage grounds.

Impact on Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The site is bounded by hedgerows and is located within the buffer zones of an important bird area, the Birklands and Bilhaugh Special Area of Conservation (SAC) and the Birklands West and Ollerton Corner Site of Special Scientific Interest (SSSI). It is also located within the 5km buffer zone identified in Natural England's Indicative Core Area (ICA) and proposed Important Bird Area (IBA) boundary for those parts of Sherwood Forest which meet the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. The Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

It remains for the Council, as Competent Authority, to satisfy ourselves that the planning application contains sufficient objective information to ensure that all potential impacts on the breeding Nightjar and Woodlark populations have been adequately avoided or minimised as far as is possible using appropriate measures and safeguards.

It is material to the determination of this application that the application site has been allocated for residential development of around the same number of dwellings as are being proposed. As part of the plan making process, the Council commissioned a Habitats Regulations Assessment. This document explicitly discusses individual site allocations and in the case of the site allocation reference is specifically made to the likelihood of residents to utilise areas of Sherwood Forest because of the attractive and tranquil nature of the woodland and heathland, the variety of trails on offer and the ease of accessibility stemming from numerous car parks and visitor centres. However, it is equally acknowledged that the management of the majority of these spaces by the Forestry Commission as well as volunteer groups and Natural England, will mean that in many cases, dog walkers etc. will stick to established routes. Overall the increase in visitors is anticipated to be negligible in relation to current levels.

The original application included a Habitats and Protected Species Report which acknowledged the potential impact of the proposed development on breeding Nightjar and Woodlark as well as other designations affecting the site. The report contends that the site is a sub-optimal habitat for Nightjar as the species requires heathland and woodland. There is some suitable habitat for Woodlark along the north and western fringes adjoining the farm fields but no Woodlark were observed during the survey period. Nevertheless it is acknowledged that Woodlark may investigate deposited piles of sand or earth created during the build period for nesting so a mitigation measure of covering these when not in use is suggested.

In terms of other species, no badger setts were identified but given the open connectivity to the wider ecological network, mitigating precautions are outlined. There are field signs for the presence of small mammals outside the boundary of the development site along the river bank and the hedgerow boundary offers the potential for the commuting of reptiles so again precautionary measures are set out within the report.

There are no features within the survey site which could support roosting or hibernating bats and therefore activity is restricted to foraging and commuting. The proposed development offers the opportunity to incorporate permanent roost features for bats within each of the new dwellings.

The report acknowledges the proposals outlined indicate a net biodiversity loss and suggests that the final design should include measures to help rebalance the site towards a potential net gain (or alternatively off site measures may be required within the immediate vicinity). Clearly, it would be preferable to see biodiversity gains on site but given the outline nature of the scheme it is not possible to fully assess this matter at this time. Nevertheless, it is considered reasonable to condition that any subsequent reserved matters application must be accompanied by a Landscape Ecological Management Plan.

As part of the consultation process, concern was raised by both Natural England and RSPB. Specifically further information was sought relating to direct, indirect and in combination impacts on the Birklands and Bilhaugh SAC; Birklands West and Ollerton Corner SSSI and species associated with the potential Sherwood Forest Special Protection Area (ppSPA) including impacts to nightjar and woodlark and biodiversity net gain.

The applicant has sought to respond to the concerns during the life of the application including by submitting a shadow HRA document. On this basis Natural England have requested an 'appropriate assessment' which has been duly completed and sent to Natural England for comment. The latest comments of both Natural England and RSPB raise no objections to the application and conclude that the proposed development will not have significant adverse impacts on designated sites. RSPB have specifically suggested a condition securing a habitat creation and management plan but this can readily be incorporated into the overarching landscaping / ecological mitigation conditions (notwithstanding that any reference to off-site works will need to be included in the section 106 in any case).

Subject to conditions and off site enhancements (discussed further below) no specific ecological harm has been identified which would prevent the grant of outline permission.

Impact on Trees

The submitted Tree Survey includes 10 items of woody vegetation, comprised of 5 individual trees and 5 groups of trees or hedges. Of the surveyed trees, 2 are Category B and the remaining Category C. The Category B trees are just outside of the site at the south western corner and therefore would not be affected by the development. All other specimens are around the boundaries of the site and therefore there is nothing to suggest that they couldn't be retained in the detailed proposals moving forwards. A section of hedge will however require removal to facilitate the creation of the proposed site access. This would be around 25m of a hawthorn hedge which the Tree Survey considers to be negligible in the context of the remaining hedge.

Retained trees will require protection by fencing during the development phase. Additional planting will be expected to come forwards through the detailed design of a reserved matters application and thus the impact on trees is considered acceptable.

Developer Contributions

Spatial Policy 6, Policy DM2 and Policy DM3 set out the approach for delivering the infrastructure necessary to support growth. This states that infrastructure will be provided through a combination of the Community Infrastructure Levy, developer contributions and planning obligations and where appropriate funding assistance from the District Council. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure.

Given the outline nature of the application, the exact number of dwellings is not yet known and therefore the associated legal agreement will need to set out a series of formulas to allow the exact contributions to reflect the development as it is progressed through reserved matters. The figures below have been amended by Officers to reflect the reduced quantum in development and therefore will not align with the figures stated in the consultation section above.

Affordable Housing

Core Policy 1 provides that for schemes of 11 or more dwellings, 30% on-site affordable housing should be provided. The split and type of affordable housing is to be referred to in the associated legal agreement in the form suggested by the Councils Strategic Housing Officers.

Health

For schemes of 65 dwellings or more, or where schemes would place an additional burden on health infrastructure where they are already operating at capacity, a contribution towards health care infrastructure provision would be sought where this can be justified. The consultation response from NHS CCG confirms that all local GP practices are operating at capacity and therefore even though the application is for 50 dwellings, a contribution of £982 per dwelling has been requested which for 50 units will total £49,100.

Public Open Space

The expectations regarding the quantum of public open space is broken down into different component parts as follows:

Provision for children and young people

This application would need to make provision for public open space at 18m² per dwelling as set out in the Developer Contributions SPD. Given the size of the site this would be expected on site.

Amenity Open Space

Amenity green space, at a rate of 14.4m² per dwelling should be provided on site in line with the SPD and again this would need to be provided on-site.

Natural and Semi-Natural Green Spaces

Ideally 10 ha should be provided per 1,000 population albeit in recognition of the difficulty achieving that all residents should live within 300m of an area of natural and semi-natural green space. Given the positioning of the site at the edge of the village envelope this is easily achievable and no further contributions are sought in this respect.

Suitable Alternative Natural Green Space (SANGS) relates to Birklands and Bilhaugh Special Area of Conservation

The Habitats Regulations Assessment (HRA) of allocated sites identified that further housing development in Edwinstowe would most likely impact on the SAC by increasing recreational pressure on it. It, and policy ED/Ho/2, recommends that this could be most appropriately remedied by the provision of Suitable Alternative Natural Green Spaces (SANGS), on site and within the surrounding area.

As set out in Core Policy CP12 public open space provided in connection with allocations in settlements within a 5km radius of Birklands & Bilhaugh Special Area of Conservation, shall be designed to reflect the need to provide SANGS in perpetuity to relieve pressure on the SAC.

In terms of the quantum of SANGS there is currently no formula to ascertain what this should be. It is reasonable to conclude that it could equate to ensuring that there is enough green infrastructure to take the pressure off the SAC/SSSI by providing practical space, for example a route where occupiers of the development can take a walk/exercise their dogs without having to venture elsewhere to do this. The indicative green loop around the development site is welcomed in this respect.

The applicant has been in discussions with the RSPB during the life of the application to address their original concerns. It was originally suggested (applicant's letter dated 16th December 2021) that the offsite provision would be to manage an area of woodland off Seymore Grove. However, RSPB has since shown a preference for the management of land between the site and the edge of the SAC designation and it has now been agreed that a reasonable off site provision would be the delivery of a 10m wide buffer as shown in yellow on the map below:



This will need to be secured within the S106 agreement with details expected to include a species rich grass and scrub mix with appropriate management.

Management of Open Space

This Council would be unlikely to want to take on the long term maintenance of the public open space and this would need to be achieved via a management company secured through an appropriate obligation within a section 106 agreement.

Community Facilities

Community facilities are defined as including Community Halls, Village Halls, Indoor areas for sport, physical activity, leisure and cultural activity and Halls related to places of worship. The Council's SPD provides where existing infrastructure exists or where small scale developments do not warrant new infrastructure, a contribution may be appropriate to support the existing infrastructure such as a village or community hall or other community asset. It goes on to say that 'it is further recognised that some community facilities are not fulfilling their potential to meet the needs of residents and thus may appear to be underused. In such circumstances qualitative improvements to such facilities would increase their ability to make a positive contribution to meeting the needs of the community.'

Any additional pressure upon community facilities that this scheme would place upon the community should be met off-site by way of a financial contribution. A financial contribution toward community facilities which is based on £1,384.07 (figure from SPD but indexed at 2016) per dwelling would therefore be sought to help consolidate and upgrade existing infrastructure or facilities including the village hall.

Primary Education

The Developer Contributions and Planning Obligations SPD indicates that development which generates a need for additional primary school places will be secured via a legal agreement. The number of primary places required is based on a formula of no. of dwellings x 0.21 to establish the number of child places required, which in this case is a maximum of 11 primary places. Based on the current pupil projections data, there is forecasted to be insufficient capacity within the pupil planning area to accommodate the additional pupils generated by this proposal. The County

Council therefore seeks a primary education contribution which would amount to a total of £193,743 for the maximum quantum of units (based on 11 pupils x £17,613 per place) to be used towards improving, remodelling, enhancing, or expanding facilities to provide additional permanent capacity within the Edwinstowe planning area, to accommodate pupil growth from the development.

In terms of secondary education the development would be covered under CIL regulations, albeit it is zero rated in this location in any event.

Libraries

NCC have provided detail comments which state that Edwinstowe Library is currently below the optimum stock level and therefore based on the predicted population from the development a contribution is requested for library stock. For 50 units this would total £1,762.

Transport

The comments from NCC refer to the potential need for the re-location of two bus stops near the proposed vehicular access and suggest that if these need to be relocated it would have to be at the expense of the application secured through a planning condition. Officers have discussed this further with NCC and further confirmation has been received that based on the submitted plan, the bus stops would not need to be relocated.

Other Matters

County Cllr Carlton has made reference to an annotated farm access at the northern boundary of the site. The agent has clarified that this is simply a point of access for the neighbouring landowners who wish to retain an agricultural access but there is nothing to suggest that this would need to be frequently used for agricultural purposes.

It has also been queried whether or not the emergency services have been consulted. Whilst no formal consultation has been undertaken, Officers have discussed with colleagues at NCC Highways and they have clarified that if a refuse vehicle can access the site then a fire tender can too, in this case the swept paths of the refuse vehicle at the access mean that emergency vehicles would be adequately accommodated.

Comments received during consultation have made reference to the loss of agricultural land. Paragraph 174 of the NPPF (2021) requires planning policies and decisions to recognize the benefits of the best and most versatile agricultural land (land in grades 1, 2 and 3a of the Agricultural Land Classification). The loss of the site for agricultural purposes has already been considered and acceptable in principle as part of the plan making process. The benefits of housing delivery in a sustainable settlement are considered to outweigh the marginal loss of agricultural land.

At pre-application stage, Natural England raised particular concern in relation to the issue of air quality thought to be impacting on Birklands West & Ollerton Corner SSSI and therefore requested that any application be accompanied by an air quality assessment. This has been duly submitted and concludes the following:

“During the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. These were assessed in accordance with the IAQM methodology. Assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be negligible.”

“Based on the assessment results and implementation of best practice techniques, air quality is not considered a constraint to planning consent for the proposed development.”

No concerns have been raised by either Natural England or Environmental Health colleagues in respect to air quality.

Conclusion

The site is on the whole allocated in the Development Plan for residential development. The revised indicative plan now shows that all residential development would be within the settlement boundary in line with the site allocation. Despite the concerns raised locally regarding the level of residential development which is due to come forwards in Edwinstowe, the residential delivery of the site will make a meaningful contribution to the Districts Housing Supply in a sustainable settlement. Moreover, through the associated legal agreement, the applicant has demonstrated that the development would provide for infrastructure required through the additional 50 houses proposed.

As is expected for an outline application, the level of detail provided is limited. Nevertheless the supporting documentation demonstrates that the site could appropriately deliver up to 50 residential units without imposing specific harm worthy of refusal at outline stage. The applicant has worked with consultees during the life of the application to resolve the initial issues and on this basis the recommendation is one of approval subject to the conditions below (and the sealing of the associated legal agreement).

RECOMMENDATION

Approve, subject to the following conditions and the completion of a S106 Agreement as set out above in this Report.

01

Applications for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

Any details submitted in relation to reserved matters for landscaping shall include a schedule (including planting plans and written specifications, 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 shall include details of a management plan. It shall also be designed to include new species rich habitats (including new hedgerow planting), which varies in structure and density along with permanent features for nesting birds, and roosting bats, gaps below fences to allow passage of small mammals such as hedgehog.

The details shall also include a Visitor Management Strategy to include details of zoning levels of activity, how public access will be controlled to limit disturbance to wildlife and physical features to prevent domestic animals from reaching habitats and how these will be monitored and enforced.

The details shall also include management of the roadside hedge to ensure that appropriate highways visibility is maintained throughout the lifetime of the development.

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

Reason: In order to ensure the landscaping of the site promotes biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

04

The development hereby permitted authorises the erection of no more than 50 dwellings. Any reserved matters application for the development hereby approved shall only show development in the area marked as 'Developable Area (Ed/Ho/2)' on plan reference P20-3462_01.

Reason: To define the planning permission and to ensure an appropriate landscape buffer is provided within the north part of the site.

05

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved SCP Flood Risk Assessment (FRA) ref VL/210032/FRA/RevA dated September 2021 has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
- Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.
- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA
- Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

06

No development shall take place until a Construction Environmental Management Plan (CEMP) for the development has been submitted to and approved in writing by the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall set the overall strategies for the following showing explicit regard for all existing neighbouring receptors:

- the parking of vehicles of site operatives and visitors including manoeuvring arrangements;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the proposed site compound;
- the erection and maintenance of security hoarding where appropriate;
- wheel and vehicle body washing facilities;
- provision of road sweeping facilities;
- measures to control the emission of noise, dust and dirt during construction;

- a Site Waste Management Scheme for recycling/disposing of waste resulting from demolition and construction works;
- a Noise Mitigation Scheme (NMS) designed to minimise noise levels during construction such as adopting a Code of Construction Practice, adopting principles of Best Practicable Means to reduce noise levels during construction work;
- the means of access and routeing strategy for construction traffic showing visibility splays and method statement for the use of banksmen;
- details of construction traffic signage;
- management and procedures for access by abnormal loads;
- a strategy to control timings of deliveries to avoid the morning and evening peak travel times where possible;
- hours of construction work;
- management of surface water run-off, including details of a temporary localised flooding management system;
- the storage of fuel and chemicals;
- the control of temporary lighting

Reason: To ensure appropriate mitigation for the impact on residential amenity caused by the construction phases of the development.

07

No works or development shall take place until an arboriculture method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

Reason: To protect existing trees ad hedgerows within the site.

08

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on the proposal site.

- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To protect existing trees and hedgerows within the site.

09

No development shall take place other than in accordance with an archaeological Mitigation Strategy for the protection of archaeological remains, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording;
3. Provision for site analysis;
4. Provision for publication and dissemination of analysis and records;
5. Provision for archive deposition; and
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

10

The archaeological site work shall be undertaken only in full accordance with the approved Mitigation Strategy. All archaeological site work must be undertaken only in full accordance with an approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Mitigation Strategy and/or Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

11

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved mitigation strategy and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the recording and to advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence (and any archive generated) publicly accessible in accordance with the National Planning Policy Framework.

12

Any reserved matters application for the development hereby approved shall be accompanied by a Noise Assessment and where necessary a Noise Attenuation / Mitigation Scheme. The approved attenuation scheme shall be implemented on site prior to the occupation of any dwelling to which the associated mitigation relates.

Reason: To ensure that noise levels are appropriately mitigated and that the mitigation measures are implemented in a timely manner.

13

The development hereby approved shall be carried out in accordance with the recommendations set out within the document Habitats and Protected Species Report – Paul Hicking Associates – 2140 –PHA specifically but not limited to:

- No foundation work should be left uncovered, overnight or for any length of time to avoid mammals becoming trapped in foundation or services trenches. Where this is unavoidable then trenches should be left with a sloping end or ramp to allow any animal that may fall in to escape.
- Pipes over 150mm in diameter should be capped off at night to prevent animals entering.
- The site shall be rechecked for the presence of hedgehog if the project is delayed at any time.
- Any builders sand or earth piles are covered over when not in use.
- The design of external lighting should be carefully considered to avoid impact on existing trees and potential flight zones and is to be designed in accordance with the Bat Conservation Trust guidelines for external lighting.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

14

To avoid conflict with the legislation for breeding birds hedgerow removal must be undertaken outside the bird breeding season (March- September). If habitat clearance is unavoidable during the breeding season then the following action should be undertaken:

Prior to the commencement of works, the area including any affected vegetation, should be thoroughly searched for nesting birds. If a bird's nest is found then it should remain undisturbed and a 5m buffer zone should be created around the nest including above and below it. The zone around the nest site is to remain free of construction activities and disturbance until the young have fledged and left.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

15

Before the development is commenced, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.

Reason: In order to enhance habitats on the site in accordance with the aims of Paragraph 118 of the National Planning Policy Framework.

16

Any subsequent reserved matters application shall include details of the highways arrangements as follows. Once approved the development shall be carried out in accordance with the approved details.

- Plans of all key dimensions including junction and forward visibility splays;
- Swept path analyses of an 11.6 m refuse vehicle throughout the residential areas of the site;
- Road hierarchy's demonstrating adoptable highways and private streets;
- Car parking, servicing and maneuvering areas;
- Cycle storage facilities;
- Bin storage facilities.

Reason: To ensure the development is designed and constructed to suitable standards.

17

Before the development is commenced, details of the highways arrangements as follows shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in accordance with the approved details prior to the commencement of development.

- The precise siting of the refuge on Mansfield Road near the proposed site access taking account of swept paths for refuge and emergency vehicles;
- A mitigation scheme aiming to reduce eastbound speeds.

Reason: In the interests of highway safety.

18

No dwelling shall be occupied until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan.

Reason: In the interests of highway safety.

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/

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

In order to carry out the off-site works required, the applicant will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which the applicant has no control. In order to undertake the works, which must comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks, the applicant will need to enter into an Agreement under Section 278 of the Act. The Agreement can take some time to complete as timescales are dependent on the quality of the submission, as well as how quickly the applicant responds with any necessary alterations. Therefore, it is recommended that the applicant contacts the Highway Authority as early as possible. Work in the public highway will not be permitted until the Section 278 Agreement is signed by all parties. Furthermore, any details submitted in relation to a reserved

matters or discharge of condition planning application, are unlikely to be considered by the Highway Authority until technical approval of the Section 278 Agreement is issued.

Planning permission is not permission to work on or from the public highway. In order to ensure all necessary licenses and permissions are in place you must contact licences@viaem.co.uk

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

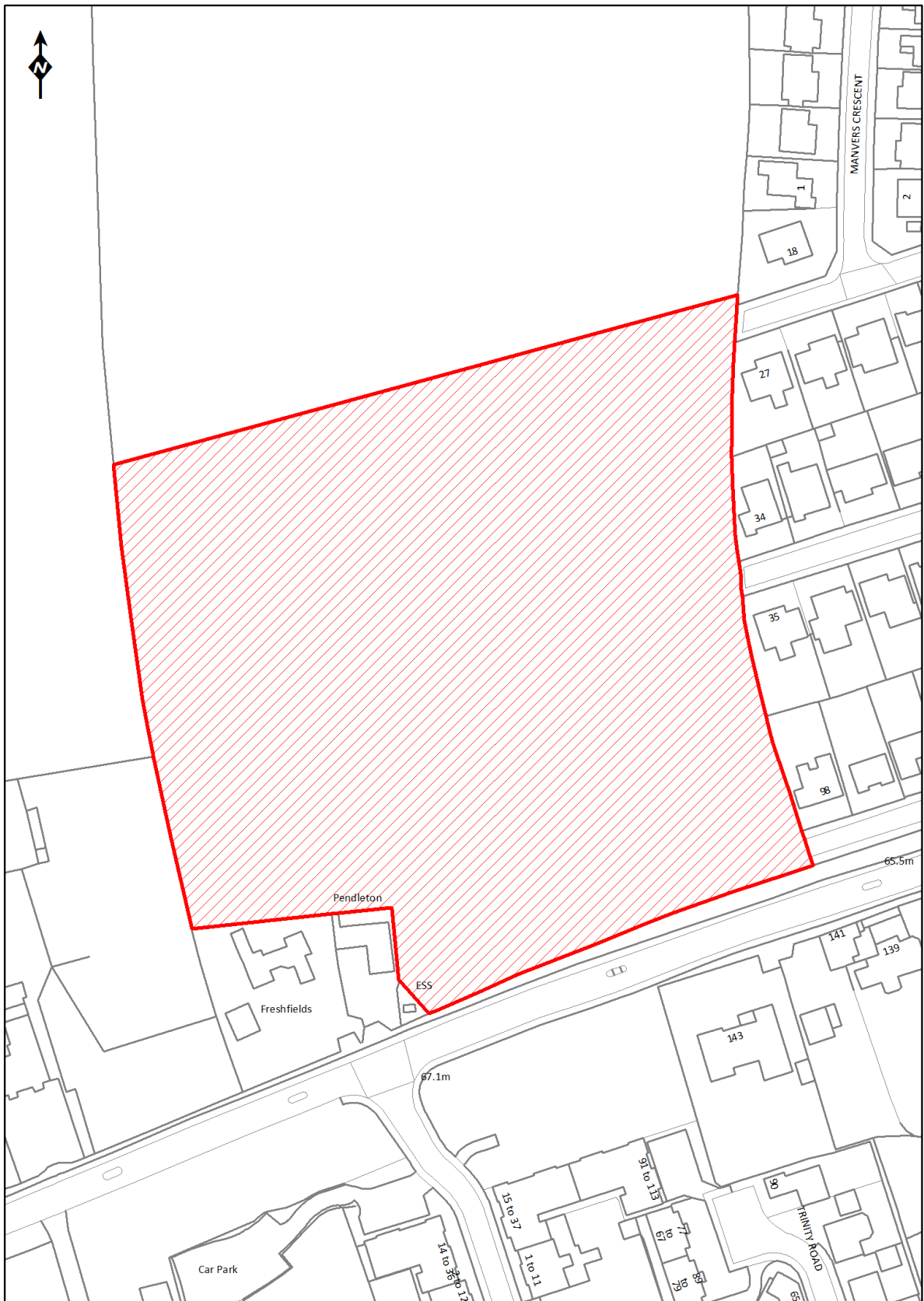
BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

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

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 15 MARCH 2022

| | | |
|------------------------|---|------------------------------|
| Application No: | 21/02528/FUL | |
| Proposal: | Change of use of land to provide 4 pitches (1 static and 1 touring caravan and two parking spaces on each pitch) hardstanding and associated infrastructure for members of the Gypsy and Traveller community | |
| Location: | Shady Oaks, Eagle Road, Spalford NG23 7HA | |
| Applicant: | Mr T Holmes | |
| Agent: | BFSGC – Joseph Jones | |
| Registered: | 2 December 2021 | Target Date: 27 January 2022 |
| | Extension of Time agreed until 17 March 2022 | |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage | |

The Parish Council have commented in objection to the proposal, which is contrary to the Officer recommendation. As a result Councillor Mrs Linda Dales has requested to call in this application to Planning Committee on the grounds that the development would be contrary to Core Policy 4 which states that new provision should be located in and around Newark and contrary to Core Policy 5 which confirms that this land has not been assessed as being suitable and was not put forward under the recent Open Spaces Options categorisation process. The site is unsuitable because:-

1. Previous development on the site has been refused and dismissed at appeal because of its location within open countryside, its access being via a rural road which is unlit and without footpaths, the effect that it would have on the character and appearance of the surrounding area and its flood zone location;
2. It lies within Flood Zones 2/3 and as such does not fall within the parameters of acceptability for new development. Mobile homes are already classed as Highly Vulnerable;
3. Spalford does not have the necessary infrastructure to support such a development as it has no facilities of any kind (no pub, shop, village hall, school, church);
4. It has the potential to double the size of the village, with the impact that that would cause to the population of Spalford and reference is also made to other mobile home provision already surrounding Spalford. This development would have the effect of substantially altering the nature of this village.

The Site

The application site, approximately 0.15ha in area, relates to the eastern half of a broadly rectangular greenfield parcel of land which is located to the east of the settlement of Spalford on the south side of Eagle Road. The site is set back approx. 7m from Eagle Road behind a grass verge and mature planting.

The northern, southern and eastern boundaries are bounded by a substantial belt of mature conifer trees and the western boundary is open to the remainder of the larger rectangular plot. There is some limited hardstanding in the north-east corner of the site, but the rest of the ground is grassland. The red line site is rather odd in shape with a narrow projection away to the west which appears to lead to a septic tank that is on the site.

The site has an access in the centre of the eastern boundary (enclosed by a metal gate) which leads onto a private unmade single track which then leads to a junction with Eagle Road. Outside the red line application site, there is an existing access point in the north-west corner of the wider rectangular plot which leads directly off Eagle Road (marked by brick piers and low wall supporting timber 5 bar gates).

The application site is located within Flood Zone 2 and the rest of the rectangular plot to the west (beyond the red line site) is Flood Zone 3a as defined by Environment Agency data maps, which means the application site is at medium risk of fluvial flooding. The site is also at risk from surface water flooding.

To the north of the site, beyond Eagle Road is an agricultural field, to the south of the site are horse paddocks, accessed via the same private track from Eagle Road serving the application site, to the east of the site is a smaller grassed field, beyond which is a dwelling known as Sandycroft (approx. 35m away). To the west of the site is the remainder of the larger plot enclosed by mature conifers, beyond which is a private access road leading to Croft House to the south-west (approx. 180m away). There is also an existing property to the north-west of the site, known as Tree Tops (approx. 75m away), on the opposite side of Eagle Road.

Relevant Site History

19/01810/FUL - Erection of detached house (resubmission of 18/02010/FUL), refused 08.11.2019 on grounds of harm to open countryside and flood risk. Appeal was dismissed 12.10.2020

18/02010/FUL – Erection of detached house, refused 07.05.2019 on grounds of harm to open countryside and flood risk.

14/02071/FUL – Erection of stable block, approved 24.03.2015.

The Proposal

Planning permission is sought for the material change of use of the land to form 4 gypsy and traveller pitches on a permanent basis. The submitted layout shows one static and one touring caravan to be located on each pitch and served by two parking spaces. The pitches range in area from approx. 257 sqm up to 325 sqm in area. There are 2 pitches on each side of a central access road that runs in an east-west direction. The pitches are made up of a combination of hardstanding shingle material and grass. There are boundary treatments shown between pitches on the submitted plan but no indication of what those boundary treatments would be. A waste/recycling area is also defined. A septic tank appears to have been installed to the west of the site.

Additional information has been received on the proposed occupiers of the pitches, including names and numbers of children. Confirmation has also been received that the intended occupants were included in the most recent GTAA and the organization that carried out that assessment

determined that the proposed occupants had Gypsy status during their interview process, which means they have not ceased travelling for economic purposes, they travel for at least 2 months a year and that they have no plans to cease travelling in the future.

The following plans and documents are being considered by this application:

- Site Location Plan (Drawing No: LP-01-2021)
- Block Plan (Drawing No: BP-01-2021)
- Proposed Access Plan
- Design and Access Statement
- Flood Risk Assessment

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter and a site notice has been displayed at the site.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 4 – Gypsies and Travellers – 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

DM5 – Design

DM8 – Development in the Open Countryside

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

Landscape Character Assessment SPD 2013

GTAA, Feb 2020

The Equality Act 2010

Human Rights Act 1998

Planning Policy for Traveller Sites (PPTS) – 2015 (summarised below)

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.

Weight should also be attached to:

- Effective use of previously developed (Brownfield), untidy or derelict land;
- Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- Not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a LPA cannot demonstrate an up-to-date 5 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 no presumption that a temporary grant of planning permission should be granted permanently.

Annex 1 provides a definition of “gypsies and travellers” and states:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organized group of travelling showpeople or circus people travelling together as such.”

Consultations

Spalford Parish Meeting – Object on the following grounds:-

1. Flood zone, other sites would present lower risks and concerns relating to Environment Agency comments on anchoring of caravans to the ground, which will only mitigate against movement or floating away with no mention of tourer caravans;
2. Open and Rural Countryside;
3. Local Amenities and Infrastructure;
4. Impact of unplanned population expansion;
5. Existing numbers of caravans in the area;

6. Planning Precedence;
7. Non-alignment of application with Amended Core Strategy;
8. Inconsistencies with the submission and lack of detail which could lead to enforcement issues in the future, as experienced by mistakes made in the past on the Spalford Caravan and Leisure site;
9. New application has recently been submitted for 25 caravans/lodges on land less than 300m from this site;
10. NSDC needs to conduct a specific review of caravan applications in Spalford as the critical mass of caravans is having a profound and damaging impact on the surrounding area and Spalford Parish Meeting requests a realistic assessment is carried out to ascertain if it is practicable to monitor and enforce planning permissions;
11. Indication of the number of people is not provided or how many of the sites are permanent or transient;
12. Drainage concerns in relation to both the septic tank, rising water table and potential to increase water flow on neighbouring land;
13. Trees/planting around the site could be easily removed and grass verges carved up;
14. Highway safety concerns when caravan traffic combined with existing HGV traffic and tractors on narrow sections of road with blind bends causing conflict with pedestrians, cyclist and horse-riders;
15. Planning Decision 21/01907/FUL dated 6 January 2022 for two dwellings is relevant and germane to this application as the same criteria for refusal equally applies. If this application were successful it would represent a huge departure from the prevailing planning policies and strategic direction; and
16. Photographs showing pluvial flooding.

The full Spalford Parish Meeting objections can be found in full on the link below (received 29.12.2021, 28.01.2022, 03.02.2022, 04.02.2022, 14.02.2022 and 21 February 2022)

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R3FCU0LBIJ100>

NCC, Highway Authority – No objection. “This is a proposal for four pitches. One static and one touring caravan on each pitch. All pitches will have two parking spaces. The site itself is set back from the highway along a track. There is an access gate from Eagle Road, and this is set back for vehicles to wait off the carriageway whilst opening it.”

The Environment Agency – No objection, the proposal has met the requirements of the Exceptions Test and can be made safe for its perceived lifetime, subject to a condition relating to finished floor levels.

Advisory note – residual flood risk, relating which suggests securely anchoring the dwellings to the ground to minimize the risk of the dwellings becoming mobilised during a flood event.

Advisory note – foul sewage disposal

Trent Valley Internal Drainage Board – General standard comments regarding watercourses, septic tanks, when the Board’s consent is required, riparian responsibilities and soakaways.

NSDC, Environmental Health – I have noted on the application that sewage is to be disposed of via a septic tank. I have concerns that the water table is quite high in the area and that a septic tank may not be suitable for the discharge of sewage from 8 caravans. I understand a percolation test

has not been carried out as yet. If the land fails a percolation test there are other ways of treating waste water, which could include installation of a cesspit or mini-sewage treatment plant. Request informative regarding the need for a caravan site licence.

Representations have been received from 26 local residents/interested parties (the majority of which were on the same pre-printed letters and 2 anonymous) which can be summarised as follows:

- **Flood risk on this site;**
- **Elevating flood risk to surrounding land and properties;**
- **Effect upon the nature of the open and rural countryside;**
- **The visual impact of the site upon the Spalford amenity;**
- **Lack of local facilities and amenities within Spalford;**
- **The distance from local amenities – Collingham is 5.5 miles away;**
- **The impact of immediate and relative size of population expansion on Spalford;**
- **The oversupply of existing caravans in the area;**
- **The rejection of past applications on the site and related area;**
- **Lack of fit with NSDC's policies and strategic plan;**
- **It would increase traffic flow on already poorly maintained roads;**
- **It would be close to a bend in the road where the road narrows;**
- **Not a suitable site for use – no mains gas, no footpaths, no drainage, no street lighting, no public transport, no open green areas for play – only police force, fire service and a post box.**
- **Absence of mains sewerage and the high water table can cause problems with soak aways and septic tanks;**
- **Would have a negative impact on local wildlife; and**
- **It would de-value the village and de-value properties.**

Comments of the Business Manager

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 state that planning applications shall be determined in accordance with the development plan unless material considerations indicate otherwise, this is consistent with Paragraph 11 of the NPPF.

The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers can live. The Gypsy and Traveller Accommodation Assessment (GTAA) demonstrates a need for 118 pitches to meet the needs of those who were established to meet the planning definition between 2013-33 (this figure rises to 169 to take account of undetermined households and those who do not meet the definition – but who may require a culturally appropriate form of accommodation). Our requirement of 118 pitches forms the basis of the five year land supply test, as required as part of the PPTS. Helpfully the GTAA splits this need across 5 year tranches – with 77 pitches needing to be delivered or available within the first period (2019-24) for a five year supply to be achieved. This reflects a heavy skewing towards that first tranche – due to the need to address unauthorised and temporary development, doubling up (i.e. households lacking their own pitch) and some demographic change within that timespan (i.e. individuals who will be capable of representing a household by the time 2024 is reached).

It is accepted that the Authority has a considerable shortfall in being able to demonstrate a five year land supply, and a sizeable overall requirement which needs to be addressed. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which weigh heavily in the favour of the granting of consent where proposals will contribute towards supply. Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that pitch requirements are driven by locally identifiable need.

As this site is a new site, it did not form part of the baseline position (August 2019) for the GTAA. The supporting information submitted states the needs of all proposed occupiers were included within 2019 survey, however, this has not been able to be verified. However, the case officer, is aware at least one pitch of the four would cater for the needs of individuals who formed a component of the need identified through the Assessment – but happened to be living on a site elsewhere in the District at the time. As such, it is considered that the proposed development would provide some positive contribution towards meeting the need identified through the GTAA, or the demonstration of a five year land supply, which is a significant material consideration in favour of the proposal. Additional information has been submitted which adequately demonstrates that the proposed occupiers of the site would meet the definition of a traveller, provided through the Planning Policy for Traveller Sites.

There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. These matters carry significant weight in favour of the proposals where they contribute towards supply.

The application site is located in the open countryside, but just east of the settlement of Spalford. Core Policy 4 states that future pitch provision will be addressed through all necessary means, including amongst other criteria, the granting of planning permission for pitches on new sites in line with Core Policy 5. Provision will be made in line with the Council's Spatial Strategy with the focus of the Council's efforts to seek to secure additional provision in and around the Newark Urban Area.

Beyond this, Core Policy 5 sets out a range of criteria, which proposals need to satisfy. The overall aims of this policy are identified as reducing the need for long distance travelling and possible environmental damage caused by unauthorized encampments and the contribution that live/work mixed use sites make to achieving sustainable development.

As referenced in the 2020 appeal decision on this site, the location is in the open countryside, and in line with the Planning Policy for Traveller Sites - Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. It goes on to state that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. The approach in the Development Plan reflects this approach, and development is strictly controlled in this location through Spatial Policy 3 and Policy DM8. The proposed development is located within open countryside and therefore inconsistent with the forms of development that Policy DM8 would allow.

Notwithstanding this, under some circumstances, it is accepted that gypsy and traveller sites can be acceptable in this type of location but this is dependent on the proposal being considered against the criteria within Core Policy 5, provided the scheme would, in the absence of more appropriately located sites, contribute towards meeting the significant local need (which in this

case it provides for at least one). Beyond this, then Core Policy 5 criterion 1 (landscape) and 2 (access to services and facilities) provides an appropriate way of determining what kind of locations in the countryside could be acceptable.

Both Spalford Parish Meeting and local residents have raised concerns regarding the site's countryside location and their concerns regarding the negative impact of the proposal on the local infrastructure and its scale dominating Spalford village. Located in the countryside but on the edge of an existing, albeit small village, is not considered to be totally unacceptable in principle. Furthermore a development of 4 pitches (max of 8 caravans) is considered to be relatively small scale and it is not considered that 4 additional families would represent a domination of the existing village community or would exert an unacceptable degree of pressure on Spalford's local infrastructure.

In summary, the District has a significant unmet need for Gypsy and Traveller pitches. The proposal would represent a small but direct contribution towards a five year land supply of at least one pitch. This positive contribution is a small but significant benefit, and one which should be afforded considerable weight as part of the overall planning balance.

The principle of this use in this location is therefore considered to be acceptable subject to assessment under the criteria set out within Core Policy 5, which are more site specific, and these are set out and considered below.

Impact on the character and appearance of the area, heritage assets and ecology

The first criteria of Core Policy 5 states that the site would not lead to the unacceptable loss, or significant adverse impact on the landscape character and value, important heritage assets and their settings, nature conservation and biodiversity sites. The fifth criteria of CP5 seeks that the site is capable of being designed to ensure that appropriate landscaping and planting would provide and maintain visual amenity. Core Policy 13 of the Core Strategy addresses issues of landscape character. The Landscape Character Assessment SPD informs the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape.

The site is identified as being within the East Nottinghamshire Sandlands and within the Landscape sub-type of Wigsley Village Farmlands (ES PZ 02) as set out within the Landscape Character Assessment SPD. This states that the condition of the landscape is poor and the sensitivity low with an outcome to create a landscape. It acknowledges characteristic visual features include numerous fragmented blocks of mixed deciduous woodland, coniferous plantations and some remnant Parkland. Specific recommendations for built features therefore encourage conservation of what remains of the rural landscape by concentrating new development around existing settlements and creating new development which reflects the local built vernacular. With regard to landscape features this seeks to create new hedgerows and conserve existing.

It is clear that conifers do play some part in the existing soft landscaping features of this area, in coniferous plantations. On this site, their careful positioning around the square boundaries produce a very deliberate, man-made functioning feature to provide a high and successful level of screening between the inside and the outside of the site (other than the gap providing the access in the eastern boundary). However, having acknowledged its rather odd current visual appearance, it is an existing feature and would indeed provide a successful soft screen. Whilst caravans are not necessarily alien features in open countryside, it is accepted that their often

white, shiny box-like form (and therefore far from reflecting local built vernacular) can somewhat detract from the greens, browns and golds of the surrounding rural visual amenities. However 4 pitches (max of 8 caravans) is considered to represent a relatively small scale site and it is therefore considered that although rather engineered in appearance the existing boundary treatment would provide a green softening around the proposed caravan site and it could be conditioned that appropriate new soft boundary planting be undertaken along the western boundary of the site, to soften potential views from the existing Eagle Road access point to the north-west of the site. The pitches would still retain some grass within them. The mature trees along the back edge of the grass verge of Eagle Road adjacent to the site in this location would also be retained and so the mature treed and soft setting to the site from Eagle Road would be retained. It is noted that local residents have raised concerns that these trees could be cut down at any time. This is true as the site is not in a Conservation Area and there are no Tree Protection Orders on the site. It is not considered to be appropriate to seek to protect the trees around the boundaries of the site through an Order. The most critical boundary would be the one along the Eagle Road frontage. Given that this existing boundary treatment would provide the residents of the proposed site with privacy and a buffer from the road, it is considered that there would be a very low risk of this planting being removed.

No designated heritage assets are located near to the site that would be affected by the proposals.

In terms of biodiversity impacts, given that the site is an open grassed field/paddock with areas of hardstanding, it is unlikely that the site supports any significant levels of biodiversity. There is also no intention to remove any trees or hedgerow from the site. Should planning permission be granted, a condition to plant a new native hedgerow along the western boundary of the site would provide additional biodiversity enhancement.

Section 11 of the NPPF relates to making effective use of land and paragraph 117 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding the environment. Paragraph 122 states that planning decisions should support development that makes efficient use of land, taking into account: a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it ...d) the desirability of maintaining an area's prevailing character and setting. Core Policy 5 advises on general guidelines for pitch sizes. A pitch that is a permanent site where there are shared facilities within the overall site (e.g. the storage of waste and sewerage disposal), the policy advises the pitch should be approx. 350 sq m. The size of the pitches presented fall slightly below this standard (being between 325 sqm and 257 sqm). Whilst it is acknowledged that the proposed pitches are on the smaller side, given the site would contribute towards the unmet need of gypsy and traveller pitches, it would be difficult to sustain a reason for refusal on this basis.

Overall, the current scheme represents a single storey scaled development of up to eight caravans. The existing mature conifer trees that exist around 3 of the site boundaries provide a soft landscaped boundary in this countryside location. The general impact on the visual amenities of the area and roadside is found to be acceptable with new hedgerow planting along the western boundary of the site, which can be conditioned, to provide some additional softening/screening to the appearance of the caravans along this boundary, along with the additional biodiversity benefit. It is acknowledged, however, that the Spalford Parish Meeting and local residents have a contrary view and conclude the development would be harmful to the local area. The comments received have been taken into account.

However, for the reasons outlined, it is considered it would be difficult to sustain grounds of

unacceptable detriment to the landscape character and appearance of the area, of this relatively small and compact site, subject to the imposition of appropriate conditions, including new boundary landscaping and its associated biodiversity enhancements. This criteria of CP5 is therefore considered to be met.

Impact on residential amenity

The fourth criteria of Core Policy 5 states that the site would offer a suitable level of residential amenity to any proposed occupiers and not have an unacceptable adverse impact on the amenity of nearby residents particularly in rural and semi-rural settings where development is restricted overall.

Paragraph 127(f) of the Framework states that planning decisions should create places that promote health and well-being with a high standard of amenity for existing and future users.

In terms of the proposed occupiers of the site, the size of the pitches presented fall slightly below this standard of 350 sqm set out in Core Policy 5 (being between 325 sqm and 257 sqm in area). Whilst it is acknowledged that the proposed pitches are on the smaller side, it is not considered that this needs to be fatal to the scheme. Given existing boundary treatments and distance from existing dwellings, the needs of the privacy of proposed occupiers could be met and a condition relating to proposed boundary treatments between pitches could ensure a degree of privacy between pitches.

Turning now to existing residents who would live close to the site, to the east is a smaller grassed field, beyond which is a dwelling known as Sandyacre (approx. 35m away). To the west of the site is the remainder of the larger plot enclosed by mature conifers, beyond which is a private access road leading to Croft House to the south-west (approx. 180m away). There is also an existing property to the north-west of the site, known as Tree Tops (approx. 75m away), on the opposite side of Eagle Road. These would represent the nearest affected receptors of the proposed development.

Any new development will have some impact on the amenity of neighbouring properties. The proposal would result in increased vehicular movements causing additional noise and disturbance from associated comings and goings. It is also acknowledged that some level of new external lighting would likely be required which also has the potential for some negative impact, although existing boundary treatment would provide some mitigation to this aspect. The inclusion of a defined waste/recycling area within the layout of the site indicates consideration to matters of refuse disposal for the site.

Given the single storey nature of the two caravans, together with boundary treatments and the separation distance between the site and existing neighbours, together with the relative small scale nature of the proposal for 4 pitches, it is not considered that the relationships would result in any unacceptable degree of harm on the amenities of existing occupiers close to the site.

Impact on Highway Safety

The third criteria of Core Policy 5 states that the site has safe and convenient access to the highway network.

Notts County Council as Highway Authority has raised no objection to the application, following the submission of a detailed plan showing improvements where the existing private access road

that leads to the site entrance, joins the public highway on Eagle Road. A new area of tarmac will need to be laid and as it represents work being carried out in the highway, these works need to be carried out by Via, the County Council's contractor. This can be included within any informative, should permission be granted. They are satisfied with the level of parking provided on each pitch and the internal layout of the proposed access.

Whilst local comments have raised concerns regarding the bend and narrowing in the road and the inability of the existing roads to deal with the increased level of traffic, on the basis of the comments received from the highway authority, it is considered that the proposal would not cause any highway safety concerns and accords with Spatial Policy 7 of the Core Strategy and Policy DM5 of the A&DM DPD in this regard.

Sustainability

The second criteria of CP5 requires consideration of reasonable access to essential services (mains water, electricity, drainage and sanitation) and basic everyday community services and facilities – including education, health, shopping and transport.

Whilst it is acknowledged that Spalford itself has no services and facilities, though there does appear to be a bus service that would provide access to Collingham and Newark within the District. The location would fall inside the Primary School catchment for North Clifton – which is being considered for closure by the County Council. Beyond this the site would then be dependent upon accessing the limited range of services within South Clifton (church and village hall), and the closest place to carry out food shopping and access healthcare provision appears to be Collingham (around a 9 minute drive and 5.5 miles away). Consequently, this location would be largely dependent on the accessing of services and facilities some distance away, and therefore would fall short of meeting the requirements in criterion 2 of Core Policy 5, which weighs against the proposal. The comments received on this matter from the Parish Meeting and local residents have been taken into account in reaching this view.

The applicant has confirmed the site is served in terms of electricity and water supplies and is to be served by a septic tank. The Environment Agency have advised an informative should be added to any permission granted to advise what is required in this regard outside the planning process.

Flood Risk

Criteria 6 seeks that in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within the Government's PPTS 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, applying both the Sequential and Exceptions Tests, as appropriate, to achieve safety for eventual occupiers.

The NPPF states that local planning authorities should minimise risk by directing development away from high risk areas to those with the lowest probability of flooding. Core Policy 10 and Policy DM5 also reflect 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. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

Table 2 of the Planning Practice Guidance 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 Zone 2, highly vulnerable classification development requires the Exception Test to be applied. Whilst the western half of the larger paddock falls within Flood Zone 3a (at high risk of fluvial flooding), the area of land where the caravans are to be sited is within Flood Zone 2 (at medium risk of flood risk). Table 3 of the Practice Guidance states that within Flood Zone 2, for highly vulnerable classification development, the Exception Test is required to be applied. A Flood Risk Assessment has been submitted which states that the results from the Tidal Trent SFRM Model indicate that the development site is only at risk in the 1 in 1000-year scenario, with a predicted flood level of 7.7mAOD. In the 1 in 100+CC% breach scenario the flood levels at the development site range between 6.7mAOD and 6.64mAOD.

The FRA proposes that the caravan floor levels are set at 7mAOD, 300mm above the highest predicted breach flood level of 6.7mAOD. It is also recommended as a precaution that the static caravan be anchored to avoid become buoyant in an extreme flood event.

The EA Flood Warning Service is available in the area and prompt the implementation of a flood plan. Details of a flood plan are set out within the FRA where on receipt of a flood warning (giving a min of 2 hours advance warning), the site could be evacuated.

The NPPF states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. There are also two parts of the Exception Test that need to be passed:

- a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Through Core Policy 5, the proposal will also need to satisfy the Sequential and Exception Tests. Even though the proposal has been demonstrated as contributing towards the meeting of at least one locally identified need, the criterion based approach provided by Core Policy 5 is sufficiently flexible so as to provide the reasonable prospect of finding land at least flood risk. However, it is accepted that as the Council is currently unable to point to any reasonably available sites at lesser risk of flooding, the Sequential Test is considered to be passed in this case.

In relation to the first part of the Exception Test, it is not clear how sustainability benefits to the community would outweigh flood risk. However, the proposal would allow housing needs of the District to be met and is therefore modestly contributing to the supply of pitches. Whilst it is not ideal from a flood risk and sustainability perspective, in that the development should be located on land within Flood Zone 1, at lowest risk, but there are no sites at lower risk of flooding reasonably available for this use. No additional sustainability benefits have been identified by the submission.

In relation to part b) of the Exception Test, the Environment Agency consider the proposed development can be made safe for its perceived lifetime through the imposition of a condition relating to minimum internal floor levels of the caravans. Their original comments also included a condition requiring anchoring of the caravans to the ground, but later comments clarified that this should just be a 'Note To Applicant' rather than a condition.

The EA considers “the ground levels across the entire site indicated by the red line boundary slopes down from its highest point to the east of the site to the west of the site. The proposed siting of the dwellings will be located on the highest ground levels to the East of the site.

The ground levels according to the most up to date LiDAR data range between 6.8-6.7mAOD at the west of the site and between 7.1-7.2mAOD at the East of the site where the structures will be situated. While the FRA has not used the most up to date hydraulic modelling, which did not include the most up to date climate change allowances.

The latest hydraulic modelling does now include the updated climate change allowances. In this case the assessment has been made against the 1 in 100 year 30% climate change allowance which would cover the perceived lifetime of the development of up to 100 years.

In this case the 1 in 100 year 30% climate change allowance event including a breach of the flood defences would result in depths of 6.7mAOD. Therefore this would not impact the site as the topography is already elevated above this level.”

The EA conclude that subject to a condition requiring finished floor levels to be set no lower than 7mAOD to account for any minor variations in ground levels which may not have been picked up by LiDAR, that the second part of the Exception Test is passed.

The FRA acknowledges that surface water flooding is also high on the site, but considers that the proposal is not likely to unacceptably increase surface water flooding, and would not result in flooding elsewhere from surface water flooding. All proposed surfaces on the development site would be permeable (grass, gravel and permeable tarmac) and is unlikely to result in any material reduction in soakway on the site below the existing situation. However, the application form states that surface water would be disposed of in an existing water course and there is concern locally that the ground water levels are high in this area. As such, it is considered that should planning permission be granted, a condition should be imposed requiring details of a surface water disposal scheme be submitted and approved.

In conclusion, notwithstanding the site’s location on land within Flood Zone 2, for the reasons set out above, the proposal is considered to accord with the requirements of the NPPF and Core Policies 5 and 10 and Policy DM5, the proposal is considered to pass both the Sequential and Exception Tests. As such, flood risk and surface water drainage is considered to be a neutral matter in the overall planning balance.

Personal Circumstances

It has been confirmed that the proposed occupiers of the pitches, comprise the following:-

- One married couple and their two children;
- One married couple and their three children;
- One married couple and their single child; and
- One married couple.

Confirmation has been received that the intended occupants were included in the most recent GTAA (July 2019) and the organization that carried out that assessment determined that the proposed occupants had Gypsy status during their interview process, which means they have not ceased travelling for economic purposes, they travel for at least 2 months a year and that they have no plans to cease travelling in the future. On this basis, there is no reason to doubt that the proposed occupiers of the site fall within the definition set out within Annex 1 of PPTS.

The personal needs of the families require a settled base to ensure the children can attend school.

Members will need to be aware of the relevant case law regarding the Human Rights of Gypsies and Travellers set out in the Rafferty and Jones V SSCLG and North Somerset Council. A refusal of permission is likely to have significant consequences for the home and family life of the families involved and it is clearly a circumstance where Article 8 Convention Rights are engaged. Article 8 imposes a positive obligation to facilitate the Gypsy way of life and, as a minority group, special consideration should be given to their needs and lifestyle. In that respect, the occupants have a clear preference for living in caravans and the option of living in bricks and mortar accommodation would not facilitate that lifestyle.

In addition, Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of children must be a primary consideration in all actions made by public authorities. The Article 8 rights of the children in that context must be considered. No other consideration can be treated as inherently more important than the best interests of the children.

Significant positive weight needs to be attached to the personal circumstances of the occupiers of the site, particularly the benefits associated with schooling arrangements for the children that a permanent base would provide.

Other matters

Spalford Parish Meeting and local residents have raised a number of other issues of concern. They state that the application is contrary to the Amended Core Strategy and to approve this application would set a planning precedence. Core Policy 5 sets out the criteria against which windfall sites, such as this, that come forward for gypsy and traveller sites should be assessed. As set out above, the proposal is considered to perform reasonably well against the criteria but it is acknowledged it falls short against criteria 2, given it would be completely reliant on the private car to access day to day living facilities. This criteria based policy allows each application to be considered on its merits and as such, it is not considered that any grant of planning permission on this site would set a precedence.

Concerns have also been raised in relation to the number and dominance of caravan development in the local area. Cumulative harm of developments on a local area is a material consideration, however, there was no cumulative impacts identified with this site that would lead to unacceptable harm either in visual or landscape character grounds that would warrant refusal of this application.

Locals consider that as planning permission has been refused on this site for market housing on grounds of flood risk and being located in the open countryside, that it falls to reason that this application should be considered in the same way and be refused. Gypsy and traveller sites cannot be considered in the same way. This is for a number of reasons including, there is a significant unmet need for gypsy pitches and an absence of a 5 year land supply which carry substantial positive weight for any gypsy and traveller proposal. Furthermore there are no allocated sites as yet within the Development Plan for future provision. This lack of supply means that such residents have no choice of site on which to legally reside. In contrast, the District can demonstrate over a 5 year land supply of market housing and numerous allocated site where new housing can be built for the settled community. So whilst the ability to build new market houses in the countryside and in areas of flood risk is more strictly controlled by both national and local planning policy, there is no need or requirement to build in these locations because the supply of market housing provides a sufficient alternative choice. As the supply of gypsy and traveller pitches is so deficient, there are no reasonably available alternative site on which to reside. This.

Therefore sets out why it is possible to come to a sound and robust positive recommendation on a site where a market house has been refused permission.

Some respondents have also commented on the potential of a loss of value in their properties. Members will be aware that this cannot be considered as part of this, or any application as this is a private matter and planning decisions are made in the public interest.

Planning Balance and Conclusion

The recent GTAA has identified a significant unmet need for gypsy and traveller pitches. It is known that the occupiers of at least one of the four pitches would contribute to the significant unmet need and contribute towards a five year land supply, which weighs heavily in favour of the proposal, given the current level of need. It may be that one or more of the other three pitches also contributes to supply, but without being able to verify this, positive weight has not been afforded to the other 3 pitches. The single pitch would directly contribute towards meeting this need requirement – either as part of a five year land supply or in terms of wider need across the plan period as a whole. This positive direct contribution is a significant benefit, and one which should be afforded considerable weight in the planning balance.

An approval would provide a settled base that would facilitate access to education and enable the families to continue their gypsy way of life. The human rights of the family means due regard must also be afforded to the protected characteristics of Gypsies and Travellers in relation to the Public Sector Equality Duty (PSED) when applying the duties of section 149 of the Equality Act 2010. All of those factors attract significant weight in favour of the development.

In terms of flood risk, the proposal is considered to pass both the Sequential and Exception Tests and the Environment Agency raises no objection, subject to a condition relating to finished floor levels being above a certain level. Surface water disposal can also be controlled by condition and as such matters of flood risk and drainage are neutral in the planning balance. No harm has been identified in relation to the character and appearance of the area, residential amenity and highway safety which are also therefore neutral in the overall planning balance. New hedgerow planting, controlled by condition, can provide ecology enhancements which represents a minor benefit.

Whilst on the edge of the village of Spalford, the village offers no services and facilities, though there does appear to be a bus service that would provide access to Collingham and Newark within the District. Consequently, this location would be largely dependent on the accessing facilities required for day to day living and the requirements of families would be some distance away and only be accessible by private vehicles. Therefore it would fall short of meeting the requirements in criterion 2 of Core Policy 5 and is not considered to be locationally sustainable. This weighs against the proposal in the planning balance.

Weighing all these competing considerations in the overall planning balance, it is considered that the positive benefits outweigh the harm identified. As such a recommendation of approval is offered to Members, subject to conditions.

RECOMMENDATION

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

Conditions

01

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites or its equivalent in replacement national policy.

Reason: To ensure that the site is retained for use by gypsies and travellers only, as it is located in an area where new residential development would not normally be acceptable.

02

No more than 2 static caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on each pitch at any one 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 Amended Core Strategy (March 2019) 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 Amended Core Strategy (March 2019) 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 Amended Core Strategy (March 2019) and Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD (July 2013).

05

The development shall be carried out in accordance with the submitted flood risk assessment (ref WtFR-FRA-2021/08/Q19, dated 21st October 2021 and compiled by WtFR Ltd) and the following mitigation measures in details:

- Finished floor levels of the proposed caravans shall be set no lower than 7.00 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

06

Prior to first occupation of the development hereby approved, details of any external lighting to be used in the development shall be submitted to and approved in writing by The Local Planning Authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development.

Reason: In the interests of reducing light pollution in this sensitive countryside location.

07

Prior to first occupation of the development hereby approved full details of additional soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species, with particular emphasis along the western boundary of the site.

Reason: In the interests of visual amenity and biodiversity.

08

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed during the first planting season.

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

09

No development shall be commenced until details of the means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained thereafter in accordance with the approved details.

Reason: To ensure the provision of satisfactory means of surface water disposal.

010

No part of the development shall be brought into use until details of the waste and recycling area shown on the Block Plan (Drawing No: BP-01-2021) has been submitted to and approved in writing

by the Local Planning Authority. The approved waste and recycling area shall be installed prior to the commencement of the approved use, and retained thereafter for the lifetime of the development.

Reason: To ensure that appropriate provision is secured for litter disposal in the interest of amenity.

011

No part of the development shall be brought into use until the proposed access shown on the Proposed Access Plan received 21 December 2021 has been fully installed. The approved access shall be retained for the life of the development.

Reason: In the interests of highway safety.

012

No part of the development hereby permitted shall be brought into use until the access road is constructed with provision to prevent the unregulated discharge of surface water onto the public highway, a scheme for which shall first be submitted to and approved by the Local Planning Authority in writing. The approved provision to prevent the unregulated discharge of surface water to the public highway shall be retained for the life of the development.

Reason: In the interests of highway safety.

013

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

- Site Location Plan (Drawing No: LP-01-2021);
- Block Plan (Drawing No: BP-01-2021);
- Proposed Access Plan.

Reason: So as to define this permission.

Notes to Applicant

01

Advisory note from Environment Agency – residual flood risk

We would like to point out that the site would be impacted by the 1 in 1000 year (0.1% chance in any given year) event which is a residual risk to the site. In this instance the flood depths across the site would reach 7.7mAOD.

Therefore in the unlikely event of a 0.1% chance event the dwellings could be inundated to depths of 700mm.

Please note that while this should not be considered when determining the application we are including this as an advisory note for the occupants. We wish to make the occupants aware that damage could be experienced should the site experience this residual risk flood event.

This is another reason why we would suggest securely anchoring the dwelling to the ground to minimize the risk of the dwellings becoming mobilised during such an event.

Advisory Note from Environment Agency – foul sewage disposal

A septic tank is not the optimum method of dealing with the disposal of foul sewerage waste. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

The site will require a caravan site licence and the applicants must comply with the site licence conditions. Please see the following link for further information <https://www.newarksherwooddc>.

gov.uk/caravansitelicence/#d.en.125914

04

Any works within the highway will be required to be carried out by VIA EM Ltd.

05

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

06

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

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

BACKGROUND PAPERS

Application case file.

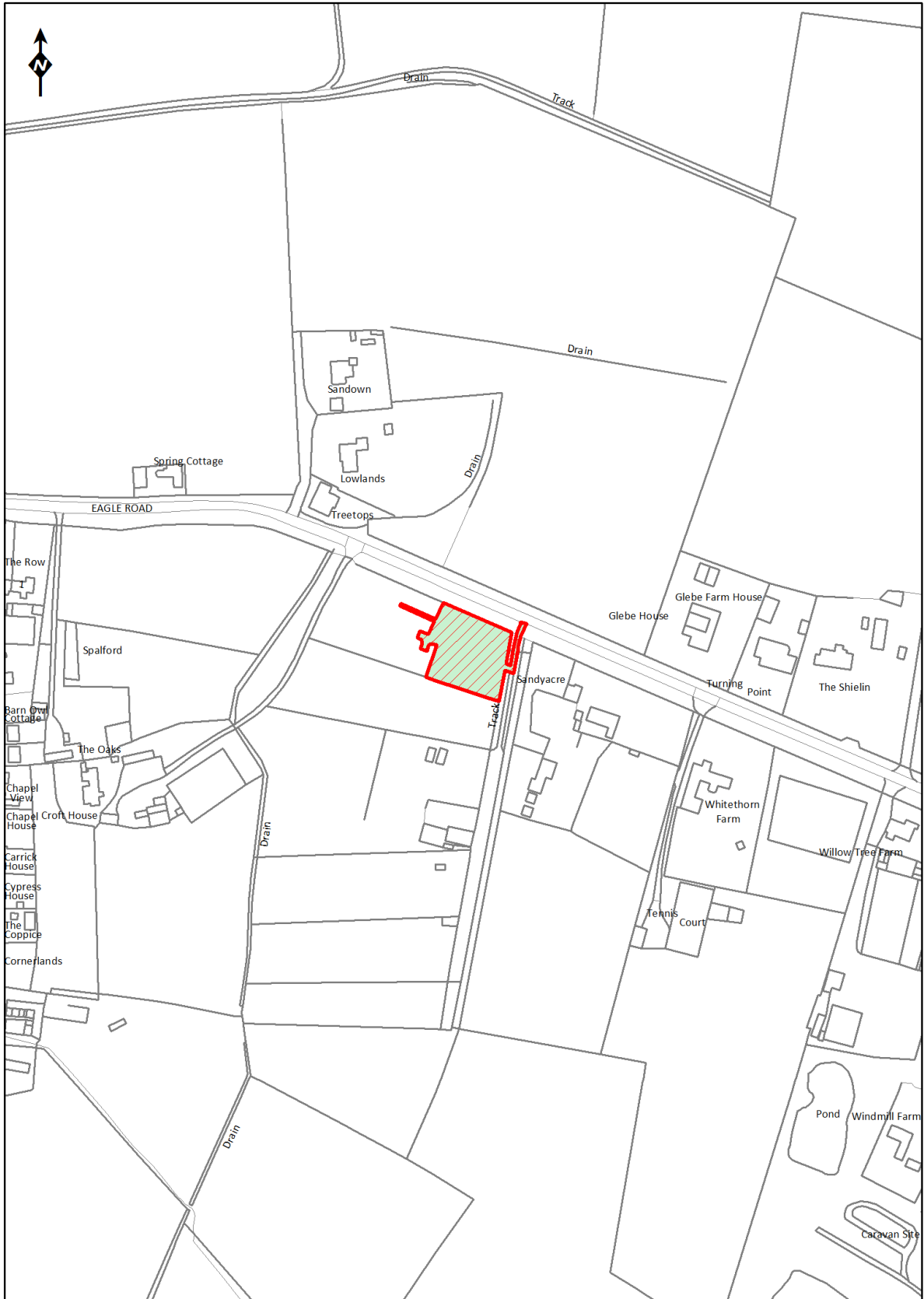
Spalford Parish Meeting comments in full

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.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02528/FUL



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PLANNING COMMITTEE – 15 MARCH 2021

| | | |
|----------------------------------|---|--------------------------------|
| Application No: | 22/00168/S73M | |
| Proposal: | Application for variation of condition 4 to allow greater flexibility for the use of lighting attached to planning permission 19/01824/S73M which varied planning permission 17/01268/FULM; Erection of directional lighting [55 columns] | |
| Location: | Southwell Racecourse, Station Road, Rolleston, NG25 0TS | |
| Applicant: | Arena Racing (Southwell) Limited | |
| Agent: | Moorside Planning - Mr Matthew Pardoe | |
| Registered: | 31.01.2022 | Target Date: 02.05.2022 |
| Link to Application File: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R6F5D7LBJBM00 | |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the application is a major planning application and the Officer recommendation is contrary to the response received from the Parish Council.

The Site

Southwell Racecourse is a horse-racing venue located to the west of the village of Rolleston, with the villages of Fiskerton and Upton to the north and south respectively and the town of Southwell to the west. The wider site area equates to 64 hectares in area. The River Greet runs to the north of the site and is linked to various surrounding dykes, most notably the Greenfield Drain and Beck Dyke which run to the south of the site, and as such is located within Flood Zones 2 and 3 of the Environment Agency's flood maps. Within the racetrack is a biological Local Wildlife Site (2/768) which is designated for its botanical interest. A public right of way runs along the western and northern boundaries of the racecourse site. The wider site lies within the Parish of Rolleston although it is close to Southwell, Fiskerton and Upton. One of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor which lies approximately 200m to the east of the site.

Relevant Planning History

20/02508/FULM - Replacing existing racing surface material, with associated works to sub surface arrangement (using existing drainage system) – Permitted 29.04.2021 (Conditions discharged under 21/01999/DISCON & 21/02288/DISCON)

19/01824/S73M - Application to vary conditions 4 and 5 attached to planning permission 17/01268/FULM to exclude the six lights serving the circulation areas that replaces the lights previously in place – Permitted 06.02.2020

17/01268/FULM - Erection of directional lighting [55 columns] – Permitted 07.11.2017 subject to conditions and an amendment to the original S106 agreement to require compliance with the egress measures set out within the Traffic Management Plan for any races where the lights are in use.

15/01292/FULM - Flood alleviation scheme – Permitted 13.06.2016

In addition to this, there are approximately 60 planning applications associated with the site, most of which relate to the erection of new buildings or extensions of existing buildings within the site and the variation of conditions to allow Sunday racing to take place under temporary permissions between 1997 and 2006. Planning permission was granted under 07/01125/FUL to permanently vary condition 11 of Planning Permission 54890792 to allow a maximum of 12 Sunday races per year (within the 80 races per year limit permitted in 1989).

The Proposal

The application is a Section 73 application submitted to allow the variation of Condition 04 attached to planning permission 19/01824/S73M (which varied planning permission 17/01268/FULM) to amend the wording to allow greater flexibility for the occasions on which the directional lighting on site can be used per year.

17/01268/FULM permitted the installation of 55 directional floodlights around the race track subject to conditions. This consent was varied under 19/01824/S73M to exclude the circulation area lighting (around the car parks and buildings) from the same restrictive controls under the original conditions 4 and 5 in the interest of health and safety for patrons returning to their vehicles after races.

Condition 3 of 19/01824/S73M requires the track lighting columns to be switched off within 30 minutes of the last race or by 2130h, whichever is sooner (and for the circulation lighting columns to be turned-off within 30 minutes of the last patrons departure from race meetings or other function/event taking place at the site) . Condition 5 requires the luminaire of each floodlight to be as stated on the approved 'Equipment Layout' plan included within Appendix 6 – Aiming Angles and Upward Light Ratio Diagrams of the Lighting Assessment undertaken by WYG dated July 2017 and Condition 4 (the subject of this application) restricts the number of evening race meetings where the track floodlights are in operation in any calendar year to 20.

This application seeks to vary Condition 4 to enable the lighting columns to be used for a maximum of 50% of the total number of races per calendar year (which would equate to 40 evening races) to enable greater flexibility for races.

For clarity, no operational development is proposed with this application. The maximum total number of races per year (80 no.) would not increase. The maximum number of Sunday races (12 no.) would not increase. The Traffic Management Plan secured by the S106 agreement associated with 17/01268/FULM is not proposed to change.

Departure/Public Advertisement Procedure

Occupiers of 18 properties have been individually notified by letter, a site notice has been displayed close to the site and an advert has been placed in the local press.

Earliest decision date: 03.03.2022

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Adopted 2019

Spatial Policy 7: Sustainable Transport

Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other material planning considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance online guidance
- Landscape Character Assessment SPD 2013

Consultations

Rolleston Parish Council – Object:

- The lighting impacts the amenity of local residents and there have been a number of complaints relating to this.
- The Racecourse do not adhere to the duration and event usage restrictions.
- Doubling the number of evening race meetings where the floodlights are in operation would represent unacceptable intensification.
- The proposal would increase the volume of traffic going through the village.
- Racecourse patrons do not adhere to the Traffic Management Plan.
- The applicant should have stewarded controls to direct traffic to adhere to the traffic routes identified in the Plan throughout the duration of all floodlit race meetings to support the village by minimizing the ability for Racecourse traffic to fail to adhere to the Plan driving towards and away from the Racecourse.

Southwell Town Council – No comments received at the time of writing this report, anticipated receipt 08.03.2022 (to be reported as a late item).

Upton Parish Council – No comments received.

NCC Highways – No Objection – As there have been no material changes in highway terms from the assessment of the original application, we do not wish to raise an objection.

NSDC Environmental Health (EHO) – No objection – No complaints have been recorded regarding light nuisance associated with this site. In 2019 the Council received three complaints relating to the illumination of the night skies, however as these did not relate to the intrusion of light into properties these were not the subject of further investigation. No further complaints have been received.

NCC Rights of Way - No comments received.

NCC Ecology & Biodiversity – No comments received.

Trent Valley Internal Drainage Board – No comments received.

Severn Trent Water - No comments received.

The Environment Agency - No comments received.

Ramblers - No comments received.

Civil Aviation Authority - No comments received.

National Air Traffic Services – No Objection.

Network Rail – No Objection.

Comments have been received from ONE interested parties that can be summarised as follows:

- It is not acceptable to have any traffic from Southwell Racecourse going through Rolleston when existing the Racecourse after a late finish.
- The operations of the Racecourse result in traffic and highways safety issues for local residents within Rolleston.
- The Traffic Management Plan should not be removed.
- The tannoy system at the Racecourse is heard in the evenings at properties in Rolleston.
- At night the lighting from the Racecourse results in light pollution.
- Night racing should not be increased as it would increase traffic, highways safety risk and disturbance to local residents.
- The Traffic Plan should be put in place for all races and not just Sundays.

Comments of the Business Manager

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if are minded to grant a new planning consent.

Full planning permission was granted in November 2017 subject to a number of conditions. The planning history confirms that the development was then commenced in September 2018 and completed in April 2019. The consent was also subsequently varied by 19/01824/S73 in February 2020 as detailed in the description of the proposal.

In this application the condition to be varied is Condition 4 attached to 19/01824/S73M to enable the lighting columns to be used for a maximum of 50% of the total number of races per calendar year (which would equate to 40 evening races) to enable greater flexibility for races. The main issue to consider is therefore whether the proposed amendment to the number of races that can utilise the lighting columns, from 20 no. to 40 no., would be acceptable.

The cover letter to this application explains that since the erection of the lights in 2019, there have been a number of occasions when Race Marshalls have asked for the lights to be used due to deteriorating weather conditions (cloud limiting light rather than the time of day) to assist with animal and rider welfare. During 2021 this occurred around five time and on each occasion the lights were used for half an hour or less, and did not extend the use of the course into the evening period. However, such occasional use is not defined by Condition 4, and would have counted as one of the 20 events specified by the condition, impacting the evening race programme. Whilst the Pandemic has prevented this from being an issue in 2020-2021 (given scheduled races have been reduced), the Racecourse wish to address this inflexibility of the current condition.

Impact on Visual Amenity, Landscape Character and Heritage Assets

Core Policy 9 and Policy DM5 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Core Policy 13 relates to Landscape Character refers to the District's Landscape Character Assessment and expects development proposals to positively address the implications of the Landscape Policy Zones. Policy DM5 in the Allocations and Development Management DPD relates to design and states the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site is located within policy zone Trent Washlands TW PZ 10: River Greet Meadowlands as defined by the Council's adopted Landscape Character Assessment SPD. This states "Southwell Racecourse dominates the landscape to the centre of the area, with associated car parking, hotel and a training centre etc. These are large scale features, not in keeping with the local character."

The landscape condition is defined as moderate with the racecourse providing a large scale development which is not in keeping with local character. The landscape is considered within the Policy to have moderate sensitivity.

It is already accepted that the Racecourse sits at odds with the remaining landscape within the character zone, with large structures already in situ within the site. In the assessment of the original permission it was concluded that the immediate landscape was already characterised by large electricity pylons owing to the proximity of the site to Staythorpe Power Station (approximately 2km to the east) which was considered to have a greater impact upon the landscape setting than the proposed floodlights. It was concluded that any adverse impact of the floodlights would be limited in duration to when the lights were illuminated and whilst they would be visible from the public realm, given the slim line nature of the columns and the number of trees surrounding the site, any impact would be buffered.

In this particular case, given there is no additional operational development proposed the impact to be considered is whether or not the increased usage of the track floodlights would result in any material adverse impact on visual amenity. It is noted that the original application was accompanied by a lighting assessment which concluded that the proposal would not have a significant impact upon surrounding dark sky landscape. This conclusion was based on the evening photomontage, glare impact assessment diagrams and equipment layout plan showing the direction of light spill, in addition to the fact that the Environmental Health Officer concluded that the work undertaken to depict lighting levels appeared reasonable and raised no objection to the scheme.

The restriction of use of the track lighting to 20 races per year was originally at the request of the Applicant rather than a restriction imposed by the LPA to mitigate any identified harms. The cover letter also explains that whilst the application seeks to increase the number of races permitted to use the floodlights, in reality these are not usually required during the summer months when natural light levels are higher and the usage of the lights would continue to be for a limited duration (and of a restricted luminance level) given the restrictions that would remain in force by Conditions 03 and 05. Whilst the use of the lights for an increased number of evening meetings per year would result in the lighting being more frequently perceptible throughout the year, Officers remain of the view that the character of the area would not be unacceptably harmed by this given the Racecourse is already an intrusion into this landscape and that the lighting columns in themselves, and their limited light spill, were not previously concluded to result in any harm on the character or appearance of the area. It is also noted that the EHO does not raise any concerns in this respect to this current application.

Overall, it is not considered that any greater adverse material impact on the character of the area would arise from the proposed variation when compared with the extant permission. Nor is it considered that any unacceptably adverse visual impact would result in accordance with Core Policies 9 and 14 and Policies DM5 and DM9 of the DPD.

In relation to heritage matters, one of the closest properties to the site is the Grade II Listed Mill Farm as well as a scheduled monument close to Rolleston Manor, which lies approximately 200m to the east of the site. 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. 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). When considering the impact of a

proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8c).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

Originally it was concluded that whilst the columns may be visible from nearby heritage assets, given the intervening distance between them, any overall visibility and impact would be reduced. The site is well-established as a Racecourse and it was noted that lighting columns are usually expected in some form; given the existing infrastructure within and surrounding the site, Officers concluded that the proposal would be unlikely to result in further harm to any heritage assets. In this case the increased usage of the track lighting throughout the year is not considered to result in any harm to the setting of any nearby heritage asset given their current relationship with the Racecourse, which accords with the abovementioned policies and guidance.

Impact on Residential Amenity

Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The existing conditions imposed on 17/01268/FULM and as varied under 19/01824/S73M limits use of the track floodlighting past 21:30 hours and the luminance levels of the lights in accordance with the submitted lighting survey (to prevent any adverse lighting impact). In this case the number of races where the lights would be permitted to be used would double to 40 no. races per year (representing half of the permitted yearly races in total). As previously explained, the original restriction of the light usage to 20 races per year was at the request of the Applicant rather than having been imposed by the LPA to mitigate any identified harm.

Lighting: In the assessment of the original application it was noted that the height of the columns had been restricted to avoid unnecessary spills beyond the course, reducing any impact upon neighbouring properties and the railway line. It was acknowledged that whilst this resulted in a greater number of columns being required, that this was the most appropriate solution to limit any light pollution. The Officer also noted that whilst the floodlights would be visible from nearby properties and there would be an increase in light pollution within what is considered a rural area, the cessation of use of the lights at 2130h was considered to be reasonable and given the distance of the columns from the closest neighbouring properties (approx. 200) was considered to be acceptable.

The original application was accompanied by a lighting assessment, evening photomontages, a glare impact assessment diagram and equipment layout plans demonstrating the direction of light spill which concluded that the proposal would not have a significant impact upon surrounding dark sky landscape. Further the EHO raised no objection in relation to the impact of the lighting on the surrounding area or neighbouring amenity.

In this case the proposal would result in an increased usage of the track lighting throughout the year. Having consulted with the Environmental Health Officer they have explained that, notwithstanding the concerns raised by one local resident and the Parish Council, no complaints have been recorded regarding light nuisance associated with this site. The EHO advised that in 2019 the Council received three complaints relating to the illumination of the night skies, however as these did not relate to the intrusion of light into properties these were not the subject of further investigation and no further complaints have been received in this regard. The Applicant has explained that since their installation in 2019 the lights have been in use on multiple occasions. Whilst their use during the course of the Pandemic has been less frequent than would be anticipated for a standard racing programme, Officers are mindful that since their installation there have been no complaints received, let alone substantiated, relating to light intrusion into residential properties from any local residents. On this basis it is considered that the lighting installed does not result in an impact that unduly disrupts the residential amenity of neighbouring properties. This is likely due to the requirement to cease the use of the track lights by 2130h, the design of the lights to limit light spill and the reduced luminance levels controlled by condition. As such it is not considered that an increasing the permitted use of the track lights to 40 nights out of a total of 80 races per year would result in an adverse impact on the amenity of local residents. It is further noted that the EHO has raised no objection to the proposal in this regard.

Noise: Whilst there would be no increase in the number of meetings per year, use of the track lighting for a greater number of evening races would inevitably result in any associated noise being heard later in to the evening on more occasions. To support the original application a noise assessment was submitted which concluded that noise levels from the potential later finishes would be unlikely to have a significant adverse impact upon health or quality of life of neighbouring residents; during the assessment of this application Officers explained that they had no evidence before them to contradict this conclusion and further considered that the latest time by which the lights would be turned off would assist in noise levels being managed so as not to result in any perceptible noise being heard at unreasonable times in the evening. It is noted that no noise complaints have been received in relation to the operations of the Racecourse and thus, given the previously conclusions and the support of the EHO it is considered that the application at hand would not result in any adverse amenity impact in this regard.

Overall, it is not considered that any greater adverse material impact would arise from the proposed variation when compared with the extant permission in accordance with Policy DM5.

Impact on Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities. I note that a level crossing lies directly to the west of the racecourse access and that Racecourse Road (which is owned by the applicant) is also a public right of way.

It is noted that concerns of local residents and the Parish Council principally relate to the potential highway safety impact of the proposed amendments to Condition 04 and changes to the Traffic

Management Plan (TMP). For clarity, the TMP submitted with the application at hand is an exact copy of the TMP that is the subject of a S106 agreement as set out in the site history section of this report.

Members may recall that a Section 106 Agreement Dated 26.07.2018 secured the Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing. No amendments are sought to the overall maximum number of races permitted at this site per year and no changes are proposed to the TMP. However, the TMP is worded to trigger vehicular egress controls for any races which use the track lighting (to prevent exiting of vehicles via the village of Rolleston). The Applicant explains that evening races do not normally generate the same number of spectators as their daytime equivalents. However, it is the evening (and Sunday) races that are subject to specific traffic control management measures, which do not apply to their daytime equivalents. This means that a greater proportion of the races held would be subject to these controls as a result of the application at hand.

Whilst acknowledging the concerns of the Parish Council relating to the Racecourse's compliance with the TMP, the Applicant has provided a response to these comments explaining the measures they undertake to ensure compliance and it is further noted that a requirement of the TMP is for stewards to direct traffic to ensure correct access and egress routes are adhered to. Overall, the total number of races would not change, the increased use of the lights would increase the percentage of races subject to the traffic management measures which overall would be a benefit to the local residents of Rolleston that have concerns specifically relating to increased Racecourse traffic. Having discussed this application with the Highway Authority they have raised no objection to the proposal given the existing traffic arrangements have not materially altered since the assessment of the original application.

Having sought advice from the Council's legal team, it has been confirmed that an updated Section 106 specifically linking the Transport Management Plan to this application is not required as the obligations were conditional upon 17/01268/FULM development first coming into use. This has occurred and the obligations remain in force and remain unchanged by the variation proposed by this application.

On the basis of the above, Officers therefore consider that the proposal would continue to accord with the identified policies in relation to highway safety.

Other Matters

Within the racetrack is a Local Wildlife Site (2/768) (LWS) - the LWS is designated as a site of biological and botanical interest, rather than of interest due to the presence of protected species/fauna. The use of lighting is unlikely to have any appreciable impact on the floristic value within the wider site and considering the scope of this application is limited to the impact of the increased use of the lighting, it is not considered that the proposal at hand would result in any greater ecological impact than already approved.

Assessment of the remaining conditions

The NPPG is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and **bolded text** used to indicate new wording.

Conclusion

Only the very narrow scope of the matters of varying the conditions imposed are open for consideration. The proposed variation to Conditions 4 is considered to be acceptable given that the amendments sought would not result in any materially adverse impact on the character of the area, visual amenity, heritage impact, impact on neighbouring amenity through light intrusion or noise or impact on highways safety. As such it is recommend that planning permission is granted subject to the conditions outlined below.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

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

- Site Location Plan – SS-01 Rev.A
- POLES(S): P04 – 180859P1 (sheet 1 of 18)
- POLES(S): P05 – 180859P1 (sheet 2 of 18)
- POLES(S): P01 – 180859P1 (sheet 3 of 18)
- POLES(S): P06 – 180859P1 (sheet 4 of 18)
- POLES(S): P03 – 180859P1 (sheet 5 of 18)
- POLE(S): A23 – 180859P1 (sheet 6 of 18)
- POLES(S): A02-06 – 180859P1 (sheet 7 of 18)
- POLE(S): A24 – 180859P1 (sheet 8 of 18)
- POLES(S): A01, C01-02, P01 – 180859P1 (sheet 9 of 18)
- POLES(S): A07-08, A22 – 180859P1 (sheet 10 of 18)
- POLES(S): A10-16 – 180859P1 (sheet 11 of 18)
- POLES(S): A09 – 180859P1 (sheet 12 of 18)
- POLES(S): PH1– 180859P1 (sheet 12 of 18)
- POLES(S): B12-17, B22 – 180859P1 (sheet 13 of 18)
- POLES(S): A17-18, A21, B05-11, B18, B20, B21 – 180859P1 (sheet 13 of 18)
- POLES(S):A19, B01-04 – 180859P1 (sheet 14 of 18)
- POLES(S): B19 – 180859P1 (sheet 14 of 18)
- POLES(S): A20– 180859P1 (sheet 15 of 18)
- Pole Location Layout – 180859L1_A

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

02

The development hereby permitted shall be constructed entirely of the materials, details

submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

03

The track lighting columns comprising poles A1-24, B1-B22, C1 and C2 and POH1 (other than the two low level rear/south facing lights on A23 and A24) shall be switched off within 30 minutes of the last race or by 21:30 hours, whichever is sooner. The track lighting columns shall not be illuminated except during race meetings.

The circulation lighting columns comprising poles P01 – 06 and the two low level rear/south facing lights on poles A23 and A24 shall be turned-off within 30 minutes of the last patron's departure from race meetings or other function/event taking place at the site.

Reason: In the interests of visual and residential amenity in accordance with the NPPF, Core Policies 9 and 13 and Policies DM8 and DM5 of the DPD.

04

The number of evening race meetings where the track floodlights are in operation in any calendar year shall not exceed ~~40~~ 20.

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.

05

The luminaire of each floodlight shall be as stated on the 'Equipment Layout' plan included within Appendix 6 – Aiming Angles and Upward Light Ratio Diagrams of the Lighting Assessment undertaken by WYG dated July 2017 unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity in accordance with the NPPF, and Policy DM5 of the DPD.

Informative Notes to the Applicant

01

This permission relates solely to the installation of lighting columns only. There will be no increase in the total number of race meetings held in any calendar year above the 80 races currently permitted under planning permission reference 54/890792.

02

This application should be read in conjunction with the Section 106 Agreement that secures the

Transport Management Plan for vehicles entering/leaving the site during evening and Sunday racing.

03

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

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

04

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

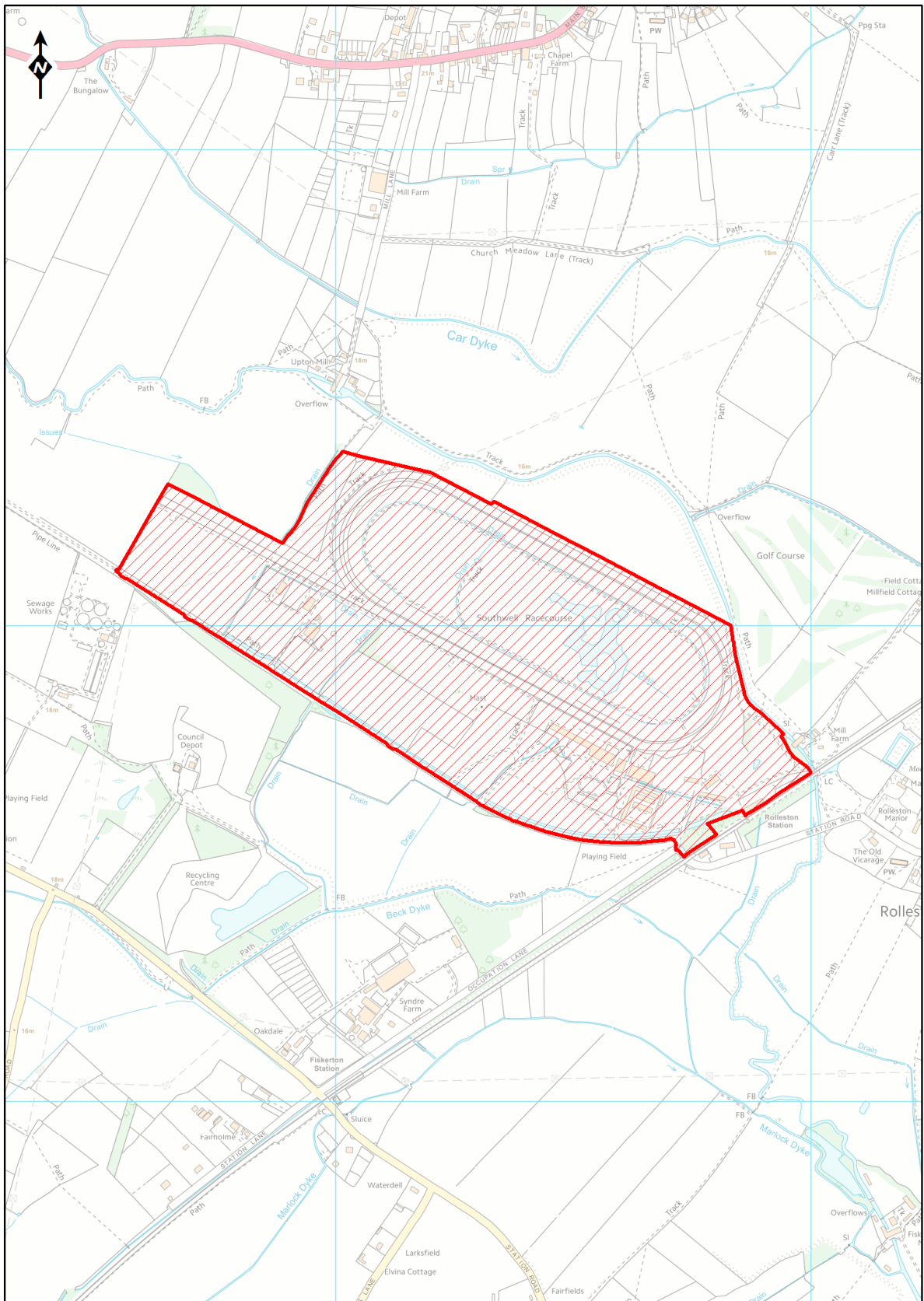
For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 22/00168/S73M



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PLANNING COMMITTEE – 15 MARCH 2022

| | | | |
|------------------------|---|---------------------|---------------|
| Application No: | 22/00073/S73 | | |
| Proposal: | Application to remove condition 2 from planning permission 18/02167/FUL to allow the existing temporary use to become permanent (Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers) | | |
| Location: | Shannon Falls, Tolney Lane, Newark | | |
| Applicant: | Miss Fallon Price | | |
| Registered: | 25 January 2022 | Target Date: | 22 March 2022 |
| Website Link: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R5P2PSLB04F00 | | |

This application is being reported to the Planning Committee as the specifics of the application warrant determination by the Planning Committee in line with the Council's Scheme of Delegation.

The Site

The application site is situated west of the Newark Urban Area boundary, within the Rural Area as defined by the Allocations and Development Management DPD and within the countryside. The site sits on the north side of Tolney Lane which runs in a westerly direction from the Great North Road and which terminates in a dead end. It sits close to the junction where Tolney Lane forks into two and the northern arm runs towards the railway line. It is located between the River Trent to the south-east (approx. 20 from the southern boundary of the site) and the railway line to the north-west.

The site measures 0.4 hectares in area and is roughly rectangular in shape and its south-western boundary fronts the road. Temporary planning permission was granted for 3 years in 2019 for the change of use of the land to provide 8 gypsy and traveller pitches. The layout of existing pitches on the site is somewhat different to the approved layout which showed 8 pitches arranged in a row along the length of the site.

The application site represents the western part of a wider site known locally as Shannon Falls which is located between the larger gypsy and traveller sites known as Church View to the east and Hoes Farm to the west. Shannon Falls has now been sub-divided into two larger western and eastern areas and a smaller site to the north-west. The eastern half of Shannon Falls has a temporary permission for 3 years for 13 gypsy and traveller pitches, approved by the Planning Committee at its last meeting (February 2022). The smaller north-western part of the Shannon Falls site was granted permission in 2018 for a permanent gypsy and traveller pitch which has been completed.

Approximately two thirds of the site (to the south-east) is within Flood Zone 3a (high probability of

flooding) of the Environment Agency's Flood Map/Strategic Flood Risk Assessment, and the remaining third to the north-west is located within Flood Zone 2 (medium probability). The application site is outside the designated Conservation Area but the boundary of Newark Conservation Area runs along the southern side of Tolney Lane, opposite the site.

Historically, the site has been subjected to material being tipped onto the land to raise ground levels which occurred roughly in 2001. This has never been authorised in planning terms and continues to be the subject of an Enforcement Notice as set out in the history section below.

Tolney Lane accommodates a large Gypsy and Traveller community providing in excess of 300 pitches.

Relevant Planning History

Including the application site and adjacent land to the north and east:

E/1/1129 - Use of the land as a site for caravans, refused in 1959;

E/1/2531 - Construct a residential caravan site, refused in 1970;

02/02009/FUL - Use of land as residential caravan site (21 plots) and retention of unauthorised tipping on the land which raised land levels, refused on flooding grounds.

Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5 AOD. The applicant appealed to the Planning Inspectorate but on 25 May 2006, the appeals were dismissed and the enforcement notices upheld on the land and still stand.

Whilst the site has ceased being used as a caravan site, the unauthorised tipping remains on the land, artificially raising ground levels.

On land directly to the north but excluding the application site:

15/01770/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site, consisting of One Mobile Home, Two Touring Caravans and One Amenity Building, refused by Planning Committee in May 2016 on the grounds of flood risk.

17/02087/FUL - Change of Use of Land to a Private Gypsy and Traveller Caravan Site consisting of one mobile home, one amenity building and two touring caravans and associated works, approved on a permanent basis by Planning Committee in June 2018.

On land to the east also known as Shannon Falls but excluding the application site:

21/01900/FUL – Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works (retrospective), refused by Planning Committee 03.11.2021 on grounds of flood risk and failure to demonstrate Gypsy and Traveller status.

21/02613/FUL - Use of land as a Gypsy and Travellers' site, erection of amenity blocks and associated works for temporary 3 year period (Retrospective) Re-submission of 21/01900/FUL,

approved by Planning Committee 17.02.2022, subject to a condition requiring land levels to be reduced to comply with the Enforcement Notice

This application site only:

12/01088/FUL - Change of Use of scrub land for the siting of 8 static mobile homes for gypsy travellers (and 8 associated amenity blocks). Planning permission was refused by Planning Committee in July 2013 on grounds of flood risk.

16/01884/FUL - Change of use of scrubland for the siting of 8 static mobile homes for gypsy travellers and reduce ground levels to 10.5mAOD was refused by Planning Committee on 25 January 2017 on grounds of flood risk. The applicant appealed this decision, however, in a decision letter dated 26 April 2018, the appeal was dismissed on flood risk grounds.

18/02167/FUL - Change of use of scrubland for the siting of 8 touring caravans and associated amenity block for gypsy travellers. Planning permission was approved by Planning Committee for a temporary period of 3 years until 28 February 2022 on 14.02.2019. No condition was imposed requiring the reduction of land levels in compliance with the Enforcement Notice.

The Proposal

This application seeks the removal of Condition 2 attached to the existing planning permission, which currently allowed the use on a temporary basis until 28 February 2022, to remove this restriction and allow the use to be granted on a permanent basis.

Condition 2 currently states:

“The use hereby permitted shall be for a limited period being the period up to 28 February 2022, or the period during which the land is occupied, whichever is the shorter. When the land ceases to be occupied or on 28 February 2022, 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 3 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.”

No further information has been submitted with this application, however, the original application approved under 18/02167/FUL was accompanied by the following documents:

- Location Plan Scale 1:1250 received 21 November 2018
- Proposed Site Plan (Drawing No: 12.71.02) received 21 November 2018
- WC, Laundry Room Details (Drawing No: 12.71.03 received 21 November 2018
- Design and Access Statement received 21 November 2018
- Flood Risk Assessment by Prior Associates dated October 2018

Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 4 : Gypsies & Travellers - 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)

DM5 – Design

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- 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:

- o Existing level of local provision and need for sites;
- o The availability (or lack) of alternative accommodation for the applicants;
- o Other personal circumstances of the applicant;
- o Locally specific criteria used to guide allocation of sites in plans should be used to assess applications that come forward on unallocated sites;
- o 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.

When considering applications, weight should be attached to the following matters:

- a) Effective use of previously developed (brown field), untidy or derelict land;
- b) Sites being well planned or soft landscaped in a way as to positively enhance the environment and increase its openness;
- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and
- d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

If a local planning authority cannot demonstrate an up-to-date 5 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.

Annex 1 of this policy provides a definition of “gypsies and travellers” which reads:-

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organized group of travelling showpeople or circus people travelling together as such.”

- 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...”

- Newark and Sherwood Gypsy and Traveller Accommodation Assessment, 2020;
- The Equality Act 2010;
- Human Rights Act 1998.

Consultations

Newark Town Council – Object on grounds of flood risk which poses a danger to life.

NCC, Highway Authority – No objection.

Environment Agency – Object, the development falls within a vulnerable category that is inappropriate to the flood zone in which it is located and is considered to pose a significant risk to life. The FRA fails to

- demonstrate that the development and future occupants will be ‘safe’ over the lifetime of the development;
- consider whether flood risk will be increased in the surrounding area.

The development therefore fails the Exception Test.

NSDC, Archaeology Consultant – No objection.

One representation has been received from an interested party in general support for the application but seeking a condition to be imposed requiring the applicant to play an active role in reducing anti-social behavior in the area – from dumping rubbish, damaging a neighbour’s property and bullying of third parties, which is understood to be in line with the traveller organisations and philosophy.

Comments of the Business Manager

The main planning considerations in the assessment of this proposal are the significant unmet need for gypsy and traveller sites and absence of a 5 year land supply, flood risk, the planning history of the site, the impact on the appearance of the countryside and the character of the area, highway issues, access to and impact on local services, residential amenity, personal circumstances of the applicants and their status.

Core Policy 4 of the Amended Core Strategy states that the District Council will, with partners, address future Gypsy and Traveller pitch provision for the District which is consistent with the most up to date Gypsy and Traveller Accommodation Assessment (GTAA) through all means necessary, including, amongst other criteria, the granting of planning permission for pitches on new sites in line with Core Policy 5. It goes on to state that future pitch provision will be provided in line with the Council’s Spatial Strategy with the focus of the Council’s efforts to seek to secure additional provision in and around the Newark Urban Area.

Core Policy 5 lists criteria to be used to help inform decisions on proposals reflecting unexpected demand for traveller sites, by reflecting the overall aims of reducing the need for long distance travelling and possible environmental damage caused by unauthorized encampments and the contribution that live/work mixed use sites make to achieving sustainable development.

Background, Planning History and other recent decisions on Tolney Lane

Historically the principle of a residential caravan use on this site was considered in 2002 and it was refused on grounds of flood risk. Two enforcement notices were served which sought to firstly cease the use as a caravan site and remove all caravans from the land and secondly to remove the unauthorised tipping from the land so that no part of the site is above the level of 10.5m AOD. The

applicant appealed to the Planning Inspectorate and the appeals were dismissed. The Inspector concluded:

"I fully understand that the occupants of the site would make sure they were well aware of any imminent flooding and, because of their experience of travelling, they could vacate the site quickly, if necessary. However, this does not address the concerns about the continuing availability of functional flood plain, and the consequences of development for flood control over a wider area." Whilst the use ceased in accordance with the Enforcement Notice, the unauthorized tipping remains on the site.

However, on the adjacent land to the east, (also included as part of the Shannon Falls site and on land covered by the 2006 decision) Planning Committee resolved at its last meeting (February 2022) to grant a temporary permission for 3 years for 13 pitches for gypsy and travellers, subject to a condition requiring ground levels to be reduced to comply with the Enforcement Notice on the site. However, in 2019, Planning Committee resolved to grant a temporary permission on this site for 8 pitches (tourer caravans only) with no requirement to reduce ground levels through the removal of unauthorized tipping material (Ref: 18/02167/FUL).

In addition, on the adjacent site to the north-west, an application for a single traveller pitch which included some removal of the unauthorized tipping material, notwithstanding the Environment Agency objection, the Planning Committee determined in June 2018, to grant a permanent permission (Ref: 17/02087/FUL).

Members may be aware that at the last Planning Committee meeting (February 2022) there was an application for the site at Park View Caravan Park, for the same use, which had a temporary permission until 30 Nov 2021 and originally sought permission for a permanent approval – Ref: 21/02492/S73. Facing a recommendation of refusal on flood risk grounds, the applicants agreed to alter the submission and request a further temporary permission, and which was approved for a further 3 years. At the Committee's meeting in September 2021, Members considered an application at Green Park (Ref: 21/00891/S73), which was originally submitted to convert the temporary permission to a permanent consent but on seeing a recommendation for refusal the agent requested that it be considered for a further temporary permission. Members resolved to grant a further temporary permission for 2 years (until 30 Nov 2023) to allow alternative sites to come forward through the Plan Review process.

The case officer has advised the applicant to consider whether they would wish to alter their current submission in the same way. Their response will be reported to the Planning Committee and an up-date provided.

The Need for Gypsy and Traveller Pitches

The NPPF and the Government's 'Planning policy for traveller sites' (PPTS) 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 temporary permission.

The District Council, as Local Planning Authority, has a duty to provide sites on which Gypsy and Travellers can live. The Gypsy and Traveller Accommodation Assessment demonstrates a need for 118 pitches to meet the needs of those who were established to meet the planning definition between 2013-33 (this figure rises to 169 to take account of undetermined households and those

who do not meet the definition – but who may require a culturally appropriate form of accommodation). The requirement of 118 pitches forms the basis of the five year land supply test, as required as part of the PPTS. Helpfully the GTAA splits this need across 5 year tranches – with 77 pitches needing to be delivered or available within the first period (2019-24) for a five year supply to be achieved. This reflects a heavy skewing towards that first tranche – due to the need to address unauthorised and temporary development, doubling up (i.e. households lacking their own pitch) and some demographic change within that timespan (i.e. individuals who will be capable of representing a household by the time 2024 is reached).

It is accepted that the Authority has a sizeable overall requirement which needs to be addressed and a considerable shortfall in being able to demonstrate a five year land supply. Both the extent of the pitch requirement and the lack of a five year land supply represent significant material considerations, which weigh heavily in the favour of the granting of consent where proposals would contribute towards supply.

Importantly, the GTAA assumed a net zero contribution from inward migration into the District - meaning that its pitch requirements are driven by locally identifiable need. This site did form part of the baseline for the Assessment. The accommodation needs of the applicants were captured by the GTAA survey and therefore whilst this site catered for the immediate needs of the applicants, who formed a component of the need identified through the Assessment. However, this was only for a temporary 3 year period, and as such, these pitches are not able to be classed as contributing to the need identified by the GTAA, which could only be contributed to by permanent pitches. This is because at the end of the 3 year period, that need would still exist. The temporary consent the site was subject to expired on the 28 February 2022, and so the occupants have an accommodation need which requires addressing.

There are currently no other alternative sites available with planning permission, and no allocated sites identified and consequently the Council does not have a five year supply of sites. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this is a significant material when considering applications for the grant of temporary planning permission. The granting of permanent consent for this site would allow for the needs suggested by the GTAA to be met. As outlined above, this should weigh heavily in the favour of granting permanent consent, with robust and justifiable reasons needed to depart from that course of action. Officers consider, given the potential risk to people and property, flood risk has the potential to form such a reason.

Flood Risk

The final criterion of Core Policy 5 states that ‘Proposals for new pitch development on Tolney Lane will be assessed by reference to the Sequential and Exception Tests as defined in the Planning Practice Guidance. These will normally be provided temporary planning permission.’ The NPPF states that local planning authorities should minimise risk by directing development away from high risk areas to those with the lowest probability of flooding. Core Policy 10 and Policy DM5 also reflect 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. Paragraph 13 (g) of the PPTS sets out a clear objective not to locate gypsy and traveller sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.

Table 2 of the Planning Practice Guidance 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.

The supporting text to Core Policy 5 clearly sets out that Tolney Lane is currently subject to significant flood risk and so to justify additional pitch provision, proposals will need to demonstrate material considerations which outweigh flood risk.

Approximately two-thirds of the application site (at its south-eastern end) is within Flood Zone 3a, with the single point of access/egress along Tolney Lane being within the functional floodplain (Zone 3b).

The NPPF states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. There are also two parts of the Exception Test that need to be passed:

- a) The development would provide wider sustainability benefits to the community that outweigh flood risk; and
- b) The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Even though the proposal has been demonstrated as contributing towards the meeting of locally identified need, the criterion based approach provided by Core Policy 5 is sufficiently flexible so as to provide the reasonable prospect of finding land at lesser flood risk. However, it is accepted that as the Council is unable to point to any reasonably available sites at lesser risk of flooding that the Sequential Test is passed in this case.

In terms of the Exception Test, the accessibility of the site to services within Newark would meet the test of wider sustainability benefits and is therefore accepted.

The Environment Agency has assessed the proposal against the second part of the Exception Test, and raise objection on the basis that firstly, that the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. Secondly, they also consider that the submitted Flood Risk Assessment fails to demonstrate that proposal passes the second part of the Exception Test, on the basis that there will still be a loss of floodplain storage because it is intended not to remove any unauthorised fill and the construction of the new amenity blocks will result in a loss of floodplain storage which would increase flood risk to the wider area and no mitigation for this has been provided. In addition, flood depths on the only access/egress route for the site reach 1.4 metres in places, and the supporting FRA has accepted that there is no safe means of access and egress during a flood event. It is the opinion of the EA that the flood depths on the site itself and the adjacent access road will pose significant risk to life of the occupants of the site.

The access/egress route is within Flood Zone 3 and can be classed as a "Danger to All" which puts even the emergency services at risk. Therefore this indicates (and has been acknowledged within the FRA) that in a flood event, access and egress routes will be cut off. The FRA therefore states that an evacuation plan is required which will remove occupants of the site before an overtopping event. An evacuation plan is outlined in Appendix D of the Flood Risk Assessment. This sets out what action should be taken on a Flood Alert, on a Flood Warning and on a Severe Flood Warning. The Evacuation Plan states that residents would register on the EA "Floodline" warning system which provides a 2 hour warning of a flood event, to enable residents to evacuate the site. The Council's Emergency Planner on the previous application on this site, raised objection based on the additional burden that would be placed on emergency service responders in a flood event.

As already set out, it is considered that the Sequential Test is passed on the basis of the lack of reasonably available alternative sites for this use at lower risk of flooding. The proposal fails the Exception Test because it includes retention of the fill on the site and the addition of the utility blocks, however no floodplain compensation is proposed, thereby increasing flood risk to others.

The proposal is contrary to both national and local planning policies and represents highly vulnerable development that should not be permitted on this site which is at high risk of flooding. Therefore, notwithstanding the passing of the Sequential Test, the use is considered highly vulnerable in flood risk terms and national policy is very clear that it should not be permitted in either Flood Zones 3a or 3b and also fails to demonstrate compliance with the second part of the Exception Test. This weighs very heavily against the proposal in the planning balance.

Other matters

The remaining material planning considerations – impact on the countryside and character of the area, highway safety, access to and impact on local services, residential amenity, personal circumstances and Gypsy and Traveller status remain unchanged from the previously considered application and as such do not require further consideration in this instance. For information, the full officer report from the previous 2018 application can be viewed by clicking on the link attached to the Background Papers listed at the end of this report.

Conclusion and Planning Balance

It is acknowledged that the proposal would allow for the accommodation needs of the occupants to be met, and would contribute supply towards local pitch requirements and the creation of a five year land supply – with the latter two considerations certainly needing to be afforded significant weight. However the land is located within a site at high risk of fluvial flood risk (with the only point of access and egress, Tolney Lane, within the functional flood plain (Zone 3b)), and national policy is very clear that permission should not be granted for this highly vulnerable use in areas at that level of flood risk. The continued policy and technical objection from the Environment Agency, in this regard, is also clear and unambiguous. The potential danger to individuals and property from this context is a considerable material consideration – and one which, in the view of officers, outweighs the otherwise substantial benefits associated with the scheme.

The Council is working to formulate a sound site allocation strategy, but until such time that this can be afforded meaningful weight there is the reasonable prospect that applicants can seek to bring forward suitable land in alternative locations – through Core Policy 5. The criteria within CP5 were modified as part of the examination of the Amended Core Strategy in order to allow this to take place, and provide the reasonable prospect of applicants being able to identify suitable land – including in areas at least flood risk.

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 weighed positively including significant unmet need, 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, with flood evacuation plans put in place to mitigate flood risk to the occupiers of the site on a short term basis. There has

been little material change to planning considerations since that decision was reached.

Whilst it is acknowledged that this site has already benefited from one temporary permission, as it stands officers are unable to provide support for the granting of permanent consent.

RECOMMENDATION

That planning permission is refused for the following reason:

01

The application use falls within a 'highly vulnerable' flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located (Flood Zone 3a) with a single point of access within the functional floodplain – Flood Zone 3b). Tables 1 and 3 of the Planning Practice Guidance make it clear that this type of development is not compatible to this Flood Zone and therefore should 'not be permitted.'

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 pro-actively pursuing the identification of suitable sites to meet future gypsy and traveller needs within, or adjoining, the Newark Urban Area through the Development Plan process. Although there would be some social 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 put occupiers of the site and members of the emergency services at unnecessary risk.

The proposal would therefore be contrary to Core Policy 5 and 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (2013) as well as the National Planning Policy Framework (2021), Planning Practice Guidance and Planning Policy for Traveller Sites (2015), which are material planning considerations.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

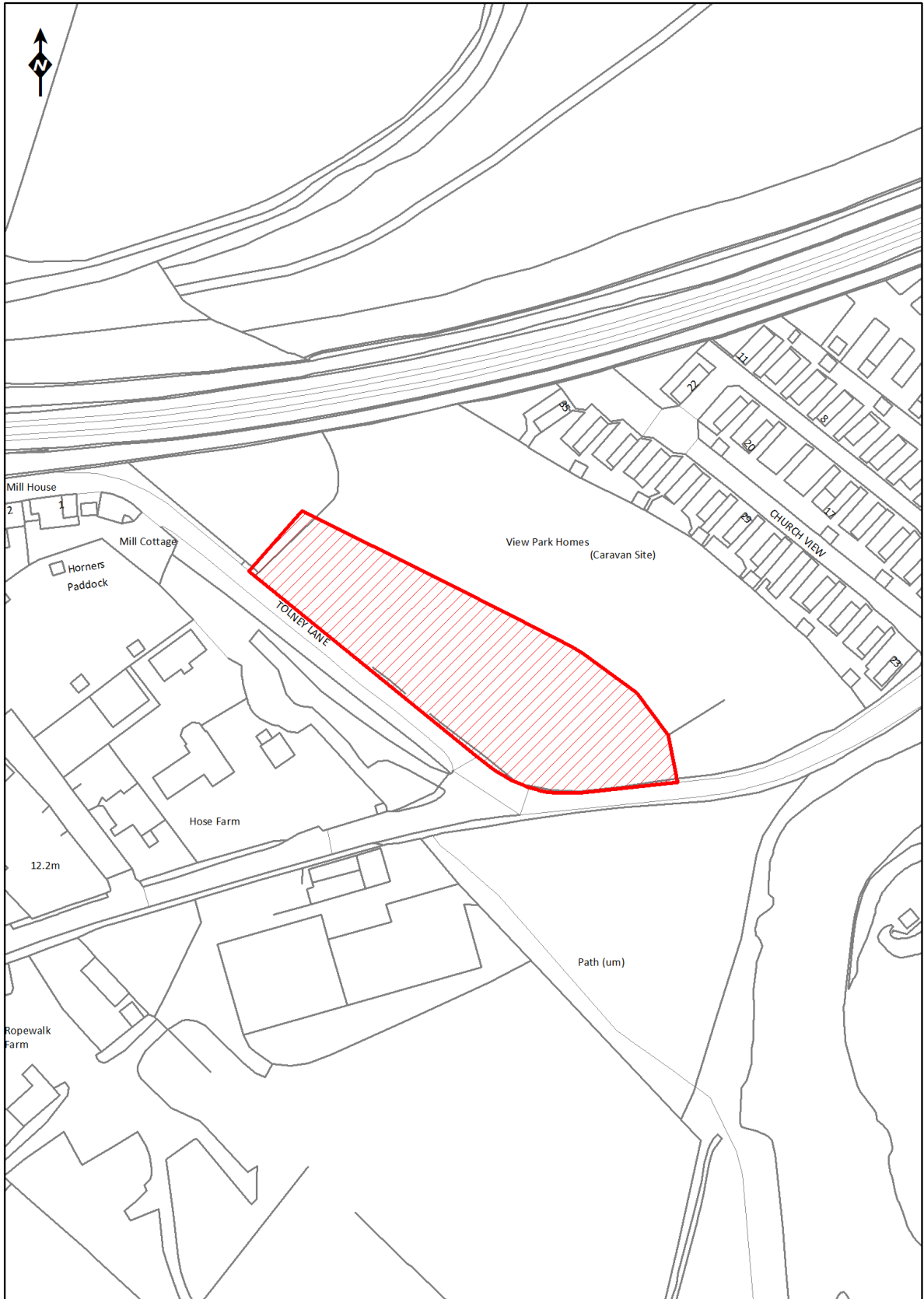
Link to Committee Report for application 18/02167/FUL –

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PIJKGBLB04M00>

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.

Lisa Hughes
Business Manager – Planning Development



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PLANNING COMMITTEE – 15 MARCH 2022

| | | |
|----------------------------------|---|--------------------------------|
| Application No: | 21/02589/FUL | |
| Proposal: | Change of use of the first floor atrium and old pub area of the Buttermarket from Sui Generis to Mixed Use (Uses Classes E(a), E(b), E(g(i)), F1(a) and F2(b)) | |
| Location: | The Buttermarket, Between 27 and 28 Middle Gate, Newark On Trent, NG24 1AL | |
| Applicant: | Newark and Sherwood District Council | |
| Agent: | Jackson Design Associates - Mr Alex Brown | |
| Registered: | 05.08.2019 | Target Date: 17.02.2022 |
| | Extension of Time: 18.03.2022 | |
| Link to Application File: | https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R3TOLILBINFO0 | |

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

The Site

The application site comprises the building known as the 'Buttermarket' and the Royal Exchange Shopping Centre which lies between no. 27 and 28 Middle Gate in the sub-regional centre of Newark Urban Area. In accordance with Section 1 (5) of the Planning (Listed Building and Conservation Areas) Act 1990 the building known as the Buttermarket is considered to form part of the Grade I listed Town Hall listing, which lies to the east of the application site with through access onto the Newark Marketplace. The building is surrounded by listed buildings and has a historically sensitive location. The site lies within the Newark Town Centre and Primary Shopping Area, within Newark's Historic Core and the defined Conservation Area.

The main Buttermarket access which is of brick wall construction and is formed of elaborately shaped brick gable with a pediment at the top and is accessed off Middle Gate to the NW, this façade features a large pedestrian access point and four glazed arched openings. There is through access into the exchange shopping area which exits into Chain Lane in addition to through access via the Town Hall onto the Newark Marketplace. This application specifically relates to the first floor area of the building.

Relevant Planning History

19/01410/FUL & 19/01411/LBC – Alterations and conversion of units 4, 9, 10 and 11 to form a single unit; Blocking up of window and door on Chain Lane; Re-design of shopfront on Middlegate; Change of allowable uses within the building to incorporate use A1, A2, A3, B1, D1 and D2 – Permitted 09.10.2019

21/02468/LBCLDC - Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets – Permitted 07.12.2021

21/02470/LBC - Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level – Permitted 19.01.2022

21/02462/LBC - Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors – Permitted 19.01.2022

The Proposal

The application seeks permission for the change of use of the first floor atrium and 'old pub' area of the Buttermarket from Sui Generis to Mixed Use (Uses Classes E(a) Display or retail sale of goods, other than hot food, E(b) Sale of food and drink for consumption (mostly) on the premises, E(g(i)) Offices to carry out any operational or administrative functions, F1(a) Provision of education and F2(b) Halls or meeting places for the principal use of the local community).

The 'old pub' area of the first floor is proposed to be converted to an educational and community facility – these areas shown on the first floor plan would be used as offices with a staff office, meeting room space, an area to provide educational sessions and for community groups to be held.

The plans also show the installation of 7 no. 'Pods' positioned around the atrium area of the building. Given the pods would be internal features they do not constitute operational development and as such do not require planning permission. Nevertheless, for context the pods are proposed to be used for use classes E(a), E(b) and E(g(i)) which would give visitors the option to visit the shops within the atrium and have refreshments as well as the potential to lease pods for office/meeting room spaces.

Whilst the plans do show some physical alterations on the proposed plans, given these are internal alterations they do not require planning permission – they have also been approved under applications 21/02470/LBC and 21/02462/LBC.

Documents considered within this appraisal:

- Planning Statement
- Proposed Visuals and Pod Specifications
- Smartpod Technical data sheet
- Heritage Impact Assessment
- Site Location Plan
- Proposed Area of Works – Ref. 2255 (22) 301
- Existing Basement and Ground Floor Plans – Ref. 2255 (22) 302
- Existing First Floor Plan – Ref. 2255 (22) 303
- Proposed Basement and Ground Floor Plans – Ref. 2255 (22) 304
- Proposed Stair Plans, Sections and Details – Ref. 2255 (22) 401
- Existing Reflected Ceiling Plan – Ref. 2255 (35) 301
- Proposed Reflected Ceiling Plans – Ref. 2255 (35) 301
- Proposed Finishes Plan – Ref. 2255 (40) 301
- Proposed First Floor Plan Proposed Pod Locations and Details – Ref. 2255 (22) 305-P02

(25.02.2022)

- Smartpod Technical Drawings 1-7 – Ref. SP-SMG-NSDCBP1-7

Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Earliest Decision date: 09.02.2022

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 -Sustainable Design

Core Policy 14 – Historic Environment

NUA/TC/1 - Newark Urban Area - Newark Town Centre

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework

Planning Practice Guidance

2021 Retail and Town Centre Uses Monitoring Report (1st April 2020 to 31st March 2021)

Planning (Listed Building and Conservation Areas Act) 1990

Consultations

Newark Town Council – No objection.

NSDC Conservation – No objection.

Historic England – No comments to make, defer to the Council's specialist conservation advisors.

Comments of the Business Manager

Principle of Development

The NPPF supports sustainable economic growth and places significant weight on the need to

support economic growth through the planning system. It also places emphasis on promoting health and safe communities, explaining that planning decisions should provide social, recreational and cultural facilities and services the community needs. To the same effect, Core Policy 6 requires the economy of the District to be strengthened and broadened and enabling employment levels to be maintained & increased by meeting requirements of business sectors. SP8 is also relevant which explains that the provision of new and enhanced community facilities will be encouraged.

The application seeks permission for the change of use of the first floor atrium and 'old pub' area of the Buttermarket from Sui Generis to Mixed Use to incorporate retail and the sale of food and drink as well as office use, provision of education and halls and meeting places for the use of the local community. The intention is to create a mixed use area for small businesses to lease the proposed pods and for the community to convene as a hub for work, education and recreational activity. The floor plan shows there would be three Classrooms areas as well as the 7 leasable pods and a staff area with separate public toilet facilities.

Policy NUA/TC/1 states that development of retail and other town centre uses within Newark town centre will be considered against general policy requirements in the Core Strategy and the Development Management policies in Chapter 7, with particular reference to DM11. Policy DM11 states that new and enhanced retail development and other town centre uses that consolidate the composition of the town centre will be supported within the Town Centre Boundary (TCB), as defined on the Policies Map. The NPPF defines Main Town Centre Uses, which includes (inter alia) retail development, leisure, recreation uses and offices. Officers are also mindful that these policies were adopted prior to the Use Class Order (UCO) of 1987 being amended in 2020 which revoked all former retail uses (including A4 (drinking establishments) and A5 (hot food & take away) putting them all, in this case, into one use class (Class E – Commercial, business and service uses) resulting in greater flexibility. The changes to the UCO and Permitted Development reforms support the shifting emphasis towards supporting the diversity of uses in town centre locations in order to support the vitality of town centers and the high street to adapt and diversify to allow the most effective use of existing buildings.

In this case, given the site is within the TCB and does not involve street level units the principle of changing the use of the first floor of the Buttermarket to create a recreational, educational and community hub with complementary uses would accord with the provisions of DM11 as it would provide an enhanced retail offer within the Primary Shopping Area with other complementary town centre uses that aims to draw visitors to the area. DM11 goes on to explain that the Council will support a greater diversity of town centre uses that contribute to the overall vitality and viability of the town centre and it is considered that this proposal would achieve this by combining uses that would bring people to the building (for educational or community group meetings) with retail uses (in the form of smaller units which would be conducive to small businesses and/or pop up events) which would give visitors and customers a reason to remain in the town for recreation as well as its educational or community offering. Furthermore, considering the Newark Town Centre Use Class Split (as of 31st March 2021) as reported in the 2021 Retail and Town Centre Uses Monitoring Report (1st April 2020 to 31st March 2021) retail use (E(a)) remains the most dominate use class (at 36%) with food and drink (E(b)) at 5.14% and educational facilities (F1(a)) at 0.3%. No community facility or office uses were reported within the Town Centre. As such it is not considered that this proposal would result in an over dominance of non-retail uses within the primary shopping area and given it would offer a range of complementary uses for the local community as well as visitors it is considered that the proposal would support the overall vitality and viability of the town centre. The proposal would therefore be in accordance with policies SP8,

CP6 and DM11 and the provisions of the NPPF in principle.

Impact on the Character of the Area and the Heritage Asset

The site is located within the historic core of the town, the defined conservation area and is a curtilage listed building associated with the Grade I Listed Town Hall to the east, as such the Council's heritage policies are applicable. 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. 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). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

Paragraph 137 of the National Planning Policy Guidance also states that, '*Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.*' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 further states, in relation to the general duty with regard to conservation areas in exercise of planning functions that, '*special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area*'.

Internally the building reflects a 1980's arcade style shop frontages at ground floor which lead onto Chain Lane and through to the Town Hall. The building has a commercial character internally which translates externally on Chain Lane as a glazed arcade style entrance with adjacent shop units and on Middlegate as an ornate building entrance with an arched glazed frontage and entranceway. At first floor there is a mezzanine atrium area which has ornate metal railings surrounding it. Consent has been granted for the provision of a new general access staircase within the atrium leading to the mezzanine level (21/02470/LBC) in addition to the removal of some existing infilled internal walls within the first floor atrium and the 'old pub' area (21/02462/LBC) to open up some of the internal areas proposed to be used for the educational facility which have been approved under separate listed building consent applications.

No operational development requiring permission is proposed as part of this application and reviewing the proposal the Conservation Officer (CO) has advised that the change of use proposed would not result in any impact on the special character of the building. Overall, given there are no physical alterations to the exterior of the building the proposal is not considered likely to have any adverse impact on the street scene or Conservation Area. Furthermore, given the positive conclusion of the CO it is considered that the development would not unduly impact the setting or significance of the adjacent Listed Building. This application therefore accords with Section 72 and 66 of the Planning (Listed Building and Conservation Areas Act) 1990 as well as Core Policy 14 of the CS, policy DM9 of the ADMDPD and Section 16 of the NPPF.

Impact on Neighbouring Amenity

DM5 of the ADMDPD outlines that regard should be given to the impact of proposals on amenity or surrounding land uses and should not cause unacceptable loss of amenity. Given that no new external building works are required as part of the proposal and that the immediate neighbouring properties, as well as the wider area, are all commercial, it is considered that the proposed uses of

the site are acceptable from an amenity perspective. The proposal would not result in any unacceptable levels of amenity for surrounding occupiers/uses and thus the proposal would accord with policy DM5 of the ADMDPD in this regard.

Impact on Highways Safety

Core Strategy Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. There are no proposed changes to the access arrangements to the site as part of this application. There is ample public car parking in the town centre and given the highway restrictions in place it is not envisaged that the proposal would result in any material highway safety issues. The application is therefore in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Conclusion

The principle of the change of use of the first floor of the building to Mixed Use including retail, sale of hot food, office use, and provision of education for use by the community is considered to be acceptable in the context of the town centre and primary shopping area location. The proposed uses are not considered to result in any unacceptable neighbouring amenity impact, nor would the proposed uses result in harm to the character and appearance of the Conservation Area or the setting of the listed building. There are no highways impacts that will result from this application and therefore subject to conditions it is recommended that the application be approved.

Recommendation

That full planning permission is approved subject to the following conditions.

01

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

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

02

The use hereby permitted shall not be carried out except in complete accordance with the site location plan, block plan and approved proposed plans reference

- Site Location Plan
- Proposed Area of Works – Ref. 2255 (22) 301
- Proposed First Floor Plan Proposed Pod Locations and Details – Ref. 2255 (22) 305-P02 (25.02.2022)

Reason: So as to define this permission.

Note to applicant

01

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)(England) Order 2015 (as amended).

02

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

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

03

This grant of permission does not convey consent for the display of any advertisement on or within the application site which will require separate advertisement consent.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02589/FUL



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PLANNING COMMITTEE – 15 MARCH 2021

| | | |
|----------------------------------|---|--------------------------------|
| Application No: | 22/00114/FUL | |
| Proposal: | Demolition of 4 properties (in line with approved OUT scheme) | |
| Location: | 262 - 268 Yorke Drive, Newark On Trent, NG24 2HN | |
| Applicant: | Newark and Sherwood District Council | |
| Agent: | SGA - Mr Ian Dick | |
| Registered: | 25.01.2022 | Target Date: 22.03.2022 |
| Link to Application File: | <u>22/00114/FUL Demolition of 4 properties (inline with approved OUT scheme) 262 - 268 Yorke Drive Newark On Trent NG24 2HN (newark-sherwooddc.gov.uk)</u> | |

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark and Sherwood District Council are the Applicant.

The Site

The site comprises a pair of 2-storey semi-detached dwellings and 2 dwellings at the end of a row of terraced dwellings located on the north east corner of Yorke Drive, within the urban area of Newark approximately 1.5km north east of the town centre. They have pitched tiled roofs and are rendered with pebbledash. The dwellings have been vacant since August 2020 and are currently boarded up with security screens. Playing fields are located to the east of the site. Residential properties are located on all other sides.



Public Rights of Way (PROW) comprising parts of Newark footpath No.29 and Newark Footpath No. 28 are located adjacent to the north and east boundaries of the site. There is a path between the dwellings leading between Yorke Drive and the playing fields albeit this link does not appear to be on the definitive footpath map and is currently closed off with fencing.

There are two trees located in the highway verge to the front of the properties, albeit these are located outside of the red line boundary for the application site.

In accordance with Environment Agency flood zone mapping the entire site and surrounding land is designated as being within Flood Zone 1, which means it is at low risk of fluvial flooding.

The site along with the wider estate and playing fields is allocated within the Newark and Sherwood Allocations and Development Management Development Plan Document (2013) as being part of the Yorke Drive Policy Area (Policy NUA/Ho/4). This is an area allocated for regeneration and redevelopment.

Relevant Planning History

20/02484/S73M Application to vary conditions 8, 24 and 25 attached to planning permission 18/02279/OUTM to amend the timescale for completion of the conditions – permission 03.03.2021

18/02279/OUTM Selective demolition and redevelopment of parts of the existing Yorke Drive Estate and the erection of new mixed tenure housing, community and recreational facilities on the adjoining Lincoln Road Playing Field site, resulting in the development of up to 320 homes – permission 06.11.2019

The Proposal

The application seeks full planning permission to demolish four properties, last used as dwellinghouses. Planning permission is sought as the proposal does not qualify for prior approval for demolition under Part 11, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

The four properties are not currently considered fit for habitation and have also been subject to anti-social behaviour. These properties also benefit from outline planning permission for demolition as part of the wider Yorke Drive redevelopment project (see relevant planning history above). However, demolition is required in advance of the associated reserved matters application being submitted for enabling and funding reasons.

The application is accompanied by the following:

- Application Form
- 00003 Rev P1 Location Plan
- 00004 Rev P1 Site Photographs
- Demolition Statement
- Further Bat Surveys September 2019
- Bat Survey Results of B1, B2 and B3 (01 March 2022)
- Phase 1 Geo-Environmental Assessment July 2018

Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has displayed around the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- NAP1 Newark Urban Area

Allocations & Development Management DPD (adopted July 2013)

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM10 Pollution and Hazardous Materials
- Policy DM12 Presumption in Favour of Sustainable Development
- NUA/Ho/4 Newark Urban Area – Housing Site 4 – Yorke Drive Policy Area

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Newark Town Council - No objection

NCC Public Rights of Way – No objection subject to confirmation of how the public using the above Public Rights of Way will be kept safe during the demolition.

NSDC Environmental Health – The applicant should also consider in detail the impact of demolition methods and working practices on sensitive property in the vicinity. This will be necessary in order to ensure best practicable means are employed to minimise noise and dust. I would therefore expect a method statement to be submitted in writing to, and agreed by, the planning authority, to be implemented in full during the demolition.

NSDC Archaeology Officer – No objection. This forms part of a larger scheme where archaeological work has been agreed in the relevant areas. This part of the site is deemed to have a lower potential for archaeological remains due to existing ground disturbance from previous phases of development.

No letters of representation have been received from neighbours/interested parties.

Comments of the Business Manager

The Principle of Development including Loss of Affordable Dwellings

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. The site forms Housing Site 4 as identified in Policy NUA/Ho/4 of the Allocations and Development Management DPD (adopted 2013). The DPD confirms the site is allocated for regeneration and redevelopment through a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner.

Policy NUA/Ho/4 requires removal of poorer quality housing and replacement of new dwellings and change of housing type to increase mix of tenure and range of housing. Proposals should also include phasing and delivery methods for the redevelopment. Through the approval of outline planning permission for redevelopment (20/02484/S73M as set out in the planning history section above) the principle of demolition of a number of existing properties on the estate has already been accepted in principle. Whilst this application represents a standalone application, early demolition is required as an enabler for the wider regeneration project. The properties are in the first phase of demolition and early demolition of these properties (rather than as a part of the wider regeneration scheme) means that the demolition can be eligible for grant funding under the Department for Levelling Up Homes and Communities, secured by the Council in late 2021, supporting the overall viability of the project.

The properties are currently vacant and not fit for habitation and their demolition would not therefore lead to a direct loss of affordable housing stock. The former occupants were provided alternative accommodation under the District Council's Decant Policy. Replacement and new dwellings including the provision of a satisfactory housing mix (having regard to displacement and provision of affordable housing) is a requirement of the forthcoming reserved matters application.

As such, the principle of development is considered acceptable subject to an assessment of all relevant site-specific considerations.

Impact on Residential and Visual Amenity

Core Policy 9 requires development to protect and enhance the environment. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

Following consultation with the Environmental Health Officer, it is recommended that a condition requiring the submission of a demolition method statement is submitted to and approved by the Local Planning Authority, be imposed. Due to the close proximity of residential properties, this would include a number of measures to minimize impacts during demolition including the parking of vehicles and dust suppression measures. The submitted plans show that the site would be secured with 1.8 metre high heras fencing during construction works.

Post demolition (and prior to the implementation of the Yorke Drive regeneration proposals) the site would be left level with the frontage fenced off to the general public with 1 metre high timber

post and infill panel fence. It is proposed that all spoil would be sorted, re-cycled where possible and cleared from the site.

Subject to conditions, the proposed demolition and restoration of the site is considered acceptable as proposed from a residential and visual amenity perspective in accordance with Policies Core Policy 9, Policy DM5 and the overall aims of Policy NUA/Ho/4 in the DPD.

Impact on Ecology

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

The buildings proposed for demolition are considered to have low bat roost potential. An updated bat building assessment and nocturnal bat surveys of the buildings was undertaken in August 2021 which confirms roosting bats as likely absent. As such roosting bats pose no constraints to the demolition of these buildings, no further surveys or mitigation in relation to bats is recommended.

Any vegetation clearance or building demolition should be timed to avoid the bird breeding season, which runs from March to September (inclusive). This is to avoid adverse impacts to any nests present.

Subject to conditions, the proposed development would not result in any adverse impact upon ecology in accordance with Core Policy 12 and Policy DM5 of the DPD.

Conclusion

The site is located on a wider site allocated under policy NUA/Ho/4 for the regeneration and redevelopment through a comprehensive scheme of regenerating existing housing and developing new stock in a coordinated and sustainable manner. This application to demolish four of the existing properties is required to facilitate these wider regeneration plans for the site. The properties are currently vacant and not fit for habitation and would not therefore lead to a direct loss of affordable housing stock.

Subject to conditions, the proposal would not result in any adverse impact upon residential or visual amenity, highway safety, public rights of way, ecology or trees.

Therefore, subject to these requirements and the conditions below, the recommendation is for approval.

RECOMMENDATION

That full planning permission is granted subject to the conditions shown below:

Conditions

01

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

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

02

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

- 00003 Rev P1 Location Plan
- 00004 Rev P1 Site Photographs
- 00007 Rev P1 Site Protection Measures

Reason: So as to define this permission.

03

Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the demolition of the site buildings shall be restricted to:

Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs only and no works on site on Sundays/Bank Holidays.

Reason: In the interests of residential amenity.

04

No development shall take place within the application site, until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition period. The statement shall set the overall strategies for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of materials;
- iv. the erection and maintenance of security hoarding/fencing;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during demolition;
- vii. a scheme for recycling/disposing of waste resulting from demolition works.

Reason: In the interests of residential amenity.

05

No site clearance/demolition shall be undertaken during the bird nesting period (beginning of March to end of August inclusive). This is unless any building is first inspected by a suitably qualified ecologist and a report submitted and approved in writing by the Local Planning Authority prior to such works taking place.

Reason: To ensure that adequate provision is made for the protection of nesting birds and/or protected species on site.

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/

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

02

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

03

The applicant should be reminded of legal requirements relating to asbestos demolition surveys in line with health and safety regulations, and prior notification of demolition works to Local Authority Building Control.

04

There should be no disturbance to the surface of Public Rights of Way (PROW) comprising Newark footpath No.29 and Newark Footpath No. 28 without prior authorisation from the Rights of Way team. The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 6 weeks' notice is required to process the closure and an alternative route on should be provided if possible. If the route is to be fenced, ensure that the full width of the path is available and that the fence is low level and open aspect to meet good design principles. If a structure is to be built adjacent to the public footpath, the width of the right of way is not to be encroached upon. If a skip is required and is sited on a highway, which includes a PRow then the company supplying the skip must apply for a permit. <http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skippermit> and also ensure that the PRow can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic

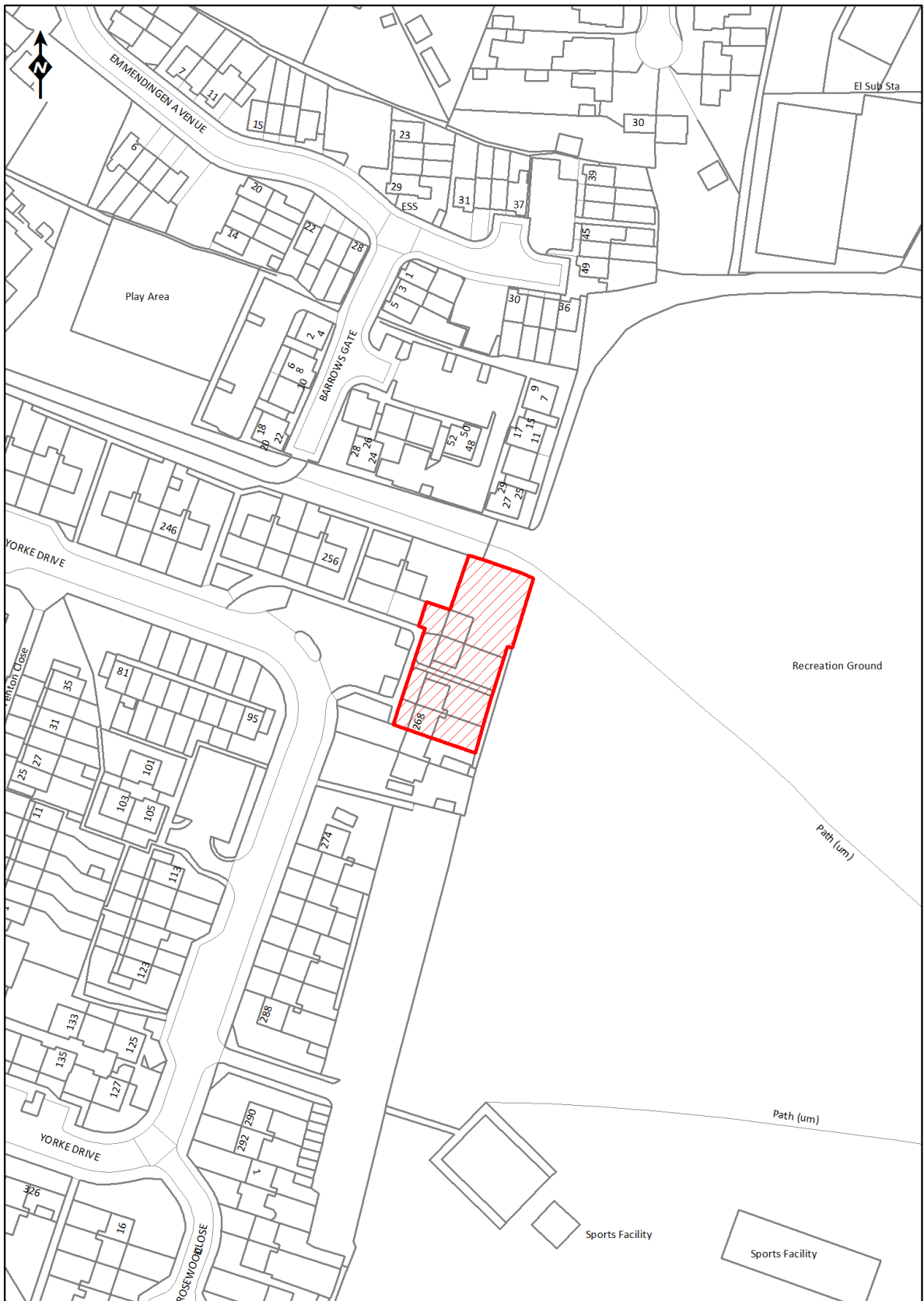
BACKGROUND PAPERS

Application case file.

For further information, please contact Helen Marriott on extension 5793

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 22/00114/FUL



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PLANNING COMMITTEE – 15 MARCH 2022

Appeals Lodged

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

Appendix A: Appeals Lodged received between 29 January 2022 and 1 March 2022

| Appeal reference | Application number | Address | Proposal | Procedure | Appeal against |
|----------------------------|--------------------|---|---|------------------------|-----------------------------------|
| APP/B3030/D/21/328988 9 | 21/01614/HOUSE | 188 Mansfield Road Clipstone NG21 9AE | Construct concrete sectional building on concrete base for storage. | Fast Track Appeal | Refusal of a planning application |
| APP/B3030/D/22/329165 8 | 21/01992/FUL | Fairfields Station Road Fiskerton NG25 0UG | Proposed extensions to existing garage to form an annexe linked to existing property via a proposed garden wall | Fast Track Appeal | Refusal of a planning application |
| APP/B3030/W/21/32850 93 | 21/00690/FUL | Garage House Great North Road South Muskham NG23 6EA | Proposed new dwelling | Written Representation | Refusal of a planning application |
| APP/B3030/W/21/32870 83 | 21/02033/HOUSE | The Old Coach House Maypole Green Wellow NG22 0FE | Single storey rear extensions incorporating the retention of existing rear balcony, Enlargement of oak framed porch to front, and fenestration alterations. | Written Representation | Not determined within 8 weeks |

| | | | | | |
|----------------------------|---------------|---|--|------------------------|-------------------------------|
| APP/B3030/C/21/328933 1 | 21/00269/ENFB | New Farm Mansfield Road Blidworth NG21 0LS | Without planning permission, operational development on the Land comprising of the construction of a timber stable block with a felt roof measuring approximately 12.6 metres long by 3.76 metres wide and 2.65 metres to the ridge of the stable block as well as the development of a concrete base upon which to locate the unauthorised stable block | Written Representation | Service of Enforcement Notice |
|----------------------------|---------------|---|--|------------------------|-------------------------------|

PLANNING COMMITTEE – 15 MARCH 2022

Appendix B: Appeals Determined between 29 January 2022 and 1 March 2022

| App No. | Address | Proposal | Application decision by | Decision in line with recommendation | Appeal decision | Appeal decision date |
|----------------|--|---|-------------------------|--------------------------------------|------------------|----------------------|
| 21/00686/HOUSE | Inkersall Cottage Inkersall Lane Bilsthorpe NG22 8TL | First floor side extension with wrap-around balcony. | Delegated Officer | Not Applicable | Appeal Allowed | 7th February 2022 |
| 20/01242/FULM | Land North Of Halloughton Southwell | Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure. | Planning Committee | Yes | Appeal Allowed | 18th February 2022 |
| 21/01528/HOUSE | Grange Farm Gainsborough Road Girton NG23 7HX | Single-storey extension to existing dwelling. Resubmission of application 20/00690/FUL. | Delegated Officer | Not Applicable | Appeal Allowed | 21st February 2022 |
| 21/01473/FUL | Old Church Farm Kirklington Road Eakring NG22 0DA | Refurbishment of existing outbuildings with internal alterations to provide additional living accommodation. | Delegated Officer | Not Applicable | Appeal Allowed | 11th February 2022 |
| 21/01224/FUL | The Spread Eagle Public House Caunton Road Hockerton NG25 0PL | Change of use from Public House (Sui Generis) to dwelling (C3). | Delegated Officer | Not Applicable | Appeal Dismissed | 3rd February 2022 |

| | | | | | | |
|-----------------|--|---|-------------------|----------------|---------------------|--------------------|
| 21/01023/RMA | Land At Rear Of 244 Beacon Hill Road Newark On Trent | Application for reserved matters approval for 4no. town houses with associated garages and new access from Hutchinson Road | Delegated Officer | Not Applicable | Appeal Dismissed | 25th February 2022 |
| 21/00638/FUL | Boundary House Main Street Hoveringham NG14 7JR | Erection of a two bedroom dwelling | Delegated Officer | Not Applicable | Appeal Dismissed | 28th February 2022 |
| 20/02094/FUL | Land Adjoining 124 High Street Collingham NG23 7NH | Proposed new single detached dwelling | Delegated Officer | Not Applicable | Appeal Dismissed | 25th February 2022 |
| 21/00263/FUL | Mccolls Mansfield Road Blidworth NG21 0RB | Proposed two storey dwelling and felling of 2no. trees (re-submission of 20/01200/FUL) | Delegated Officer | Not Applicable | Appeal Dismissed | 25th February 2022 |
| 21/01888/HOUSE | 67 Mansfield Road Edwinstowe NG21 9NW | First floor side extension over garage including roof and window alterations | Delegated Officer | Not Applicable | Appeal Dismissed | 24th February 2022 |
| 21/00018/ENFB | 6 Windsor Road Newark On Trent NG24 4HS | Appeal against Enforcement Notice - Development not in accordance with plans attached to planning permission 20/00655/FUL | | Not applicable | Appeal Dismissed | 28th February 2022 |
| 21/01441/CPRIOR | Mark Jarvis Racing 2 Middle Gate Newark On Trent NG24 1AG | Application to determine if prior approval is required for proposed change of use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops or Casinos (Sui Generis Uses) to Restaurants and Cafés (Class A3), and for building or other operations for the provision of facilities for ventilation, extraction and the storage of rubbish as GPDO 2015 Schedule 2 Part 3 Class C. | Delegated Officer | Not Applicable | Appeal not Accepted | 28th February 2022 |

| | | | | | | |
|---------------|---|--|--|--|------------------|--------------------|
| 21/00269/ENFB | New Farm Mansfield Road Blidworth NG21 0LS | Without planning permission, operational development on the Land comprising of the construction of a timber stable block with a felt roof measuring approximately 12.6 metres long by 3.76 metres wide and 2.65 metres to the ridge of the stable block as well as the development of a concrete base upon which to locate the unauthorised stable block | | | Appeal Withdrawn | 17th February 2022 |
|---------------|---|--|--|--|------------------|--------------------|

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development



Appeal Decision

Inquiry Held on 7 December 2021

Site visit made on 16 December 2021

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/B3030/W/21/3279533

Land north of Halloughton, Southwell, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JBM Solar Projects 6 Limited against the decision of Newark & Sherwood District Council.
 - The application Ref 20/01242/FULM, dated 7 July 2020, was refused by notice dated 4 March 2021.
 - The development proposed is the construction of a solar farm and battery stations together with all associated works, equipment, and necessary infrastructure.
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Preliminary Matters

1. Further to Regulation 14(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 571/2017), the Secretary of State issued a direction that an Environmental Statement (ES) was required. An ES was submitted on 30 November 2021. At the inquiry, the appellant submitted a revised Biodiversity Nett Gain Assessment (BNG) using the updated Biodiversity Metric 3 issued in July 2021. I have had regard to its contents and the representations made.
2. The appellant requested that the appeal be determined based on an amended plan, *P18-2917_12 Rev M Site Layout and Planting Proposal*, and an additional plan *P18-2917_26 Indicative Landscape Site Section (Year 5 & 15)*. Whilst the boundaries of the site remain unchanged, the amendment involves, the removal of solar panels and associated infrastructure from Fields 7 and 12, additional planting in the south-west corner of Field 3 and on the northern boundary of Field 1 and the introduction of a rewilding area in the north-west corner of Field 1. Following public consultation and formal consideration the local planning authority (lpa) has no objection to the proposal being determined on these plans. No party would be prejudiced by the appeal being determined based on Drawing Nos. P18-2917_12 Rev M and P18-2917_26 and I have proceeded on this basis.
3. To allow for consideration of the ES, the revised BNG assessment and receipt of closing submissions, the inquiry was adjourned and closed in writing on 14 January 2022.

Decision

4. The appeal is allowed, and planning permission is granted for the construction of a solar farm and battery stations together with all associated works, equipment, and necessary infrastructure on land north of Halloughton, Southwell, Nottinghamshire in accordance with the terms of the application,

Ref 20/01242/FULM, dated 7 July 2020, and the plans submitted with it, subject to the conditions contained in Annex A to this decision.

Main Issues

5. These are: (1) the landscape and visual impact of the scheme; (2) the effect on heritage assets (HA); and (3) whether the proposal would conflict with the development plan and if so whether there are any material considerations that would outweigh that conflict; the planning balance.

Development Plan and other relevant Policy Guidance

6. The development plan includes the Newark and Sherwood Amended Core Strategy (CS), the Allocations and Development Management Development Plan Document (A&DM) and the Southwell Neighbourhood Plan (SNP).

Core Strategy

7. The objective of Policy CP 9 is the protection and enhancement of the natural environment. Policy CP 10 indicates that proposals for renewable energy generation will be supported, where adverse impacts have been satisfactorily addressed. To assist decision makers in assessing the impact of proposed developments on landscape character, the Ipa has adopted the Newark and Sherwood Landscape Character Assessment Supplementary Planning Document (SPD). The SPD identifies Landscape Policy Zones (LPZ), and landscape conservation and enhancement aims for each LPZ. Policy CP 13 seeks to secure development that positively addresses the implications of the relevant LPZs consistent with the landscape conservation and enhancement aims for those areas ensuring that landscapes, including valued landscapes, have been protected and enhanced. Policy CP 14 seeks the conservation and enhancement of the character, appearance and setting of HAs in line with their significance.

Allocations and Development Management Development Plan Document

8. Policy DM 4 indicates that applications for renewable energy schemes will be permitted where the benefits are not outweighed by harm to, amongst other things, landscape character, HAs or living conditions. Policy DM5 lists the criteria against which proposals are assessed. These include access, amenity, landscape, biodiversity, green infrastructure, ecology, and flood risk. Policy DM9 adopts a positive approach to proposals to reflect the overarching presumption in favour of sustainable development.

Southwell Neighbourhood Plan

9. The supporting text to Policy E6 indicates that the SNP seeks to increase the amount of energy generated locally from renewable sources. Low carbon energy schemes will be supported where, amongst other things, they would not negatively impact on local landscape character. Whilst Policy E6 refers to effect on the setting and character of HAs, this criterion relates to Policy DH3, which solely relates to Southwell and as such is not relevant to this proposal.

National Planning Policy Framework Framework) and Planning Practice Guidance (PPG)

10. The Framework and PPG provide generic and specific policy and guidance on development in general and renewable energy developments. These cover

considerations such as biodiversity, historic environment, landscape and visual effects, traffic, living conditions and socio-economic benefits.

Reasons

Issue 1 – Landscape & Visual Impact

11. Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

Landscape Character

12. Framework, paragraph 174, indicates that the intrinsic character and beauty of the countryside should be recognised. That said, the Framework does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. The site does not form part of any designated landscape and the Ipa acknowledges that for the purposes of the Framework, the site is not a valued landscape.
13. The Framework does not define what constitutes a valued landscape. However, given that all landscapes are valued by someone at some time, the term, valued landscape, must mean a landscape that is of value because of demonstrable attributes that takes it to a level of more than just mere open countryside. I note the strong feelings eloquently expressed both at the inquiry and in writing by residents about their attachment to and value they place on Halloughton and its surroundings. However, nothing I have read, heard, or seen would elevate this site and its surroundings to that of a Framework valued landscape.
14. Of the various landscape character documents referred to, the most relevant is the SPD. The site extends over 12 fields at the confluence of 3 LPZs. Fields 1 to 5 and 12 are within LPZ 37 – Halam Village Farmlands with Ancient Woodlands. Part of Field 8 and Fields 9 to 11 are within LPZ 38 - Halloughton Village Farmlands. Field 7 and the balance of Field 8 is found within LPZ 39 - Thurgarton Village Farmlands with Ancient Woodlands.
15. The landscape characteristics of the site and immediate surroundings are consistent with the characteristic visual features listed for the LPZs. These are: a predominantly arable agricultural landscape with medium to large scale fields with some smaller pasture fields; field boundaries comprising well-maintained hedgerows albeit fragmented in places, with some mature hedgerow trees; blocks of woodland of varying age and linear sections of woodland along field boundaries, streams, and drains. Topography is gently undulating and rounded with medium distance skyline views enclosed by hedgerows and woodland.
16. The assessments of the individual LPZs conclude on their value and sensitivity. However, as the LPZs cover extensive areas and the site extends over a relatively small part of these LPZs, I see it as an area of transition. Here, it would be inappropriate to apply the wider area values and sensitivities uncritically. For example, Field 7 and less than half of Field 8 is located within LPZ 39. However, there is nothing on the ground that would distinguish that part of Field 8 falling within LPZ 38, which is judged to be of moderate landscape sensitivity from that part in LPZ 39, which is judged to

- have a high landscape sensitivity. Taking the landscape characteristics, condition, and sensitivities of each of the 3 LPZs as a starting point and looking at value and sensitivity in the round, the site and its surroundings have a medium landscape value and medium sensitivity to change.
17. The key elements that contribute to landscape character are topography, land use/land cover, tree/woodland, hedgerows, public footpaths, and watercourses. Although for some of these elements, the conclusions reached by the lpa and appellant differ in terms of value, susceptibility and sensitivity, there is a large measure of agreement on the significance of effect.
 18. Apart from the proposed permanent electricity substation, the solar panels and associated infrastructure, would, for the want of a better phrase, sit lightly on the affected fields, with no material change to topography. As to land use/land cover, most of the site would be retained in agricultural use as grazing pasture. Sheep grazing is an accepted part of solar farm developments as a means of naturally managing the pasture. Seeking opportunities to restore arable land to pasture is an "action" promoted by the SPD. For these landscape elements, the lpa and appellant agree that the degree/scale of effect would be *Not Significant* in landscape character terms.
 19. For trees and hedgerows, whilst the lpa accepts there would be some minor to moderate beneficial impacts from the proposed mitigation, it regards these changes as Not Significant. The appellant, on the other hand, assesses the changes as being Major Beneficial and Significant. Relative to the existing fund of trees/woodland in the area, the additional tree planting on the southern edges of Fields 8 and 9, the northern edges of Fields 7 to 11, the western and southern edges of Field 4 and on the northern edge of Field 1 does appear modest. However, these are strategic areas for planting and the impact belies their extent. In my view the outcome would be a Major and Significant Beneficial Effect. A similar approach can be adopted for hedgerows. Here, the existing 8km of hedgerow around and within the site would be supplemented by some 1.2km of new planting. This would be a significant expansion and result in a Major and Significant Beneficial Effect. Moreover, tree and hedgerow planting are consistent with "actions" promoted by the SPD, which are, to conserve and enhance hedgerow and tree cover
 20. For public footpaths there would be no change. For watercourses, whilst there is a difference between the parties as to the scale of beneficial effect, there is agreement that it would be Not Significant in terms of landscape character effect.
 21. It is common ground that, given their spatial extent, there would be no significant adverse effects on the landscape character of the wider LPZs. Moreover, the lpa accepts there would be no direct impacts on landscape character outside the boundaries of the site. Given the topography of the area, existing planting and overhead power lines/pylons that bisect Fields 6 and 8 to 11, the lpa acknowledges there are, limited medium distance views and visibility of the site. Accordingly, whilst the solar panels and associated infrastructure would, in Environmental Impact Assessment terms, have a Significant Adverse effect on landscape character, it would be highly localised.
 22. In terms of the degree/scale of impact of the scheme, the assessments carried out by the lpa and the appellant concentrate on the construction period and Years 1 and 10. During the construction period and at Year 1, it

is agreed that within the site, the scale of effect would be Major and have a Significant adverse effect on landscape character. In my view, this significant adverse effect would be experienced at several places where there are views into the site. However, given the relatively short construction period, some 26 weeks, and at a time when the mitigation planting would be young, such adverse impacts cannot be avoided. Thus, the weight I attach to these early effects is limited. As François Athenase de Charette de la Contrie¹ is reputed to have said, "*...you cannot make an omelette without breaking a few eggs*".

23. The lpa acknowledges that over the lifetime of the scheme the planting would increasingly mitigate the landscape impact of the solar panels and associated infrastructure. The main difference between the parties is that by Year 10 the appellant considers that the adverse effect would be reduced to a largely Moderate Adverse impact and Not Significant in landscape character terms whereas the lpa submit that there would still be a Major Adverse and Significant effect on landscape character. The difference appears to rest largely on the lpa's conclusion that the impacts of the proposed mitigation measures rather than the presence of the solar panels and associated infrastructure would be the source of the enduring adverse landscape effect. Essentially, the additional tree cover, hedgerow reinforcement and allowing the hedgerows to grow out would result in long term harm by interrupting or curtailing medium distance views.
24. The lpa acknowledges that the proposed mitigation, is consistent with the nature and character of existing planting. Moreover, these works are entirely consistent with the "actions" to conserve and reinforce hedgerow and tree cover promoted for these LPZs. Indeed, the landscape character changes the lpa assert would be a harmful is something that has already occurred in the landscape to the north of the village. Here, over the last 2 decades landowners have engaged in extensive tree planting and hedgerow maintenance. The prime example of this is the extensive and dense woodland planting to the east and south of Fields 10 and 11.
25. No important or protected views were identified by the lpa. However, residents refer to the loss of views of the twin towers of Southwell Minster, looking eastwards from public footpaths that run along the western and northern boundaries of the site. That said, whilst there are some views of the tops of the Minster towers from the field to the west of Fields 2 and 4, these are not from the official line of the public footpath that runs hard against the hedge line of Fields 2 and 4, but a desire line that follows vehicle tracks across the centre of the field. In any event, these views are not sequential, but glimpsed and any loss would be limited.

Visual Impact

26. The assessment of visual impact is based on an assessment of views from 18 agreed representative viewpoints² (VP). In concluding on visual impact, I acknowledge that, (a) the views obtained from these VPs are a snapshot of the site and do not reflect the experience of walkers as they proceed along the road/public footpath and (b) the photographs were taken when the deciduous trees and hedgerows were in full leaf. That said, my visits to the

¹ Breton soldier and politician 1863 to 1796.

² In addition, there are views from 3 points on the edge of Southwell included for the assessment of impact on heritage assets.

site and its surrounding were in winter, which presents a worst-case scenario. Moreover, on views, the area is well endowed with extensive tree and hedge cover that limits views to short or medium range. Moreover, given the topography and existing tree/hedgerow cover, the opportunity for sequential views is limited. This is particularly the case where Footpath 209/74/1 runs along the southern boundary of Field 6 and where Footpath 209/42/1 runs northwards along Fields 4 and 2.

27. The parties agree that the Year 10 assessments of effect are the most important to assess the visual impact of the scheme. It is these effects that would last for most of the life of scheme. That said, the existing and proposed planting would continue to grow and increasingly screen the development. Thus, the Year 10 assessment of effect must be regarded as a worst-case scenario. It is common ground that there would be no significant visual effects after decommissioning.
28. There is a significant amount of agreement between the parties regarding visual impact. Taking the lpa's conclusions in each case as a worst-case scenario, the visual effect at VPs 1, 3, 5, 6, 7, 9, 10 to 13 and 16 to 18 are judged as Negligible and Not Significant. In landscape assessment terms, a negligible effect is where the proposed changes would maintain the existing view or where, on balance, the proposed changes would maintain the quality of the view, which could include adverse effects that would be offset by beneficial effects for the same receptor. At VPs 2 and 8, the visual effect is judged as Minor Adverse and Not Significant. Typically, this is where a proposal would represent a low magnitude of change and/or the proposal would result in a slight deterioration of the view.
29. The effect at VPs 4 and 14 is described as a Moderate to Negligible Adverse effect. A moderate adverse effect is typically described as a Medium Magnitude of change where the proposal would result in a clear deterioration in the view. In this context, I would also describe the views to the north-west obtained when walking west on Footpath 209/74/1, towards VP 2 as being Moderate Adverse and Not Significant. On this stretch of path, views of panels in Fields 3 and 5 would be obtained across the shallow valley containing the Westhorpe Dumble where the field hedgerow is heavily gapped.
30. One Significant Year 10 effect would occur on Public Footpath 209/43/1 at VP 15, and a Major Adverse effect would be experienced by walkers on the stretch between VPs 14 and 15. Here, the footpath runs along the southern edge of a tall, dense, mature hedge that has been allowed to grow out limiting the visual effect to one side of one field. That said, the lpa agreed, the effect is limited geographically and of short duration. Any impact on the footpath where it extends to the east beyond Field 1, VP 16, or to the west and north of Field 2, would, due to existing screening, be limited if not negligible. Here, the proposed mitigation includes a native hedgerow with trees along the northern edge of the solar panels and a substantial area left for rewilding in the north-east corner of Field 1. As the planting matures, the solar panels would largely disappear behind the planting mitigating the visual harm.
31. Currently, on Footpath 209/43/1, between VPs 14 and 15, the walker experiences an open aspect to the south-east albeit the extent of view is short range as Field 1 rises to the south-east and a mature hedgerow along the

eastern boundary of Field 1. Concern was expressed that the narrowness of the gap between the existing hedge and the proposed mitigation would result in walkers experiencing an unacceptable tunnel effect. Whilst walkers may experience what the appellant suggests would be a "green corridor" this is not an unusual feature of the area. Footpath 209/80/2 to the north of Halloughton Wood runs for a significant length with dense woodland on either side and Footpath 209/74/1 runs between tall dense Miscanthus planting on its northern and southern side as shown by the view from VP 3.

32. Drawing the above together, it is inevitable that located in a countryside location a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be limited and very localised. Moreover, as the existing and proposed planting matures, the adverse effects, would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm was decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the objectives of the development plan and the SPD.

Issue 2 - Heritage

33. The site lies partly within the Halloughton Conservation Area (CA), and within the settings of several Listed Buildings (LB). Regarding the LBs, there would be no direct physical impact, rather the potential for harm would be indirect. As to effect, the key difference between the parties is the contribution the Halloughton Prebend makes to the heritage interest these HAs. Briefly, a Prebend is a salary generally given to clergymen, the Prebendary, derived from tithes on agricultural land. Here, the Halloughton Prebend was given to Canons of Southwell Minister and ceased around 1840. At that time, the estate reverted to the Diocese of Southwell and in 1952 sold to the tenants.
34. The Prebend is not, on its own, an HA rather it is a matter of historical record, and no tangible connection can be experienced on the ground or in the wider landscape; it is a non-visual historic consideration. That said, there are many LBs whose significance is founded on historic associations that are not reflected in their physical appearance or surroundings. The appellant's submissions on the relevance of the Prebend to the heritage interest of the 5 LBs and CA were deftly put. However, whilst I recognise the Prebend is now a matter of historic record rather than a physical manifestation, it is of historic interest and as such contributes to the heritage interest of these HAs.

Halloughton Manor Farmhouse, Pigeon Cote, Granary and Stable

35. Although listed separately, these buildings are part of the same complex. Halloughton Manor Farmhouse (HMF) is listed as Grade 2*, the Pigeon Cote, Granary, Stable and Barn are listed as Grade 2. HMF, was originally the Prebendal House constructed in the 13th Century with additions and alterations during the medieval, post medieval and 19th century. At the core of this building is a 3-storey tower largely constructed of coursed rubble with ashlar dressings with the later addition of a pitched pantile roof and brick gables. A substantial part of the frontage elevation of the tower is obscured by what appear to be late 19th century single-storey extensions.

36. The Pigeon Cote, Granary, Stable and Barn were constructed during the 18th and 19th centuries as the farmstead expanded. The Pigeon Cote, Granary and Stable, a 2-storey building, constructed in red brick with a pantile roof. Located at the core of the complex, views of the building are restricted to the upper storey: the Pigeon Cote. Added to the complex in the 19th century, the Barn albeit it has some decorative elements, is a large functional red brick building with a pantile roof abutting Bridle Farm Road³ (BFR).
37. At Grade 2* HMF is a HA of the highest significance and at Grade 2 the Pigeon Cote, Granary, Stable and Barn is acknowledged as less than the highest significance⁴. The heritage interest of these buildings is architectural and historic. In the case of HMF, the tower is an example of a medieval tower house albeit it has been altered and extended over the years. The historic interest of the Pigeon Cote, Granary, Stable and Barn lies in the physical demonstration of the development and expansion of the agricultural economy, in the 18th and 19th centuries. Whilst the Prebend is now a matter of historic record rather than a physical manifestation, HMF was the prebendary house, which adds to its historic interest.
38. Given its serpentine nature, the settings of these assets is confined, largely to a short stretch of BFR. Other than from the south and south-west and largely limited to HMF itself there are few, if any, views of this complex of buildings from the solar farm site and its surrounding landscape. Any that may be obtained are limited by topography or heavily obscured by existing woodland and hedgerow and are no more than fleeting glimpses. Thus, medium to long range views do not contribute to the interest of these HAs. Whilst historically, initially, through the Prebend and after its abandonment, the wider agricultural surroundings, including parts of the solar farm site formed part of the setting of HMF, in that produce from the land passed through and was stored on the complex, that link no longer exists. Thus, the contribution that historic link makes to the significance of these assets is limited.
39. Drawing all the above together, given the degree of separation between the solar farm site and these HAs and the nature of existing and proposed screening, the development would result in no harm to the architectural interest of these HAs. That said, given the association with the Halloughton Prebend, I consider there would be some limited harm to the historic interest of these HAs albeit it would fall within the category of less than substantial harm and at the lowest end of that spectrum.

Church of St James

40. Although parts date from the 13th century, the church was substantially rebuilt in the late 19th century under the direction of Ewan Christian an English architect noted for the restoration of Southwell Minster, Carlisle Cathedral, and the design of the National Portrait Gallery. The church, Grade 2 listed, is constructed in course rubble with some ashlar detail. The church is simple in form comprising a nave, chancel, modest windows, and decoration from the 14th, 17th, and 19th centuries. The frontage to BFR is defined by a random

³ The street map for Halloughton does not show road having a name. The appellant's submitted documentation variously refers to the village street as either Bridle Farm Road or Cotmoor Lane. More than one document refers to it as Bridle Farm Road and for the purposes of this decision, I have adopted Bridle Farm Road.

⁴ Framework paragraph 200.

stone wall backed by several evenly spaced mature trees and the church is set well back into a well-defined plot.

41. The heritage interest of the church is architectural and historic. The architectural interest is grounded in it being a good example of a late Victorian Parish Church. The historic interest relates to its association with HMF and its role as the medieval Prebendal church and the association with Ewan Christian. The churchyard setting with its ubiquitous yew tree and location next to an orchard and agricultural fields immediately to the north adds to the church's heritage interest.
42. It was clear from my extensive walks before and after the inquiry that the church is not experienced from the public footpaths that cross and go around the proposed solar farm nor from any of the fields that would make up the solar farm or its surroundings. Given the deep setback from the road, the church is mainly experienced from a limited stretch of BFR. Whilst there would in wintertime heavily filter views of a limited number of panels, the way the heritage interest of the church is experienced would not be changed. That said, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of this HA, albeit it would fall within the category of less than substantial and at the lowest end of that spectrum.

Barn at Bridle Road Farm

43. The barn is a large functional 2-storey red brick building with limited decorative detail and a steep pantile roof built in the 18th century. The farmstead at Bridle Road Farm is tight knit, with the barn, farmhouse and other vernacular buildings forming a courtyard comprising areas of grass and hardstanding. Heritage interest derives from its vernacular architecture and as an example of historic agricultural development. Again, the Prebend, adds to the historic interest of this HA.
44. Views of the barn are from BFR and the public footpath 186/3/1 that runs from the farm entrance, through the yard and branches off to the south-east. Views from BFR are limited due to its serpentine nature. The main area where the barn is experienced is from several points on the public footpath where the farmstead dips in and out of view. In views closer to the farmstead some panels would be seen in the same view as the barn. That said, glimpses of some panels over the roof of the barn would have a limited impact on its heritage interest. That said, given the association of the village with the Halloughton Prebend, there would be some limited harm to the historic significance of this HA, albeit it would fall within the category of less than substantial and at the lower end of that spectrum.

Halloughton Conservation Area

45. Halloughton CA was designated in 1972 and is primarily focused on the linear form of the village core and several adjoining fields. The character, appearance and heritage of the CA is largely derived from its sunken serpentine form giving it an enclosed and intimate character, the historic buildings, the open approaches to the village core from the east and west, boundary walling and grass verges. Whilst the agricultural land beyond the CA boundary, does contribute to the interest of the CA, this is, in my view, of less importance than the contribution of the various HAs and features described above. There are few views out towards the solar farm from the CA

and across it to the CA, resulting in only limited change to some views of the wider rural area and of the CA. In this context, the solar farm would have no material impact on the character and appearance of the CA.

46. The only element of the proposal to fall within the CA would be the vehicular access from BFR some 45 to 50m from the junction with the A612 Highcross Hill and a short length of access track running through an area of semi-mature woodland. Whilst this area of BFR forms the entrance to the CA, it is a wide engineered junction with extensive visibility splays that makes a limited contribution to the character of the CA. The start of the CA experience is from where BFR approaches and passes the church and HMF leading into the serpentine and intimate route to the west. During the relatively short construction period, the access and its use would have an impact on the appearance of the CA. However, on completion, the character and appearance of the access would revert to that of an agricultural access of which there are several within the wider CA. Therefore, any harm would be limited and of a short duration.
47. Given my conclusions on the effect of the proposal on the various LBs within the CA, the relevance of the Prebend and the impact of the proposed access, there would be some limited harm to the historic interest of this CA, albeit it would fall within the category of less than substantial and at the lower end of that spectrum.

Brackenhurst Hall Complex

48. Brackenhurst Hall as a complex has 4 Grade 2 listed elements. These are (1) Brackenhurst Hall, Coach House, Orangery and Garden Wall; (2) the Gateway and Railings; (3) the Lodge and (4) Garden Walls and Potting Sheds located some 100m to the north-east of the Hall. The Hall and its surrounds are part of the Nottingham Trent University Campus. Since the land was acquired by the University the facilities have been extensively extended to include student accommodation, lecture, and administrative buildings, some of which have been added recently and are interspersed to the north and west of the HAs.
49. Constructed in the early 19th century, the Hall is a substantial building that has been extensively remodelled during the late 19th century by its various owners. The Hall and its adjacent HAs have architectural and historic interest as, an example of a large 19th century country estate house and the former home of Reverend Thomas Coats Cane and the birthplace of Field Marshall Viscount Allenby. There is as far as I am aware no functional, historic, or physical relationship between the Hall and the appeal site. There are only limited glimpses of the upper parts of the Hall's tower from eastern part of the site. In terms of its setting, where it is appreciated this is entirely located within its grounds and to the east and south.
50. Whilst the Hall and its associated assets may be an example of a 19th century estate, the appeal site makes no contribution to its setting and significance. Moreover, the setting and significance of the Hall and its associated HAs have been significantly eroded and compromised by the development of the University campus. Some of which are bland functional structures and others "in your face" modern. In this context, the proposed solar farm would result in no harm to the heritage interest of these assets.

South Hill House

51. South Hill House is 2-storey red brick house constructed at the beginning of the 19th century and now forms part of the Nottingham Trent University Campus. The building is Grade 2 listed and has architectural and historic significance as a high status former farmhouse. There appears to be no historical, physical, or functional relationship with the appeal site or its surrounds. Whilst the main facade is orientated to the south, the building is heavily screened from views from the appeal site by dense tree and hedge planting and mostly experienced from the adjacent main road. Given the above, the proposed solar farm would result in no harm to the heritage interest of this asset.

Other Considerations

Renewable Energy

52. The Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.
53. A material consideration in the determination of planning proposals are National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and 3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity.
54. The December 2020 Energy White Paper (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under Key Policies it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.
55. The development has a capacity of some 49.9Mw, generating a significant amount of electricity from a clean, renewable source. This would provide for a reduction of approximately 20,690t³ of CO₂ emissions annually and meet the energy needs of approximately 12,000 homes. The lpa acknowledges that this is a substantial benefit that attracts significant weight. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero

target set for 2050 and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Given this imperative, this benefit attracts significant weight.

Ecology and Biodiversity.

56. Subject to the implementation of appropriate mitigation, neither Natural England (NE) nor the Nottinghamshire Wildlife Trust, object to the proposal. The SoCG confirms that, the proposal would not conflict with the relevant sections of CS Policy 12 and LP Policy DM5.
57. The appellant provided an updated BNG assessment of the proposed Biodiversity Management Plan. The mitigation includes additional tree/hedgerow planting and the long-term management of existing trees/hedgerows, sowing a species rich grassland beneath the panels and the provision of bat and bird boxes around the site.
58. The BNG Metric is a tool for measuring and accounting for nature losses and gains resulting from development or changes in land management. The appellant's Metric 2 calculation identifies a net gain of 37%⁵ in habitat units and 24% in hedgerow units. Based on the Metric 3 calculation, there would be a net gain of 92% in habitat units and 32% in hedgerow units. The lpa's assessment⁶ disputes the extent of the total loss of other neutral grass land placing this at some 7ha whereas the appellant calculates a loss of some 1ha. That said, based on the 7ha figure, the lpa calculates that the net gain would be some 73% in habitat units.
59. Notwithstanding the difference in the figures, the lpa acknowledges that Metric 3 provides a more accurate calculation of BNG. The increase from the Metric 2 figure would result in a significant benefit. The context for the lpa when ascribing weight to this benefit is, that ecological mitigation, management, and enhancement reflects common practice and accords with local and national planning policy, it is a by-product of the development and there would be an overall loss of arable agricultural land for crop production. On this basis, the weight the lpa attaches to BNG is moderate/significant. The appellant submits that significant weight should be attached to the acknowledged BNG. Whilst BNG will be a requirement of the Environment Act 2021, the minimum requirement is currently set at 10%. Thus, even acknowledging that the assessment starts from a low base in terms of the ecological value of the site, a gain of some 73%, is substantial and a benefit that attracts significant weight.

Access and Highway Safety

60. Most of the traffic generated would occur during the construction period with deliveries being made by heavy goods vehicles (HGV). Over the 26-week construction period, delivery traffic generation would equate to some 6 vehicles or 12 movements per day. Up to 80 construction workers would be onsite at any one time and depending on their origin most would be transported to the site by minibus. Post construction it is anticipated that the site would be monitored remotely with limited occasional visits of between 10 and 20 vehicles per annum. I have no reason to dispute these figures or consider them to be unrealistic.

⁵ Percentages have rounded up to the nearest whole number.

⁶ Carried out for the lpa by an Ecological Consultant from Via East Midlands.

61. Vehicular access would be from BFR, some 45 to 50m from the junction with the A612 Highcross Hill. BFR is a no through road and there would be no need for site traffic to enter the built-up area of the village. The access has been designed to accommodate HGV traffic and visibility to the east and west is acceptable. The immediate road network has a good safety record with no personal injury accidents reported in the vicinity of the site access or the junction with Highcross Hill in recent years. The junction of BFR and Highcross Hill, has adequate visibility to the north and south and it could accommodate the nature and level of traffic generated by the proposal without a material impact on highway safety. Nottingham County Council (NCC) as Highway Authority and the lpa have, subject to the imposition of conditions, no objection to the proposal on highway safety or traffic generation grounds. Drawing the above together, the proposal would not have an unacceptable effect on the safety and free flow of traffic.

Flooding & Drainage

62. In line with the Framework, CS Policy 9, AD&M Policy DM5 and SNP Policy E2 seeks to steer development away from areas of high flood risk and ensure that proposals manage surface water run-off with Sustainable Drainage Systems (SuDS). Whilst the site is located within Flood Zone 1, a low risk flood area, areas downstream of the site have experienced flooding. Following an independent Flood Risk Assessment (FRA), the Environment Agency and NCC, the Lead Local Flood Authority, have no objection to the proposal subject to the imposition of an appropriate condition.
63. The FRA is a robust assessment, which forms the basis for a SuDs compliant system, the details of which would be covered by a condition. Whilst the extent of potential betterment is not quantified, the lpa acknowledges there is potential for betterment and accepts that the development would not adversely impact on flooding or drainage. In this regard, the proposal would accord with the Framework and development plan policies.

Agricultural Land

64. Framework paragraph 174 indicates that decisions should recognise the economic and other benefits of best and most versatile (B&MV) agricultural land. PPG⁷ defines B&MV agricultural land as Grades 1, 2 and 3a indicating that agricultural land quality is a factor when assessing proposals. These considerations include, whether the use of any agricultural land is necessary and whether a proposal allows for continued agricultural use. AD&M Policy DM8 indicates that proposals resulting in the loss of B&MV agricultural land, will be required to apply a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the loss.
65. The lpa accepts that site is Grade 3b and is not B&MV agricultural land or that it was necessary to consult NE. Moreover, given the assessment was carried out by a suitably qualified professional and the results conform with the NE MAGIC database, the lpa did not consider it necessary to undertake its own analysis given the grading was. That approach is not unreasonable.
66. The SoCG notes that, the land would continue in agricultural use through sheep grazing, that as a time-limited scheme, other than for the electricity

⁷ Natural Environment Paragraph 001 Ref ID 8-001-20190721 & Renewable & Low carbon Energy Paragraph 013 Ref ID 5-013-20150327.

substation, it would not result in the permanent loss of agricultural land and there are no suitable alternative brownfield sites to accommodate the scale of the development. In terms of site selection, one of the elements is the availability of a grid connection. Here, the site is crossed by overhead power lines providing access the national grid easily and economically.

67. NE's Agricultural Land Classification Map shows the site to be located within an area identified as Grade 3 land i.e., good to moderate quality agricultural land. Whether the site is Grade 3a - good quality or Grade 3b - moderate quality can only be determined by site and soil examination. The appellant, using an appropriately qualified agricultural assessor, undertook a comprehensive site and soil assessment that included 98 sample locations involving the excavation of 3 trial pits and augur samples based on one sample per hectare. Assessment of the samples combined with other relevant factors contained in the guidance concludes that the site falls within Grade 3b.
68. Objectors submit that the report is deficient in that it does not account of the presence of Grade 2 - very good quality land in the locality, include a consideration of economics or any account of the application of husbandry. This last point is regarded as important, given that maize, a cereal crop dependent on good soil condition, has been grown locally.
69. The Grade 2 land shown on the NE Classification Map is some distance to the north of the site and is not indicative of the potential quality of the appeal site. Experience indicates that soil quality can vary dramatically over a small area and obtaining a clear differentiation between grades can only be achieved through site and soil examination.
70. The NE classification notes that Grade 3b land can produce moderate yields of cereal crops. Thus, the reference to maize being grown is not, on its own, and indication that the land falls to be considered as B&MV. There is no indication as to the extent of the yield achieved. Moreover, as I understand it, yield data and financial assessment of the farm business are explicitly excluded from the classification methodology. This is because, unlike site and soil examination, it is not possible to make allowances for variables such as management skill, levels of input and short term weather factors.
71. It is suggested that the net value of the solar farm should be measured in terms of national energy production and security against the net value of arable crop production and UK food security. Given that agricultural land is a finite commodity and food security is equally important as energy security, superficially this appears to reasonable. However, in my experience, this is not something that an individual appellant or lpa could realistically or reasonably undertake for any one proposal. Even if it is possible to undertake such an assessment, it strikes me it is one that would have to be carried out at a national level and involve high level political decisions/choices that are outside the remit of an individual decision maker in a planning appeal.
72. Drawing all this together, the appellant has undertaken a robust and appropriate agricultural land classification assessment that shows the land falls outside the definition of B&MV agricultural land. Only a very small proportion of the site would be permanently lost from agricultural use and the remainder would continue to be used for agriculture in the form of sheep grazing. There is no evidence that the minor, permanent loss, and the change from arable to pasture farming would unacceptably affect the viability

of the individual holding. Accordingly, the proposal would not conflict with the objectives of the Framework or AD&M Policy DM8.

Issue 3 – Planning Balance

73. A material consideration is the time limited nature of the proposal. I acknowledge that 40 years is a long time and materially longer than many references to the life of a solar farm in national and industry guidance where 25 years appears. However, I am aware that technical advances have improved the longevity of solar panels. Accordingly, given the contribution the Government expects solar generated electricity energy to make to the national energy supply, it would be unreasonable to limit the life of a solar farm to an arbitrary figure based on older and less efficient equipment. That said, I recognise that the proposed 40-year life of the solar farm is significantly more than a generation and I accept that a child born today in the village would reach middle age by the time the solar farm would be decommissioned. Thus, in coming to my conclusion I have these factors/concerns uppermost in my mind.
74. Both national and development plan policy recognise that large scale solar farms may result in some landscape and visual impact harm. However, both adopt a positive approach indicating that development can be approved where the harm is outweighed by the benefits. This is a planning judgement. Here, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be limited and highly localised. Moreover, as the existing and proposed planting matures, adverse effects, would be progressively mitigated and once decommissioned there would be no residual adverse landscape effects. Rather the scheme would leave an enhanced landscape consistent with the objectives of development plan policy and the SPD. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm in conflict with the relevant development plan policies, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the limited harm.
75. Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. Section 66 requires the decision maker to pay special regard to the desirability of preserving LBs, their settings, and any architectural features they may possess. Section 72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA.
76. Whether a proposal results in substantial or less than substantial harm to the significance of a HA, Framework Paragraph 199 requires the decision maker to attach great weight to its conservation. Framework paragraph 200 says that where a proposal would lead to less than substantial harm to the significance of a HA, this harm is to be weighed against the public benefits of the proposal.
77. The proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of several HAs albeit that harm would be temporary until the solar farm was decommissioned. In relation to the CA as a whole, the proposal would, on balance, preserve its character and appearance. In this context, recognising the great weight that is required to be attached to the conservation of a HA, I consider the

imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme clearly and decisively outweigh the temporary and less than substantial harm to the HAs involved.

78. Drawing the above together, I conclude the proposal would make a material and early contribution to the objective of achieving the decarbonisation of energy production and that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole. Accordingly, and having taken all other matters into account, the appeal is allowed.

Conditions

(The numbers in brackets refer to the conditions listed in Annex A)

79. A list of conditions, including 5 pre-commencement conditions, were agreed by the parties. The solar farm is required for a period of 40 years with the DNO Substation retained permanently. Conditions are necessary to confirm the extent of the temporary period, to provide for removal of the solar farm when the permission expires or if it ceases to operate (2, 3 4 & 5). In the interests of certainty, a condition listing the approved plans is imposed (6).
80. In the interests of the appearance of the area, conditions and pre-commencement conditions relating to, the finish of the solar panels, ancillary structures, details of tree and hedgerow planting, the protection of retained trees/hedgerows including areas identified on the margins of the site, implementation of landscape mitigation and external lighting are reasonable and necessary (7, 8, 9, 10, 11 & 16 & 18). In the interests of protecting living conditions, conditions specifying construction hours and limits on noise generation are reasonable and necessary (12 & 24).
81. In the interests of enhancing and protecting biodiversity, conditions and pre-commencement conditions relating to a Biodiversity Management Plan, the submission of details relating to the protection of Great Crested Newts, the timing of vegetation clearance and external lighting are all reasonable and necessary (13, 14, 15, 17, & 18). In the interests of highway safety, conditions relating to the construction of the access and compliance with a Construction Management Plan are reasonable and necessary (19 & 20). The site potentially contains archaeological remains and conditions to provide for appropriate site works and recording are reasonable and necessary (21 & 22). In the interests of water management and the flood mitigation, a condition relating to surface water management is reasonable and necessary (25).

George Baird

Inspector

ANNEX A – SCHEDULE OF CONDITIONS

1. The development hereby permitted shall not begin later than 3 years from the date of this permission.
2. The planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development, except for the DNO substation, which will remain on the site in perpetuity. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.
3. If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the DNO Substation, shall be submitted within 6 months of the end of the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.
4. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the DNO substation, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.
5. The solar farm and its ancillary equipment, except for the DNO substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.
6. The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

P18-2917_02 – Rev E - Site Location Plan (deposited 8th January 2021).
HLG-01-2001 Rev 01 - Indicative WPD and Customer Compound Layout.
HLG-01-2002 Rev 01 - Indicative WPD and Customer Compound Elevations.
BHA_665_03 - Tree Protection Plan – Highways Access.
P18-2917 Figure 1 Rev A - Site Access Visibility Splays.
JBM-HALLOU-SD-02 - Typical Fence, Track & CCTV Details.
JBM-HALLOU-SD-03 - Typical Trench Section Details.
JBM-HALLOU-SD-04 - Typical Inverter Substation Details.
JBM-HALLOU-SD-05 - Typical Spares Container Details.
JBM-HALLOU-SD-06 Rev A - Typical Battery Storage Systems Details.

JBM-HALLOU-SD-07 Rev A - Typical Customer Switchgear Details.
P18-2917_12 Rev M - Site Layout and Planting Proposal.
Typical PV Table Details 3P Rev A - Typical PV Table Details (x 3).
Typical PV Table Details Rev A - Typical PV Table Details (x 6).
P18-2917 Figure 2 Rev A - Swept Path Analysis: Proposed Site Access 15.4m
Articulated Vehicle.

7. Notwithstanding the approved plans contained in Condition 6, prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.
8. No works or development shall take place until the local planning authority has approved in writing the full details of the tree, shrub, and hedgerow planting (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The landscaping scheme should be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.
9. The approved landscaping scheme shall be carried out within the first planting season following the date when electrical power is first exported ("first export date"). If within a period of 7 years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place.
10. Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the local planning authority. This scheme shall include:
 - a. a plan showing details and positions of the ground protection areas.
 - b. details and position of protection barriers.
 - c. details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g., in connection with foundations, bridging, water features, hard surfacing).
 - e. details of construction and working methods to be employed for the installation of access tracks within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

11. The following activities must not be carried out under any circumstances:
 - a. no fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. no equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site.
 - c. no temporary access within designated root protection areas without the prior written approval of the local planning authority.
 - d. no mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. no soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. no stripping of topsoil(s), excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. no topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. no alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the local planning authority.
12. Except for emergency works, construction works on the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays and at no time on Sundays or Bank Holidays.
13. The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation, enhancement and management measures outlined within the Biodiversity Management Plan (V2 09/07/2020 by Avian Ecology). For the avoidance of doubt, this shall include compliance with the Ecological Mitigation Measures set out in Section 3, the Ecological Enhancement Measures in Section 4, and the Habitat Management Measures in Section 5 in addition to the Management Schedule set out in Section 7. Save for the installation of the bird boxes (which should be installed in the autumn, September to November) the Wildlife Enhancement Measures should be installed in accordance with the timescales embodied within the management schedule following the cessation of construction works. The Biodiversity Management Plan shall be implemented for the lifetime of the development.
14. The development hereby permitted shall be carried out in strict accordance with the Ecological Assessment Report V2 09/07/2020 (including Appendices 2, 3 and 4) by Avian Ecology. For the avoidance of doubt, this shall include the pre-construction survey work and/or mitigation measures as summarised in Table 5.1. The measures shall be undertaken in accordance with the timescales embodied within the report.

15. Prior to the commencement of development, a methods statement of Reasonable Avoidance Measures (RAMs) for Great Crested Newts (GCN) shall be submitted to and approved in writing by the local planning authority. All works shall thereafter be carried out in accordance with the approved details. If RAMs are not sufficient to safeguard GCN, proof of a Low Impact Class Licence or full European Protected Species Mitigation License from Natural England (whichever is applicable), supported by a detailed Method Statement shall be submitted to and approved in writing by the local planning authority.
16. Prior to the commencement of development, a Scheme for the retention, ongoing maintenance, and replacement of any trees and/or hedgerows which die within the areas indicated with green notation on "Areas of Existing Planting" which are within the land edged in blue and red (drawing number P18-2917_30) shall be submitted to and approved in writing by the local planning authority. The approved Scheme shall be implemented in accordance with the approved details until the solar farm hereby approved is decommissioned.
17. No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and the findings have been submitted to and approved in writing by the local planning authority.
18. No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.
19. No part of the development hereby permitted shall otherwise commence until the access to the site has been completed (as shown on approved plan ref. P18-2917 Figure 1A) and surfaced in a bound material for a minimum distance of 10m behind the edge/extent of the public highway and the crossing of the highway and footway verge is available for use, in accordance with details to be first submitted to and approved in writing by the local planning authority.
20. Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (July 2020) by Pegasus Group. For the avoidance of doubt, this shall include i. that deliveries shall not take place outside 1000 hours to 1600 hours or 1800 to 2000 hours and at no time on Sundays or Bank Holidays; ii. compliance with the mitigation measures details at Section 7 in the Construction Traffic Management Plan (July 2020).

21. No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

1. an assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements).
2. a methodology and provisional timetable of site investigation and recording.
3. provision for site analysis.
4. provision for publication and dissemination of analysis and records.
5. provision for archive deposition and
6. nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

22. The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer/site operator shall notify the local planning authority of the intention to commence at least 2 working weeks before the start of archaeological work to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior written consent of the local planning authority.

23. The post-investigation assessment and final report must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication, dissemination of results, submission of the final report to the local planning authority and Nottinghamshire HER and deposition of the archive being secured.

24. The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed a rating level of 35 dB LAeq,15 minute at the nearest sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

25. No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Calibro Flood Risk Assessment (FRA) ref. BR-629-007 dated 2 July 2020, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The submitted scheme shall:

1. provide detailed design (plans, network details and calculations) in support of the surface water drainage system required to manage runoff from the proposed building associated with the substation in accordance with the approach discussed in Section 7 and presented in drawing BR-629-0007-100_02 Surface Water Drainage Proposals (Appendix D of the FRA).
2. provide detailed design (plans and calculations) in support of the proposed bunded storage areas and associated cut-off swales proposed to reduce flow in the Potwell Dyke as presented in Section 6.3 of the FRA.
3. provide a maintenance schedule for the attenuation basin and bunded storage areas to ensure their performance over the lifetime of the development.
4. provide a maintenance schedule to ensure run-off from solar panels is managed to reduce any detrimental impacts on the natural formation of the agricultural land beneath and around the panels.

ANNEX B – APPEARANCES & DOCUMENTS

FOR THE APPELLANT

Thea-Osmund Smith of Counsel, instructed by Paul Burrell, Executive Director, Pegasus Group.

She called:

Paul Burrell BSc (Soc Sci) Hons, Dip UP, MRTPI.
Executive Director, Pegasus Group.

Andrew Cook BA (Hons) MLD, CMLI, MIEMA, CENV.
Executive Director, Pegasus Group.

Laura Garcia BA (Hons) MCIfA.
Associate Heritage Consultant, Pegasus Group.

FOR THE LOCAL PLANNING AUTHORITY

Ruchi Parekh of Counsel, instructed by Newark and Sherwood District Council.

She called:

Adam Partington, BA (Hons), MSc.
Director, Locus Consulting Limited.

Cathy Gillespie, BSc, Dip LM, CMLI, Assoc RTPI.
Head of Environmental Management and Design, VIA East Midlands Limited.

Honor Whitfield, BSc (Hons) MSc, MRTPI.
Planning Officer, Newark and Sherwood District Council.

INTERESTED PERSONS

| | | |
|-----------------------|---|--|
| Professor M McCaskill | - | Local Resident. |
| Professor S Bamford | - | Local Resident. |
| Ms H Hanmer | - | Local Resident. |
| Ms B Cast | - | Honorary Secretary, Thoroton Society of Nottinghamshire. |
| Mr B Haigh | - | Chairman, Southwell Civic Society. |

DOCUMENTS SUBMITTED TO THE INQUIRY

Doc 1 - Statement by Professor McCaskill.
Doc 2 - Statement by Professor Bamford & Email dated 13/12/2021.
Doc 3 - Statement by Ms B Cast, Thoroton Society of Nottinghamshire.
Doc 4 - Statement by Mr B Haigh, Southwell Civic Society.
Doc 5 - Agreed Landscape Summary Comparison Schedule.
Doc 6 - Agreed Landscape & Visual Impacts Summary Comparison Schedule.
Doc 7 - Biodiversity Net Gain Note & Metric 3 Schedule dated 8 December 2021.
Doc 8 - Agreed list of suggested conditions.
Doc 9 - Email dated 13 December 2021, Appellant's agreement to pre-commencement conditions.

Doc 10 - Revised Biodiversity Net Gain calculation using Biodiversity Metric 3.

DOCUMENTS SUBMITTED FOLLOWING THE ADJOURNMENT OF THE INQUIRY

Doc 11 - Submission by Professors McCaskill & Usherwood on the Environmental Statement.

Doc 12 - Submission by Mr Struggles on behalf of the Southwell Civic Society on the Environmental Statement.

Doc 13 - Appellant's response to submissions on the Environmental Statement.

Doc 14 - Lpa comment on the revised Biodiversity Net Gain Metric 3 Statement.

Doc 15 - Appellant's response to lpa's Biodiversity Net Gain Metric 3 Statement.



Appeal Decision

Site visit made on 19 October 2021 by Darren Ellis MPlan

Decision by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 February 2022

Appeal Ref: APP/B3030/D/21/3277892

Inkersall Cottage, Inkersall Lane, Bilsthorpe, NG22 8TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Walton against the decision of Newark & Sherwood District Council.
 - The application Ref 21/00686/HOUSE, dated 18 March 2021, was refused by notice dated 14 May 2021.
 - The development proposed is a first floor side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension with wrap-around balcony at Inkersall Cottage, Inkersall Lane, Bilsthorpe, NG22 8TL in accordance with the terms of the application 21/00686/HOUSE, dated 18 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan – Location Plan drawing no. 2021-015(3); and Proposed Floor Plans – Elevations drawing no. 2021-015(2).
 - 3) No development shall be carried out above slab level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of the development on the planning application form omitted the proposed balcony. On the basis of the evidence before me I am satisfied that the Council considered the proposed balcony as part of the scheme before them at application stage. Therefore, I have determined this appeal on the basis of the description as found on the appeal form and decision notice, which accurately describes the proposal as a first floor side extension with wrap-around balcony.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

5. The appeal site comprises a detached dwelling set in a generous plot with a large garden area that is surrounded by woodland. The dwelling has a modern and fairly simple appearance with some architectural detailing such as brick corbels and appears to have been extended previously. Overall, the appeal property has a rural and spacious character and, along with its appearance and architectural detailing, contributes positively to the character of the area.
6. The existing single-story extension on the south side of the dwelling is constructed of materials that differ from the original dwelling. The extension on the northern side of the dwelling has a flat roof and is finished with materials that match the original dwelling. The proposal is for a first-floor extension and wrap-around balcony above the existing flat roof extension.
7. Though the proposed first-floor extension would add considerable mass to that side of the dwelling, the existing building and plot are of a sufficient size to accommodate an addition such as this without it appearing disproportionately large, overly prominent or diminishing the sense of spaciousness. The extension would be set down from the eaves and back from the principal front elevation so as to ensure it would appear subservient to the main dwelling.
8. With its timber cladding and tall, narrow windows, the proposed extension would contrast somewhat with the brickwork and fenestration of the existing dwelling. While the design would give the extension a contemporary appearance, this would not appear out of place with the modern appearance of the existing dwelling and would not detract from its traditional form. Furthermore, views of the extension would be restricted to the site itself and a small section of the private road to the front of the property.
9. Though the design and form of the development would differ from the existing dwelling, for the reasons set out above, the proposal would, nevertheless, respect and complement the existing built form and would not appear visually jarring.
10. Consequently, overall, the proposed extension would be a sympathetic addition to the appeal property which would retain and conserve the rural and spacious character of the area.
11. Therefore, the proposal would not cause harm to the character and appearance of the host property or surrounding area. As such, the proposal would accord with Core Policy 9 of the Amended Core Strategy (March 2019) (ACS), policies DM5 and DM6 of the Newark & Sherwood Local Development Framework Allocations & development Management Development Plan Document (July 2013), and the guidance in the Newark & Sherwood Local Development Framework Householder Development Supplementary Planning Document (November 2014), which all require that development is of a high-quality design which respects the design, materials and detailing of the host dwelling as well as the character of the surrounding area. The proposal would also accord with Core Policy 13 of the ACS and the guidance in the Newark and Sherwood Landscape Character Assessment Supplementary Planning

Document, which require development proposals are consistent with the landscape conservation and enhancement aims for the area, which in this case is to conserve and reinforce the landscape.

Conditions

12. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
13. In the interests of protecting the character and appearance of the dwelling and the surrounding area, a condition requiring details of the exterior materials to be submitted to and approved by the Council would be necessary.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed as the proposal complies with the development plan, and that planning permission should be granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree with the recommendation. On that basis the appeal is allowed and planning permission is granted subject to the conditions set out above.

L J O'Brien

INSPECTOR



Appeal Decision

Site visit made on 21 January 2022

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **11 FEBRUARY 2022**

Appeal Ref: APP/B3030/W/21/3287172

Old Church Farm, Eakring, Nottinghamshire NG22 0DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sarah Robinson against the decision of Newark and Sherwood District Council.
 - The application Ref 21/01473/FUL, dated 10 August 2021, was refused by notice dated 9 November 2021.
 - The development proposed is the refurbishment of existing outbuildings with internal alterations to provide additional living accommodation to Old Church Farm, a single-family dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment of existing outbuildings with internal alterations to provide additional living accommodation to Old Church Farm, a single-family dwelling at Old Church Farm, Eakring, Nottinghamshire NG22 0DA in accordance with the terms of the application Ref 21/01473/FUL, dated 10 August 2021, subject to the conditions set out in the schedule to this decision.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the local area.

Reasons

3. Old Church Farm is a large, detached dwelling with outbuildings that lies within the Eakring Conservation Area (CA). The CA covers much of the main built-up and parts of surrounding countryside, which provide an attractive landscape setting to the settlement. Within the CA is a wide variety of built form that includes groups of historic farm buildings and dwellings that form a largely appealing townscape. As a substantial building of traditional style and materials, the dwelling at Old Church Farm positively contributes to the character and appearance of the CA.
4. The proposal is to partly rebuild, alter and convert the linked outbuildings to one side and rear of the dwelling to form a residential annex. It has been carefully designed to reflect the simple linear form and traditional style of the existing outbuildings although the Council raises particular concern in relation to the 3 roof lights to be placed onto the south-facing roof slope and the large new opening proposed in the north elevation. The Council considers that these elements of the appeal scheme would introduce domestic or suburban features

- that in its view would harm the traditional character of the outbuildings, to the detriment of the CA.
5. The Council's Supplementary Planning Document, *Conversion of Traditional Rural Buildings* (SPD) notes that modest alterations such as the introduction of flush rooflights will be acceptable only if they are used with restraint and placed in discreet positions. The SPD adds that if the overall effect destroys the essential character of the building, the conversion will not be allowed.
 6. In this case, the new roof lights would be modest in size and their conservation style would ensure a close fit to the plane of the roof slope. Given the screening provided by existing buildings, these features would not be readily evident from the street notwithstanding their elevated position on the outbuildings. While it might be possible to glimpse the new roof lights from a short section of Kirklington Road, such views would be partial, from some distance, at a tight angle and between existing properties. In that context, new roof lights would not draw the eye from the street nor from elsewhere in the public realm.
 7. The new roof lights would be visible from the rears of the dwellings that face Kirklington Road just to the south of the site. From this direction, the roofscape of the completed scheme would be seen with the main dwelling at Old Church Farm beyond and the rear of a converted building just to the east both of which have numerous and prominent roof lights. As the proposal would be visually 'read' closely with these buildings, which similarly fall within the CA, the new roof lights would not look out of place on an agricultural building nor appear as an uncharacteristic feature in this part of the CA. While the Council states that some of these existing roof lights predate the adoption of its SPD, they nonetheless form an integral part of the area's character and appearance.
 8. An existing opening in the north elevation would be enlarged with full length windows introduced to serve a bedroom within the converted outbuildings. An opening of this size would be atypical of an agricultural building albeit it would not be overly large relative to the host building, nor the windows overtly domestic or suburban in their appearance. When viewed from the rear of Old Church Farm, the new larger opening would appear proportionate. With its largely plain red brick walls, uncluttered pantile roof slope facing north, the proposed scheme would retain the key features of the original outbuildings, notably their simple functional form and appearance.
 9. Taken overall, the completed scheme would remain clearly legible as a former agricultural building. The character, design and detailing of the host building and its relationship to the surrounding area would be respected. As a result, the positive contribution of Old Church Farm to the character and appearance of the CA would be maintained. None of the new larger opening or other windows in the north-facing elevation would be seen beyond the back garden of Old Church Farm. Consequently, the effect on the wider area and the surrounding landscape would not be significant.
 10. I saw that several other agricultural buildings within the CA included roof lights and sizeable openings that were far more visible from the road than the proposal without significant detriment to the qualities of the host building or the character and appearance of their local street scene. Therefore, I am not persuaded that the proposal would materially detract from the character or appearance of the CA, which would be preserved.

11. On the main issue, I conclude that the proposed development would not cause harm to the character and appearance of the host building or the local area. Accordingly, there is no conflict with Core Policy 13 of the Newark and Sherwood Amended Core Strategy, Policies DM5 and DM6 of the Allocations and Development Management Development Plan Document, or the advice within the Council's SPD. These planning policies and guidance collectively seek to ensure that alterations and extensions to outbuildings respect the host building; the character of the surrounding area including the significance and setting of any heritage assets; and landscape character.
12. The proposal would also be in accordance with the policies of the National Planning Policy Framework insofar as protecting heritage assets, conserving the natural environment, and achieving well designed places are concerned. It would also comply with the statutory duty, which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, which I have done.

Conditions

13. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure that the appearance of the new development is satisfactory, a condition is imposed to require samples of the external materials to be approved.
14. For the same reason, conditions are also imposed to ensure that all external joinery is timber and to require details of the windows, doors, exterior fittings, roof lights, and to ensure that the finish of any external works match the existing building. A condition is also necessary to restrict the use of the annex to ensure that the development remains ancillary to the main dwelling.
15. The conditions largely reflect those suggested by the Council with minor changes, where necessary, mainly for clarity and precision.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Appeal Ref: APP/B3030/W/21/3287172
Old Church Farm, Eakring, Nottinghamshire NG22 0DA

Schedule of conditions

- 1) The development hereby permitted shall not begin later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 21/230/300 Revision A, 21/230/301 Revision A, 21/230/302 and 21/230/303.
- 3) Notwithstanding the submitted details, no works in relation to the walls and roof of the buildings shall take place until samples of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place in respect of the following features until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority: external windows, doors, and their surroundings, including details of glazing and glazing bars; window and door heads and cills; verges and eaves; rainwater goods; coping; extractor vents; flues; meter boxes; airbricks; soil and vent pipes. Development shall be carried out in accordance with the approved details.
- 5) All external joinery in the development hereby permitted, including windows and doors, shall be of a timber construction and without trickle vents.
- 6) No development shall take place in respect of the roof lights hereby permitted until a detailed specification of all new roof lights has been submitted to and approved in writing by the local planning authority. The specification shall include details of type, size, materials, position on the roof slope, colour, method of opening, method of fixing and appearance. Development shall be carried out in accordance with the approved details.
- 7) All work and work of making good shall be finished to match the existing exterior of the buildings in respect of brickwork, face bond, mortar and pointing, and shall be so maintained.
- 8) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Old Church Farm, Eakring, Nottinghamshire NG22 0DA.



Appeal Decision

Site visit made on 8 February 2022

by **Darren Hendley BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21ST February 2022

Appeal Ref: APP/B3030/D/21/3285122

Grange Farm, Gainsborough Road, Girton NG23 7HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Price against the decision of Newark & Sherwood District Council.
 - The application Ref: 21/01528/HOUSE, dated 6 July 2021, was refused by notice dated 26 August 2021.
 - The development proposed is a single storey extension to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the existing dwelling at Grange Farm, Gainsborough Road, Girton NG23 7HX in accordance with the terms of the application, Ref: 21/01528/HOUSE, dated 6 July 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the proposal would be in a suitable location for such development with regard to the effect on the character and appearance of the building and the area; and (ii) the effect on the significance of a non-designated heritage asset.

Reasons

Character and Appearance

3. The appeal property comprises a converted threshing barn. It is set out in a linear fashion and a mezzanine floor has been inserted so that it provides 2 storeys of accommodation across the property. The openings on the barn have been maintained, albeit some of the inserted windows are rather domestic in their appearance, as is a walled garden area that has been created. The brick and roof detailing appear largely intact, as does its internal spatial quality. Overall, it maintains its appearance as a traditional rural building.
4. The property forms part of a broader complex of converted buildings that are set out in a courtyard-like manner. The former threshing barn is the most dominant feature amongst the converted buildings due to its height and form. It faces towards Grange Farm, a large rural dwelling that retains its traditional presence in this cluster of buildings that formerly made up the farmstead. There is also a modern barn-like building close by, together with an adjacent

- hardstanding area. The buildings are not located within a settlement. The surroundings are distinctly countryside in character, with occasional farmsteads or small groups of buildings.
5. The Council's Local Development Framework (LDF) Conversion of Traditional Rural Buildings Supplementary Planning Document (2014) (SPD) sets out a restrictive approach on extending this type of building in such a location. It states that permission will not normally be given for the reconstruction of previously demolished buildings or parts of buildings in rural areas. It goes on to say that exceptions may be made where the applicant can provide compelling evidence of the previous existence and scale of the demolished structure and its restoration contributes significantly to the viability or character of the development.
 6. The area of the appeal site where the proposed extension would be sited consists of an area of loose stone that lies adjacent to the rear of the property. It is agreed between the main parties that a structure was historically found in this area. This comprised an open fronted Waggon House. There is no sign of this structure now. Whilst there is some difference in opinion over whether it was physically connected to the barn, even if it was not, it would have been in close proximity. In these circumstances, it is reasonable that the guidance set out in the SPD should be considered.
 7. The proposed extension would be constructed in a similar form to the single storey buildings that are found on this former farmstead. The roof pitch and plain gable end would be in keeping, as would the use of matching brick and pantiles. The fenestration would reflect the existing conversion and so it would be somewhat domestic. The proposed extension would however be subordinate to the existing conversion and the grouping of buildings. Its scale would be in keeping and it would sit comfortably within its rural surroundings.
 8. In overall terms, the effect of the proposed extension on rural character, in terms of the barn conversion, the former farmstead and the wider countryside surroundings would be neutral. With regard to the SPD, it would not therefore contribute significantly to the character of the development. There is not substantive evidence before me on viability.
 9. The SPD provides other relevant guidance and in this regard the proposed extension would be in accordance. It would not compromise the architectural integrity and building form. There would also be no substantial impact upon the character of the wider landscape setting due to the modest nature of the proposal and its design. It would also retain the recognisable layout of these former farm buildings, when the previous Waggon House is considered. It would respect the original arrangement of the farm-building group and develop a scheme complimentary to it. As a result, it would not constitute unjustified rural development.
 10. Ultimately, what is of most importance is maintaining the rural character of the converted threshing barn and the barn range. Based on the traditional form, scale, design and materials, this would be achieved. This is notwithstanding that it would not comply with the strict test that the SPD applies to contributing significantly to the viability or character.
 11. Of the development plan policies that are cited in the Council's reason for refusal, Policy DM6 of the LDF Allocations & Development Management

Development Plan Document (2013) (Allocations & Development Management DPD) points to the use of a Supplementary Planning Document to assess the design based criteria that it sets out. However, none of these criteria concern the higher test that the SPD sets out that, in effect, there must be some benefit by way of character or viability. The criteria in this policy concern matters that relate to respecting the character and which the proposal would achieve, for the reasons that I have set out.

12. I am therefore not persuaded that there is particular development plan policy support from the stringent approach that the SPD takes in this regard. The same applies in relation to where Policy DM8 of the Allocations & Development Management DPD refers to that the detailed assessment of proposals will be made against a Supplementary Planning Document.
13. In taking the above considerations together, I conclude that the proposal would be in a suitable location for such development with regard to the effect on the character and appearance of the building and the area. As such, it would comply with Core Policy 9 of the LDF Amended Core Strategy (2019) (Core Strategy) and Policies DM5, DM6 and DM8 of the Allocations & Development Management DPD where they are concerned collectively with a high standard of design, distinctiveness, the character and built form representing the surrounding area, including with regard to scale, form, design, materials and detailing, and conversions without significant extension, amongst other considerations.
14. The proposal would not comply with the SPD in as far as it would not contribute significantly to the viability or character. However, as a consideration, this degree of conflict is outweighed by that it would not have an unacceptable effect on the character and appearance of the building and the area in this instance. The proposal would also accord with the National Planning Policy Framework (Framework) with the emphasis it puts on achieving well designed places.

Non-Designated Heritage Asset

15. The Council consider that the appeal property is a non-designated heritage asset and the appellant's Heritage Statement agrees with this view. As it maintains some quality as a converted threshing barn, it has historical interest as a traditional rural building that still exhibits its overall form. Some of its associated features relate to its original function. It holds moderate significance in this regard.
16. Given that the significance arises from the building and its contribution to the grouping, I reach the same conclusion as above. The proposal would be a neutral addition to the asset with its overall form as a single storey extension that has simple barn like detailing, albeit it would also be domestic in appearance. It would not have a harmful effect on the existing fabric of the building.
17. The courtyard arrangement and the form of the buildings results in the continuing historic group value. The proposed extension would be a modest addition and would not detract from the courtyard layout with its location on the opposite side of the barn. The effect on the significance in this respect would also not be harmful.

18. The test that the SPD applies in relation to contributing significantly to the viability or character has also been referred to in the context of heritage. However, this somewhat goes beyond the test which the Framework sets out with regard to a non-designated heritage asset that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As there is no harm or loss to the significance, the proposal does not need to deliver any tangible heritage benefit. No balanced judgment therefore needs to be made.
19. I conclude that the proposal would not have an unacceptable effect on the significance of a non-designated heritage asset. Therefore, it would comply with Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations & Development Management DPD where they concern a non-designated heritage asset and securing the continued protection or enhancement of heritage assets. It would also comply with Core Policy 9, and Policies DM5, DM6 and DM8 where they refer to heritage asset related matters.
20. It would also comply with the SPD in this regard as it would not diminish from the value of the traditional rural building, as well as the Framework by way of the protection it affords the significance of a non-designated heritage asset.

Other Matters

21. The main issues are centred on character and appearance, and heritage. As I have found the proposal to be not unacceptable on these grounds, matters that have been raised in relation to the planning history of the site by way of the approved red line plan, curtilage and what constitutes the planning unit do not change my view and nor does whether or not the proposed extension would exceed the walled garden area.

Conditions

22. In addition to the timescale for implementation, I have imposed a condition concerning the approved plans for the purpose of certainty. In order to protect the character and appearance of the building and the area, as well as the significance of the non-designated heritage asset, conditions are also imposed concerning the external materials and detailed features, as well as preventing the insertion of trickle vents. Where I have altered the wording of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

23. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GFG/20/004/ Revision A Location Plan, GFG/20/003/ Revision E Proposed Elevations, GFG/20/002/ Revision F Proposed Plans.
- 3) No above ground works shall take place until details/samples of the external facing materials have been submitted to and approved by the local planning authority in writing. These shall include details of the colour and finish and which in relation to the roof shall be natural red clay non-interlocking pantiles with no dry fix ridge system, but flush verges and mortar bedded half round copings. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No above ground works shall take place until a sample panel of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample panel.
- 5) No above ground works shall take place until details of the design of the external windows including roof windows, doors and their immediate surrounds, including details of glazing and glazing bars, which shall be of timber construction; the treatment of window and door heads and cills; verges and eaves; and rainwater goods, including drawings and sections at a scale 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 6) No trickle vents shall be inserted into the doors or windows of the development hereby permitted.