



*Castle House  
Great North Road  
Newark  
NG24 1BY*

*Tel: 01636 650000*

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

**Tuesday 31 October 2023**

**Chair: Councillor A Freeman  
Vice-Chair: Councillor D Moore**

**Members of the Committee:**

**Councillor A Amer  
Councillor C Brooks  
Councillor L Dales  
Councillor P Harris  
Councillor J Lee  
Councillor K Melton  
Councillor E Oldham**

**Councillor P Rainbow  
Councillor S Saddington  
Councillor M Shakeshaft  
Councillor M Spors  
Councillor L Tift  
Councillor T Wildgust**

**MEETING: Planning Committee**

**DATE: Thursday, 9 November 2023 at 4.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, 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](mailto:catharine.saxton@newark-sherwooddc.gov.uk).



## AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes of the meeting held on 5 October 2023	5 - 9
<b>Part 1 - Items for Decision</b>	
5. Land At Knapthorpe Lodge Hockerton Road Caunton - 22/00975/FULM Site visit - 11.30am – 12.30pm	10 - 57
6. Oak Tree Stables Sand Lane Besthorpe NG23 7HS - 22/01203/FULM Site visit - 1.20pm – 1.40pm	58 - 97
7. Field Reference Number 2227 Hockerton Road Caunton - 22/00976/FULM Site visit - 11.30am – 12.30pm	98 - 142
8. Glebe Cottage, Main Street, Norwell, Nottinghamshire, NG23 6JN - 22/01504/FUL Site visit - 12.45pm – 1pm	143 - 161
9. Mill Farm, Gonalston Lane, Hoveringham, NG14 7JJ - 23/01159/FUL Site visit - 9.30am – 9.50am	162 - 194
10. Land adjacent to Fosse Road, Farndon- 23/01429/FUL	195 - 208
11. Stable Building, Newhall Lane, Edingley - 23/01552/FUL	209 - 228
12. The Coach House, Church Hill, Bilsthorpe, NG22 8RU - 23/01186/FUL Site visit -10.45am – 11am	229 - 242
13. Field Side, 86 Caythorpe Road, Caythorpe, NG14 7EB - 23/01160/HOUSE Site visit - 10am – 10.15am	243 - 257
14. Former Marks & Spencer, 32 Stodman Street, Newark On Trent, NG24 1AW - 23/01737/ADV	258 - 268

- |     |  |           |
|-----|--|-----------|
| 15. | 97 South Avenue, Rainworth, NG21 0JH - 23/01213/HOUSE                              | 269 - 278 |
| 16. | Lorry And Coach Park, Great North Road, Newark On Trent - 23/01604/FUL             | 279 - 300 |
| 17. | Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent, NG24 1JY -<br>23/01551/LBC | 301 - 310 |

**Part 2 - Items for Information**

- |     |  |           |
|-----|--|-----------|
| 18. | Public Speaking & Planning Constitution Update | 311 - 312 |
| 19. | Appeals Lodged                                 | 313 - 315 |
| 20. | Appeals Determined                             | 316 - 317 |

**Part 3 - Statistical and Performance Review Items**

None

**Part 4 - Exempt and Confidential Items**

21. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

**NOTES:-**

A Briefing Meeting will be held in Room F1, Castle House at 3.00 pm on the day of the meeting between the Business Manager – Growth & Regeneration, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.



# Agenda Item 4

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Thursday, 5 October 2023 at 4.00 pm.

PRESENT: Councillor A Freeman (Chair)  
Councillor D Moore (Vice-Chair)

Councillor A Amer, Councillor E Oldham, Councillor P Rainbow, Councillor S Saddington, Councillor M Shakeshaft, Councillor M Spoor and Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor C Brooks (Committee Member), Councillor L Dales (Committee Member), Councillor P Harris (Committee Member), Councillor J Lee (Committee Member), Councillor K Melton (Committee Member) and Councillor L Tift (Committee Member)

### 50 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

### 51 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting and it was being live streamed.

### 52 MINUTES OF THE MEETING HELD ON 7 SEPTEMBER 2023

AGREED that the minutes of the meeting held on 7 September 2023 were approved as a correct record and signed by the Chairman.

### 53 LAND WEST OF RUFFORD COLLIERY LANE, RAINWORTH - 21/00996/OUTM (MAJOR)

The Committee considered the report of the Business Manager – Planning Development, which sought outline planning permission for the residential development with all matters reserved for up to 95 dwellings (the Proposed Development).

Members considered the presentation from the Planning Case Officer, which included photographs and plans of the proposed development. It was explained that the proposed development was on an allocated employment site and the proposed housing development therefore represents a departure from the Development Plan.

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the Agenda from Nottinghamshire County Council (NCC) Planning Policy and the Planning Case Officer. The Committee noted in the late items Schedule of Communication that an increase of £10,000 for the bus stop improvements, from £42,500 to £52,500 was required.

Members considered the application and commented that this development would

result in the loss of employment land and whilst there was no other employment allocation in Rainworth there was an oversupply in the district as a whole with alternative employment land provision in the Mansfield fringe, including Blidworth, Clipstone and the A614 corridor. It was also commented that it was hoped that Nottinghamshire County Council had got the school places correct as there would be no funds allocated for increased educational places. Acoustic fences were also noted as important due to the noise from the A617. Concerns were also raised regarding biodiversity, and it was felt that further surveys should have been undertaken. The Planning Case Officer confirmed that dialogue had taken place with Nottinghamshire Wildlife Trust and Natural England and the Biodiversity and Ecology Lead Officer was content that no further surveys were necessary. Natural England had also considered the submitted shadow Habitat Regulations Assessment and raised no concerns regarding Woodlarks and Nightjars within this location, concluding that there would be no likely significant effect on the Sherwood Forest possibility of a protected Special Protection Area (ppSPA). The Committee was also informed that the access road had been moved from the A617, to prevent the creation of an isolated pocket of development. The proposed site entrance would encourage access through Rainworth which would support the Service Centre and would provide a more integrated community.

The Business Manager – Planning Development also confirmed that the NHS and transport contribution listed in the table in Section 10 of the report should also be subject to indexation.

AGREED (with 5 votes For and 4 votes Against) that outline planning permission be approved subject to a S106 (in accordance with the table and as amended above) and the conditions contained within Section 10 of the report.

54 THE MILL, MILL FARM, STATION ROAD, ROLLESTON, NG23 5SE - 23/01361/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to residential and the erection of a detached garage.

A site visit had taken place prior to the commencement of the Planning Committee, for the reason that there were particular site factors which were significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection.

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

The Business Manager – Planning Development informed the Committee of a typographical error on 7.0 – Comments of the Business Manager – Planning Development, second paragraph, page 67 of the report, which should read ‘Given the site context the outbuilding would **NOT** introduce’....

Members considered the application and commented that providing the conditions were secure to prevent the garage being converted into a residential property in the future, the application was acceptable. The Business Manager – Planning

Development commented that if the applicant was to breach the conditions, enforcement action could be undertaken.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

55 THE STABLE YARD, STAYTHORPE ROAD, ROLLESTON - 23/00263/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the siting of a static caravan for residential occupation by an equestrian key worker (retrospective).

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

Members considered the application and commented that this was a new business contributing employment and was therefore considered acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

56 PARISH CHURCH OF ALL SAINTS, FRONT STREET, BARNBY IN THE WILLOWS - 23/00828/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of an outdoor Kazuba2 waterless toilet.

A site visit had taken place prior to the commencement of the Planning Committee, as it was considered that there were specific site factors that needed to be carefully addressed.

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

Members considered the application and the local Ward Member commented that there was a clear community demand for this facility, the community had raised £6,000 to pay for this and Severn Trent had match funded the scheme. A willow hedge would also be planted in front of the toilet to form a screen, which had been omitted from the report. It was commented that the design of the toilet was good, it was eco-friendly, wheelchair accessible and would support the long-term viability of the church. Long distance walkers would also be able to use the facility. The applicant was also committed to protecting any heritage uncovered by the construction works. Members commented that the proposed location was the most appropriate one, with the least amount of impact on the church. The design was not one to match the church, but the timber would silver over time and the church did need the proposed facility. Some concern was raised regarding access over the grass to access the toilet, especially by wheelchair users and it was felt that this was not promoting equality by allowing this new development, without access for all, however it was commented that the church also had no hard footpath.

A vote was taken and lost unanimously for Refusal.

Moved by Councillor Oldham and Seconded by Councillor Wildgust

AGREED (with 7 votes For, 1 vote Against and 1 Abstention) that contrary to Officer recommendation planning permission be approved with the following conditions and reasons:

Conditions:

- (i) three-year time limit for the development to take place;
- (ii) before commencement of works an archaeological survey be provided; and
- (iii) landscaping to screen the development, subject to consultation with the Conservation team, that this would not harm the character and/or setting of the listed building.

Reason for approval:

The public benefits would outweigh the harm to the setting of the Listed Building and character and appearance of the Conservation Area identified.

In accordance with paragraph 13.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
A Amer	For
C Brooks	Absent
L Dales	Absent
A Freeman	Against
P Harris	Absent
J Lee	Absent
K Melton	Absent
D Moore	For
E Oldham	For
P Rainbow	For
S Saddington	For
M Shakeshaft	For
M Spors	Abstention
L Tift	Absent
T Wildgust	For

57 THE BUTTERMARKET, MIDDLE GATE, NEWARK ON TRENT - 23/00993/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of a lockable steel gate and two No. side panels to the top of the stairs leading up to the mezzanine floor.

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

Members considered the application acceptable.

AGREED (unanimously) that Listed Building Consent be approved for the reasons contained within the report.

58 APPOINTMENT OF HERITAGE CHAMPION

The Committee considered the report of the Director for Planning and Growth, which informed the Committee on the recent approval by the Portfolio Holder for Sustainable Growth on the appointment of and need for a Heritage Champion and the role they played in supporting the protection of the historic environment. The Chairman of the Planning Committee, Councillor Andy Freeman had been appointed as the Heritage Champion.

AGREED: that the report be noted.

59 APPEALS LODGED

AGREED: that the report be noted.

60 APPEALS DETERMINED

AGREED: that the report be noted.

Meeting closed at 5.43 pm.

Chair



Report to Planning Committee 9 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, 01636 655827

Report Summary			
<b>Application Number</b>	22/00975/FULM		
<b>Proposal</b>	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure.		
<b>Location</b>	Land At Knapthorpe Lodge, Hockerton Road, Caunton, Newark On Trent, NG23 6AZ		
<b>Applicant</b>	Knaphorpe Solar Limited	<b>Agent</b>	Pegasus Planning Group Ltd - Emma Ridley
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/00975/FULM">22/00975/FULM   Proposed solar development, access and associated works.   Land At Knapthorpe Lodge Hockerton Road Caunton (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	01.06.2022	<b>Target Date Extension To</b>	31.08.2022 17.11.2023
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0 and securing a S106 agreement.		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as South Muskham and Little Carlton Parish Council has objected to the application which differs to the professional officer recommendation. Cllr S Saddington has also requested the Application is presented to Planning Committee due to concerns relating to:

- Highways Safety
- Landscape Character and Visual Impact
- Cumulative Impact

## 1.0 The Site

The application site comprises approximately 76.5 hectares (ha) of agricultural land located in a rural area between the settlements of Hockerton, Caunton, Bathley and Kelham. Given the isolated nature of the site it falls to be designated as Open Countryside. The site is located on agricultural land to the north, east and west of Orchard House Farm and Manor Farm

which has a number of large-scale poultry units – the site is separated into two halves by Hockerton Road which is broadly central within the application site spanning north-south. Doncaster’s Plantation lies to the east of the site and Newbottles Plantation to the north. Muskham Wood, which is regarded as a Local Wildlife Site, is located approx. 850m to the south of the site.

The site itself forms part of a larger agricultural holding and contains mature hedgerow and/or trees along many of its boundaries. An electricity pylon and 2 wind turbines can be seen in the distance to the east. The topography of the land appears to rise in gradient to the north. A public Right of Way (PRoW) cuts through the eastern portion of the site in a north-south direction (FP2) with another running in a north – south direction to the western side of the site (FP6). The site lies within Flood Zone 1 as defined by the Environment Agency which means it is at low risk of main river flooding and Caunton Airfield is located adjacent to the south of the site. Muskham Woodhouse Farm buildings (regarded as non-designated heritage assets) can be seen on raised land to the south-east of the site. Views into the site are achievable from the highway at various points due to gaps within the hedgerows.

There are two Scheduled Monuments within a 1km radius of the application site – Earlshaw Hall Moat (LEN 1008628) which is directly adjacent to the north-west corner of the site and Moated site, fishponds and decoy pond to the north-west of Parking Spring Farm (LEN 1018120) which is located approx. 880m to the south-west of the site. Caunton Conservation Area is approx. 500m to the north-east of the application site and contains a number of Grade I and II listed buildings.

## **2.0 Relevant Planning History**

**Site to the South, Muskham Wood - 22/00976/FULM** - Proposed solar development, access and associated works – Pending Consideration at this Planning Committee.

**Land at Foxholes Farm, Bathley Lane, North Muskham - 22/01983/FULM** – Construction of Solar farm with associated works, equipment and necessary infrastructure – Pending Consideration

**20/SCR/00010** - Request for screening opinion for a proposed solar installation (for the developments cumulatively and individually.) – EIA not required.

## **3.0 The Proposal**

The application seeks planning permission to construct a 49.9 Megawatt (MW) solar farm on approximately 76.5Ha of land (albeit the actual land take of the development would be 62.4Ha as not all land within the site area would have panels or ancillary development sited on it). The solar farm would be a temporary use of the land as the equipment would be removed and the land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid.

The solar farm would comprise solar panels arranged on a metal framework supported by pile driven foundations, laid out in rows across the site in east-west orientation facing south to

form tables (“arrays”), without the need for concrete foundations. The maximum height at the rear of the tables would be 4m. The panels are designed to move and track the movement of the sun across the day, increasing their efficiency and are proposed to be spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing. There would be at least 0.8 m between the bottom of the panels and the ground. The panels would be dark blue or black.

The site would be enclosed by c.2.4m high mesh security fencing with pole mounted CCTV cameras at 2.6m in height positioned inside and around the site in order to provide security.

The 49.9MW proposal would provide electricity equivalent to the average electrical needs of 16,200 typical UK homes (approx.) annually and assist towards reducing CO<sub>2</sub> emissions saving approx. 29,860t of CO<sub>2</sub> per annum. Based on similar projects construction is expected to take place over approximately 6 months (up to 26 weeks).

Supporting infrastructure includes:

- Low voltage switchgear cabinet;
- High voltage transformer and DNO substation;
- Boundary fencing (deer fencing mounted on timber posts) around the edge of the site, with access gates into the site;
- Associated access tracks connecting transformer and switchgear substations; and
- A pole mounted CCTV system located at strategic points around the site.

Two accesses are proposed to serve the development which is separated by the highway broadly centrally. Access to the western portion would be taken from Caunton Road in the south-west corner via an existing farm track. Access to the eastern portion would be via a farm entrance in the western boundary of the site off Hockerton Road. These accesses would serve the entire site and would be connected to a network of internal roads within the site. Existing public rights of way are proposed to be retained in their existing locations, enclosed with perimeter fencing with a 10m off set either side (20m corridor).

Landscaping mitigation proposals include:

- Retention, protection and enhancement where appropriate of existing trees and hedgerows, using native tree and hedgerow species;
- Provision of new native infill planting where gaps are present in the existing field boundary hedgerows, including unused field access points, to define site boundaries and provide additional visual enclosure;
- Provision of new native hedgerows to define field boundaries where none are present, or have been lost over time;
- Provision of new hedgerow tree planting where appropriate to break up the massing of the proposed development and filter views from neighbouring areas;
- Existing and proposed native hedgerows managed to a height of 3m or over to enhance visual enclosure; and
- Ongoing management of all new planting during the lifetime of the solar farm.

Documents assessed in this appraisal:

- Application Form



- Planning Design and Access Statement (deposited 18 May 2022)
- Heritage Statement (deposited 18 May 2022)
- Glint and Glare Assessment (deposited 18 May 2022)
- Memorandum report (deposited 05 January 2023)
- Flood Risk Assessment and Surface Water Drainage Strategy (deposited 18 May 2022)
- Construction Traffic Management Plan (deposited 18 May 2022)
- Agricultural Land Classification, Soil Resource Assessment (deposited 18 May 2022)
- Statement of Community Involvement (deposited 23 June 2022)
- Preliminary Ecological Appraisal (deposited 01 June 2022)
- Noise Impact Assessment (deposited 15 June 2022)
- Landscape and Visual Impact Assessment (deposited 15 June 2022)
- Arboricultural Assessment (deposited 01 June 2022)
- Letter from Agent – NSIP Consideration (deposited 25 July 2022)
- Letter from Agent – LVIA Rebuttal (deposited 19 October 2022)
- Geophysical Survey Report (deposited 05 January 2023)
- Ecological Impact Assessment (deposited 05 January 2023)
- Planning Addendum Additional Information (deposited 05 January 2023)
- Transport Technical Note (deposited 03 July 2023)
- Knapthorpe Distances Between Residential Properties and Nearest Panels (deposited 03 July 2023)
- Heritage Addendum (deposited 03 July 2023)
- Biodiversity Management Plan (deposited 03 July 2023)
- Cover Letter (deposited 03 July 2023)
- Biodiversity Metric (deposited 23 August 2023)
- Agent Supporting Email 21 August 2023
- Archaeological Evaluation Interim Report (deposited 22 September 2023)
- Agent Supporting Email 02 October 2023

Plans:

- Site Location Plan – Ref. P21-1381.001 Rev. C
- Layout Plan – Ref. P21-1381.002 Rev. L
- Landscape and Ecological Master Plan – Ref. P21-1381.003 Rev. I
- Elevations – Ref. P21-1381.101
- Typical Client and DNO Substation Detail – Ref. P21-1381.102
- Typical Inverter Detail – Ref. P21-1381.103
- Typical CCTV, Post and Security Speaker Details – Ref. P21-1381.104
- Typical Fence detail – Ref. P21-1381.105
- Typical Access Track Detail – Ref. P21-1381.106
- Additional Viewpoint Locations – Ref. P21-1381-EN-100
- Compound Area Plan – Ref. P21-1381.004 Rev. A
- Analysis of Existing Vegetation – Ref. P21-1381.005 Rev. B
- Composite Layout Plan Showing Both Schemes – Ref. P21 13801 006 Rev. C
- Cable Routing Plan
- Proposed Skylark Plots – Ref. P21-1381. 100 Rev. A

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 23 properties have been individually notified by letter. Site notices have also

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

Site Visit undertaken on: 10.06.2022 and 27.03.2023

## **5.0 Planning Policy Framework**

### **The Development Plan**

#### **Newark and Sherwood Amended Core Strategy DPD (2019) (ACS)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 6 – Infrastructure for Growth  
Spatial Policy 7 – Sustainable Transport  
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

#### **Allocations & Development Management DPD (2013) (ADMDDP)**

Policy DM4 Renewable and Low Carbon Energy Generation  
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 (NPPF) 2023
- National Planning Practice Guidance (on-line resource)
- Landscape Character Assessment SPD (Adopted December 2013)
- The Climate Change Act 2008
- UK Government Solar Strategy 2014
- EN-1: Overarching National Policy Statement for Energy (July 2011)
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change (October 2021)
- Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 Consultations**

*NB: Comments below have been summarised and relate to the most recently received plans/documents. Full Consultee comments can be found on the online planning file.*

## **(a) Statutory Consultations**

**Natural England** – No objection - The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Environment Agency** – No objection.

**NCC Lead Local Flood Authority** – No objection subject to a condition relating to the submission of a detailed surface water drainage scheme based on the Flood Risk Assessment (FRA).

**Historic England** – No objection.

**NCC Highway Authority** – No objection subject to conditions.

**Ministry of Defence** – No safeguarding objection.

**National Air Traffic Services** – No safeguarding objection.

## **(b) Town/Parish Council**

**Caunton Parish Council (Host)** – No comments received.

**Little Carlton and South Muskhams Parish Council (Neighbouring)** – Object – Concerns raised:

- Concerns regarding the visual impact of the development
- Concerns regarding the loss of Grade 3 agricultural land
- Concerns regarding the impact on the PRoW and users
- Glint and Glare has not been satisfactorily addressed as the panels are moveable and would follow the sun during the day. This would impact adjacent properties through glare
- The sun tracking of the panels will create noise nuisance
- Concerns regarding heavy construction traffic and the impact on adjacent roads
- Concerns regarding the impact on local people's health and wellbeing due to the loss of countryside vista and access
- Concerns regarding the ecological impact due to fencing the site in and restricting wildlife access
- Concerns that the impact on the adjacent airfield has not been properly considered and the potential economic impact if this is forced to close due to glint and glare
- Concerns regarding the cumulative impact on the area
- Insufficient local engagement has been undertaken, other than a flyer drop.
- Concerns that water supplies to existing properties could be damaged and queries over long term maintenance
- Concerns about discrepancies and misrepresentation in the documents
- Concerns about archaeological impact

**Winkburn Parish Council (Neighbouring)** – No comments received.

### **(c) Representations/Non-Statutory Consultation**

**Caunton Airfield** – No comments received.

**NSDC Conservation Officer** – No objection – The panels would be at least 50m from the scheduled monument which will help mitigate the visual impact of the development. However, defer to Historic England for an assessment.

**NSDC Archaeological Advisor** – No objection subject to conditions.

**NSDC Environmental Health** – No objection subject to a condition relating to the plant noise limits specified in the noise assessment.

**NCC Ecology** – No comments received.

**Nottinghamshire Wildlife Trust** – No objection subject to conditions relating to precautionary best practice and mitigation measures.

**NSDC Biodiversity and Ecology Officer** – No objection subject to conditions.

**NSDC Trees and Landscape Officer** – No objection - Comments relate to the requirement for an offset from the Ancient Woodland, requirement for screening of the PRoW and appropriate landscape planting.

**NCC Rights of Way** – No objection – informative notes advised.

**Ramblers Association** – Object given the width of the PRoW corridor is not defined, nor is there any proposed planting to screen the fencing and create a green lane for the benefit of walkers and wildlife.

**NCC Planning Policy** – No objection.

**Campaign to Protect Rural England Nottinghamshire** – Object – Concerns raised:

- Concerns that the plans have not been developed with the local community and are not supported by local people.
- The development would take agricultural land out of production for 40 years at a time when the UK needs to become more self-sufficient in food for food security and climate reasons.
- The landscape impact would be significant and would not be mitigated.
- The applications are contrary to the development plan policies DM4 and DM5.

**Comments have been received from SEVEN third parties/local residents that can be summarised as follows:**

Visual, Character and Heritage Impact:

- Concerns regarding the visual impact on the countryside.
- Concerns about the heritage impact.

- Concerns that the impact assessment has not considered properties in closest proximity to the site.
- Concerns that the geophysical survey has not been conducted on the entire site due to fields containing crops.
- Concerns that the landscape and visual impact assessment has not been carried out correctly and does not consider the impact on the closest residential receptors.
- Concerns that the Glint and Glare assessment has not been carried out from closest neighbouring properties.
- Concerns about the heritage impact of the development on Knapthorpe.
- Concerns that the Archaeological Trial Trenching has not been undertaken correctly.

#### Agricultural Land:

- The need for greener energy is important but we must consider the impact of the loss of agricultural fields and land that is classed as best and most versatile agricultural land.
- The site is not appropriate as the agricultural land grade is good.

#### Sustainability:

- Whilst solar panels are recyclable, they are expensive to recycle and there is not an effective way of disposing of them cost effectively at this time which is not environmentally friendly if they are put to landfill.

#### Amenity:

- Concerns about the noise impact of the development on sensitive receptors.
- Concerns about the impact through glint and glare.

#### Ecology:

- Concerns about the impact on local protected species and inadequate consideration in the accompanying reports.

#### Highways:

- The local road system is made up of single carriage farm lanes, whilst the report acknowledges HGVs will be using them there is no mention of making good any additional road damage that may occur.
- Concerns about the impact of fencing off footpaths and the enjoyment of these routes through the site.
- Concerns that the Glint and Glare study has not adequately considered local highway infrastructure/lanes.

#### Other:

- Concerns that the Glint and Glare assessment shows adverse impacts on the local airfield.
- Concerns about the ongoing maintenance of the solar farm.
- The development is just to create more money for the landowner at the expense of residents.
- Concerns regarding the lack of/inadequate community engagement prior to submission.

- Concerns that this application and the Muskham Wood application cumulatively should be considered as nationally significant infrastructure projects (NSIP).
- Concerns about the impact on local water supplies, drainage infrastructure and ongoing maintenance.
- Concerns that other land in the vicinity will be developed for similar uses in the future.
- Concerns about the physical and mental health implications of the proposal.
- Concerns about fire risk.
- Concerns that the soil assessment shows the land has agricultural value and the report omits the fact that spring barley as well as Oil seed rape is grown on the site.
- Concerns that the CCTV poles would infringe people's privacy.
- Concerns that one of the proposed accesses to the site has become impassable due to flooding during heavy rainfall in Oct 2023.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Procedural Matters
2. Principle of Development
3. Loss of Agricultural Land/Alternative Sites
4. Landscape Character and Visual Impacts
  - a. Landscape Effects
  - b. Landscape Character
  - c. Visual Impact
  - d. Cumulative Effects
  - e. Glint and Glare
5. Impact upon Heritage (including Archaeology)
6. Impact upon Public Rights of Way
7. Impact upon Highway Safety
8. Impact upon Flood Risk
9. Impact upon Ecology
  - a. Trees
  - b. Biodiversity Net Gain
10. Impact upon Residential Amenity
11. Other Matters
  - a. Length of Temporary Consent
  - b. Public Consultation

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

### Procedural Matters

It is noted that there is a concurrent application for a 49.9MW solar farm and associated infrastructure that has been submitted on c.69Ha of land directly to the north and north-west of this application site (ref. 22/00976/FULM, hereby referred to as the Muskham Wood Site). If both this Knapthorpe Grange and the Muskham Wood proposals were considered as a single application, then it would qualify as a Nationally Significant Infrastructure Project (NSIP) requiring a Development Consent Order (as it would exceed the 50MW threshold) and would be decided by the Secretary of State. In light of this and given the close proximity of the application sites and the fact that the applications have been submitted simultaneously, advice has been sought from the Planning Inspectorate (PINS) and the Council's Legal Officer as to whether the Council is the correct determining authority for these applications.

The advice received from PINS did not purport to give legal advice and explained that only the Courts could provide a definitive interpretation of legislation – at that point, as far as PINS were aware, there had been no case law on this point under the Planning Act 2008 (PA 2008) regime. However, to assist the Council in coming to its decision on whether it is the correct determining authority, PINS provided a series of questions to put to the Applicant to ascertain whether the Sites could be considered as different generating stations.

Firstly, the Applicant states that the sites would be owned by separate entities – in this case the owners of the sites are different legal entities, however further investigation does show that both Muskham Solar Limited<sup>1</sup> and Knapthorpe Solar Limited<sup>2</sup> have the same registered offices, the same 'Person of Significant Control' which is Staythorpe Power Limited and the same two directors. This does raise the question as to how entirely separate the entities are, however for legal purposes the two companies are separate.

The Applicant also asserts in their submissions that the Solar Farms on the two sites would operate entirely independently of each other and would be separate generating stations. They state that each of the solar farms would have a separate grid connection comprising one export cable per project to separate connection bays at a new collection point. The connection is proposed to the transmission network, rather than the distribution network, and so there would be no Distribution Network Operator (DNO) involvement. The Applicant has explained that there are agreements with the National Grid in place, providing capacity for each solar farm to operate unconstrained. However, in the event of any constraints on capacity, a grid sharing agreement would have to be entered into between the projects to regulate the use of the grid connection. In this respect, a recent judgement<sup>3</sup> for two solar farms considered the sharing of infrastructure and whether this factor would trigger simultaneous applications to be considered as NSIPs and concluded that the sharing of cabling and a common substation between two solar farms which were one mile apart was insufficient to mean that they constituted a single generating station.

PINS also advised that another important consideration would be whether the developments are considered to require an Environmental Impact Assessment (EIA). A detailed assessment of this application both individually and cumulatively with the Knapworth Grange scheme will follow in the appraisal, however ultimately, having reviewed the nature and magnitude of

---

<sup>1</sup> [MUSKHAM SOLAR LIMITED Company Information](#)

<sup>2</sup> [KNAPTHORPE SOLAR LIMITED Company Information](#)

<sup>3</sup> [Sheraton Judgment](#)

likely impacts upon the environment, it is considered that the developments would be unlikely to have *significant effects* on the environment of any more than *local importance*. It is therefore not considered that these proposals require an EIA.

In terms of the construction and maintenance the Applicant has advised that the sites are unlikely to be constructed simultaneously with movements to and from the site(s) being controlled by the final Construction Traffic Management Plan (CTMP). Given the scale of the construction operation it is anticipated that the construction phases will be undertaken separately from one another with separate connection infrastructure.

Essentially the Applicant asserts that neither solar farm is dependent on the other solar farm, and each are capable of being consented and constructed separately. They do not form part of the same substantial development, would not form one singular generating station, and they are not dependent on one another. The Council's Legal Officer has therefore advised that each application can be determined separately, by NSDC, under the Town and Country Planning Act 1990 on the basis that the two solar farms are separate applications, do not share infrastructure and would be wholly independent of each other.

#### Principle of Development

The site is located within the open countryside. Policy DM8 (Development in the Open Countryside) of the ADMDPD is silent on the appropriateness of renewable energy in the open countryside. However, the District Council's commitment to tackling climate change is set out in Core Policy 10 (Climate Change). This provides that we will encourage the provision of renewable and low carbon energy generation within new development. Policy DM4 (Renewable and Low Carbon Energy Generation) provides that permission shall be granted for renewable energy generation schemes unless there are adverse impacts that outweigh the benefits. This approach is also echoed by the NPPF which states that *'when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable'*.

In determining this application, it is necessary to balance the strong policy presumption in favour of applications for renewable technologies against the site-specific impacts. The wider environmental and economic benefits of the proposal are also a material consideration to be given significant weight in this decision. Site-specific considerations including further consideration of Paragraph 13 (Reference ID: 5-013-20150327) of Planning Practice Guidance (PPG) which outlines a number of factors which local planning authorities need to consider in the assessment of large-scale ground-mounted solar farms, are set out below.

#### Loss of Agricultural Land/Alternative Sites

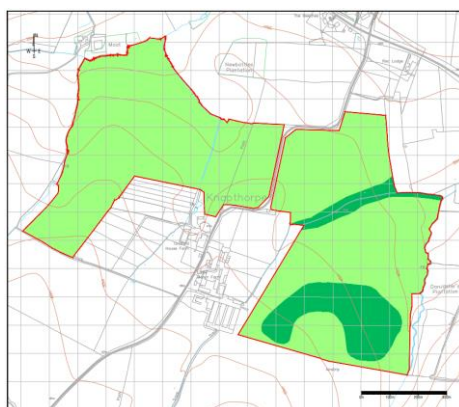
Policy DM8 states that *'proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss'*.



The PPG outlines a number of factors which local planning authorities will need to consider in the assessment of large-scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. The Written Ministerial Statement of 25 March 2015 also relates to the unjustified use of agricultural land and expects any proposal for a solar farm involving the best and most versatile agricultural land (BMV) to be justified by the most compelling evidence. This approach is also reflected in the NPPF, which suggests that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

It is recognised that agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The NPPF defines BMV land as Grades 1, 2 and 3a as land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. Sub-grade 3b is then described as *“moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass harvested over most of the year”*.

This application has been supported by an Agricultural Land Classification (ALC) report undertaken by qualified experts in this field. The report concludes that the site comprises 4 agricultural enclosures in arable use (some planted with winter wheat and sown to oilseed rape under sown with grass at the time of the survey), 9.52 Ha out of 74.38 Ha of which has been graded as being of Grade 3a quality, with the remaining land of Grade 3b quality. These results therefore confirm that approx. 12.8% of the application site classifies as BMV agricultural land (shown in dark green on the map below).



*ALC Distribution - Appendix 3 of the Agricultural Land Classification Soil Resource Assessment*

The report sets out that the distribution of the BMV land within the site relative to the proposed layout of the arrays, means that the BMV land cannot be easily designed out of the scheme. A 10m buffer zone (in which no construction is proposed) is included to either side of the watercourse (which follows the northern line of the BMV land on the map above), this

would provide partial mitigation of the impacts of construction on the BMV soils over approximately 1.10 Ha of the 9.52 Ha of BMV (11.5% of the total BMV land but 1.5% of the total site area), however, the area would remain within the site boundary and could not be farmed separately.

The Report concludes that the development will require agricultural land to be removed from arable production but will not preclude use of the land for grazing of smaller animals and/or poultry, grass cutting for conservation nor establishment of a biodiversity or pollination area for the duration of the scheme. The Report explains that impacted land would remain capable of maintaining a basic agricultural function that could be sympathetically managed for the lifetime of the development. The Report also explains that solar farms are a form of construction that do not require extensive topsoil and subsoil stripping, storage or reinstatement. Therefore, soil resources are neither sterilised or lost to hard development and the construction activities involved with these schemes are not dissimilar, in terms of potential impacts on soils, to traditional agricultural activities such as installing new and intensive agricultural land drainage schemes, irrigation systems, farm water, electricity or gas supplies or agricultural access tracks. Ultimately, the vast majority of the soil resource, whilst being subject to localised disturbance, would remain in situ for the duration of the scheme and proposals for longer term grassland management under the solar farm arrays are likely to accrue positive benefits to soil structure, organic matter status, soil biodiversity and carbon sequestration long term to improve the condition of the land.

The Report recommends that a land and soil management plan be formulated and implemented for the duration of the scheme to ensure that the land/vegetation is managed in a sympathetic manner leading to suitable soil profiles and healthy plant growth in the longer term.

Natural England is a statutory consultee on development that would lead to the loss of over 20 Ha of BMV agricultural land, however, as this threshold is not triggered it is noted that Natural England have raised no objection to the proposal. Nevertheless, it is still necessary to consider whether the proposal represents effective use of land in line with the abovementioned PPG which encourages the siting of large-scale solar farms on previously developed and non-agricultural land and to ensure that poorer quality land has been utilised in preference to that of a higher quality.

The applicant has provided reasons for selecting this site within the Planning Addendum (dated December 2022). This explains why the application site was selected based on issues around technical suitability and capacity, grid connection feasibility, site availability and planning constraints. The fundamental reason for selecting this site is because this locality was identified as an area with grid capacity availability and a viable connection point to the network. Evidence has also been supplied during the course of this application to demonstrate the proposed connection point and how this could be completed under Electricity Undertakings Permitted development. Given the significant land take involved, Officers are not aware of any alternative brownfield sites that could accommodate the scale of development proposed that could be utilised in order to access this connection point in the vicinity. In terms of other available sites of a lower agricultural land quality, it is noted that the adjacent Muskham Wood application site is entirely Grade 3b agricultural land, and thus at a lower grade overall than the application site. Local residents have questioned whether sequentially this should be considered as preferable to this Application Site, however both

proposals would still result in a loss of agricultural land overall and this factor weighs negatively against both schemes when considered separately and cumulatively. It is also noted that the site at Foxholes Farm which is currently pending consideration has a higher percentage of BMV than the application site and thus would not be a sequentially preferable site to this application site. Based on the information submitted within the Site Selection Report Officers consider that the reasons why the site has been selected in principle are acceptable and are not aware of any other sites available in the District that would be either sequentially preferable or would not result in the use of agricultural land.

Officers are also mindful that the proposal would not lead to significant long-term loss of agricultural land as a resource for future generations, given the solar farm would be in situ for a temporary period. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Although some components of the development, such as the ancillary equipment serving the solar farm, may permanently affect agricultural land, this would be limited to small areas and would not include the BMV land within the application site. Officers are also mindful it is proposed that the land between the rows of solar panels would be grassland which could be used for grazing (which would allow for continued agricultural use as supported by PPG) and could improve the land/soil quality long-term.

Nevertheless, there would be some loss of BMV land and there would be a reduction in agricultural productivity over the whole development area which is a negative factor to be weighed in the overall planning balance. However, at 12.8% of the overall land take this loss is considered to be relatively low. The proposal would also provide electricity equivalent to the average electrical needs of approx. 16,200 typical UK homes annually and assistance towards reducing CO<sub>2</sub> emissions - this would result in a substantial benefit of the scheme in terms of renewable energy production. The NPPF supports renewable and low carbon development, with para.158 stating that authorities should approve such applications if the impacts can be made acceptable. Overall, it is therefore considered that it would be difficult to justify refusal solely on the grounds that the proposal would be on agricultural land (a small proportion of which would constitute BMV) in this instance as the proposal is considered to comply with the aims of national planning policy in this regard.

#### Landscape Character and Visual Impacts

Core Policy 9 (Sustainable Design) states that new development should 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 (Landscape Character) requires the landscape character of the surrounding area to be conserved and created.

Paragraph 174 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

To support this application a Landscape and Visual Impact Assessment (LVIA) has been submitted to identify and assess the likely significance of the landscape and visual effects of

the proposed development on the surrounding area. For clarity, landscape impact is the effect of a proposed development on the fabric, character and quality of the landscape and concerns the degree to which a proposed development will become a significant or defining characteristic of the landscape. Visual impacts concern the degree to which the proposed development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. An assessment of these elements will now be taken in turn.

### *Landscape Effects*

The LVIA includes a detailed assessment of each landscape feature and elements that may be impacted by the proposal – in summary the development would result in:

- A minor adverse effect on on-site topography;
- No discernible effect on on-site water features;
- A moderate adverse effect on land use within the Site;
- A major adverse effect on the character of the PRoW which cross the Site; and
- A moderate beneficial effect on on-site vegetation (hedgerows, trees and cropped vegetation).

In respect of the major adverse effect identified on the PRoW - there are two footpaths which cross the site – the nature and character of these routes is of countryside routes crossing arable farmland, albeit in the context of existing farm buildings to the west and with wind turbines visible to the east. The susceptibility of the character of these routes to development of the type proposed is high as the installation of solar arrays close to the routes would alter that character from crossing arable farmland to passing through relatively renewable energy infrastructure. The overall sensitivity is therefore considered to be high. The LVIA explains that the scheme would result in changes to the surroundings of the routes, particularly during the construction phase. However by setting the solar arrays back from the routes (within a 20m corridor) and maintaining and enhancing existing native vegetation (trees and hedgerows) in the vicinity of the routes, such changes would be limited, and would only affect limited sections of the routes (two separate sections of approximately 900m Caunton FP2, and approximately 300m of Caunton FP3) – the remainder of the routes which lie outside of the Site would still be across open farmland. Existing retained and enhanced field boundary vegetation surrounding the Proposed Development would also help to limit visibility of the solar arrays and other infrastructure from elsewhere on these routes beyond the site boundaries. There would be no direct effects on the rest of the wider local PRoW network. The LVIA concludes that changes to the character of these routes would be medium in scale, and predominantly limited to within the Site - such changes would be long-term, but reversible when the solar farm is decommissioned, and the land returned to agriculture. The magnitude of change to the character of these routes is assessed as medium during the construction phase and at Years 1 and 5. However, with high sensitivity, this would result in a major adverse effect.

Due to the technical nature of an LVIA assessment the Council has sought independent advice from consultants at Influence who have undertaken their own independent assessment of the Applicant's LVIA. Their assessment does not dispute any of the abovementioned conclusions in relation to the Landscape Effects of the proposal.

## *Landscape Character*

The site is located in Natural England National Character Area (NCA) 48 Trent and Belvoir Vales - the LVIA concludes that the development is not considered likely to result in any perceptible effects on landscape character at this national scale and to remain proportionate to the small scale of the site in relation to the NCA, focus is placed upon the local landscape character.

The LVIA concludes that the Proposed Development would result in the conversion of the fields within the Site from intensively farmed arable farmland to a solar farm (with species-rich grassland managed by sheep grazing beneath the solar arrays). This would result in a long-term major adverse effect on the landscape character of the Site and its immediate environs, reducing to moderate adverse with increasing distance from the Site. By Year 5, the growth and development of retained, enhanced and newly planted hedgerows and trees within the Site would reduce the visibility of the Proposed Development from the landscape surrounding the Site, with a corresponding reduction in the scale of effect on this landscape to minor-moderate adverse.

For Policy Zone MN30: Knapthorpe Village Farmlands with Ancient Woodland, within the Mid-Nottinghamshire Farmlands Landscape Character Area (LCA), the overall scale of effect on landscape character is concluded to be moderate adverse, reducing to minor adverse with increasing distance from the Site. In the context of the Landscape Character impact on this policy zone, these effects are not considered to be significant. For other nearby LCAs and Policy Zones which may undergo indirect perceptual/experiential effects, the scale of effect is concluded to be negligible.

Turning to the landscape character of the site and its immediate environs the LVIA concludes that the landscape is considered to be of medium value and medium susceptibility to change, resulting in medium sensitivity. Direct effects on the landscape character of the Site would be large in scale, limited to the Site itself, long-term in duration, but reversible following decommissioning of the site at the end of its life. Effects on the field boundary vegetation within the Site would be very limited. The magnitude of change to the landscape character of the Site is therefore assessed as large. The short length of the construction phase means that although there would be greater levels of activity on the Site during this period, the overall level of change to landscape character would be broadly the same during the construction phase and at Years 1 and 5. With medium sensitivity, the scale of effect would be major adverse within the Site.

For the landscape immediately surrounding the Site, the effects would be indirect/perceptual, medium in scale, and predominantly experienced within close proximity to the Site. Effects would be long-term in duration, but reversible following decommissioning of the site at the end of its life. The magnitude of change is therefore assessed as large immediately adjacent to the Site, decreasing to medium within increasing distance from, and decreasing visibility of, the Proposed Development. With medium to high sensitivity, the scale of effect would be major adverse, decreasing to moderate adverse with increasing distance from the Site. Again, the short length of the construction phase means that although there would be greater levels of activity on the Site during this period, the overall level of change to landscape character would be broadly the same during the construction phase and at Year 1.

Post-construction, the development of intervening (field boundary) vegetation would mean that the decrease in effect with increasing distance from the Site would become more noticeable over time. The magnitude of change would decrease to small by Year 5, resulting in a minor-moderate adverse effect within the more distant surroundings to the Site. All adverse effects on landscape character would be fully reversed following decommissioning of the proposed solar farm at the end of its life, with all site infrastructure being removed. Any enhancements to field boundary vegetation would remain after the decommissioning of the Site.

Influence have confirmed that the Applicant's assessment of the site's Landscape Sensitivity is aligned with their own professional judgements – in this case, although the site is in a rural location with good scenic quality, Influence have advised that the landscape is not distinctive, it is typical of tracts of the surrounding countryside and is not *designated*. They also conclude that they are in agreement that there would be a major adverse effect on the landscape character of the site and the immediate environs for the duration of the scheme that would decrease with increasing distance from the site and reduce to minor-moderate adverse after Year 5.

### *Visual Impact*

The initial LVIA assessed six viewpoints for this application, which Influence commented advising that on the face of it appeared a disproportionately small number considering the surrounding receptors and the size of the application in this specific location. Whilst Influence agreed with the sensitivities set out in Tables 7.1 of the LVIA for the residential, recreational and road receptors they noted there were locations where additional viewpoints should be recorded to ensure that the baseline was robust and to provide a visual reference when reading the conclusions in Table 7.1.

At this stage it is important to clarify that the LVIA and the review undertaken by Influence refers to '*Orchard House Farm*' which Officers understand is incorrect as this property has been known as '*Knapthorpe Grange*' for many years. Whilst understanding the frustration of local residents about this error of reference, for the purposes of the assessment both names are considered to be synonymous.

The LVIA concludes that major effects on visual amenity would be limited to receptors within the Site or within approximately 550m of the Site boundary (or within approximately 900m to the south). The assessment by Influence concludes that visually, the receptors most likely to receive the greatest effects from the Proposed Development are:

- Users of Caunton FP3 and FP2
- Residents of Middlethorpe Grange, Knapthorpe Lodge, Orchard House Farm/Knapthorpe Grange and Red Lodge.

The combination of the topography and the vegetation on and surrounding the site are noted to reduce the extent of the visual effects. However, each of the receptors above have been assessed as experiencing a major-moderate adverse impact and landscape mitigation will have very little effect on reducing this level up to and after Year 5 (as set out in Table 7.1). In the context of a proposal of this scale the number of receptors that would be adversely

affected is relatively small. However, given that there are a relatively small number of sensitive receptors that would potentially receive the greatest level of effect, Influence advised that the Proposed Layout Plan did not appear to respond to the findings of the LVIA and seek to mitigate some of these impacts. A number of recommendations were therefore made to improve the scheme and reduce/mitigate some of the impacts.

Influence requested clarity on the buffer around the PRoW within the site, noting that for a reasonable portion of their length they would become enclosed with solar arrays, which would be compounded in this case due to the arrays proposed to be sun tracking. Following clarification, the plans have been amended to show the PRoW within a 20m wide corridor from the solar arrays which Influence have welcomed and have advised would help mitigate the impact to users of these PRoW.

The assessment from Influence highlighted that the development had been set back from Knapthorpe Manor, but the same offset had not been applied to Orchard House Farm/Knapthorpe Grange. It was therefore recommended that a more substantial offset to this dwelling be included within the proposed site layout, supported by a landscaping scheme. Following negotiations an amended plan has been submitted showing a greater offset (approx. 60m) from this property and additional planting proposed around the site boundaries with this property's garden area to reduce the potential impacts of the proximity of the compound from this dwelling (see plans below). Influence has welcomed this amendment which is noted to reduce the scale of effect on this property from major-adverse at Year 5 to no greater than moderate-adverse at Year 5.



*Left: Proposed Layout Plan showing Orchard House Farm/Knapthorpe Grange circled in red  
Right: Landscape and Ecological Master Plan showing the proposed planting and offset from this property*

Overall, in respect of visual effect there would be major-moderate effects on sensitive receptors – local residents and users of the PRoW network – however, Influence have advised that these are a limited number (particularly for a proposal of this scale), and the layout has also been amended in an attempt to mitigate for those impacts.

### *Cumulative Effects*

In addition to this Proposal, planning applications for two other solar farms have been submitted in the vicinity of Knapthorpe Grange – at Foxholes Farm (approximately 3.3km to the north-east of the Site) and Muskham Wood, immediately to the south of the Site. Whilst

each solar farm would be a standalone entity and could be implemented in isolation from one another (or not at all), it is nevertheless necessary to assess the likely cumulative landscape and visual effects that might arise from the Proposed Development in conjunction with these other two proposed solar farms should they all be constructed.

In respect of Landscape Character, the cumulative magnitude of change to the landscape immediately surrounding the Site is assessed as large, and with medium sensitivity, the cumulative scale of effect would be major adverse. However, the LVIA concludes that this localised effect would not result in a notable change in the overriding landscape character of the wider Policy Zone MN30 as a whole, *i.e. intensively managed farmland with views often enclosed by (field boundary) vegetation*. It is accepted that there would be highly localised major adverse cumulative effects on landscape character in the immediate environs of the two sites, however in the context of the LCA as a whole it is concluded that there would be a moderate adverse cumulative effect, reducing to minor adverse with increasing distance from the Site.

In respect of visual effect, the Cumulative Zone of Theoretical Visibility (ZTV) Map in the LVIA demonstrates that there a number of areas where there would be theoretical visibility of both the Proposed Development and one or both of the other schemes. However, the LVIA explains that the field survey has shown that field boundary and other vegetation within the landscape which is not modelled in the Cumulative ZTV means that there would be only very limited, if any, locations from where the Knapthorpe Grange site and the Foxholes Farm would be visible. Where there may be visibility of both sites, the separation distance between the sites themselves, and between potential cumulative receptors and the site, means that any cumulative effects on the landscape character and visual amenity would be very limited.

Conversely, being located immediately adjacent to each other, the LVIA concludes that there would be more notable cumulative visibility (and therefore potential effects on landscape character and visual amenity) of the Knapthorpe Lodge and Muskham Wood sites. However, the field survey has shown that the locations from which there may be cumulative visibility is considerably reduced by intervening vegetation and is likely to be limited to:

- Properties at Muskham Woodhouse Farm which would experience a major adverse effect (albeit it is noted that the cumulative magnitude of change arising from the Proposed Development in combination with the Muskham Wood solar farm would be no greater than that arising from the Proposed Development on its own, *i.e.* medium as the Muskham Wood development may reduce the visibility of the Knapthorpe Grange site);
- Properties to the immediate north-west of the poultry farm adjacent to Muskham Wood which would experience a major adverse cumulative effect;
- Properties at Middlethorpe Grange and Dean Hall Farm which would experience a major adverse or moderate adverse cumulative effect respectively (albeit it is noted that the cumulative magnitude of change arising from the Proposed Development in combination with the Muskham Wood solar farm would be no greater than that arising from the Proposed Development on its own, *i.e.*, medium for Middlethorpe Grange or small for Dean Hall Farm);
- Properties at Lodge Farm and Lodge Cottages on the A616 which would experience a minor adverse cumulative effect;



- Sections of Caunton Road (between the Bedmax plant and the A616) and Certain properties on Caunton Road:
  - Occupiers of two properties and users of Caunton Road to the north of Knapthorpe would experience a major adverse cumulative effect, but this would not be notably greater than that arising from either the proposed development on its own as this development would be more prominent in view than the Muskham Wood site.
  - The cumulative SZTV indicates very limited, if any, visibility of the Muskham Wood solar farm from the various other residential properties within the hamlet of Knapthorpe due to the presence of other buildings within the hamlet. Where the Muskham Wood solar farm is visible, the Knapthorpe Lodge site would generally be more dominant in the view due to its proximity to these properties. The cumulative magnitude of change arising from the Proposed Development in combination with the Muskham Wood solar farm would be no greater than that arising from the Proposed Development on its own, i.e. at worst large. The cumulative effect is therefore assessed as major adverse.
  - Users of Caunton Road to the south of Knapthorpe would experience a moderate adverse;
- Footpath Caunton FP2 (within the eastern part of the Site) and very limited parts of Caunton FP3 (within the western part of the Site) which would experience a major adverse cumulative effect (which would be no greater than the effect arising from the Proposed Development on its own, i.e. very large);
- Footpaths South Muskham FP5 and FP6 (within the Muskham Wood Site) which would experience a major adverse cumulative effect (which would be no greater than the effect arising from the Proposed Development on its own, i.e. very large);
- Footpath Caunton FP4 which would experience a major adverse cumulative effect; and
- Footpath Bathley FP1 which would experience a moderate adverse cumulative effect.

Overall, the LVIA concludes that in respect of cumulative visual effect, there would be a small number of receptors where the cumulative effect would be greater than moderate adverse and, in these cases, they would not be notably greater than those which would arise from the Proposed Development on its own.

Influence have reviewed the overall cumulative assessment and concluded that the assessment clearly sets out the potential landscape and visual impacts of the proposals cumulatively and that there would be notable adverse effects on landscape character and visual amenity arising from the developments both separately and cumulatively, however the impacts will be largely localised and would not be notably greater than those which would arise from the Proposed Development on its own. Given the scale of the proposed development, the number of receptors that would be impacted is relatively small scale and where these have been identified the proposed site layout and planting plans have been amended to mitigate localised impacts as far as possible.

### *Summary*

From a landscape and visual perspective, notable effects which would arise from the Proposed Development would be limited to:

- long-term effects on the nature and character of the two PRoWs which cross the Site;
- long-term effects on the landscape character of the Site;
- short to medium-term effects on the character of landscape within the immediate environs of the Site;
- long-term effects on visual amenity experienced by receptors occupying residential properties within approximately 550m of the Site;
- short-term to medium-term effects on visual amenity experienced by users of Caunton Road between the Bedmax plant and the A616; and
- long-term effects on visual amenity experienced by users of the two PRoWs which cross the Site and certain other PRoWs within up to approximately 900m of the Site.

In the context of the scale of the Scheme in isolation (and cumulatively with the adjacent Muskham Wood scheme and scheme at Foxholes Farm further north-east) these adverse effects on landscape character and visual amenity would be limited to the Site and its immediate environs.

Drawing the above together, it is inevitable that located in a countryside location a solar farm of this scale (in addition to the adjacent Muskham Wood proposal) would have some adverse landscape character and visual impacts. However, through a combination of topography, separation, landscape mitigation and amendments made throughout the course of this application, the adverse effects have been somewhat reduced and would be localised and progressively mitigated over time as existing and proposed planting matures. Whilst the 40-year lifetime of the Proposal(s) is significant, once the solar farm(s) is decommissioned there would be no residual adverse landscape or visual effect. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm to a small number of receptors which would be in conflict with relevant development plan policies and the Landscape Character Assessment SPD, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant energy production benefits of the Scheme(s) is considered to clearly and decisively outweigh this identified harm. Therefore, subject to conditions including the submission of a detailed landscape scheme to provide additional screening and mitigation planting, the proposal is considered to be acceptable in this regard.

#### *Glint and Glare*

In terms of the visual impact of the proposed development, the NPPG advises that one of the factors LPA's will need to consider is '*...the effect of glint and glare and on neighbouring uses and aircraft safety*' and that there is '*potential to mitigate landscape and visual impacts through, for example, screening with native hedges*'.

In general, solar photovoltaic (PV) systems are constructed of dark, light-absorbing material designed to maximise light adsorption and minimise reflection. However, the glass surfaces of solar PV systems also reflect sunlight to varying degrees throughout the day and year, based on the incidence angle of the sun relative to ground-based receptors.

A Glint and Glare (G&G) Survey have been submitted to accompany this application which identifies receptors in the vicinity of the site that could be impacted by G&G from the development. The site lies to the north of Caunton Airfield, there are also road networks in

the vicinity and residential dwellings. The survey identifies two dwellings that would have a view of the solar farm within 1km of the proposed development (noting all other dwellings were identified as being screened by existing vegetation). Caunton Road is also identified as being within 1km of the development and the survey concludes that direct views of the development could be geometrically possible from this road at two separate points. No railway infrastructure has been identified but aviation infrastructure (Caunton Airfield) has been identified in close proximity to the site.

The G&G survey identifies that there would be a low impact on the property directly to the south of the site with potential for glare from a portion of the solar farm for up to a maximum of 5 min/day from April-June and mid-July-Sept at sunrise. The survey also notes there would be an insignificant impact on properties to the south-east of the site. However, as the hedgerows around the site would be grown and managed at a height of 3m the visibility of any potential glare from these properties would be reduced. The survey also concludes that there would be a low impact on users of Caunton Road which would have limited and sometimes obscured views dependent upon hedgerow management and existing intervening development. However, the original G&G survey concluded that there would be *unacceptable impacts* for all four approach flight paths assessed using Caunton Airfield posing a risk to aviation receptors.

Following discussions with the Applicant a G&G Memorandum has been submitted which considers users of Caunton Airfield and the potential impact of the development in greater detail. The Memorandum considers some recent changes to the Federal Aviation Administration policy in relation to Solar Energy projects which was updated to focus on Airport Traffic Control Towers only as: *“in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features”* and not considered to pose an unacceptable risk. The Memorandum explains that based on this guidance the predicted glare from the solar farm (at certain times of the day and parts of the year) would not pose an unacceptable risk towards the airfield operations and users. Furthermore, with four runway options, if a pilot experienced glare at a certain time of day from one angle of approach, they would have the option to use an alternative runway.

The Memorandum explains that the methodology of the original G&G assessment is more applicable to larger aircrafts using large, licensed airports and aerodromes, that incorporate a long final approach, which is not applicable to Caunton Airfield. As such the Memorandum considers the actual approach flight paths used by smaller aircrafts which are significantly smaller (in length/size) than detailed in the original G&G survey – consequently, the duration of glare experienced by would decrease (but would not be eliminated altogether). A review of the Glare modelling has been provided in the Memorandum (incorporating the actual approach paths and altitude profile for smaller aircrafts) which explains that glare from the proposal would be limited and would not prevent pilots from using any of the four runways or endanger them during the landing process such that the risk towards the airfield can be considered as being *acceptable*.

Comments received from third parties in relation to these new conclusions are noted, however given the Memorandum has been provided by a specialist and have not been countered by any comments from Caunton Airfield users (who have been consulted on this

application) or National Air Traffic Safeguarding it is not considered that the impacts identified in relation to glint and glare would be sufficient to warrant withholding permission on this basis, particularly given any identified G&G to residential receptors and road users would only reduce over time as planting establishes. The application is therefore considered to be acceptable in this regard.

#### Impact upon Heritage (including Archaeology)

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, 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, and the more important the asset, the greater the weight should be.

Core Policy 14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) 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 setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF 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).

Planning practice guidance also states '*...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset*' in relation to large solar farm applications.

Heritage Assets nearby include:

- The land as an archaeological resource.
- Scheduled Monument: Earlshaw Hall Moat (LEN 1008628) which is directly adjacent to the north-west corner of the site.
- Scheduled Monument: Moated site, fishponds and decoy pond 490m to the north-west of Parking Spring Farm (LEN 1018120) which is located approx. 880m to the south-west of the site.
- Cauntton Conservation Area approx. 500m to the north-east of the application site which contains a number of Grade I and II listed buildings including the Grade I listed Church of St Andrew (1045674).

The Site is located to the south of Cauntton Conservation Area – the submitted Heritage Assessment explains that there is no intervisibility between the Conservation Area and the

proposed development due to screening from planting and built form interposed between the two. It is considered likely that the proposed development site formed part of the agricultural land within the parish of Caunton during the medieval period although given its proximity it is considered more likely to have been associated with the settlement at Knapthorpe. Therefore, it is concluded that the Site does not make any meaningful contribution towards the special heritage interests of Caunton Conservation Area through setting. The proposed development would introduce solar panel arrays into the Site; however, the Heritage Statement explains that it would not be anticipated that such development would be visible from the Conservation Area or otherwise impinge upon important views towards the Conservation Area. Overall, it is therefore concluded that the development of the site would not result in any change to the special heritage interests of Caunton Conservation Area (or listed buildings within it) through changes to its setting. The Council's Conservation Officer has not raised any concerns with this conclusion.

Turning now to the impact on the adjacent scheduled monument, *Earlshaw Hall Moat* is recorded immediately to the north-west corner of the proposed development Site. The moat, which is approximately square, measures approximately 30m along each side, varies between 10m and 15m in width and survived to a depth of c.1m at the time of scheduling. The house which was located within the moat is understood to have been demolished prior to the late 19th-century.

Considering the Site's proximity to the Earlshaw Hall Moat and the medieval settlement of Knapthorpe, in addition to medieval spotfinds and a series of rectangular enclosures as set out in the Heritage Statement – it is concluded that there is a high amount of potential for medieval remains to be present within the Site which are most likely to represent part of either the agricultural surrounds or part of the medieval settlement at Knapthorpe. Archaeological evaluation in the form of a geophysical survey to identify possible archaeological resource within the Site was therefore recommended.

The original Heritage Statement concludes that the Site has some potential to contain archaeological remains which are contemporary to Earlshaw Hall Moat. The removal of such remains was concluded to have the potential to result in less than substantial at the lowest end of that spectrum, to the significance of the Scheduled Monument through changes to its setting. However, Historic England (who are the governing body for scheduled monuments) raised concerns about the robustness of the assessment of the impact on the scheduled monument. A Heritage Addendum was therefore submitted to expand upon the impact on this heritage asset.

The Heritage Addendum (HA) expands upon the original assessment and explains that visibility from within the Site towards Earlshaw Hall Moat is entirely screened by tree planting and foliage which forms the Site's northern boundary during the summer meaning the proposed development would be inappreciable from the asset during this season. However, it is likely to be visible in the winter months as vegetation cover along the boundary reduces. The HA explains that it is likely that land surrounding this asset would have been formed agricultural parcels within the landholding of the Earlshaw Hall during the medieval period. The HA explains that whilst this land, which includes a portion of the proposed development site, is still largely in agricultural use, its layout and use is likely to have changed subsequent to the medieval period. Nevertheless, the surrounds retain their agricultural character and

preserve the undeveloped nature of the moat's setting. The HA explains that the construction of a moat would have required some level of wealth, influence, or power due to the labour involved within their construction. The land surrounding the Earlshaw Hall Moat is therefore likely to have supported and generated the wealth or influence to facilitate construction – likely through agriculture. Therefore, the proposed development site is considered to contribute “*a very minor amount*” to the historic interests of this asset through a likely shared ownership and interlinked function. As such the development of this site, particularly in close proximity to the Moat, is concluded to result in a less than substantial amount of harm that is at the lower end of this spectrum through changes to setting.

It is therefore recommended in the HA that in order to mitigate the identified level of heritage harm, that development proposals should respond to the presence of Earlshaw Hall Moat through alterations to the proposed scheme – beyond the recommendations for archaeological fieldwork discussed within the Desk-Based Assessment (which will be covered in the following section of this report).

In order to preserve a sense of the historically established rural surrounds of the asset, the HA suggests that a buffer of at least 50m from the northern site boundary of the development is implemented in proximity to Earlshaw Hall Moat. This is noted to assist in preserving the sense of the Earlshaw Hall Moat's separation from any other built form and retaining the immediate undeveloped nature of the moat's surrounds. The HA notes that the buffer to the development would also preserve any archaeological remains contemporary and proximate to this monument within the Site and this would further reduce impacts to significance through changes to setting through the removal of associated archaeological remains. Overall, the HA explains that the implementation of this buffer, which is reflected in the amended site layout plan, would lower the level of harm to heritage significance to a greater degree than previously identified. This harm through changes to setting would still be categorised as less than substantial at the lowest end of that spectrum.

Historic England have reviewed this amended assessment and advised that based on the HA and revised Layout Plan showing a minimum 50m off-set their original concerns have been addressed in respect of the setting of the Scheduled Monument and the associated watercourse. They therefore raise no objection to the proposal on this basis.

However, despite this, in accordance with para.200 of the NPPF any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification, and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (para.202). In this case the very significant energy production benefits of the Scheme and the imperative to tackle climate change, as recognised in legislation and energy policy, is considered to be an overriding public benefit that would clearly and decisively outweigh this level of identified harm. Therefore, given the conclusions in relation to the impact on the Caunton Conservation Area (and the listed buildings within it) it is considered that the proposal would accord with the objective of preservation set out under section 66, part II of the 1990 Listed Building and Conservation Areas Act, and would comply with the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF in this respect.

### *Impact upon Archaeology*

Turning now to the potential archaeological impact of the scheme, Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.

The Historic Environment Record contains records of archaeological remains across the Site and close to it including a record for cropmarks that covers the entire eastern third of the site and comprises a series of rectangular enclosures, two squarish enclosures (one subdivided) and numerous other linear features. A further enclosure is located within the north-western part of the site, just to the south of a known medieval moated site/scheduled monument. A large scatter of medieval pottery is recorded within the proposed site boundary to the west. Further cropmarks and extant earthworks are recorded to the north and south of the site. The original Heritage Statement suggests a generally low potential for archaeology which the Council's Archaeological Advisor (CAA) initially noted was clearly incorrect, even with the evidence that the Heritage Statement presents. The CAA noted that as cropmarks and finds are located within the site boundary the archaeological potential should be considered very high. A geophysical survey and trial trench evaluation was therefore requested.

The Geophysical Survey identified areas of archaeological potential, particularly along the eastern site boundary. It has also identified extensive evidence for medieval ridge and furrow cultivation across the site as well as relic field boundaries. Trial-trenching evaluation was therefore recommended and carried out between August-October 2023 comprising 245 trenches.

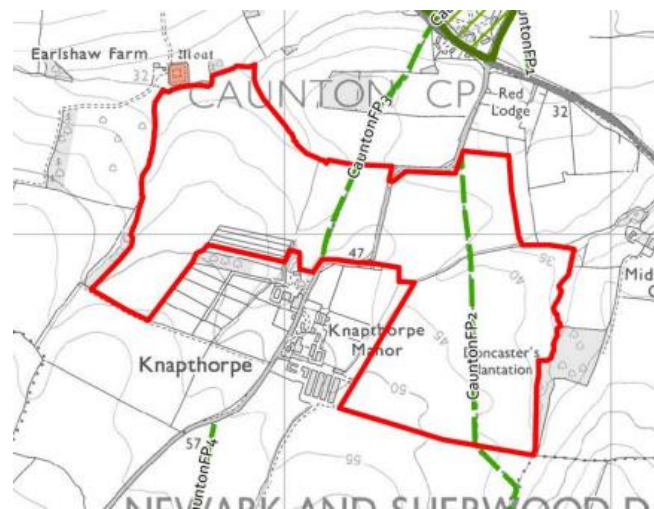
The CAA has reviewed this interim evaluation report provided which suggests limited archaeological activity across the site and where there is activity, that this is confined to several small areas. The full details of this evaluation have yet to be provided and the CAA has advised that the extent and nature of any further archaeological mitigation work will be dependent on the results presented in the final evaluation reports. However, in light of the conclusions of the interim report the CAA has advised that there would be no objection on archaeological grounds to development of the site as detailed, subject to provision for further archaeological mitigation work to be carried out post-consent, if permission is granted. On this basis the CAA has recommended a number of conditions be imposed to enable any remaining archaeology which currently survives on this site to be properly recorded prior to any impact from construction.

Overall, subject to the conditions as suggested by the CAA and in the absence of any objection from them on archaeological grounds, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

### Impact upon Public Rights of Way

The NPPF highlights the importance of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way are also the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network.

Two public footpaths cross through the site. Footpath Caunton FP2 follows a broadly north-south alignment across the two fields to the east of Caunton Road, joining Caunton Road itself on the northern edge of the Site. To the south of the Site, the route becomes South Muskham FP5 at the parish boundary approximately 100m south of Doncaster's Plantation, heading south towards Averham Park. Footpath Caunton FP3 runs from Caunton Road approximately 100m north of Knapthorpe Grange, running north across the smaller of the two fields to the east of Caunton Road, and then north past Newbottles Plantation to meet the A616 to the south of Caunton village (see map below).



PRoW Map from the LVIA (Fig. 2)

Full consideration is given to impact on the setting and users of these PRoW in the 'Landscape and Visual Impacts' section of this report. The County Council's RoW team reviewed the application and initially queried the offset provided between the development and PRoW network and the maintenance regime for the surfacing of the RoW in a seed mix as shown on the Landscape Master Plan. However, the amended Layout Plans has clarified that there would be an off set of 10m either side of the PRoW (a 20m corridor) and the Applicant has clarified that the grassed areas proposed would be maintained by a management company as part of the wider management of the operational scheme – the future management and maintenance of the Site can also be controlled by a suitably worded condition. The RoW Team have raised no objection to the application on this basis. Overall, it is therefore not considered that the physical routes of existing PRoW would be adversely affected by the proposed development.

#### Impact upon Highway Safety

Policy DM5 (Design) is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 (Sustainable Transport) encourages proposals, which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the



highway are not adversely affected.

Two accesses are proposed to serve the development which is separated by the highway broadly centrally. Access to the western portion would be taken from Caunton Road in the south-west corner via an existing farm track where the road bends. Access to the eastern portion would be via a farm entrance in the western boundary of the site off Hockerton Road. These accesses would serve the entire site and would be connected to a network of internal roads within the site. Whilst it is acknowledged that there would be an increase in highway movement during the construction period, it is not anticipated that outside of this time, the proposed development would generate a high number of trips.

The submitted Construction Traffic Management Plan (CTMP) sets out that on average the construction period for such schemes is approx. 6 months. An average of 50 construction workers are forecast on site at peak times, assuming a six-month construction period, a six-day working week (144-day total) there is estimated to be on average around 7 HGV deliveries (14 movements) per day approx. by the largest vehicles. In addition to this there would also be several construction movements associated with smaller vehicles such as waste management, transport of construction workers etc. Once the site is in operation it is anticipated that there would be 20 visits per year required for equipment maintenance.

The CMP concludes that *"[...] the level of traffic during the temporary six-month construction phase is not considered to be material and it is considered that this will not have a detrimental impact on the safety or operation of the local or strategic highway network."* The Highway Authority have reviewed this application and have advised that the greatest impact on the local highway network will not be once constructed, but the construction period itself which will result in a temporary increase in traffic flows utilising Hockerton Road, from the direction of the A616 to access the site. However, once constructed and operational, the level of anticipated traffic will be negligible. Nevertheless, concerns were raised in relation to the proposed accesses and how they would be adequately temporary traffic managed during construction given the significant number of vehicles involved and whether forward visibility to both accesses would be adequate.

To overcome these concerns the Applicant has provided a Transport Technical Note which provides the results of speed surveys that were undertaken and amends the design of the accesses to provide adequate visibility splays. As a result of the conclusions of these surveys the western access has been relocated approximately 50 metres north of the position shown in the submitted CTMP and the eastern access has been relocated approximately 75 metres north of the original position shown in the submitted CTMP.

The Highway Authority have reviewed this additional report and the amended plans and have advised that these are acceptable. Subject to the CTMP being strictly adhered to in terms of pre, and post construction surveys of the adjacent highway network, construction traffic routing and how detritus will be prevented from discharging onto Hockerton Road, the Highway Authority have confirmed that they raise no objection to the proposal. It is noted that the CTMP does not cover the decommissioning phase of the proposal and that the Highway Authority has not commented on this element of the scheme, however the same traffic management procedures are equally applicable to the decommissioning phase and a

condition is therefore recommended to capture the decommissioning phase of the development.

In relation to the potential cumulative highway impact the Supporting Document submitted 05.01.2023 explains that if both solar schemes are constructed at the same time (which they state is unlikely) then there could be up to 14 HGVs per day (28 movements) during the temporary construction period. Local roads all have two lanes and are suitable to accommodate construction traffic associated with both sites and the mitigation and management measures set out in the respective CTMPs are proposed to be implemented to minimise the impact on background traffic. Once operational, traffic flows associated with both sites are likely to be within the daily variation of traffic flows on the local highway network. On this basis it is not considered that there would be any significant cumulative impact on the public highway as a result of both this proposal and the Muskham Wood scheme together.

Therefore overall, subject to conditions, it is not considered that any adverse impact upon highway safety or efficiency would result in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

#### Impact upon Flood Risk

Core Policy 9 (Sustainable Design) and DM5 (Design) require new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such, it is not at risk from flooding from any main river flooding. However, given the size of the development site a Flood Risk Assessment has been submitted with the application.

The solar panels would be raised above the ground, and it is proposed to allow the site to predominately drain naturally with run-off intercepted by a series of shallow swales/filter trenches adjacent to the proposed internal access roads and swales located at the lower parts of the site to collect and slow surface water run-off prior to discharging to the existing watercourses. The Flood Risk Assessment (FRA) explains that the transformers and a substation will be raised by approx. 500mm above ground level. Access tracks would be permeable in nature. The extent of impermeable cover as a result of the Solar Farm would also be minimal in terms of a percentage of the total site area (3-5%). Consequently, the FRA concludes that the run-off from the post-development site *“would remain almost exactly as the existing land use. It is therefore proposed to allow the development to drain to the soil surface, where infiltration to the underlying soils would occur, to mimic the existing hydrological characteristics of the site.”*

Furthermore, utilising ground management measures such as chisel-ploughing and cultivating the land with native meadow grass and wildflowers has the potential to increase infiltration rates and reduce runoff rates from the site. Such land management therefore has the potential to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk (albeit the precise extent of this has not been quantified/explained in the FRA). Overall, the FRA does not identify that the proposal would lead to any increase in flood risk. Having reviewed the submitted documents, no objection has been raised by the LLFA. The Proposed Drainage Strategy at Appendix C of the submitted FRA reflects the principles put forward by the submitted FRA, subject to a condition requiring submission of the finalised drainage strategy (that also incorporates amendments made to the proposed

layout throughout the course of this application) this is considered to be acceptable.

Additional comments from the LLFA received throughout the course of the application also recommended that a small (900mm) bund was constructed along the boundary of the site with the property Knapthorpe Grange to prevent any potential run-off entering the property and instead directing it towards an existing drainage ditch which the Applicant has incorporated into the amended plans. Comments from local residents also raised concerns in relation to the potential impact on services within the site (such as water pipes and soakaways) which the Applicant is aware of and has advised that it is not anticipated that there would be any disturbance to existing services, however this would be a civil matter in the event that any issues were to arise with maintenance or access in the future.

Officers also note that comments received at the end of October in relation to recent flooding events as a result of heavy rainfall have provided photos of the proposed site access flooded – in this respect Officers note that the recent rainfall is an isolated incident rather than the site being regularly obstructed due to flooding and that provision of a detailed drainage strategy for the site would ensure that the development does not exacerbate existing flooding concerns. Conversely there could be a betterment from introducing more drainage infrastructure throughout the site that may alleviate the recent events experienced.

Taking the above into account it is considered that the applicant has adequately demonstrated that the development would not adversely impact on flooding or drainage in accordance with the aims of Core Policy 9 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF, subject to conditions.

#### Impact upon Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) 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.

Policy DM7 (Biodiversity and Green Infrastructure) states *'On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site'*. The impacts of the proposed development on any local wildlife or geodiversity sites also needs to be considered in line with paragraphs 175 and 179 of the NPPF.

The site comprises large agricultural fields, bound by native hedgerows, treelines and woodland edge. Shallow watercourses are located adjacent to part of the site's northern and eastern boundaries. The site is located in a rural context and the surrounding landscape is dominated by large arable fields with hedgerow boundaries with occasional woodland parcels. Hedgerows, woodlands and watercourses in the surrounding area provide direct connectivity to the site, and these features in the landscape may provide opportunities for protected species to move through the site and utilise the on-site habitats.

A Preliminary Ecological Appraisal (PEA) has been submitted with this application which starts by identifying local sites of ecological consideration. The nearest Site of Special Scientific Interest (SSSI) is located approx. 0.6km to the west of the site (Coppice, Mather and Lady Woods) and 11 Local Wildlife Sites/BioSINC's are identified within a 2km radius of the site. The survey concludes that direct impacts on statutory designated sites as a result of the proposed development are considered unlikely, and although the site is within the Impact Risk Zone of Mather Wood SSSI (approximately 0.6km west) the site is not listed under the defined risk categories, meaning it is not anticipated that developments of this type will have any discernible impact on the SSSI.

The closest Local Wildlife Site is Muskham Wood, a semi-natural Ancient Woodland approx. 0.6km to the south of the site. Due to its distance from the application boundary, it is not anticipated that direct impacts on this site would occur from this particular application. The PEA identifies that The Beck, Caunton Local Wildlife Site is directly connected to the site due to its location downstream of the streams within the site. Although this non-statutory designated site is over 1km from the application boundary, there is a risk of indirect impacts from the development on this designated site through pollution via run-off, however this is concluded unlikely to result in any impact greater than '*Negative (not Significant)*'. As such, mitigation measures are recommended to prevent any potential impacts such as a water collection scheme as detailed in Chapter 7 of the Ecological Impact Assessment (EclA). These measures could be controlled by a suitably worded condition.

Habitats on site have been evaluated as having '*local*' value in relation to the immediate surroundings and a regional context. The site is identified as being dominated by large, intensively managed arable fields which are considered to have limited biodiversity value. However, Habitats of Principal Importance (HPI) were noted to be present on and adjacent to the site, such as native hedgerows and streams within the site and broadleaved woodland adjacent to it. Appropriate mitigation measures are therefore recommended to be implemented during site clearance and construction to minimise indirect impacts to valuable habitats. The submitted surveys also explain that the nature of the proposal provides opportunities to enhance habitats beneath the arrays and within the buffer zones proposed around the site in addition to the hedgerow boundaries meaning that habitats could be mitigated to a '*positive*' impact through a detailed Landscape Ecological Management Plan (LEMP) guided by a Biodiversity Impact Assessment.

Specific consideration has been given to species such as (but not limited to): Birds, Bats, Amphibians, Reptiles, Hedgehog and Brown Hare alongside other protected and invasive species. Comments have been received from residents which query the findings of the ecology surveys, however having reviewed the PEA and EclA findings, which have been prepared by professional ecologists and reviewed by Nottinghamshire Wildlife Trust (NWT) and the Council's Biodiversity and Ecology Officer, Officers have no reason to question the reliability of results obtained from the surveys. The surveys conclude that no significant adverse impact upon protected species have been identified albeit mitigation and enhancement measures are recommended and summarised in Table A (pg.10 of the EclA) and Table 3 of the Biodiversity Management Plan to ensure that any effect on protected species is neutral or positive. These mitigation measures include securing a LEMP and Construction Environmental Management Plan (CEMP), provision bat boxes, creation of new habitats, enhancement of existing field margins and hedgerows to provide favourable habitats for a

range of species.

Comments have been received from Nottinghamshire Wildlife Trust (NWT) and the Council's Ecologist confirm that survey methodologies employed within the submitted documents are satisfactory and that they are in agreement with the conclusions and recommendation. They did however query the conclusions in relation to ground Nesting Birds (these comments mainly relate to the Muskham Wood application given the proximity to Muskham Wood itself which provides a suitable habitat for such species) however, following additional information relating to compensation for the loss of potential Skylark nesting sites, the Council's Ecologist has advised that the proposed 8 plots shown on the submitted plan equate to approximately 1.2 plots/ha which is well within the Biodiversity Management Plan recommendation for there to be no more than 2 skylark plots/ha. Due to the nature of providing Skylark plots, which includes farmland management during crop sowing and harvesting, the position of these Skylark plots will change slightly every year, due to the nature and timing of their delivery. Given the land proposed to be used for these Skylark Plots lies outside of the red line of the Application Site (but within the blue line) this will need to be secured through a S106 agreement.

Overall, the Ecology consultees have advised that so long as all mitigations and recommendations are adhered to and implemented (through the use of suitable planning conditions and development of a LEMP and CEMP), no detrimental impact to the wildlife and habitats on site is likely to occur. They did however query the conclusions in relation to post construction monitoring which were not originally recommended, however Officers have been advised that there should be a level of post construction monitoring to assess the establishment of newly created and enhanced habitats as a minimum requirement and this could be controlled by a suitably worded condition.

### *Trees*

An Arboricultural Impact Assessment (AIA) including tree survey and constraints and protection plans have been submitted with the application. The AIA survey recommends two areas of partial removal within the site. Partial removal of the southern extent of G1 is recommended to facilitate the proposed access track through the central field margin between the two fields west of Hockerton Road. Partial removal of H3 is recommended to facilitate the proposed access road to the fields west of Hockerton Road. Four Category U trees (T5 (young common Ash), T17 (semi-mature common ash), T35 (mature common ash), and T45(mature common ash)) are also recommended for removal irrespective of the development due to their significantly poor condition. All other trees identified within the report are to be retained and protected via Construction Exclusion Zones (CEZs). The survey concludes that due to the nature of the development, it is unlikely there will be any major impacts on trees with higher landscape and amenity values if CEZs are established.

The Council's Tree Officer raises no objection subject to amendments to the tree species proposed within the submitted landscape scheme, precise details of which would also be controlled by condition in any event. Overall, considering the conclusions of the AIA, the proposal is unlikely to significantly adversely affect existing trees and green infrastructure if robust protection measures are implemented prior to any installation.

### *Biodiversity Net Gain (BNG)*

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF. In terms of Biodiversity Net Gain (BNG) the Biodiversity Management Plan (BMP) details that a net gain calculation has been undertaken to provide quantified evidence of the change in biodiversity with the implementation of the proposed layout and landscape planting. This calculation considers land take, habitat loss/change and habitat creation that will accompany the proposed development, assessed using the Defra Metric Biodiversity Net Gain Calculator with an overall net gain of 67.2% in habitat units and 27.7% net gain in hedgerow units calculated (with no change to river units). This net gain could be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the BMP and Site Layout and Landscape Strategy.

The proposed BNG would significantly exceed the minimum 10% as stipulated by the Environment Act 2021, with the biodiversity net gain requirement expected to come into force in January 2024 for certain developments submitted after this time (Regulations are awaited to define which ones). Until then the NPPF requires measurable net gains without providing a percentage increase, therefore any increase over the existing biodiversity value is considered to comply with national policy.

### *Summary*

Subject to conditions requiring the development to take place in accordance with the revised Landscape and Ecological Master plan, the Ecological Impact Assessment (which includes a requirement for Reasonable Avoidance Measures (RAMS)), Biodiversity Management Plan, Skylark Mitigation Plan, Arboricultural Impact Assessment and condition to control lighting, it is considered that the proposed development would comply with the aims of Core Policy 12 and Policy DM5 of the DPD in addition to the provisions of the NPPF which is a material consideration. The permission would also be subject to the signing of a S106 agreement to secure provision, management and monitoring of the proposed Skylark Plots within the land edged in blue on the Site Location Plan (Ref. P21-1381.001 Rev. C).

### Impact upon Residential Amenity

Policy DM5 (Design) of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

The nearest residential properties are Orchard House Farm/Knapthorpe Grange (to the south-west) and Little Manor Farm (approx. 150m to the south-east). A Noise Assessment has been submitted with the application which explains that the proposed fixed plant items to be installed are yet to be finalised, therefore fixed plant noise limits have been proposed (which could be controlled by condition) to prevent any adverse noise impact. The proposed fixed plant noise limits are proposed at a level not exceeding the existing representative day or night-time background noise level, based on the results of the noise survey. The Council's Environmental Health Officer has advised that subject to a condition requiring fixed plant

noise levels to not exceed the stated noise levels in the assessment they raise no objection to the proposal.

Whilst not included within the survey, HGV movements and construction/decommissioning may also generate noise for a temporary period - it is therefore considered reasonable that restricted hours of construction/deliveries and a construction management plan are imposed by planning condition.

Considering the potential cumulative noise impact of the Application Scheme and the proposal for Muskham Wood to the south, the submitted Noise Assessments both conclude that the fixed plant noise limits proposed would be acceptable to all nearby properties; substations are also proposed to be located at an appropriate distance from each other on each respective scheme such that their combined noise is unlikely to result in any undue disturbance if the schemes are delivered together. The EHO has not raised any objection in this respect.

Therefore, given the low-level noise nature of the development and the restricted output in terms of noise emissions proposed, subject to conditions, it is not considered that the proposal would have any significant adverse impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM5 of the DPD.

### Other Matters

#### *Length of Temporary Consent*

The solar farm would be a *temporary use* of the land as the equipment would be removed and the land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid. In the past, 25-year permissions have ordinarily been sought for solar farm developments. There is no government-imposed limit on the lifetime of solar farms as far as Officers are aware set out in national guidance. It is understood that a 25-year permission was ordinarily imposed as this was the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability of projects by developers. However, it is understood that solar farms are now more efficient for longer than previously anticipated which is extending warranties and hence improving the business models for companies that maintain solar farms. Whilst this in its own right is not necessarily a material planning consideration, the economic and environmental benefits of increasing the length of operation of the solar farm are and the benefits of renewable energy production would be a benefit for longer as a consequence. Nevertheless, 40 years is more than a generation and therefore should not be regarded as an insignificant amount of time.

#### *Public Consultation*

It is noted that several comments received from residents criticise the public consultation process undertaken by the Applicant prior to the submission of this planning application. The submitted Statement of Community Involvement sets out the public consultation the Applicant undertook pre-submission which included undertaking a virtual public consultation, rather than hosting an in-person event, due to the Covid-19 pandemic at the time.

128 leaflets were posted to residents and businesses within 2km radius of the application site which provided information on the development proposals. Electronic versions of the leaflet were also emailed to the local MP, Ward Councillor, County Councillor and Clerk of the Parish Council. The leaflet provided the opportunity for the submission of comments and those consulted were invited to provide feedback on the proposals via email, via the website or via the freepost tear-off slip. A project website ([www.knapthorpegrangesolar.co.uk](http://www.knapthorpegrangesolar.co.uk)) was also launched in September 2021, providing information that would ordinarily have been presented at a public consultation exhibition. The weblink was also provided on the public consultation leaflet. A comments facility for people to provide their feedback was also provided. The online comments facility was open for a 4-week period until 18th October 2021.

Whilst concerns from local residents and the Parish Council are noted in relation to the Developer's community engagement, the Applicant did engage with the local community prior to submission and local residents and the Parish Councils were consulted as part of this pre-application process.

## **8.0 Implications**

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

## **9.0 Conclusion**

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable.

The development supports the Government's policy for the UK's transition to achieving a low carbon economy and assists in meeting the pressing need for deployment of renewable energy generation in the UK to meet legally binding obligations for renewable energy consumption and more challenging targets in 2030 and onwards to net-zero emissions by 2050. This 49.9MW proposal would provide electricity equivalent to the average electrical needs of 16,200 typical UK homes (approx.) annually and assist towards reducing CO<sub>2</sub> emissions saving approx. 29,860t of CO<sub>2</sub> per annum. In accordance with the provisions of the NPPF, these factors attract significant positive weight in the determination of this application, which should not be underestimated.

There would be a loss of approx. 12.8% of best and most versatile agricultural land across the site and a reduction in agricultural productivity over the whole development area which is a negative factor to be weighed in the overall planning balance. However, this is tempered by the fact that this loss would be for a temporary period of 40 years when the land could be returned to unlimited agriculture production. As such moderate weight attaches to this harm.

The proposal would also indisputably alter the landscape character and visual appearance of the site, however, through a combination of topography, separation, landscape mitigation



and amendments made throughout the course of this application, the adverse effects have been reduced, would be localised and progressively mitigated over time as existing and proposed planting matures. This conclusion is drawn when considering the application both separately and cumulatively with other solar farm proposals in the immediate vicinity. Whilst the 40-year lifetime of the proposal is significant, once the solar farm is decommissioned there would be no significant residual adverse landscape or visual effect. Nevertheless, the scale of landscape character and visual harm identified that would last (albeit reducing over time) for the 40-year lifetime of the scheme attracts significant weight given the impact this would have on the visual amenity of local residents.

It has also been concluded that given the proximity of the site to the Earlshaw Hall Moat Scheduled Monument, the development of this site would result in less than substantial amount harm (at the lower end of the scale) through changes to its setting. In accordance with para.200 of the NPPF any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification, and where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including (para.202). The scheme has been amended to provide a 50m buffer between the development and the Scheduled Monument which has reduced the level of harm to its setting but has not overcome it all together. This harm therefore attracts significant weight.

Subject to conditions, the application has been found to be acceptable with regards to impact on trees/hedgerow, ecology including adjacent/nearby SSSIs and Local Wildlife Sites, residential amenity, archaeology, highways and would not result in any increased flood risk/drainage issues. These elements are therefore all neutral in the planning balance.

In addition to the energy generation benefits of the proposal, it has been concluded that the development could provide biodiversity net gains of c.67% in habitat units and c.27.7% in hedgerow units through the proposed landscape planting, habitat enhancements and long-term management as set out in the supporting documents to this application. The proposed BNG would significantly exceed the minimum 10% as stipulated by the Environment Act 2021 (expected to come into force in January 2024 for certain developments). Notwithstanding the fact that the BNG must be balanced against the initial disruption to local biodiversity during construction, the potential biodiversity enhancements that would be delivered by the proposal represents a significant benefit of the development.

Although once in operational phase, the proposal is unlikely to result in significant jobs opportunities, there is no doubt that the construction and decommissioning phases of the development would contribute to employment in the area, even though these economic benefits would be for a limited period, which represent a moderate positive weighting.

Drawing the above together, Officers consider that the proposal would make a material and early contribution to the objective of achieving the decarbonisation of energy production. When considering the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme it is considered that these would clearly and decisively outweigh the (temporary) harm that have been identified. As such, approving the proposed solar farm would not conflict with the objectives of the development plan and national planning policy when read as a whole. Accordingly, and having taken all

other matters into account, it is recommended that planning permission is granted subject to conditions and signing of a S106 agreement as set out below.

## **10.0 Recommendation**

**Approve, subject to the:**

**a) the completion of a S106 Agreement requiring**

- (i) Provision, management and monitoring of the proposed Skylark Plots within the land outline in blue on the Proposed Skylark Plots and Suitable Mitigation Area plan (Ref. P21-1381.100 A) which is within the land edged in blue on the Site Location Plan (Ref. P21-1381.001 Rev. C); and
- (ii) A Highway Condition Survey as indicatively described in the Construction Management Plan (Ref. P21-1381/TRO1, April 2022) by Pegasus Group and once construction has completed and the site is operational, a further Conditions Survey report, together with measures to address any issues identified, together with a timetable.

**b) and the following 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 planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of electrical power from this development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent.

### **03**

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, 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.

Reason: In the interests of visual amenity in accordance with Core Policy 13 of the Amended Core Strategy (2019) and the aims of the National Planning Policy Framework and National Planning Policy Guidance.

#### **04**

Within 6 months of the final 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, 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.

Reason: In the interests of visual amenity.

#### **05**

The solar farm and its ancillary equipment 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.

Reason: In the interests of visual amenity and in accordance with the applicant's expressed intent.

#### **06**

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

- Site Location Plan – Ref. P21-1381.001 Rev. C
- Layout Plan – Ref. P21-1381.002 Rev. L
- Landscape Master Plan – Ref. P21-1381.003 Rev. I
- Elevations – Ref. P21-1381.101
- Typical Client and DNO Substation Detail – Ref. P21-1381.102
- Typical Inverter Detail – Ref. P21-1381.103
- Typical CCTV, Post and Security Speaker Details – Ref. P21-1381.104
- Typical Fence detail – Ref. P21-1381.105
- Typical Access Track Detail – Ref. P21-1381.106
- Compound Area Plan – Ref. P21-1381.004 Rev. A

Reason: So as to define this permission.

#### **07**

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

the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 of the Amended Core Strategy and Policy DM5 of the Allocation and Development Management Development Plan Document.

## **08**

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 shall be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of the National Planning Policy Framework, Core Policy 12-13 of the Amended Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management Development Plan Document.

## **09**

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.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of the National Planning Policy Framework, Core Policy 12-13 of the Amended Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management Development Plan Document.

## **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.

Reason: In the interests of visual amenity and biodiversity.

## **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.

Reason: In the interests of tree protection, visual amenity and biodiversity.

## **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.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the National Planning Policy Framework and Policy DM5 of the Allocations and Development Management Development Plan Document.

## **13**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the stated noise levels set out at Table 4.1 of the Noise Impact Assessment undertaken by ENS, dated 19.05.2022 at the nearest sound-sensitive premises. All measurements shall be undertaken 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.

Reason: To protect the amenities of nearby residents.

#### **14**

Prior to the commencement of development, a Land and Soil Management Plan 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 for the lifetime of the development.

Reason: In the interests of maintaining and enhancing the agricultural land and soil quality.

#### **15**

Prior to the commencement of development, a Public Rights of Way Management Plan shall be submitted to and approved in writing by the Local Planning Authority which details the future management and maintenance of the site and Public Rights of Way. The approved Public Rights of Way Management Plan shall thereafter be implemented for the lifetime of the development.

Reason: In the interests of maintaining existing Public Rights of Way through the site.

#### **16**

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction habitat retention, protection, creation, mitigation/enhancement, management and monitoring measures outlined within the Biodiversity Management Plan (Ref. BG21.212.3 Rev. 1, March 2023 by Brindle & Green), Ecological Impact Assessment (Ref. BG21.212, October 2022 Rev 1 by Brindle & Green) and Landscape and Ecological Masterplan (Ref. P21-1381.003 Rev. I)). All described measures should be carried out and/or installed in accordance with the timescales embodied within the Biodiversity Management Plan (BMP) and work schedule following the cessation of construction works. The BMP and Landscape and Ecological Masterplan shall be implemented for the lifetime of the development. To assess the implementation and success of the BMP a Monitoring Report shall be prepared by a qualified Ecologist and submitted to the Local Planning Authority during the 12<sup>th</sup> month following the commencement of the development and thereafter during the 12<sup>th</sup>, 24<sup>th</sup> and 48<sup>th</sup> month after the first report, and thereafter every five years until 40 years after the date of first export. Should the Monitoring Report(s) conclude that any of the Biodiversity

Management measures are unsuccessful a Remedial Scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity in accordance with Core Policy 12 of the Amended Core Strategy and secure development that maximises opportunities to conserve, enhance and restore biodiversity.

## **17**

Prior to the commencement of development (including ground works and vegetation clearance) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall thereafter be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

For the avoidance of doubt the CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of "biodiversity protection zones" where required;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs;
- (i) Details for the control and management of noise and dust during the construction phase; and
- (j) Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014.

Reason: In the interests of protecting, maintaining and enhancing biodiversity.

## **18**

Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed;
- (b) Ecological trends and constraints on site that might influence management;
- (c) Aims and objectives of management;
- (d) Appropriate management options for achieving aims and objectives;
- (e) Prescriptions for management actions;
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

- (g) Details of the body or organisation responsible for implementation of the plan;
- (h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: In the interests of protecting, maintaining and enhancing biodiversity.

## **19**

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.

Reason: To ensure that adequate provision is made for the protection of nesting birds.

## **20**

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.

Reason: in the interests of visual amenity and biodiversity.

## **21**

No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy shall include appropriate Written Schemes of Investigation for each element or phase of mitigation work as necessary. These schemes 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
6. Nomination of a competent person/organisation to undertake the work



The scheme of archaeological investigation shall 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.

## **22**

The archaeological site work shall be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The developer 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 shall take place without 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.

## **23**

The post-investigation assessment and final 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 (or a longer timescale as agreed in writing with the Local Planning Authority). The post-investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation 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 investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

## **24**

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 Pegasus Group Flood Risk Assessment (FRA) and Surface Water Drainage Strategy dated February 2022 ref P21-1381, 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 betterment.
- Include provision of a 900mm bund to be constructed along the boundary of the site with the adjacent property, Knapthorpe Grange, as described in Nottinghamshire County Council's comments on the application deposited 04.04.2023.

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

## **25**

Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (Ref. P21-1381/TRO1, April 2022) by Pegasus Group.

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

## **26**

No construction shall take place until the accesses are surfaced in a hard bound material for a minimum of 20 metres to the rear of the highway boundary, with measures to prevent the egress of surface water onto the highway.

Reason: In the interests of highway safety.

## Informatives

### **01**

Notes from NCC Rights of Way:

A Temporary Closure of Footpaths 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.

## **02**

Notes from NCC Highways:

- Planning consent is not permission to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.
- 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.
- It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to: [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk).

## **03**

Notes from Archaeologist:

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email [Matthew.Adams@lincolnshire.gov.uk](mailto:Matthew.Adams@lincolnshire.gov.uk) to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

## **04**

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

## **05**

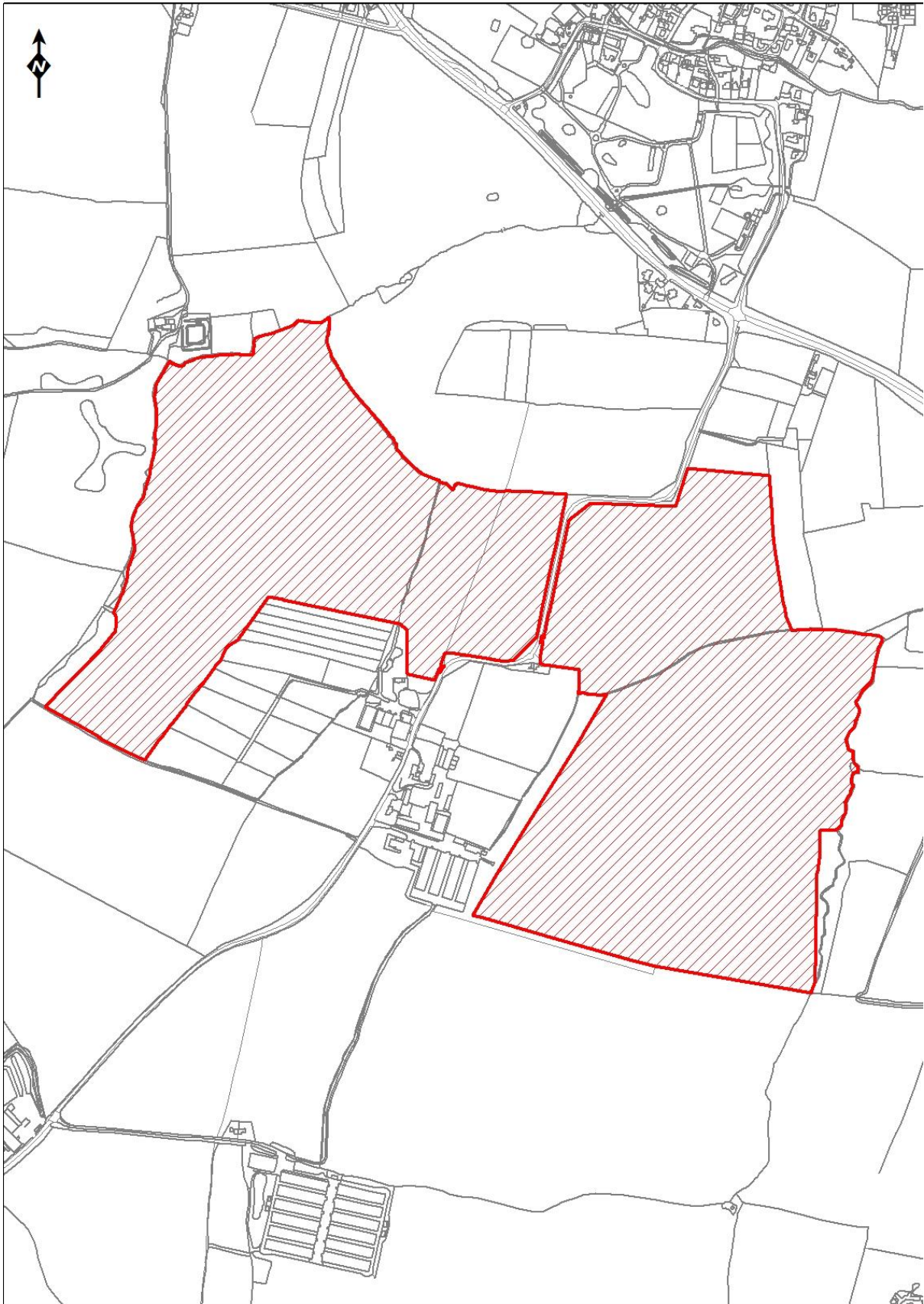
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk /cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the development comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery.

BACKGROUND PAPERS

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

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9th November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Julia Lockwood, Senior Planner, 01636 655902

Report Summary			
Application Number	22/01203/FULM		
Proposal	Use land as residential caravan site for gypsy/traveller families (8 No. pitches) and conversion of existing stable to form amenity building and warden's office		
Location	Oak Tree Stables, Sand Lane, Besthorpe		
Applicant	Mr J Metcalfe Birtle	Agent	Mike Sibthorp Planning
Web Link	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
Registered	28 September 2022	Target Date	28 December 2022
		Extension of time	13 November 2023
Recommendation	That full planning permission is APPROVED, subject to conditions set out in Section 10 in the report		

**This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor Linda Dales, who considers the application is:-**

- 1. contrary to CP4 of Amended Core Strategy which states pitch provision should be in and around Newark and the site was not put forward under the recent calls for Open Space options categorisation process;**
- 2. CP5 of Amended Core Strategy confirms this land has not been assessed as being suitable;**
- 3. Impact on the small village of Besthorpe must be considered as development should respect the scale and must not dominate the nearest settled community;**
- 4. Contrary to SP3 of Amended Core Strategy as Besthorpe is an 'other village' and dwellings must be focussed in sustainable, accessible villages and Besthorpe does not fit this category;**

5. **Contrary to Policy DM8 of the Allocations and Development Management DPD as loss of open rural character which makes a positive contribution to the landscape, the current agricultural/equestrian use sits well within the definition of appropriate land use in this location;**
6. **Conflicts with CP13 of Amended Core Strategy and Landscape Character Assessment SPD as the 8 pitches (16 dwellings) and domestic accoutrements, light, traffic and activity will erode rural character of this part of the road.**

**In addition, Besthorpe Parish Meeting Object to the application, which is contrary to the Officer's Recommendation to Approve.**

## **1.0 The Site**

The application site is a 1.1ha rectangular shaped grassed field on the south side of Sand Lane, approx. 220m east of its junction with the A1133, opposite the village of Besthorpe which sits on the western side of the A1133, just south of the junction with Sand Lane. The site is occupied by three main buildings, an L-shaped stables (red brick and pantile) located at the north-west corner and two barn-type buildings (green metal clad) located adjacent to the southern boundary, one in each corner of the site. The remainder of the site is largely open apart from the north-western corner which accommodates a number of mature trees. Seven trees (6 Oak and 1 Silver Birch) in the northern part of the site (and one on land to the east) are protected by a Provisional Tree Preservation Order (23/00018/TPO). There is also rows of conifers (Cypress) in the south-western corner of the site. Apart from the north-east corner of the site which is loose gravel, the surface of the site is rough grassland.

There is a vehicular access point with Sand Lane in the north-east corner of the site, defined by 2m brick walls with end piers supporting a setback 2m high solid vertical close boarded timber fence. The road frontage with Sand Lane has a narrow grass verge and is then bounded predominantly with mature tree and hedgerow planting, although the hedgerow thins further to the west where it is bounded by a timber post and rail fence. A metal gate appears to have been inserted within this part of the fencing. There is a raised embankment approx. 5-6m wide running along the western boundary within the site and a similar feature along parts of the eastern boundary. The western and eastern boundaries are defined with 1.2m high post and wire fences although at its northern end, the east boundary changes to a retaining wall and 1.8m high close boarded timber fence. The southern boundary comprises a 1.8m high close boarded timber fence with a row of 4 hawthorn trees on the outer side of this fence.

To the south, west and north of the site are open fields and to the east is a deciduous woodland, very dense to the north, closer to the road but trees are more sparsely spaced out further to the south. Besthorpe Footpath 4 runs along the western boundary of the site. The nearest residential properties are approx. 50m to the east and approx. 100m to the west, both on the north side of Sand Lane.

In terms of heritage assets, there are none present on the site, however, there a number of designated assets nearby, including a Scheduled Ancient Monument known as 'Mound South of Sand Lane', located on land immediately to the east approx. 47m from the site boundary, approx 200m to the east sits the boundary of Besthorpe Conservation Area which runs just to the east of the A1133 and within the Conservation Area itself on the east side of the A1133 are three Grade II listed Buildings including Chaise House and its associated Stable Block and

Myrtle Cottage, the nearest of which is 240m to the south-west of the site.

There are two nationally designated sites for nature conservation within a 2km radius of the site. On the opposite side of Sand Lane, approx. 15m to the north, is Besthorpe Warren, a Site of Special Scientific Interest (SSSI) which supports an important mosaic of dry acid grassland vegetation and approx. 9.5km to the south-west is Besthorpe Meadows SSSI which consists of two unimproved alluvial grasslands within the flood plain of the River Trent. There are 8 non-statutory sites for nature conservation (Local Wildlife Sites) within a 1km radius of the site, the nearest being Primrose Hill (coarse acidic grassland developed on periglacial drift deposits) immediately to the east of the site.

The site is located within Flood Zone 1 which means it is at low risk of main river flooding and is predominantly at very low risk of surface water flooding, with no medium or high risk surface water designations. The land is Grade 4 on the Agricultural Land Classification which means it is poor quality agricultural land.

The site currently accommodates 2/3 small touring caravans and a larger caravan immediately to the west of the stable building, indicating that the site is already accommodating some low-key occupation.

## **2.0 Relevant Planning History**

09/00590/FUL – Erection of barn, approved 30.06.2009 (for storage use of fodder and bedding associated with the keeping of horses in the site - implemented and situated in south-west corner of site)

07/00476/FUL – Erection of 4 No, stables and store (Resubmission), approved 17.05.2007 (implemented – stable block in north-east corner of site)

06/01662/FUL – Erection of 4 No. stables and store and the widening and alterations to the existing field access, approved 28.12.2006

05801337 – One dwelling, refused 13.01.1981

0578140 – Erection of saw mill workshop, approved 11.04.1978

0577634 – Erection of bungalow and workshed, approved 08.11.1977

## **3.0 The Proposal**

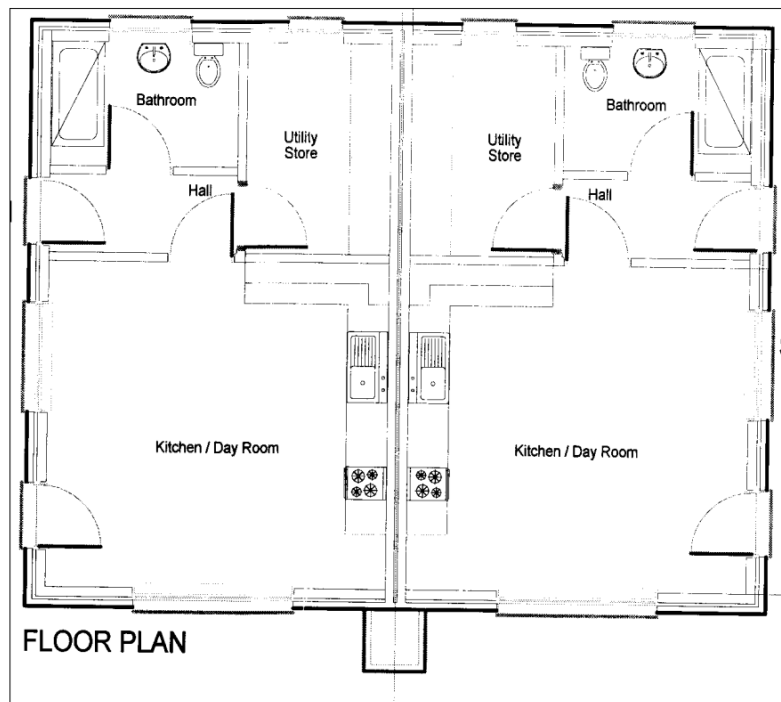
Planning permission is sought for the change of use of the land to a residential caravan site for gypsy/traveller families (8 pitches) and conversion of the existing stable to form an amenity building and warden's office. The proposed layout shows four pitches each side of a central access road ending in a turning head with two green amenity areas incorporating 6 new silver birch trees along its length, below which would be planted night scented flowers.





Each pitch accommodates one static caravan, two touring caravans, a day room and two parking spaces on a compacted hardcore with gravel surface. A note on the Block Plan states that the static caravans will be based upon the legal definition of a caravan (ie 20m x 6.8m) and the day room dimensions will be based upon Annex B.6 Department for Communities and Local Government: Designing Gypsy and Traveller Site: Good Practice Guidance, see below. The submitted plan shows the floorplan for the dayroom to measure 9m x 6m but no elevation details have been submitted. The play area would be retained as a grassed surface with some bark mulch in the north-west corner.

## Annex B.6 Pair of amenity buildings – permanent site (see para 7.19)



The southern two pitches retain the existing barn structures for use as amenity blocks. The pitches range in size from 1340sqm to 665sqm. The northern part of the site represents a communal area which includes the amenity/warden building, external play area and bin store. The amenity building would comprise separate male and female toilet and showers, a store room, laundry room and a warden office. Proposed external alterations to the building include insertion of 4 new small windows within the existing brickwork and installation of 5 new doors within existing openings. The two retained small agricultural-type structures will be used for ancillary storage in association with the plots in which they sit. The agent has confirmed that should planning permission be granted, the existing large caravan sited to the west of the stable block will be moved to one of the consented pitches. The block plan shows a package treatment plant to be located towards the north-east corner of the site (and not a septic tank as stated on the application form).

The proposed pitches are set approx. 6m away from the western boundary and defined by a new 1.2m high post and rail fence to define the boundary of the pitches which would sit at the foot of the existing raised bank, but this diverts further into the site at the northern end in order to protect the area of acid grassland (within Plots 7 and 8). The proposed plan shows the planting of new native hedgerow and 5 new English Oak trees along the western boundary. The eastern boundary is to be defined by a 1.8m high dark green coated mesh fencing supported by timber posts. There is an area adjacent to the eastern boundary where the siting of static caravans and day rooms have not been sited in order to prevent conflict with mature trees on the adjacent site along this boundary. No changes are proposed to the southern boundary of the site where there are some existing trees that will be retained. The existing row of conifers in the south-west corner of the site would be removed. The submitted plan shows no significant changes in ground levels is proposed, other than is reasonable for levelling purposes.

The proposed access road would be tarmacked within the first 10m from the public highway and beyond that is stated as being compacted hardcore base with gravel or planning surface dressing. The existing entrance brick wall would be widened to 6m by moving the westernmost pier/wall 1m to the west. In order to create the required visibility splay, all existing smaller planting forward of the existing post and rail fence would need to be removed (but no trees). It is proposed to plant a new native hedgerow to the rear of the post and rail fence to provide a green planted frontage along the majority of the Sand Lane frontage.

Some concern has been raised that a metal fence has appeared in the north-east corner of the site frontage and that the applicants may therefore be intending to create a further access point. However, the proposed Block Plan indicates that any potential access here is to be 'stopped up.'

The trees indicated in green circles on the Block Plan are identified in the Arboricultural report as Grade A trees. The trees indicated in blue as defined as Grade B trees. The solid lines show the extent of canopies and the dashed lines show the extent of Root Protection Areas, of individual trees and groups.

Plans and Documents submitted and considered:-

- Site Location Plan (Drawing No: MSP.1901 001)
- Stable Building: Existing plan and elevations (Drawing No: MSP.1910 003)
- Proposed Block Plan (Drawing No: MSP.1910 002 Rev J)
- Amenity Building : Proposed plan and elevation (Drawing No: MSP.1910 003)
- Site Survey (Drawing No: MDS – MSP sand lane 001)
- Visibility Splays (Drawing No: 001A)
- Swept Path Analysis of Large Refuse Vehicle (Drawing No: 006)
- Swept Path Analysis of Large Refuse Vehicle (Drawing No: 003)
- Swept Path Analysis of a 4 x 4 with Caravan (Drawing No: 007)
- Speed Surveys undertaken 28 and 29 November 2022
- Flood Risk Assessment by Mike Sibthorp Planning
- Planning Statement by Mike Sibthorp Planning
- Foul Drainage Assessment
- Heritage Impact Assessment by The Heritage Advisory
- Archaeological Desk Based Assessment by Archaeological Project Services
- Archaeological Evaluation by Archaeological Project Services
- Preliminary Ecological Appraisal by Archer Ecology
- Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Report by East Midlands Tree Surveys Ltd
- Tree Constraints Report by East Midlands Tree Surveys Ltd
- BS5837 – Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at Sand Lane, Besthorpe by East Midlands Tree Surveys Ltd
- Phase 1 Environmental Assessment Report by GDP
- Unexploded Ordnance Report by Brimstone
- Information on Site Occupants

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of nine 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.

Site visit undertaken 13.10.2022

## **5.0 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 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

#### **Allocations & Development Management DPD (adopted July 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 DM10: Pollution and Hazardous Materials

Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Landscape Character Assessment SPD 2013
- Gypsy and Traveller Accommodation Assessment, Feb 2020
- Section 66 of Planning (Listed Buildings and Conservation Areas) Act 1990
- 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.

Paragraph 25 states that “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. 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 undue pressure on the local infrastructure.”

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.

## **6.0 Consultations**

*NB: Comments below are provided in summary and relate to the latest comments received from consultees. For comments in full please see the online planning file.*

### **(a) Statutory Consultations**

**NCC Highway Authority** – No objection, subject to conditions.

**NCC Lead Local Flood Authority** – No bespoke comments provided but just general advice offered.

**The Environment Agency** – No objection.

**Historic England** – No comments offered but suggests seeking the views of specialist conservation and archaeological advisers.

Natural England – No objection.

**(b) Town/Parish Council**

**Besthorpe Parish Meeting – Clarify – 2 abstained and remainder (37 on electoral roll of Besthorpe) voted to oppose. The Parish agreed to present residents’ objections as set out below.**

- Core Policy 4 states provision of pitches must be in line with Council’s Spatial Strategy, which is to place pitches in and around the Newark Urban Area and thus reflect current main locations of existing provision;
- Core Policy 5 confirms land has not been assessed as suitable and was not put forward under the recent Open Spaces Options categorisation process;
- While in the open countryside, the development is adjacent to residential village properties and as such is inconsistent with the forms of development that Policy DM8 allows;
- Sites in a rural area should respect the scale of, and must not dominate, the nearest settled community:
  - Assuming each of the 8 pitches hosts one family of 4, this would bring 32 new residents in a village of 155, an increase of over 20%;
  - While the application is for 8 pitches, it is for 24 caravans (1 static and 2 tourers on each pitch) and there appears to be no restriction preventing a family from living in each. Complete occupation could bring up to 96 new residents, an increase of over 61%;
  - The Parish sees no guarantee the development could not be used as a mixed-use site;
- Besthorpe is an ‘other village’ in the settlement hierarchy policy and development proposals must be considered under Spatial Policy 3 which states that local housing needs be addressed by focusing housing in sustainable, accessible villages.
  - NSDC has advised previous planning applicants that Besthorpe is considered to be an unsustainable settlement;
  - NSDC has advised previous planning applicants that it seeks to direct new development towards the main settlements where there is less reliance on the use of the private car;
  - Besthorpe does not have the necessary infrastructure to support the lower estimated increase in residency;
  - Besthorpe has no facilities (no shops, schools, libraries, dentists or health centres);
  - Besthorpe has no provision for teenagers or the elderly;
  - Besthorpe has limited access to public transport;
  - Besthorpe is dependent on private car use to access key services and facilities;
- Access to the location is via Sand Lane, an unlit 60mph rural road close to a blind bend and frequently used by large commercial lorries;
- Brick walls at the development’s entrance constrain sight lines for traffic entering and exiting;

- Unclear if fire engines would be able to access the site, given narrow entrance and hedgerow opposite;
- Sand Lane is unlit and has no footpaths, posing a potential danger to pedestrians accessing the site;
- Local access and roads are already stretched, and further vehicular use due to no local facilities would have a detrimental impact upon the environment, traffic and road usage;
- The site is outside the village boundary and far exceeds the reasonable expansion of the village;
- The proposed site is immediately adjacent to the village's conservation area and development outside its boundary would have a detrimental impact;
- The proposed site is not in keeping with the existing or nearby dwellings and is not in keeping with the general layout and form of the village's residential properties;
- Planning applications within the village boundary have previously been rejected;
- Residents expressed concern about the increase in crime within the village that would naturally follow a 20% or 61% increase in population;
- Residents expressed concern about the negative impact on local businesses such as the pub that an increase in crime would bring;
- The site would be visible from the main road unless high walls are constructed. Such walls are undesirable as they could create the impression that the site is a citadel and impede integration with the existing population;
- There are sensitive sites directly opposite and next to the proposed site, including a Site of Special Scientific Interest (SSSI);
- Site lighting would be intrusive in the open countryside, especially given the proximity to the conservation area, SSSL and adjacent private woodland housing bats, owls and other wildlife;
- Residents are concerned that the provision for emptying soil is unclear as the plans show toilets but no sluice.

**(c) Representations/Non-Statutory Consultation**

**NCC Rights of Way** – No objection.

**NSDC Archaeology Consultant** – No objection.

**NSDC Tree and Landscape Officer** – provided advice which has been incorporated into the tree section below.

**NSDC Biodiversity and Ecology Officer** – provided advice which has been incorporated into the ecology section below.

**NSDC Conservation** – No objection.

**NSDC Environmental Health, Contaminated Land** – No objection.

**39 letters of objection have been received (15 of which are anonymous and not considered although the matters raised reflect many of the comments below) which are summarised**

below:

#### *Principle of development*

- Although the need for gypsy and traveller site is recognised, this is a totally inappropriate place for this use – it is outside the village boundary and Besthorpe has been listed in previously refused applications as a non-sustainable area for development;
- Scale of new sites should not dominate the nearest settled community. Besthorpe has a settled population of 155. With 8 static and 16 touring caravans proposed, at an average of 4 residents per unit, the development could constitute a community of 96 people which would be 62% of the current settled community residents. This represents a disproportionate number of new residents forming a separate community; it would seem to represent a level of expansion that the village would not be subjected to under existing expansion policy for the area;
- It would break all previous planning precedence for the area where Girton and New Lane have had smaller similar applications rejected;
- There is no historical precedent for occupation of the site;
- It is not an allocated site and would not match any of the criteria for such a development site and is therefore contrary to local plan policy;
- If it were an application for 8 bungalows, it would and should be similarly refused;
- These are the same reasons that a similar smaller scale application was recently refused in Spalford;

#### *Character/Appearance*

- Proposed development is too substantial for the site and poorly designed;
- The development is not in keeping with existing nearby dwellings or the general layout and form of the village's residential properties;
- The full side view of the site would be on prominent display from the main road A1133 and nearby properties and would be visually intrusive and change the appearance of the village and landscape significantly;
- Putting a screen/wall up will also be a blight on the landscape as there are currently views across the fields;
- There is already another caravan park 1 mile away, known as 'Duck Ponds.' The granting of this would over saturate this type of accommodation in the area;

#### *Highways*

- Sand Lane is a narrow poorly maintained country lane with 60mph speed limit and is very busy with no footpath or street lighting;
- Traffic exiting Sand Lane to join the A1133 is confronted by a blind spot and the increase if traffic from the site would only increase the problem constituting unacceptable danger to road users;
- This junction is used frequently by articulated lorries from the egg factory in Scarle;
- The entrance is too narrow to admit fire engines/tankers;
- The access into Sand Lane is blind to the left hand side;
- There is no pedestrian crossing across the A1133;
- The lane has no bus service, the nearest bus stop being on the A1133;



- Extra traffic will result in road damage and extra pollution;
- Development will cause difficulty for people using the footpath right of way both opposite and along the edge;
- Main A1133 suffers with speeding traffic and this will add more, making the road more dangerous with vehicles pulling trailers/caravans;

### *Infrastructure*

- No increase in village infrastructure is proposed;
- The village has no facilities for additional families, therefore to get to facilities, it would increase number of vehicles on the quiet country roads;
- Concern that the emergency services would not be able to cope with that level of increase in population;
- We are at capacity and pride ourselves on our care of our community;
- Besthorpe village has no amenities – just the public house, church, village hall and small children’s play area;
- North Scarle has post office and school, nearest shop is 3 miles away in Collingham, nearest fuel station is 8 miles away;
- There is no direct access to the listed criteria – no healthcare, education, employment or infrastructure to cope with the number of additional residents this site could accommodate;
- Nearest doctors surgery is in Collingham and this practice is already under pressure from the current population and adding a further 24 households will increase the burden;

### *Ecology*

- It would be completely out of character for the area with woodland to the east being a private nature reserve and an SSSI on opposite side of the road to north, it will damage the ecological area associated with the development site and adjacent bordering area;
- Two of the four edges of the proposed site contain areas important for biological diversity and will be sensitive to change. Development of this site as proposed will increase light levels, noise levels, traffic movements and associated pollution. This will impact on biodiversity (owls, bats, door mice and butterflies) and species abundance and impact the SSSI. Attempts to plant trees to mitigate light and noise pollution may change the species ecosystem balance and increase shading on the acid grassland, a habitat that needs open space to allow the unique flora to thrive;
- Concerned wildlife would be disturbed by scramble tracks for motor vehicles to shoot wildlife with catapults and guns and hunting with dogs;
- No site lighting is shown but if proposed it would have harmful impact and be intrusive to bats, owls and other wildlife and on the whole delicate ecosystem of the area;
- A bull dozer has been on site ripping out gorse and levelling the site and fires have occurred;

### *Flood/Drainage/Waste*

- In heavy rain the A1133 floods adjacent to the site and if the pitches were to have concrete bases, that would increase the chances of flooding on a more frequent basis;

- Two onsite sewage soakaways are located too far away from the site road to be reached by tanker and is inadequate and out of date (unless it has been changed);
- A septic tank would not be appropriate as the Besthorpe area has a very high ground water table;
- A cesspit would not be adequate as part H of the Building Regulations which would require 150ltrs/person/day, equating to 7500ltrs of effluent per day based on 50 people on site and rising to 75000ltrs at 100 people on site, requiring a cesspit of 7.5m<sup>3</sup>/75m<sup>3</sup> required per day, which would require the constant pumping of the cesspit to remove the waste and increasing the number of trucks at the site to remove this amount of waste on a daily basis;
- Plans do not show where septic tank would be located;
- Mains water pressure is inadequate and this level of additional draw would only make it worse;
- There is a bronze age historical mound which needs to be protected from unwanted pollution, such as insufficient sanitary provisions on the proposed site;

#### *Amenity*

- Noise nuisance from 7am to 9pm has been unbearable and constant – children screaming; dogs barking; adults yelling; dirt bikes revving engines; cars pipping horns;
- A large amount of rubbish has been amassed on the site already which can be easily blown by the wind onto neighbouring land;

#### *Other*

- There are low employment opportunities with people needing to commute for work;
- The spoil for the archaeology survey was not sieved and no hand digging was carried out – survey states nothing was found but experience in the area shows pottery, charcoal, 303 bullets and once a musket ball;
- The site was a bomb dump during World War II;
- Site has been occupied in a caravan hidden in one of the southern barns since 2022 and 5 touring caravans have come and gone from the site and one new static has been sited;
- The application is for 8 statics but there will be 10 altogether as there are 2 already on site without planning permission;
- Planning is being asked for a container that is already there illegally and there are currently residents living on the site which does not increase our confidence in the intentions of the applicant to adhere to regulations in the future and showing they have no respect for the rules of the Council;
- Levels of crime in the village are currently low for a rural setting, the significant increase in population of the village is likely to lead to a proportionate rise in crime levels;
- The interests of the settled community in the village must be understood and protected according to the UK Human Rights Act 1988, Articles 8 and 14 and their rights to enjoy a quiet life;
- There is a Deed of Covenant on the land preventing development of the site until 2031;
- We have received no direct information on this application and thus limited time in

which to object within the deadline;

- There has been no early engagement within surrounding villages about the application.

## **7.0 Comments of the Business Manager**

In the assessment of this application the key issues are:

1. Principle of development
2. Sustainability
3. Impact upon Character and Appearance of the Area
4. Impact on Heritage Assets
5. Impact on Residential Amenity
6. Impact on Highway Safety
7. Impact on Ecology and Trees
8. Impact of Flood Risk and Drainage
9. Personal Circumstances
10. Other Matters

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

As the application concerns the setting of a listed building, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The duty in s.66 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

### **Principle of Development**

The site is Grade 4 in the Agricultural Land Classification which means it is poor quality and does not represent the Best and Most versatile Land to which a sequential test should be applied in order to direct the development to land of poorer quality and does not need to be retained for agricultural purposes.

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) for the District demonstrates a minimum requirement for 169 pitches to meet the needs of Travellers between 2013-33 (118 pitches of this overall 169 minimum requirement would be necessary to meet the needs of 'planning definition' Traveller households, as defined within Annex 1 of the National Planning Policy for Traveller Sites). Through the *Lisa Smith v The Secretary of State for Housing, Communities and Local Government and others* [2021] EWHC 1650 (Admin) legal case, the planning definition within Annex 1 was found to be unlawfully discriminatory. Due to its exclusion of Gypsies or Travellers who have permanently ceased to travel due to old age, disability or due to caring responsibilities. No amendments have been made to national policy following the legal decision, and so accordingly there is a lack of clarity over what local pitch target should form the basis for calculation of the five-year land supply test, as required as part of the Planning Policy for Traveller Sites (PPTS). Whether this should still be calculated on the basis of the planning definition, or from the overall minimum requirement.

Either local target would reflect a heavy skewing towards that first five-year 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). For the Council to be able to demonstrate a five-year land supply of deliverable Gypsy and Traveller sites, the supply must meet or exceed the five-year need figure of 77 pitches if the test is restricted to the needs of planning definition households, but this would rise to 103 pitches where the needs of all Travellers are taken account of for the same period.

This represents a significant unmet need, under both scenarios. Provision to assist in meeting this need will be made as part of the production of the Amended Allocations & Development Management Development Plan Document (ADMDDP), which is currently at its second Regulation 19 ('Publication) stage. The amended Development Plan Document seeks the allocation of specific sites for Traveller accommodation and would provide an updated Framework for the granting of consent for appropriate development on windfall sites. The Council is currently unable to identify any other sites that are currently available or deliverable for Gypsy and Travellers and in addition is unable to demonstrate a five-year land supply, as required through national policy (PPTS). It is therefore accepted that the Local Planning Authority is not able to demonstrate a five-year land supply for Gypsy and Traveller pitches and has a considerable shortfall 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.

The emerging policies within the Publication Amended Allocations and Development Management DPD demonstrates a commitment by the Council to meeting the need for pitches in the District. However, only limited weight can be given to the newly proposed allocation sites as the Plan is still going through the plan-making process and has yet to be submitted, examined and found sound. As such, in the absence of any current allocated sites and in the light of the significant unmet need, provision of pitches are only likely to come forward through the determination of planning applications on windfall sites.

In terms of how this site would contribute to the Council's Gypsy and Traveller need, no firm evidence of demand for inward migration into the District was found as part of the GTAA. Therefore, net migration to the sum of zero was assumed for the GTAA – which means that net pitch requirements are driven by locally identified need rather than speculative modelling assumptions. With inward and outward migration in balance with one another, this means that when a household moves into the District that movement is counterbalanced by the outward migration of another. Therefore, providing proposed pitches are addressing the needs of a Traveller household, consistent with the definition below (reflecting the Smith decision), then they would contribute supply against the local pitch target.

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

The supporting information submitted with this application states that the intended occupants of all the pitches would fall within the definition of a 'Gypsy and Traveller' (this is discussed further in the Personal Circumstance section below) and specific information of the occupants of 4 of the 8 pitches have been provided.

It is considered that a planning condition restricting occupation of the site to those meeting the definition of a gypsy or traveller (as referred to in the recent Spalford appeal decision) would ensure that the 8 pitches would be available to help meet the need identified through the GTAA and demonstration of a five year land supply. Given the lack of land supply this weighs heavily in the favour of the granting of consent.

Since the GTAA was undertaken in 2019, permanent planning permission has been granted for 26 new pitches as set out below:

- 1 Land north of Cross Ways, Main Street, Bathley (18/02219/FUL);
- 2 at Chestnut Lodge, Barnby Road, Balderton (21/00027/FUL);
- 4 at Shady Oaks, Spalford (21/02528/FUL);
- 19 at Chestnut Lodge, Barnby Lane, Balderton (23/00063/FULM).

A further 8 pitches at Appleby Lodge, Barnby Lane, Newark (23/00060/FUL) have been minded to be approved by the Members but the issue of the decision is pending the completion of a S106 planning obligation, but which would increase the number to 34.

Taking the overall pitch requirement of 169, then there is currently a shortfall of some 143 pitches against the overall requirement (135 were the Appleby Lodge decision to be issued). Even were the planning definition requirement retained as the local target, then there still remains a substantial shortfall (92-84 pitches following the same calculations). Whilst under the separate five-year land supply test there is currently an insufficient land supply for this to be demonstrated. The target for the first five-year period (2019-2024) would be either 103 (under the overall pitch requirement) or 77 pitches (planning definition) tranche which would mean a shortfall of further 69, or 43 pitches needing to be provided by the 1st of April next year in order for a five-year land supply to be demonstrated. These identified needs carry

significant weight in favour of proposal as the pitches proposed would contribute supply towards meeting this requirement.

Whilst Core Policy 4 states that future pitch provision for Gypsy and Travellers will be provided in line with the Spatial Strategy focussed on securing provision in and around the Newark Urban Area, it also states that the Council will address future Gypsy and Traveller pitch provision for the District through all necessary means, including, amongst other things the granting of planning permission for pitches on new sites, in line with Core Policy 5. Indeed, an Inspector in the determination of an appeal on a site for the same use at Spalford earlier this year concluded that notwithstanding the Council's preference for sites around Newark, the absence of suitable or alternative sites provides significant weight in support of proposals outside the Newark area.

Core Policy 5 sets out criteria for considering sites for Gypsy and Travellers which come forward anywhere within the District.

Spatial Policy 1 of the Amended Core Strategy sets out the settlement hierarchy for the District and this site falls within the 'Rural Areas.' Spatial Policy 3 covers the Rural Area states that in the open countryside development will be strictly controlled and further details of permitted uses within the open countryside is set out in Policy DM8.

The application site is located in the open countryside, to the east of the village of Besthorpe. In line with the Planning Policy for Traveller Sites (PPTS), 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. 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.

Notwithstanding the absence of Gypsy and Traveller uses in Policy DM8, under some circumstances, it is accepted that gypsy and traveller sites can be acceptable in this type of location. The context around whether the proposal would, in the absence of more appropriately located sites, contribute towards meeting local need is crucial, and this application would in this case. Beyond this then, criterion 1 (landscape) and 2 (access to services and facilities) in Core Policy 5 (Criteria for Considering Sites for Gypsy & Travellers and Travelling Showpeople) provides an appropriate way of determining what kind of locations in the countryside could be acceptable. This approach was taken in the appeal decision at Spalford.

It is acknowledged that both the Parish meeting and a number of local residents have raised concerns about the scale of the proposal relative to the current size of Besthorpe. The Parish meeting state if 8 pitches hosts one family of 4, this would bring 32 new residents in a village of 155, an increase of over 20%. However, they then go on to state that 24 caravans would be permitted and there appears to be no restriction preventing a family from living in each one and complete occupation could bring up to 96 new residents, an increase of over 61%. The Gypsy and Traveller culture and way of life includes different genders within one family residing in separate caravans. As such when travelling in tourer caravans, a minimum of two vans are required. On this basis, it is considered that the concerns of local residents in relation to scale would not be realised in practice and the proposed 8 pitches would allow 8 new

families to reside in the area which would not represent the domination of the existing community. The number of caravans to be sited on each pitch at any one time can be controlled by condition.

In summary, the District has a significant unmet need for Gypsy and Traveller pitches. The proposal would represent a direct 8 pitch contribution towards both the overall pitch requirements and a five year land supply. In the absence of the availability of alternative sites and emerging site allocations which cannot yet be given meaningful weight, this contribution to supply should be afforded considerable weight in the overall planning balance.

The principle of this use in this location may therefore be considered to be acceptable in the overall planning balance, subject to assessment under the criteria set out within Core Policy (CP) 5, which are more site specific, and are set out and considered below.

### *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 the facilities offered by Besthorpe are limited to the Lord Nelson Public House, the church and village hall, the application site is within reasonable proximity of Collingham – which as a Principal Village has a good range of day to day facilities – primary school, food shop, health facilities, employment and good access to the Sub-regional Centre of the Newark Urban Area via rail and bus connections. There appears to be a good level of connectivity between Besthorpe and Collingham via bus – with journey times taking as little as 5 minutes along the A1133. Even where such journeys are made by car then they would be limited in duration and reflects a level of access to services and facilities which would be superior to that available to many rural Gypsy and Traveller sites. Consequently, given the lack of more appropriate alternative provision elsewhere, the application site can be considered reasonably situated in terms of access to a range of basic and everyday community services and facilities and is considered to meet Criterion 2 of Core Policy 5. The comments received on this matter from the Parish Meeting and local residents have been taken into account in reaching this view.

The site is adequately served in terms of electricity and water supplies. The application confirms that the site will be served by a septic tank and as such, the Environment Agency has advised an informative be added to any decision notice to advise what is required in this regard outside the planning process.

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

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 (Design) of the Development Plan Document (DPD) states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

Criterion 1 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 latter three considerations are considered in later sections below. Criterion 5 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 (LCA) Supplementary Planning Document (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.

In landscape character terms the site falls 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.

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 and [...] the desirability of maintaining an area's prevailing character and setting (d).

The site comprises a rectangular field, predominantly of open grassland, with a concentration of mature trees at its northern end, adjacent to Sand Lane. Three buildings currently occupy the site, two green steel-clad agricultural type barns in the south-east and south-west corner and one brick and pantile L-shaped stable building towards the north-east corner. The site is largely enclosed by trees and hedgerow along its northern and eastern boundary, the southern and western boundaries are more open and the western boundary in particular allows views across to the main A1133, approx. 215m to the west. There is also a Public Right of Way (Besthorpe FP4) that runs in a north-south direction adjacent to the western boundary.

It is acknowledged that whilst caravans are not necessarily alien features in open countryside and are single storey in scale, 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. It is clear that this impact would be felt most keenly from the west and as a result of concerns raised, the scheme has been amended along its western boundary to provide a distance of 5-6m between the development and this boundary to allow for new oak trees and native hedgerow to be



planted. The impact of this will be increased by being placed on top of an existing embankment. However, 8 pitches (max of 24 caravans and 8 day rooms – the details of which have not been provided and so would have to be conditioned should permission be granted) is considered to represent a relatively low density considering the overall size of the site.

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 that pitches should be approx. 350 sq m. The size of the pitches presented are considerably larger than this general guide (being between 1340sqm to 665sqm). Whilst it is acknowledged that the proposed pitches are larger than the guidelines, it is considered this lower density is appropriate to the site's rural setting. Given the site would contribute towards the significant unmet need of gypsy and traveller pitches, it is not considered that this is fatal and would warrant refusal of the application on this basis.

It is therefore acknowledged that although rather engineered in appearance and the required removal of some smaller existing planting along the road frontage (but no mature trees) to allow for a visibility splay, a combination of both existing boundary treatment and proposed (including new native hedgerow planting along the road frontage boundary) would provide a green softening around the proposed caravan site that would soften the views into the site from the A1133, the public footpath and Sand Lane. Furthermore, additional planting has also been provided within the site, including silver birch trees and other native flora planting to the proposed play area in the north-west corner to provide additional biodiversity benefits. Seven of the existing trees at the northern end of the site are also protected by a provisional Preservation Order and thus must currently be retained.

The only trees proposed to be removed are a small row of conifers (approx 24m in length within the site) but also along some of the western boundary situated in the south-west corner of the site. Given the species and positioning, there is no objection to their removal. Some trim back and loss of smaller vegetation (but no mature trees) is also likely to be required to existing planting along the road frontage to provide the required visibility splays.

The site would not lead to the unacceptable loss, or significant adverse impact on landscape character and value. Whilst there would be a marked contrast in the appearance of the site when within it, this impact could largely be contained within the boundaries of the site. It is acknowledged that the proposal would not accord with the requirement of the landscape character policy for new development to reflect the local vernacular and therefore would likely to result in moderate harm to the rural amenities and appearance of the area. However, with additional planting along the western and northern boundaries and new planting within the site, this would be tempered and softened to a certain extent. This negative impact is weighed in the overall planning balance below.

#### Impact on Heritage Assets

The proposed siting of caravans and day rooms on this site is capable of affecting the historic environment both in terms of the setting of Besthorpe Conservation Area (CA) and the setting of the Grade II listed buildings within the Conservation Area boundary. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is therefore applicable and

requires that special regard be paid to the preservation of the setting of listed buildings. The proposal site is not within the CA boundary. There is no legal protection for the setting of Conservation Areas under section 72 of the Act, but paragraphs 199-200 and 202 of the NPPF ensure that Local Planning Authorities must give proper consideration to the setting of designated heritage assets. As set out above, Criterion 1 of Core Policy 5 also states that when considering sites for Gypsy and Traveller sites should not lead to the unacceptable loss, or significant adverse impact on important heritage assets and their settings.

The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying Planning Practice Guidance (PPG). The NPPF 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).

The NPPF defines the setting of a heritage asset as: “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surrounding evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

Core Policy 14 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.

Like many estate villages, the CA encompasses a historic core of buildings typically dating to the 18th and 19th century. Open spaces, trees and other features contribute positively to this significance. The CA was designated in 2008, so includes a relatively up-to-date review in its associated Appraisal document. This Appraisal highlights the importance of setting with respect to the Heath Sandlands and the Trent Valley. It does not identify any special views towards or from the proposal site however, despite the position of nearby footpaths. There appears to be no intrinsic special interest in the development site or adjacent fields in the context of the CA, furthermore, and otherwise conclude that no special interest had been identified when it was reviewed in 2007/8, explaining why it had not been included in the boundary designation at that time.

The northern part of Besthorpe village includes modern housing of no interest (this is outside of the CA boundary). The ribbon development along the main road does include some interesting period properties, including three listed properties, but their setting is broadly limited to the roadway and their immediate environs.

The rural backdrop of the village is indeed important, and change within that landscape could impact on the significance of the CA. The footpath network here also gives important impressions of the CA as one approaches the village. In this case however, the modest scale of the development (notably in terms of the limited heights of caravans), its distance away from the CA and the reinforcement of green infrastructure at the edge of the site suggest that development could have a negligible impact on the setting of the CA. In this regard, there is general agreement with the applicant’s heritage specialist in their submitted Heritage Impact Assessment.

The Council's Conservation team consider that the distance between the proposal site and the CA ensures that it will not cause harm to the special character and appearance of the CA or the setting of the listed buildings within it. Subject to mitigation in the form of landscape planting to the boundary of the site, the proposal will cause no heritage harm. The concern that linear rows of statics might appear above hedges is acknowledged, but at this distance with landscape softening, it is not considered the proposal would be unduly prominent.

In relation to archaeology interest, Historic England were consulted in relation to the impact of the proposal on the setting of the Scheduled Monument to the east of the site. They raised no objection.

The site lies in an area of high archaeological potential associated with Palaeolithic, Mesolithic, Neolithic and Bronze Age funeral activity. A barrow is recorded adjacent to the east of the site and is protected as a Scheduled Monument. Neolithic pottery has been recovered from the surface of the mound. Mesolithic artifacts have been recorded in the field to the west of the site. It is highly likely that further activity consistent with that noted above is present within the site boundary and if present would be considered regionally significant. Earthwork banks of indeterminate date from the eastern and western boundaries of the site. The Council's Archaeological consultant therefore advised that the proposed groundworks to include a new road, surfaces for caravan pitches, drainage as well as landscaping have the potential to significantly impact any surviving archaeology remains present on the site and therefore requested that trial trench evaluation was required pre-determination of the application.

However, following submission of the results of the trial trenching when no archaeological features were recorded during the evaluation, the Council's Consultant has advised that so no further archaeological work is recommended for this application.

In summary, the proposed development would preserve the special interest and setting of nearby listed buildings in accordance with S66 of the Act as well as the setting of the nearby Scheduled Monument to the east and the impact on the setting of the CA to the west and no archaeological interest has been discovered on the site. As such, it is considered that the proposal accords with the policy and advice contained within Section 16 of the NPPF, Criterion 1 of Core Policy 5, Core Policy 14 of the Amended Core Strategy and Policy DM9 of the Allocations and Development Management DPD. The proposal is therefore considered to cause no harm to heritage assets.

#### Impact on Residential Amenity

Core Policy 9 of the Core Strategy and Policy DM5 of the DPD state that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. Criterion 4 of Core Policy 5 also states that sites should 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 NPPF also 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, as explored in a previous section, the sizes of the pitches presented exceed the recommended standard of 350m<sup>2</sup> as set out in Core Policy 5. Whilst this over allowance is acknowledged, it is not considered that this needs to be fatal to the scheme. Furthermore, given existing boundary treatments and distance from existing dwellings, the needs of the privacy of proposed occupiers would be met by the proposed boundary treatments between pitches (although no details have been submitted and so will need to be conditioned) which would ensure a degree of privacy between pitches.

Turning now to existing residents who would live close to the site, the nearest residential properties are approx. 50m to the east and approx. 100m to the west, both on the north side of Sand Lane. Given the site is either enclosed by existing vegetation or proposed to be enclosed by new proposed planting along all of its boundaries, it is considered the proposed development and caravans would be well contained.

Any new development on this site would have some impact on the amenity of existing nearby properties on Sand Lane given 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 and proposed boundary treatment would provide some mitigation in this respect and the precise details of the lighting (to reduce light spill etc) can be controlled by condition. The inclusion of a defined communal bin area within the layout of the site also indicates consideration to matters of refuse disposal.

Given the single storey nature of the caravans and day rooms, together with boundary treatments and the separation distance between the site and existing neighbours, in addition to the relative small-scale nature of the proposal for 8 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 which would accord with the requirements of Core Policy 5, Core Policy 9 and DM5.

#### Impact on Highway Safety

Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision echoed by Spatial Policy 7. Criterion 3 of Core Policy 5 also states that sites should have safe and convenient access to the highway network. Para. 111 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The site would be accessed via the existing access to the site in the north-west corner. To support the application, a speed survey and detailed swept path analysis plans have been submitted followed by an amended proposed Block Plan to facilitate alterations to the access (including moving the western brick wall and pier 1m further to the west) and demonstrating visibility splays required (including limited cutting back of existing planting to the front boundary west of the access). Nottinghamshire County Council as the Highway Authority (HA) have reviewed the submitted plans and confirmed that they now raise no objection to proposed access, which would provide the appropriate visibility to the east and west,

although a condition has been requested requiring precise details to be submitted and approved.

Comments received from local residents in relation to the potential traffic generated by the development and the impact on the highway are noted. Whilst local comments have also raised concerns regarding the suitability of the highway, pedestrian and highway safety (particularly in relation to the junction with the A1133), 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 result in any highway safety concerns and therefore, subject to conditions, would accord with Core Policy 5 and Spatial Policy 7 of the Core Strategy and Policy DM5 of the Allocations & Development Management DPD in this regard.

### Impact upon Ecology and Trees

As set out above, Criterion 1 of Core Policy 5 also states that when considering sites for Gypsy and Traveller sites should not lead to the unacceptable loss, or significant adverse impact on nature conservation and biodiversity sites. Core Policy 12 states that the Council will seek to secure development that maximises the opportunity to conserve, enhance and restore biodiversity. Policy DM7 also seeks to promote the conservation and enhancement of the District's biodiversity assets. It states that development proposals on, or affecting, Sites of Special Scientific Interests (SSSIs), planning permission will not be granted unless the justification for the development clearly outweighs the nature conservation value of the site and that all proposals affecting designated sites should be supported by an up-to-date ecological assessment, involving a habitat survey and a survey for protected species and priority species listed in the UKBAP (the UK Biodiversity Action Plan which identified those most threatened and requiring conservation). The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

A Preliminary Ecology Appraisal (PEA) was requested to support this application which assesses the potential impacts of the development on priority habitats and protected and priority species. The PEA provides an evaluation of the site and its surroundings and identifies any ecological constraints.

In relation to designated biodiversity sites the PEA has identified that to the north, across the highway, is Besthorpe Warren Site of Special Scientific Interest (SSSI) which supports an important mosaic of dry acid grassland vegetation and Primrose Hill, a non-statutory designated Local Wildlife Site which supports coarse acidic grassland developed on periglacial drift deposits is located immediately to the east of the site.

The PEA has identified the broad habitats present and shown these on a Habitat Map as copied below.



The habitat map above shows that the application site is formed mainly by semi-improved neutral grassland which the PEA has assessed to be of low species-diversity and therefore of low biodiversity value. There is a small area of acid grassland adjacent to the western boundary, which the PEA did not consider to be indicative of a Priority Habitat type. To the north there is an area of semi-natural broadleaved woodland, which the PEA has considered to represent a Priority Habitat 'Broadleaved Woodland'. In the northeast corner there is a brick and tile building (former stables) with associated hardstanding and some ancillary buildings to the south.

In relation to species, the PEA considered that the habitats present were potentially suitable to support amphibians, reptiles, badgers, nesting birds, and foraging and commuting bats, with the stable block having 'low' potential to support roosting bats. However, none of these species, or species-groups were confirmed as being present.

Mitigation and enhancement measures within the PEA are summarised as follows:

- any new introduced landscaping onto the site should incorporate a combination of native plants and tree shrubs of local provenance, and non-native species known to be of value for pollinators and other aerial invertebrate to offer a greater food source for locally foraging bats, mammals, avifauna and herpetofauna;
- As a precautionary measure to mitigate the potential to harm single and/or small populations of reptiles and amphibians, during site preparatory works, it is advised that the reptile and amphibian method statement is followed (Appendix V of the report);
- As a precautionary measure, works resulting in disturbances to habitats of potential value to nesting birds should be completed outside the main nesting bird season (March - August inclusive), where practicable. Alternatively, all suitable habitats should be firstly checked by a suitably experienced ecologist in advance. If active nests are found, these must be safeguarded and left undisturbed until all chicks have fledged;
- In view of the suitability of the former stable block to sustain roosting bats, it is advised that this building is subject to a single, nocturnal bat activity survey during the main

bat activity period (May to August, inclusive) should any potential intrusive works be required to the loft space and roof structure. The PEA states "However, it is understood that no significant modifications to this building are proposed;" The planning officer has followed this up with the agent and it has been confirmed in writing that "The conversion of the existing building to an amenity building will not involve any works in the roofspace or any part of the roof structure of the existing building."

- To avoid impacts upon nocturnal bat activity, dark and unlit corridors should be maintained around and across the site, allowing bats to pass through the site unhindered by artificial lighting. Should any artificial lighting be introduced on the site, this should be directed away from potential foraging features, including tree lines, hedgerows and woodland established along the site peripheries. Introduced lighting should be positioned a min of 7m from any such habitats. Mercury or metal halide lamps must also be avoided. The hours of illumination should be restricted to provide a min of 8 hours of darkness per night. Introduced lighting should further comprise a max of 1 lux which is comparable to moonlight conditions;
- All excavations should be covered at night to avoid the accidental trapping of foraging badgers and other terrestrial mammals, such as hedgehogs. It is further advised that pre-works checks for badger activity is completed in advance of any ground penetrating activities;
- Given the lack of suitable habitat, riparian fauna, including otters, water voles and white-clawed crayfish (all protected species) have been scoped out of the assessment.

It is noted that the most ecologically sensitive area is the SSSI to the north of the site and Natural England, the statutory consultee, has commented that based on the plans submitted, the proposed development will not have significant adverse impacts on designated site Besthorpe Warren Site of Special Scientific Interest and will not damage or destroy the interest features for which the site has been notified.

The PEA acknowledges that the Local Wildlife Site to the east of the site is also designated on the basis of its acid grassland characteristics. On the basis that the proposed development does not encroach into this designated area, it can be assumed that as the conclusion reached by Natural England in relation to the SSSI, the proposal will similarly not damage or destroy the interest features for which the site has been designated.

Given the existence of stables on the site, it was likely that it was previously used as a horse paddock, however, it is not clear when the site was last used for this purpose and the grassland has not been managed by grazing animals recently.

Although the survey did not identify any biodiversity constraints on the site that could not be managed through precautionary approaches, it is noted that the survey was undertaken at a sub-optimal time of the year.

The proposal would result in the loss of much of the semi-improved neutral grassland on the site; however the PEA concludes that this is likely to have a low impact on biodiversity due to the sward being relatively species-poor and therefore of low ecological value. To mitigate the low-level loss the PEA recommends habitat creation and enhancement opportunities could be incorporated into the site including new tree and hedgerow planting and creation of

wildflower grassland – these measures would align with other soft landscaping/planting mitigation that has been suggested in previous sections of this report and could be secured by condition.

Given the timing of the PEA survey, it is considered that a precautionary approach should be taken, particularly in relation to the acid grassland which has the potential to possibly be of higher ecological importance than identified by the PEA. As such, the site layout Block Plan has been amended to show the layout of the proposed development avoiding this area completely and resulting in no encroachment. This would protect this area from any disturbance and reduce the likely biodiversity harm to a negligible level. This protection can be conditioned for the lifetime of the development. The Council's Biodiversity and Ecology Officer is content with this precautionary approach.

The woodland habitat is considered below.

It is noted that Policy DM7 states that on sites of local importance, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site. In this case the site itself is not afforded any conservation designation but supports priority habitat (the woodland, and potentially the acid grassland). Impacts on these areas have been mostly mitigated by the scheme layout, to leave relatively minor residual impacts. This result in minor negative impacts that will need to be weighed in the overall planning balance.

Turning now to the potential impact on trees, the applicant was requested to submit an arboricultural survey and impact assessment during the course of the application. The majority of the trees on the site are situated in the northern section of the site, in close proximity to Sand Lane. Following the submission of the tree survey, officers' concerns were raised in relation to a photograph that showed damage to the base of a tree trunk within G3 (adjacent to the northern boundary) and the addition of a metal gate to the existing fence along the Sand Lane boundary, in the north-east corner of the site. As a result of this and in the knowledge that none of the trees on the site were protected in any way, officers considered it was pertinent to seek a provisional preservation order on the larger trees in this northern area of the site. This Order has now been served which protects 6 oaks and 1 silver birch, as shown on the plan below, due to the significant contribution they make to the amenity of Sand Lane. The Tree Report sets out that there would be a requirement to crown raise the tree on the right hand side of the access (protected by the Order) to 4m over the entrance to allow access without damaging the tree. This is acceptable and can be approved as part of this application.





In fact, it is submitted in the PEA that areas of woodland are retained and fully safeguarded throughout all phases of the development. Following advice contained within British Standard 5837 – Trees in Relation to Construction, the PEA acknowledges the need for protective fencing to be installed immediately outside of the Root Protection Areas which should remain in situ during the development works. The PEA goes on to state that Root Protection Areas chiefly represent the full canopy cover of individual trees and should be suitably protected during the development of the site. The PEA also states there must also be no raising or excavating of the ground within these zoned areas.

There is a row of conifers (approx. 24m in length within the site) as well as along the western boundary in the south-west corner of the site that is proposed to be removed and no objection is raised to this. The provision of the visibility splay will also require removal of some smaller planting along the site frontage (but no mature trees), which is regrettable, but which would be compensated for by a new native hedgerow behind the splay.

The other trees that have the potential to be affected by the proposed development is the deciduous woodland to the east of the site and in particular those trees in close proximity to the eastern boundary which have canopies and root protection areas that extend into the application site itself. The Council's Tree and Landscape Officer has stated that unfortunately, the submitted tree survey has not covered this potential impact or the risk that would be created by placing flimsy static caravan structures in close proximity to trees that still have to potential to grow into larger more mature specimens over time, either through branch failure or tree topple.

As a result of the concerns raised by the Council's Tree and Landscape Officer, the proposed site layout Block Plan has been amended to show that the static structures (caravan and day rooms) on the two northernmost plots adjacent to the eastern boundary, have been moved away a minimum of 12.5m from the eastern boundary to provide an adequate distance from trees adjacent to this common boundary.

As a result of the amended layout of the scheme moving development away from the western and eastern boundaries of the site, and subject to a condition requiring a Biodiversity Management Plans to be submitted to safeguard the ecological interest and secure biodiversity mitigation and enhancements, and conditions relating to protection of existing trees/hedgerows during construction, schedule of implementation and maintenance for new planting, the scheme is considered to be acceptable in this regard and would comply with the requirements of Core Policy 5, Core Policy 12 and Policies DM5 and DM7.

### Impact of Flood Risk and Drainage

Criteria 6 of Core Policy 5 states that in the case of any development proposal which raises the issue of flood risk, regard will be had to advice contained within 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 (Climate Change) 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.

Notwithstanding comments that have been received from third parties in relation to flooding concerns, it is noted that the site is within Flood Zone 1 on the Environment Agency flood maps, which means it is at low risk of fluvial flooding. In terms of surface water drainage, all pitches would be served predominantly by areas of permeable ground surfaces (compacted hardcore with gravel or planning surface dressing) and as such, surface water will discharge to soakaways and are unlikely to result in any unacceptable impact on the site or neighbouring sites over and above the existing scenario. The proposed site plan also includes a communal drainage system to a package treatment plant discharging to ground via a drainage field.

In relation to proposed foul drainage, paragraph 020 of the Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications) states that when considering wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer. Where this is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered, which may be adopted in due course by the sewerage company. Septic tanks should only be considered if it can be demonstrated that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible. The agent has explained that there are no public sewers on Sand Lane and although there are assumed to be mains drainage in Besthorpe, the distances involved would exceed the 30m x unit number calculator set out in the Foul Drainage Assessment Calculator. The Environment Agency grant permits for such installations and have requested an informative be attached to any permission granted.

This approach is considered to be acceptable and would not result in an increase in flood risk to site users or third parties in accordance with Core Policy 5, Core Policy 10 and Policy DM5.

### Personal Circumstances

It has been confirmed that four of the proposed plots would be occupied by:-

- One single gentleman with a health condition;
- One gentleman with his partner;
- One gentleman with his partner;
- One gentleman with his partner and three children (aged 6, 10 and 11).

Annex 1 of the PPTS 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.”

However, this has recently been the subject of a court judgement which held that in that particular case, a decision made by a Planning Inspector was discriminatory and with no legitimate aim by excluding travellers who have ceased to travel permanently from the occupation of the site through the imposition of the definition set out in PPTS 2015. As a result of this, and as set out in the appeal decision on the site at Spalford, it is considered the above definition should be amended for the purposes of a planning condition so as not to exclude travellers who have ceased to travel. As such the above definition has been amended to insert the following words after temporarily “or permanently,” as set out in Condition 16 in Section 10.0 below.

Information has been received in relation to the proposed occupiers of 4 of the proposed pitches and the agent has confirmed they, and all occupiers, fall within the definition set out within Annex 1 of PPTS. The imposition of a suitably worded condition would ensure that the occupiers of the 4 other pitches, together with all future occupiers of all the pitches would have to meet the definition set out in Condition 16. The personal needs of two of the known families above require a settled base to ensure the children can attend school and on health grounds.

Officers are aware of relevant case law regarding the Human Rights of Gypsies and Travellers set out in the Rafferty and Jones V SSCLG and North Somerset Council 2009. 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 therefore needs to be attached to the personal circumstances of the proposed occupiers of the site, particularly the benefits associated with schooling arrangements for the children and considerations on health grounds that a permanent base would provide.

### Other Matters

A number of local residents have raised concerns that the site had been used for the storage of mustard gas and ammunitions from the Second World War. As a result, the Local Authority felt that it was their duty to ensure that the site could reasonably be occupied for residential purposes without unnecessary risk to future occupiers. The application has therefore been supported by requested reports demonstrating investigations on the site, including a Phase 1 Environmental Assessment Report by GDP and an Unexploded Ordnance Report by Brimstone. The Council's Contaminated Land Officer has commented that on the basis of the report from Brimstone, the risk from Unexploded Ordnance on the site is as low as reasonably practicable and has been assessed by persons qualified to make that judgement. No further contamination investigations are required, however, as with all agricultural land, there is potential for things such as asbestos or waste to have been buried and so it is recommended that a condition be imposed to set out what is required if any contamination is found on the site at any time. In line with Policy DM10: Pollution and Hazardous Materials, officers are satisfied that this concern has been sufficiently investigated to reduce any risk of danger to a minimum, subject to the imposition of a precautionary condition.

Concerns have also been raised in relation to the number and dominance of caravan development in this area. Cumulative harm of developments on a local area is a material consideration. However, Officers do not consider there to be any 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. In this case the principle of development has been found to be acceptable and the positive contribution of 8 pitches (when the Council has such a significant unmet need) is a significant benefit, and one which should be afforded significant weight as part of the overall planning balance.

### **8.0 Implications**

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

### **9.0 Planning Balance and Conclusion**

The Gypsy and Traveller Accommodation Assessment undertaken in 2019 has identified a significant unmet need for gypsy and traveller pitches. Subject to being appropriately controlled through condition, this application would represent a contribution towards supply which, in the absence of the availability of alternative sites and emerging site allocations

which cannot yet be given meaningful weight, this contribution to supply should be afforded considerable positive weight in the overall planning balance. The proposal provides 8 pitches which would contribute to the significant unmet need and contribute towards a five-year land supply. Given the current level of need, any positive contribution is a benefit, and one which should be afforded significant positive weight in the balance.

An approval would provide a settled base that would facilitate access to education and medical facilities to 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 those factors also attract significant weight in favour of the development.

No harm has been identified in relation to the relative sustainability of the site, the impact on heritage assets, residential amenity, flood risk, highway safety and trees which are therefore neutral in the overall planning balance. However, moderate harm has been identified to the rural appearance and landscape character of the area given the loss of the green field and the impact of a loss of some smaller planting along the road frontage. Furthermore, some residual harm has been identified in relation to impacts on biodiversity which also weighs negatively to a minor extent. However, with the proposed additional planting along the western and northern boundaries and new planting within the site, the landscape and visual harm would be tempered and softened to a certain extent, although not necessarily removed altogether. Even with mitigation (already obtained in the site layout and enhancements that can be secured by condition), the acknowledged residual ecology harm represents a minor negative weighting in the planning balance.

Overall, weighing all these competing considerations in the overall planning balance, it is considered that the wider benefits of the proposal, which would contribute towards the significant unmet need for gypsy and travellers pitches as well as contributing to a 5 year land supply within the District carries significant positive weight which is considered to outweigh the minor landscape and ecology harm identified. As such a recommendation of approval is recommended, subject to the conditions set out below.

## **10.0 Conditions**

01

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

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

02

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

- Site Location Plan (Drawing No: MSP.1901 001)
- Proposed Block Plan (Drawing No: MSP.1910 002 Rev J)
- Visibility Splays (Drawing No: 001A)

Reason: So as to define this permission.

03

Prior to commencement of the development, scaled floor plans, all elevations and all external materials of the proposed day rooms shall be submitted to and approved in writing by the Local Planning Authority. All day rooms on the site shall accord with the approved details.

Reason: In the interests of visual amenities of the area and the character of the surrounding countryside.

04

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 details shall ensure dark and unlit corridors are maintained around and across the site and be directed away from potential foraging features, including tree lines, hedgerows and woodland established along the site peripheries. Mercury or metal halide lamps shall be avoided and luminance levels shall be a maximum of 1 lux. 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 location.

05

No development shall take place until a schedule of landscape maintenance for a minimum period of 7 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason: In the interests of visual and biodiversity.

06

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 seven 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 before or 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.

07

No part of the development shall be brought into use until details of the means of enclosure around the Communal Bin Area shown on Proposed Block Plan (Drawing No: MSP.1910 002 Rev J) have been submitted to and approved in writing by the Local Planning Authority. The approved Bin area shall be installed prior to commencement of the approved use and retained thereafter.

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

08

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority.

The content of the BMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. If appropriate, an annual work schedule covering a 5 year period (with the view that the management proposals would be reviewed every 5 years);
- e. Identification of who will be responsible for implementing the BMP; and
- f. A schedule for monitoring the implementation and success of the BMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition.

The approved BMP shall then be implemented in accordance with the approved details therein.

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

09

No part of the development hereby permitted shall commence until the detailed design of the site access arrangements, based on the layout illustrated on Mike Siphthorp Planning Drawing No MSP.1910 002J, has been submitted to and approved in writing by the Local

Planning Authority. The site access shall then be completed in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of highway safety.

010

The implementation of the scheme shall accord with the submitted document entitled BS5837 - Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at Sand Lane, Besthorpe by East Midlands Tree Surveys Ltd, but as amended by the Block Plan Drawing No MSP.1910 002J. The protection measures shall be retained during the development of the site.

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

011

During the construction period 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 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.

012

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the details set out within Parts A – C below, and where remediation is



necessary, a remediation scheme must be prepared in accordance with the requirements set out below, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the below procedures.

#### Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination.

(ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- adjoining land;
- ground waters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safe without unacceptable risks to workers, neighbours and other offsite receptors.

013

No more than 1 static caravan and 2 touring 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 Development Plan Document (July 2013).

014

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 Development Plan Document (July 2013).

015

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 Development Plan Document (July 2013).

016

The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: To ensure that the site is retained for use by gypsies and travellers only in order to contribute towards the Local Planning Authority's 5-year housing supply.

### Informatives

01

The applicant should be aware that a Provisional Tree Preservation Order has been served on 7 trees in the northern part of the site (6 oak and 1 silver birch) under reference 23/00018/TPO. Please contact Newark and Sherwood District Council if further details are required. Any unauthorised works to these trees would constitute a criminal offence.

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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

03

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

04

The Council must issue licenses for sites to be operated as a recognised caravan, mobile home or park home site. This is to ensure proper health, safety and welfare standards are maintained. A caravan site includes anywhere a caravan (including mobile or 'park' home) is situated and occupied for human habitation including on a permanent, touring or holiday basis. Further information is available by contacting the Environmental Health and Licensing Team at the Council on 01636 650000, or by visiting the Council's website at <https://www.newark-sherwooddc.gov.uk/caravansitelicence/>

05

As the work to improve the site access will be necessary within the highway, the applicant will need to liaise with the Highways Area Office prior to commencement of works.

06

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 Permitted 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 the EA will carry out an assessment. It can take up to 4 months before the EA 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 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 the EA decide whether to vary a permit.

#### BACKGROUND PAPERS

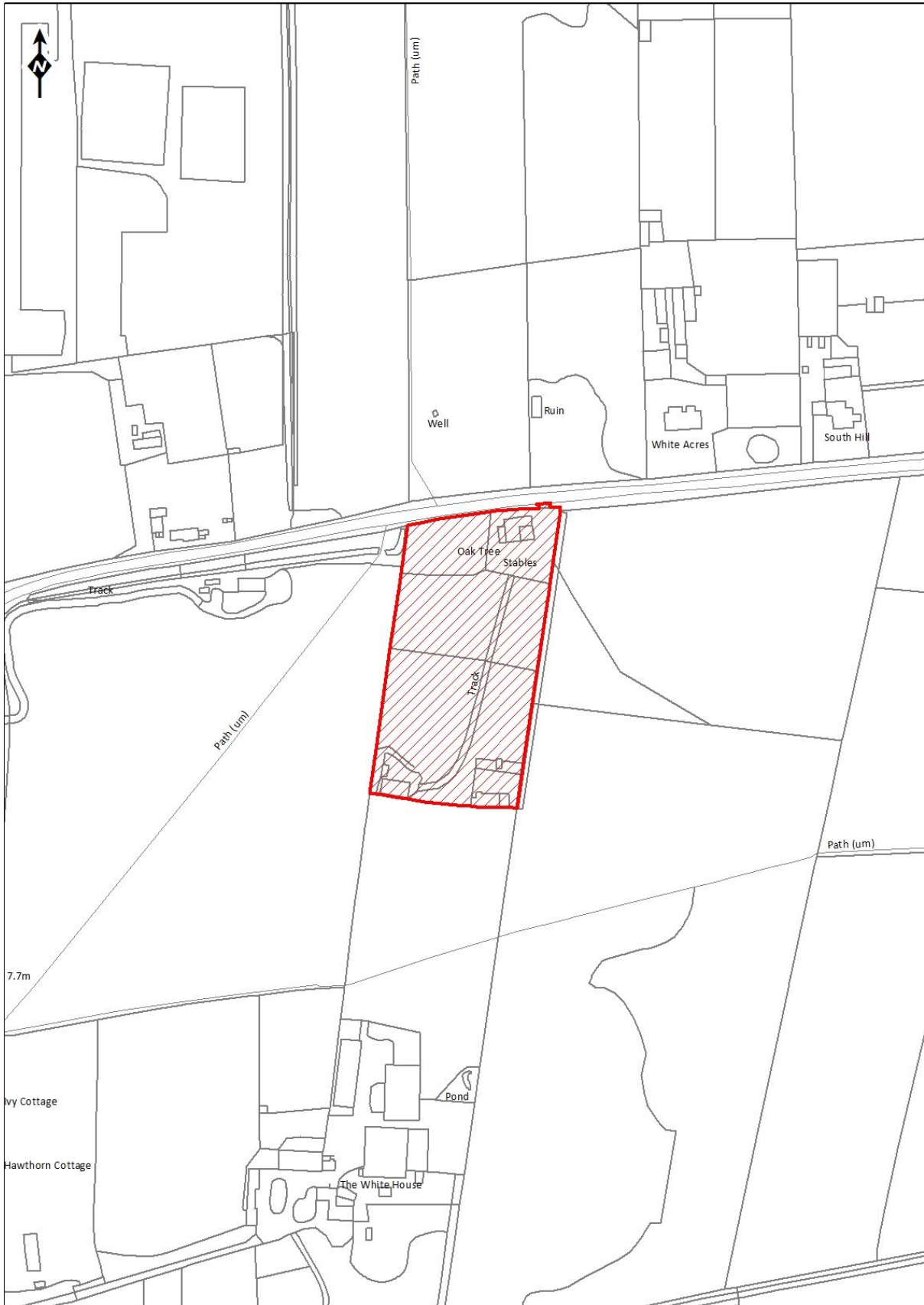
Application case file.

21/02528/FUL – Application and appeal decision at Shady Oaks, Eagle Road, Spalford.

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

Case Law on discrimination of definition of Gypsy and Traveller in PPTS 2015

<https://caselaw.nationalarchives.gov.uk/ewca/civ/2022/1391>



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, 01636 655827

Report Summary			
<b>Application Number</b>	22/00976/FULM		
<b>Proposal</b>	Construction of a solar farm, access and all associated works, equipment and necessary infrastructure.		
<b>Location</b>	Field Reference Number 2227, Hockerton Road, Caunton (Muskham Wood)		
<b>Applicant</b>	Muskham Solar Limited	<b>Agent</b>	Pegasus Planning Group Ltd - Emma Ridley
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/00976/FULM">22/00976/FULM   Proposed solar development, access and associated works.   Field Reference Number 2227 Hockerton Road Caunton (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	01.06.2022	<b>Target Date</b>	31.08.2022
		<b>Extension To</b>	17.11.2023
<b>Recommendation</b>	That Planning Permission is APPROVED subject to conditions and securing a S106 agreement as set out at Section 10.0.		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as South Muskham and Little Carlton Parish Council has objected to the application which differs to the professional officer recommendation. Cllr S Saddington has also requested the Application is presented to Planning Committee due to concerns relating to:

- Highways Safety
- Landscape Character and Visual Impact
- Cumulative Impact

## 1.0 The Site

The application site comprises approximately 69 Ha of agricultural land located in a rural area between the settlements of Hockerton, Caunton, Bathley and Averham/Kelham. Given the isolated nature of the site it falls to be designated as Open Countryside. The site is located on

agricultural land and to the north-west and west are a number of large-scale poultry units. Muskham Wood, which is regarded as a Local Wildlife Site, is located to the south of the site with agricultural fields on all other sides.

The site itself forms part of a larger agricultural holding and contains mature hedgerow and/or trees along many of its boundaries. An electricity pylon and 2 wind turbines can be seen in the distance to the east. The topography of the land appears to rise in gradient with a high point along the centre. Muskham Woodhouse Farm buildings (regarded as non-designated heritage assets) can be seen on raised land to the east of the site.

Two public footpaths cross through the site. Footpath South Muskham FP5 follows a broadly north-south alignment starting from the eastern edge of Muskham Wood and running between the southern field and the two eastern fields and passing outside of the site along the eastern boundary. Footpath South Muskham FP6 follows an east-west alignment from the Poultry Farm, through the site, crossing FP5 and onwards to properties to the east.

The site lies within Flood Zone 1 as defined by the Environment Agency, which means it is at low risk of main river flooding and Caunton Airfield is located adjacent to the north of the site. Views into the site are achievable from the highway (Hockerton Road) at various points due to gaps within the hedgerows.

## **2.0 Relevant Planning History**

**Site to the North, Knapthorpe Lodge 22/00975/FULM** - Proposed solar development, access and associated works – Pending Consideration at this Planning Committee.

**Land at Foxholes Farm, Bathley Lane, North Muskham - 22/01983/FULM** – Construction of Solar farm with associated works, equipment and necessary infrastructure – Pending Consideration.

**20/SCR/00006** - Request for screening opinion for a proposed solar installation (for the developments cumulatively and individually) – EIA not required.

**14/01414/FUL** - Erection of a Steel Portal Frames Building with Composite cladding designed to house a BioMass boiler and fuel store for burning on site poultry litter to heat the site – permission 02.10.2014

**01/01444/RMA** - Erection of two agricultural workers' dwellings to serve proposed poultry rearing unit – permission 18.10.2001

**00/01799/OUT** - Erection of two agricultural workers dwellings to serve proposed poultry rearing unit – permission 02.08.2001

**00/01615/FUL** - Erection of 12 poultry rearing houses and feed hoppers, generator building with store and staff facilities. Installation of ancillary works, surface water attenuation pond and new access – permission 26.02.2001

## **3.0 The Proposal**

The application seeks planning permission to construct a 49.9MW solar farm on approximately 69Ha of land (albeit the actual land take of the development would be 59.7Ha as not all land within the site area would have panels or ancillary development sited on it). The solar farm would be a temporary use of the land as the equipment would be removed and the land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid.

The solar farm would comprise solar panels arranged on a metal framework supported by pile driven foundations, laid out in rows across the site in east-west orientation facing south to form tables (“arrays”), without the need for concrete foundations. The maximum height at the rear of the tables would be 4m. The panels are designed to move and track the movement of the sun across the day, increasing their efficiency and are proposed to be spaced to avoid any shadowing effect from one panel to another with topography dictating exact row spacing. There would be at least 0.8 m between the bottom of the panels and the ground. The panels would be dark blue or black.

The site would be enclosed by c.2.4m high mesh fencing with pole mounted CCTV cameras at 2.6m in height positioned inside and around the site in order to provide security.

The 49.9MW proposal would provide electricity equivalent to the average electrical needs of 15,400 typical UK homes (approx.) annually and assist towards reducing CO<sup>2</sup> emissions saving approx. 20,690t of CO<sup>2</sup> per annum. Based on similar projects, construction is expected to take place over approximately 6 months (up to 26 weeks).

Supporting infrastructure includes:

- Low voltage switchgear cabinet;
- High voltage transformer and DNO substation;
- Boundary fencing (deer fencing mounted on timber posts) around the edge of the site, with access gates into the site;
- Associated access tracks connecting transformer and switchgear substations; and
- A pole mounted CCTV system located at strategic points around the site.

Access to the site would be off an existing access to the east of Hockerton Road which passes to the north of the Poultry Farm and into the site. The site access would serve the entire site and would be connected to a network of internal roads within the site. Existing public rights of way are proposed to be retained in their existing locations, enclosed with perimeter fencing with a 10m off set either side (20m corridor).

Landscaping mitigation proposals include:

- 35m wide native structural planting buffer along the eastern boundary of the southern portion of the site (either side of FP6);
- Retention, protection and enhancement, where appropriate, of existing trees and hedgerows, using native tree and hedgerow species;
- Provision of new native infill planting where gaps are present in the existing field boundary hedgerows, including unused field access points, to define site boundaries and provide additional visual enclosure;



- Provision of new native hedgerows to define field boundaries where none are present, or have been lost over time;
- Provision of new hedgerow tree planting, where appropriate, to break up the massing of the proposed development and filter views from neighbouring areas;
- Existing and proposed native hedgerows managed to a height of 3m or over to enhance visual enclosure; and
- Ongoing management of all new planting during the lifetime of the solar farm.

Documents assessed in this appraisal:

- Application Form
- Planning Design and Access Statement (deposited 18 May 2022)
- Heritage Statement (deposited 18 May 2022)
- Glint and Glare Assessment (deposited 18 May 2022)
- Memorandum report (deposited 05 January 2023)
- Flood Risk Assessment and Surface Water Drainage Strategy (deposited 18 May 2022)
- Construction Traffic Management Plan (deposited 18 May 2022)
- Agricultural Land Classification, Soil Resource Assessment (deposited 18 May 2022)
- Statement of Community Involvement (deposited 23 June 2022)
- Preliminary Ecological Appraisal (deposited 01 June 2022)
- Noise Impact Assessment (deposited 15 June 2022)
- Landscape and Visual Impact Assessment (deposited 15 June 2022)
- Arboricultural Assessment (deposited 01 June 2022)
- Letter from Agent – NSIP Consideration (deposited 25 July 2022)
- Letter from Agent – LVIA Rebuttal (deposited 19 October 2022)
- Geophysical Survey Report (deposited 05 January 2023)
- Ecological Impact Assessment (deposited 05 January 2023)
- Planning Addendum Additional Information (deposited 05 January 2023)
- Transport Technical Note (deposited 03 July 2023)
- Distances Between Residential Properties and Nearest Panels (deposited 03 July 2023)
- Heritage Addendum (deposited 03 July 2023)
- Biodiversity Management Plan Rev 1 (deposited 03 July 2023)
- Cover Letter (deposited 03 July 2023)
- Arboricultural Impact Assessment Report (deposited 03 July 2023)
- Biodiversity Metric (deposited 21 August 2023)
- Agent Supporting Email 21 August 2023
- Memorandum Report [Glint & Glare] (deposited 14 September 2023)
- Archaeological Evaluation Interim Report (deposited 22 September 2023)

Plans:

- Site Location Plan – Ref. P21-1380.001 Rev. D
- Layout Plan – Ref. P21-1380.002 Rev. I
- Landscape & Ecological Masterplan – Ref. P21-1380.003 Rev. H
- Typical Panel Elevations – Ref. P21-1380.101
- Typical Client and DNO Substation Detail – Ref. P21-1380.102
- Typical Inverter Detail – Ref. P21-1380.103
- Typical CCTV, Post and Security Speaker Details – Ref. P21-1380.104
- Typical Fence detail – Ref. P21-1380.105
- Typical Access Track Detail – Ref. P21-1380.106

- Additional Viewpoint Locations – Ref. P21-1380-EN-100
- Compound Area Plan – Ref. P21-1380.004
- Analysis of Existing Vegetation – Ref. P21-1380.005
- Composite Layout Plan Showing Both Schemes – Ref. P21 13801 006 Rev. C
- Cable Routing Plan
- Proposed Skylark Plots – Ref. P21-1380. 100 Rev. A

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 23 properties have been individually notified by letter. Site notices have also been displayed around the site and an advert has been placed in the local press.

Site Visit undertaken on: 10.06.2022 and 27.03.2023

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Amended Core Strategy DPD (2019) (ACS)**

Spatial Policy 3 – Rural Areas  
 Spatial Policy 7 – Sustainable Transport  
 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

##### **Allocations & Development Management DPD (2013) (ADMDDP)**

Policy DM4 Renewable and Low Carbon Energy Generation  
 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 (NPPF) 2023
- National Planning Practice Guidance (on-line resource)
- Landscape Character Assessment SPD (Adopted December 2013)
- The Climate Change Act 2008
- UK Government Solar Strategy 2014
- EN-1: Overarching National Policy Statement for Energy (July 2011);
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)
- Written Ministerial Statement on Solar Energy: protecting the local and global environment made on 25 March 2015
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change (October

2021)

- Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 Consultations**

*NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.*

### **(a) Statutory Consultations**

**Natural England** – No objection - The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Environment Agency** – No objection.

**NCC Lead Local Flood Authority** – No objection subject to a condition relating to the submission of a detailed surface water drainage scheme based on the Flood Risk Assessment (FRA).

**Historic England** – No comments to make.

**NCC Highway Authority** – No objection subject to conditions.

**Ministry of Defence** – No safeguarding objection.

**National Air Traffic Services** – No safeguarding objection.

### **(b) Town/Parish Council**

**Little Carlton and South Muskham Parish Council (Host)** – Object – Concerns raised:

- Concerns regarding the visual impact of the development
- Concerns regarding the loss of Grade 3 agricultural land
- Concerns regarding the impact on the PRoW and users
- Glint and glare has not been satisfactorily addressed as the panels are moveable and would follow the sun during the day. This would impact adjacent properties through glare
- The sun tracking of the panels will create noise nuisance
- Concerns regarding heavy construction traffic and the impact on adjacent roads
- Concerns regarding the impact on local people's health and wellbeing due to the loss of countryside vista and access
- Concerns regarding the ecological impact due to fencing the site in and restricting wildlife access
- Concerns that the impact on the adjacent airfield has not been properly considered and the potential economic impact if this is forced to close due to glint and glare
- Concerns regarding the cumulative impact on the area
- Insufficient local engagement has been undertaken, other than a flyer drop.
- Concerns that water supplies to existing properties could be damaged and queries over long term maintenance

- Concerns about discrepancies and misrepresentation in the documents
- Concerns about archaeological impact

**Caunton Parish Council (Host)** – No comments received.

**Winkburn Parish Council** – No comments received.

**(c) Representations/Non-Statutory Consultation**

**Caunton Airfield** – No comments received.

**NSDC Conservation Officer** – No objection – The panels would be at least 50m from the scheduled monument which will help mitigate the visual impact of the development. However, defer to Historic England for an assessment.

**NSDC Archaeological Advisor** – No objection subject to conditions.

**NSDC Environmental Health** – No objection subject to a condition relating to the plant noise limits specified in the noise assessment.

**NCC Ecology** – No comments received.

**Nottinghamshire Wildlife Trust** – No objection subject to conditions relating to precautionary best practice and mitigation measures.

**NSDC Biodiversity and Ecology Officer** – No objection subject to conditions.

**NSDC Trees and Landscape Officer** - No objection - Comments relate to the requirement for an offset from the Ancient Woodland, requirement for screening of the PRoW and appropriate landscape planting.

**NCC Rights of Way** – No objection – informative notes advised.

**Ramblers Association** – Object given the width of the PRoW corridor is not defined, nor is there any proposed planting to screen the fencing and create a green lane for the benefit of walkers and wildlife.

**NCC Planning Policy** – No objection.

**Campaign to Protect Rural England Nottinghamshire** – Object – Concerns raised:

- Concerns that the plans have not been developed with the local community and are not supported by local people.
- The development would take agricultural land out of production for 40 years at a time when the UK needs to become more self-sufficient in food for food security and climate reasons.
- The landscape impact would be significant and would not be mitigated.
- The applications are contrary to the development plan policies DM4 and DM5.

**Comments have been received from 9 third parties/local residents that can be summarised as follows:**

**Visual, Character and Heritage Impact:**

- Concerns regarding the visual impact on the countryside.
- Concerns about the heritage impact.
- Concerns that the impact assessment has not considered properties in closest proximity to the site.
- Concerns that the geophysical survey has not been conducted on the entire site due to fields containing crops.
- Concerns that the landscape and visual impact assessment has not been carried out correctly and does not consider the impact on the closest residential receptors.
- Concerns that the Glint and Glare assessment has not been carried out from closest neighbouring properties.
- Dispute of the conclusions from the Glint and Glare report, it is considered that Wheaten House is significantly elevated from the site and the impact will be major-adverse.
- Concerns that the Archaeological Trial Trenching has not been undertaken correctly.

**Agricultural Land:**

- The need for greener energy is important but we must consider the impact of the loss of agricultural fields and land that is classed as best and most versatile agricultural land.
- The site is not appropriate as the agricultural land grade is good.

**Sustainability:**

- Whilst solar panels are recyclable, they are expensive to recycle and there is not an effective way of disposing of them cost effectively at this time which is not environmentally friendly if they are put to landfill.

**Amenity:**

- Concerns about the noise impact of the development on sensitive receptors.
- Concerns about the impact through glint and glare on nearby properties and roads.
- Impact on children occupying nearby houses.

**Ecology:**

- Skylarks nest within the field and would be disturbed as part of the proposals.
- The site is home to various species such as roe deer, fallow deer, hares, buzzards, red kites, adders, grass snakes and wetland mammals.
- Muskham Wood which borders this development is an ancient woodland and provides habitats for many species.

**Highways:**

- The local road system is made up of single carriage farm lanes, whilst the report acknowledges HGVs will be using them there is no mention of making good any additional road damage that may occur.
- Concerns about the impact of fencing off footpaths and the enjoyment of these routes through the site.

- Concerns that the Glint and Glare study has not adequately considered local highway infrastructure/lanes.

Other:

- Concerns that the Glint and Glare assessment shows adverse impacts on the local airfield.
- Concerns about the credibility of the reports and their conclusions.
- Wheaten House is incorrectly referred to as Muskham Woodhouse Farm.
- Concerns about the ongoing maintenance of the solar farm.
- The development is just to create more money for the landowner at the expense of residents.
- Concerns regarding the lack of/inadequate community engagement prior to submission.
- Concerns that this application and the Knapthorpe Grange application cumulatively should be considered as nationally significant infrastructure projects (NSIP).
- Concerns about the impact on local water supplies, drainage infrastructure and ongoing maintenance.
- Concerns that other land in the vicinity will be developed for similar uses in the future.
- Concerns about the physical and mental health implications of the proposal.
- Concerns about fire risk.
- Concerns that the soil assessment shows the land has agricultural value and the report omits the fact that spring barley as well as Oil seed rape is grown on the site.
- Concerns that the CCTV poles would infringe people's privacy.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Procedural Matters
2. Principle of Development
3. Loss of Agricultural Land/Alternative Sites
4. Landscape Character and Visual Impacts
  - a. Landscape Effects
  - b. Landscape Character
  - c. Visual Impact
  - d. Cumulative Effects
  - e. Glint and Glare
5. Impact upon Heritage (including Archaeology)
6. Impact upon Public Rights of Way
7. Impact upon Highway Safety
8. Impact upon Flood Risk
9. Impact upon Ecology
  - a. Trees
  - b. Biodiversity Net Gain
10. Impact upon Residential Amenity
11. Other Matters
  - a. Length of Temporary Consent
  - b. Public Consultation

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

### Procedural Matters

It is noted that there is a concurrent application for a 49.9MW solar farm and associated infrastructure that has been submitted on c. 76.5Ha of land directly to the north and north-west of this application site (ref. 22/00975/FULM, hereby referred to as the Knapworth Grange Site). If both this Muskham Wood and the Knapworth Grange proposals were considered as a single application, then it would qualify as a Nationally Significant Infrastructure Project (NSIP) requiring a Development Consent Order (as it would exceed the 50MW threshold) and would be decided by the Secretary of State. In light of this and given the close proximity of the application sites and the fact that the applications have been submitted simultaneously, advice has been sought from the Planning Inspectorate (PINS) and the Council's Legal Officer as to whether the Council is the correct determining authority for these applications.

The advice received from PINS did not purport to give legal advice and explained that only the Courts could provide a definitive interpretation of legislation – at that point, as far as PINS were aware, there had been no case law on this point under the Planning Act 2008 (PA 2008) regime. However, to assist the Council in coming to its decision on whether it is the correct determining authority, PINS provided a series of questions to put to the Applicant to ascertain whether the Sites could be considered as different generating stations.

Firstly, the Applicant states that the sites would be owned by separate entities – in this case the owners of the sites are different legal entities, however further investigation does show that both Muskham Solar Limited<sup>1</sup> and Knapthorpe Solar Limited<sup>2</sup> have the same registered offices, the same 'Person of Significant Control' which is Staythorpe Power Limited and the same two directors. This does raise the question as to how entirely separate the entities are, however for legal purposes the two companies are separate.

The Applicant also asserts in their submissions that the Solar Farms on the two sites would operate entirely independently of each other and would be separate generating stations. They state that each of the solar farms would have a separate grid connection comprising one export cable per project to separate connection bays at a new collection point. The connection is proposed to the transmission network, rather than the distribution network,

---

<sup>1</sup> [MUSKHAM SOLAR LIMITED people - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://www.gov.uk/company-information-service/people/muskham-solar-limited)

<sup>2</sup> [KNAPTHORPE SOLAR LIMITED overview - Find and update company information - GOV.UK \(company-information.service.gov.uk\)](https://www.gov.uk/company-information-service/overview/knapthorpe-solar-limited)

and so there would be no Distribution Network Operator (DNO) involvement. The Applicant has explained that there are agreements with the National Grid in place, providing capacity for each solar farm to operate unconstrained. However, in the event of any constraints on capacity, a grid sharing agreement would have to be entered into between the projects to regulate the use of the grid connection. In this respect, a recent judgement<sup>3</sup> for two solar farms considered the sharing of infrastructure and whether this factor would trigger simultaneous applications to be considered as NSIPs and concluded that the sharing of cabling and a common substation between two solar farms which were one mile apart was insufficient to mean that they constituted a single generating station.

PINS advised that another important consideration would be whether the developments are considered to require an Environmental Impact Assessment (EIA). A detailed assessment of this application both individually and cumulatively with the Knapworth Grange scheme will follow in the appraisal, however ultimately, having reviewed the nature and magnitude of likely impacts upon the environment, it is considered that the developments would be unlikely to have *significant effects* on the environment of any more than local importance. It is therefore not considered that these proposals require an EIA.

In terms of the construction and maintenance the Applicant has advised that the sites are unlikely to be constructed simultaneously with movements to and from the site(s) being controlled by the final Construction Traffic Management Plan (CTMP). Given the scale of the construction operation it is anticipated that the construction phases will be undertaken separately from one another with separate connection infrastructure.

Essentially the Applicant asserts that neither solar farm is dependent on the other solar farm, and each are capable of being consented and constructed separately. They do not form part of the same substantial development, would not form one singular generating station, and they are not dependent on one another. The Council's Legal Officer has therefore concluded that each application can be determined separately, by NSDC, under the Town and Country Planning Act 1990 on the basis that the two solar farms are separate applications, do not share infrastructure and would be wholly independent of each other.

### Principle of Development

The site is located within the open countryside. Policy DM8 (Development in the Open Countryside) of the ADMDPD is silent on the appropriateness of renewable energy in the open countryside. However, the District Council's commitment to tackling climate change is set out in Core Policy 10 (Climate Change). This provides that we will encourage the provision of renewable and low carbon energy generation within new development. Policy DM4 (Renewable and Low Carbon Energy Generation) provides that permission shall be granted for renewable energy generation schemes unless there are adverse impacts that outweigh the benefits. This approach is also echoed by the NPPF which states that *'when determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable'*.

---

<sup>3</sup> [Sheraton-Judgment-final-for-hand-down\\_cover-page.pdf \(cornerstonebarristers.com\)](#)



In determining this application, it is necessary to balance the strong policy presumption in favour of applications for renewable technologies against the site-specific impacts. The wider environmental and economic benefits of the proposal are also a material consideration to be given significant weight in this decision. Site-specific considerations including further consideration of Paragraph 13 (Reference ID: 5-013-20150327) of the National Planning Practice Guidance (NPPG) which outlines a number of factors which local planning authorities need to consider in the assessment of large-scale ground-mounted solar farms, are set out below.

#### Loss of Agricultural Land/Alternative Sites

Policy DM8 states that *'proposals resulting in the loss of the most versatile areas of agricultural land, will be required to demonstrate a sequential approach to site selection and demonstrate environmental or community benefits that outweigh the land loss'*.

The Planning Practice Guidance outlines a number of factors which local planning authorities will need to consider in the assessment of large-scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays. The Written Ministerial Statement of 25 March 2015 also relates to the unjustified use of agricultural land and expects any proposal for a solar farm involving the best and most versatile agricultural land (BMV) to be justified by the most compelling evidence. This approach is also reflected in the NPPF, which suggests that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

It is recognised that agricultural land is an important natural resource and how it is used is vital to sustainable development. The Agricultural Land Classification system classifies land into 5 grades, with Grade 3 subdivided into sub-grades 3a and 3b. The NPPF defines BMV land as Grades 1, 2 and 3a as land which is most flexible, productive and efficient in response to inputs, and which can best deliver food and non-food crops for future generations. Sub-grade 3b is then described as *"moderate quality agricultural land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass harvested over most of the year"*.

The application has been supported by an Agricultural Land Classification (ALC) report undertaken by qualified experts in this field. The report concludes that the site comprises 4 agricultural enclosures in arable use (growing oil seed rape under sown with a grass cover crop at the time of the survey), all of which has been graded as being of Grade 3b quality (69.59Ha), thus not constituting BMV agricultural land. The survey concludes that the development will require agricultural land to be removed from arable production but will not preclude use of the land for grazing of smaller animals and/or poultry, grass cutting for conservation nor establishment of a biodiversity or pollination area for the duration of the

scheme. Impacted land will remain capable of maintaining a basic agricultural function that can be sympathetically managed for the lifetime of the development.

It is however recommended that a land and soil management plan be formulated and implemented for the duration of the scheme and for a minimum of five years after decommissioning to ensure that the land/vegetation is managed in a sympathetic manner leading to suitable soil profiles and healthy plant growth in the longer term.

Natural England is a statutory consultee on development that would lead to the loss of over 20ha of BMV agricultural land, however, as the entire site is classified as 3b the proposal would not have significant adverse impacts on BMV agricultural land and it is noted that Natural England have raised no objection to the proposal. However, it is still necessary to consider whether the proposal represents effective use of land in line with the abovementioned PPG which encourages the siting of large-scale solar farms on previously developed and non-agricultural land.

The applicant has provided reasons for selecting this site within the Planning Addendum (dated December 2022). This explains why the application site was selected based on issues around technical suitability and capacity, grid connection feasibility, site availability and planning constraints. The fundamental reason for selecting this site is because this locality was identified as an area with grid capacity availability and a viable connection point to the network. Evidence has also been supplied during the course of this application to demonstrate the proposed connection point and how this could be completed under Electricity Undertakings Permitted development. Given the significant land take involved, Officers are not aware of any alternative brownfield sites that could accommodate the scale of development proposed that could be utilised in order to access this connection point in the vicinity. Overall, it is therefore considered that the reasons why the site has been selected in principle are acceptable.

Furthermore, Officers are mindful that the proposal would not lead to significant long-term loss of agricultural land as a resource for future generations, given the solar farm would be in situ for a temporary period. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur. Although some components of the development, such as construction of the sub-station and other buildings, may permanently affect agricultural land, this would be limited to small areas. Officers are also mindful that it is proposed that the land between the rows of solar panels would be grassland which could be used for grazing (which would allow for continued agricultural use as supported by PPG) and could improve the land/soil quality long-term.

The proposal would provide electricity equivalent to the average electrical needs of approx. 15,400 typical UK homes annually and assistance towards reducing CO<sub>2</sub> emissions. As such, this would result in a substantial benefit of the scheme in terms of renewable energy production. The NPPF supports renewable and low carbon development, with Paragraph 158 stating that authorities should approve such applications if the impacts can be made acceptable. Overall, it is therefore considered that it would be difficult to justify refusal solely on the grounds that the proposal would be on agricultural land in this instance as the proposal is considered to comply with the aims of national planning policy in this regard.

#### Landscape Character and Visual Impacts

Core Policy 9 (Sustainable Design) states that new development should 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 (Landscape Character) requires the landscape character of the surrounding area to be conserved and created.

Paragraph 174 of the NPPF states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'*

To support this application a Landscape and Visual Impact Assessment (LVIA) has been submitted to identify and assess the likely significance of the landscape and visual effects of the proposed development on the surrounding area. For clarity, landscape impact is the effect of a proposed development on the fabric, character and quality of the landscape and concerns the degree to which a proposed development will become a significant or defining characteristic of the landscape. Visual impacts concern the degree to which the proposed development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. An assessment of these elements will now be taken in turn.

### *Landscape Effects*

The LVIA includes a detailed assessment of each landscape feature and elements that may be impacted by the proposal – in summary the development would result in:

- A minor adverse effect on on-site topography;
- No discernible effect on on-site water features;
- A moderate adverse effect on land use within the Site;
- A major adverse effect on the character of the PRowS which cross the Site; and
- A moderate beneficial effect on on-site vegetation (hedgerows, trees and cropped vegetation).

In respect of the major adverse effect identified on the PRow - there are two footpaths which cross the site – the nature and character of these routes is of countryside routes crossing arable farmland, albeit in the context of existing poultry production units to the west and with wind turbines visible to the east. The susceptibility of the character of these routes to development of the type proposed is high as the installation of solar arrays close to the routes would alter that character from crossing arable farmland to passing through relatively low-level renewable energy infrastructure. The overall sensitivity is therefore considered to be high. The LVIA explains that the scheme would result in changes to the surroundings of the routes, particularly during the construction phase. But by setting the solar arrays back from the routes (within a 20m corridor) and maintaining and enhancing existing native vegetation (trees and hedgerows) in the vicinity of the routes, such changes would be limited, and would only affect limited sections of the routes (two separate sections of approximately 670m and 150m of South Muskham FP5, and approximately 840m of South Muskham FP6) – the remainder of the routes which lie outside of the Site would still be across open farmland.

Existing retained and enhanced field boundary vegetation surrounding the Proposed Development would also help to limit visibility of the solar arrays and other infrastructure from elsewhere on these routes beyond the site boundaries. There would be no direct effects on the rest of the wider local PRoW network. The LVIA concludes that changes to the character of these routes would be medium in scale, and predominantly limited to within the Site - such changes would be long-term, but reversible when the solar farm is decommissioned, and the land returned to agriculture. The magnitude of change to the character of these routes is assessed as medium during the construction phase and at Years 1 and 5. With high sensitivity, this would result in a major adverse effect.

Due to the technical nature of an LVIA assessment the Council has sought independent advice from consultants at Influence who have undertaken their own independent assessment of the Applicant's LVIA. Their assessment does not dispute any of the abovementioned conclusions in relation to the Landscape Effects of the proposal.

### *Landscape Character*

The site is located in Natural England National Character Area (NCA) 48 Trent and Belvoir Vales - the LVIA concludes that the development is not considered likely to result in any perceptible effects on landscape character at this national scale and to remain proportionate to the small scale of the site in relation to the NCA, focus is placed upon the local landscape character.

The LVIA concludes that the Proposed Development would result in the conversion of the fields within the Site from intensively farmed arable farmland to a solar farm (with species-rich grassland managed by sheep grazing beneath the solar arrays). This would result in a long-term major adverse effect on the landscape character of the Site and its immediate environs, reducing to moderate adverse with increasing distance from the Site. By Year 5, the growth and development of retained, enhanced and newly planted hedgerows and trees within the Site would reduce the visibility of the Proposed Development from the landscape surrounding the Site, with a corresponding reduction in the scale of effect on this landscape to moderate or minor-moderate adverse.

For Policy Zone MN30: Knapthorpe Village Farmlands with Ancient Woodland, within the Mid-Nottinghamshire Farmlands Landscape Character Area (LCA), the overall scale of effect on landscape character is concluded to be moderate adverse, reducing to minor adverse with increasing distance from the Site. In the context of the Landscape Character impact on this policy zone, these effects are not considered to be significant. For other nearby LCAs and Policy Zones which may undergo indirect perceptual/experiential effects, the scale of effect is concluded to be negligible.

Turning to the landscape character of the site and its immediate environs the LVIA concludes that the landscape is considered to be of medium value and medium susceptibility to change, resulting in medium sensitivity. Direct effects on the landscape character of the Site would be large in scale, limited to the Site itself, long-term in duration, but reversible following decommissioning of the site at the end of its life. Effects on the field boundary vegetation within the Site would be very limited. The magnitude of change to the landscape character of the Site is therefore assessed as large. The short length of the construction phase means that

although there would be greater levels of activity on the Site during this period, the overall level of change to landscape character would be broadly the same during the construction phase and at Years 1 and 5. With medium sensitivity, the scale of effect would be major adverse within the Site.

For the landscape immediately surrounding the Site, the effects would be indirect/perceptual, medium in scale, and predominantly experienced within close proximity to the Site. Effects would be long-term in duration, but reversible following decommissioning of the site at the end of its life. The magnitude of change is therefore assessed as large immediately adjacent to the Site, decreasing to medium within increasing distance from, and decreasing visibility of, the Proposed Development. With medium to high sensitivity, the scale of effect would be major adverse, decreasing to moderate adverse with increasing distance from the Site. Again, the short length of the construction phase means that although there would be greater levels of activity on the Site during this period, the overall level of change to landscape character would be broadly the same during the construction phase and at Year 1.

Post-construction, the development of intervening (field boundary) vegetation would mean that the decrease in effect with increasing distance from the Site would become more noticeable over time. The magnitude of change would decrease to small by Year 5, resulting in a minor-moderate adverse effect within the more distant surroundings to the Site. All adverse effects on landscape character would be fully reversed following decommissioning of the proposed solar farm at the end of its life, with all site infrastructure being removed. Any enhancements to field boundary vegetation would remain after the decommissioning of the Site.

Influence have confirmed that the Applicant's assessment of the site's Landscape Sensitivity is aligned with their own professional judgements – in this case, although the site is in a rural location with good scenic quality, Influence have advised that the landscape is not distinctive, it is typical of tracts of the surrounding countryside and is not *designated*. They also conclude that they are in agreement that there would be a major adverse effect on the landscape character of the site and the immediate environs for the duration of the scheme that would decrease with increasing distance from the site and reduce to minor-moderate adverse after Year 5.

### *Visual Impact*

The initial LVIA assessed six viewpoints for this application, which Influence commented advising that on the face of it appeared a disproportionately small number considering the surrounding receptors and the size of the application in this specific location. Whilst Influence agreed with the sensitivities set out in Tables 7.1 of the LVIA for the residential, recreational and road receptors they noted there were a number of locations where additional viewpoints should be recorded to ensure that the baseline is robust and to provide a visual reference when reading the conclusions in Table 7.1.

At this stage it is important to clarify that the LVIA and the review undertaken by Influence refers to '*Muskham Woodhouse Farm*' as being the closest property with its curtilage abutting the boundary of the site, however this is incorrect as this property has been known as '*Wheaten House*' for some time. Whilst understanding the frustration of local residents about

this error of reference, for the purposes of the assessment both names are considered to be synonymous.

The LVIA concludes that major effects on visual amenity would be limited to receptors within the Site or within approximately 500m of the Site boundary (or within approximately 750m to the north). The assessment by Influence concludes that visually, the receptors most likely to receive the greatest effects from the Proposed Development are:

- Users of Caunton FP2
- Users of South Muskham FP6
- Residents of Muskham Woodhouse Farm/Wheaten House (E), the property on Caunton FP4 (W), Knapthorpe Manor (to the NW)

The combination of the topography and the vegetation on and surrounding the site are noted to reduce the extent of the visual effects. However, each of the receptors above have been assessed as experiencing a major-moderate adverse impact and as set out in Table 7.1, landscape mitigation will have very little effect on reducing this level up to and after Year 5. In the context of a proposal of this scale the number of receptors that would be adversely affected is relatively small. However, given that there are a relatively small number of sensitive receptors that would potentially receive the greatest level of effect, Influence advised that the Proposed Layout Plan did not respond well to the findings of the LVIA and seek to mitigate some of these impacts. A number of recommendations were therefore made to improve the scheme and reduce/mitigate some of the impacts.

Additional Viewpoints (VP) 14 and 15 were surveyed which has assisted in clarifying the baseline position for this part of the PRoW FP5 which previously was not recorded visually. These VPs now show the relationship of the concave rising ground on the east of the PRoW towards Muskham Woodhouse Farm/Wheaten House and the convex rolling ground to the west towards Knapworth Lodge. Views of people using this PRoW will switch between the fields in either direction of travel on this part of the route and these additional VPs demonstrate that ultimately, they will lose most of the views of the features in this landscape as a result of the development. Influence therefore requested clarity on the buffer around the PRoW within the site, noting that for a reasonable portion of their length they would become enclosed with solar arrays, which would be compounded in this case due to the arrays proposed to be sun tracking. Following clarification, the plans have been amended to show the PRoW within a 20m wide corridor from the solar arrays which Influence have welcomed and have advised would help mitigate the impact to users of these PRoW.

The assessment from Influence also highlighted their main concern in relation to the visual effects of this Application was the land on the eastern side of the Site which steps over the PRoW and is on rising ground to properties around Wheaten House. Influence note that this part of the landscape feels slightly separated by the vegetation which restricts most visual connections into the main area of the proposal but is more sensitive due to the rising topography. Conversely the land to the east and south of the poultry farm have the least sensitivity due to Muskham Wood to the south and the Poultry Farm to the west. It was therefore recommended that the solar panels be reduced on the eastern side of the site to provide a greater off set from residential properties and their private amenity spaces (and it was suggested that should the Applicant wish to consider relocating these panels they could look at siting them to the west where the site has less sensitive visual receptors). Following

negotiations an amended plan has been submitted showing a 35m off-set from the eastern boundary (see plan below) with additional structural buffer planting (maintained at 3m in height) and semi-mature trees planted at 4.5-5m in height. Influence have concluded that this would assist in reducing the scale of effect on the closest properties but would not prevent the overall major-adverse impact recorded on these properties for the duration of the scheme.



*Proposed Site Layout Plan showing green buffer off-set from properties to the east*

Overall, in respect of visual effect there would be major to moderate effects on sensitive receptors – local residents and users of the PRoW network – however, Influence have advised that these are limited in number (particularly for a proposal of this scale), and the layout has also been amended in an attempt to mitigate those impacts.

### *Cumulative Effects*

In addition to this Proposal, planning applications for two other solar farms have been submitted in the vicinity of Muskham Wood – at Foxholes Farm (approximately 3.3km to the north-east of the Site) and Knapthorpe Lodge, immediately to the north of the Site. Whilst each solar farm would be a standalone entity and could be implemented in isolation from one another (or not at all), it is nevertheless necessary to assess the likely cumulative landscape and visual effects that might arise from the Proposed Development in conjunction with these other two proposed solar farms should they all be constructed.

In respect of Landscape Character, the cumulative magnitude of change to the Landscape Immediately Surrounding the Site is assessed as large, and with medium sensitivity, the cumulative scale of effect would be major adverse. However, the LVIA concludes that this localised effect would not result in a notable change in the overriding landscape character of the wider Policy Zone MN30 as a whole, *i.e. intensively managed farmland with views often enclosed by (field boundary) vegetation*. It is accepted that there would be highly localised major adverse cumulative effects on landscape character in the immediate environs of the two sites, however in the context of the LCA as a whole it is concluded that there would be a moderate adverse cumulative effect, reducing to minor adverse with increasing distance from the Site.

In respect of visual effect, the Cumulative Zone of Theoretical Visibility (ZTV) Map in the LVIA demonstrated that there a number of areas where there would be theoretical visibility of both the Proposed Development and one or both of the other schemes. However, the LVIA explains that the field survey has shown that field boundary and other vegetation within the landscape which is not modelled in the Cumulative ZTV means that there would be only very limited, if any, locations from where the Muskham Wood site and the Foxholes Farm would be visible. Where there may be visibility of both sites, the separation distance between the sites themselves, and between potential cumulative receptors and the site, means that any cumulative effects on the landscape character and visual amenity would be very limited.

Conversely, being located immediately adjacent to each other, the LVIA concludes that there would be more notable cumulative visibility (and therefore potential effects on landscape character and visual amenity) of the Muskham Wood and Knapthorpe Lodge sites. However, the field survey has shown that the locations from which there may be cumulative visibility is considerably reduced by unmodelled intervening vegetation and is likely to be limited to:

- Properties at Wheaten House/Muskham Woodhouse Farm which would experience a major adverse effect (albeit it is noted that the cumulative magnitude of change arising from the Proposed Development in combination with the Knapthorpe Lodge solar farm would be no greater than that arising from the Proposed Development on its own, i.e., large);
  - Properties to the immediate north-west of the poultry farm adjacent to the Site which would experience a negligible cumulative effect;
  - Properties at Middlethorpe Grange and Dean Hall Farm which would experience a negligible cumulative effect;
  - Properties at Lodge Farm and Lodge Cottages on the A616 which would experience a minor adverse cumulative effect;
  - Sections of Caunton Road (between the Bedmax plant and the A616) and Certain properties on Caunton Road:
    - Occupiers of two properties and users of Caunton Road to the north of Knapthorpe would experience a major adverse cumulative effect.
    - Other properties in Knapthorpe would experience a major adverse cumulative effect (albeit it is noted that the cumulative magnitude of change arising from the Proposed Development in combination with the Knapthorpe Lodge solar farm would be no greater than that arising from the Proposed Development on its own, i.e., large).
    - Users of Caunton Road to the south of Knapthorpe would experience a moderate adverse effect (which would similarly be no greater than the effect arising from the Proposed Development on its own, i.e., medium);
  - Footpath Caunton FP2 and very limited parts of Caunton FP3 (within the Knapthorpe Lodge site) which would experience a major adverse cumulative effect (which would be no greater than the effect arising from the Proposed Development on its own, i.e., medium-large);
  - Footpaths South Muskham FP5 and FP6 (within the Site) which would experience a major adverse cumulative effect (which would be no greater than the effect arising from the Proposed Development on its own, i.e., very large);
  - Footpath Caunton FP4 which would experience a major adverse cumulative effect;
- and



- Footpath Bathley FP1 which would experience a moderate adverse cumulative effect.

Overall, the LVIA concludes that in respect of cumulative visual effect, there would be a small number of receptors where the cumulative effect would be greater than moderate adverse and, in these cases, they would not be notably greater than those which would arise from the Proposed Development on its own.

Influence have reviewed the overall cumulative assessment and concluded that the assessment clearly sets out the potential landscape and visual impacts of the proposals cumulatively and that there would be notable adverse effects on landscape character and visual amenity arising from the developments both separately and cumulatively, however the impacts will be largely localised and would not be notably greater than those which would arise from the Proposed Development on its own. Given the scale of the proposed development, the number of receptors that would be impacted is relatively small scale and where these have been identified the proposed site layout and planting plans have been amended to mitigate localised impacts as far as possible.

### *Summary*

From a landscape and visual perspective, notable effects which would arise from the Proposed Development would be limited to:

- long-term effects on the nature and character of the two PRoWs which cross the Site;
- long-term effects on the landscape character of the Site;
- short to medium-term effects on the character of landscape within the immediate environs of the Site;
- long-term effects on visual amenity experienced by receptors occupying residential properties within approximately 500m of the Site; and
- long-term effects on visual amenity experienced by users of the two PRoWs which cross the Site and certain other PRoWs within up to approximately 750m of the Site.

In the context of the scale of the Scheme in isolation (and cumulatively with the adjacent Knapthorpe Grange scheme) these adverse effects on landscape character and visual amenity would be limited to the Site and its immediate environs.

Drawing the above together, it is inevitable that located in a countryside location a solar farm of this scale (in addition to the adjacent Knapthorpe Grange proposal and the scheme at Foxholes Farm further north-east) would have some adverse and visual impacts. However, through a combination of topography, separation, landscape mitigation and amendments made throughout the course of this application, the adverse effects have been somewhat reduced and would be localised and progressively mitigated over time as existing and proposed planting matures. Whilst the 40-year lifetime of the Proposal(s) is significant, once the solar farm(s) is decommissioned there would be no residual adverse landscape or visual effect. In these circumstances, whilst there would be some localised harm to landscape character and some visual harm to a small number of receptors which would be in conflict with relevant development plan policies and the Landscape Character Assessment SPD, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant energy production benefits of the Scheme(s) is considered to clearly and decisively outweigh this identified harm. Therefore, subject to conditions including the

submission of a landscape scheme to provide additional screening and mitigation planting, the proposal is considered to be acceptable in this regard.

### *Glint and Glare*

In terms of the visual impact of the proposed development, the NPPG advises that one of the factors LPA's will need to consider is '*...the effect of glint and glare and on neighbouring uses and aircraft safety*' and that there is '*potential to mitigate landscape and visual impacts through, for example, screening with native hedges*'.

In general, solar photovoltaic (PV) systems are constructed of dark, light-absorbing material designed to maximise light adsorption and minimise reflection. However, the glass surfaces of solar PV systems also reflect sunlight to varying degrees throughout the day and year, based on the incidence angle of the sun relative to ground-based receptors.

A Glint and Glare (G&G) Survey have been submitted to accompany this application which identifies receptors in the vicinity of the site that could be impacted by G&G from the development. The site lies less than 50m to the south of Caunton Airfield, there are also road networks in the vicinity and residential dwellings. The initial survey identified two dwellings that would have a view of the solar farm within 1km of the proposed development (noting all other dwellings were identified as being screened by existing vegetation such as Muskham Wood). Caunton Road is also identified as being within 1km of the development and the survey concludes that direct views of the development could be geometrically possible from this road at two separate points. No railway infrastructure has been identified but aviation infrastructure (Caunton Airfield) has been identified in close proximity to the site.

The G&G survey identifies that there would be a *moderate impact* on the two dwellings identified in the survey as having visibility of the solar farm with glare being identified for certain periods of the day at different points of the year. However, as the hedgerows around the site would be grown and managed at a height of 3m the visibility of glare from these properties would be reduced (to max 42/43 mins per day during affected months (between the hours of 14:30-18:00 in winter and 18:30-20:45 in summer)). The survey also concludes that there would be a low impact on users of Caunton Road which would have limited and sometimes obscured views dependent upon hedgerow management and existing intervening development. However, the original G&G survey concluded that there would be *unacceptable impacts* for all four approach flight paths assessed using Caunton Airfield posing a risk to aviation receptors.

Following discussions with the Applicant a G&G Memorandum has been submitted which considers users of Caunton Airfield and the potential impact of the development in greater detail. The memorandum considers some recent changes to the Federal Aviation Administration policy in relation to Solar Energy projects which was updated to focus on Airport Traffic Control Towers only as: "*in most cases, the glint and glare from solar energy systems to pilots on final approach is similar to glint and glare pilots routinely experience from water bodies, glass-façade buildings, parking lots, and similar features*" and not considered to pose an unacceptable risk. The memorandum explains that based on this guidance the predicted glare from the solar farm (at certain times of the day and parts of the year) would not pose an unacceptable risk towards the airfield operations and users. Furthermore, with

four runway options, if a pilot experienced glare at a certain time of day from one angle of approach, they would have the option to use an alternative runway.

The memorandum explains that the methodology of the original G&G assessment is more applicable to larger aircrafts using large, licensed airports and aerodromes, that incorporate a long final approach, which is not applicable to Caunton Airfield. As such the memorandum considers the actual approach flight paths used by smaller aircrafts which are significantly smaller (in length/size) than detailed in the original G&G survey – as a consequence, the duration of glare experienced would decrease (but would not be eliminated altogether). A review of the Glare modelling has been provided in the memorandum (incorporating the actual approach paths and altitude profile for smaller aircrafts) which explains that glare from the proposal would be limited and would not prevent pilots from using any of the four runways or endanger them during the landing process such that the risk towards the airfield can be considered as being *acceptable*.

A further memorandum report has also been submitted to consider the potential effect on local residents to the east of the site who have raised concerns about the impact of the solar farm on the access road to their properties (i.e., travelling east-west towards the Site to access their properties). This memorandum (Sept 2023) explains that technical modelling is not undertaken for local roads or access roads, where traffic densities are likely to be relatively low. Any solar reflections from the proposed development that are experienced by a road user along an access road would be considered '*low impact*' in the worst-case in accordance with G&G guidance, nevertheless upon request this modelling has been undertaken. The memorandum concludes that with the additional screening/planting proposed as part of the Proposal on the eastern boundary the impacts of glare on the access track would be *low* (limited to between 10-25 mins/day at different points of the year, generally in the latter half of the day). A *low* impact is also identified for three other properties to the east of the site which would experience sporadic glare for less than 60 mins per day during less than 3 months of the year. Overall, subject to the management of the existing hedgerows and new planting proposed around the site to a height of 3m, it is concluded that the Proposal would not pose a significant risk towards the assessed receptors in accordance with G&G guidance criteria.

Comments received from third parties in relation to these new conclusions are noted, however given the memorandums have been provided by a specialist and have not been countered by any comments from Caunton Airfield users (who have been consulted on this application) or National Air Traffic Safeguarding, it is not considered that the impacts identified in relation to glint and glare would be sufficient to warrant withholding permission on this basis, particularly given any identified G&G to residential receptors and road users would only reduce over time as planting establishes. The application is therefore considered to be acceptable in this regard.

#### Impact on Heritage (including Archaeology)

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, 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, and the more important the asset, the greater the weight should be.

Core Policy 14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) 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 setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying PPG. The NPPF 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).

Planning practice guidance also states '*...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset*' in relation to large solar farm applications.

Heritage Assets nearby include:

- The land as an archaeological resource.
- Scheduled Monument: Moated site, fishponds and decoy pond 490m to the north-west of Parking Spring Farm (LEN 1018120) approx. 1km to the west of the site.
- Averham Park House Grade II\* Listed Building (NHLE ref. 1046003) approx. 930m to the south of the site
- South Farm, Averham Grade II Listed Building (NHLE ref. 1046004) approx. 930m to the south of the site

The submitted Heritage Assessment explains that no designated heritage assets within the Site or beyond the 1km study area were considered to have the potential to experience any change to their setting through the development of the Site. The Council's Conservation Officer has not raised any concerns with this conclusion.

#### *Impact upon Archaeology*

Turning now to the potential archaeological impact of the scheme, Core Policy 14 sets out that the Council will seek to secure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment including archaeological sites. Policy DM9 states that development proposals should take account of their effect on sites and their settings with potential for archaeological interest. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and where necessary a field evaluation.

The Historic Environment Record contains records of archaeological remains within the site boundary and close to it. Not least there is a record for cropmarks that covers part of the northern area and an early post-medieval coin hoard. Extensive crop marks are recorded adjacent and to the north of the site and a trackway is recorded to the south and likely extends onto the site. The original Heritage Statement suggests a generally low potential for archaeology which the Council's Archaeological Advisor (CAA) initially noted was clearly incorrect, even with the evidence that the Heritage Statement presents. The CAA noted that the archaeological potential of the site should be considered very high. A geophysical survey and trial trench evaluation was therefore requested.

The Geophysical Survey identified areas of medieval and post-medieval agricultural activity and some modern activity. It also recorded multiple anomalies that were classified as 'undetermined' where it was not possible to determine the origin and formation process. It was also noted to be possible that the extensive medieval ridge and furrow agricultural activity recorded across the site could be masking earlier activity in the data set. Trial-trenching evaluation was therefore recommended and carried out between August-October 2023 comprising 232 trenches.

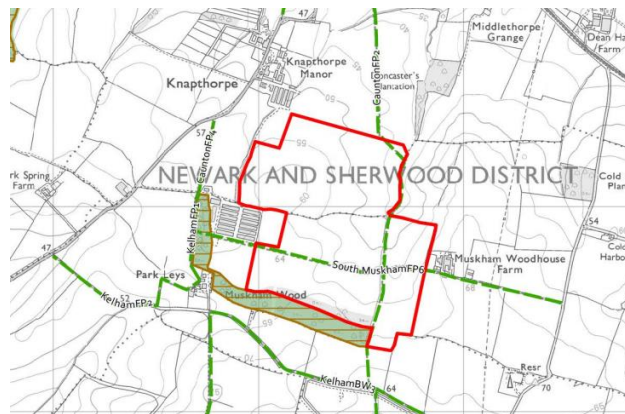
The CAA has reviewed this interim evaluation report provided which suggests limited archaeological activity across the site and where there is activity, that this is confined to several small areas. The full details of this evaluation have yet to be provided and the CAA has advised that the extent and nature of any further archaeological mitigation work will be dependent on the results presented in the final evaluation reports. However, in light of the conclusions of the interim report the CAA has advised that there would be no objection on archaeological grounds to development of the site as detailed, subject to provision for further archaeological mitigation work to be carried out post-consent, if permission is granted. On this basis the CAA has recommended a number of conditions be imposed to enable any remaining archaeology which currently survives on this site to be properly recorded prior to any impact from construction.

Overall, subject to the conditions as suggested by the CAA and in the absence of any objection from them on archaeological grounds, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

#### Impact upon Public Rights of Way

The NPPF highlights the important of public rights of way and access, as the effect of a development on a right of way is a material planning consideration. Public Rights of Way are also the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network.

Two public footpaths cross through the site. Footpath South Muskham FP5 follows a broadly north-south alignment starting from the eastern edge of Muskham Wood and running between the southern field and the two eastern fields and passing outside of the site along the eastern boundary. Footpath South Muskham FP6 runs follows an east-west alignment from the Poultry Farm, through the site, crossing FP5 and onwards to Properties to the east (see map below).



PRoW Map from the LVIA (Fig. 2)

Full consideration is given to impact on the setting and users of these Rights of Way (RoW) in the *'Landscape and Visual Impacts'* section of this report. The County Council's RoW team reviewed the application and initially queried the offset provided between the development and PRoW network and the maintenance regime for the surfacing of the RoW in a seed mix as shown on the Landscape Master Plan. However, the amended Layout Plans has clarified that there would be an off set of 10m either side of the PRoW (a 20m corridor) and the Applicant has clarified that the grassed areas proposed would be maintained by a management company as part of the wider management of the operational scheme – the future management and maintenance of the Site can also be controlled by a suitably worded condition. The RoW Team have raised no objection to the application on this basis. Overall, it is therefore not considered that the physical routes of existing PRoW would be adversely affected by the proposed development.

### Impact upon Highway Safety

Policy DM5 (Design) is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 (Sustainable Transport) encourages proposals, which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

Access into the site would be taken off Cauntoun Road to the west via an existing farm track. Whilst it is acknowledged that there would be an increase in highways movement during the construction period, it is not anticipated that outside of this time, the proposed development would generate a high number of trips.

The submitted Construction Traffic Management Plan (CTMP) sets out that on average the construction period for such schemes is approx. 6 months. An average of 50 construction workers are forecast on site at peak times, assuming a six-month construction period, a six-day working week (144-day total) there is estimated to be on average around 7 HGV deliveries (14 movements) per day approx. by the largest vehicles. In addition to this there would also be several construction movements associated with smaller vehicles such as waste management, transport of construction workers etc. Once the site is in operation it is anticipated that there would be 20 visits per year required for equipment maintenance.

The CMP concludes that "[...] the level of traffic during the temporary six-month construction

*phase is not considered to be material and it is considered that this will not have a detrimental impact on the safety or operation of the local or strategic highway network.”* The Highway Authority have reviewed this application and have advised that the greatest impact on the local highway network will not be once constructed, but the construction period itself which will result in a temporary increase in traffic flows utilising Hockerton Road, from the direction of the A616 to access the site. However, once constructed and operational, the level of anticipated traffic will be negligible. The Highways Authority note that the application has been supported by a thorough Construction Traffic Management Plan (CTMP), the contents of which they recommend should be conditioned to ensure that the CTMP is strictly adhered to in terms of pre, and post construction surveys of the adjacent highway network, construction traffic routing and how detritus will be prevented from discharging onto Hockerton Road. Subject to this condition they raise no objection to the proposal. It is noted that the CTMP does not cover the decommissioning phase of the proposal and that the Highway Authority has not commented on this element of the scheme, however the same traffic management procedures are equally applicable to the decommissioning phase and a condition is therefore recommended to capture the decommissioning phase of the development.

In relation to the potential cumulative highway impact the Supporting Document submitted 05.01.2023 explains that if both solar schemes are constructed at the same time (which they state is unlikely) then there could be up to 14 HGVs per day (28 movements) during the temporary construction period. Local roads all have two lanes and are suitable to accommodate construction traffic associated with both sites and the mitigation and management measures set out in the respective CTMPs are proposed to be implemented to minimise the impact on background traffic. Once operational, traffic flows associated with both sites are likely to be within the daily variation of traffic flows on the local highway network. On this basis it is not considered that there would be any significant cumulative impact on the public highway as a result of both this proposal and the Knapthorpe Grange scheme together.

Therefore overall, subject to conditions, it is not considered that any adverse impact upon highway safety or efficiency would result in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

#### Impact upon Flood Risk

Core Policy 9 (Sustainable Design) and DM5 (Design) require new development proposals to pro-actively manage surface water. The land is classified as being within Flood Zone 1. As such, it is not at risk from flooding from any main river flooding. However, given the size of the development site a Flood Risk Assessment has been submitted with the application.

The solar panels would be raised above the ground, and it is proposed to allow the site to predominately drain naturally with run-off intercepted by a series of shallow swales/filter trenches adjacent to the proposed internal access roads and swales located at the lower parts of the site to collect and slow surface water run-off prior to discharging to the existing watercourses. The Flood Risk Assessment (FRA) explains that the transformers and a substation will be raised by approx. 500mm above ground level. Access tracks would be permeable in nature. The extent of impermeable cover as a result of the Solar Farm would

also be minimal in terms of a percentage of the total site area (3-5%). Consequently, the FRA concludes that the run-off from the post-development site *“would remain almost exactly as the existing land use. It is therefore proposed to allow the development to drain to the soil surface, where infiltration to the underlying soils would occur, to mimic the existing hydrological characteristics of the site.”*

Furthermore, utilising ground management measures such as chisel-ploughing and cultivating the land with native meadow grass and wildflowers has the potential to increase infiltration rates and reduce runoff rates from the site. Such land management therefore has the potential to provide betterment to the existing land use in terms of surface water runoff rates and downstream flood risk (albeit the precise extent of this has not been quantified/explained in the FRA). Overall, the FRA does not identify that the proposal would lead to any increase in flood risk. Having reviewed the submitted documents, no objection has been raised by the LLFA. The Proposed drainage Strategy at Appendix C of the submitted FRA reflects the principles put forward by the submitted FRA, subject to a condition requiring submission of the finalised drainage strategy (that also incorporates amendments made to the proposed layout throughout the course of this application) this is considered to be acceptable.

Taking the above into account it is considered that the applicant has adequately demonstrated that the development would not adversely impact on flooding or drainage in accordance with the aims of Core Policy 9 of the Core Strategy, Policy DM5 of the DPD and the provisions of the NPPF, subject to conditions.

#### Impact upon Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) 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.

Policy DM7 (Biodiversity and Green Infrastructure) states *‘On sites of regional or local importance, including previously developed land of biodiversity value, sites supporting priority habitats or contributing to ecological networks, or sites supporting priority species, planning permission will only be granted where it can be demonstrated that the need for the development outweighs the need to safeguard the nature conservation value of the site.’* The impacts of the proposed development on any local wildlife or geodiversity sites also needs to be considered in line with paragraphs 175 and 179 of the NPPF.

The site comprises four large fields, bound by native hedgerows. Ponds have been identified in and around the perimeter of the site and immediately adjacent to the south of the site is Muskham Wood, a semi-natural Ancient Woodland and Local Wildlife Site/BioSINC (non-statutory designated site). The site is located in a rural context and the surrounding landscape is dominated by large arable fields with hedgerow boundaries with occasional woodland parcels. Hedgerows, woodlands and watercourses in the surrounding area provided direct connectivity to the site, and these features in the landscape may provide opportunities for protected species to move through the site and utilise the on-site habitats.

A Preliminary Ecological Appraisal (PEA) has been submitted with this application which starts



by identifying local sites of ecological consideration. The nearest SSSI is located approx. 1.2km to the north-west of the site (Coppice, Mather and Lady Woods) and 8 Local Wildlife Sites/BioSINC's are identified within a 2km radius of the site. The survey concludes that direct impacts on statutory designated sites as a result of the proposed development are considered unlikely, and although the site is within the Impact Risk Zone of Mather Wood SSSI (approximately 1.6km west) the site is not listed under the defined risk categories, meaning it is not anticipated that developments of this type will have any discernible impact on the SSSI.

The closest Local Wildlife Site is Muskham Wood, a semi-natural Ancient Woodland immediately adjacent to the Site's southern boundary. Due to its proximity to the site, indirect impacts from construction-related activity are identified as being possible during the construction phase of the development. As such, the report and Ancient Woodland Assessment sets out recommendations of appropriate measures to avoid impacts to nearby designated sites during this phase of work. The Ancient Woodland Assessment has been reviewed by the Council's Tree Officer (TO) who has provided advice relating to the potential heat island effect and the change in the microenvironment of the Ancient Woodland due to the proximity of solar panels and the potential for drainage hydrology to impact the water table of the woodland. In response the Applicant's Agent has explained that there is little agreement in literature as to the impact solar panel installations can have on the surrounding area – some studies report warming directly above/below the panel area but no impact to the surrounding area, others have reported heat island effects, and some suggest a cooling effect can be experienced. In light of the conflicting conclusions of the literature the Applicant has adopted a 15m buffer (as recommended by Ancient Woodland standing advice) as a sufficient off-set to mitigate any adverse effect on the woodland. Similarly, this buffer would minimise any potential drainage/hydrological changes to the woodland as a result of the Proposal. There is no intention for the site to be permanently illuminated and therefore there would be no concerns through light pollution impact adjacent to the woodland either. In light of the adoption of a 15m buffer from the Ancient Woodland which aligns with standing advice it is considered that the proposal would not have an unacceptable impact on the woodland in this respect.

Habitats on site have been evaluated as having '*local*' value in relation to the immediate surroundings and a regional context. The site is identified as being dominated by large, intensively managed arable fields which are considered to have limited biodiversity value. However, Habitats of Principal Importance (HPI) were noted to be present on and adjacent to the site, such as native hedgerows and broadleaved woodland. Appropriate mitigation measures are therefore recommended to be implemented during site clearance and construction to minimise indirect impacts to valuable habitats. The submitted surveys also explain that the nature of the proposal provides opportunities to enhance habitats beneath the arrays and within the buffer zones proposed around the site in addition to the hedgerow boundaries meaning that habitats could be mitigated to a 'positive' impact through a detailed Landscape Ecological Management Plan (LEMP) guided by a Biodiversity Impact Assessment.

Specific consideration has been given to species such as (but not limited to): Birds, Bats, Amphibians, Reptiles, Hedgehog and Brown Hare alongside other species and invasive species. Comments have been received from local residents which query the findings of the ecology surveys, however having reviewed the PEA and Ecological Impact Assessment (EclA)

findings, which have been prepared by professional ecologists Officers have no reasons to question the reliability of results obtained from the surveys. The surveys conclude that no significant adverse impact upon protected species have been identified albeit mitigation and enhancement measures are recommended and summarised in Table A (pg.8 of the EclA) to ensure that any effect on protected species is neutral or positive. These mitigation measures include securing a LEMP and Construction Environmental Management Plan (CEMP), provision bat boxes, creation of new habitats, enhancement of existing field margins and hedgerows to provide favourable habitats for a range of species.

Comments have been received from Nottinghamshire Wildlife Trust (NWT) and the Council's Biodiversity and Ecology Officer (BELO) which confirm that survey methodologies employed within the submitted documents are satisfactory and that they are in agreement with the conclusions and recommendation. They did however query the conclusions in relation to ground Nesting Birds given the proximity to Muskham Wood itself which provides a suitable habitat for such species, however, following additional information relating to compensation for the loss of potential Skylark nesting sites the Council's BELO has advised that the proposed 8 plots shown on the submitted plan equate to approximately 1.2 plots/ha which is well within the Biodiversity Management Plan recommendation for there to be no more than 2 skylark plots/ha. Due to the nature of providing Skylark plots, which includes farmland management during crop sowing and harvesting, the position of these Skylark plots will change slightly every year and due to the nature and timing of their delivery. Given the land proposed to be used for these Skylark Plots lies outside of the red line of the Application Site (but within the blue line) this will need to be secured through a S106 agreement.

Overall, the Biodiversity and Ecology Officer has advised that so long as all mitigations and recommendations are adhered to and implemented (through the use of suitable planning conditions and development of a LEMP and CEMP), no detrimental impact to the wildlife and habitats on site is likely to occur. They did however query the conclusions in relation to post construction monitoring, which were not originally recommended, however Officers have been advised that there should be a level of post construction monitoring to assess the establishment of newly created and enhanced habitats as a minimum requirement and this could be controlled by a suitably worded condition.

### *Trees*

An Arboricultural Impact Assessment (AIA) including tree survey and constraints and protection plans have been submitted with the application in addition to the Ancient Woodlands Assessment already discussed. The AIA survey recommends partial removal from Hedgerow H3 in two locations to facilitate the proposed access tracks through the centre of the site. T29 (mature common ash) and T31 (semi-mature common oak), two Category U trees, are also recommended for removal irrespective of development due to their significantly poor condition. All other trees identified within the report are to be retained and protected via Construction Exclusion Zones (CEZs). The survey concludes that due to the nature of the development, it is unlikely there will be any major impacts on trees with higher landscape and amenity values if CEZs are established and a buffer zone from Muskham Wood (a designated Ancient & Semi-Natural Woodland) is implemented (as discussed above).

The Council's Tree Officer raises no objection subject to amendments to the tree species

proposed within the submitted landscape scheme, precise details of which would also be controlled by condition in any event. Overall, considering the conclusions of the AIA, the proposal is unlikely to significantly adversely affect existing trees and green infrastructure if robust protection measures are implemented prior to any installation.

### *Biodiversity Net Gain (BNG)*

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF. In terms of Biodiversity Net Gain (BNG) the Biodiversity Management Plan (BMP) details that a net gain calculation has been undertaken to provide quantified evidence of the change in biodiversity with the implementation of the proposed layout and landscape planting. This calculation considers land take, habitat loss/change and habitat creation that will accompany the proposed development, assessed using the Defra Metric Biodiversity Net Gain Calculator with an overall net gain of 71.8% in habitat units and 4.7% net gain in hedgerow units calculated (with no change to river units). This net gain could be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the BMP and Site Layout and Landscape Strategy.

The proposed BNG would significantly exceed the minimum 10% as stipulated by the Environment Act 2021, with the biodiversity net gain requirement coming into force in January 2024 for certain developments submitted after this time (Regulations are awaited to define which ones). Until then the NPPF requires measurable net gains without providing a percentage increase, therefore any increase over the existing biodiversity value is considered to comply with national policy.

### *Summary*

Subject to conditions requiring the development to take place in accordance with the revised landscape and ecological master plan, the Ecological Impact Assessment (which includes a requirement for Reasonable Avoidance Measures (RAMS)), BMP, Arboricultural Impact Assessment and condition to control lighting, it is considered that the proposed development would comply with the aims of Core Policy 12 and Policy DM5 of the DPD in addition to the provisions of the NPPF which is a material consideration. The permission would also be subject to the completion of a S106 agreement to secure provision, management and monitoring of the proposed Skylark Plots within the land edged in blue on the Site Location Plan (Ref. P21-1381.001 Rev. C).

### Impact upon Residential Amenity

Policy DM5 (Design) of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

The nearest residential properties are Park Leys Bungalow (approx. 200m south-west of the site boundary) and properties to the east of the site boundary (including Wheaten House). A Noise Assessment has been submitted with the application which explains that the proposed

fixed plant items to be installed are yet to be finalised, therefore fixed plant noise limits have been proposed (which could be controlled by condition) to prevent any adverse noise impact. The proposed fixed plant noise limits are proposed at a level not exceeding the existing representative day or night-time background noise level, based on the results of the noise survey undertaken at the nearest noise sensitive receptors. The Council's Environmental Health Officer has advised that subject to a condition requiring fixed plant noise levels to not exceed the stated noise levels in the assessment they raise no objection to the proposal.

Whilst not included within the survey HGV movements and construction/decommissioning may also generate noise for a temporary period - it is therefore considered reasonable that restricted hours of construction/deliveries and a construction management plan are imposed by planning condition.

Considering the potential cumulative noise impact of the Application Scheme and the proposal for Knapworth Grange to the north, the submitted Noise Assessments both conclude that the fixed plant noise limits proposed would be acceptable to all nearby properties, substations are also proposed to be located at an appropriate distance from each other on each respective scheme such that their combined noise is unlikely to result in any undue disturbance if the schemes are delivered together. The EHO has not raised any objection in this respect.

Therefore, given the low-level nature of the development and the restricted output in terms of noise emissions proposed, subject to conditions, it is not considered that the proposal would have any significant adverse impact on neighbouring land uses in accordance with the aims of the NPPF and Policy DM5 of the DPD.

### Other Matters

#### *Length of Temporary Consent*

The solar farm would be a *temporary use* of the land as the equipment would be removed and the land returned to its former condition when the development is decommissioned following 40 years from the date of the first export of electricity to the electrical grid. In the past, 25-year permissions have ordinarily been sought for solar farm developments. There is no government-imposed limit on the lifetime of solar farms as far as Officers are aware set out in national guidance. It is understood that a 25-year permission was ordinarily imposed as this was the typical warranty period offered by manufacturers at the time and therefore used for modelling the viability of projects by developers. However, it is understood that solar farms are now more efficient for longer than previously anticipated which is extending warranties and hence improving the business models for companies that maintain solar farms. Whilst this in its own right is not necessarily a material planning consideration, the economic and environmental benefits of increasing the length of operation of the solar farm are and the benefits of renewable energy production would be a benefit for longer as a consequence. Nevertheless, 40 years is more than a generation and therefore should not be regarded as an insignificant amount of time.

#### *Public Consultation*

It is noted that several comments received from local residents criticise the public consultation process undertaken by the Applicant prior to the submission of this planning application. The submitted Statement of Community Involvement (SCI) sets out the public consultation the Applicant undertook pre-submission which included undertaking a virtual public consultation, rather than hosting an in-person event, due to the Covid-19 pandemic at the time.

128 leaflets were posted to residents and businesses within 2km radius of the application site which provided information on the development proposals. Electronic versions of the leaflet were also emailed to the local MP, Ward Councillor, County Councillor and Clerk of the Parish Council. The leaflet provided the opportunity for the submission of comments and those consulted were invited to provide feedback on the proposals via email, via the website or via the freepost tear-off slip. A project website ([www.knapthorpegrangesolar.co.uk](http://www.knapthorpegrangesolar.co.uk)) was also launched in September 2021, providing information that would ordinarily have been presented at a public consultation exhibition. The weblink was also provided on the public consultation leaflet. A comments facility for people to provide their feedback was also provided. The online comments facility was open for a 4-week period until 18th October 2021.

Whilst concerns from local residents and the Parish Council are noted in relation to the Developer's community engagement, the Applicant did engage with the local community prior to submission and local residents and the Parish Councils were consulted as part of this application process.

## **8.0 Implications**

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

## **9.0 Conclusion**

Both national and local planning policy place great emphasis on the creation of energy through renewable schemes where the impacts of the development are (or can be made through appropriately worded conditions) acceptable.

The development supports the Government's policy for the UK's transition to achieving a low carbon economy and assists in meeting the pressing need for deployment of renewable energy generation in the UK to meet legally binding obligations for renewable energy consumption and more challenging targets in 2030 and onwards to net-zero emissions by 2050. This 49.9MW proposal would provide electricity equivalent to the average electrical needs of 15,400 typical UK homes (approx.) annually and assist towards reducing CO<sub>2</sub> emissions saving approx. 20,690t of CO<sub>2</sub> per annum. In accordance with the provisions of the NPPF, these factors attract significant positive weight in the determination of this application, which should not be underestimated.

There would be a reduction of agricultural productivity over the whole development area, however the site does not contain any best and most versatile agricultural land –

nevertheless, the general loss of the land is a negative factor to be weighed in the overall planning balance. However, this is tempered by the fact that this loss would be for a temporary period of 40 years when the land would be returned to agriculture. As such limited weight attaches to this harm.

The proposal would also indisputably alter the landscape character and visual appearance of site, however, through a combination of topography, separation, landscape mitigation and amendments made throughout the course of this application, the adverse effects have been reduced, would be localised and progressively mitigated over time as existing and proposed planting matures. This conclusion is drawn when considering the application both separately and cumulatively with other solar farm proposals in the immediate vicinity. Whilst the 40-year lifetime of the proposal is significant, once the solar farm is decommissioned there would be no significant residual adverse landscape or visual effect. Nevertheless, the scale of landscape character and visual harm identified that would last (albeit reducing over time) for the 40-year lifetime of the scheme attracts significant weight given the impact this would have on the visual amenity of local residents.

Subject to conditions, the application has been found to be acceptable with regards to impact on trees/hedgerow, ecology including adjacent/nearby SSSIs and Local Wildlife Sites, residential amenity, heritage, archaeology, highways and would not result in any increased flood risk/drainage issues. These elements are therefore all neutral in the planning balance.

In addition to the energy generation benefits of the proposal, it has been concluded that the development could provide biodiversity net gains of c.71.8% in habitat units and c.4.7% in hedgerow units through the proposed landscape planting, habitat enhancements and long-term management as set out in the supporting documents to this application. The proposed BNG would significantly exceed the minimum 10% as stipulated by the Environment Act 2021 (coming into force in January 2024 for certain developments). Notwithstanding the fact that the BNG must be balanced against the initial disruption to local biodiversity during construction, the potential biodiversity enhancements that would be delivered by the proposal represents a significant benefit of the development.

Although once in operational phase, the proposal is unlikely to result in significant jobs opportunities, there is no doubt that the construction and decommissioning phases of the development would contribute to employment in the area, even though these economic benefits would be for a limited period, which represent a moderate positive weighting.

Drawing the above together, Officers consider that the proposal would make a material and early contribution to the objective of achieving the decarbonisation of energy production. When considering the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme it is considered that these would clearly and decisively outweigh the (temporary) harm that have been identified. As such, approving the proposed solar farm would not conflict with the objectives of the development plan and national planning policy when read as a whole. Accordingly, and having taken all other matters into account, it is recommended that planning permission is granted subject to conditions and completion of a S106 agreement as set out below.

## **10.0 Recommendation**

**Approve, subject to the:**

**a) the completion of a S106 Agreement requiring**

- (i) Provision, management and monitoring of the proposed Skylark Plots within the land outlined in blue on the Proposed Skylark Plots and Suitable Mitigation Area plan (Ref. P21-1380.100 A) which is within the land edged in blue on the Site Location Plan (Ref. P21-1380.001 Rev. D); and
- (ii) A Highway Condition Survey as indicatively described in the Construction Management Plan (Ref. P21-1380/TRO1, April 2022) by Pegasus Group and once construction has completed and the site is operational, a further Conditions Survey report, together with measures to address any issues identified, together with a timetable.

**b) and the following 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 planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of electrical power from this development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the first export.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicant's expressed intent.

**03**

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, 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.

Reason: In the interests of visual amenity in accordance with Core Policy 13 of the Amended Core Strategy (2019) and the aims of the National Planning Policy Framework and National Planning Policy Guidance.

#### **04**

Within 6 months of the final 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, 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.

Reason: In the interests of visual amenity.

#### **05**

The solar farm and its ancillary equipment 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.

Reason: In the interests of visual amenity and in accordance with the applicant's expressed intent.

#### **06**

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

- Site Location Plan – Ref. P21-1380.001 Rev. D
- Layout Plan – Ref. P21-1380.002 Rev. I
- Landscape & Ecological Masterplan – Ref. P21-1380.003 Rev. H
- Typical Panel Elevations – Ref. P21-1380.101
- Typical Client and DNO Substation Detail – Ref. P21-1380.102
- Typical Inverter Detail – Ref. P21-1380.103
- Typical CCTV, Post and Security Speaker Details – Ref. P21-1380.104
- Typical Fence detail – Ref. P21-1380.105
- Typical Access Track Detail – Ref. P21-1380.106
- Compound Area Plan – Ref. P21-1380.004

Reason: So as to define this permission.

#### **07**

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 the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.



Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 of the Amended Core Strategy and Policy DM5 of the Allocation and Development Management Development Plan Document.

## **08**

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.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of the National Planning Policy Framework, Core Policy 12-13 of the Amended Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management DPD.

## **09**

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.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12-13 of the Amended Core Strategy and Policies DM5 and DM7 of the Allocations and Development Management DPD.

## **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 shall be submitted to the Local Planning Authority for approval in writing. 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.

Reason: In the interests of visual amenity and biodiversity.

## **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.

Reason: In the interests of tree protection, visual amenity and biodiversity.

## **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.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the NPPF and Policy DM5 of the Allocations and Development Management DPD.

## **13**

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed the stated noise levels set out at Table 4.1 of the Noise Impact

Assessment undertaken by ENS, dated 19.05.2022 at the nearest sound-sensitive premises. All measurements shall be undertaken in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendment(s). 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.

Reason: To protect the amenities of nearby residents.

#### **14**

Prior to the commencement of development, a land and soil management plan shall be submitted to the Local Planning Authority for approval in writing. All works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing the agricultural land and soil quality.

#### **15**

Prior to the commencement of development, a Public Rights of Way Management Plan shall be submitted to the Local Planning Authority for approval in writing which details the future management and maintenance of the site and Public Rights of Way. The Public Rights of Way Management Plan shall thereafter be implemented for the lifetime of the development.

Reason: In the interests of maintaining existing public Rights of Way through the site.

#### **16**

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction habitat retention, protection, creation, mitigation/enhancement, management and monitoring measures outlined within the Biodiversity Management Plan (Ref. BG21.211.3 Rev. 1, March 2023 by Brindle & Green), Ecological Impact Assessment (Ref. BG21.211, October 2022 by Brindle & Green) and Landscape and Ecological Masterplan (Ref. P21-1380.003 Rev. H)). All described measures should be carried out and/or installed in accordance with the timescales embodied within the Biodiversity Management Plan (BMP) and work schedule following the cessation of construction works. The BMP and Landscape and Ecological Masterplan shall be implemented for the lifetime of the development. To assess the implementation and success of the BMP, a Monitoring Report shall be prepared by a qualified Ecologist and submitted to the Local Planning Authority (LPA) during the 12<sup>th</sup> month following the commencement of the development and thereafter during the 12<sup>th</sup>, 24<sup>th</sup> and 48<sup>th</sup> month after the first report, and thereafter every five years until 40 years after the date of first export. Should the Monitoring Report(s) conclude that any of the Biodiversity Management measures are unsuccessful a Remedial Scheme shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity to ensure compliance with NSDC Amended Core Strategy Core Policy 12 'Biodiversity and Green Infrastructure' and

secure development that maximises opportunities to conserve, enhance and restore biodiversity.

## 17

Prior to the commencement of development (including ground works and vegetation clearance) a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for approval in writing. The approved CEMP shall thereafter be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

For the avoidance of doubt the CEMP shall include the following:

- (a) Risk assessment of potentially damaging construction activities;
- (b) Identification of "biodiversity protection zones" where required;
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- (h) Use of protective fences, exclusion barriers and warning signs;
- (i) Details for the control and management of noise and dust during the construction phase; and
- (j) Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014.

Reason: In the interests of protecting, maintaining and enhancing biodiversity.

## 18

Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval in writing. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed;
- (b) Ecological trends and constraints on site that might influence management;
- (c) Aims and objectives of management;
- (d) Appropriate management options for achieving aims and objectives;
- (e) Prescriptions for management actions;
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- (g) Details of the body or organisation responsible for implementation of the plan;
- (h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will

be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved LEMP shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: In the interests of protecting, maintaining and enhancing biodiversity.

## **19**

Prior to the commencement of development, a Woodland Management Plan for the part of Muskham Wood which is adjacent to the southern boundary of the site and within the land edged in blue on the Site Location Plan (Ref. Ref. P21-1380.001 Rev. D) shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented in accordance with the approved details for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

## **20**

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.

Reason: To ensure that adequate provision is made for the protection of nesting birds.

## **21**

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 for the lifetime of the development.

Reason: in the interests of visual amenity and biodiversity.

## **22**

No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved in writing by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for each element or phase of mitigation work as necessary. These schemes 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

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.

## **23**

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The developer will 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 shall take place without 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.

## **24**

The post-investigation assessment and final 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 (or a longer timescale as agreed in writing with the Local Planning Authority). The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation 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 investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

## **25**

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 Pegasus Group Flood Risk Assessment (FRA) and Surface Water Drainage Strategy dated February 2022 ref P21-1380, 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 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 betterment.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with National Planning Policy Framework 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.

## **26**

Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (Ref. P21-1380/TRO1, April 2022) by Pegasus Group.

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

## **27**

No construction shall take place until the accesses are surfaced in a hard bound material for a minimum of 20 metres to the rear of the highway boundary, with measures to prevent the egress of surface water onto the highway.

Reason: In the interests of highway safety

## Informatives

### **01**

Notes from NCC Rights of Way:

A Temporary Closure of Footpaths 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.

## 02

Notes from NCC Highways:

- Planning consent is not permission to work on or adjacent to the public highway, therefore prior to any works commencing on site including demolition works you must contact Highways Network Management at [licences@viaem.co.uk](mailto:licences@viaem.co.uk) to ensure all necessary licences and permissions are in place.
- 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.
- It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site. All correspondence with the Highway Authority should be addressed to: [hdc.north@nottsc.gov.uk](mailto:hdc.north@nottsc.gov.uk).

## 03

Notes from Archaeologist:

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 07880420410, email [Matthew.Adams@lincolnshire.gov.uk](mailto:Matthew.Adams@lincolnshire.gov.uk) to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

## 04

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

## 05

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

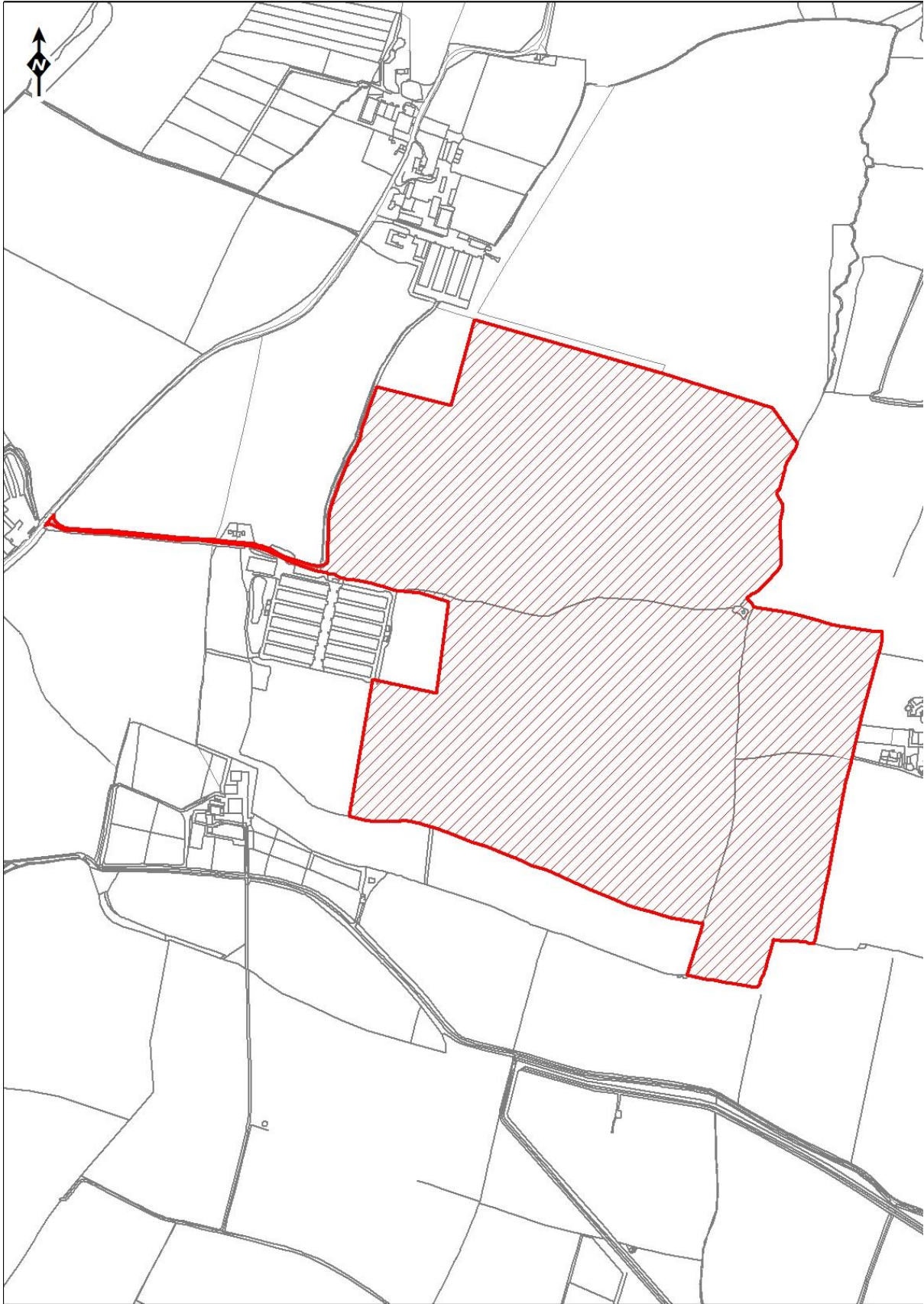
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that the development comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery.



BACKGROUND PAPERS

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

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022888. Scale: Not to scale



Report to Planning Committee 9<sup>th</sup> November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Ex 5851

Report Summary			
<b>Application No.</b>	22/01504/FUL		
<b>Proposal</b>	Proposed new dwelling and cart shed		
<b>Location</b>	Glebe Cottage, Main Street, Norwell, NG23 6JN		
<b>Applicant</b>	Mrs Alison Mellors	<b>Agent</b>	Jackson Design Associates - Mr Darren Turner
<b>Web Link</b>	<a href="#">22/01504/FUL   Proposed new dwelling and cart shed   Glebe Cottage Main Street Norwell Nottinghamshire NG23 6JN</a>		
<b>Registered</b>	01 August 2022	<b>Target Date</b>	26 September 2022
		<b>Extension of Time</b>	17 November 2023
<b>Recommendation</b>	That planning permission be REFUSED for the reason(s) set out in Section 10.0 of this report		

This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor S Saddington, who considers it would appear that in view of the lack of objection from local people to the development, notwithstanding the Conservation objection, that the development might not be harmful to character or heritage of the village due to the revisions that have been made, and as such, the development might comply with policies SP3, CP9, CP13, CP14, DM5, DM8 and DM9 of the DPD and would like to have a wider debate regarding this at Planning Committee. Norwell Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.

## 1.0 The Site

The application site relates to garden land to the rear of Glebe Cottage located on the north side of Main Street at the eastern edge of the village of Norwell. Glebe Cottage is an extended farmhouse constructed in red brick under a clay pantile roof. Access is via a gated entrance to the east side of the cottage leading onto a compacted stone driveway/turning area. There is a garden area and a 3-bay cart shed/garage with log store to the rear of the cottage beyond which lies

garden areas laid to lawn (i.e., the application site). Adjacent to the northeast is a field/paddock containing a stable building within the same ownership. Boundaries are mostly demarcated by mature hedgerows and there are several mature trees within and surrounding the site.

The site is located within Norwell Conservation Area and opposite the Church of St Laurence, which is a Grade I Listed Building. A Scheduled Ancient Monument is located to the south of the Church and is formed by the Old Hall Moat and two fishponds.

The site has the following constraints:

- Conservation Area
- Within the Setting of a Grade I Listed Building
- Trees
- Surface water

## **2.0 Relevant Planning History**

**23/00164/LDCE** - Lawful development certificate for continued use of the northern part of the plot for residential use (garden). Certificate Issued 24.03.2023.

*The evidence provided is sufficiently precise and unambiguous to satisfy the Local Planning Authority that, by reasonable probability, the application site has been used as garden land as part of the residential use of Glebe Cottage for a continuous period of 10 years or more, thus complying with Section 171B(3) of the Town and Country Planning Act 1990 and therefore constitutes lawful development.*

**22/00370/FUL** - Proposed dwelling (related to the current application site and land to the east). Application Refused 19.04.2022.

01

*In the opinion of the Local Planning Authority, the development constitutes a new dwelling in the open countryside, which the development plan advocates should be avoided, except in special circumstances. The proposed new dwelling with associated curtilage, access and areas of hardstanding is considered inappropriate development in the open countryside which cannot be justified by any special circumstances i.e., there is no essential need for the dwelling and the design is not innovative nor of exceptional quality. The proposed new dwelling, by virtue of its overtly large scale and contemporary appearance, would also erode the rural character of the area and cause harm to the setting of the Grade I listed St Laurence's church and the character and appearance of Norwell Conservation Area.*

02

*In the opinion of the Local Planning Authority, the proposed development fails to demonstrate it can secure safe means of access in accordance with current highway design standards.*

03

*In the opinion of the Local Planning Authority, it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of*

*the area. No ecological appraisal has been submitted with the planning application, as such, the potential ecological impacts of the development in relation to any protected species are unknown. The Applicant has therefore failed to demonstrate that there would be no adverse ecological impacts arising from the development*

The wider site also has a number of planning records relating to the expansion of the cottage and provision of ancillary outbuildings (see the Delegated Report for 22/00370/FUL for details).

### **3.0 The Proposal**

The application proposes the erection of a large, detached dwelling of a broadly inverted L-shape design, comprising of several distinct elements with various roof heights and alignments. It is a revised version of a previously refused scheme (22/00370/FUL – see ‘Relevant Planning History’ for details).

The ‘front’ section, linked to the ‘rear’ section by a flat roof glazed porch/hall/corridor, would comprise of a linear building, orientated at a right angle to a rear section slightly larger linear building, measuring approximately 6.8 metres wide by 12.0 metres in length, with a clay pantile pitched roof measuring approximately 2.9 metres to eaves and 6.5 metres to the ridge. This part would include ground floor accommodation only comprising of 3-bedrooms, one with an en-suite shower room and walk-in wardrobe, and a separate bathroom. There would be a timber-clad cart shed projection to the front of this building measuring approximately 6.5 metres by 6.2 metres, with a slate pitched roof measuring approximately 2.2 metres to eaves and 4.3 metres to the ridge.

To the rear/right-hand-side, when viewed from the south, would be a larger two-storey linear building measuring approximately 6.8 metres wide by 15.0 metres in length, with a clay pantile pitched roof measuring approximately 3.2 metres to eaves and 6.8 metres to the ridge. This part would include an open plan kitchen/dining/living space, pantry, plant room/store and WC to the ground floor and a bedroom with en-suite and walk-in wardrobe to the first floor within the roof space. There would also be an integrated contemporary flat roofed single storey and predominantly glazed ‘living room’ projection measuring approximately 8.2 metres by 7.6 metres and 2.6 metres in height, concealed behind a c.3.2-metre-high brick ‘garden’ wall along to the eastern boundary.

The proposed new dwelling would wrap around a courtyard garden and be accessed via the existing driveway, which would be extended to go around an existing walnut tree to the front, which is proposed to be retained.

The proposed new dwelling would include facing brickwork, clay pantiles, slate, elements of timber cladding, timber garage doors, aluminium framed doors and windows including a predominantly glazed gable end to the east elevation of the main two-storey linear building.

#### **Revised Plans**

Revised/additional plans and supporting information have been submitted in response to comments received during the course of the application. For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

21 2365 02 001 REV E Amended Proposed Site Layout *received 23 June 2023*  
21 2365 02 002 REV C Proposed Layouts *received 17 May 2023*  
21 2365 02 004 REV D Proposed Elevations *received 17 May 2023*  
JD129 100A P Proposed New Access with Visibility Splay *received 17 May 2023*  
21 2365 VIS 001-005 B Artists Impression *received 17 May 2023*  
Arboricultural Report and Impact Assessment prepared by AWA Tree Consultants dated May 2023 (Ref: AWA5428)  
Supporting Statement prepared by Jackson Design Associates (JDA) dated November 2021 (Ref: 21/2365/SS REV B)

#### Revised Description

The description of development has been amended from 'Proposed dwelling on land within the curtilage of Glebe Cottage (Resubmission)' to be more precise. The revised scheme has been subject to full consultation and, as such, it is not considered that anyone has been prejudiced by this change, which has been agreed with the applicant's agent.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of one property have been individually notified by letter on the submitted and revised schemes. A site notice has also been displayed near to the site and an advert placed in the local press.

Site visits were undertaken on 18 August 2022 and 08 June 2023.

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)**

Spatial Policy 1 – Settlement Hierarchy  
Spatial Policy 2 – Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 – Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
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

##### **Allocations and Development Management DPD (adopted 2013)**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2023

- Planning Practice Guidance
- Newark and Sherwood Landscape Character Area SPA (December 2013)
- Planning (Listed Buildings and Conservation Areas) Act 1990

## **6.0 Consultations and Representations**

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

### **(a) Statutory Consultations**

**Historic England** – Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

### **NCC Highways – No objections (following revisions and subject to conditions)**

Further to previous highway comments provided, the Highway Authority is now in receipt of an amended proposed site layout plan (Drawing No. 21-2365-(02)001 Rev E).

The amended plan now details the access improvements to include widening of the access to 5.8m for the first 8m, together with boundary alterations to provide 2.4m x 43m visibility splays. The access arrangement as proposed is now considered acceptable to serve the proposed development.

### **(b) Parish Council**

#### **Norwell Parish Council – Support**

Do not feel that the proposal would have a detrimental effect on the Parish Church and consider that the design was a sympathetic one.

### **(c) Representations**

**Conservation** – Due to the scale and planform the proposed dwelling does not preserve or enhance the character and appearance of the conservation area as required by s.72 of the act. In addition, the proposal does not adhere with policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs.

#### **Tree Officer –**

Glebe Cottage borders on a number of historical living features of importance to the character and setting of the conservation area. The submitted arboricultural impact assessment has grossly underestimated the medium to long-term impact of the proposed development on retained trees. The request to reduce trees to enable development is a strong indication of the inappropriateness of either the trees retention or the dwelling's construction. There is an avenue of trees extending from St Laurence's Church to the Vicarage (that borders the application site). This avenue forms a material part of the character of the conservation area and setting of the church. It is strongly suggested that the development will negatively impact on this feature through loss of trees due to future impact on the proposed dwelling. The proposal does not appear to address/acknowledge



the future impact of trees on residents of the proposed dwelling, excepting that trees will grow, have associated wildlife and occasionally in high winds drop branches.

#### **Trent Valley Internal Drainage Board –**

The Board maintained Beck Bridge Feeder, an open watercourse, exists to the North of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.

**No third party/local resident comments received.**

### **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Preliminary Matters
2. Principle of Development
3. Impact on Designated Heritage Assets
4. Trees, Landscaping, and Ecology
5. Impact on Residential Amenity
6. Highway Safety and Parking
7. Flood Risk and Drainage
8. Other Matters

#### Preliminary Matters

In determining planning application 22/00370/FUL, the Local Planning Authority (LPA) considered the northern part of ‘garden land’ to the rear of Glebe Cottage (outlined in yellow on the image below) fell outside of the built extent of the village and, as such, regarded the proposal as a form of development in the open countryside as the new dwelling was proposed to be built on this part of the application site and accessed separately off Norwell Lane.



Following the refusal of planning application 22/00370/FUL, the applicant submitted this application for a new dwelling on garden land closer to the cottage (outlined in green on the aerial image above). However, following an initial assessment and site meeting, the applicant was



advised to apply for a Lawful Development Certificate to establish the lawful use of the northern part of the site (the area outlined in yellow), as they expressed their intention to continue using it as garden land as it had been sold them in 2014. Determination of this application for a new dwelling was therefore delayed, with the applicant's agreement, to allow time for a Lawful Development Certificate application to be submitted and determined. A Lawful Development Certificate was subsequently issued following the submission of sufficient evidence to demonstrate that the northern part of the site had been used as garden land as part of the residential use of Glebe Cottage for a continuous period of more than 10 years. Determination of this application for a new dwelling was then further delayed to allow time for the proposal to be amended and reconsulted upon, including an enlarged red line boundary to include the garden land outlined in yellow (a revised Site Location Plan was received on 4<sup>th</sup> October). Discussions regarding heritage and tree impacts have also been ongoing as outlined under the relevant headings below.

### Principle of Development

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a settlement hierarchy that directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 'Rural Areas' (hereafter referred to as SP3).

Norwell is defined within that policy as an 'other village'. Proposed developments within these villages are assessed against SP3. The locational criteria outlined in SP3 supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields or paddocks or open space which form the edge of built form.

Norwell, along with many other villages in the District, does not have a village envelope. Following the refusal of planning application 22/00370/FUL, the proposed new dwelling has been repositioned to an area of garden land closer to the rear of Glebe Cottage, which is considered to fall within the built extent of the village. Also, following the issue of a Lawful Development Certificate, garden land to the north is now considered to fall within the built extent of the village, which SP3 infers includes dwellings and their gardens. The proposal is therefore required to be assessed against of the location, scale, need, impact, and character criteria within SP3.

### *Location*

In terms of location, as noted above, the site falls within the village of Norwell, which has some local services and facilities including a primary school, village hall, church, and public house. There are also regular bus services to Ollerton, Newark, and Retford with a bus stop located on Main Street outside the village store (which closed in 2021). The closest sustainable settlements to Norwell are Sutton on Trent (approx. 4-miles north) and Newark (approx. 6-miles south). The proposal would therefore meet the locational criterion of SP3.

### *Scale*

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is covered in other parts of this assessment (see 'Character' and

'Impact on Designated Heritage Assets' sections below). The scale of the development in terms of quantum is considered appropriate to the size of the village, resulting in one additional dwelling in the settlement.

### *Need*

SP3 is supportive of new housing where it helps to support community facilities and local services. The supporting text to SP3 confirms that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings as is usually required by Core Policy 3. Notwithstanding this, the Council's latest District Wide Housing Needs Assessment 2020 (hereafter referred to as 'the 2020 HNA') identifies Norwell as being within the Sutton on Trent sub-area, which the 2020 HNA outlines needs more 4 or more-bedroom family housing than the district as a whole, which this scheme would contribute positively towards.

### *Impact*

The proposed new dwelling would, by virtue of being located within the village and within walking distance of facilities such as the public house and church, help support community facilities and local services in accordance with this criterion.

### *Character*

SP3 states new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 'Sustainable Design' of the Amended Core Strategy (2019) requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The site is located within the 'Mid-Nottinghamshire' Landscape Character Area and the 'Caunton Meadowlands' policy zone (ref: MN PZ 29) identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The condition of the landscape is defined as 'very good', while its sensitivity to change is defined as 'high' due to there being a moderate sense of place and high visibility. Landscape actions require, amongst other things, new development to conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton and Norwell and promoting use of vernacular materials, style, and scale in any new developments.

In policy terms, the application site falls within the built extent of Norwell, despite being on the edge of eastern edge of the village. Notwithstanding this, the proposal would create an uncharacteristic form of backland development to the rear of Glebe Cottage comprising of a large, detached dwelling that would noticeably deviate from the local vernacular in terms of scale and design. Furthermore, it is considered the proposal would detrimentally impact the landscape setting by introducing new built development on the rural eastern fringe of the village (see 'Impact on Designated Heritage Assets' for further commentary). Policy DM5 states the following regarding backland development:

*“Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.”*

The proposal would not be in-keeping with the general character and density of existing development in the area, which has a more open and lower density character than the historic core of the village. Consequently, it would constitute inappropriate backland development that fails to positively address the implications of the ‘Caunton Meadowlands’ policy zone. The proposal would therefore have a detrimental impact on the character of the location and its landscape setting contrary to the character criterion of SP3 and relevant provisions of Core Policies 9 and 13 of the Amended Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD as well as guidance contained within the NPPF.

#### Impact on Designated Heritage Assets

Core Policy 14 ‘Historic Environment’ of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management.

In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 ‘Protecting of the Historic Environment’ of the Allocations & Development Management DPD). Development proposals for development affecting or within the curtilage of listed buildings will be required to demonstrate that the proposal is compatible with the fabric and setting of the building (Policy DM9 ‘Protecting of the Historic Environment’).

The site is located in Norwell Conservation Area and the setting of the Grade I listed St Laurence’s Church (LEN 1369970). Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, for development which affects a listed building or its setting, preserving the building or its setting or any features of special architectural or historic interest which it possesses in accordance with the duty contained within Section 66(1) of the 1990 Act.

Norwell Conservation Area was first designated in 1972 and runs in historic linear form east-west. The Council’s Conservation Officer has described the character of the Conservation Area as follows:

*“The conservation area is predominantly characterised by large, detached dwellings on plots of various sizes, which are spacious and typically with mature landscaping. The village has organically evolved, with variations in grain of development, sized and design. As a rural village, the surrounding open countryside makes a positive contribution to the character and appearance of the conservation area. The most prominent listed building within the conservation area is the*

*Grade I listed church of St Lawrence, which makes an important contribution to Norwell, in particular when approached from the east."*

The existing cottage is of traditional design and makes a positive contribution to the character and appearance of the conservation area. The original cottage can be identified on the 1832 Enclosure Map (image enclosed below). The Conservation Officer notes that, over time, the cottage included detached outbuildings, which can be seen on the 1899 OS Map (image enclosed below).



Extract from 1832 Enclosure Map

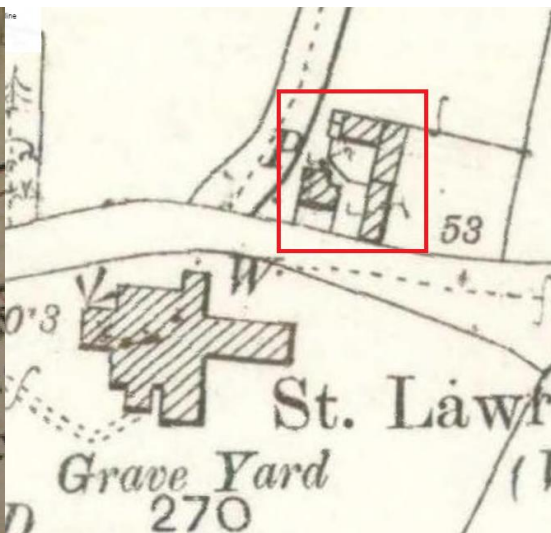


Image from 1899 OS Map

However, these buildings would have been modest, to reflect the modest cottage, and likely to have included a stable, piggery, and store. The cottage has been significantly altered and extended, and now includes a number of outbuildings associated with it (including the stable building in the field/paddock to the northeast). Notwithstanding this, the cottage still makes a positive contribution to the character and appearance of the Conservation Area, which should be preserved in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Officer considers the proposed new dwelling, in its submitted and revised forms, would not preserve the character and appearance of the Conservation Area, contrary to the abovementioned duty, for the following reasons:

*"The proposed dwelling is an 'L' plan dwelling with an attached open garage. The dwelling is largely single-storey, with a two-storey section. The dwelling has been designed to reflect a modern interpretation of an agricultural building which includes a large amount of glazing. The glazing, in particular the highly glazed gables do not reflect an agricultural building. The unusual location of the garage creates an unusual planform and adds alternative pallet of materials that do not respond to the vernacular character of the area of brick and pantile.*

*The scheme has been amended including the reduction in ridge height. However, the proposed dwelling will be still of a significant scale and will be highly visible when approaching the conservation area and from its immediate surroundings. Reviewing the proposed site plan, the dwelling will be considerably bigger footprint than the dwellings within vicinity.*

*The scheme has been reorientated from a previous submission, which means the highly glazed gable is not as prominent. This does assist with reducing the visual impact on the Church of St*

*Lawrence when entering Norwell of the east. Therefore, it is not considered that the proposed dwelling causes harm to the setting of the listed building.*

*Although the design is attractive it is considered that the design does not respond to the site's context and its relationship with the host dwelling Glebe Cottage. Traditional hierarchy of development within a site would expect ancillary structures and structures located behind the host dwelling are more modest in form and design and smaller in scale. The plot of the proposed dwelling will be considerably larger than that of Glebe Cottage. Due to the scale the proposed dwelling it will not appear subservient or ancillary to the host dwelling."*

The applicant's agent submitted a statement in response to earlier Conservation comments, asserting that the proposal would reflect farmstead groupings in the village. However, the examples identified are located within and adjacent to the historic core of the village, which has a different, more built-up character to the application site which is located on the eastern fringe of the village. I agree with the Conservation Officer's views that the design approach is not successful in reflecting a traditional farmstead and barn grouping due to its scale, siting, unusual plan form, and highly glazed design. Although the design could be considered attractive in its own right, it is not considered the right design approach for this site or context for the foregoing reasons. It is therefore considered the proposal would cause harm to the character and appearance of the designated Conservation Area contrary to the relevant provisions of the abovementioned planning policies and guidance. There must be clear and convincing justification for any harm to the significance of a designated heritage asset, such as a conservation area, from development within its setting (para. 200 of the NPPF). In this case, no such justification has been provided nor are there material considerations that outweigh the harm identified.

### Trees, Landscaping, and Ecology

Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD requires proposals to consider the need for continued protection of the District's ecological assets. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

There are several mature trees and hedges within and around the application site, which may be adversely affected by the proposed development. The application is supported by an Arboricultural Report and Impact Assessment prepared by AWA Tree Consultants (dated May 2023). This report identifies four trees for removal to facilitate the proposed development – T25 Apple, T7 Hornbeam, T28 and T33 Cherry – which are all identified as category C trees with little arboricultural value. In addition, three trees – T24 Walnut, T28 Cherry, and T32 Hornbeam – would require pruning works to facilitate the proposed development, reducing their crowns by around 1-metre each. The report also identifies potentially damaging activities are proposed in the vicinity of retained trees, with new development encroaching close to and into the edges of the root protection area (RPA) of T24. Whilst the report identifies that this encroachment is likely to be very minor, the Council's Tree Officer has raised concerns regarding impacts on existing green infrastructure through loss of trees and irrevocable damage to tree roots, particularly as the submitted tree report appears to fail to address/acknowledge the future impact of trees on residents of the proposed dwelling, excepting that trees will grow, have associated wildlife and occasionally in high winds drop branches.

In terms of mitigation to cover the loss of trees, the submitted tree report suggests “the site provides an excellent opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme”, however, no such scheme has been submitted for consideration as part of the application. In addition, the tree report suggests retained trees would require protection by fencing, which could be outlined within an Arboricultural Method Statement detailing protective fencing specifications and construction methods close to retained trees. However, no such Method Statement has been submitted for consideration as part of the application. Whilst it can sometimes be appropriate to impose conditions to secure such details, in this case, the absence of details of tree protection measures and replacement tree planting, coupled with the Tree Officer’s concerns about potential future impacts of trees on residents of the proposed dwelling, means it is unclear whether adverse effects of the development can be appropriately mitigated. Consequently, it has not been adequately demonstrated that features of natural importance would be conserved, enhanced and/or restored in accordance with the abovementioned policy framework.

The Arboricultural Report submitted in support of the application acknowledges that trees provide a wide range of habitats for many species including some that are legally protected but does not address the potential for such species to be present on the application site. Consequently, it has not been adequately demonstrated that the proposal would lead to no harm arising to trees and thus biodiversity.

Overall, the proposal fails to maximise opportunities to conserve, enhance, or restore existing trees on site and it has not been demonstrated that root protection areas of trees that could potentially be retained would not be indirectly harmed by the development. In addition, it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Amended Core Strategy DPD and Policy DM7 of the Allocations & Development Management DPD.

#### Impact on Residential Amenity

Policy DM5 requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The proposed new dwelling would comprise of a mix of two-storey and single-storey elements and be sited approximately 30 metres from the rear elevation of Glebe Cottage, which is the nearest neighbouring dwelling. The existing 3-bay cart shed/garage with log store to the rear of the cottage would sit between the existing cottage and proposed new dwelling, which is orientated to face away from the cottage towards the open countryside to the north. Treatment of the boundary between the two dwellings is unclear, although the proposed site layout indicates there would be a hedge along the rear boundary of the cottage, which could enhance privacy subject to appropriate management. Due to existing and proposed separation distances and boundary treatments, it is not considered the proposed development would have an adverse impact on neighbouring amenities. External amenity space for the existing cottage would be significantly reduced as a result of the proposed development, with the majority of existing green garden space handed over to accommodate the proposed new dwelling and its own private amenity space. However, given the relatively modest size of the cottage, it is not considered a significantly smaller external amenity space would be detrimental to the amenities of future occupants. Overall, it is considered the external amenity spaces for the proposed dwelling and existing cottage would be reasonable and proportionate to their size. Consequently, the proposal would accord with the

relevant provisions of Policy DM5 of the Allocations & Development Management DPD in this regard.

### Highway Safety and Parking

Policy DM5 requires the provision of 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.

The site is located on the north side of Main Street to the rear of Glebe Cottage at the eastern edge of the village of Norwell. The National Speed Limit applies to this part of the road and reduces to 30mph after the existing access to Glebe Cottage.

The application proposes to utilise the existing residential access to Glebe Cottage to serve both the existing and proposed dwellings. Nottinghamshire County Council Highway Authority considered the application as submitted and recommended revisions to ensure sufficient width of and visibility from the site access and provision of an adequate number of parking spaces on site. Following a couple of revisions, the amended proposed site layout plan (Drawing no. 21-2365-(02)001 REV E) details the appropriate widening of and visibility splays from the site access, which would be achieved by repositioning the existing boundary wall and gate pillars. The Highway Authority has raised no objections, subject to conditions to secure the provision of the above measures prior to occupation of the proposed new dwelling.

Consequently, following revisions and subject to recommended conditions, the proposal would secure safe means of access in accordance with current highway design standards and therefore would accord with the relevant provisions of Policy DM5 in this regard.

### Flood Risk and Drainage

According to Environment Agency Flood Risk Maps, the site is within Flood Zone 1 which has a low probability of flooding from rivers and the sea. However, the site is at high to medium risk of flooding from surface water, as illustrated by the image enclosed below.



Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones. The NPPF (2023) clarifies that "a sequential approach should be used in areas known to be at risk now or in the future from **any form of flooding**" (para. 162) (emphasis added). It has been recently confirmed to the LPA that the Sequential Test should be applied to developments in locations where there is a current or future medium/high risk of ground or surface water flooding. Consequently, application of the sequential test is therefore required in this instance.

For individual planning applications, the area to apply to the sequential test is the administrative boundary of Newark and Sherwood District. The Local Planning Authority has many sites available and allocated for housing that are in lower flood risk areas and, as such, it is considered unlikely that the proposal would pass the sequential test. Although applicants are usually given the opportunity to identify whether there are any other 'reasonably available' sites within the area of the search, that have not already been identified by the planning authority, it was not considered reasonable to request such information in this case, as the need to apply the sequential test was not raised previously, and as it is also unlikely to change the overall recommendation to refuse planning permission. Indeed, requesting further information at this late stage would risk giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

Notwithstanding the above, consideration has been given to how surface and foul water drainage would be managed as part of the development. Policy DM5 'Design' of the Allocations & Development Management DPD requires new development proposals to pro-actively manage surface water including the use of Sustainable Drainage Systems.

The proposed new dwelling would cover permeable garden land with impermeable built form and thus increase the amount of surface water on site. It is preferable to keep the extra volume on site, in order to avoid increasing flood risk elsewhere. The application form indicates a soakaway would be installed to dispose of surface water, although there is no indication of type, capacity or where this would be installed on site. There is also insufficient detail regarding foul sewage disposal, with the application indicating such details are unknown. However, it is noted that a sewage pumping station is sited on the opposite side of Main Street/Norwell Lane i.e., within close proximity to the site, so it is likely the development would connect to the existing foul drainage network.

#### Other Matters

It is recognised that determination of this application has been significantly delayed, however, such delays have been clearly communicated and agreed with the applicant via their agent throughout the application process. Officers have worked positively and proactively with the applicant to make some revisions to the proposal, which have successfully overcome some of the previous reasons for refusal. Therefore, whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.



## **8.0 Implications**

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

## **9.0 Conclusion**

The site falls within the built extent of the village of Norwell, which is an 'Other Village', where the principle of new development is assessed against the criteria of Spatial Policy 3 'Rural Areas' (SP3). SP3, amongst other things, requires new development to not have a detrimental impact on the character of the location or its landscape setting. However, the proposed development, by virtue of its scale, siting, unusual plan form, and highly glazed design, would constitute inappropriate backland development that would be uncharacteristic and harmful its landscape setting as well as the character and appearance of the designated Conservation Area. No clear and convincing justification has been provided or heritage/public benefits identified that outweigh the harmful impacts identified.

Furthermore, the development fails to maximise opportunities to conserve, enhance, or restore existing trees on site and it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of the area. The potential ecological impacts of the development in relation to its impacts upon any protected species are unknown. Consequently, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development.

There are no benefits to outweigh the demonstrable harm identified and a recommendation of refusal is offered.

## **10.0 Reasons for Refusal**

01

In the opinion of the Local Planning Authority, the proposed new dwelling and cart shed, by virtue of its scale, siting, unusual plan form, and highly glazed design, would constitute inappropriate backland development that would be uncharacteristic and harmful its landscape setting as well as the character and appearance of the designated Conservation Area. No clear and convincing justification has been provided or heritage/public benefits identified that outweigh the harmful impacts identified.

The proposal is therefore contrary to the Development Plan namely Spatial Policy 3 and Core Policies 9, 13 and 14 of the Amended Newark and Sherwood Core Strategy Development Plan Document (March 2019), Policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (July 2013) as well as Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the National Planning Policy Framework which are material considerations.

02

In the opinion of the Local Planning Authority, the development fails to maximise opportunities to conserve, enhance, or restore existing trees on site. Furthermore, it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of the area. No ecological appraisal has been submitted with the planning application and, as such, the potential ecological impacts of the development in relation to any protected species are unknown. The Applicant has therefore failed to demonstrate that there would be no adverse ecological impacts arising from the development.

The proposal is therefore contrary to the Development Plan namely Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy Development Plan Document (adopted March 2019) and Policies DM5 'Design' and DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management Development Plan Document (adopted July 2013) as well as the National Planning Policy Framework which is a material planning consideration.

### 03

The site is at high to medium risk of flooding from surface water and the proposal to erect a new dwelling requires the application to pass the Sequential Test as set out in the National Planning Policy Framework 2023. In the opinion of the Local Planning Authority, through the provision of a deliverable 5-year housing land supply, there are many other sites within the District at lower risk of flooding. Consequently, the proposal fails the Sequential Test and is contrary to Core Policy 10 (Climate Change) of the Newark and Sherwood Amended Core Strategy Development Plan Document (2019) and Policy DM5 (Design) of the Allocations & Development Management (DPD 2013) and the NPPF and the National Planning Practice Guidance, which are material considerations. National Planning Policy Framework.

### Informatives

#### 01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

#### 02

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

#### 03

Refused drawings:

21 2365 02 LP C Location Plan *received 04 October 2023*  
21 2365 02 001 REV E Amended Proposed Site Layout *received 23 June 2023*  
21 2365 02 002 REV C Proposed Layouts *received 17 May 2023*  
21 2365 02 004 REV D Proposed Elevations *received 17 May 2023*  
JD129 100A P Proposed New Access with Visibility Splay *received 17 May 2023*  
21 2365 VIS 001-005 B Artists Impression *received 17 May 2023*

BACKGROUND PAPERS

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

Application case file.







Report to Planning Committee 09 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	23/01159/FUL		
<b>Proposal</b>	Proposed change of use of agricultural buildings for weddings and events, including external alterations to the buildings and proposed use of field for associated car parking. Proposed change of use of main farmhouse for use as holiday accommodation and use of one room for wedding ceremonies.		
<b>Location</b>	Mill Farm, Gonalston Lane, Hoveringham, NG14 7JJ		
<b>Applicant</b>	Robert Collingham (Combs Farm) Ltd - Mr Collingham	<b>Agent</b>	GraceMachin Planning & Property - Mr George Machin
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/23/01159/FUL">23/01159/FUL   Proposed change of use for weddings   Mill Farm Gonalston Lane Hoveringham NG14 7JJ (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	11.07.2023	<b>Target Date</b>	05.09.2023
		<b>Extension To</b>	17.11.2023
<b>Recommendation</b>	That Planning Permission is <u>REFUSED</u> for the reason(s) detailed at Section 10.0 of this report.		

## 1.0 The Site

The application site relates to a collection of buildings on the south-western side of Gonalston Lane, accessed down an approx. 400m track. The site is located between the villages of Hoveringham and Lowdham, within the Nottinghamshire-Derby Green Belt and is surrounded by open fields. The site includes a cluster of agricultural buildings associated with Mill Farm (a Grade II listed building, listed in association with the Former Mill Building, on the NW side of the site). The former Mill lies outside of the application site to the west. To the north of the site is a small lake with fishing facilities operated by Trent View Carp Fishery, while to the south of the site lie open fields.

Not part of the application site itself, a larger modern agricultural building has been constructed to the immediate south of the traditional agricultural buildings. Construction of this building was approved under prior approval ref 22/00142/AGR for **agricultural** use. The approved plans showed

walls with a brickwork base and timber cladding above and a roof of corrugated aluminium. This building is sited approximately 5m to the south of the traditional buildings. The interior of this barn has been fitted out and decorated for use as part of the wedding venue (as seen from a recent site visit).

The northernmost of the traditional buildings (annotated as the Cottage) has been converted to residential use, with living accommodation both on the ground floor and also above the garage. This dwelling is currently occupied by the applicant, and it is not proposed that the use would change.

The site has the following constraints:

- The site lies within the Green Belt.
- The majority of the site lies in Flood Zone 2, with a part of the site (including some of the buildings) also in Flood Zone 3.
- The Dover Beck runs past the immediate west of the site and is identified by the Environment Agency as a Main River.
- A public bridleway runs along the northern side of the barns (in between these and Mill Farm) and there is a public right of way (RoW) approximately 37m away to the west.

## **2.0 Relevant Planning History**

**907721LB** – Carry out alterations & improvements - Approved, April 1977.

**90841135 & 90841135LB** – Construct conservatory and convert one window to door retaining arch over - Approved, March 1985.

**90850888** – Convert existing garage to form flat - Approved, January 1986.

**21/02053/LBC** - Listed Building Consent for the retention of a widened internal opening, removal and alteration of an internal stud wall and a bricked up internal doorway - Approved, December 2021.

**21/02361/FUL** - Proposed erection of new Tractor Storage Shed with adjacent Dryer Room and amendments to existing barn facade to create habitable workspace for farm office use - Refused December 2021 on grounds that the site was located in Green Belt, and no justification had been provided for the proposed tractor store and dryer room, and also that the site was within Flood Zone 3 and no Flood Risk Assessment had been provided with the application.

**22/00142/AGR** – Proposed barn - Prior approval not required, February 2022 (development to be carried out within 5 years of receipt of the application by the local planning authority, to be used for agricultural purposes only).

**22/02440/FULM** - Proposed change of use of agricultural buildings for weddings and events and associated car parking – Refused 02.06.2023 due to the development being inappropriate in the green belt, resulting in harm to the openness of the green belt, the character of the area, the setting of the nearby listed building, highways safety and failure to demonstrate no adverse impact on protected species.

### 3.0 The Proposal

*NB: It is noted that the physical works to convert the barns is largely completed, the path from the proposed parking area to the barns appears to have been installed and the land around the proposed parking area appears to have been used for these purposes. The farmhouse has also been in use as a holiday let. The proposal is therefore largely retrospective.*

The application seeks permission for the change of use of the agricultural buildings for use for weddings and events, including external alterations to the buildings and proposed use of field for associated car parking. The proposal also includes the change of use of the main farmhouse for use as holiday accommodation (year-round) and use of one of the rooms within it for wedding ceremonies.

The application seeks consent for a maximum of 35 events per year (between 1<sup>st</sup> April-31<sup>st</sup> October inclusive) and for a maximum capacity of 80 guests. The venue would be a 'dry hire' venue, meaning that food would be prepared off-site and brought to the venue on the day of the event. Should a catering van be required this would be sited within the courtyard area. Music is proposed to stop at 23:00 hrs with 'carriages' at 23:30 hrs and the venue fully closed by midnight.

The largest of the buildings (92m<sup>2</sup>) would be used as a "Ceremony Barn" (the north-eastern barn adjoining the 'cottage') while the smaller buildings to its south-west would be used as a bar and a toilet block (approx. 24m<sup>2</sup> floor area usable to guests) . One of the rooms within the Grade II Listed Farmhouse (the 'drawing room') is proposed to be available for use as a wedding ceremony room (in exceptional/emergency situations where the use of the proposed ceremony barn is unusable (for example collapse/fire damage), in order to allow existing bookings to be honoured).

The remainder of the Farmhouse is proposed to be used as a holiday let year-round and utilised as part of the wedding/events venue as a place for guests to stay/holiday let. No internal or external alterations are proposed to Mill Farmhouse as part of this Application. The property has 4-bedrooms (but can be used as 6-bedrooms). Three parking spaces are shown adjacent to the farmhouse for overnight guests.

The application seeks consent for the following works to the barns/site:

- Main/Ceremony Barn
  - A new door would be created in place of an existing smaller window in its north-east facing elevation.
  - The main barn doorway would be glazed over, with new timber doors hung at either side.
- Smaller Barns
  - New timber doors would be introduced to the front elevation facing the courtyard.
  - 2 no. rooflights are also proposed in the courtyard elevation.
  - 2 no. rooflights are proposed in the south-east facing elevation of the smallest barn.
  - The agent has confirmed that the following works have also been carried out to the barns: re-pointing with lime mortar, replacement of rotten timbers, replacement of broken bricks and roof tiles.
- Glazing would also be introduced to a number of existing door and window openings that were previously unglazed.



- Within the courtyard approx. 0.85m high walls and piers are shown along with a small pond, well and a grassed area. An area identified for a catering van is shown within the courtyard to the west of the main ceremony barn.
- A car parking area is shown in what is currently a field, approximately 90m east of the converted buildings – this area would not be surfaced but would be left as a grass field and is cited as accommodating 26 car parking spaces. A path is proposed between the parking area and the converted barns, surfaced in crushed limestone and lit by festoon lighting.

Staffing: on each wedding day there are usually 3 staff members present and couples can use agency staff for the day of the event. Prior to the day of the wedding the business relies on a number of staff to prepare the venue, approx. 15 full/part-time employees such as cleaners, gardeners, general maintenance staff, window cleaners, office manager, wedding planner, laundry maid and stockman.

Compared with the application recently refused under 22/02440/FULM the changes in this application are:

- Reduction in maximum guest capacity from 100 guests to 80.
- Reduction in number of events from 60 to 35 (between April-October).
- Omission of the area identified for the proposed catering marquee and identification of an area for a catering van.
- Relocation of the car parking area one field to the west of the original location and omission of any proposed surfacing (i.e. the field would remain as grass).
- Omission of rooflights from the main barn.
- Incorporation of Mill Farmhouse into the proposed change of use as a ceremony space and holiday let (year-round).

For the avoidance of doubt, the below assessment is made based on the following documents:

- Application Form
- Planning, Heritage and Design and Access Statement (deposited 05.07.2023)
- Addendum to Planning Statement (deposited 11.08.2023)
- Structural Survey Report (deposited 05.07.2023)
- Flood Risk Assessment (deposited 05.07.2023)
- Bat Survey Report dated Jan 2023 (deposited 05.07.2023)
- Bat Survey Report dated July 2023 (deposited 18.07.2023)
- Bat and Bird Mitigation Plan (deposited 05.09.2023)
- Civil Ceremonies License (dated 23.02.2023)
- Highways and Access Statement (deposited 05.07.2023)
- Joinery Quotation (deposited 05.07.2023)
- Agent Supporting Email 27.07.2023
- Agent Supporting Email 11.08.2023
- Response to Highway Authority Comments (deposited 11.08.2023)
- Agent Response to Conservation and RoW Comments (deposited 25.08.2023)
- Noise Assess Report (deposited 05.09.2023)
- Mill Farm Business Proposal (deposited 13.09.2023)
- Preliminary Geo-Environmental Risk Assessment (deposited 13.09.2023)

Plans:

- Site Location Plan – 03 Rev. J (deposited 11.08.2023)
- Topographic Site Survey – Ref. 22356-23-01
- Existing Floor Plans Barns - Ref. 22356-23-02 (deposited 05.09.2023)
- Existing Elevations Barns - Ref. 22356-23-03 (deposited 05.09.2023)
- Proposed Plans - Ref. 22356-23-04 Rev. G (deposited 05.09.2023)
- Proposed Elevations - Ref. 22356-23-05 Rev. E (deposited 05.09.2023)
- Amended Block Plan – Ref. 22356-23-06 Rev. I (deposited 06.09.2023)
- Existing Floor Plans (Main House) (deposited 11.08.2023)
- Proposed Floor Plans (Main House) (deposited 11.08.2023)
- Swept Path Analysis Sheet 2 of 2 – Ref. MA11714-1101 Rev. B (deposited 11.08.2023)

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 5 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site Visit Date: 17.07.2023

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

*Newark and Sherwood Amended Core Strategy (Adopted March 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 6 – Shaping our Employment Profile

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

*Allocations & Development Management DPD*

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM10 – Pollution and Hazardous Substances

DM12 - Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
- NSDC Landscape Character Assessment SPD (2013)
- NSDC Conversion of Traditional Rural Buildings SPD (2014)

## 6.0 Consultations

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

### (a) Statutory Consultations

**The Environment Agency** – No objection subject to conditions relating to implementation of mitigation measures.

### (b) Town/Parish Council

**Hoveringham Parish Council** – Concerns raised:

- Concerns that this application is retrospective, and the Applicant continues to take bookings despite not having planning permission.
- Noise: the use of the site in the summer months will be intensive when people will be sleeping with windows open, and events would be held mid-week and at weekends. Live and recorded music would be used, and it is understood there would be no outside music past 11pm. However, as the buildings are single skinned and not insulated there are concerns about noise spill from the site. Residents have been disturbed during events taking place. Background noise was typically very low in the area (particularly at night) and the area is flat. Music noise carries for a long distance and unless controlled would cause a nuisance to residents. If approved the following conditions should be imposed:
  - o No music played outside of the buildings.
  - o Music to end at 11pm.
  - o A noise consultant should assess music noise from live and recorded music to set a maximum decibel limit that cannot be exceeded and should take account of when residents have their windows open in summer months.
  - o Appropriate noise mitigation measures to be put in place.
  - o Fireworks should not be permitted.
- Traffic Noise: vehicles leaving the venue at night causes a disturbance to residents on Gonalston Lane. The Statement from the applicant refers to public transport availability but this is not a reality as the train station at Lowdham would require people walking some distance to the venue and would involve walking down Gonalston Lane which is narrow, with no pavement and no street lighting. Public transport is not a realistic option. Concerns that the new maximum capacity cited by the applicant would not be adhered to as the applicant has already taken bookings and this does not include staff travelling to and from the site. If approved the following conditions should be imposed:
  - o A noise assessment should address traffic noise and people leaving the site to suggest appropriate mitigation measures.
  - o An appropriate limit on capacity (including staff).
  - o An appropriate curfew time for guests to leave the site.
- Traffic Delays and Parking: Gonalston Lane is not always 'lightly used by traffic' as the area received many visitors to the lakes and river during the summer months. Gonalston Lane now has double yellow lines and there is no parking or waiting on the Lane. Therefore, parking on site must be sufficient for the number of guests and staff.
- Wildlife and Environment: local residents are concerned that the venue disturbs nesting

birds and bats. Further surveys have been undertaken which recognise that the work was carried out prior to surveys being carried out so any bats and birds would have been disturbed. The latest report gives low activities for both species, but this could be due to the fact that events are already taking place on the site and the period that the latest surveys were carried out. The safety rationale for festoon lighting on the site is acknowledged but there are concerns that this causes light pollution as well as impacting wildlife.

- Assurance that the footpath through the site will be maintained.
- Should planning permission be granted the use of the site should not be extended to include other buildings (such as the building for which an agricultural use was permitted without the need for planning permission) or external areas e.g., to include on-site camping (which has happened at the site for a previous event) or other events in addition to weddings with the potential for creating a high flow of traffic or noise disturbance.

**Caythorpe Parish Council – Object – Concerns raised:**

- The site is close to the village and residents have concerns about how their quality of life will be impacted due to the noise. Weddings have been held at the venue and the noise levels were unacceptable and not conducive to the quiet and tranquil village that residents have chosen to live in.
- Music up until 11pm on a regular basis will be intrusive.
- Access to the venue may create problems for Caythorpe residents.

**(c) Representations/Non-Statutory Consultation**

**NSDC Conservation Officer** – No objection subject to conditions.

**NSDC Ecologist** – No objection subject to conditions.

**Notts County Council Highways** – No objection subject to conditions.

**Notts County Council Rights of Way Officer** – No objection subject to conditions.

**Ramblers** – No comments received.

**Notts County Council Lead Local Flood Authority** – No objection, standing advice applies.

**NSDC Environmental Health Officer** – No objection subject to condition restricting, number of guests, the times at which amplified music could be played, and preventing music being played outside.

**NSDC Contaminated Land Officer** – No objection - no requirement for further assessment or the use of a contamination condition.

**Nottinghamshire Police Designing Out Crime Officer** – No objection.

**The Office of Rt. Hon. Mark Spencer MP** – Correspondence received requesting consideration be given to the benefits the development would deliver for the farm enterprise as a farm-diversification scheme that is supported by DEFRA policy.

**Comments have been received from 17 local residents that can be summarised as follows:**

- Concerns in relation to noise pollution due to loud music being played from the site (in one case up until 1am) on multiple occasions. Concerns that as this is a quiet rural area that is flat and with limited intervening land features, the impact of loud music, on a regular basis, would impact local residents' amenity and ability to sleep. Concerns that loud music is also exacerbated in summer months when residents have their windows open.
- Support the objections of Hoveringham and Caythorpe Parish Council's.
- Concerns that adequate noise surveys have not been undertaken.
- Concerns that residents in Caythorpe have not been consulted on the application.
- Concerns about the environmental impact of the development on local wildlife and the nearby nature reserve.
- Concerns that the reduction in the number of guests, proposed restriction on number of weddings and seasonal use would undermine the viability of the business and set a precedent for the business to be extended in the future.
- Concerns about the nature of alternative events that could take place at the site (18<sup>th</sup>/21<sup>st</sup> birthday parties, stag/hen parties, corporate events etc.).
- Concerns about the cumulative impact on local amenity from this site and the development/events taking place at The Old Volunteer in Caythorpe.
- Concerns about the impact on the bridleway as this has become blocked on multiple occasions and impassable on horseback. People attending the weddings and staying in the house park and obstruct the bridleway which is also overgrown and hazardous.
- Existing wildlife has been impacted by the noise and light pollution from the site. Any wildlife in the barns was lost once the conversions took place without planning permission.
- The existing driveway/access does not have a wide grass verge and numerous passing places – some passing places have been recently created and in late 2022 approx. 50m of ancient hedgerow was removed. A drainage ditch was also infilled to create the passing bays.
- Parking proposed is insufficient and does not reflect how the site is being run as cars park directly adjacent to the barns and do not adhere to the one-way system. They also block the bridleway and PRow.
- The owners applied for permission for an agricultural barn but this was disingenuous as it is being used as a wedding venue.
- The owners have told local people they are deliberately working the planning system.
- Concerns that the noise survey submitted is flawed – it has been commissioned and paid for by the applicant rather than carried out independently.

**7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Impact on the Character and Appearance of the Area including Heritage Impact
3. Impact on Amenity
4. Impact on Highway Safety
5. Impact of Flood Risk

6. Impact on Ecology
7. Other Matters

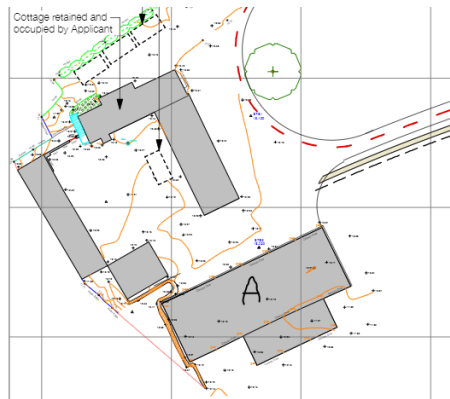
The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise,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

As the application concerns designated heritage assets of listed buildings, sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

The duties in s.66 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building, it must give that harm considerable importance and weight.

#### Preliminary Matters

Officers note that a Prior Approval application (i.e., agricultural permitted development) was issued in Feb 2022 for a new agricultural barn (marked A on the plan below) and a barn has been constructed on site in the position as proposed. Officers have noted on various visits that the barn has been constructed, and indeed appears to be being marketed, as included within the wedding venue offering. Site photos from July 2023 also show the barn fitted out internally with tables, chairs, décor, and flower installation. Despite this the Applicant asserts that this barn is not being used as part of the wedding venue and has been erected, and is in use, for agricultural purposes. It is also noted that this barn is outside of the red line on the Site Location Plan, does not feature on the Proposed Floor Plans and is not shown as included within the application on the proposed Block Plan. Despite having requested that this barn be included within this Application to regularise its construction and use (which would not benefit from permitted development in its current form and use) the Applicant does not wish to do so. The construction and use of this barn will therefore be investigated separately by enforcement colleagues.



*Prior Approval 'Agricultural' Barn*



*External and Internal Site Photos from July 2023 of the 'Agricultural' Barn*

It is also noted that the Applicant has stated they are the owners, and occupy, both the Mill Farmhouse and the 'cottage' (which adjoins one of the barns that is the subject of this application). Having visited the site the Applicant's Son has explained that they currently live in the 'cottage' but are intending on living in the Mill Farmhouse in long term when it is not in use by wedding guests. The 'cottage' is included within the red line of the site location plan, but no reference is made to the change of use of this building to be included within the wedding venue offering (noting it is not shown on the proposed floor plans etc.) – this is therefore not considered as part of this application.

Considering the description of development, the application seeks permission for the change of use of the agricultural buildings for use for weddings and events, including external alterations to the buildings and the proposed use of a field for associated car parking. The proposal also includes the change of use of the main farmhouse for use as holiday accommodation and use of one of the rooms within it for wedding ceremonies.

Background Information

This application follows a recently refused planning application ref. 22/02440/FULM for the change of use of agricultural buildings for weddings and events and associated car parking with a maximum capacity of 100 guests and 60 weddings per year between April-October. This application was similarly mostly retrospective and whilst no adverse impacts were identified in respect of amenity impacts or flood risk, it was concluded that the development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site. It was therefore considered to amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances were considered to arise from the proposal even in the context of the potential economic benefits of the proposed use.

Furthermore, it was concluded that the proposal would result in less than substantial harm to the setting of the Grade II Listed Mill Farmhouse contrary to the objective of preservation as set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. There were no wider public benefits that were considered to outweigh this harm. In addition, it was concluded that the Applicant had failed to demonstrate that safe access and egress could be achieved into the site from Gonalston Lane, that necessary highways improvements could be undertaken to facilitate safe access and egress and it was concluded that there would be insufficient parking provision to serve the proposed use which could displace cars and visiting traffic onto the public highway. The Applicant therefore failed to demonstrate that the development would not result in a risk to highway safety. Finally, it was also concluded that the Applicant had failed to demonstrate that the proposal would not result in a materially adverse effect on bats, which are a European Protected Species.

This Application seeks permission again for the use of the site as a wedding venue but also includes other elements such as the use of the Mill Farmhouse as a holiday let to regularise a change of use that has already been taking place without planning permission. Other changes in this Application compared to the recent refusal are set out in the description of the proposal section of this report but are essentially:

- Reduction in maximum guest capacity from 100 guests to 80.
- Reduction in number of events from 60 to 35 (between April-October).
- Omission of the area identified for the proposed catering marquee and identification of an area for a catering van.
- Relocation of the car parking area one field to the west of the original location and omission of any proposed surfacing (i.e. the field would remain as grass).
- Omission of rooflights from the main barn.
- Incorporation of Mill Farmhouse into the proposed change of use as a ceremony space and holiday let (year-round).

Additional reports have also been submitted in response to concerns raised in relation to highways safety, noise and protected species. In the interest of consistency, extracts from the Officer Report of the recently refused application are included below and commented on where relevant or the



proposal has changed.

### Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy (Spatial Policy 1) 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. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

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 (para. 147). 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.

In assessing the principle of 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.

The NPPF states that the construction of new buildings in the Green Belt is inappropriate. Whilst there are a number of exceptions (in para 149) it is noted that para 150 explains that where new buildings are not proposed, certain other forms of development are also not inappropriate in the Green Belt "**provided they preserve its openness and do not conflict with the purposes of including land within it**" including (d) the re-use of buildings provided that the buildings are of permanent and substantial construction; and (e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

On the face of it this application is for the conversion of existing buildings to form a wedding venue and associated holiday let and the material change of use of land to form a parking area for that venue.

In terms of the principle of the proposed development, the 22/02440/FULM Officer Report stated, "*it is noted that the submitted structural surveys concluded that the application barns are of substantial construction. Thus, the re-use of these permanent brick-built buildings would meet exception point 150(d) provided the proposal is considered to preserve the openness of the*

greenbelt. However, reviewing aerial photos, coupled with site photos from August 2021 and those submitted by the Applicant in support of this application it appears that at least the entire roof structure and possibly some of the walls of the western barn range have been re-built. Aerial photos (below) show the barn with the roof structure removed and photos from site visits appear to show the roof has been raised by a few brick courses above the door openings with the roof structure replaced. It also appears that the southern smallest barn has been re-roofed (see photos below).”



Aerial Image June 2022



Site Photos Aug 2021



Photos Deposited by Applicant



Site Photos Aug 2021



Photos Deposited by Applicant

“Whilst the re-use of buildings is an exception to inappropriate development, the NPPF regards the construction of new buildings as inappropriate. The applicant’s agent asserts that the buildings have

*not been rebuilt and only re-pointing has taken place. However, based on a comparison of site photos this does not appear to be the case. Whether the extent of works that have been undertaken amount to starting afresh is not clear in this application. Officers note that the replacement of a building is also an exception to inappropriate development in the green belt under para 149(d), however this is provided the building is in the same use and not materially larger than the one it replaces, and the use proposed in this application would not be the same in this case. Nevertheless, Officers note that the re-use of a building is only appropriate in the event that the buildings are of permanent and substantial construction and clearly in the case of the western linear barn range, it would appear that substantial (unauthorised) structural works have taken place to facilitate the unauthorised conversion. It is therefore unclear whether the works undertaken would fall within one of the exception points cited in paras 149 or 150 of the NPPF.”*

To address this point, in this new application the supporting statement explains that substantial structural works have not been carried out, but the barns have been re-pointed with lime mortar, the rotten timbers have been replaced and broken bricks and roof tiles have also been replaced. Ultimately it would appear that these barns have been re-roofed and that the roof has been raised by approx. 3 brick courses for both barns, however this Authority does not have sufficient evidence to definitely confirm the full extent of the works that have taken place. Nevertheless, the works do not appear to amount to *starting afresh* as the general form of the building remains unaltered. The information from the Applicant therefore must be taken on good faith and therefore it is considered that the re-use of the buildings would fall within exception points 150(d) of the NPPF provided the proposal is considered to preserve the openness of the greenbelt.

Similarly, the re-use of the Mill Farmhouse as a holiday let associated with the wedding venue would fall within exception point 150(d) in principle (provided the proposal is considered to preserve the openness of the green belt) as the Farmhouse was formerly a habitable dwellinghouse of permanent and substantial construction.

Turning now to the remaining elements of the scheme, it is also noted that a material change in the use of land (to form the proposed car park) and engineering operations (to create the path and access to the barns from the car park) are exceptions to inappropriate development in the green belt under exception points 150(e) and 150(b) respectively, however this is also **only** provided that the development or change of use would preserve the openness of the Green Belt too.

The submitted plans also now show the location of a ‘catering van’ within the courtyard following the omission of the ‘temporary catering tent’ that was referred to in the recently refused application. It is noted that there are no other catering facilities shown on the proposed plans. The supporting statement explains that the venue would be a ‘dry hire’ venue, meaning that all food would be prepared off-site and brought to the venue on the day of the event. Should a catering van be required this would be sited within the courtyard area. Discussing this with the Applicant on site they explained that the majority of their bookings are for cold food only which is all brought to site on the day of the event, however some couples choose to have hot food (such as hog roasts or pizza vans) and these are catered for using a catering van that is stationed within the courtyard area. The application seeks consent for 35 weddings per year between 1<sup>st</sup> April-31<sup>st</sup> October which spans nearly 22 weeks a year. With 35 weddings per year this would amount to 1-2 weddings a week within this period. This would amount to 35 days per year where a catering van could be in situ on the land. Given this facility would be incidental to the overall use of the site as a wedding

venue the only relevant exception point for the stationing of this catering van is para. 149(b) which permits *“the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”*. Pertinently, the provision of such ‘appropriate facilities’ is only appropriate in accordance with the listed uses above. Given this proposal would not fall into any of these described uses it is considered that the stationing of this catering van would not fall within any of the exception points to inappropriate development listed in the NPPF.

In terms of the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it, para. 137 of the NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Importantly, 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.

It is noted that, save for the catering van, the change of use of the barns and Mill Farmhouse in isolation would not result in any built development that would impact the openness of the Green Belt. The proposed catering van is noted to be ‘where required’, however as explained above it is not considered that this would fall within any of the exception points within para. 149 or 150 of the NPPF. Even in the event that it was considered to fall within one of the exception points, if a catering van was required 35 times in the summer season, then for these occurrences the van would be a physical structure on the site that would, in simple spatial terms, impact the openness of the site. Whilst it is noted that the new barn (consented for agricultural use) to the south would screen this area from the wider countryside, openness is an absence of development and is not reliant upon public visibility. This element of the proposal is therefore concluded to result in an impact on the openness of the site.

In relation to the proposed car park, the 22/02440/FULM Officer Report stated, *“the change of use of the land to form the proposed car park and the development to create a path from the parking area to the barns would be located in existing open agricultural fields where there was, until recently, no development (see a comparison of the aerial images below). Therefore, in simple spatial terms, the creation of the car park area and path/access track would have a clear and demonstrable effect on the openness of the Green Belt by introducing development to land which is/was permanently open. The impact of the proposed pathway/access track is clear on the aerial images below which show the subdivision of a formerly undeveloped field and the introduction of additional hard surfacing. Notwithstanding the use of a crushed surfacing, this engineering operation has had a clear and demonstrable impact on the openness of this parcel of land, resulting in encroachment of development in the countryside.*





2019



2022

*Given the creation of the car park would also bring about development in land in which there is presently none, the proposal would also represent a clear encroachment of development into the countryside and would result in the sprawling of development. Furthermore, given the farm buildings and associated Mill house were historically a cluster of development surrounded by open fields and undeveloped countryside, there was a clear link between the sense of openness retained around this cluster of development which has been (and would be further by the car park) significantly eroded by the introduction of the proposal. The proposed car park area and path would therefore have a discernible adverse visual impact on the openness of the Green Belt. This conclusion is drawn irrespective of the proposed materials for the car park area (which is noted to be a grass road interlocking surface to allow grass to grow within it) as the proposed surfacing would still be visually noticeable in the landscape.”* In the application at hand the parking area has been relocated one field to the west (identified with a red star above) and would not be surfaced (i.e., it would remain as grass). Notwithstanding this however, the conclusions above remain unchanged. The use of this land as a car park would still result in numerous cars being parked on land that would otherwise be undeveloped, this would consequently impact the openness of the land surrounding Mill Farmhouse and would have a discernible adverse visual and spatial impact.

It is noted that the number of proposed events per year has been reduced in this application from 60 to 35, however this would still result in 35 events (with vehicles on site potentially the night before wedding events, the night of the wedding and the day after given the use of the Farmhouse as a holiday let for wedding events, therefore potentially a max. of 105 days) where the land would be used as a car park which would not be an insignificant amount of time over the year where there would be a visual and spatial impact on the openness of the land. The supporting statement explains that visibility into this land is prevented by existing boundary hedgerow around the fields, however the extent to which a site is visible from public vantage points and the extent to which a proposal would be visually intrusive are separate from openness.

In relation to the proposed use as a whole, the 22/02440/FULM Officer Report stated, *“In addition to the above harm, the use of the site as a 100-person wedding venue and the use of the car park for patrons and staff would bring about a significant increase in associated comings and goings to the site. Whilst it is noted that an element of visual intrusion relating to vehicles at the site could already occur in association with the former agricultural use, this would not be of a comparable*

scale to a 100-person wedding venue which would have a significantly greater amount of associated movements that would impact the openness of the site. It is also acknowledged that the car park would not be full of vehicles at all times, however, there could be up to 100+ people visiting the site, by various modes of traffic (private cars, coaches, taxis, etc.), which would result in a significant increase in associated comings and goings. The use of the site by vehicles, staff and patrons would have a clear and demonstrable impact on the openness of the site. The car park itself and the vehicles using it would also have a clear visual impact leading to a loss of openness, and for similar reasons, the path/access track and the vehicles (staff/caterers etc.) using it would also have a comparable visual impact.” The change in this application is that the venue capacity would now be 80 guests (rather than 100) in addition to 3 staff members (on the day, but potentially more if agency staff are used by the couples) working each event, in addition to approx. 15 staff members to prepare the venue ahead of each wedding and other service providers (such as florists, caterers, beauty and entertainment providers). This reduction in numbers would not drastically reduce the associated comings and goings to the site which would still be over 100 people for 35 events within a 7-month period. Therefore, the conclusions drawn above remain unchanged. The proposed use would continue to result in a significant number of movements into the site that would have a demonstrable and regular impact on its openness over the 7-month period.

In addition to this, Officers note that the floor area of the barns (that are included within this application) is very limited for an 80-person wedding venue - the ceremony barn and the usable portion of the bar amounts to just 116m<sup>2</sup> (approx.) which would need to accommodate up to 80 people for the duration of the weddings held on the site. It is therefore anticipated that during change over time (setting up tables/chairs between the ceremony and serving any refreshments or food, for example) that most guests would be within the courtyard area. Having people within the courtyard area of the site would have an additional associated impact on its openness for the duration of the events when weather is favourable. However, Officers have queried where guests would be accommodated during inclement weather conditions (if the ‘Agricultural Barn’ is not, as the Applicant alleges, used in any capacity for the wedding venue offering) and the Applicant has advised that a canopy is erected within the courtyard for guests to shelter under (images below show this canopy in place).



*Images supplied by the Applicant of the cover for the Courtyard.*

Given the quality of this canopy and its aesthetics (in the context of the site being used for weddings) Officers question whether this is realistically and genuinely how the venue has been or

would continue to operate during poor weather. In the absence of any further information on how the venue operates its change over times during events and where guests would otherwise be accommodated, Officers consider this calls into question whether the buildings included within this application are sufficient in size on their own (i.e., without the unauthorised 'Agricultural Barn') to be able to operate as a wedding venue without the requirement for a more permanent structure, like a marquee for example, that would have a consequential impact on the openness of the site which could be greater than the 'canopy' would do at present.

Furthermore, it is noted that the change of use of the Farmhouse to a holiday let would be year-round and thus there would be additional associated comings and goings from this site in the remaining months of the year where there are no weddings taking place. This too would have an impact on intensification of use of the site.

It is worth acknowledging that Class B of Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the temporary use of **land** for any purpose for not more than 28 days in total in any calendar year (subject to certain limitations) and thus other parcels of land within the Applicant's holding could technically be used for holding events such as weddings (subject to obtaining relevant licenses) and this would result in a level of impact on the openness of the Green Belt. However, it is noted that Class B is only in relation to the use of land and would not permit the erection of any associated structures such as a marquee or toilets etc., for example – therefore, arguably, the use of an open field for no more than 28 days a year for weddings would be less permanent than the application at hand.

It is also acknowledged that as an agricultural site there would be a level of movements associated with the barns themselves – however, taking the Applicant's explanation of how the new 'agricultural barn' is used as read, agricultural movements to the site would also remain **in addition** to the new movements associated with the wedding venue use. It is therefore considered that whilst there would have been a level of agricultural movements associated with these barns as a baseline, this would not be of a comparable scale to an 80-person wedding venue which would have a significantly greater number of associated movements that would impact the openness of the site.

*'Very special circumstances'*

Overall, it is therefore remains to be considered that despite the amendments made, the development would result in a clear and significant spatial and visual impact on the openness of the Green Belt. It would therefore amount to inappropriate development in the Green Belt. The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. There is no definite list for what constitutes very special circumstances, but it has been established in Case Law that the threshold is high and will turn on the facts and circumstances of the individual application.

The Applicant has not specifically advanced a case that there are very special circumstances that should outweigh any harm identified, however they have cited that this wedding venue venture is part of a farm diversification scheme to sustain the existing agricultural enterprise and would make

a significant contribution to the rural economy. Upon request, a business proposal has been submitted which details that the Applicant has two farms over 300 acres. Due to the reduction of farm subsidies, there has been general encouragement from the Government for farms to diversify (as set reiterated at the UK Farm to Fork Summit on 16<sup>th</sup> May 2023) to support their businesses and the rural economy. The Applicant states that the additional income brought in from holding weddings enables them to secure the future of their business and alleviate cash flow pressures during the summer months. They state that Mill Farm is firstly a farm, with only seasonal use of the farm buildings proposed as a wedding venue and ultimately this additional income would contribute to the sustainability of the family business. Income generated is also intended on being used to invest in further restoration projects at The Mill to renovate the water mill building and water wheel (however, this would be subject to a requirement for separate consent) – however, there has been no evidence supplied that The Mill requires any significant restoration, and no specific case has been advanced as enabling development as part of this application. Any income from the wedding venue could therefore not be secured for this purpose. The statement also explains that the venue creates various employment opportunities for many local people and businesses, thereby contributing to the rural economy.

Officers are mindful of the direction of travel in relation to the Government's commitment to supporting farm diversification proposals and the agricultural sector/rural economy. Whilst hosting the Farm to Fork Summit in June, the UK Prime Minister pledged to *"cut the red tape currently holding farmers back from delivering projects on their land to diversify their incomes"*. The Government said it wants the planning system to respond to the immediate challenges facing farmers and give them greater freedoms to make the best use of their existing agricultural buildings and support the wider rural economy. The Government has also recently launched a consultation on the proposed reform of permitted development rights contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which include several proposals that could impact the diversification of agricultural holdings<sup>1</sup>. Whilst currently in consultation form and not carrying any material weight, the consultations on the amendments to the GPDO indicate the Government's intended direction of travel to supporting rural businesses by enabling them greater flexibility to diversify and bring underutilised buildings and farmland into a use which can generate additional income. Correspondence has also been received from the local MP requesting consideration be given to the benefits the development would deliver for the farm enterprise as a farm-diversification scheme that is supported by DEFRA policy. Officers also note that CP6 supports rural diversification for farms, however on the proviso that such developments are small scale in nature to ensure acceptable scale and impact.

In this case it is accepted that this wedding venue business would contribute to local employment, local services and businesses, thereby contributing to the rural economy and assisting in supporting the farm business as a farm diversification scheme. However, the business case advanced by the Applicant does not provide any quantifiable figures to demonstrate how significantly 35 annual events on this site would contribute to the farm business, or indeed justify how this would be viable when consent was previously sought for 60 events per year. Nor has it been evidenced that this proposal would be the **least harmful** way of re-purposing these buildings to support the farm or the local economy. It is acknowledged that this proposed business could contribute to local employment and could sustain local businesses in the wedding/events sector, however it remains

---

<sup>1</sup> Public consultation on these proposed amendments closed 25 September 2023.



to be considered that this limited contribution (which would be even less than the contribution proposed in the previous application given the reduction in event numbers) would not be so significant to amount to the very specific circumstances required to justify the harm identified on the green belt, particularly given there could be less harmful options for repurposing the buildings that could similarly assist in supporting the rural economy and the farm enterprise. The scheme overall also would not deliver wider public benefits.

Overall, it therefore remains to be considered that the limited benefits of the scheme would not be sufficient to amount to considerations that would clearly outweigh the harm by reason of inappropriateness and the impact on openness of the Green Belt to amount to the very special circumstances necessary to justify the development. Officers therefore consider that the principle of this development would be inappropriate and would therefore fail to accord with the requirements of Spatial Policy 4B and Chapter 13 of the NPPF.

#### Impact on the Character and Appearance of the Area including Heritage Impact

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Council's Conversion of Traditional Rural Buildings SPD is also relevant.

Given the site context, regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. 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).

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within two local policy zones, Thurgarton River Meadowlands (TW PZ 52) and the Gunthorpe and Hoveringham Village Farmlands (TW PZ 8). In relation to built features both of the policy zone actions in relation to built features is to conserve existing field boundaries and promote sensitive design.

As set out in the preceding section of this report, with regard to the proposed change of use, stationing of the catering van and development to provide the car park and path to the barns, it has been concluded that the proposal would result in a clear and significant spatial and visual impact on the openness of the Green Belt – this in principle would result in harm to the rural and undeveloped character of the area, contrary to the aims and objectives of CP9 and DM5. Given the land surrounding the barns was, until recently, undeveloped and given the nature and scale of the proposed use the proposal would result in a clear impact on the character of the landscape and would have a noticeable visual impact. This would fail to complement the existing built and landscape environment. The Supporting Statement explains that the site is not highly visible in the

public realm and thus any visual impact would be limited to within the site itself. However, Officers note that there is a PRoW and Bridleway that spans the length of the access and passes through the site which *would* enable receptors to visually perceive the change in the use of the site and the associated development.

Turning now to the building alterations, maintaining the rural character of the site and area is important to help preserve the character and appearance of the countryside and the conversion of traditional rural buildings is strictly controlled through the Council's SPD. The Council's Conservation Officer (CO) has appraised the proposal and has noted that the barns are not considered curtilage listed due to their physical separation with the principal Listed Building on the site. However, external alterations still have the potential to impact views and appreciation of Mill Farmhouse (Grade II), notably looking towards the main threshing barn as the Listed Building is prominent in the context of this view.

The submitted plans demonstrate that in terms of appearance, the external appearance of the barns would be largely maintained so that the traditional features are not lost. Following discussions, the plans have also been amended to overcome some of the CO's comments and concerns in relation to the alterations to the windows and doors on the barns. Following negotiations, the proposed plans now show the installed rooflights omitted (and their removal and replacement with pantiles would need to be secured through conditions) – subject to appropriate monitoring of this condition to ensure the removal of these rooflights, the previously identified harm in respect of these features would be overcome. The CO also requested the removal/reduction in the number of brass bulkhead light fittings, removal of the lanterns and alteration of the shiplap cladding infill on the ceremony barn with a more sympathetic materials such as brick – these elements have also been incorporated into the proposed plans and would also require appropriate monitoring to secure these alterations to the works already undertaken to the buildings. Again, subject to appropriate conditions the previously identified harm in respect of these elements would be overcome.

Nevertheless, the CO concludes that conversion of the barns would result in the loss of the historic associative value and, particularly for the bar building and works within the courtyard, erode some of the historic agricultural character and appearance of the site. Due to the proximity of these barns to the listed farmhouse and the prominence on the approach to Mill Farmhouse (Grade II), they conclude that the works would still cause a visual distraction to the building's setting. Nevertheless, the works as indicated in the updated elevations, would reuse existing openings, be the minimum necessary to convert the building and would not result in the total loss of the building's agricultural character. In summary, the proposal would result in a minor-moderate level of less than substantial harm to the setting of the Listed Building - this would be contrary to s.66 of the Act. Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset, such as a listed building, (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Also, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202). The CO has advised that they consider clear and convincing justification has been provided for the level of heritage harm in this case as it would facilitate the long-term conservation and reuse of the traditional barns which have a historic connection to the Listed Building. The amendments have minimised the visual impact on the agricultural character of the

building and the CO concludes that there are therefore no objections to the proposal from a conservation perspective.

In relation to the conversion of Mill Farmhouse the CO has advised that the proposed floorplans for the Farmhouse indicate there would be no internal alterations to the building. It is noted that the Environment Agency (consultation response dated 27/07/23) has requested that the finished floor levels shall be above a certain height, however this is not considered to be applicable to the listed Farmhouse which is already in residential use. Therefore, given no works are required or proposed to the Farmhouse the historic interest of the listed building would be maintained.

Turning now to the development proposed within the grounds of the site. A marquee/catering tent is no longer proposed with this re-submission, and it is set out in the Planning Statement Addendum (dated 11/08/23), that catering vans would be used where required for hot food provision. The CO has advised that with the new positioning proposed, whilst this would interrupt and distract from views and appreciation of the barns and listed building, it is likely that the visual impact from a heritage perspective would be intermittent and would not result in irreversible harm to the setting of the designated heritage asset. They therefore considered this to be acceptable in this case.

In relation to the proposed parking area, the CO previously concluded that the material and appearance of the proposed grasscrete for the car parking would have a harmful impact on the surrounding agricultural context and setting, eroding the rural characteristics of the area, resulting in harm to the setting of the adjacent listed building. However, the parking area has now been amended to omit any proposed surfacing (in favour of retaining the grass for a more informal parking area) – the CO has confirmed that this would not result in irreversible harm to the setting of the designated heritage asset. In relation to the crushed limestone access track and path that have been installed (and can be seen on the comparative images below) the CO has advised that this would not result in sufficient harm to warrant an objection from a Conservation perspective.



*Previous View of the Barns on Approach into the Site*



*Current View of the Barns on Approach into the Site (barn on the lefthand side*

Overall, in light of the conclusions drawn above and the amendments made throughout the course of this application it is therefore considered that, subject to conditions, the proposal would comply with policies CP9, CP14, DM5 and DM9 within the Council's LDF DPDs and the provisions of the NPPF in this regard.

Impact on 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 nearest residential properties (that are not in the same ownership as the applicant) are along Caythorpe Road, Caythorpe approximately 560m to the southwest and Westfield House on Gonalston Lane, Hoveringham approximately 600m to the east. There are grassed fields, trees and shrubs between the proposed wedding venue and the nearest residential properties (see the extract from the Noise Report below).



In relation to the potential amenity impact of the development, the 22/02440/FULM Officer Report stated, *“The proposed development to the buildings and to create the car parking area, would not result in any adverse overlooking, overbearing or overshadowing impacts by virtue of this separation. It is noted that as a wedding venue there would likely be amplified music played in the days and evenings, however given the degree of separation from the nearest residential receptors, irrespective of the area having a low ambient noise level, it is not considered likely that an adverse amenity impact would arise through noise disturbance (from either music noise or noise associated with comings and goings to the site). Nevertheless, the Council’s Environmental Health Officer has advised that whilst the site is fairly isolated, noise from amplified music at such events could travel*

*for some distance and be noticeable some distance away. This is particularly true where background noise levels are low, and if the music takes place outdoors where there is no at-source attenuation of the noise. This is recognised in the Design and Access Statement, which indicates Conditions could be attached limiting hours of operation and preventing amplified music being played outside of the buildings. To preserve the amenity of any nearby residential receptor, and indeed the amenity of users of the nearby Fishery business, it is considered reasonable to condition that no amplified music is permitted to be played outside and that a time limit is imposed for playing amplified music within the buildings if permission were to be otherwise forthcoming.*

*Officers are mindful of the concerns raised by the nearby fishery users and the impact this proposal could have on noise and consequently night-time fishing. However, it is considered that given the degree of separation and intervening tree cover, the noise impacts from music within the buildings would not be so sufficient to significantly impact on the operation of this business or the enjoyment of site users to warrant withholding permission on this basis.*

*Officers also note that both the Mill Farmhouse and the 'cottage' building are detailed as being occupied by the Applicant. It is not clear what living arrangements are in place within the site, however both dwellings are included within the red line of the application site and are owned by the Applicant. Whilst the subdivision of the site and separate occupation of either dwelling could result in an impact on these future occupiers' amenity, any future occupier would be well aware of the site context and relationship with the wedding venue (again if approved)."*

Based on the details submitted within this application the above assessment remains unchanged. Officers note that a number of 3<sup>rd</sup> party comments have been received raising concerns in relation to noise disturbance, however it is noted that some of these comment reference events taking place at The Old Volunteer Pub in Caythorpe and the cumulative disturbance as a result of this venue. However, this application must be assessed on its own merits and without prejudice. To allay concerns from local residents and the Parish Council the Applicant has provided a noise survey which has assessed background noise levels and the impact of amplified noise from the site. The surveys concludes that noise due to music noise breakout from the proposed wedding venue "is expected to have a low noise impact at the closest residential properties" and noise due to the raised voices of guests at the proposed wedding venue is "expected to have a low noise impact at the closest residential properties". Overall, the noise assessment indicates a low noise impact on the closest residential properties without any additional noise mitigation measures being required. The Environmental Health Officer has reviewed the noise assessment submitted and has advised that they concur with the findings that noise from events would be acceptable at nearest sensitive receptors – however, this is subject to conditions restricting number of guests, the times at which amplified music can be played and preventing music being played outside.

Overall, subject to these conditions the proposal is considered to be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

#### Impact on Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the

highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. DM5 mirrors this.

The site would be accessed via an existing access off Gonalston Lane. The Highways and Access Statement (HAS) explains that there would be a maximum of 80 guests. The statement explains that the mode of travel by the guests would vary between private car and taxis (as there will be a number of people who drive to the venue and a number of people who will not want to drive as they may wish to consume alcoholic drinks as part of the celebrations). For the purposes of the assessment the HAS assumes that 40% of people will not drive to the wedding venue as they will want to consume alcohol and will therefore arrive by taxi (which will not require a parking space) – albeit Officers note that at collection time potentially a number of taxis could attend the venue at one time and would require space to wait to collect guests. For the purpose of analysis of car parking space requirement, if 60% of guests arrive by private car at an average of 2.5 persons per car, this would equate to 17 car parking spaces being required. There would also be a requirement for staff parking and therefore a total of 26 spaces (inc. 2 disabled spaces) are proposed. A plan demarcating set spaces within the parking field has not been provided as the intention is not for these spaces to be formally laid out, however the field is of a size that it could likely accommodate more vehicles.

The Highways Authority have reviewed the application and initially advised that works had been carried out including in and around the access including a new fence and mill stone that had been erected on highway owned land without consent. The Highways Authority raised concerns about these elements, and these have since been removed.

A traffic assessment has been submitted and upon request various tracking plans have been provided to demonstrate that, subject to some widening works, the access arrangements onto Gonalston Lane have been assessed properly and could accommodate access for a coach to enter and exit safely without overrunning the public highway at the site entrance or the adjacent layby which is used by local people for parking whilst walking in the area. Whilst the statements submitted by the Applicant state that a coach using the access would be rare, the Highway Authority considered it necessary for coach access to be demonstrated given the rural location, lack of local accommodation offering and public transport options. The Highway Authority have reviewed the amended Swept Path Analysis (deposited 26.09.2023) and have raised no objection to the access improvements which overcome the Highways Authority's previous grounds for objection to the application (subject to securing the access improvements by condition).

In terms of the impact the development/change of use could have on the local highway, the Highway Authority comments confirm that Gonalston Lane is capable of catering for the additional movements generated by the proposal, as up until a few years ago had Ferry Farm Park, a tourist attraction (now closed) operating from further along Gonalston Lane beside the river which would have generated movements akin to the proposal. However, they note that Gonalston Lane is a lightly trafficked road which has a carriageway width of circa 5m, with highway verges or informal passing bays in place - the Highways Authority comments explain that highway improvements would need to be made at the Applicant's expense to formalise the existing passing bays to Highway Authority specification and they have recommended a suitably worded condition in this respect. This is considered to be reasonable in this case given the proximity of the site to these passing bays which would be more likely to be used by concentrated volumes of traffic at the

beginning and end of the wedding (i.e., where there is more likely to be a need for passing bays due to a higher volume of traffic at peak times).

Turning now to consider the potential impact on Rights of Way (RoW), it is noted that Hoveringham Bridleway No. 13 and Footpath No. 10 passes through the site area outlined in red on the site location plan. The plans submitted with this re-submission now include a one-way system on site which would bring cars entering the site into closer proximity with the bridleway users where the bridleway joins the access track passing in front of the Mill Farm House and through the mill ford. Hoveringham Footpath No. 10 also crosses the access track. NCC Rights of Way therefore requested that the applicant provide further details of how the bridleway users will be kept safe through the site particularly when guests are arriving. They also noted that this updated proposal now includes the use of Mill Farmhouse as part of the venue offer – as such NCC RoW requested that the applicant demonstrated how path users would be kept safe when passing through the site, noting that guest vehicles must not be parked so as to obstruct the Public Right of Way. In response the Applicant has provided a plan which clearly shows the line of the bridleway and right of way and the relationship with the parking areas proposed within the site. The Rights of Way Team have provided amended comments considering the additional information and have explained that subject to a condition to cover additional signage and demarcation of the public rights of way to make site users aware of the rights of way they would not raise any objection to the proposal.

In light of the amendments made throughout the course of this Application as a result of ongoing negotiations with the Highway Authority it is considered that, subject to conditions, the development would now be acceptable in this regard in accordance with the aims of Spatial policy 7 of the Amended Core Strategy, Policy DM5 of the ADMDPD and the provisions of the NPPF in this regard.

#### Impact of Flood Risk

The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Core Policy 10 (which is in line with the NPPF) states that through its approach to development, the Local Development Framework will seek to, amongst other criteria; locate development in order to avoid both present and future flood risk.

The site lies within Flood Zone 2 with some areas in Flood Zone 3 as identified by the Environment Agencies Flood Maps – it is therefore a site at high risk of flooding. Given that the proposal is a change of use, it is not necessary to apply the sequential text in this instance (in accordance with the updated PPG in relation to Flood Risk). However, a site-specific flood risk assessment is nevertheless required to assess the flood risk to future occupiers and third parties.

Following review of the Flood Risk Assessment (FRA) the EA have commented raising no objection to the development subject to it being carried out in accordance with the flood risk mitigation measures detailed (that the finished floor levels shall be no lower than above ordnance datum). The Lead Local Flood Authority also previously reviewed the FRA and advised that they raise no objection subject to a condition requiring submission of a detailed drainage strategy. Having reviewed the submitted FRA, the drainage details proposed are as included within the document.

Given there is no additional built development proposed (as part of the submitted plans) and limited additional hardstanding, the details contained within the FRA are considered to be sufficient in this instance.

Therefore, on the basis of the information deposited in support of this application it is not considered that the proposed development would result in any increased levels of flood risk for users of the site or elsewhere in accordance with the NPPF and Core Policy 10.

### Impact on Ecology

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

In the assessment of the 22/02440/FULM application the report stated that *"The preliminary Protected Species Survey concluded that even though the buildings have low roost potential, given the buildings have some features that could be of interest to roosting bats further bat activity surveys were required.*

*The applicant has submitted a report based on a Preliminary Bat Roost Assessment carried out at the site on 13th January. The methodology was extended to include a search for incidental evidence of nesting birds. The buildings on site were identified as having moderate bat roosting potential with numerous potential roosting features. The survey concludes that a significant assemblage of foraging bats was considered unlikely in close proximity to the buildings; however, the wider rural landscape with watercourse, woodland and lakes was concluded to be likely to support a large bat population. The survey concludes that the scale of potential effect cannot be determined until two nocturnal bat surveys are undertaken between May and August. No such surveys have been undertaken. Precautionary working methods are recommended for nesting birds."*

Officers noted in the 2022 assessment that since this survey was produced, significant additional alterations had been undertaken to the buildings that would have likely disturbed any potential bat activity within and around the buildings. Nevertheless, in the absence of further nocturnal bat surveys and details of compensatory measures to mitigate any potential impact of the unauthorised development, it was considered that the applicant had failed to demonstrate that the development would not have an adverse impact on protected species.

In response, this application has been supported by a second Bat Survey Report (July 2023) and a Bat and Bird Mitigation Plan. This report explains that additional surveys were carried out on the buildings/site to gather a baseline survey of the buildings and adjacent land in respect of roosting bats and nesting birds. The survey concludes that no roosting bats were encountered in any of the structures on-site. As such roosting bats are concluded not to present a major constraint to the proposal. However, the report goes on to explain that as works on the structures commenced prior to bat surveys being complete, it cannot be entirely ruled out that roosting bats have not been displaced by the scheme. Therefore, to offset this, a scheme of compensatory measures have been proposed which include:

- Ten Improved Crevice bat boxes;
- Three maternity colony boxes such as the Improved Maternity Roost box; and



- Three hibernation bat boxes such as 1WQ Schwegler Summer & Winter Bat Roost.

The report advises that these boxes should be mounted on trees within the Applicant's land ownership.

In respect of foraging bats, the Report advises that any new lighting associated with the scheme should follow best practice guidelines to maintain suitable foraging habitats, particularly within areas of the land ownership adjacent including woodland, hedgerows, tree lines or along the watercourse adjacent. It is noted that no new lighting is proposed within these areas given they lie outside of the application site boundary. The Report concludes that subject to any lighting being 'bat friendly', any potential adverse effects on foraging bats would be reduced to negligible levels.

Turning now to nesting birds, the Report advises that with the proposed compensation measures listed below, any potential minor adverse effects on nesting birds would be reduced to negligible levels:

- Installation of three owl boxes in mature trees within the land ownership; Page | 15 Mill Farm July 2023
- Installation of three swallow cups within open fronted sections of the building on-Site or under manmade cover elsewhere on-Site; and
- Installation of eight general bird nest boxes within the land ownership.

All of the above compensation measures have been reflected within the submitted Bat and Bird Mitigation Plan. The Council's Biodiversity & Ecology Officer has reviewed the submitted reports and concurs with the overall conclusions. They have noted that there is a recommendation for a "...generous scheme of mitigation..." and whilst being fully supportive of this approach, many of the proposed locations for the boxes are noted to be outside of the application site boundary but on land within the ownership of the Applicant (i.e., edged in blue on the submitted site location plan). Given the application is retrospective it would not be possible to secure the installation of these features with a Grampian condition as this can only be used to secure implementation prior to the commencement of development. These measures would therefore need to be secured via a S106 agreement. However, this could only be secured if all the measures are considered to be necessary and reasonable to make the development acceptable in planning terms.

The Council's Biodiversity & Ecology Officer has reviewed the submitted reports and advised that the provision of *some* mitigation is appropriate given the potential for roosting bats to have been displaced by the work that has been done. In its own words, the bat survey report has considered the level of mitigation to be '*generous*', and this is a view shared by the Council's Biodiversity & Ecology Officer. Consequently, they recommend that a scaled-down scheme accommodated within the red-line boundary (Site Location Plan Ref. 03\_Rev J) would be appropriate, but with priority given to the provision of bat boxes. Because this mitigation assumes that roosting bats have been displaced the Council's Biodiversity & Ecology Officer concludes that it is possible, and likely, that an element of the scheme represents enhancement for roosting bats and nesting birds. Therefore, they consider that the provision of a bat and bird box scheme is necessary to comply with Core Policy 12, but a reduced scheme would still be proportionate and reasonable.

Given other issues have been identified with this application Officers have not sought an amended Mitigation Plan (restricted to the application site boundary), however the Council's Biodiversity & Ecology Officer has recommended that a condition could be imposed to require a revised Bat and

Bird Mitigation Plan be submitted and implemented within a reasonable timeframe of the decision being issued.

In light of the some mitigation measures being considered to be necessary to make the development acceptable in planning terms and the conclusions of the Report which identify the potential long term impact of the use to negligible (subject to the mitigation measures which could be secured by condition) it is considered that the favourable conservation status of bats and birds would be maintained in accordance with the aims of Core Policy 12 subject to a condition as described above.

### Other Matters

Policy DM10 of the Allocations and Development Management DPD states that where a site is known, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Where contamination comes to light as part of the development process, the proposal will be determined in light of this.

Officers note the comments from the Council's Contaminated Land Officer with regard to the potential for land contamination resulting from the previous agricultural use of the site, and also their assessment that this can be dealt with by a phased contamination condition. With such a condition in place, the proposal would accord with Policy DM10. However, acknowledging the fact that this condition is a pre-commencement condition, and the application is retrospective a Phase I survey has been submitted which provides a comprehensive assessment of the potential risk at the site and goes on to conclude that the risk is low and that there is no requirement for any further investigation. The Contaminated Land Officer has advised that they agree with the findings of the report and as such there is no requirement for further assessment or the use of a contamination condition.

Comments from third parties have also been noted and duly taken on board throughout this assessment. Comments in relation to the alleged infilling of nearby ditches and the removal of hedgerows are noted to fall outside of the application site boundary and therefore are to be investigated separately by the Council's Enforcement department.

### **8.0 Implications**

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

### **9.0 Conclusion**

Whilst no adverse impacts have been identified in respect of amenity impacts, flood risk, ecology, heritage or highways safety (all subject to conditions and securing a S106 agreement in respect of ecology), it has been concluded that the proposed development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by

virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site, despite the reduction in guests and number of events per year in comparison to the recently refused scheme. It would therefore amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances would arise from this proposal even in the context of the economic benefits of the proposed use.

Overall the development is therefore considered to be contrary to Spatial Policy 4B (Green Belt Development), Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Newark and Sherwood Amended Core Strategy (2019), Policies DM5 (Design) and DM12 (Presumption in Favour of Sustainable Development) of the Allocations & Development Management DPD (2013) as well as the NSDC Landscape Character Area SPD (2013) and the provisions of the NPPF which are material planning considerations. It is therefore recommended that the application is refused.

## **10.0 Reason(s) for Refusal**

### **01**

The site is located within the Nottinghamshire-Derby Green Belt. Whilst the National Planning Policy Framework (NPPF) provides some exceptions to inappropriate development, the relevant exceptions in this case are only considered to be acceptable where the development would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. It has been concluded that the proposed development would result in a clear and significant spatial and visual harm on the openness of the Green Belt and character of the area by virtue of the proposed operational development and material change of use which would erode the former open, undeveloped, agricultural character of the site, result in visual encroachment of development into the Green Belt and introduce a significant increase in associated activity to the detriment of the open and rural character of the site. It would therefore amount to inappropriate development in the Green Belt, which is harmful by definition. The NPPF states that in this instance planning permission should only be granted in very special circumstances and no such very special circumstances would arise from this proposal. The application is therefore contrary to the NPPF, a material consideration in addition to Spatial Policy 4B (Green Belt Development), Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 (Design) of the Allocations & Development Management Development Plan Document (2013) as well as the NSDC Landscape Character Area Supplementary Planning Document (2013) which is a material planning consideration.

## **Informatives**

### **01**

Refused Plans:

- Site Location Plan – 03 Rev. J (deposited 11.08.2023)
- Topographic Site Survey – Ref. 22356-23-01
- Existing Floor Plans Barns - Ref. 22356-23-02 (deposited 05.09.2023)

- Existing Elevations Barns - Ref. 22356-23-03 (deposited 05.09.2023)
- Proposed Plans - Ref. 22356-23-04 Rev. G (deposited 05.09.2023)
- Proposed Elevations - Ref. 22356-23-05 Rev. E (deposited 05.09.2023)
- Amended Block Plan – Ref. 22356-23-06 Rev. I (deposited 06.09.2023)
- Existing Floor Plans (Main House) (deposited 11.08.2023)
- Proposed Floor Plans (Main House) (deposited 11.08.2023)
- Swept Path Analysis Sheet 2 of 2 – Ref. MA11714-1101 Rev. B (deposited 11.08.2023)

## 02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However, the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

## 03

The applicant is 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/](http://www.newark-sherwooddc.gov.uk/cil/)

### BACKGROUND PAPERS

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

Application case file.







Report to Planning Committee 9<sup>th</sup> November 2023  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Jennifer Wallis, Planner, ext. 5370

Report Summary			
<b>Application Number</b>	23/01429/FUL		
<b>Proposal</b>	Erection of a Four Bedroom Bungalow		
<b>Location</b>	Land Adjacent to Fosse Road, Farndon NG24 3UB		
<b>Applicant</b>	Mr P Palmer	<b>Agent</b>	Mr Clive Davies
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=details&amp;keyVal=RZ8GGDLBJYY00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=details&amp;keyVal=RZ8GGDLBJYY00</a>		
<b>Registered</b>	14 August 2023	<b>Target Date</b>	9 September 2023
		<b>Extension of time</b>	13 November 2023
<b>Recommendation</b>	That planning permission be REFUSED for the reason set out in Section 10.0 of this report		

This application has been referred to the Planning Committee for determination by the Local Ward Member, Councillor Jack Kellas, who considers the revised plans submitted provide flood compensation to address the previous reason for refusal. In addition, Farndon Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.

## 1.0 The Site

The application site relates a parcel of land measuring approximately 0.24 hectares in area, within the built-up area of Farndon. The site is surrounded to the northeast, northwest and southwest by existing residential development, and by Fosse Road (the former A46) to the southeast.

The site is located within Flood Zones 1 and 2 as defined by the Environment Agency flood maps which means it is at low and medium risk of main river flooding. The north-western part of the site is within Zone 1 and the south-eastern part is within Zone 2. There is a small area in the south-east corner of the site which is at low risk of surface water flooding.



The site has been cleared of vegetation.

## **2.0 Relevant Planning History**

**22/01331/FUL** - Full planning application for the erection of 1 four-bedroom bungalow. Refused by the Planning Committee on 09.12.2022, for the following reason:-

01

*The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Core Policy 10 and Policy DM5 of the adopted Development Plan as well as Chapter 14 of the National Planning Policy Framework (NPPF 2021) sets out the due process for assessing new development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail the Sequential Test as there are other more preferable sites at lower risk from flooding within the District on which such a use should be located. There are no reasons to restrict the area in which the Sequential Test is applied. In addition, the proposal would result in an increase in the loss of floodplain storage without sufficient onsite level-for-level compensatory storage or offsite compensation and thus would result in an increase in flood risk elsewhere to other more vulnerable developments, contrary to the NPPF (2021).*

*As such the proposal is contrary to Core Policy 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management DPD (2013), as well as Chapter 14 of the NPPF (2021), PPG, which are material planning considerations.*

**14/00859/OUT** - Outline planning application for 1 dwelling (appearance, landscaping and



scale as reserved matters). Refused under delegated authority on 16.06.2014 for the following reasons:-

01

*The site is located in Flood Zone 2 and is therefore at risk of flooding. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. The Council has a proven 5 year land supply of available land at lower risk of flooding across the district that are sequentially preferable to this site. The Sequential test submitted with the application fails to make adequate assessment of land across the district. As such, the application fails the Sequential Test contrary to the National Planning Policy Framework, Planning Practice Guidance and Core Policy 10 of the Core Strategy.*

02

*The site is located within Farndon which contains a limited range of services but it is not classed as a sustainable location for new growth within the Adopted Core Strategy. The application fails to demonstrate an identified proven local need for new housing in this area. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to Policy Spatial Policy 3 of the Core Strategy, the National Planning Policy Framework and Planning Practice Guidance.*

03

*In the opinion of the local planning authority the applicant has failed to demonstrate the associated risk caused by the development to any potential protected species using the site due to the loss of trees and natural habitat. As such the proposal fails to accord with the National Planning Policy Framework, Planning Practice Guidance and policy DM5 of the Adopted Allocations and Development Management DPD.*

### **3.0 The Proposal**

The proposal is for the erection of one single storey detached four bedroomed dwelling to the northwest of the site, with vehicular access from Fosse Road to the southeast of the site.

The approximate dimensions of the proposed dwelling are:

25m (length) x 14m (width) x 5.5m (ridge) x 2.5m (eaves)

The dwelling is set back some 88m from the road frontage and would be served by a long access road (3.2m wide), with three parking spaces half-way along its length. Ground levels are highest at its north-western end (13.1mAOD) and lowest at the south-eastern end (12.31m AOD) near to the road. The access road would be elevated to 12.7m AOD and therefore a max. of approx 400mm above current ground levels.

The site is to be enclosed by a 1.8m high vertical boarded timber fence, there is new tree

planting in the centre of the site and a new hedgerow proposed along the road frontage either side of the access.

Plans and documents considered comprise:-

Location plan;

DRWG no. 1D/11/2020 Rev D Site plan;

DRWG no. 2D/11/2020 Rev D Proposed bungalow and plans elevations;

DRWG no. 3/11/2020 Topographical survey;

Revised Flood Risk Assessment June 2023

The layout and design of the dwelling is identical to that previously considered and refused under 22/01331/FUL, although there are some differences to this submission which include:-

- A 'Floodplain Compensatory Storage Area' with 40 cubic metres of storage capacity (Base Level 12.35mAOD) is proposed along part of the south western boundary of the application site (within Flood Zone 1). Reference J on the revised Site Plan.
- Pipes to allow floodwater to flow under the elevated driveway, 225mm diameter@ 7500mm c/c, with 1.0m diameter catch pit at access point and exit, are also proposed. Reference K on the submitted Site Plan.
- The Flood Risk Assessment Report has been revised and updated to address the loss of floodplain.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 25 properties have been individually notified by letter. A site notice has been displayed near to the site and an advert has been placed in the local press.

Site visit undertaken on 12 September 2023

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

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

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

##### **Allocations & Development Management DPD Adopted July 2013 (ADMDDP)**

Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework (2023) (NPPF)  
Planning Practice Guidance (online resource) (PPG)  
NSDC Housing Need Survey by Arc 2020  
Residential Cycle and Parking Standards and Design Guide SPD 2021

## **6.0 Consultations**

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

### **(a) Statutory Consultations**

**Environment Agency** – No comments made - the development falls within flood zone 2 and therefore the LPA should apply national flood risk standing advice (FRSA) in this instance.

**NCC Highway Authority** - This application can be considered under Standing Advice. (Previous comments in response to 22/01331/FUL - This is a proposal for a single bungalow accessed from Fosse Road which is a 40mph road at this location. Visibility is acceptable as the verge is wide. Parking requirement for this four-bedroom bungalow is three spaces. Due to the length of the access driveway, a refuse collection point near the junction with Fosse Road should be provided so that refuse lorries do not need to enter the access, nor carry distances be exceeded. The width of the drive should be a minimum of 3.6m to accommodate an emergency. The width of the access should be a minimum of 2.75m plus 0.5m either side if bound by a hedge or fence. Works to construct the access will be within highway therefore the applicant should be aware of the note below. We would not wish to raise objection and would request conditions.)

### **(b) Town/Parish Council**

**Farndon Parish Council** – Support.

However, Members were aware of the impact the removal of mature landscaping has had on the adjacent residential properties. The Planning Authority to be asked to include a condition that mature trees and extensive landscaping be included along the boundaries to replace that lost when the site was cleared. Further, Members asked that consideration be given to including a condition for the hedge along the Fosse Road boundary to remain to lessen the impact on bio-diversity and to maintain the eyeline.

### **(c) Representations/Non-Statutory Consultation**

**Trent Valley Internal Drainage Board** – No comments received.

(Previous comments in response to 22/01331/FUL - The site is within the Trent Valley Internal Drainage Board district. The Board maintained Corner House Farm Drain Feeder, an open and culverted watercourse, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to resubmit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.)

#### **5 Representations have been received supporting the application on the following grounds:**

- The site is an eyesore, harmful to the visual amenities of the area.
- Developing the site would enhance the neighbourhood, and contribute to Farndon being a desirable place to live.
- If undeveloped, the site could become a target for fly tipping.
- Replacement hedge and tree planting should take place on the site, to mitigate for the loss of trees and wildlife.
- When copse was cleared, experienced loss of privacy and increase in traffic noise and no regard to trees or wildlife, however, do not wish to continue to overlook waste ground. Support application with conditions to reinstate blackthorn hedge and replanting trees.

#### **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Impact on Flood Risk
3. Impact on Highway Safety and Parking Provision
4. Impact upon Residential Amenity
5. Impact upon Trees and Ecology
6. Impact on Design and Housing Density

**The assessment below is identical to the wording of the report presented to Planning Committee in December 2022 under 22/01331/FUL, with the new assessment in bold.**

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

## Principle of Development

The starting point for considering development is against the development plan which is up to date for decision making purposes.

Spatial Policy 1 and 2 provide the settlement hierarchy for the District and Farndon does not feature within it. The settlement is therefore an 'other village' and so the development should be considered against Spatial Policy 3 of the Amended Core Strategy (ACS). This policy states that beyond Principal Villages, proposals for new development will be considered against the criteria of location, scale, need, impact and character. SP3 states that development should be located in villages, this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form. Although the land is considered to be undeveloped it is surrounded by existing residential development and is considered to be located within the settlement of Farndon.

The location, scale, impact and character of the proposal is considered acceptable in general. The NSDC Housing Need Survey 2020 states that within the Rural South Area, the housing need for 4-bedroom bungalows is not the highest need for the area. The greatest need is for 4 or more bedroom dwellings (35.8%) with 3 bedroomed houses next (20.2%), followed by 12 bedroomed dwellings (15.5%) and then 2 bedroom bungalows (14.4%). Farndon's own housing need survey (2016) also concluded that the greatest need within Farndon itself is for 2, 3 and 5 bedroomed dwellings, and 3 and 4 bedroomed bungalows. There is clearly a need in Farndon for bungalows and the proposal is considered to help meet this need.

The principle to develop the site with residential is largely acceptable subject to further onsite assessment which is outlined below.

## Impact on Flood Risk

**The proposed access to the site has not change and is still** located within flood zone 2 and therefore at medium risk from main river flooding. The house itself would be within zone 1 but is inaccessible from one 1, so I take the view that the proposal needs to be assessed as a whole, given that the two elements are inextricably linked. Para 159 of the NPPF (2023) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The Planning Practice Guidance (PPG) under Table 2 Flood Risk Vulnerability Classification, states the use (dwellinghouse) is classed as a more vulnerable use. Policies DM5, CP10 and Paragraph 162 of the NPPF (2023) 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 allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance states 'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings

and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.' (Paragraph: 023 Reference ID: 7-023-20220825).

Applying the Sequential Test however is normally applied District wide, and for that the Council has a proven 5-year housing land supply whereby it would not be reliant on the use of such land for the supply of housing. However, the Planning Practice Guidance states 'the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.' (Paragraph: 027 Reference ID: 7-027-20220825). Although this isn't defined by the PPG, it provides examples such as the catchment area for a school or where the development is needed to sustain the existing community. The proposal is for a 4 bedroomed dwelling where it could reasonably accommodate children. Having consulted with Nottinghamshire County Council they state that the local primary school, St Peter's Cross Keys C of E Academy, has a surplus of places over the next five years. However, this one dwelling alone is not considered necessary to sustain the local community and tip the balance of acceptability in the planning balance. Farndon is a well-established community with many local facilities and by applying the Sequential Test to the settlement alone to benefit the school, would not result in such overriding benefit to the community. The proposal would bring about a 4 bedroomed bungalow, which although is not of greatest need within the location would contribute to a clear need for bungalows within Farndon, but again this is not an overriding need to allow the development.

Upon applying the Sequential Test, and given the Council has a proven 5-year housing land supply, there is land available at lower risk of flooding whereby the use can be accommodated and although there are some local benefits with the provision of one dwelling, this would not tip the balance of acceptability in the planning balance. Thus, the Sequential Test is not considered to be passed.

**With regards to increasing the risk of flooding elsewhere through the loss of floodplain storage, the NPPF (2023) at paragraph 159 and 164 insists that development should be made safe for its lifetime without increasing flood risk elsewhere. The PPG (which has been updated more recently in August 2022) at paragraph 49 states where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided.**

**The updated FRA states that 39m<sup>3</sup> of floodplain storage would be lost within Flood Zone 2 to account for the proposed driveway. The updated report states that due to the surrounding floodplain of 14,000m<sup>2</sup> there would only be a 3mm increase in flood level.**

**As part of the revised proposals, on-site compensation storage has been proposed, in the form of an area of land measuring 134m<sup>2</sup> located within Flood Zone 1, which would be lowered to 12.35m AOD (the land is currently between 12.72m and 13.24m AOD) and which would provide 40m<sup>3</sup> of compensatory storage.**

However, in order to successfully prevent the displacement of flood waters onto other sites elsewhere, from the additional volume taken up by the elevated access road, the compensatory storage would need to be located in Flood Zone 2, as in a flood event, flood waters are not likely to flow onto land within Flood Zone 1. The siting of the proposed flood storage compensatory area in Flood Zone 1 would therefore be of no beneficial use in compensating for flood water experienced in Flood Zone 2 and would need to be located within the higher flood risk area. This does not therefore provide any acceptable form of mitigation.

The proposed development therefore fails the Sequential Test and, as with the previously refused application, would continue to result in an increase in flood risk elsewhere as a result of the volume taken up by the elevated access road across the site within Flood Zone 2. The proposal is thereby contrary to national and local policies on flood risk.

#### Impact upon Highway Safety and Parking Provision

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all, which is echoed within Policy DM5. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Council's Residential Parking SPD states that a minimum of 3 parking spaces should be provided for as well as secure cycle parking and space for equipment. A single attached garage is located to the south of the proposed dwelling and 3 parking spaces are provided for within the site approximately 37m from the garage. Although the proposal can provide the required parking provision within the site, the distance between the parking and the property is not desirable at approximately 37m although the parking area would still have natural surveillance.

Nottinghamshire County Council Highways have not raised an objection to the proposal, subject to conditions relating to the minimum width of the access, and the provision of refuse collection points near the junction with Fosse Road. The current plans show a driveway and access to be 3.2m (approximately) in width and as the land to the north and south is highway owned, they would need to ensure it is constructed to the satisfaction of the Highway Authority.

Therefore, although the access and parking arrangements are undesirable, the provision of parking is acceptable and the access would not result in harm to highway safety. It would be the case of 'buyer aware' if the proposal was deemed to be acceptable, regardless of the comments on flooding in the preceding section of this report.

Due to the amount of space within the site, although it is not explicit, it is expected that cycle provision could be accommodated within the garage whilst still maintaining allowances for 3 parking spaces for vehicles.

#### Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable

reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The building is between 10 – 12m from the rear elevations of properties on Staveley Court and approximately 7.5m from the rear of 16 Holmefield to the proposed garage. Due to the distance and the single storey design of the proposal, it would not result in harm to neighbour amenity from overbearing, loss of privacy or light impacts. There is an existing boundary fence surrounding the site which would mitigate the impact of the building. Thus, the proposal would comply with policy DM5 of the ADMDPD.

#### Impact upon Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the ACS seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 states that natural features of importance, which are either within or adjacent to development sites should, wherever possible, be both protected and enhanced.

Reports from neighbours have stated that the site has been cleared in recent times of trees and vegetation, however wildlife are still present on the site due to surrounding trees outside the site. One tree remains on the site which has little amenity value and is in poor visual condition.

No arboricultural survey has been submitted with the application nor have any trees been plotted on the submitted drawings, although the Council is unable to consider the harm to these trees, from inspection it is not considered worthy of retention either due to the visual condition and poor public amenity value.

Equally no ecology/biodiversity survey has been submitted to assess the impact of the development on these landscape features, and the Council has not requested one as the proposal is clearly within a flood zone and thus contrary to policy.

Some members of the public have raised concerns over the impact of the proposal upon the local ecology. However due to the lack of features now within the site it is unlikely that the site would harbour any significant ecological activity and the existing trees and landscaping around the boundary would be unaffected by the proposal.

Thus, the proposal accords with the NPPF, Core Policy 12 of the ACS as well as Policy DM5 of the ADMDPD.

#### Impact on Design and Housing Density

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

Paragraph 130 of the NPPF (2023) states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and



landscape setting.

Overall, I consider that the design and the use of the materials on the proposed dwelling would have a neutral impact and the design of the dwelling itself is not dominating within the locale, thus resulting in being acceptable.

The scale of the plot is approximately 0.24 hectares in area. Core Policy 3 of the Council's Amended Core Strategy states densities on unallocated sites should be of 30 dwellings per hectare. At this density the site should provide 4 dwellings. The proposal is below this recommended density and would result in an underutilisation of the land. However, given that half the site is in flood zone 2 and the proximity of the surrounding residential development, this density may not be acceptable to ensure the safety of future occupants and acceptable amenity for existing residents. However, 1 dwelling is proposed within flood zone 1 (apart from the access through zone 2), which for the reasons outlined in the above report, is not considered acceptable.

## **8.0 Implications**

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

## **9.0 Planning Balance and Conclusion**

Due to the siting of the access through land identified as being within Flood Zone 2 by the Environment Agency data maps, the proposal is considered to fail the sequential test as the Council has other land available within the District at lower risk of flooding and has a proven 5 year housing supply whereby it is not reliant on using land at risk of flooding for speculative development. There are no overriding material considerations to outweigh this.

The applicant also failed to include details of how it would impact upon local ecology and to the existing tree on the site. However, given the lack of visual significance of the remaining tree on the site and the ecological value of the site, it is not considered that this is a justifiable reason in which to warrant a refusal of the application.

Whilst the proposal has been assessed to have an acceptable impact upon neighbour amenity, design, highway safety and parking provision, these are neutral factors and do not affect the planning balance. The provision of one dwelling that would positively contribute to housing stock and housing need and contribution to the local school, does not outweigh the harm identified and would represent unsuitable development in my view. In addition, the proposal is for one dwelling within an already well-established community, and one dwelling is not considered to provide such a necessary and meaningful contribution that it would sustain the local services. **Furthermore, the proposal would also increase flood risk elsewhere as the siting of the proposed flood storage compensatory area is located in Flood Zone 1 where it would be of no beneficial use to flooding occurring in Flood Zone 2.** Therefore, the proposal is considered to be contrary to paragraphs identified within the NPPF (2023) and PPG, Core Policy 10 of the ACS and Policy DM5 of the ADMDPD.

## **10.0 Reason for Refusal**

01

The only means of access or egress to and from the proposed dwelling would be over land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Core Policy 10 and Policy DM5 of the adopted Development Plan as well as Chapter 14 of the National Planning Policy Framework (NPPF 2023) sets out the due process for assessing new development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail the Sequential Test as there are other more preferable sites at lower risk from flooding within the District on which such a use should be located. There are no reasons to restrict the area in which the Sequential Test is applied. In addition, the proposed floodplain compensatory storage is not located in an area to be of any beneficial use in a flood event and therefore the proposal would result in an increase in flood risk elsewhere to other more vulnerable developments, contrary to the NPPF (2023).

As such the proposal is contrary to Core Policy 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013), as well as Chapter 14 of the NPPF (2023), Planning Practice Guidance, which are material planning considerations.

### Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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.

02

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.newarksherwooddc.gov.uk/cil/](http://www.newarksherwooddc.gov.uk/cil/)

03

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

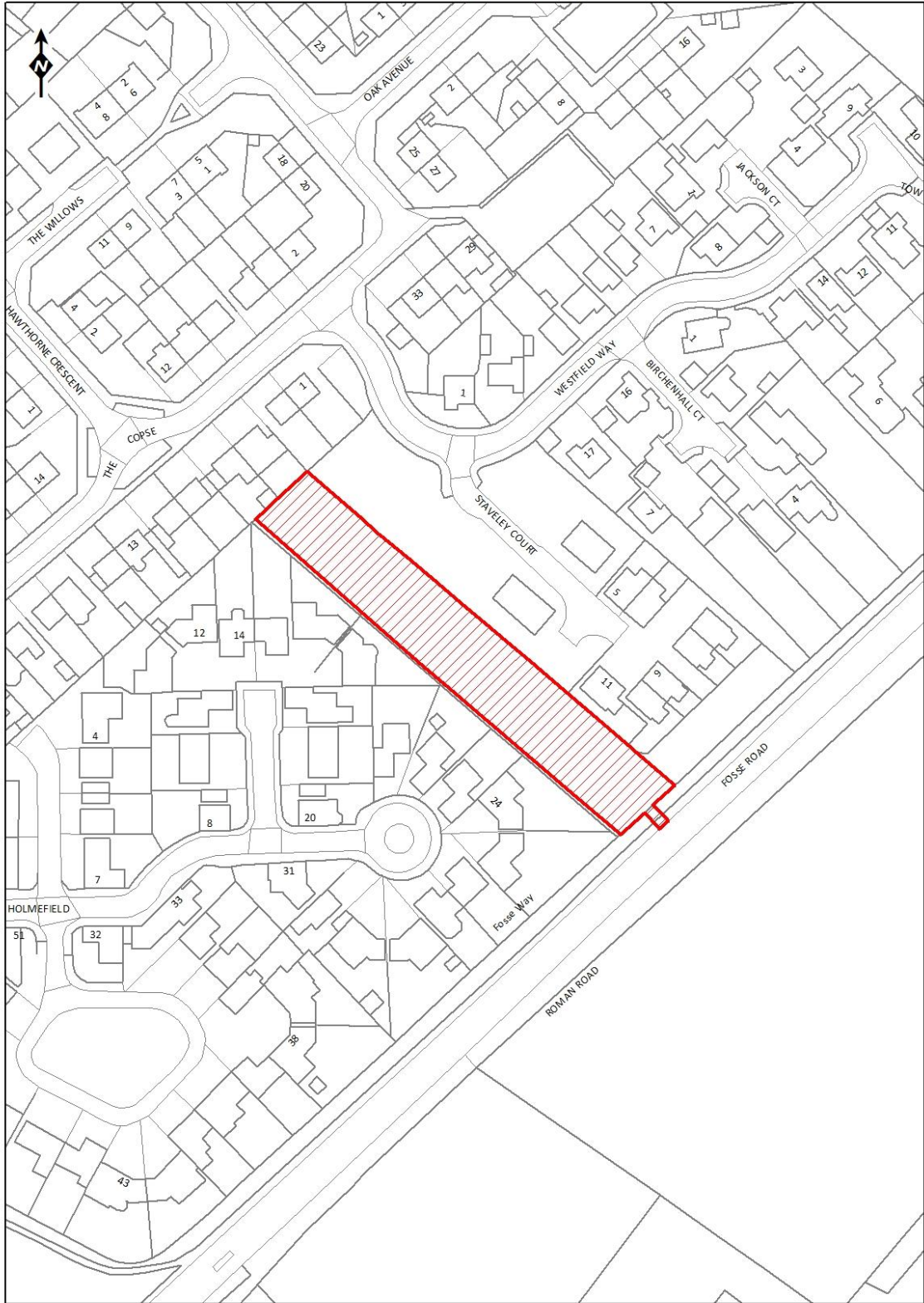
Location plan;  
DRWG no. 1D/11/2020 Rev D Site plan;  
DRWG no. 2D/11/2020 Rev D Proposed bungalow and plans elevations;  
DRWG no. 3/11/2020 Topographical survey;  
Revised Flood Risk Assessment June 2023

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01429/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 09 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner (Development Management), ext. 5823

Report Summary			
<b>Application Number</b>	23/01552/FUL		
<b>Proposal</b>	Conversion of stable building into a single dwelling		
<b>Location</b>	Stable Building, Newhall Lane, Edingley		
<b>Applicant</b>	Mr and Mrs R Islip	<b>Agent</b>	Mrs Briony Barrett
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/01552/FUL">23/01552/FUL   Conversion of stable building into a single dwelling   Stable Building Newhall Lane Edingley (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	05.09.2023	<b>Target Date:</b>	31.10.2023
		<b>Extension To:</b>	16.11.2023
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10.		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.**

## 1.0 The Site

The application site is located on the north-west side of Newhall Lane in the open countryside, outside of the village of Edingley. The site comprises a linear red brick-built building accessed in the southern corner of the site via a 5-bar gated access. To the north is open countryside, to the north-east is a menage, to the east is countryside and sporadic properties exist to the south. Immediately to the west is a large, detached dwelling known as ‘Woodendale’. The stable building is understood to have been constructed in the 1990’s and is of red brick and pantile construction with stable door openings in the north-west side elevation. The site is not located in an area at risk of flooding and does not lie within a Conservation Area.

## **2.0 Relevant Planning History**

**95/50468/FUL** - HAY STORE – Permitted 29.12.1995

**37910967** – ERECT STABLES – Permitted 30.09.1991

**37910160** - ERECT STABLES – Permitted 23.05.1991

## **3.0 The Proposal**

*For the avoidance of doubt amended plans have been submitted throughout the course of this application to address comments made by Officers.*

Permission is sought for the change of use of the existing stables building to one dwelling.

Physical alterations proposed to the building are as follows:

- Replacement of the existing timber lean-to on the north-east side elevation with a new garden store 4.3m long x 4.2m wide, 3.6m to the ridge and 2.2m to the eaves (existing lean-to is approx. 7.5m long x 4.4m wide, 2.6m in height). The garden store would be faced in brick with a pantile roof and would have a window in the gable end. A sparrow terrace box is also proposed in the gable end. A timber louvred screen is also proposed under the canopy overhang of the building.
- Front (NW) Elevation: glazing of existing stable door openings (with three of the stable doors pinned back), re-glazing of an existing larger opening with bi-folding doors and insertion of a half-glazed stable door opening.
- Rear (SE) Elevation: insertion of 2 no. rooflights.
- Side (SW) Elevation: No change save for the addition of a bat box on the gable end.
- Windows and doors are proposed to be timber.

The dwelling would comprise an open plan kitchen/dining/sitting room, two bedrooms, a bathroom, a hallway and a garden store. The gross internal area is: 87.2m<sup>2</sup>.

Access would be taken via the existing access into the site at the south-west corner where space is shown for manoeuvring within the site. Parking space for two vehicles is shown to the SW of the building, with an area identified for bin storage and an electrical vehicle charging point. Secure cycle storage is proposed to be accommodated in the garden store. The existing access gate is proposed to be replaced with a timber 5-bar gate (as per the agent's email of 04.10.2023), set 6.3m back from the edge of the highway to allow for a car to pull off the road when accessing the site.

The proposed plan includes additional landscaping such as the planting of a new tree to the south-west of the car parking spaces and planting of a native hedgerow (hawthorn and blackthorn) to the north-east and north-west boundaries with timber post and rail fencing on the inside for security. A wildflower meadow is proposed on the north-east side of the garden.

*NB: All measurements above are approximate.*

The assessment outlined below is based on the following plans and supporting information:

- Application Form
- Planning Statement
- Structural Report
- Bat Roost Assessment
- Site Location Plan – Ref. 2323 P00 Rev. B
- Existing Ground and Roof Plans – Ref. 2323 P01
- Existing North East and North West Elevations – Ref. 2323 P02
- Existing South East and South West Elevations – Ref. 2323 P03
- Existing Site Plan – Ref. 2323 P04 Rev. A
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A
- Agent Supporting Email 04.10.2023

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 7 properties have been individually notified by letter. The application has been advertised as a 'departure' in the local press and by site notice which expired on 19.10.2023.

Site Visit Undertaken: 21.09.2023

#### **5.0 Planning Policy Framework**

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

Spatial Policy 1 – Settlement Hierarchy  
 Spatial Policy 2 - Spatial Distribution of Growth  
 Spatial Policy 3 – Rural Areas  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 3 – Housing Mix, Type and Density  
 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  
 DM8 – Development in the Open Countryside  
 DM12 – Presumption in Favour of Sustainable Development

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

National Planning Policy Framework 2023  
 Planning Practice Guidance  
 NSDC Residential Cycle and Car Parking Standards & Design Guide SPD June 2021  
 NSDC District Wide Housing Needs Assessment 2020  
 NSDC Landscape Character Assessment SPD 2013

## **6.0 Consultations**

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

### **(a) Statutory Consultations**

**NCC Highways** – No objection subject to conditions.

### **(b) Town/Parish Council**

**Edingley Parish Council** – Support the Application – “It will bring a redundant building back into use.”

### **(c) Representations/Non-Statutory Consultation**

**NSDC Biodiversity and Ecology Lead Officer** – No objection.

**Ramblers Association** – No comments received.

**Environmental Health Contaminated Land** – General advice given to be attached via an informative note to the Applicant.

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

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Housing Mix
3. Impact upon the Character and Appearance of the Area
4. Impact upon Amenity
5. Impact upon Highways Safety
6. Impact upon Ecology
7. Other Matters

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

### **Principle of Development**



The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The Council's position is that it can demonstrate a 5-year housing supply. Therefore, the Development Plan is up to date for the purpose of decision making. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). 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. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (policy DM8).

Edingley is defined as an 'other village' according to SP1 and SP2 - SP3 is therefore relevant. SP3 identifies that new housing should be directed towards existing settlements which have good access to services and facilities. It states that development outside principal villages should be appropriate to the location and be small scale in nature and should not have a detrimental impact on the character of the location or its landscape setting. There is no defined settlement boundary for Edingley. Therefore, whether or not the site lies 'in the village' is a matter of judgment. According to the subtext to SP3, sites in edge of built form locations comprising undeveloped land, paddocks, fields, or open space will not normally be considered as being within the settlement boundary.

The application site has an Edingley address but clearly does not lie within Edingley village or within any other defined settlement. The site is surrounded by open countryside – whilst there are some dwellings on Newhall Lane, the site is well separated from the main village of Edingley to the north. It is therefore considered that the site lies in the open countryside and could not reasonably be considered to be within any village and thus Policy DM8 is applicable.

Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development, limited to a exceptions of certain types. One of these exceptions relates to the conversion of existing building. Point 5 of DM8 states that: *"[...] Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed assessment of proposals will be made against a Supplementary Planning Document."*

In this case, the building is not considered to possess any architectural or historic merit given it is a typical brick built stable with a timber lean-to, constructed in the 1990's. The information submitted with this Application sets out that the existing building is constructed from concrete blockwork with facing brickwork, the roof is formed using timber trussed rafters spanning from the rear wall to the front wall which then cantilevers over the front wall to form a roof overhang (typical of stable buildings). The roof covering is clay pantiles. Existing window and door openings have concrete or steel lintels over the openings and the floor is laid as a concrete floor slab that is in good condition. The Structural Survey concludes that the building is of a robust and permanent construction and in a good structural condition, fit for conversion into a dwelling without structural alterations. The plans also show that the building would remain as its existing form, albeit it is proposed to have the timber lean to on the north-east gable end replaced with a smaller extension, and windows and doors are proposed to be added.

Given the building is not considered to be of any architectural or historic merit, the conversion of the building to residential use would not currently be supported under Policy DM8. However, Officers are mindful that paragraphs 79 and 80 of the NPPF advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 80). One such exception is the re-use of *redundant* or *disused* buildings provided the proposal would enhance its immediate setting (para.80c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.

There is no statutory definition of what constitutes an *'isolated home'*. However, giving judgement in *Braintree District Council v SOSCLG & ORS* (2018) EWCA Civ 610 (reaffirmed in *City & Bramshill v SoSHCL* (2021) EWCA Civ 320), Lindblom J said paragraph 80's advice was to avoid *'new isolated homes in the countryside'* which *'simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate or remote from a settlement'*. The Judgement goes on to explain that *'whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand'*.

In this case, the site is situated along Newhall Lane where there are sporadic properties along the lane, however the site is well separated from the main village of Edingley to the north. Therefore, whilst the building itself is not considered to be *isolated* given it is sited around other dwellings, this building is separated from any defined settlement or village. Therefore, arguably, this proposal is eligible to be considered under para.80 of the NPPF, having regard to the abovementioned judgements.

The aim of the NPPF is to promote sustainable development in rural areas and support local housing where it will enhance or maintain the vitality of rural communities. Paragraph 80c of the NPPF supports the re-use of *redundant* or *disused* buildings for housing, provided that it enhances its immediate setting. In light of this, the intention of the amendments to DM8 as part of the Plan Review process is to omit the restriction of the conversion of existing buildings to *only* those of architectural or historic merit. On this basis giving weight to the NPPF's stance on the conversion of rural buildings which is up to date and taking into account the Plan Review intention to align DM8 with the NPPF, it

is concluded that this should be given more weight than the current version of DM8. That is, subject to this proposal demonstrating that the building is redundant/disused, capable of conversion without significant re-building, alteration or extension and provided the proposal can be concluded to enhance its immediate setting the principle of development could be acceptable under para.80c of the NPPF.

In this respect, comments made in the supporting statement about the building reflecting the local vernacular and being *disused* are noted. It is understood that the building is no longer required for equestrian purposes as the Applicant's children have grown up (and no longer ride), and the current tenants have vacated the site (and it was noted on a recent site visit that the land around the stables no longer appeared to be in use for horse grazing). As such the building is redundant for its current purposes. In light of the structural condition of the building and the proposal only seeking to add a small-scale replacement extension and windows and doors, but otherwise utilise the building's existing structural walls, it is considered that the building is capable of conversion without significant re-building etc.

In terms of whether the proposal would enhance its immediate setting, a full assessment of the proposals impact on the character and appearance of the area, will follow, however it is noted that the proposal would look to enhance the exterior of the building through replacing the existing low-quality timber lean to with a smaller garden store extension of a higher quality (constructed from brick and pantiles) and would use high quality joinery to reglaze existing openings and new discrete openings. Additional soft landscaping is also proposed to be used to enhance the visual amenity of the site such as the planting of a new tree at the site entrance and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). New hedgerow planting has been included along the north-western boundary with the wider countryside as a result of negotiations made during the course of this application to enhance the countryside setting of the site and provide a definitive boundary with the countryside beyond. The proposal also includes the creation of a wildflower meadow on the north-east side of the site to enhance the setting of the building and the site's overall biodiversity value.

The overall improvement of the exterior of the building (upgrading it to a higher quality finish, removing the timber lean-to), landscaping, removing the equestrian use and the associated paraphernalia that comes with it could be said to enhance the building and site overall. Whilst not significant changes, in this particular context it is considered that given the location of the building, adjacent to other residential properties where a residential use would be more appropriate than a redundant or vacant building, that the changes proposed would meet the requirements of para.80c of the NPPF.

Therefore, whilst on the basis of the information submitted with this application it is not considered that the proposal would be compliant with the current wording of policy DM8, it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the open countryside is a material consideration that weighs in favour of this proposal in principle, in that it would enhance its immediate setting, and the conversion could be undertaken without significant re-building or alteration (and would align with the direction of travel of the amended version of policy DM8 in the plan review). On this basis, in this specific context the principle of development is therefore considered to be acceptable.

## Housing Mix

Core Policy 3 seeks to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the Local Planning Authority (LPA) will secure an appropriate mix of housing types to reflect the local housing need. The most recent Housing Need survey (2020) undertaken for the district identifies a need in the Southwell sub area (of which Edingley is a part) for 3-bed houses (33.3%), followed by 4+ bed houses (24%). Whilst a 2-bed bungalow is not the most required property type, it does still account for 14.8% of the total housing need for this sub-area and the provision of a smaller (2-bed) single storey unit is promoted by CP3. It is therefore considered that the proposal is acceptable in this regard.

## Impact upon the Character and Appearance of the Area

Core Policy 9 states that new development should 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. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. The Council's Conversion of Traditional Rural Buildings is also relevant as set out above.

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within the Mid Nottinghamshire Farmlands Policy Zone MN PZ 37: Halam Village Farmlands with Ancient Woodland. The landscape condition is defined as very good, and the landscape sensitivity is defined as high with the landscape action to 'conserve'. In terms of built features, the policy actions are to conserve the rural character of the landscape by limiting new development, maintain the use of vernacular materials, style and scale in any new development and promote measures for reinforcing the traditional character of existing farm buildings by using vernacular building styles.

The application building is a linear building of red brick and pantile construction with stable door openings in the north-west elevation. The building is reflective of the local vernacular and material palette and makes a neutral contribution to the character of the countryside where low profile stable buildings are not uncommon. The southeast boundary of the site with the highway is formed by an existing hedgerow with a large tree close to the south-easternmost section of the stable. The highway boundary is typical of this rural location and makes a positive contribution to the character of the area.

The alterations proposed to the building mainly relate to the replacement of the existing timber lean-to on the north-east elevation with a smaller extension to form a garden store and glazing of existing and new openings as detailed in the description of the proposal section of this report. Following amendments made, the materials for the garden store have been amended to brick and pantile to better reflect the local vernacular and the number of new openings has been reduced to reduce the domestication of the building. Whilst ordinarily conversions should be limited to the existing confined of the building, in this case the extension would replace a bigger timber lean-to on the building which

would enhance its current appearance and this garden store would negate the need for a domestic shed or similar which could be more harmful on the character of the area if not suitably scaled and positioned. Given the conversion approach has been very carefully considered and negotiated to respect and retain the character of the building and preserve its rural setting, it is considered reasonable in this case to restrict the buildings permitted development rights for any extension or alteration to the building and the erection of domestic outbuildings. Subject to precise details of the proposed materials, technical specifications of new windows/doors/roof lights and other external accretions, it is considered that the alterations proposed would enhance the appearance of the building compared with the existing situation and would reinforce its traditional appearance in accordance with the LCA policy aims for this location.

Turning now to the alterations proposed to the site – the proposed change of use would result in horse grazing on the fields to the north-west ceasing and the removal of any associated equestrian equipment. Whilst this would be replaced with a domestic use, the area of land within the proposed curtilage of the dwelling has been restricted to the field immediately around the building which would reduce any potential for sprawl and would reinstate the remaining fields back to countryside (given the stables would be lost from the site and the equestrian occupation of the land has already ceased). The plans also show the existing highway boundary vegetation and hedgerow along the south-western boundary would be retained and approx. 60m of new native hedgerow would be planted along the north-east and north-western boundaries behind a post and rail fence. This is proposed to enhance the rural setting of the site and prevent any encroachment into the surrounding fields which would conserve the areas rural character. The use of a native hedgerow mix, in accordance with the landscape character aims for this area would materially enhance the existing appearance of the site which, until recently, has been dominated by horseculture paraphernalia. Additional planting has also been included within the proposal to enhance the setting of the building and the wider site.

The improvement of the site landscaping, removal of the equestrian use and associated paraphernalia and planting of additional native hedgerow, along with the enhancement of the building itself (through the alterations proposed and use of high-quality materials/finish) will result in the overall enhancement of the site and its setting which would align with the LCA aims and the aforementioned requirements of para. 80c of the NPPF. It is therefore considered that the proposal would comply with Policies CP9 and DM5 of the Development Plan in addition to complying with the advice contained within the Council's LDF DPDs and the NPPF.

#### Impact upon Amenity

Policy DM5 states 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.' New housing developments should ensure a layout and design that provides high standards of privacy and outlook for both existing and proposed residents. Proposals should avoid the following in order to encourage high levels of amenity and privacy:

- Siting new dwellings close to existing properties such that overlooking of existing windows and gardens occurs, significantly reducing existing levels of amenity.
- Significant overbearing impacts on existing properties and their private amenity space.

The proposal would be mostly limited to the existing confines of the building, save for the replacement garden store extension on the north-east side of the building. However, given this would replace an existing (larger) element of the building and is well separated from any surrounding property it is not considered that this element would result in any overbearing or overshadowing impact on any neighbouring property. Similarly, given the separation distances between the building and neighbouring occupiers, it is not considered that the addition of windows and doors into the building would result in any overlooking impact either. Consideration has been given to the use of the building as a dwellinghouse and whether this would result in any material disturbance to the closest dwelling to the west, however given the lawful use and separation distances between the properties it is not considered that any unacceptable impact would arise.

Turning now to consider the impact on the amenity of future occupiers – it is noted that the internal floorspace of the dwelling would exceed the national space standards for a unit of this size and that all habitable rooms would be served by adequate sources of natural light and outlook. The building would also be served by an external amenity area that would be commensurate with the size of the unit. Therefore, on the basis of the above conclusions, it is considered that the proposal would be acceptable in this regard in accordance with DM5.

#### Impact upon Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

NSDCs Residential Cycle and Car Parking Standards Design Guide SPD sets out recommended minimum car parking standards which would require 2 car parking spaces and 2 cycle parking spaces for a 2-bed dwelling in this location. To accord with Spatial Policy 7 (bullet 5) of the Amended Core Strategy and to implement Paragraph 110 of the Framework, the District Council will seek to encourage these minimum car parking standards for new residential development. These figures are considered as the recommended minimum standards. The proposed plans show space for two cars to park within the site in addition to space for turning/manoeuvring. An EV charging point has also been annotated on the proposed site plan and the agent has confirmed that secure cycle storage could be accommodated within the garden store. As such the proposal is considered to accord with the requirements of the SPD.

Access is proposed to be taken via the existing access in the south-west corner of the site – Notts County Council Highway Authority have reviewed the proposal and advised that given the lawful use of the site, the proposal is unlikely to give rise to highway safety issues. However, the Highway Authority would wish to see the driveway surfaced in a bound material as proposed and for the vehicular crossover/bell mouth to be resurfaced to highway authority specification as it is in a poor condition, with loose material present. It is noted that the application proposes a tarmac apron; given this is not a permeable surface, to prevent surface water runoff from discharging onto the public highway, it will be necessary to install an aco drain, on private land immediately behind the highway boundary. A new gate is also proposed to be set back 6.3m from the highway edge to allow for a car to pull off the highway whilst accessing the site. Subject to conditions as recommended the Highway

Authority raise no objection to the proposal.

On the basis of the above it is therefore considered that the development would be acceptable in this regard in accordance with SP7 and DM5, in addition to the provisions of the NPPF.

### Impact upon 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. Paragraph 118 of the NPPF includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

In order to consider the potential impacts of the development on protected and priority species, and the potential scope to avoid or mitigate any impacts further surveys to confirm the presence or absence of these species are required prior to determination. Specifically for bats and other protected species it is a requirement to consider whether a European Protected Species License would be granted for the development in the event that these species are identified on site. In order to carry out the derogation test and consider the potential mitigation measures it is necessary to ascertain whether such species are present. As such, upon request, a Bat Roost Assessment (BRA) has been submitted to accompany the application.

The BRA concludes that the building has low potential for roosting bats. No evidence of bats was found during the surveys and no bats were recorded emerging during the subsequent emergency surveys. The surveys therefore demonstrate likely absence of bats and no further survey was recommended as necessary or proportionate for this site. The BRA does recommend however that if any part of the roof needs to be replaced, a precautionary approach be adopted during the initial site works. It is noted that the application does not seek to remove or replace any of the existing roof. The BRA does however recommend site enhancements through inclusion of a range of nest birds for bats and birds and this could be controlled by condition.

It is also noted that the application proposes biodiversity enhancements to the site as is encouraged through the NPPF. The proposed site plan includes the planting of a new tree at the site entrance, installation of bat and bird boxes and the addition of approx. 60m length of new native hedgerow (such as hawthorn and blackthorn as promoted by the Mid-Nottinghamshire Farmlands Landscape Character Area). The application does not seek to quantify the potential for biodiversity net gain (BNG) on the site, however there is no minimum threshold included within policy at the time of writing this report. Furthermore, the NPPF states that proposals that include biodiversity enhancements should be encouraged, therefore irrespective of a quantifiable BNG calculation, the biodiversity enhancements proposed attract positive weight in favour of the proposal.

Overall, it is not considered that the proposal would result in an ecological impact that would warrant withholding permission. The proposal would therefore comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

### Other Matters

Community Infrastructure Levy – The Agent has confirmed that the building has been in lawful use

for at least 6 months out of the last 3 years, as such the existing GIA (and proposed, given this is less than the existing GIA) is exempt from a CIL charge.

Contaminated Land – The Contaminated Land Officer has provided general advice given to be attached via an informative note to the Applicant in relation to the potential for contamination which can be attached to any decision if issued.

Flood Risk and Drainage – The site lies in a low-risk area for flooding. The application form explains that surface water would be disposed of to soakaways and that foul sewerage would be discharged using a package treatment plant. The use of soakaways for disposal of surface water would accord with the sustainable drainage hierarchy, as would the use of a package sewage treatment plant where a connection to the public sewer is not feasible. However, no details have been provided on the submitted plans showing where the surface or foul water drainage is proposed within the application site and how it has been designed to cater for the proposed development – however this can be secured by a suitably worded condition.

## **8.0 Implications**

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

## **9.0 Conclusion**

Whilst the principle of this proposal, relating to the conversion of a modern equestrian building to residential use would not be compliant with the current wording of policy DM8, it is considered that the stance of para.80 of the NPPF which supports the reuse of redundant or disused buildings for housing in the open countryside (under para. 80c) is a material consideration that weighs in favour of this proposal given it has been concluded that the proposal would enhance its immediate setting, and the conversion can be undertaken without significant re-building or alteration.

Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would enhance the visual amenity and character and appearance of the wider area. The proposal is also considered to be acceptable in terms of the housing mix and how this relates to local need and would not result in any adverse impacts on amenity, ecology or highways safety.

Therefore, whilst the proposal would be contrary to the current wording of policy DM8 in principle, it has been found to be acceptable in all other respects in accordance with the abovementioned policies in addition to the provisions of the NPPF, the Council's SPDs and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are materials considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

## **10.0 Conditions**

01



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

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

## **02**

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans/submitted documents:

- Site Location Plan – Ref. 2323 P00 Rev. B
- Proposed Site Plan – Ref. 2323 P05 Rev. A
- Proposed Ground and Roof Plans – Ref. 2323 P06 Rev. A
- Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A
- Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: So as to define this permission.

## **03**

Prior to the installation or use of any external facing materials manufacturers details (and samples upon request) of the following materials (including colour/finish) shall be submitted to and approved in writing by the Local Planning Authority:

- Bricks
- Roofing Materials

Development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

## **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;
- Timber panels/screens (including precise materials);
- Extractor vents (if required);

- Flues (if required);
- Meter boxes (if required);
- Entrance Gate.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

## **05**

No works or development shall take place until a Scheme showing details and positions of measures for protection during construction of the south-east boundary hedgerow and trees has been submitted to and agreed in writing by the Local Planning Authority. This Scheme shall include:

- Details and positions of the ground protection areas
- Details and position of protection barriers.

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

## **06**

Prior to first occupation of the development hereby approved 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 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;
- means of enclosure;
- car parking layouts and materials;
- access gate;
- hard surfacing materials.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the area.

## **07**

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. 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 unless otherwise agreed in writing by the local planning authority. 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 or use.

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

## **08**

During the construction period 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.

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

## **09**

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.

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

## **10**

No part of the dwelling hereby permitted shall be first occupied until such time that the parking and turning space/driveway have been provided as per approved drawing Proposed Site Plan – Ref. 2323 P05 Rev. A to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

## 11

No part of the dwelling hereby permitted shall be first occupied until a means of surface water runoff disposal has been installed on private land and maintained in perpetuity, to the rear of the highway boundary with the details of which, first submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

## 12

No part of the dwelling hereby permitted shall be first occupied until the vehicular crossover has been resurfaced to Highway Authority specification, to the satisfaction of the Local Planning Authority.

Reason: In the interest of Highway Safety on Newhall Lane.

## 13

No part of the dwelling hereby permitted shall be first occupied until the site enhancements listed below are installed. The site enhancements shall thereafter be retained for the lifetime of the development:

- New native hedgerow planting to the north-east and north-west boundaries, new native tree to the south-west of the dwelling and new wildflower meadows as shown on the approved plan: Proposed Site Plan – Ref. 2323 P05 Rev. A
- Bird and Bat boxes as shown on the approved plans: Proposed North East and North West Elevations – Ref. 2323 P07 Rev. A and Proposed South East and South West Elevations – Ref. 2323 P08 Rev. A

Reason: In recognition of the special circumstances justifying the principle of the development relating to site enhancements and in the interests of visual amenity and nature conservation.

## 14

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 G: Chimneys, flues etc on a dwellinghouse.

Or Schedule 2, Part 2:

Class C: The painting of the exterior of any building.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted building, do not adversely impact upon the openness of the countryside and in order to preserve or enhance the character and appearance of the area.

### Informatives

#### **01**

The works required by Condition 12 will require licencing by the Highway Authority. Please contact VIA East Midlands on 0300 500 8080 or by emailing [licences@viaem.co.uk](mailto:licences@viaem.co.uk). The Highway Authority will not support the discharge of any associated planning condition, unless evidence to demonstrate that this process has been followed is submitted.

#### **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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

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

#### **04**

### Advice from Environmental Health Contaminated Land

This application includes the conversion of a stable building to residential use. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

In addition to the above, the proposed development is in a potentially Radon Affected Area\*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m<sup>3</sup>). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and

incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

\*based on indicative mapping produced by the UK Health Security Agency and British Geological Survey Dec 2022 <https://www.bgs.ac.uk/datasets/radon-data-indicative-atlas-of-radon/>

#### BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01552/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale







Report to Planning Committee 9<sup>th</sup> November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Ex 5851

Report Summary			
<b>Application No.</b>	23/01186/FUL		
<b>Proposal</b>	Demolition of existing detached garage and outbuildings. Erection of single storey dwelling		
<b>Location</b>	The Coach House, Church Hill, Bilsthorpe, NG22 8RU		
<b>Applicant</b>	Mr & Mrs Julie & Adam Brisendon	<b>Agent</b>	Mrs Claire Pendle - Claire Pendle Planning
<b>Web Link</b>	<a href="https://newark-sherwooddc.gov.uk/23/01186/FUL">23/01186/FUL   Demolition of existing detached garage and outbuildings. Erection of single storey dwelling, new boundary wall and carport for The Coach House   The Coach House Church Hill Bilsthorpe NG22 8RU (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	17 July 2023	<b>Target Date</b>	11 September 2023
		<b>Extension of Time</b>	10 November 2023
<b>Recommendation</b>	That planning permission be REFUSED for the reason(s) set out in Section 10.0 of this report		

This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor R Holloway, who considers the proposal represents sustainable development in accordance with the development plan as it would replace an existing building with a more energy efficient and better designed building that would sit comfortably in the surroundings and have less impact on heritage assets. In addition, Bilsthorpe Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.

## 1.0 The Site

The application site lies within the built-up part of Bilsthorpe (as defined by the Development Plan policies map) and within the designated Conservation Area. Located at the top of Church

Hill to the east of the settlement, The Coach House is an attractive dwelling formerly associated with The Old Rectory which lies to the west with Keepers Quarters intervening them.

The host property benefits from a large detached three bay garage with accommodation above accessed via external steps. The land associated with the dwelling is largely laid to lawn and there are some other modest outbuildings present. There are a number of trees within the site, mainly around the boundary hedgerow. Access to the site is via Church Hill with parking and turning available within the site.

Dwellings known as Church Close, Oak Barn and Church Barn lie to the north of the site with the latter two units being located closest to the existing garage. The Grade I listed Church of St Margaret lies to the north-west of the site.

The site lies in Flood Zone 1 according to Environment Agency mapping and within the Mid-Nottinghamshire Farmlands Policy Zone PZ 27: Kirklington Village Farmlands.

The site has the following constraints:

- Conservation Area
- Nearby Listed Buildings
- Adjacent to Non-Designated Heritage Asset

## **2.0 Relevant Planning History**

10/00179/FUL – Erection of two storey pitched roof extension and detached two storey garage block. Approved 21.04.2010.

06/00417/FUL – Proposed dwelling and garage (on land immediately east of The Coach House). Withdrawn 18.04.2006.

97/50183/FUL – Installation of dormer windows to rear elevation. Approved 23.04.1997.

95/50145/FUL – Installation of dormer windows. Refused 08.08.1995.

62860104 – First floor extension to Coach House. Approved 27.03.1986.

6281199 – One bungalow, (on land immediately east of the Coach House). Refused 20.08.1981

6280994 – Erection single bungalow (on land immediately east of the Coach House). Refused 16.12.1980.

628053 – Alterations and extensions. Approved 14.02.1980.

This list excludes applications to undertake tree works at the property.

## **3.0 The Proposal**

The application seeks permission to demolish the existing detached garage with

accommodation above and other outbuildings and erect a new 'pavilion style' single storey 3-bedroom dwelling with garden and driveway to the east side of the existing dwelling known as 'The Coach House'. The proposed new dwelling would measure approximately 18.5-metres by 7.5-metres (approx. 139 square metres) and include a flat overhanging roof covering an area of 260 square metres. Concept visuals have been provided to illustrate the form and scale of the proposed new dwelling, and a precedents and materials sheet shows examples of the contemporary style of dwelling proposed.

The proposed site plan indicates the proposed new dwelling would be accessed via the existing driveway to the north/front of The Coach House and include a turning/parking area to the west side and private garden to the south.

An alternative driveway/turning/parking area would be sited to the west side and rear of The Coach House to serve the host dwelling.

The application has been revised to omit a proposed two-bay garage to the rear of The Coach House. For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

- 03A Revised Proposed Site Plan
- 04 Ground Floor
- 05 Site View & Location Plan
- 06 Concept Visual South East and West
- 07A Precedents and Materials
- 08 Proposed South & East Elevations
- 09 Proposed North & West Elevations
- Heritage Impact Assessment prepared by Jane Catterall dated June 2023
- Planning Statement prepared by Claire Pendle Planning dated July 2023
- Tree Survey prepared by AT2 Tree Surveys dated 22 May 2023 Revised 14<sup>th</sup> September 2023
- Photos of 'Stable' and Greenhouse proposed to be demolished.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 7 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.

Site visit undertaken on 31 July 2023.

#### **5.0 Planning Policy Framework**

##### **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 3 – Housing Mix, Type and Density  
Core Policy 9 -Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure

### **Allocations & Development Management DPD**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

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 2023

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

## **6.0 Consultations and Representations**

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

### **(a) Statutory Consultations**

**Historic England** – Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

**NCC Highways** – This application can be considered under Standing Advice

### **(b) Town/Parish Council**

**Bilsthorpe Parish Council** - Support

### **(c) Representations/Non-Statutory Consultation**

**Conservation** – The proposal would cause a moderate level of harm to the character and appearance of the Conservation Area and a negligible impact on the wider setting of the Listed Buildings. This would be contrary to s.72 of the Act. With reference to planning policies, this would be ‘less than substantial harm’ to the designated heritage asset (par.202 of NPPF and policy DM9 of the local development framework). There is no clear and convincing justification for this level of harm (par.200 of NPPF) and there would be no heritage-related benefits which would balance or outweigh this level of harm (par.202 of NPPF). We, therefore, object to the proposal from a conservation perspective.

**NSDC Tree Officer** – The development of the grounds dividing them into two separate residential units, the removal of trees over time, the development prejudicing future planting due to changes in use, would fundamentally change the character of the conservation area.

**No other third party/local resident comments received.**

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Impact on Character and Heritage Assets
3. Impact on Residential Amenity
4. Highway Safety and Parking
5. Trees and Biodiversity
6. Other Matters

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

As the application concerns designated heritage assets of listed buildings and the conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker “*shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*” Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

### **Principle of Development**

The Adopted Core Strategy details the settlement hierarchy that will help deliver sustainable growth and development in the District (Spatial Policy 1). The intentions of this hierarchy are to direct new development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services, which is reinforced by Policy

DM1 'Development within Settlements Central to Delivering the Spatial Strategy' of the Allocations & Development Management DPD.

The village of Bilsthorpe is identified as a Principal Village within the settlement hierarchy and has a defined village envelope. It is a location where provision will be made for new housing to meet local housing need and there is support for employment to provide local jobs in order to secure the village's role as a sustainable community.

The Council's latest District Wide Housing Needs Assessment 2020 outlines the housing needs for the Sherwood sub-area including Bilsthorpe. In terms of the need for additional housing, the 2020 HNA outlines that the Sherwood sub-area has a need for 4 or more-bedroom family housing than the District as a whole, followed by more 3-bedroom houses, which form approximately 20% of the overall housing mix needed for the area. The proposed new dwelling, by virtue of being a 3-bedroom house, could therefore contribute positively towards meeting this identified need, as outlined in Spatial Policy 2 'Spatial Distribution of Growth' and Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy DPD. Notwithstanding this, it should be noted that the Council has an up-to-date plan and can demonstrate a deliverable five-year housing land supply.

Overall, the proposed new dwelling is considered acceptable in principle subject to an assessment of the site-specific issues outlined below.

#### Impact on Character and Heritage Assets

Core Policy 9 'Sustainable Design' of the Amended Core Strategy (Adopted March 2019) requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocations & Development Management DPD, which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials, and detailing.

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance, and the preservation and enhancement of the special character of Conservation Areas. In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 'Protecting of the Historic Environment' of the Allocations & Development Management DPD).

The site lies within the Bilsthorpe Conservation Area and within the wider setting of St Margaret's Church (Grade I Listed) and its boundary walls and steps (Grade II Listed). Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section

72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter referred to as 'the 1990 Act') and, for development which affects a listed building, preserving the building or its setting or any features of special architectural or historic interest which it possesses in accordance with the duty contained within Section 66(1) of the 1990 Act.

The Council's Conservation Officer has described the significance of the heritage assets and context of the application site as follows:

*"Bilsthorpe Conservation Area ... encompasses the historic core of the settlement along Kirklington Road and Church Hill. The land within the Conservation Area boundary rise steeply to the east towards the church (Grade I) and the surrounding 17th -19th century houses. The Conservation Area is characterised by the irregular arrangement of detached buildings, which are predominantly situated along the highway or clustered around the church. The buildings are a mixture of traditional cottages, farmhouses or former barns and larger houses which are constructed in brick walling, some rendered or stone, with a pantile or tile roof. The Coach House was likely associated with the Rectory and dates from the mid-19th century. Whilst there have been some modern alterations to facilitate the conversion, the building still makes a positive contribution to the character and appearance of the Conservation Area. The garage does not make a positive contribution to the setting of the Coach House and diminishes the ancillary nature of the converted building."*

It has been confirmed the proposal would have a no impact on the wider setting of the abovementioned Listed Buildings. Indeed, Historic England has considered the application and chosen not to offer advice. Notwithstanding this, the Conservation Officer has identified there would be harmful impacts to the character and appearance of the Conservation Area as outlined in *italics* below:

*"The proposed new dwelling would be a single storey flat roof building with a sedum roof, projecting canopy, brick panels for the walling and large expanses of glazing. The design would be overtly contemporary and starkly contrast with the overriding vernacular character and appearance of surrounding buildings (including the modern pastiche houses). It is recognised that the proposal seeks to minimise the visual impact of the new dwelling through the 1-storey height and sedum roof. However, the contrasting form and design as well as contemporary glazing would distract from the surrounding character and appearance and diminish the architectural interest of the Conservation Area."*

*The siting of a dwelling in this location would be located behind the historic building line and erode the traditional plan form of the Church Hill part of Bilsthorpe Conservation Area. As noted in section 3.3 of the Heritage Impact Assessment, there are a number of late-20th and early-21st century houses around this part of the Conservation Area. Some of these new dwellings have a neutral impact on the significance of the Conservation Area and some detract from the character and appearance. These modern dwellings do not provide justification for further harm to the plan form and layout of the Conservation Area."*

I agree that the proposed development would constitute inappropriate backland development that would cause harm to the character and appearance of the Conservation Area. Furthermore, the overtly contemporary design would be discordant with the traditional character of buildings in this part of the Conservation Area and diminish its architectural

interest, contrary to the duty to preserve or enhance required under s.72 of the 1990 Act. It is also noted that demolition of the existing detached garage and outbuildings is not proposed to be compensated as part of the development, which leaves some uncertainty over how both plots would develop in future. It would not seem practical for two family sized homes to have nowhere to store garden furniture or equipment for example. The possible addition of sheds and outbuildings within each plot, potentially under permitted development rights, could lead to over development that would cumulatively harm the character and appearance of the area over time.

Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset, such as a conservation area, (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Also, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Paragraph 202). In the opinion of officers, there is no clear and convincing justification for the harm that would be caused to the significance of the conservation area. There would also be no public benefits, nor any other material consideration, that would outweigh the harm identified. The proposal is therefore contrary to the objective of preservation required under Section 72 of the 1990 Act as well as relevant provisions of the abovementioned planning policy framework.

#### Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The proposed new dwelling would be sited approximately 20-metres to the west of The Coach House with a new 1.8-metre-high brick garden wall and mixed species hedge proposed to separate the two sites. The proposed access arrangements would present an awkward relationship between the two sites, with vehicles driving past the front of The Coach House to reach the gated entrance to the proposed new dwelling. There are several windows and a main door overlooking this existing driveway, which would no longer serve The Coach House despite its close relationship to it. That said, it is clear that occupants of both the existing and proposed dwellings would enjoy adequate amenity with no unacceptable overbearing or overlooking impacts. So, whilst the proposed access arrangements would not be ideal, it is not considered this matter in itself would warrant refusal of planning permission.

Historic barns to the north of the existing garage have been converted to residential use and are one and a half storey. There appears to be four first floor bedroom windows facing the site (three within the central part) with ground floor openings serving the sitting rooms and kitchen. The northern elevation of the proposed new dwelling has been designed with high level obscure glazed windows, presumably to avoid direct overlooking. Although the proposed new dwelling would be sited close to the boundary, the distance between dwellings would appear to be approximately 18m-20m, which is likely to be sufficient to avoid oppressive and overbearing impacts on the living conditions of these neighbours.



Overall, it is considered there would be no unacceptable adverse impacts on the amenities of neighbouring residents nor existing or future occupants of The Coach House in accordance with the relevant provisions of Policies DM5 and DM6 of the Allocations & Development Management DPD.

### Highway Safety and Parking

Spatial Policy 7 and DM5 expect development proposals to provide appropriate and effective parking provision as well as appropriate means of access. The Council's Residential Cycle and Car Parking Standards & Design Guide SPD sets out residential parking expectations in terms of design and quantum. Nottinghamshire County Council (as Highways Authority) also offers design guidance for residential developments.

The Coach House is sited at the end of Church Hill on the east side of the village. There is an existing gated access and driveway that runs past the front of the property, terminating in front of the existing detached garage. There is a separate driveway to the west side of the property that runs parallel with the boundary. Nottinghamshire County Council (as Highways Authority) advises that a single private drive should measure 3.6-metres wide if bound on both sides, which both driveways are. This width increases to 5.8-metres for driveways shared by two to five dwellings.

The Proposed Site Plan indicates the driveway to the front of The Coach House would be shared and, as such, should technically measure the greater distance of 5.8-metres. However, the Proposed Site Plan also shows an alternative driveway for The Coach House to the west side/rear of the property, suggesting that the 'shared' element would be more in terms of pedestrian access, especially as the main front door to The Coach House is positioned facing that driveway. Whilst it would be reasonable to expect occupiers of both properties to be aware of this arrangement, it is unclear whether there may be instances of delivery or other visiting vehicles blocking the driveway to the proposed new dwelling, which annotations indicate would fall about a metre below the recommended width for a shared driveway. Although comparatively narrower than the driveway to the front, the driveway to the side of The Coach House measures just over the recommended width of 3.6-metres for a single private drive.

Notwithstanding concerns regarding driveway widths, the Proposed Site Plan illustrates both dwellings would be afforded adequate space for turning and parking vehicles, although there would be no sheltered parking for either dwelling nor any domestic storage sheds for typical items such as bicycles, gardening equipment and lawn mowers. Details of driveway surfaces, and drainage arrangements are unclear but could be conditioned if the LPA was minded to approve the application.

Finally, the Proposed Site Plan indicates bins for the proposed new dwelling would be sited approximately 45-metres from the site entrance off Church Hill, which is significantly over the maximum distance Building Regulations suggest is appropriate for domestic developments (25-metres from the waste collection point).

In summary, adequate parking and turning areas would be provided in accordance with the abovementioned policy framework, and further details could be secured by condition if

needed. Whilst the proposed access arrangements are considered awkward, it is not considered this would result in issues of highway safety that would warrant refusal of the application.

### Trees and Biodiversity

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the Allocations & Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application is supported by a Tree Survey prepared by AT2 Tree Surveys which identifies an existing mixed hedge (H2) to the north of the proposed new dwelling as Category U and unsuitable for retention. A pollarded trunk of a Norway Maple (T12 - currently used to hang a child's swing from) is also identified as Category U and unsuitable for retention. A Category A High Quality Oak Tree (T13) is identified close to the southwest boundary of the site, some distance from areas that are proposed to be developed. With the exception of other hedges (H3 and H11) that border the site to the east, south, and west, and identified as Category B 'Moderate Quality', remaining trees within the site are considered Category C Low Quality. That said, no trees are proposed to be removed in order to build the proposed new dwelling, although it is expected that mixed hedge H2 would be removed and replaced. Unfortunately, the application does not detail how trees and hedges proposed for retention would be protected from construction works. However, such details could be secured by condition if the LPA were minded to approve the application.

The Council's Tree Officer has considered the application and submitted Tree Survey and raised concerns about potential impacts on the High Quality Oak Tree (T13). They have also suggested that the development would significantly alter the character of the site, which was historically orchard land surrounding The Old Rectory. Whilst the historic maps dating back to 1875-85 clearly show the site was covered in trees, the existing character is rather more domesticated with extensive areas of managed lawn, the presence of domestic outbuildings, a green house, and children's play equipment. That said, there are concerns regarding the impacts of the proposed development on the character and appearance of the area, which have been outlined under 'Impact on Character and Heritage Assets'.

The application is also supported by a Protected Species (Bats) Survey prepared by BJ Collins. This details a preliminary bat roost assessment undertaken to the existing detached garage proposed for demolition on 31<sup>st</sup> May 2023. The assessment found no evidence of use by bats, nor any obvious entry points into the building, although a raised tile was noted as a feature that might support crevice dwelling roosting bats. Overall, the existing detached garage was assessed as being of Low/Negligible potential for bats, with other buildings categorised as being of Negligible potential for roosting bats. Consequently, no further surveys were recommended to be undertaken. The report recommends precautionary procedures to mitigate the very low risk of a transient bat being present during the demolition phase i.e., an ecological construction method statement, which could be secured by condition if the LPA was minded to approve the application.

## Other Matters

The Planning Statement submitted in support of the application suggests the design incorporates a number of sustainability features including air source heating, solar panels, and superinsulation. However, the proposed plans do not include details of such features so it is difficult to envisage how they would be incorporated into the design. For example, given the flat roofed pavilion style design of the proposed new dwelling, it is presumed solar panels would either be affixed to an angled mounting frame on the roof or within the garden area, which would further develop the site and potentially reduce the amount of amenity space for future occupants to enjoy. Whilst the planning system supports the use of renewable and low carbon energy and heat measures in all types of development, such measures can often be achieved through permitted development rights and/or compliance with building regulations, giving it relatively limited weight in the planning balance on an application such as this. Consequently, it is not considered that any benefits associated with incorporating sustainability features would outweigh the harmful impacts identified.

### **8.0 Implications**

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

### **9.0 Conclusion**

The site falls within the village of Bilsthorpe which is a Principal Village where the principle of new residential development is supported. However, the proposed development would constitute inappropriate backland development that would be uncharacteristic and harmful to the character and appearance of the designated conservation area. No clear and convincing justification has been provided or heritage/public benefits identified that outweighs the harm identified. Whilst there is no objection to the proposed demolition of the existing detached garage any benefits associated with this element of the proposal do not outweigh the harmful impacts of the wider development. It is therefore recommended that planning permission be refused.

### **10.0 Reason for Refusal**

01

In the opinion of the Local Planning Authority, the proposed new dwelling, by virtue of its siting, scale, and contemporary design, would constitute inappropriate backland development that would be uncharacteristic and harmful to the character and appearance of the Bilsthorpe Conservation Area. No clear and convincing justification has been provided for this harm nor are there any heritage, public, or sustainability benefits that would outweigh the harm identified.

The proposal is therefore contrary to the objective of preservation required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions

of Core Policy 9 'Sustainable Design' and Core Policy 14 'Historic Environment' of the Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019) and Policy DM5 'Design' and DM9 'Protecting and Enhancing the Historic Environment' of the Allocations & Development Management Development Plan Document (adopted July 2013); as well as guidance contained within the National Planning Policy Framework and Planning Practice Guidance, which form material planning considerations.

### Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. 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.

02

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

03

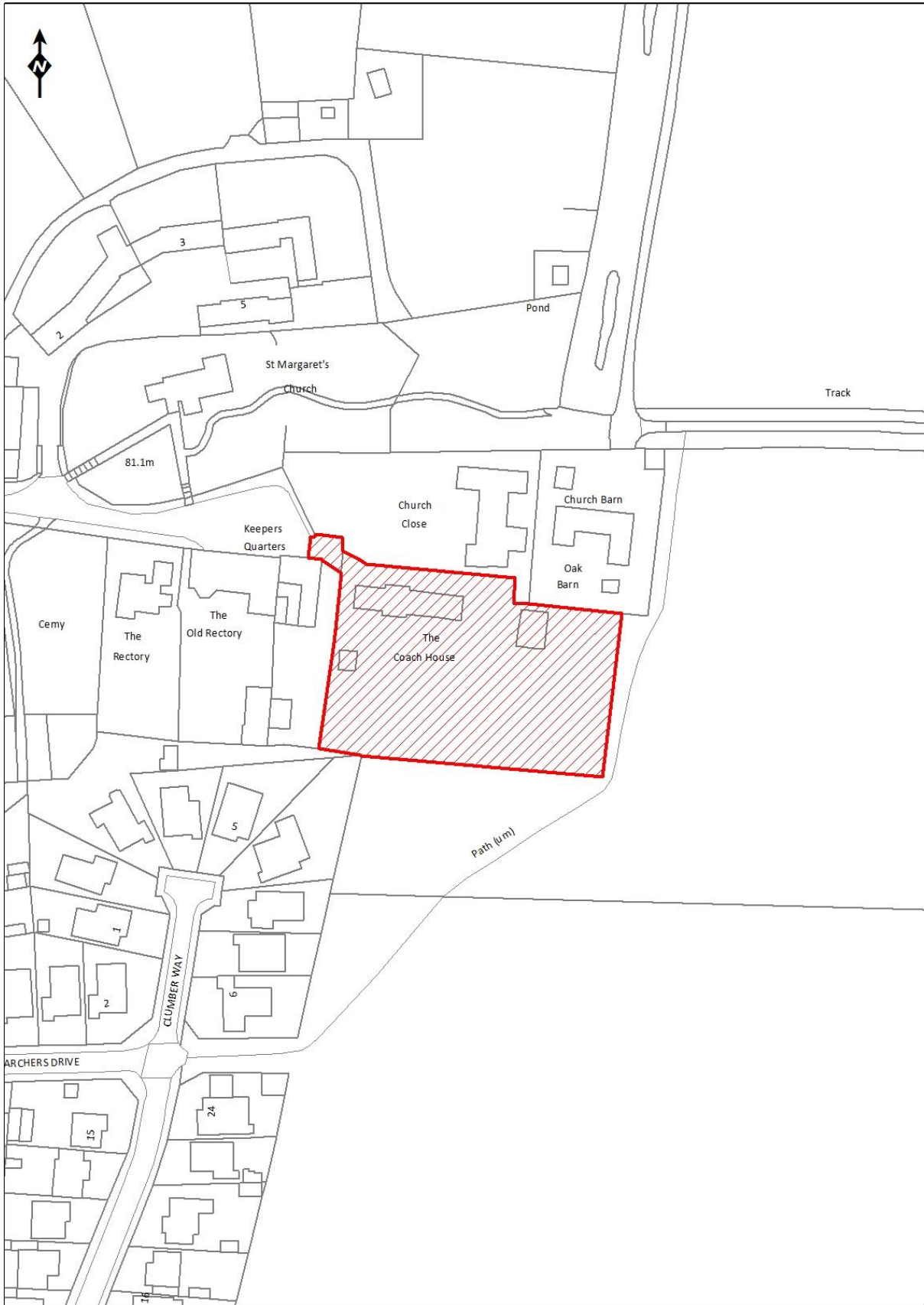
Refused drawings:

- 03A Revised Proposed Site Plan
- 04 Ground Floor
- 05 Site View & Location Plan
- 06 Concept Visual South East and West
- 07A Precedents and Materials
- 08 Proposed South & East Elevations
- 09 Proposed North & West Elevations

### BACKGROUND PAPERS

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

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale





Report to Planning Committee 9th November 2023  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Jared Pailing, Planner, Ex 5719

Report Summary			
<b>Application No.</b>	23/01160/HOUSE		
<b>Proposal</b>	Proposed first floor and ground floor rear extension and single storey side extension. Erection of canopy at principal elevation. Replacement roof covering and windows.		
<b>Location</b>	Field Side 86 Caythorpe Road Caythorpe NG14 7EB		
<b>Applicant</b>	Mr & Mrs P Groves	<b>Agent</b>	FLARE VISUAL LTD - Mr Steve Hanks
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
<b>Registered</b>	10 July 2023	<b>Target Date</b>	4 September 2023
		<b>Extension of time</b>	23 November 2023
<b>Recommendation</b>	That planning permission be REFUSED for the reason set out in Section 10.0 of this report		

**This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor Roger Jackson, who considers the proposal is quite small compared with its neighbouring properties and sits in a large footprint of land and would not be an inappropriate build in the Green Belt. In addition, Caythorpe Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.**

## 1.0 The Site

The site is located on the south side of Caythorpe Road roughly halfway between Lowdham and Caythorpe village. The property is one of a pair of semi-detached dwellings with a two

storey gabled front projection and single storey lean-to rear extension, constructed of brick with a tiled roof and white pvcu windows. The property benefits from a large gravel driveway to the front of the property, and a rear garden that includes a detached garage set back behind the dwelling adjacent to the western boundary. The property is enclosed by a brick wall approx. 1m in height along the road frontage with a vehicular access adjacent to the western boundary. There is a maple tree in the rear garden adjacent to the eastern boundary.

The property sits within the Nottingham-Derby Green Belt and sits within Flood Zone 2 according to the Environment Agency Flood Maps meaning it has a medium probability of main river flooding.

The site therefore has the following constraints:

- Green Belt
- Flood Zone Two

## **2.0 Relevant Planning History**

22/00792/HOUSE - Proposed two storey rear extension, brick piers, brick wall and gates to front site boundary and infilling of existing porch – Permitted 20.06.2022. The proposal has been partly implemented with the construction of front boundary wall but no other elements of the approved scheme have been commenced to date.

16/01402/FUL - Householder Application for Single storey extension at the rear of the house to replace existing ground floor extension (utility room) and add additional living room. Small open porch by front door. – Permitted 26.10.2016, and has been fully implemented.

## **3.0 The Proposal**

The application seeks permission for the construction of a proposed first floor and ground floor rear extension and single storey side extension. The proposal also seeks approval for the complete removal of the front boundary wall and replacement of roof tiles and replacement windows with flush casement upvc on the whole property.

The first floor rear extension sits above the existing ground floor rear extension and is half the width of the rear elevation with a dual pitched gable roof and ridge which sits well below the ridge of the main dwelling with eaves level to match the host. The proposed extension would sit approx. 3.5m from the boundary with the adjoining neighbour.

The ground floor rear extension, sits beyond the existing ground floor element and proposed two storey element and its width extends the full width of the existing dwelling and beyond to link with the proposed side extension with a lean-to roof that extends and wraps around the side elevation.

Attached to the side elevation is a single storey 800mm wide extension with a dual pitched gable roof that links into the proposed wrap around lean-to roof. This is set back from the front elevation by 3.4m.

Details below:



### **First floor extension**

Height from ground to eaves – 4.46m

Height from ground to ridge – 6.7m

Depth of ridge – 5.587m

Depth of eaves – 3.38m

### **Single storey lean-to rear extension**

Height from ground to ridge – 4.4m

Height from ground to eaves – 2.4m

Rear width – 9m

### **Single storey side Extension**

Height ridge

Height of eaves

Width – 800mm

### **Front Canopy**

Height from ground to ridge -2.97m

Height from ground to eaves -1.94m

Width – 3.8m

Depth -1.1m

Although initially submitted with extensions being in an off-white render, this has now been amended to brick to match the existing house. The proposed plans state the whole property would be covered in a new slate, but no further details have been submitted.

Documents assessed in this appraisal:

- Existing and proposed floor plans, elevations, site plan and site location plan (Drawing No: F3137-A1-01B) – Submitted 30 October 2023
- Householder Flood risk form – Submitted 31 October 2023

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of four properties have been individually notified by letter.

Site visit undertaken on 11 September 2023.

## **5.0 Planning Policy Framework**

### **The Development Plan**

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

Spatial Policy 4B– Green Belt Development

Core Policy 9 - Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 - Biodiversity and Green Infrastructure

## **Allocations & Development Management DPD**

DM5 – Design

DM6 – Householder Development

DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

Householder Development SPD 2014

Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

### **6.0 Consultations and Representations**

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

#### **(a) Statutory Consultations**

N/A

#### **(b) Town/Parish Council**

**Caythorpe Parish Council** - Support the application.

#### **(c) Representations/Non-Statutory Consultation**

**No third party/local resident comments received.**

### **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of development
2. Impact on the Green Belt
3. Impact on the Visual Amenities of the Area
4. Impact on Residential Amenity
5. Impact on Trees
6. Impact on Flood Risk

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

sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

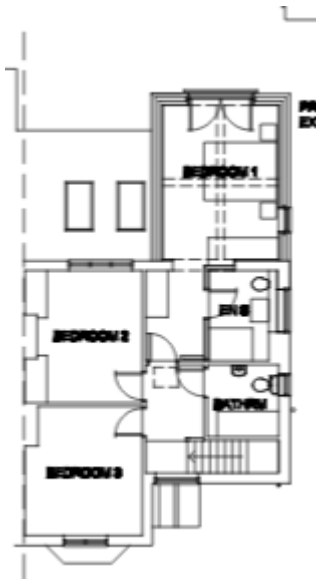
### Principle of Development

Subject to an assessment against a number of criteria, Policy DM6 accepts development providing there is no impact on the amenities of neighbouring uses including loss of privacy, light and overbearing impact. This policy goes on to state that the proposal should respect the character of the surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape character openness.

The previous permission granted under 22/00792/HOUSE has been partially implemented through the construction of the front boundary wall, however, no other part of the works approved (rear extensions) have been commenced to date although this permission clearly remains extant and capable of being implemented as a fall-back position.

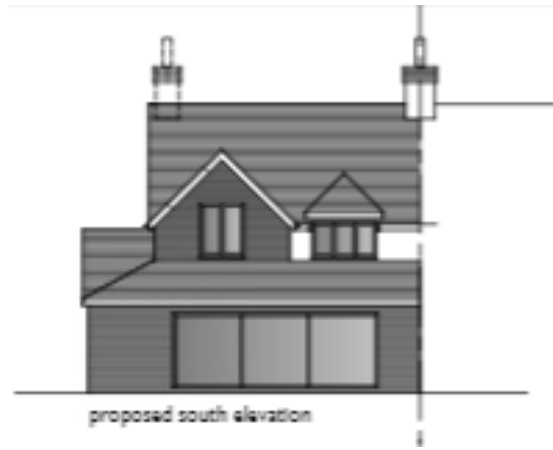
It is clear from the elevations of both schemes shown below, that it would not be possible to construct both proposals.

Extant Permission:



Proposed Application:





The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy. This policy defers to the National Planning Policy Framework in terms of assessing most development in the Green Belt.

Paragraph 147 of the NPPF states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

Paragraph 148 states that '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.'

Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt. It then gives exceptions to this with exception (c) allowing for: 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'

It is under this policy stipulation that the application has been assessed.

Under current adopted development plan policy there is no definitive percentage of floor space/footprint/volume increase considered to be 'proportionate' development within the Green Belt and as such, it is one of judgement for the Local Planning Authority. Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether householder extensions are disproportionate to the original dwelling.

The following table shows the proposed percentage increase to assist that judgement and includes an extension (single story lean-to extension) built as part of a previous permission approved under reference 16/01402/FUL, which has been implemented.

	<b>Original Dwelling</b> (not including the single storey rear extension which did not form part of the original dwellinghouse)	<b>Extended Dwelling</b> (including the single storey rear extension)	<b>% Increase</b>	<b>Proposed Extended Dwelling</b>	<b>% Increase (from Original Dwelling)</b>
<b>Footprint m<sup>2</sup></b>	58.9	78.2 (58.9 + 19.3)	32.7%	105.2 (78.2 + 27)	<b>78.6%</b>
<b>Floorspace m<sup>2</sup></b>	107	126.3 (107 + 19.3)	18%	157.07 (126.3 + 9.77(FE) + 21(GF))	<b>46.7%</b>
<b>Volume m<sup>3</sup></b>	341.3	385.3 (341.3 + 44)	12.8%	476.25 (385.3 + 22.05 + 68.9)	<b>39.5%</b>

It can be seen from the above table that the original dwelling has already been enlarged with an approved single storey extension which represents a 32.7% (footprint), 18% (floorspace) and 25% (volume) increase. This proposal would increase the size of the dwelling from the original by 78.6% footprint, 46.7% floorspace and 39.5% volume. The proposed footprint of the development is therefore above the generally accepted and long-established guidance that anything above 30-50% increase would represent a disproportionate addition, although not set out in policy.

Therefore, for this reason, the proposal would constitute inappropriate development within the Green Belt unless very special circumstances exist to outweigh this harm. No such circumstances have been advanced or are considered to exist in this case.

The proposal is therefore contrary to Spatial Policy 4B of the Amended Core Strategy and paragraphs 147-149 of the National Planning Policy Guidance. The effect on openness is considered in the visual amenities section below.

#### Impact on the Visual Amenities of the Area

Policy DM6 section 6 of the adopted allocations & Development Management DPD states planning permission will be granted if it meets criteria including "The proposal respects the character of the surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape, character and the open character of the surrounding countryside."

Policy DM6 section 5 also requires that 'The proposal respects the design, materials and detailing of the host dwelling'.

The NPPF states that good design is a key aspect of sustainable development and that decisions should ensure that developments are visually attractive. It also states that openness is an essential characteristic of Green Belt policy. Openness has a spatial as well as visual dimension. The property is clearly visible from the surrounding public realm and openness of the Green Belt is evident in the wider area.

The proposed additions although subservient to the dwelling in terms of their height, in accordance with the householder SPD, the two storey construction and single storey wrap around would increase the bulk and prominence. It would spatially and visually increase the form, volume and massing of the existing building and in doing so result in a harmful loss of openness. This weighs negatively against the scheme in the planning balance.

Officers are aware that the adjoining property of the semi-detached pair already benefits from a similar design of two-storey rear extension with single storey infill and as such it is not the principle of such a form of extension that is unacceptable but the proposed size and scale. It is also drawn to Members' attention that planning permission was granted in 2021 (see extracts above), which remains extant, for a similar two storey rear extension, as it was not a disproportionate addition because neither the footprint, floorspace or volume exceeded a 50% increase over and above the original dwelling. This represents a realistic fallback position and would allow the applicants to extend in a similar manner to the adjoining neighbour, creating a reasonably sized addition.

It is the additional single storey rear and side wrap around addition that takes the footprint above the limits of the guidelines. Officers have sought to negotiate with the applicants and suggested that if the single storey element was removed or significantly reduced, then the proposal would receive officer support. However, the applicants were not willing to reduce the scheme and have requested the application be determined as it stands.

The existing single storey rear lean-to element adjacent to the neighbour's boundary would be altered to a flat roof served by a rooflight.

Officers have successfully negotiated a change to the originally proposed off white render finish to the extensions which is now proposed to be in brick to match the existing house. This will assist in reducing the visual prominence of the additions in the streetscene.

The proposal also includes the removal of the existing porch and brick enclosure on the front elevation and installation of a wider tiled canopy extending across to the side elevation. This element is considered acceptable and would not be harmful to the character and appearance of the principal elevation of the property.

The proposal seeks to replace all the concrete roof tiles on the property with a new roof covering. The specific material details have not been included within the submission but, in the event of an approval being granted this is a matter that could be controlled by condition, along with a condition requiring walls to be brick to match the existing dwelling. The proposal

to replace the existing UPVC white windows with a coloured flush casement pvc is also acceptable subject to a condition requiring confirmation of the colour.

The removal of the wall is considered a concern due to opening up the property and driveway visually which is unlikely to have been the original design of the property. However, measuring 1m in height the wall can be removed under permitted development and therefore the Local Planning Authority can unfortunately have no control over whether it is retained.

Overall, the scale and massing of the proposed additions would have a harmful impact on the openness of the Green Belt. However, with the additions being constructed in matching brickwork and conditions to control roof materials and window colours, it is considered that the proposal would not result in a harm to the character and appearance of the property or surrounding area. The proposal therefore fails to comply with Spatial Policy 4B of the Amended Spatial Strategy and the guidance contained within the NPPF but is considered to accord with CP9 and Policies DM5 and DM6 of the Development Plan in this regard.

#### Impact upon Residential Amenity

The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the Allocations & Development DPD states that development is permitted if “there is no adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact.” This is also reflected in Policy DM5.

The Householder SPD states that additions to dwellings should be designed to ensure that good standards of amenity for neighbouring occupants both present and future. The Householder SPD goes on to state that development proposals for dwellings in close proximity to one another should be carefully designed so as to avoid unacceptable overbearing impacts and loss of privacy.

The western neighbour sits 3m away from the application dwelling itself and 1.04m from the boundary fence separating the two properties. The new side elevation is proposed to have a small, circular window installed to serve a bathroom and as such the window is likely to be obscurely glazed. The window would look in the direction of the western neighbour but would look towards their front driveway which is already visible to the public realm thereby not causing any loss of privacy.

The eastern neighbour is the adjoining semi-detached property. The proposed extension would replace the existing extension to the rear and be situated to the boundary between the two properties. Due to the presence of the existing extension, it is not considered the new addition (single storey lean-to beyond the depth of the existing extension on the application site but extended to the same depth as the neighbour’s existing single storey extension adjacent to the common boundary) would have any significant detrimental effect on the amenity of the neighbour. The first-floor extension would match the depth of the neighbouring property’s first floor extension and would be positioned 3.5m away from the common boundary. It would result in a ‘tunnelling’ effect to the existing first floor windows in the original rear elevations of both properties, the impact is not so detrimental in terms of over-bearing impact, loss of light and over-shadowing late in the day to warrant refusal of



permission on these grounds.

The proposal would still allow an ample sized private amenity space to serve existing and future occupiers, although it would render the existing garage unusable for vehicles.

Overall, it is not considered that the proposal would result in any harmful overbearing impact, loss of light or loss of privacy by virtue of its size and design and it is therefore considered to comply with Policies DM5 and DM6 in this regard.

#### Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the ADMDPD requires the provision of safe access to new development and appropriate parking provision.

Table 2 of the Residential Cycle and Car Parking Standards & Design Guide SPD (2021) sets out the recommended minimum car parking standards depending on the number of bedrooms. For 3 or 4+ bedroom properties, the recommended parking provision is 3 parking spaces in this location. The proposal will not result in any increase in the number of bedrooms at the property which would remain at 3.

The existing forecourt of the property is already completely hard surfaced and there is sufficient space to park three cars on it, to accord with the SPD requirements. The existing brick wall along the road frontage was implemented as part of the previously approved permission under 22/00792/HOUSE. The proposed removal would open up the frontage of the whole site to the road, although as already stated, this is out of the control of the Local Planning Authority. There are no other highway safety matters to be considered by the proposal.

#### Impact on Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency flood maps, which means it is at medium risk of main river flooding. The proposed development is considered to be 'minor development' in accordance with the NPPF (that is, householder development for extensions to dwellings, garages, shed etc within the curtilage of the existing dwelling. As such Flood Risk Standing Advice applies. Paragraph 164 of the NPPF advises that applications for minor development should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessment.

The applicant has submitted the standard Householder Flood Risk Assessment form which confirms that floor levels within the proposed extension would be set no lower than existing levels and that flood proofing of the proposed development would be incorporated where appropriate, which is considered to be proportionate to this type of development, including utilising flood resilient construction techniques. This would adequately protect occupiers of the host dwelling from flood risk and could be conditioned if permission were to be granted. It is not considered in this case that the cumulative impact of the development would result in any increased risk to future site users given the extension is proposed on existing hard surfacing and there would remain ample land within the wider site for surface water to

permeate.

On this basis, it is considered that the proposal would be acceptable in relation to flood risk in accordance with Policy DM5, Core Policies 9 and 10 and the aims of the NPPF in this regard.

### Impact on Trees

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

Section 7.20 of the Householder Development SPD states that 'existing natural features and those introduced through new development can significantly contribute to the local distinctiveness of an area. Therefore, the incorporation of a considered landscaping scheme which allows for the retention, protection and enhancement of important natural features should be a central part of the design process for any development and will assist proposals to satisfy policies within the development plan.'

A small Maple tree is situated to the rear of the house and a hedgerow separates the property from its adjoining neighbour. The applicant has confirmed that the tree is intended to be retained. Although no Arboricultural Impact Assessment has been submitted, the property already has an existing rear extension with existing foundations and hardsurfacing and therefore it is considered the works would unlikely result in any further detrimental impact on the tree and hedgerow and would accord with Development Plan policies in this regard.

## **8.0 Implications**

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

## **9.0 Conclusion**

In conclusion, the proposal represents a disproportionate addition to the original dwelling which would result in spatial and visual harm to the Green Belt as a result of inappropriateness and there are no very special circumstances which would outweigh this harm.

Matters of general character and appearance, residential amenity, highway safety, flood risk and trees are considered to be acceptable and neutral in the planning balance.

However, the proposal fails to comply with Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy and the guidance within the National Planning Policy Framework, and would cause harm the Green Belt, which in accordance with policy should be given substantial weight in the planning balance. Accordingly, it is recommended that planning permission be refused.

## **10.0 Reason for Refusal**

01

The site is located within the Nottingham-Derby Green Belt where new development is strictly controlled through the National Planning Policy Framework (NPPF) and Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019). SP4B defers to the NPPF in terms of assessing most development in the Green Belt.

In the opinion of the Local Planning Authority the proposal, by reason of its disproportionate addition over and above the size of the original dwelling, would constitute inappropriate development in the Green Belt, which is by definition harmful. The scale and massing of the proposal would result in spatial and visual harm to the openness of the Green Belt and there are no very special circumstances which would outweigh the harm identified.

The proposal is thereby contrary to Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019) and paragraphs 147-149 of the National Planning Policy Framework (2023) which is a material planning consideration.

### Informatives

01

Plans refused:

Existing and proposed floor plans, elevations, site plan and site location plan inc (F3137-A1-01B)

02

The application is 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.

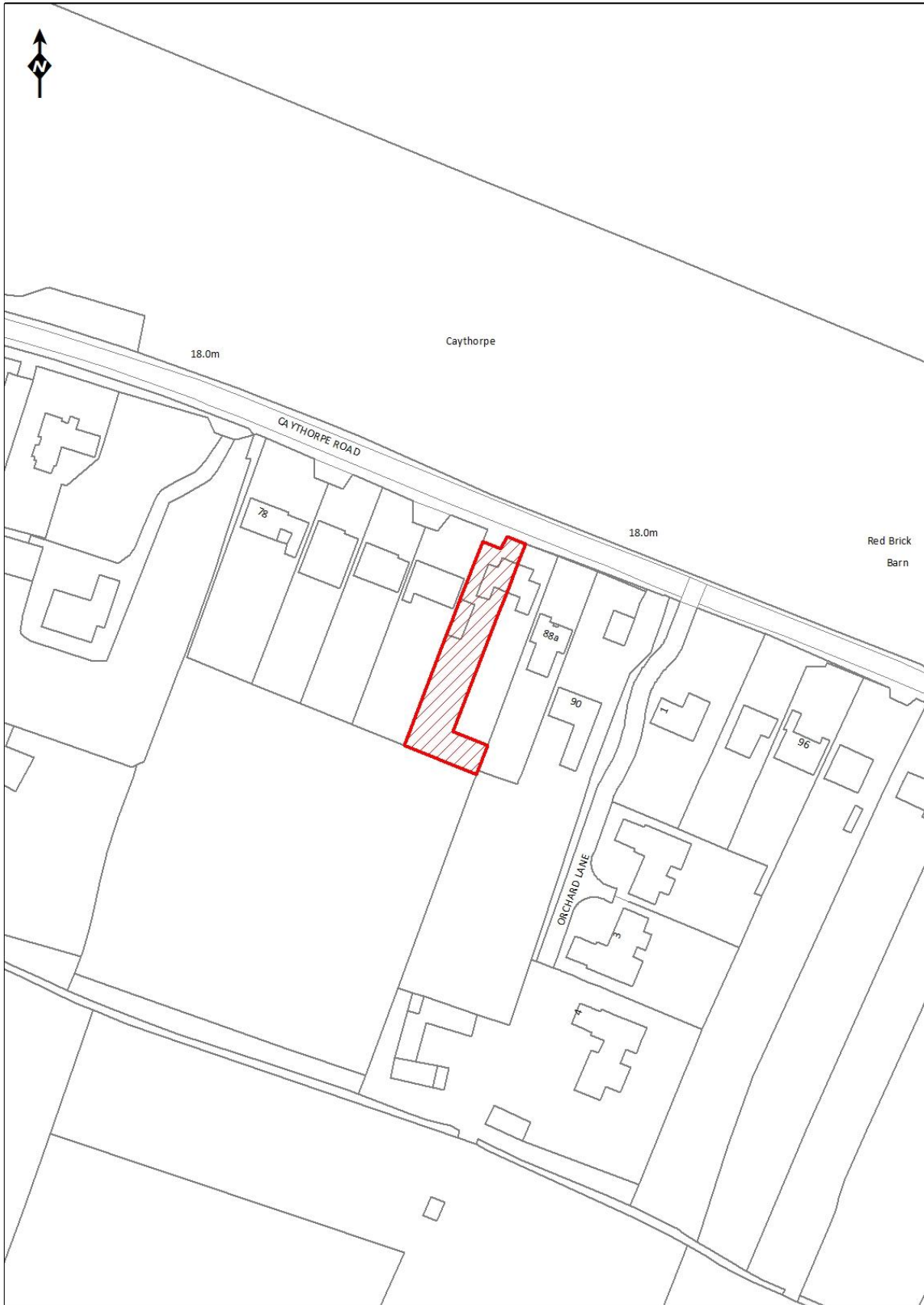
03

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

### BACKGROUND PAPERS

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

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	23/01737/ADV		
<b>Proposal</b>	Advertising Hoardings for 32 Stodman Street		
<b>Location</b>	Former MARKS & SPENCER, 32 Stodman Street, Newark on Trent, NG24 1AW		
<b>Applicant</b>	Newark and Sherwood District Council - Miss Frances Davies	<b>Agent</b>	Mrs Karolina Walton - Studio-G Associates LLP
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/01737/ADV">23/01737/ADV   Advertising Hoarding for 32 Stodman Street.   Former MARKS &amp; SPENCER 32 Stodman Street Newark On Trent NG24 1AW (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	09.10.2023	<b>Target Date</b>	04.12.2023
<b>Recommendation</b>	That Advertisement Consent is <u>APPROVED</u> subject to the Conditions detailed at Section 10.0 subject to the closure of the consultation period and there being no additional material considerations raised that are not considered within the report.		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because Newark and Sherwood District Council is the Applicant.**

## 1.0 The Site

The site is situated in the heart of Newark Town Centre and comprises a two-storey former retail premises most recently occupied by M&S who vacated in April 2019 (since M&S’s departure, the site has remained vacant). The site lies within the historic core of Newark Town Centre, within the designated Conservation Area (CA) and surrounding the site there are a number of listed buildings, notably Maurice Key Furnishings Warehouse (Grade II) located to the SW and properties along Stodman St to the NW and NE. The site has a prominent Art-Deco frontage on to Stodman Street (northern elevation) of approximately 13 metres and extends along St Marks Lanes to the south where the building is of more modern construction.

St Mark's Place, a modern shopping precinct lies to the east of the site and Lombard St lies to the south. A public right of way spans the length of the eastern elevation of the building and is a key through route from Lombard St through to the Market Place. The site is surrounded by predominately retail uses with a number of national occupiers adjacent. A small section to the rear also adjoins an adjacent multi storey car park. Loading and vehicular access is also provided from a private communal access off Lombard Street to the rear.

The site is located within the Newark Town Centre (NTC), Newark Primary Shopping Area (PSA) and Primary Shopping Frontage (PSF) as defined by Policy NUA/TC/1 of the Allocations and Development Management DPD and Newark Area Policy 1 'Newark Urban Area' as defined by the Core Strategy.

The site has the following constraints:

- Conservation Area
- Listed Buildings
- Public Rights of Way

## **2.0 Relevant Planning History**

*NB: There is extensive planning history relating to advertisements and alterations to the building as a commercial unit, only the most recent history is included below.*

**21/00699/FULM** - Proposed 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 – Permitted 21.02.2022

**22/01618/NMA** - Application for non-material amendment to include additional external doors to commercial units, column added to parking layout and basement water tank allowance attached to planning permission 21/00699/FULM – Permitted 22.09.2022

**23/01748/DISCON** - Request for confirmation of discharge of conditions 3 (S106), Condition 4 (Development Phasing), Condition 9 (Structural specification and methodology), Condition 21 (Archaeology), 23 (Demolition and construction method statement), 27 (Historic building recording), 28 (Traffic Management) attached to planning permission 21/00699/FULM [...] – Pending Consideration.

## **3.0 The Proposal**

The application seeks permission for advertisements on the existing temporary construction hoardings around the former Marks & Spencer's site during the 18-month construction period.

The advertisement banner would span 90m x 2m (produced in 0.5m x 2m panels), finished in clear anti-graffiti and anti-scratch gloss over laminate. The advertisement banners would have white text over a purple background including images of the proposed development as per the CGI image below:



Documents assessed in this appraisal:

- Application Form
- Details of St Marks Lane Hoarding
- Proposed Signage
- Site Location Plan – Ref. 101-137/P 020 A
- Hoarding Location Plan
- Photo of Site

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 44 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.

Site visit undertaken on: 19.10.2023

#### **5.0 Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Amended Core Strategy (Adopted March 2019)**

Core Policy 9 – Sustainable Design

Core Policy 14 - Historic Environment

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

Policy DM5 - Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

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

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Newark and Sherwood Local Development Framework Shopfronts and Advertisement Design Guide SPD

#### **6.0 Consultations**

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

##### **(a) Statutory Consultations**



None.

**(b) Town/Parish Council**

**Newark Town Council** – *Not received at the time of writing this report, comments to be reported to members as a late item.*

**(c) Representations/Non-Statutory Consultation**

**NSDC Conservation Officer** – No objection.

**NCC Highways** – Standing advice applies.

**NCC Rights of Way** – *Not received at the time of writing this report, comments to be reported to members as a late item.*

**Newark Business Club** – Support the proposal.

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

**7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of development
2. Impact on Amenity
3. Impact upon Public Safety

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

**Principle of Development**

In line with The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and paragraph 136 of the NPPF (2021) the main issues in determining this application for advertisement consent are related to amenity and public safety, taking account of cumulative impacts. The intentions of national policy are mirrored by Policy DM5 of the Allocations and Development Management Document.

The above regulations advise that in determining advertisement applications the local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account - (a) the provisions of the development plan, so far as they are material;

and (b) any other relevant factors. The factors that are considered relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.

Class 8 of the Town and Country Planning (Control of Advertisements) Regulations 2007 permits the display, for three years only, of poster-hoardings which are being used to screen building or construction sites while the work is being carried out on site. The benefit of Class 8 is limited to land being developed for commercial, industrial or business use, and is not available for any residential development or sites within the Conservation Area. Advertisements permitted by Class 8 must not: be displayed more than three months before the date on which the building or construction works actually start; be more than 38 square metres in area; be more than 4.6 metres above ground level; or be displayed for more than three years. In this case, the proposed adverts would be on land within a designated Conservation Area and thus requires express advertisement consent.

### Impact upon Amenity

“Amenity” is not defined exhaustively in the aforementioned Control of Advertisements Regulations 2007. It includes aural and visual amenity (regulation 2(1)) and factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest (regulation 3(2)(a)). It is, however, a matter of interpretation by the local planning authority as it applies in any particular case. In practice, “amenity” is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.

Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD relate to visual amenity by seeking to ensure the character and appearance of the surrounding area is preserved. The justification text for Policy DM5 states that the impacts of advertisements in terms of visual amenity will be assessed by reference to local distinctiveness. Broadly this element of the policy seeks to ensure that new development reflects the character of the locality in terms of its scale, form and design.

Given that the site lies within the Conservation Area and in the setting of listed buildings, policies CP14 and DM9 of the Council's LDF DPDs are relevant, which 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).

In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving the setting of listed buildings. Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 also states, in relation to the general duty as respects 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'*. In this context, the objective of preservation is to cause no harm. The courts have in more recent years clarified that these statutory requirements operate as a paramount consideration, ‘the first consideration for a decision maker’. Paragraph 189 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).

The application seeks consent for the installation of banner adverts on the construction hoardings that surround the site on Stodman Street and along St Marks Lane (i.e., the northern and eastern sides of the building). The banners would advertise the redevelopment of the site including images of the development approved under 21/00699/FULM and text to explain the project and its contribution to the levelling up plans for Newark Town Centre. The banners would be large and would be erected across the temporary construction hoarding that surround the building for the construction period which is expected to be 18-months. The hoarding around the site would therefore be temporary and the adverts are proposed to be removed once the hoardings are removed.

The advertisement banners are of a professional design, with a muted colour scheme and the finish has been designed to ensure that the hoardings don't deteriorate through weathering etc. The advertisement banners would be appropriately sited and would advertise this important project for the town centre around the development site. The signage would be affixed to the hoardings and would not exceed its proportions, such that it would sit comfortably along Stodman Street and St Marks Lane and would not result in visual clutter.

Consideration has been given to the potential for any impact on the historic environment, given the site lies within the Conservation Area and close to a number of Listed Buildings. However, as the proposal relates to modern and temporary construction hoarding and is of an appropriate scale and design, it is not considered that the proposal would result in any adverse impact on the character or appearance of the Conservation Area or the setting or significance of any surrounding Listed Building, as confirmed by the Conservation Officer.

Overall, it is considered that the scale and design of the advertisements proposed would be appropriate for the location. The signage would be visible within the public realm to pedestrians walking in the vicinity, however, the signage would not result in any adverse visual amenity impact which is in accordance with policies CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document and the provisions of the NPPF.

#### Impact upon Public Safety

Policy DM5 acknowledges that the assessment of advertisement applications in terms of public safety will normally be related to the impact on highway safety. Owing to the nature of the application it falls to be considered against the Highway Authorities standing advice. It is considered that the proposed advertisements would not result in any unacceptable detriment to highway safety for pedestrians or other highway users given the proposed siting of the posters on the temporary construction hoarding which is erected to protect pedestrians during the construction

phase of the development and the lack of any illumination. The advertisements are therefore considered acceptable in terms of public safety.

## **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

The proposed advertisement banners are considered appropriate and proportionate to the purpose which they would serve. There are no identified detrimental impacts in relation to public safety or visual amenity – as a result the proposal is therefore compliant with paragraph 136 of the NPPF, CP9 (Sustainable Design) and CP14 (Historic Environment) of the Amended Core Strategy, DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD in addition to the Planning (Listed Buildings and Conservation Areas) Act 1990, principles set out in the adopted Shopfronts and Advertisements Design Guide Supplementary Planning Document and the provisions of the NPPF. Accordingly, it is recommended that advertisement consent is approved subject to the closure of the consultation period and there being no additional material considerations raised that are not considered within the report.

## **10.0 Conditions**

### **01**

This consent shall expire at the end of a period of 5 years from the date of this consent.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **02**

The advertisements hereby permitted shall not be carried except in complete accordance with the site location plan and approved proposed plans reference:

- Site Location Plan – Ref. 101-137/P 020 A
- Proposed Signage
- Hoarding Location Plan

Reason: So as to define this consent.

### **03**

The advertisements hereby permitted shall be constructed entirely of the material details submitted as part of the planning application.

Reason: In the interests of visual amenity.

**04**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

**05**

No advertisement shall be sited or displayed so as to:

- a) endanger persons using the highway.
- b) obscure, or hinder the ready interpretation of, any traffic sign; or
- c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

**06**

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

**07**

Any structure or hoarding erected or used principally for the purpose of displaying advertisements, shall be maintained in a condition that does not endanger the public.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007.

**08**

Where an advertisement under these regulations is to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To comply with the provisions of the Town and Country Planning (Control of Advertisement Regulations) 2007

## Informatives

### **01**

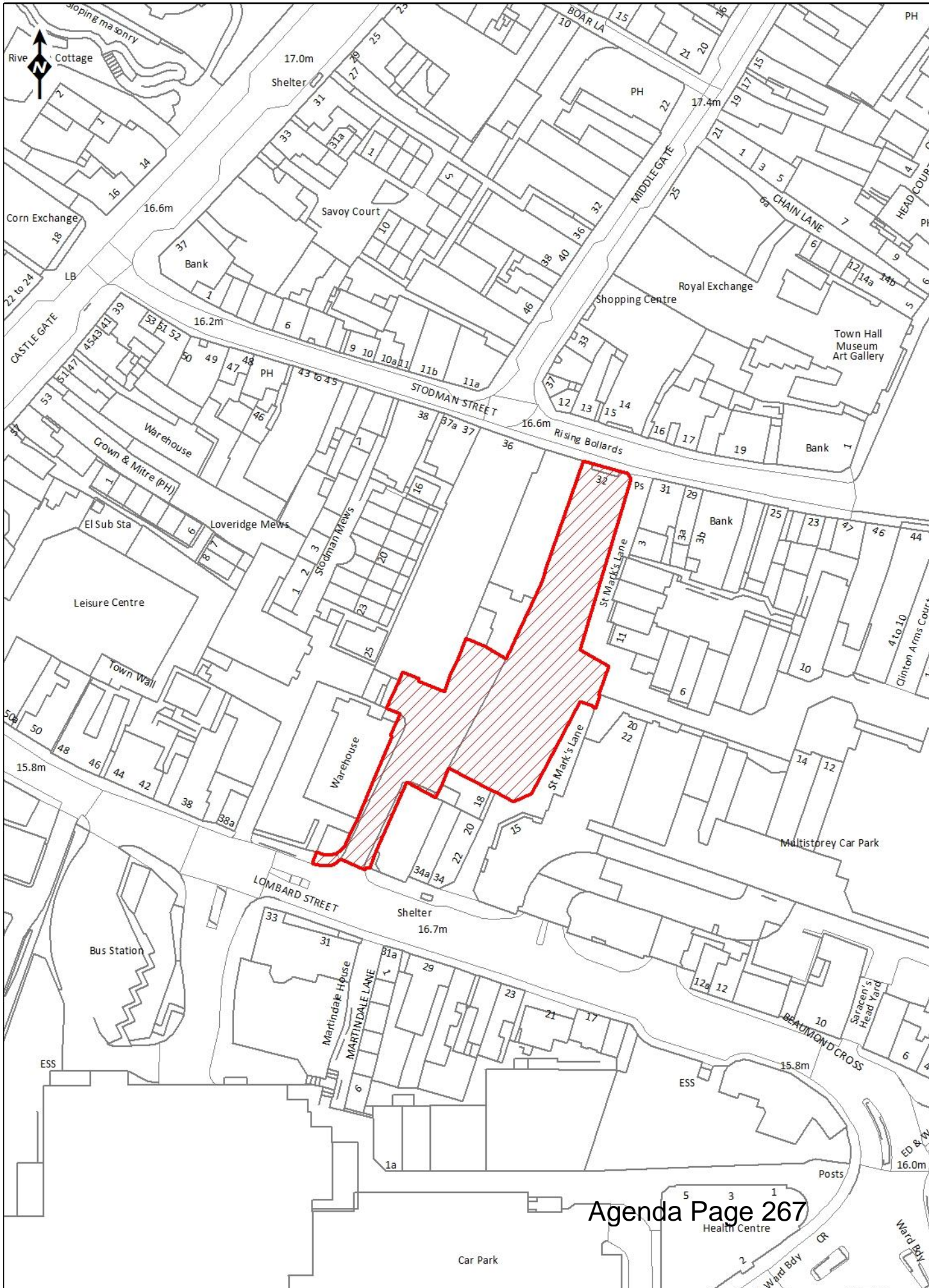
The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

### BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01737/ADV









Report to Planning Committee 09 November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Yeung Browne, Planner, Ex 5893

Report Summary			
<b>Application Number</b>	23/01213/HOUSE		
<b>Proposal</b>	Front and side elevation rebuild with render finish and new porch extension (part retrospective)		
<b>Location</b>	97 South Avenue, Rainworth NG21 0JH		
<b>Applicant</b>	Mr Mayer	<b>Agent</b>	DK Plans Architectural Services - Mr Dawid Kornata
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RXQG0ZLBJIX00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RXQG0ZLBJIX00</a>		
<b>Registered</b>	17.07.2023	<b>Agreed Extension of time</b>	15.11.2023
<b>Recommendation</b>	That planning permission is refused as detailed at Section 10.0.		

The local Ward Member, Councillor Penny has requested this application is presented to Planning Committee with the following reason:

1. Whilst there is only 1 porch on the cul-de-sac itself, there are many on the street, less than 10 houses away there are 4 and in the surrounding vicinity there are many more, precedent [sic] has already been set in that community. All of the porches are different, there is no conformity in their appearance.
2. The proposed larger porch and rendering will add value to the house and an aspirational look of to the area, which could enhance the value of both the property and others surrounding it. Fig 4 is an example of where property is enhanced by a porch.
3. Whilst I take on board this is an old pit village, it has not been protected or looked after as a heritage site in terms of development over the past 60 or more years and that as such, where property owners want to enhance the standard of the area, this should be welcomed.

Photos of nearby properties with porch have also been provided by Councillor Claire Penny.

## **1.0 The Site**

The site is located within the defined village envelope of Rainworth, which is identified as a Service Centre by Spatial Policy 1 of the adopted Core Strategy. The site is identified on the HER as part of entry M17549, Rainworth Colliery Village which is considered to be a non-designated heritage asset. The application dwelling is a typical building within the colliery village and contributes to the general character.

The site consists of a traditional colliery village built two-storey, semi-detached dwelling and associated curtilage. The property is located on the southern side of South Avenue which has a driveway to the side of the dwelling and garden areas to the front and rear. The land levels drop from the junction of Python Hill Road and South Avenue to the end of this cul-de-sac.

It is understood that the dwelling was damaged from a car accident in August 2022. The structural repair/rebuilding to the dwelling has since been carried out. During the structural repair works, the porch was added to the front (northeast) elevation and rendering was applied without the necessary planning permission.

The boundary treatment consists of timber fence panels standing at c.1.2m in height between the adjacent dwelling to the southeast along the front garden area, the boundary fronting South Avenue remains open with the construction appearing to be uncompleted.

## **2.0 Relevant Planning History**

None.

## **3.0 The Proposal**

The development seeks part retrospective planning permission for rebuilding part of the dwelling, a porch extension on the front (northeast) elevation to the dwelling and rendering to the entire semi-detached property.

The porch projects 1.468m and is 2.656m in width. This structure is completed with gable end roof standing at eaves and ridge height of 2.3m and 3.6m respectively. The rendering is off white/cream colour, covering the entire dwelling and the proposed porch. The roofing material on the porch matches the existing dwelling.

The following documents have been submitted with the application:

- Site location plan, ref: DK193\_LP received 13 July 2023
- Existing and proposed block plans ref: DK193\_300 received 13 July 2023
- Existing elevations and floor plans ref: DK193\_100 received 13 July 2023
- Proposed elevations and floor plans ref: DK193\_301 received 13 July 2023
- Heritage impact assessment received 13 July 2023

## **4.0 Departure/Public Advertisement Procedure**

Occupiers of six properties have been individually notified by letter on this application.

Site visit undertaken on 24 August 2023.

## **5.0 Planning Policy Framework**

## **The Development Plan**

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

- Spatial Policy 7 – Sustainable Transport
- Core Policy 9 -Sustainable Design
- Core Policy 14 – Historic Environment

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

- DM5 – Design
- DM6 – Householder Development
- DM9 - Protecting and Enhancing the Historic Environment

### **Other Material Planning Considerations**

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Householder Development SPD (2014)

## **6.0 Consultations**

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

### **(a) Statutory Consultations**

None.

### **(b) Town/Parish Council**

**Rainworth Parish Council** – supports the application.

### **(c) Representations/Non-Statutory Consultation**

**NSDC conservation team** – the proposal is harmful to the non-designated heritage asset and a balanced judgement is therefore required. The proposed porch introduces an architectural detail and the render a new material which was not part of the original design of the colliery village, being brick built with two different roof tiles.

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

## **7.0 Comments of the Business Manager – Planning Development**

The key considerations in this case relate to:

1. Principle of Development
2. Impact on Visual Amenity and Character of the Non-designated Heritage Asset
3. Impact upon Residential Amenity
4. Impact upon Highway Safety

### **Principle of Development**

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

Under Policy DM6 the principle of householder development is supported, subject to applicants demonstrating compliance with the relevant policy criteria and the advice contained in the Council's Householder Development Supplementary Planning Document (SPD). Policy DM5, underpinned by Core Policy 9 (Sustainable Design), sets out a range of matters for consideration when determining planning applications in relation to design. The NPPF reinforces the above policies, making clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

#### Impact on Visual Amenity and Character of the Non-designated Heritage Asset

Core Policy 9 and Policy DM5 both seek to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policy DM6 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials.

Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 130 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place. Paragraph 134 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Core Policy 14 'Historic Environment' of the Core Strategy requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance. In accordance with Core Policy 14, particular attention should be paid to reflecting locally distinctive styles of development and these should respect traditional methods and natural materials wherever possible (Policy DM9 'Protecting and Enhancing the Historic Environment').

Until the sinking of Rufford Colliery, the hamlet of Rainworth barely consisted of a few farmsteads, cottages and an inn. The land for the colliery was leased from Lord Savile of Rufford Abbey, from which the colliery took its name. Following the sinking of shafts 1 and 2 in 1911-1913, coal was reached in October 1913, at a depth of 554 yards. After the sinking of the pit, Rainworth changed rapidly, and new housing was planned along Kirklington Road. In 1914, the village had its first school built (Heathlands) and another followed in 1924 (Python

Hill School). The model village continued to grow throughout the early 20th century and included a picture house.

The application lies within the Rainworth Colliery Village, identified on Nottinghamshire HER (M17549) as a non-designated heritage asset. The houses and planning were similar to other colliery developments in the area, including Forest Town, Mansfield. Rainworth colliery village, like others, had uniform house types which were brick built; albeit with two different roof tiles and brick air vents. Due to new national housing guidelines, the dwellings in Rainworth were more spaciouly planned than earlier colliery villages. The application dwelling is a typical building within the colliery village and contributes to the general character.

This part retrospective application relates to rebuilding part of the dwelling, construction of a front porch and rendering to the whole property. The new porch introduces an architectural detail that was not part of the original house design, and the render to the entire semi-detached dwelling introduces a new material which was not used within the colliery village.

The NPPF reminds us that, 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The Conservation Officer has provided comments on the history and character of the Rainworth colliery village (set out above), stating that it is important to consider the impact on the significance of the non-designated heritage asset from the proposal. Their comments conclude that the proposal is harmful to the non-designated heritage asset (Rainworth Colliery Village).

In this case, the village has primarily architectural interest, derived from its distinctive plan form and what this tells us about the social history of the time. As such, there is also a good degree of historic interest as well. 'Association' refers to groupings of assets with a clear visual design and historic relationship and this is the key element of significance for the colliery village.

It is not anticipated the rebuilding/repairing of the dwelling on its own would have had any negative impact to the visual amenity or harm to the character of the non-designated heritage asset (Rainworth Colliery Village).

While there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots.

The NSDC Householder SPD states that a proposed addition to the front elevation of a dwelling should be assessed as to whether it would introduce a dominant feature, by virtue of its design, proportions and/or detailing, which would be harmful to the appearance of the host dwelling or the character of the surrounding area. The proposed porch is sited to the front of the dwelling, on the primary (northeast) elevation of the property fronting onto South Avenue where no other porch like structure is located within this section/cul-de-sac of South Avenue.

It is recognised that incremental changes in the area have had some impact on character and appearance, and some forms of porches already exist on dwellings along other parts of South Avenue. However, they are smaller in scale and would likely have benefited from permitted development rights. The Council also recognises that whilst there have been some elements of loss and alteration from building to building, the 'integrity' of the planned colliery village as a whole is still strong, derived from the special overall layout, the range of buildings as well as the consistency of houses within their plots (including materials and extensions), especially within this section of South Avenue.

The porch like front extension is considerable in scale in relation to this semi-detached dwelling, notably incongruous and harms the special plan form of the houses within the colliery village. The entire front elevation of the dwelling is approximately 7.6m in width; the proposed structure is positioned slightly off centre, between the two ground floor windows, spanning approximately 2.66m, leaving approximately 2.3m to the southeast side and approximately 2.7m to the shared boundary to the northwest. The structure is positioned close to the existing ground floor windows, also appearing somewhat incongruous. The structure is viewed as squeezed between the two existing ground floor windows.

It is considered that the proposed porch is highly visible, results in an incongruous and unattractive massing along the frontage, is extremely prominent with an awkward appearance from its design and location.



Furthermore, the use of rendering in off white/cream colour for the entire dwelling is also considered to be alien to the local distinctiveness of the area which is characterised by red bricks. The rendering itself exacerbates the visual prominence of this property not only within the cul-de-sac, but also the wider streetscene. It is considered that the colour and scale of the render is inappropriate and results in a dominance over the other dwellings within the locality which detrimentally impacts the overall design and character of the non-designated heritage asset (Rainworth Colliery Village).

Having identified this building as being part of a NDHA and that the proposal causes harm, the application should be determined in accordance with Paragraph 203 of the NPPF. This states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Individually, set against the village as a whole, it is accepted that the harm from this application alone may be limited, albeit it tangible harm nonetheless. However, while every application must be assessed on its merits, if this application was approved other similar additions would potentially come forwards. Incrementally this kind of addition would radically alter the legible plan form and appearance of the housing stock, causing further harm to the significance of the colliery village.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework.

#### Impact upon Residential Amenity

Criterion 2 and 3 of Policy DM6 relates to neighbouring amenity for householder developments and states that new householder developments should not have an adverse impact on the amenities of neighbouring users including loss of privacy, light and overbearing impact and that the layout of development within the site and separation distances from neighbouring development is sufficient to ensure that neither suffers from an unacceptable reduction in amenity by virtue of overlooking, loss of light or overbearing impacts.

The adjacent property no.99 is to the south and the relationship with this property would be largely unaltered. The front door is positioned facing South Avenue, no other opening is proposed on either of the side elevations. Taking in consideration the scale of the porch and the distance to the shared boundary, it is not considered the porch would cause any overlooking or loss of privacy to this adjacent dwelling.

To the other boundary, with no.95, South Avenue to the north, due to the distance to this shared boundary (notwithstanding it is the other half of the semi, it is not considered the extension would cause any overshadowing or other amenity impacts to this adjoining dwelling.

With the above in mind, it is not considered that the proposal will have an unacceptable impact on the amenity of nearby neighbouring occupiers in terms of massing / overshadowing or overlooking, and that the proposal complies with Policy DM6 and DM5 of the DPD.

#### Impact upon Highway Safety

Spatial Policy 7 (Sustainable Transport) seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 requires the provision of safe access to new development and appropriate parking provision. Criterion 1 listed in Policy DM6 states that householder development should include provision for safe and inclusive access and

parking and should have no adverse impact on the highway network. Similar advice is provided in Paragraph 110 of the NPPF which states that schemes can be supported where they provide safe and suitable access for all.

The proposed development will not alter the existing parking arrangement, sufficient parking area will remain to the side of the property and on the driveway in front of the dwelling, as such there are no highways safety issues.

## **8.0 Implications**

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

## **9.0 Conclusion**

In conclusion, it is considered that the front extension is unacceptable due to the combination of its position, size, form and design resulting in a dominating feature and obtrusive addition to the dwelling which is harmful both to the host dwelling and the wider streetscene. Furthermore, the use of render to the whole house further highlights the prominence of this semi-detached dwelling, significantly changes the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully.

The NPPF requires a balanced judgement to be made when considering harm to non-designated heritage assets. The proposal is considered to be harmful to the non-designated heritage asset (Rainworth Colliery Village), which is not outweighed any public benefit.

The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are material planning considerations.

## **10.0 Recommendation**

**That planning permission is refused for the reason shown below:**

01

In the opinion of the Local Planning Authority, by reason of its position, size, form, design and use of materials, the porch/front extension results in an incongruous and obtrusive addition, unsympathetic to the other dwellings within the locality. The use of render to the whole house further exacerbates the prominence of this semi-detached dwelling, significantly changing the character of the host dwelling when viewed from the public domain; therefore failing to integrate successfully. This represents poor and an incongruous design, out of keeping with the character and layout of surrounding development and harmful to the visual amenities of the streetscene as well as the non-designated heritage asset (Rainworth Colliery Village).



The proposal is therefore considered contrary to Core Policies 9 and 14 in the Amended Core Strategy (Adopted March 2019) and Policies DM5 (Design), DM6 (Householder Development) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD. The proposal would also be contrary to the advice contained in the National Planning Policy Framework which are material planning considerations.

### **Informative**

01

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.

02

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

03

REFUSED DRAWING NUMBERS:

- Site location plan, ref: DK193\_LP received 13 July 2023
- Existing and proposed block plans ref: DK193\_300 received 13 July 2023
- Proposed elevations and floor plans ref: DK193\_301 received 13 July 2023

### **BACKGROUND PAPERS**

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

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9<sup>th</sup> November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner 01636 655329

Report Summary			
<b>Application Number</b>	23/01604/FUL		
<b>Proposal</b>	Glass Recycling Compound		
<b>Location</b>	Lorry And Coach Park, Great North Road, Newark on Trent		
<b>Applicant</b>	Newark and Sherwood District Council	<b>Agent</b>	Anotherkind Architects Ltd
<b>Web Link</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		
<b>Registered</b>	18.09.2023	<b>Target Date</b>	13.11.2023
<b>Recommendation</b>	That Planning Permission is APPROVED subject to the Conditions detailed at Section 10.0		

**This application is before the Planning Committee for determination, in accordance with the Council’s Scheme of Delegation, as the applicant is Newark and Sherwood District Council.**

## 1.0 The Site

The application site comprises an area of HGV parking, laid to tarmac and concrete, within an established lorry park located to the south of the A46 alignment, to the east of the Great North Road and north-west of the River Trent. The site is located within the very north-western fringe of the defined Newark Urban Area as illustrated within the Allocations and Development Management Development Plan Document 2013 (ADMDDP).

Within the existing site is a lorry wash, a café and an HGV fuel stop. The ASI building is located 45m to the south east, the District Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

The site is located within Flood Zone 2 as defined by the Environment Agency data maps which means it is at medium risk of main river flooding and on a site at low risk from surface water flooding.

The Newark Conservation Area boundary is to the south east of the site and broadly forms the boundary with the railway line. Listed buildings are also located to the south east of the site and form the Castle Railway Station (Grade II), Former station masters house (Grade II) and the Goods Warehouse on Sikorski Close (now residential) (Grade II). The maltings buildings are also located on Mather Road (Grade II) the Kiln warehouse on Mather Road (Grade II\*).

The site has the following constraints:

- Setting of listed buildings and Conservation Area
- Flood Zone 2

## **2.0 Relevant Planning History**

17/01090/FULM - Extension of Newark Lorry Park onto adjacent parcels of land which are currently unused and the provision of a fuel bunker on existing lorry park land. Proposals are intended to accommodate the displacement lorry parking spaces which had been lost due to a neighbouring development, approved 07.11.2018

Whilst there are a number of other applications that exist within the wider Lorry Park, none are of particular relevance to this application.

On land to the south-west of the site -

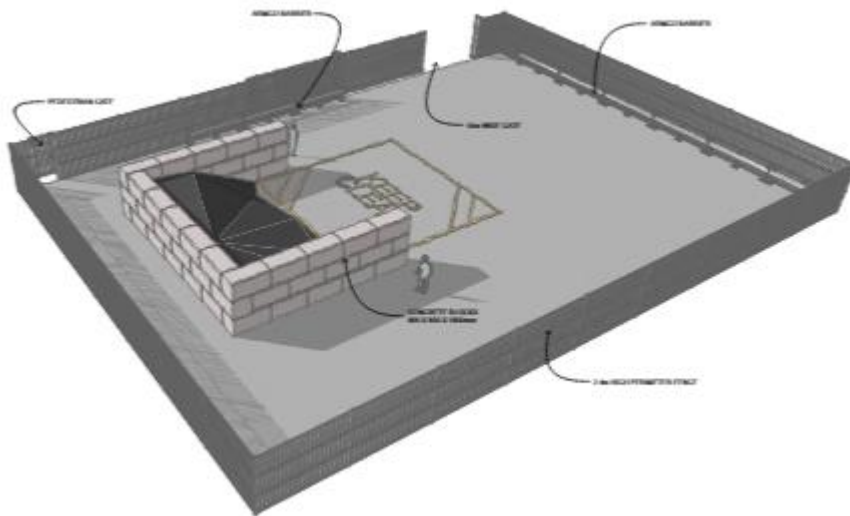
21/02484/FULM - Proposed erection of a new further educational establishment for the training of young adults within the aviation and space industries along with associated infrastructure including use of an existing car park, access, refuse area, substation and landscaping, approved 16.02.2022 and under construction.

## **3.0 The Proposal**

The application seeks permission for the erection of a compound which will receive recyclable glass from household collections throughout Newark and Sherwood District, which will be delivered twice daily by refuse vehicles for storage at the facility before being collected via a weekly lorry service which will deliver bulk glass to a recycling centre.

The works will comprise a new U shaped open compound (8m x 9.6m in footprint) constructed out of modular concrete blocks, approximately 2.4m in height, with the open front facing north. Around it would be a large open yard (18.2m x 21m) secured by a 2.4m

high galvanised steel palisade fence.



The site would be accessed using the existing lorry park access on Great North Road. Along the eastern boundary within the site is a concrete drainage channel which leads to a drainage grate.

The facility is stated to operate only between the hours of 8am – 5pm Monday to Friday with no weekend or bank holiday working. The facility is expected to receive two glass deliveries a day with the glass held within the compound which would then be emptied once a week.

The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available.

Although the supporting statement suggests that the development is temporary for approx. 2/3 years until a permanent location can be provided, a temporary planning permission is not specifically being sought and therefore the application is being considered as a permanent facility and there would be nothing to stop the facility being moved from this site at a later date.

Documents assessed in this appraisal:

- DRWG no. 23032-20-001 Proposed Plans & Elevations;
- DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;
- DRWG no. 23032-70-002 Existing Site Plan;
- DRWG no. 23032-70-003 Proposed Site Plan;

Glass Recycling Compound layout (received 29.09.2023)  
PAS128 Utility Survey Rev R1;  
Flood Risk Assessment  
Noise Impact Assessment (August 2023);  
Heritage Impact Assessment.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 44 neighbouring properties have been individually notified by letter, a site notice has been displayed near the site and an advert has been placed in the local press.

Site Visit undertaken: 28.09.2023 and 18.10.2023

#### **5.0 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 6: Shaping our Employment Profile  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 14: Historic Environment  
NAP 1 Newark Urban Area

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

DM1: Development within Settlements Central to Delivering the Spatial Strategy  
DM5: Design  
DM9: Protecting and Enhancing the Historic Environment  
DM12: Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework 2023 (NPPF)
- Planning Practice Guidance (on line resource) (PPG)
- S.66 Planning (Listed Building and Conservation Areas) Act 1990
- Historic England Advice Note 1: Conservation Area Appraisal, Designation and Management

#### **6.0 Consultations**

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

##### **(a) Statutory Consultations**

**Environment Agency** – No objection, subject to conditions relating to contamination,

drainage and foul/surface water disposal.

**Environment Agency Position: Regulated Industry** – No objection.

**Historic England** – No advice offered but this should not be interpreted as comment on the merits of the application. Suggest the views of your specialist conservation and archaeological advisers are sought.

**NCC, Lead Local Flood Authority** – No bespoke comments made but general guidance offered in relation to surface water disposal.

**National Highways** – No Objection.

**NCC Highway Authority** -

The application form indicates that the proposal will result in the loss of 6 HGV parking spaces. The scheme does not include provision for employee or visitor car parking.

However, the proposed development is likely to generate low traffic volumes and will not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access.

The lack of employee/visitor parking is unlikely to give rise to any demand for on-street parking beyond the Lorry Park/Cattle Market site given that the proposed compound is located some distance away from the highway and that the compound itself might allow space for employee/visitor parking.

The impact of the potential removal of HGV parking (or other activities on the application site) should be examined and further information is needed to confirm whether there is adequate spare capacity within the site to offset this loss. If not, consideration should be given to how any activity that may be displaced by the proposed development could be accommodated elsewhere.

**(b) Town/Parish Council**

**Newark Town Council** – No objection.

**(c) Representations/Non-Statutory Consultation**

**NSDC Conservation** – The proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore, the proposal is contrary to s.66 of the Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs. This could be mitigated through planting.

**NSDC Environmental Health** – According to the assessment, noise is not considered be likely to result in an adverse impact. As the activity needs an environmental permit, the Council, if it hasn't already, will need to submit an application to the EA with information relating to noise. The EA will not grant a permit unless it is satisfied emissions will not be an issue, and there will be ongoing obligations on the Council in relation to compliance with conditions in the Permit, which will include noise. I do not expect noise to be an issue but if there are any complaints, the EA will need to investigate to determine whether there is any breach of the

environmental permit.

30/10/2023 The noise report appears to be sound. On the basis of the report, noise nuisance should not be an issue, if operated during the day. The report understands operating hours will not be before 7am or after 7pm. It may be worth restricting hours of operation accordingly and no weekend working.

**NSDC, Environmental Health (Contamination)** – No objection.

**Cadent (Gas)** – No objection subject to the imposition of an informative.

**NSDC Waste** – No comments received.

**NSDC Economic Development** – No comments received.

**One objection has been received from a third party/local resident which is summarised below:**

- Unbearable/unacceptable noise from the braking glass as its being moved;
- The glass collection from Waitrose can be heard when it is being emptied;
- The addition of the storage compound for glass within earshot of a residential area is something that I totally object to given I overlook this area.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

1. Principle of Development
2. Impact upon the Character and Appearance of the Area (including Heritage Assets)
3. Impact upon Residential Amenity (including noise)
4. Impact on Highway Safety
5. Impact upon Flooding

The National Planning Policy Framework 2023 (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management Development Plan Document (DPD).

Given the site is within the setting of various Listed Buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."



The duty in s.66 of the Act does not allow a local planning authority to treat the desirability of preserving the settings of listed buildings as a mere material consideration to which it can simply attach weight as it sees fit. When an authority finds that a proposed development would harm the setting, it must give that harm considerable importance and weight.

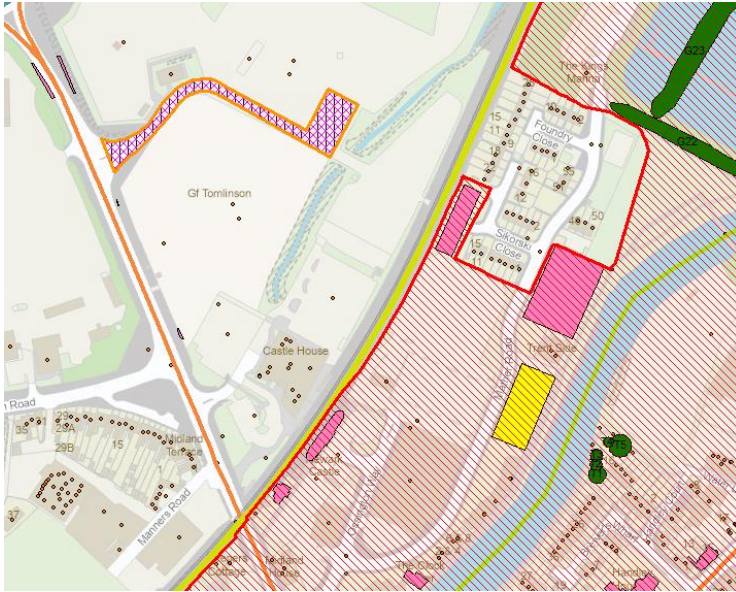
### Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). 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 employment development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. The Newark Urban Area is defined as a Sub-regional centre within Spatial Policy 1, which would be the main location for investment for new services and facilities within the District.

As a storage facility, the proposed use falls within Use Class B8 (storage and distribution) which more widely is categorised as an employment use. Therefore, the principle of this development within this location is considered acceptable subject to other site specific material considerations which are explored further below.

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

There are several listed buildings within close proximity of the site (illustrated in the extract below) along with the boundary of the Newark Conservation Area which is approximately 90m to the south-east from the site. The group of listed buildings nearby relate to the historic railway industry in this part of Newark Conservation Area. Adjacent to the site is a late 19<sup>th</sup> century brick goods warehouse. The listed buildings and their setting contribute to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 (Protecting and Enhancing the Historic Environment) of the DPD and Core Policy 14 (Historic Environment) of the Amended Core Strategy. Policies CP14 and DM9 of the Council's Local Development Framework 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.



*Extract from Uniform showing the grade II listed buildings in pink and grade II\* listed building in yellow and the Conservation Area boundary defined with red line*

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 200 of the National Planning Policy Guidance states 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).

The Council's conservation officer has commented on the proposal and stated that the very industrial appearance is not reflective of the designated heritage assets close by which are mainly brick built warehouse buildings. However the site is located back into the site and will not be highly visible from the main gateway into the Conservation Area. In addition, the rest of the lorry park has metal fencing surrounding it which is more prominent than the proposed development.

The conservation officer also raises concerns regarding noise at certain times through the movement of glass and refers to an Historic England document, Historic Advice Note 1: Conservation Area Appraisal, Designation and Management, which outlines how noise can have an 'effect on the ability to use or appreciate the historic or architectural interest of the area.' The conservation officer goes on to state that from the submitted Noise Assessment, "its suggests that this area for glass collection is temporary until a permanent location is provided. Due to the sensitivity of the site, it is important that the removal of the structure is done after 3 years."

The Conservation Officer concludes that the proposed development will have moderate harm, of less than substantial harm, to the setting of the listed buildings, in particular the Goods Warehouse, albeit temporary. Therefore the proposal is contrary to s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as Section 16 of the NPPF, and Core Policy 14 and DM9 of the Council's Development Plan Documents. They

state however that this harm could be mitigated through planting.

Paragraph 202 of the NPPF (2023) states that where a development proposal will lead to less than substantial harm this should be weighed against the public benefits. The proposal is for a new recycling facility to operate within the District. The Council declared a climate emergency on 16 July 2019 and following this developed a district-wide greening programme and measures to reduce its carbon footprint as both a Council and a community. As part of this, several actions have been pursued which includes encouraging everyone in the District to reduce, reuse and recycle as part of everyday life and providing ways to dispose of waste responsibly. At present the Council does not operate a kerbside glass recycling facility, which neighbouring authorities do but in varying ways, and following resident feedback (2018 and 2022 Resident Surveys) where 83% of residents stated it was important or very important to live in a sustainable and environmentally aware way, this service was deemed by the Council to be important, in conjunction with the Community Plan aims.

Paragraph 152 of the NPPF (2023) states that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, encourage the reuse of existing resources and support renewable and low carbon energy and associated infrastructure.

It is acknowledged therefore that there are competing environmental impacts; the less than substantial harm caused to the setting of the Goods Warehouse listed building (which should be given special regard) that contributes positively to the character and appearance of the Conservation Area that would weigh negatively against the proposal and the benefits of allowing this additional re-cycling service which would encourage greater recycling from residents in the District and accord with the requirement both locally and nationally to reduce greenhouse gas emissions, which would weigh positively. This weighting is considered further in the overall conclusion and planning balance at the end of this report.

The Conservation Officer has suggested that increased landscaping would assist in mitigating heritage harm. Members may also consider whether painting the walls or palisade fencing may assist. The relationship between the proposed site and the listed building and residential properties are set out in the photographs below.



*(extract from Google Earth)*

### Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. 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 main consideration with regards to amenity is the impact of noise upon surrounding land users. The site is located within an area which is mixed residential and commercial uses. The lorry park itself is understandably commercial with approximately 203 HGV spaces. This number will be reduced due to the planned A46 dualling, and land to the north

west (around cattle market roundabout) being required by National Highways in order to provide the additional land to fulfil the proposal. As Members will be aware, the Development Consent Order has not yet been submitted to the Planning Inspectorate but this is due to be received early in 2024 and a revised layout to the lorry park is currently being designed as a result of the impact.

Within this existing site is a lorry wash, a café and a HGV fuel stop. The ASI building is located 45m to the south east, the Newark Council offices 100m south of the site and existing residential buildings approximately 100m east on Sikorski Close, with the intervening existing railway line running along the eastern boundary.

A Noise Impact Assessment has been submitted with the application which has assessed the noise levels at an existing comparable facility in Mansfield. This states that the highest noise levels arise from glass dropping either into the storage area (glass on glass) or into the HGV container (glass on glass and glass hitting the container sides). The event period for both dropping off and collection processes is however relatively short.

The report concludes that the prevailing conditions within the vicinity of the nearest sensitive receptor (residential uses to the east), established through baseline survey, indicate the dominant noise is road traffic from the A46, with contribution from the Great North Road and the railway line. It states the prevailing daytime noise levels are 57 dB LAeq,T. The report uses source noise levels quantified by measurements conducted of waste glass delivery and collection operations at Mansfield Trade Waste Centre (which would be comparable with the operations proposed by this application). The predicted noise level averaged out over a 1-hour period, taking account of periods of inactivity, is 42 to 48 dB LAeq (lower than existing background noise levels). However, the report does go on to clearly state that noise levels during events of glass dropping will be higher and likely to be discernible at the location of the nearest residents.

The BS4142 assessment indicates 'low' impact during glass delivery to below adverse impact during glass collection. Therefore although residents would notice the short disturbances to noise, the mitigating factors of the hours of operation (8am – 5pm Monday to Friday), frequency of drops (2no. per day) and collections (one per week), and the prevailing ambient noise levels are considered to result in an acceptable levels for nearby residents, the report concludes. Comments from the Council's Environmental Health officers have also concluded that noise levels, if operated during the day, should not be an issue and have suggested the imposition of a condition restricting the hours of operation and no weekend workings which would accord with the hours stated within the application form. In addition, a condition has been suggested by Officers, restricting the number of deliveries of glass on HGVs to no more than 2no. per day and the number of collections to no more than 1no. per day.

The siting of the ASI building has also been taken into account given the proximity is approximately 45m from the facility. The noise survey states the layout of that building with large workshops and roller hanger doors directly facing the site. The teaching classrooms do not have direct line of sight of the proposed development but face the Great North Road. Given this, it is not considered there would be a harmful noise impact to the ASI building.

The Council offices at Castle House is located approximately 100m from the facility. It is not considered that this existing office use should be unacceptably impacted by the development.

Environmental Health colleagues have stated that the proposal will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. This has been confirmed by the Environment Agency and the applicant has been made aware.

Emissions to air, land and water, including noise, will be considered by the Environment Agency (EA) as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions if the Permit is granted. The EA would also investigate any complaints regarding alleged breaches of Permit conditions, however the Council is also able to impose conditions which they consider meet the tests as stipulated within paragraph 55 of the NPPF (2023).

The Noise Impact Assessment states the proposal is for a temporary two year period, after which Newark and Sherwood District Council would look to relocate the facility. However, as already set out, the application is not seeking a temporary planning permission and Members should consider the use and impact as if it was permanent, and for which has been applied.

The development in respect to noise, having taken into consideration the submitted noise assessment and the corroboration by the Council's Environmental Health officers that it is sound in its approach and outcome, is considered to be acceptable. Whilst there would be a noticeable increase in noise to nearby residents, this is considered to be for short periods during the day as explained in the report, which is not considered to be unacceptably harmful in the balance and is therefore in accordance with Policy DM5 and the guidance in the NPPF.

#### Impact on Highway Safety

Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

National Highways and Nottinghamshire County Council have commented on the proposal, not raising any objections. NCC Highways have stated that the proposal is likely to generate low traffic volumes and would not give rise to any significant traffic impact at the existing Lorry Park/Cattle Market site access. The scheme does not allow for employee or visitor parking but as the compound would be an unmanned facility, this does not give rise to any concern. There is some space within the compound for occasional parking if required. The development is therefore unlikely to give rise to any demand for on-street parking beyond the site and given the distance from the Great North Road would not lead to pressure for parking on this main thoroughfare.

NCC have stated that the matter of displacement of the HGV parking should be examined, and further information submitted to ensure adequate capacity within the site to offset this loss. There is no other land available within the wider site to offset the loss of the 6 HGV parking spaces and additional information has been requested in relation to the demand for the use. The impact of the removal of HGV parking spaces would result in a loss of revenue to the Council that would be for their commercial consideration as landowner. Overall, this loss is not currently considered to be fatal to the scheme in planning terms.

The proposal is therefore considered to accord with Spatial Policy 7 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD.

### Impact on Flood Risk

The site is located within Flood Zone 2 as defined by the Environment Agency data maps. Paragraph 159 of the National Planning Policy Framework (NPPF) 2023, states that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'*

Paragraph 167 of the NPPF states *'local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.'* Paragraph 161 of the NPPF, states all plans should apply a sequential, risk-based approach to the location of development. Apply the sequential test and then, if necessary, the exceptions test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. A basic flood risk assessment has been submitted and further information has been received on the need for this specific location. The agent states that other sites have been considered, including the existing waste facility on Brunel Drive, however these have been ruled out due to their proximity to existing residential properties, or there being insufficient space within them. Sites not within the ownership of the Council have been investigated but none have been found to meet the location, size or use requirements. The lorry park is considered to provide the optimum need for this facility due to the ease of transport links to the site, proximity to residential properties and the space available. Therefore it is considered that the sequential test has been satisfied and there are no other sites available or suitable to provide this facility.

In accordance with the Planning Practice Guidance (PPG) and specifically Annex 3: Flood risk vulnerability classification table, the use is classified as a 'less vulnerable' use. Table 2 (Flood risk vulnerability and flood zone 'incompatibility') of the PPG states that such uses are compatible within Flood Zone 2 and the satisfaction of the exceptions test is not required.

In accordance with paragraph 159 of the NPPF (quoted above), new development should not increase the flood risk elsewhere. The new development includes the construction of the compound blockwork walls as a solid structure, which represents a volume of



approximately 19m<sup>3</sup>. This, in the event of a flooding episode, would result in a displacement of flood water. Without suitable mitigation, flood risk would be increased elsewhere, contrary to policy. The applicant has therefore been invited to submit additional information and provide compensatory storage that would mitigate this risk. If this is not received prior to the November Committee meeting, then officers request delegated authority from the Planning Committee to assess and impose any additional conditions that maybe required to make flood risk acceptable.

The submitted drawings illustrate how the water run-off will be managed within the site to a drainage channel and existing drain.

Subject to the submission of additional information on flood storage compensation requirements, it is not considered that the proposal would be likely to cause any detrimental impacts to neighbours or the surrounding area from flooding or surface water run-off or exacerbate the existing arrangement. The proposal is considered to accord with Core Policy 10 of the Amended Core Strategy and policies DM5 and DM6 of the Allocations and Development Management DPD in this regard as well as the NPPF and PPG as stated.

#### Other matters

##### *Employment*

Core Policy 6 of the Amended Core Strategy states that the economy of the District will be strengthened and broadened by ‘maintaining and enhancing the employment base of our towns and settlements...and providing most growth at the Sub-Regional Centre of Newark.’ Whilst the application form states that no additional employees would be created by this facility, it has since been explored by officers that additional members of staff would be required as drivers and loaders for the new rounds. The facility would therefore provide additional employment for the area and help to meet the aims of Core Policy 6.

##### *Environmental/contamination impacts*

The Council’s Environmental Health colleague has commented on the application stating the site lies adjacent to the former railway sidings and that there is potential that some residual contamination could be present. The end use however is very low sensitivity in terms of risk to end user human health but construction workers could have potential to be exposed to any present contamination. They therefore suggest an informative to be imposed informing the applicant of any potential risk and to ensure correct contingencies are put in place, this can include correct PPE is worn and other safety procedures.

##### *Cadent Gas*

Cadent gas have commented on the application which Members will see from Section 6.0 of this report. They have equipment adjoining the site with which the applicant needs to be aware. This can be controlled through separate agreement with Cadent Gas Ltd, however from review it is not considered that the proposal will impinge upon their apparatus.

## **8.0 Implications**

In writing this report and in putting forward recommendations officers have considered the



following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

The site is located within the defined Newark Urban Area and the proposal seeks to introduce a facility that contributes significantly to the direction of travel in terms of reducing impacts on climate change. The proposal however has been considered to result in less than substantial harm to the setting of the Goods Warehouse listed building, approx. 95m to the east, which needs to be given special regard. However in accordance with paragraph 201 of the NPPF, such harm must also be weighed against any public benefit the scheme would deliver. In this case the facility would bring about the mechanism to allow glass recycling to commence at home. In a world where the Council has declared a Climate Emergency, the Council should be a leader in reducing carbon emissions. The benefits to the scheme in making it more convenient for residents to recycle their glass products and ensuring these can be reused which represent an aim of the NPPF, result in sufficient wider public benefit between these competing considerations in this particular case.

The proposal has been accompanied by a Noise Assessment which having assessed the levels at a comparable facility, concludes that whilst there would be a noticeable amount of discomfort felt to residents on Sikorski Close (the nearest residential properties to the east) when the glass is delivered and collected, however as the deliveries are twice daily (Monday to Friday) and collections take place once a week. The Noise Assessment concludes the impact to be acceptable; it is not considered to be so detrimental to the amenities of neighbouring occupiers to warrant refusal of permission. The proposal would require an Environmental Permit from the Environment Agency and through this additional process (outside of the jurisdiction of the Planning Act and the Local Planning Authority) noise levels are assessed and monitored through this regulated process. Nonetheless, the officers have assessed the submitted Noise Assessment and on this basis, taking into consideration the frequency of deliveries and collections, coupled with existing background noise levels, the proposal would not result in harm an unacceptable degree of noise and disturbance to any neighbouring use to warrant refusal of permission in this case.

Further information has also been requested in relation to the demand for HGV parking at the lorry park in relation to highway matters.

The facility is located within an area defined by the Environment Agency as being within Flood Zone 2 and an area at risk of surface water flooding and is defined as a less vulnerable use. The NPPF states that the local planning authority should first apply the sequential test to ensure the development is located in the optimum location and that there is no other land available, at lower risk of flooding. Upon applying the sequential test, the applicant has assessed other land within the Newark Urban Area whereby the facility could be located, however these have been considered to be much closer to existing residential properties, or there is insufficient land to provide the area required by the compound. Therefore officers consider that the sequential test has been adequately satisfied. In accordance with Table 2

(Flood risk vulnerability and flood zone ‘incompatibility’) of the PPG it states that such uses are compatible within Flood Zone 2 and therefore the exceptions test need not be applied. Flood compensation has not been provided within the site and as explained within the above report the volume of construction for the compound is approximately 19m<sup>3</sup>. With no mitigation for this volume, the proposal would result in increasing flooding elsewhere as the flood water is displaced which is contrary to policy. The applicant has therefore been invited to submit additional information to provide adequate compensatory storage that would mitigate this risk. If this is not received prior to the November Committee meeting, then officers would assess it and in agreement with the Chairman and Vice Charman to impose any additional conditions that maybe required to make flood risk acceptable prior to issuing the decision under delegated powers.

A recommendation of approval is therefore offered subject to the conditions listed below but this is predicated on the submission of additional information to demonstrate that the proposal would not increase flooding elsewhere and any further conditions that should need to be imposed in agreement with the Chair and Vice-chair of the Planning Committee.

## **10.0 Conditions**

### **01**

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

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

### **02**

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

DRWG no. 23032-20-001 Proposed Plans & Elevations;  
DRWG no. 23031-70-001 Existing Location Plan & Proposed Block Plan;  
DRWG no. 23032-70-003 Proposed Site Plan;  
Glass Recycling Compound layout (received 29.09.2023)  
PAS128 Utility Survey Rev R1;

Reason: So as to define this permission.

### **03**

The materials to be used in the construction of the development hereby permitted shall be in full accordance with details stated on the approved drawings (as stated within condition 02) or within the application form.

Reason: In the interests of visual amenity.

#### **04 – Environment Agency**

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved and retained for the lifetime of the development.

Reason

To ensure there are no unacceptable discharges to ground or surface waters. There should be no infiltration of surface water on contaminated land, or discharges to surface water.

#### **05 – Environment Agency**

No drainage systems for the infiltration of surface water to the ground (including soakaway or infiltration SUDS) are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the NPPF.

#### **06 – Environment Agency**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the NPPF.

#### **07**

No loading, unloading, deliveries or collections associated with the use hereby permitted shall take place other than between the following hours:-

08:00h to 17:00h Monday - Friday

And not at any other time including Saturdays, Sundays, Public or Bank Holidays

Reason: In the interests of residential amenity.

## 08

There shall be no more than two deliveries of glass to the site per day, and no more than one collection of glass from the site per week. An up to date register of deliveries and collections shall be kept for the site by the owner and shall be made available for inspection by the Local Planning Authority, at any time.

Reason: In the interests of residential amenity.

## Informatives

### 01

#### Waste to be reused on-site

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance.

#### Waste to be taken off-site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as

a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

## **02**

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](http://cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

## **03**

The applicant/developer will need to have a contingency plan should the construction phase reveal any contamination, which must be notified to the Pollution Team in Public Protection at Newark and Sherwood District Council on (01636) 650000.

## **04**

The proposed glass recycling activity will require an Environmental Permit issued and enforced by the Environment Agency under the Environmental Permitting (England and Wales) Regulations. Emissions to air, land and water, including noise, will need to be considered by the Environment Agency as part of the application for an Environmental Permit. A Permit will impose conditions for controlling and eliminating emissions, and the site may be subject to inspections to ensure compliance with conditions in the Permit. The Environment Agency would also investigate any complaints regarding alleged breaches of Permit conditions.

## **05**

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).

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

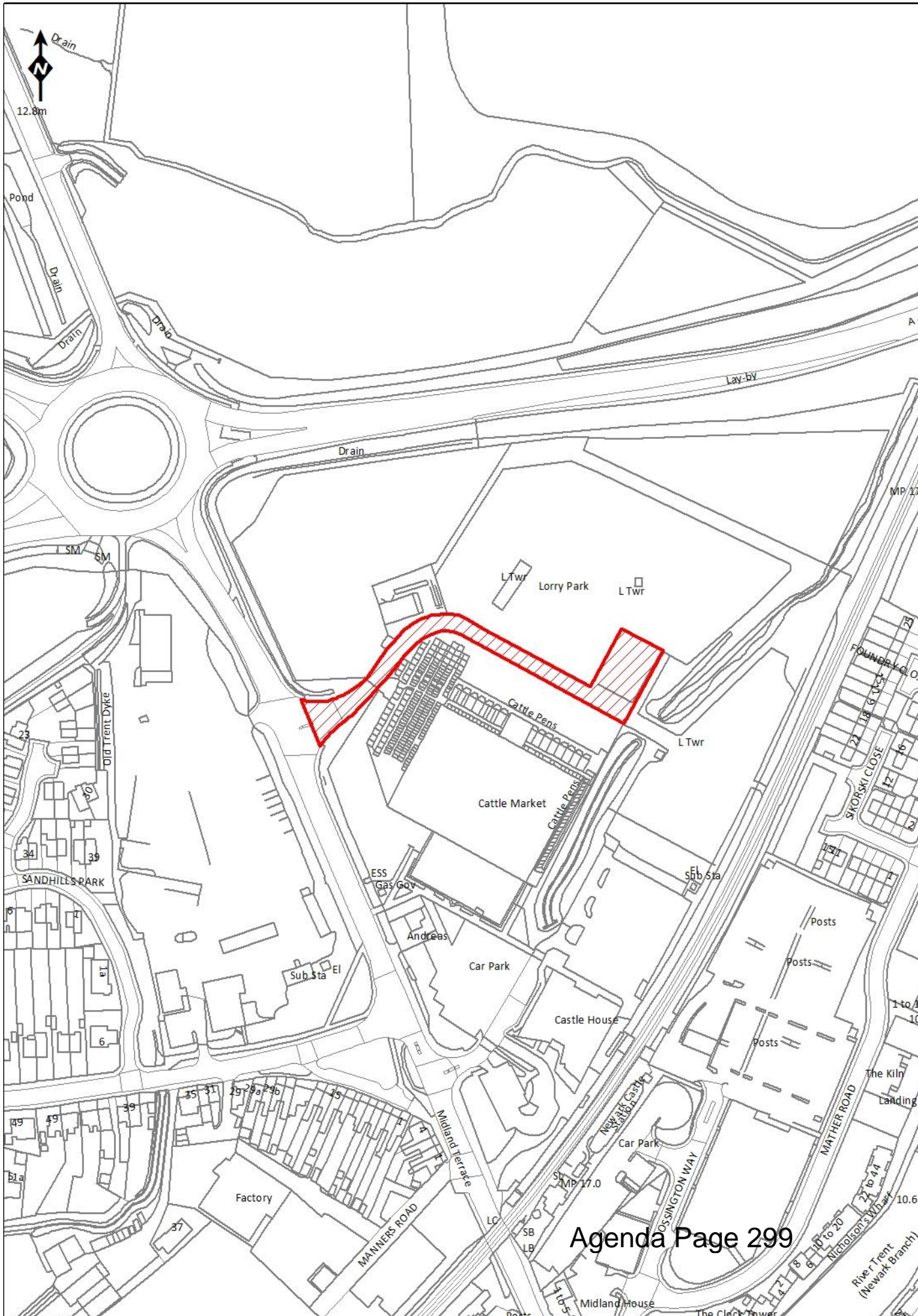
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

#### BACKGROUND PAPERS

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

Application case file.

Committee Plan - 23/01604/FUL









Report to Planning Committee 9<sup>th</sup> November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Oliver Scott, Senior Conservation Officer, 01636 655847

Report Summary			
<b>Application Number</b>	23/01551/LBC		
<b>Proposal</b>	Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.		
<b>Location</b>	Palace Theatre, 16 - 18 Appleton Gate, Newark On Trent, NG24 1JY		
<b>Applicant</b>	Miss Rose Maxwell	<b>Agent</b>	n/a
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/23/01551/LBC">23/01551/LBC   Attachment of steel truss to existing roof truss and drill holes to plasterwork ceiling for cables for lighting rig.   Palace Theatre 16 - 18 Appleton Gate Newark On Trent NG24 1JY (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	31.08.2023	<b>Target Date</b>	26.10.2023
		<b>Extension of Time</b>	17.11.2023
<b>Recommendation</b>	That Listed Building Consent is APPROVED with the condition(s) detailed at Section 9.0		

**This application is before the Planning Committee for determination, in accordance with the Council’s scheme of delegation as the applicant is Newark and Sherwood District Council.**

## 1.0 The Site

The application site comprises the Palace Theatre on Appleton Gate. The Theatre is an imposing Grade II listed brick and stucco building that forms part of a wider complex that includes the former Magnus School, now the National Civil War Centre (NCWC). The Theatre is an important community asset and hosts a vibrant cultural programme.

The Palace Theatre is situated within Newark Conservation Area. Built by Emily Blagg c1920, the Theatre is an important feature of the streetscene and forms a group with a large number of other listed buildings which includes the Grade II\* listed former Magnus School. The metal and glass link between the NCWC and Theatre forms part of a significant remodelling of the site nearly a decade ago.

## **2.0 Relevant planning history**

95/50928/LBC – Internal alterations. Approved 26.07.1995.

00/50429/LBC – Internal alterations and refabrication. Approved 06.06.2000.

02/02237/LBC - Proposed internal alterations for disabled access. Approved 03.01.2003.

03/01677/LBC - Replacement of existing auditorium seats and creation of designated wheelchair area. Approved 01.12.2003.

15/00167/LBC - Integration of front of house areas of the Palace Theatre with the National Civil War Centre. Enhancing of the existing Box Office, Foyer, Function Room, Bar area and WCs. Improvement of catering facilities. Approved 21.04.2015.

16/00651/LBC - Installation of mechanical equipment associated with catering facilities at The Palace Theatre. Incoming gas supply to North Elevation and supply/extract ductwork to South Elevation (part retrospective). Approved 20.06.2016.

## **3.0 The Proposal**

The proposed works comprise the installation of a steel lighting rig to the underside of the plaster ceiling facing the stage. The works require drill holes through the plaster with the steelwork fixed to a roof truss above the ceiling.

Documents considered within this appraisal:

- Application form
- Heritage statement
- Site location plan
- Schedule of works
- Technical plans showing the specification of the lighting rig

Pre-application advice was given on the proposals during a site visit earlier in the year. The submitted proposals are consistent with advice given at that time.

An extension of time was agreed with the applicant to the 17.11.2023 to enable the scheme to be taken to Planning Committee (email dated 21.09.2023).

## **4.0 Consultation/notification summary**

Occupiers of five neighbouring properties have been individually notified by letter.

Newark Town Council was consulted on the 05.09.2023 and the Theatres Trust were consulted on the 25.09.2023.

A site notice has also been displayed near to the site on 12.09.2023 and an advert has been placed in the local press on 14.09.2023.

A site visit was undertaken on the 12.09.2023.

## **5.0 Legal and policy considerations**

Section 16 of the Act requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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 – revised 2023). 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. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: *"The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; if alteration is justified on other grounds, then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset's aesthetic, historic or evidential value if they are left in place"* (paragraph 43).

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal

framework in determining such matters, i.e. Section 16(2) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework 2023
- Planning Practice Guidance
- Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) - Core Policy 14: Historic Environment
- Allocations & Development Management DPD - Policy DM9 – Protecting the Historic Environment
- Historic England (2016) Making Changes to Heritage Assets: Advice Note 2

## **6.0 Consultations**

### **(a) Statutory Consultations**

**The Theatre Trust** – The Theatre Trust supports the granting of listed building consent in this case (letter dated 25.09.2023).

### **(b) Town/Parish Council**

**Newark Town Council** – The Town Council raised no objection to the proposal at their Planning meeting of 27.09.2023.

### **(c) Representations/Non-Statutory Consultation**

None received.

## **7.0 Comments of the Business Manager**

The key issue is whether the proposed works are justified and avoid harm to the special architectural and historic interest of the Palace Theatre, a Grade II listed building.

The proposal seeks consent for a new lighting rig to service the theatre stage. It will be located above the auditorium immediately next to the stage area in the first decorative panelled area. The auditorium is the heart of the theatre and is an impressive public space with seating and stage area. The plaster ceiling is an important element of fabric above the auditorium and includes decorative fibrous plaster detailing. The roof void by comparison is functional rather than decorative, and not designed to be seen by the public.

### **Summary of Significance of Heritage Asset(s)**

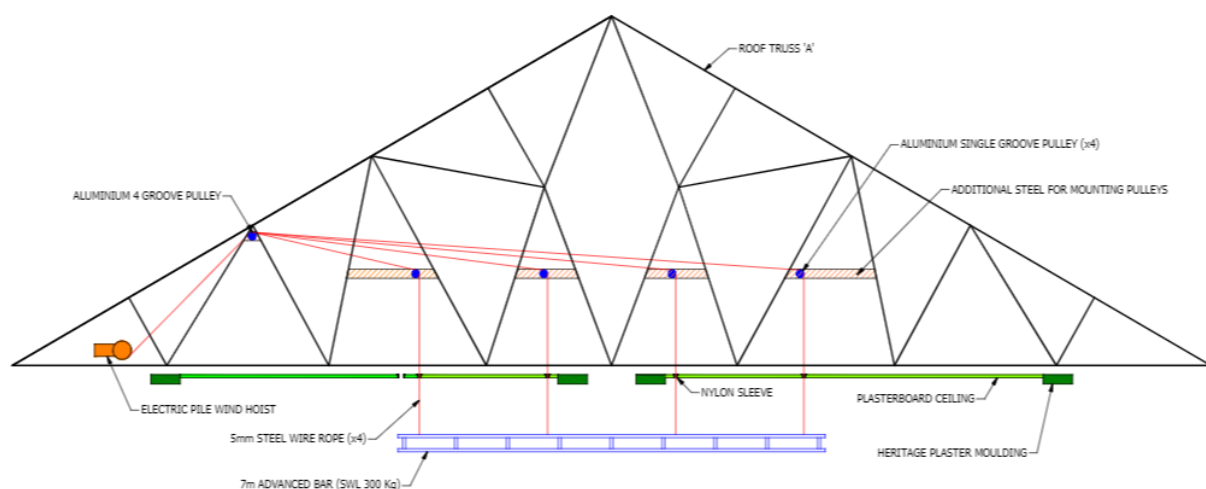
The Palace Theatre dates to 1920 and was built by the local entrepreneur Emily Blagg. The property is Grade II and forms part of a wider complex that includes the National Civil War Centre, much of which is housed in the Grade II\* listed former Magnus School.

The list entry for the Palace Theatre states: “Theatre and 2 shops. Built 1920 for Miss Emily Blagg. Altered mid C20, altered and restored 1988. Brick with stucco front and stone and

stucco dressings. Hipped and mansard slate and artificial slate roofs. Single external rear wall stack. 2 storeys, 7x12 bays. Angled front has round towers at the angles, topped with cupolas with onion domes, and coped parapets. Main entrance front, to left, has dentillated cornice. 3 glazing bar sashes with eared and shouldered architraves, with swags between them. Under the windows, an altered framed panel with scrolled ends with the theatre's name. Below, full width entrance with dentillated cornice and 2 square piers. Steps with wrought iron handrail. Shops front, to right, has 4 sashes with architraves and swags similar to the entrance front, plus aprons. Below, 2 wooden shopfronts with bracketed dentillated cornices, the right shopfront double width with central door. On either side, 12 full height recessed panels and a range of 11 windows, some of them blank. Northeast side has, below, 4 doors and 6 windows. Southeast end has plain round corner towers. Auditorium, narrowed and refitted 1988, has an enriched bow fronted gallery on 3 sides, with boxes. Enriched segmental proscenium arch. Plaster ceiling has enriched dentillated cornice and cove-cornered panels with ventilators between them. Entrance vestibule has enriched cornice and beamed ceiling. 2 pairs of segment headed half glazed doors with oval sidelights and segment headed stained glass overlights."

### Assessment of Proposal

The lighting rig comprises a set of steel wire ropes hung from a steel truss with mounting pulleys fixed by clamps to the timber roof truss frame, carrying a metal bar that will hold the lights. The steel wire ropes will be controlled by an electric hoist system to be positioned in the roof void. Four drill holes will be made into the ceiling plasterwork for the wire ropes and cabling (to be protected by nylon sleeves). The position of the lighting rig can be moved in a vertical plane. The benefit of this approach is that the lights can be adjusted by lowering the rig rather than trying to adjust fixed lights at a high level.



*Section plan showing how the lighting rig will be installed into the roof.*

The plasterwork of the ceiling is an important architectural feature. The fibrous decorative plaster that frames the panels of the main ceiling is attractive and contributes significantly to the classical theatre ambience. Although the fibrous plaster is original, the plaster panels are not. The plaster panels are likely to have been lathe and plaster originally but appear to have been replaced in the post-war period with modern plaster board (traces of cut ends of lathe

survive at the edges of the fibrous plaster when examined from above). Drilling through the modern plaster work will cause no harm to the fabric of the building, therefore.



*Photograph showing where the lighting rig will be installed.*

Visually, the lighting rig is moderately disruptive to the refined character of the ceiling. However, the lighting rig is not an alien or obtrusive feature to the theatre. The justification for the rig in terms of ease of maintenance (and safety), as well as improving the offer of the theatre provide compelling justifications for the works.

The installation of the new metal truss and pulley system to the attic void is acceptable furthermore and results in no visual or fabric harm.

### Other material considerations

The Theatres Trust draws our attention to the benefits of a modernised lighting rig, stating that the new rig will provide a centralised projection “meaning the theatre can attract and handle a wider range of shows than is currently the case, enhancing its social and cultural value and helping to support its ongoing viability”.

As explained above, the lighting rig does result in some very minor impact on the historic ceiling when experienced within the auditorium. This does not amount to harmful impact in the context of paragraphs 199-202 of the NPPF, however. We otherwise consider the proposed works to be a public benefit within the meaning set out in paragraph 20 (ID: 18a-020-20190723) of the ‘Decision-making: historic environment’ section of the Planning Practice Guidance. Essentially, the proposed works are felt to improve the offer of the theatre, sustaining its on-going conservation and ensuring long term viability.

It was noted that the Town Council raised no objection to the proposal. No other comments or observations have been made on the proposals.

There are no other material considerations in this case.

### **8.0 Implications**

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

The proposed works will cause no harm to the special interest of the listed building. The proposed works therefore accord with the objective of preservation required under section 16 of the NPPF. Weight is also given to the public benefits identified in the scheme, notably improving the offer of the theatre and improved accessibility and safety associated with a rig than can be lowered. The proposals are considered to comply with heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

### **9.0 Conclusion**

For the reasons set out above, the proposed works are considered to be acceptable and cause no harm to the special interest of the Palace Theatre, a Grade II listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council’s LDF DPDs (notably policies CP14 and DM9), and section 16 of the NPPF.

Owing to the nature of the internal works, the proposal will cause no harm to Newark Conservation Area or the setting of any other heritage asset.

We draw your attention to the minor nature of the works and the justification for the proposal which will provide a safe means of adjusting lighting as well as improving the stage production offer.

## **10.0 Conditions**

### **01**

The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **02**

The works hereby approved for the lighting rig shall be carried out in accordance with the following approved plans and associated documents:

- Application Form
- Heritage Statement
- Camtrak section and elevation plans showing lighting rig bar configuration and ceiling details
- Annotated photograph showing position of lighting rig

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

### **03**

Any damage caused by or during the course of the carrying out of the works hereby permitted shall be made good within 3 months after they are complete.

Reason: To ensure that the works take the agreed form envisaged by the Local Planning Authority when determining the application and thus result in a satisfactory form of works.

## **Informative notes**

### **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 Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in this application. It should however be noted that:

- a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence under the Planning (Listed Building and Conservation Areas) Act 1990 and would be liable for enforcement action.
- b) You and your agent or any other person responsible for implement this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.
- c) The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

### **03**

#### **REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015**

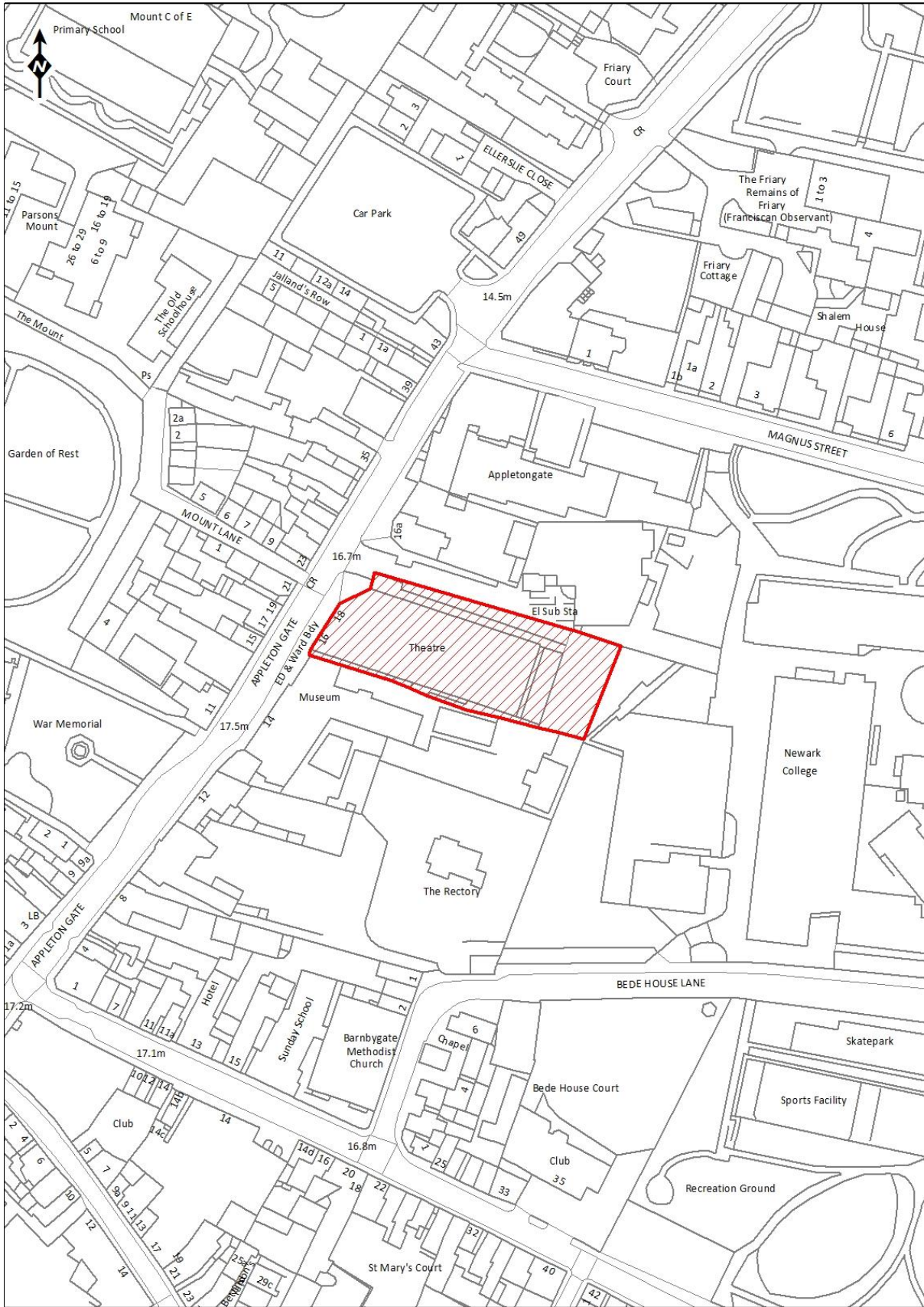
The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the National Planning Policy Framework (Revised 2023).

#### **BACKGROUND PAPERS**

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

Application case file.

Committee Plan - 23/01551/LBC



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 9<sup>th</sup> November 2023

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x5565

Report Summary	
<b>Report Title</b>	Public Speaking & Planning Constitution Update
<b>Purpose of Report</b>	To notify Planning Committee of a future report looking to introduce public speaking along with constitutional updates
<b>Recommendations</b>	To note the report

## 1.0 Background

- 1.1 A full report will be provided to Planning Committee for discussion at December's meeting. In summary, the Planning Development Business Unit has been tasked with investigating allowing public speaking at Planning Committee. Initial investigations establish that the Council is one of the few in England and Wales who do not permit public speaking.
- 1.2 This report is provided to ensure Members of Planning Committee are made aware, at the earliest opportunity, of possible changes taking account of the timetable for Council meetings. Due to Constitutional requirements, it is necessary for Full Council to agree to public speaking at Planning Committee. It is therefore intended that a report will be presented to Audit & Governance (22nd November) detailing the general principles, full discussion for Planning Committee on 7<sup>th</sup> December followed by Full Council on 12th December.
- 1.3 December's Planning Committee report will include (but not be limited to) options as well as recommendations. Any change allowing public speaking also has consequential changes required to the Constitution, Planning Protocol and Statement of Community Involvement. The recommended changes to these documents will also be provided.
- 1.4 In addition, a review of the Scheme of Delegation will be undertaken and presented as well as an update regarding the processing of 'late representations' for applications that are on the Planning Committee agenda.

## **2.0 Implications**

- 2.1 The full report will consider the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Rights and Legal and where appropriate reference to these implications will be made and suitable expert comment added where appropriate.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

## Planning Committee – 9<sup>th</sup> November 2023

### **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 Development without delay.
- 2.0 Recommendation
- 2.1 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](mailto:planning@nsdc.info) quoting the relevant application number.

Lisa Hughes  
Business Manager – Planning Development

**Appendix A: Appeals Lodged (received between 15 September 2022 and 23 October 2023)**

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/D/23/3328192	23/00665/HOUSE	Bridge Cottage Rufford Lane Wellow NG22 0EQ	Loft conversion with 2 dormer windows and balcony	Fast Track Appeal	Refusal of a planning application
APP/B3030/W/21/3274389	21/00493/TPO	12 Westfield Way Farndon Newark On Trent NG24 3TP	Undertake works to trees identified as forming part of Group G1 protected by TPO N45; T1 Holly - Fell due to roots causing damage to fence and slabs and overshadowing. T2 Pine/ Fir - crown reduction by 5 metres due to overshadowing, size and lean towards neighboring properties.	Written Representation	Refusal of a works to a protected tree application
APP/B3030/W/23/3323489	22/02248/FUL	11 Station Road Collingham NG23 7RA	Erection of New Dwelling; Alteration of Existing Dwelling; Demolition of Existing Garage and Shed and Erection of New Garaging	Written Representation	Refusal of a planning application

APP/B3030/D/23/3325131	23/00792/HPRIOR	14 Fern Close Southwell NG25 0DB	Householder prior approval for the enlargement of a dwelling by an additional storey Height of building increased by 2.55m. New height of the building will be 7.05m	Written Representation	Refusal of a planning application
------------------------	-----------------	--	--	------------------------	-----------------------------------

**Planning Committee – 09 November 2023**

**Appendix B: Appeals Determined (15 September and 23 October 2023)**

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00181/ENFB	Land At Southern Barn Manor Farm Gainsborough Road Langford Newark On Trent NG23 7RW	Without planning permission, operational development on the Land comprising of the construction of a permeable surfacing comprising layer of loose hardcore and change of use of section of former agricultural land to storage for trailers	Delegated Officer	Not Applicable	Appeal Dismissed	27th September 2023
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/enforcementDetails.do?activeTab=summary&amp;keyVal=RCC14GLB04Q00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/enforcementDetails.do?activeTab=summary&amp;keyVal=RCC14GLB04Q00</a>						
22/01530/FUL	Southern Barn Manor Farm Gainsborough Road Langford Newark On Trent NG23 7RW	Retrospective planning application for permeable surfacing comprising layer of loose hardcore and change of use of section of former agricultural land to storage for trailers	Delegated Officer	Not Applicable	Appeal Dismissed	27th September 2023
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RG1ITYLBM3K00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RG1ITYLBM3K00</a>						
22/01085/FUL	Land to the Rear Of 57 To 59 Jubilee Street Newark On Trent	Removal of existing garages and workshop and erection of 3 bungalows	Delegated Officer	Not Applicable	Appeal Dismissed	15th September 2023
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RCSZS6LBL5P00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RCSZS6LBL5P00</a>						
22/02423/FUL	Land Adjacent Ivydene Main Street Weston	Erection of 5 bed dwelling and garage. New vehicular access.	Delegated Officer	Not Applicable	Appeal Dismissed	10th October 2023
Click on the following link to view further details of this application: <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RN4RPQLBGCZ00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=RN4RPQLBGCZ00</a>						



22/01252/FUL	Lowfield Farm 111 Gainsborough Road Langford NG23 7RN	Demolish existing dwelling and garage and erect replacement dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	11th October 2023
--------------	--	--	-------------------	----------------	------------------	-------------------

Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RDZOLFLBLHM00>

23/00342/HOUSE	48 Westbrook Drive Rainworth NG21 0FB	Proposed attached side garage	Delegated Officer	Not Applicable	Appeal Dismissed	28th September 2023
----------------	---	-------------------------------	-------------------	----------------	------------------	---------------------

Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQQEELBHDJ00>

23/00306/HOUSE	2 Maltkiln Close Ollerton NG22 9BE	Two storey side extension (resubmission of 22/01486/HOUSE)	Delegated Officer	Not Applicable	Appeal Dismissed	3rd October 2023
----------------	--	--	-------------------	----------------	------------------	------------------

Click on the following link to view further details of this application:

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RQE1X3LBHA800>

### 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](mailto:planning@nsdc.info) quoting the relevant application number.

Sandra Hughes  
Business Manager – Planning Development