



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Wednesday, 8 January 2025

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

Members of the Committee:

**Councillor A Amer
Councillor C Brooks
Councillor L Dales
Councillor S Forde
Councillor P Harris
Councillor K Melton
Councillor E Oldham**

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

MEETING:	Planning Committee
DATE:	Thursday, 16 January 2025 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.

AGENDA

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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 December 2024 at 4.00 pm.

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

Councillor A Amer, Councillor C Brooks, Councillor L Dales, Councillor S Forde, Councillor P Harris, Councillor P Rainbow, Councillor M Shakeshaft and Councillor L Tift

ALSO IN ATTENDANCE: Councillor N Allen

APOLOGIES FOR ABSENCE: Councillor K Melton, Councillor E Oldham, Councillor S Saddington, Councillor T Smith and Councillor T Wildgust

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

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

86 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors A Freeman and L Dales declared an other registrable interest for any relevant items, as they were appointed representatives on the Trent Valley Internal Drainage Board.

87 MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2024

AGREED that the minutes of the meeting held on 11 November 2024 were approved as a correct record and signed by the Chair.

88 LAND WEST OF STAYTHORPE ELECTRICITY SUBSTATION, STAYTHORPE ROAD, STAYTHORPE - 24/01261/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the infrastructure associated with the connection of battery energy storage system to National Grid Staythorpe Electricity Substation and associated works.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the applicant and local resident. This included confirmation that the applicant was willing to include the offer of transportation for those affected by the bus stop closure which could be included in the legal agreement should Members approve the scheme.

An Addendum was circulated to the Planning Committee which provided a number of adjustments to the wording of the report. There had been three comments submitted after the 11 November 2024 Planning Committee with no new material considerations.

Mr C Hall, resident, spoke against the application. Concerns were raised that no new highway information had been submitted contrary to the reasons for deferral. The Chair clarified that the deferral was limited to allow public consultation to be completed after the previous November Committee.

Mr M Turner, (Elements Green Staythorpe BESS Limited) agent for the applicant, spoke in support of the application.

Concern was raised by one Member about highway matters and the closure of the bus stop and the accessibility of the offer of transportation by the applicant. There was some disappointment at the lack of further information on the construction management issues. The appeal success of the original battery storage scheme was noted. Members found no material planning reasons to refuse the development.

AGREED (with 8 votes For, 1 vote Against and 1 Abstentions) that Planning Permission be approved subject to the following:

- (a) the completion of a S106 Agreement to secure, maintain and monitor Biodiversity Net Gain, a highway condition survey and works and bus stop mitigation; and
- (b) subject to the conditions contained within the report and as contained in the Schedule of Communication.

89 LAND AT OVERFIELD PARK, WINTHORPE, NEWARK ON TRENT - 23/01283/OUTM

The Committee considered the report of the Business Manager – Planning Development, which sought outline Planning Permission for up to 12,008sqm employment development (use class B2, B8, and E(g) i, ii and iii) with associated internal access roads, landscaping and drainage, all matters reserved.

A site visit had taken place prior to the commencement of the Planning Committee, on the grounds that there were particular site factors.

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

A Schedule of Communication was circulated prior to the meeting which detailed correspondence received following publication of the agenda from the applicant with suggested amendments to conditions 3 and 16.

Councillor D Armstrong, representing Coddington Parish Council, adjoining Parish Council, spoke against the application.

Mr R Jays (Lindum Group Ltd) agent for the applicant, spoke in support of the application.

The Local Ward Member also informed the Committee that Winthorpe Parish Council had submitted their planning response however that had not been received by the Planning Business Unit. The Business Manager referred to Winthorpe Parish Council concerns within his presentation.

Members considered the application, and concerns were raised regarding cumulative impact of commercial and industrial development in this area which was outside of Newark Urban Area; access issues; and the loss of the hotel as originally envisaged in the Site Allocation. Members agreed that a strategic view of commercial development needed to be considered through the Planning Policy Board. Concern was also raised regarding the pedestrian/cycle track. The roundabout was considered unsafe for cyclists and the cycle route was poor. The sustainability of the proposal for a shuttle bus was also raised.

The potential lack of viability of a hotel was discussed. Members sought clarity on the Site Allocation in the context of the recent Local Plan Examination; officers advised that the applicant has sought to modify the Allocation, including removal of the hotel requirement.

Members agreed that the site itself had no intrinsic value and that there were not strong enough material grounds to refuse.

Councillor P Harris left the meeting during the presentation.

AGREED (with 8 votes For and 1 vote Against) that:

- (a) planning permission be approved subject to the conditions contained within the report with the amendment to conditions 3 and 16 as contained in the Schedule of Communication; and
- (b) the signing and sealing of a Section 106 agreement.

90 87-89 MILL GATE, NEWARK - 24/01140/LBC

The Committee considered the report of the Business Manager – Planning Development, which sought the removal and replacement of rooftiles, replacement of roof membrane and re-pointing of chimney stacks with lime mortar.

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

Members asked questions about how long works might take and whether consideration would be given to local residents. The Business Manager explained that conditions included protection for the building from scaffold rigs. Members agreed that the works comprised sensible repairs that would safeguard the building.

Members considered the application acceptable.

Councillor P Harris having left the meeting and returned during the presentation of this item did not take part in the vote in accordance with the Planning Protocol.

AGREED (unanimously) that Listed Building Consent be approved subject to the conditions contained within the report.

91 REVIEW AND UPDATE OF THE PLANNING COMMITTEE PROTOCOL AND SCHEME OF DELEGATION

The Committee considered the report of the Director for Planning & Growth, which considered the review and update of the Planning Committee Protocol and Scheme of Delegation.

The report provided the background to public speaking which was introduced to the Planning Committee early 2024.

The suggested amended scheme of Delegation and Planning Protocol were appended to the report.

AGREED (unanimously) that:

- (a) the amendments to the Planning Committee Protocol and Scheme of Delegation be approved; and
- (b) delegated authority to officers to format, update and publish the amended Planning Committee Protocol and Scheme of Delegation.

92 THE OLD STABLE YARD, WINTHORPE ROAD, NEWARK ON TRENT, NG24 2AA - 24/00548/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the change of use of land to residential Gypsy/Traveller caravan site comprising six pitches each providing one static and one touring caravan and dayroom.

This application was presented to the 11 November 2024 Planning Committee with a recommendation of refusal. Following a site visit and debate at committee, Members resolved to approve this unanimously, and conditions were delegated to officers. As the application was contrary to the advice of the Environment Agency, clarification was sought regarding the need to notify them of the Council's intent to issue a permission. However, as the application was a non 'major' development there was no such requirement.

Nottinghamshire County Council had requested the imposition of two conditions; 1) to upgrade the access verge to the bypass (onto a road maintained by National Highways and officers noted that National Highways did not request such a condition) in order to protect their position as they did not to date know who would be responsible for the road following the dualling, and 2) to provide a bound internal access road within the site, which was already in situ. Officers considered that these

highway conditions were unreasonable and not necessary, failing the soundness tests set out in the NPPF. These conditions were not therefore imposed.

Conditions were shared with the applicant, and they confirmed these were reasonable and achievable for them. Eight conditions and four informatives were imposed as contained within the report and the decision was issued on 14 November 2024.

AGREED (unanimously) that the report be noted.

93 NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS ("NSIP") - UPDATE REPORT

The Committee considered the report of the Business Manager Planning Development, which provided an update on the status of the One Earth Solar Farm ("OESF") and Great North Road ("GNR") NSIP projects and for the Committee to note the activities undertaken by officers in recent months and to provide information on the up-and-coming milestones for these projects.

A Member sought clarification regarding what extent was the Planning Committee able to influence and lobby for community benefit and how could that be achieved. The Business Manager Planning Development confirmed that work was being undertaken regarding this although it was not a statutory requirement to undertake a public consultation. The Director for Planning Growth had raised this internally and community involvement would be undertaken.

A Member asked in relation to solar farms, if all applications were approved, what would be the percentage of land in the Newark and Sherwood District. Was there a cap nationally or locally or through Nottinghamshire County Council, as to how many solar farms could be built. The Business Manager – Planning Development confirmed that there was information regarding this and that he would circulate that information to Members of the Planning Committee.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) information regarding proposed solar farms in Newark and Sherwood district be circulated to Members of the Planning Committee.

94 APPEALS LODGED

AGREED that the report be noted.

95 APPEALS DETERMINED

AGREED that the report be noted.

96 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered the report of the Director for Planning & Growth relating to the performance of the Planning Development Business Unit over the three-month period July to September 2024.

A Member asked for names and telephone numbers to be circulated to Members for Officers in the Planning Business Unit, given the recent high turnover of staff.

A Member commented upon the 75% appeal win rate by the Local Planning Authority and asked if an analysis could be provided to Members of the Planning Committee. The Chair commented that the figures included in the report only contained one month of the current membership of the Planning Committee and asked if the figures for this Committee could be reported.

The Chair thanked Members and Officers for all their hard work regarding the Planning Committee and wished everyone a happy Christmas.

AGREED (unanimously) that:

- (a) the report be noted;
- (b) names and telephone numbers of Officers in the Planning Business Unit be circulated to Members of the Planning Committee; and
- (c) an analysis of the 75% win rate for appeals be provided to Members of the Committee, including a breakdown of the current Planning Committee.

Meeting closed at 6.15 pm.

Chair



Report to Planning Committee 16 January 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Craig Miles, Senior Planner (Development Management)

Report Summary			
Application No.	23/01837/FULM (MAJOR)		
Proposal	Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work.		
Location	Land to the West of Main Street, Kelham		
Applicant	Assured Asset Solar 2 Ltd - Mr Innes	Agent	Sirius Planning Ltd - Mr James Cook
Web Link	23/01837/FULM Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work. Land To The West Of Main Street Kelham (newark-sherwooddc.gov.uk)		
Registered	17 October 2023	Target Date	16 January 2024
		Extension of Time	To be sought
Recommendation	That planning permission is APPROVED subject to the conditions outlined in Section 10.0 of this report and the completion of the associated s.106 agreement.		

This application is presented to Planning Committee at the request of the Authorised Officer in line with the Council’s Scheme of Delegation due to scale and public interest.

1.0 The Site

1.1 The application relates to approximately 65-hectares of flat agricultural land within the open countryside between the villages of Kelham (to the east) and Averham (to the south). The site comprises of three fields and part of a fourth, which have been used for arable farming. Boundaries are demarcated by a mix of hedgerows, ditches, and broadleaved woodland. The red line boundary incorporates the proposal site as

well as the proposed cable route to connect the development to Staythorpe Power Station to the south west.

- 1.2 To the southern edges of the proposal site is the A617 Main Road and to the northeast is Broadgate Lane, where there is a row of dwellings overlooking the site. To the east is an established plantation beyond which lies Kelham House and a small, gated cul-de-sac of detached dwellings known as 'The Rutlands'.
- 1.3 There are no statutory ecological designations within 2km of the site. The nearest statutory ecological designation is Marwood Site of Specific Scientific Interest (SSSI), which is located approximately 4.7km to the north-west of the proposal site. The nearest non-statutory ecological designation is Kelham Hills Local Wildlife Site (LWS), which is located approximately 160m to the west of the site. There are a further four LWS within 1km of the site.
- 1.4 Kelham Conservation Area covers the built extent of Kelham village to the east plus some outer lying areas adjacent to the eastern boundary of the application site. Averham Conservation Area covers the built extent of Averham village, which is sited on the opposite side of the A617 Main Road to the south. There are 13 Listed Buildings within the 1km study area. The nearest Listed Buildings are the Grade II listed Farm Buildings at Home Farm located within Kelham, approximately 130m to the east of the site. The nearest Scheduled Monument is 'Averham moat and enclosure' located approximately 420m south of the site.
- 1.5 There are several Non-Designated Heritage Assets including Unregistered Park and Gardens i.e., the formal grounds and parkland for Averham Park House and Kelham Hall nearby. The proposal site also includes areas of archaeological interest.
- 1.6 There is a single public right of way that enters the north-eastern boundary of the site from Broadgate Lane. The public footpath runs in a westerly direction and splits into two public footpaths once it meets the western boundary of the application site, with one footpath heading north-west and another heading south-west. An overhead power line runs across the northern corner of the site.
- 1.7 Environment Agency Flood Maps confirm the site is predominately Flood Zone 1, where there is a low probability of flooding. However, the site contains isolated areas of Flood Zone 2, where there is a medium probability of flooding, and a small part of the site access would fall within Flood Zone 3.
- 1.8 The application identifies the site is a mix of Grade 2 (very good) and Grade 3 agricultural land (good to moderate), with the percentage of land covered by Grade 2 estimated to be 55%, Grade 3a 37% and Grade 3b 5%, with the remaining 3% being non-agricultural i.e. soil bund, pond area, and farm tracks.
- 1.9 The site is currently accessed via three separate field gates, with two entrances from the A617 Main Road along the eastern and south-eastern boundary, and a third entrance from Broadgate Lane on the north eastern boundary.

- 1.10 The site has the following constraints:
- Within the setting of Heritage Assets and on-site Archaeological Interest
 - Isolated areas of Flood Zone 2 (medium risk)
 - Predominantly Grade 2 (very good) & 3 (good to moderate) Agricultural Land

2.0 **Relevant Planning History**

- 2.1. 22/SCR/00012 - Request for screening opinion to establish if development of a solar farm and battery energy storage system should be subject to an Environmental Impact Assessment. Environmental Impact Assessment Not Required 12.09.2022.

On land surrounding Staythorpe Power Station to the south of the A617:

- 2.2. 22/01840/FULM - Construction of Battery Energy Storage System and associated infrastructure, refused on 07.07.2023 for the following reason:

“The proposed development by virtue of its scale, size and design, proximity to adjoining dwellinghouses would have a harmful visual and amenity impact that would not be appropriately mitigated. The visual harm is exacerbated by the loss of the ancient hedgerow along the highway required in order to facilitate highway visibility spays. In addition, the development would result in the loss of agricultural land and it fails to meet the sequential test for flooding as there are alternative sites within the immediate locality at lower risk. Furthermore, there is a perceived risk to safety resulting from potential battery fires. It is considered that the harm and risk identified would not be outweighed by the benefits of the proposal. The development therefore represents an unsustainable and unacceptable form of development and is considered to be contrary to Spatial Policy 3 (Rural Areas), Core Policy 9 (Climate Change) 4th and 5th bullet point, Core Policy 12 (Biodiversity and Green Infrastructure 2nd bullet point [conserve biodiversity] of the Amended Core Strategy (Adopted March 2019) and Policies DM4 (Renewable and Low Carbon Energy Generation) points 1 and 4, DM5 (Design) points 3, 4, 5 and 9, DM8 (Development in the Open Countryside) and DM10 (Pollution and Hazardous Materials) of the Allocations & Development Management Development Plan Documents (July 2013), in addition to the National Planning Policy Framework which is a material consideration.”

Following a Public Inquiry, the appeal was allowed in a decision letter dated 03.05.2024.

- 2.3. 23/00317/FULM - Construction and operation of Battery Energy Storage System (BESS), transformer/sub-station and associated infrastructure. Pending Determination. On 19 June 2024 the Council’s Planning Committee agreed that Planning Permission should be approved subject to conditions and completion of a Section 106 agreement for the matters set out within the report.
- 2.4. 23/00810/FULM - Laying of an underground cable run linking Battery Energy Storage System to Grid Connection Point at Staythorpe Substation. Application Permitted 19.06.2024.

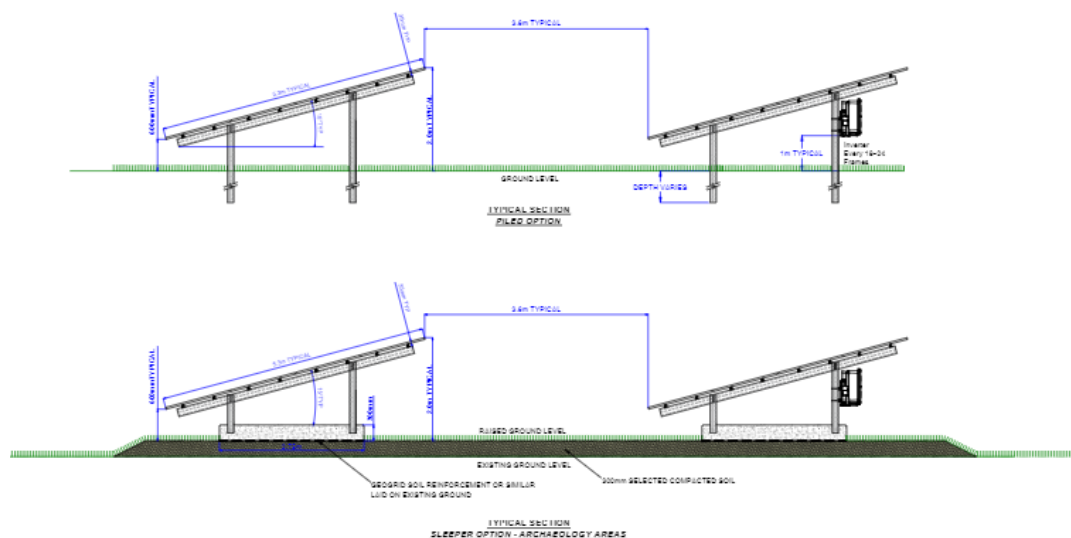
- 2.5. 24/01261/FULM - Infrastructure associated with the connection of battery energy storage system to National Grid Staythorpe Electricity Substation and associated works. Approved at planning committee December 2024.
- 2.6. 23/00486/CONSUL - A46 Newark Bypass Scheme – Development Consent Order. Undecided.

3.0 **The Proposal**

3.1 The application seeks permission for the construction of a 49.9MW solar farm and 50MV battery energy storage system (BESS). The proposed solar farm would supply power to the grid, whilst the proposed BESS would take and store power from the grid to be distributed back to the grid when needed. There would be no connection between the two elements, which are proposed to be co-located close to the point of connection (i.e. Staythorpe Substation).

3.2 The proposal would comprise of the following:

- Photovoltaic (PV) panels
Arranged in rows in an east-west alignment and angled at approximately 15° to the horizontal and orientated south. PV module details have been provided indicating each panel would measure approximately 2.4-metres by 1.3-metres.
- Mounting frames - matt finished small section metal structure.
All panels would be mounted on metal frames to a maximum height of 2.0m above ground level; the lowest part of the panel would be circa 0.6m above ground level. The rows of panels would be set to between 3m and 5m apart to avoid shadowing and allow for scheduled maintenance.



Where there are known archaeological features on site, panel frames would be mounted on ballast blocks to ensure stability of the panels and frames without disturbing heritage features.

- Battery Energy Storage System Compound

The BESS compound would measure approximately 0.36ha and include a gravel surface. The BESS would include 20 battery-clusters containing 22 smaller modules. Each battery cluster would measure typically 15.3m in length by 2.5m wide and 3.2m in height. The battery clusters would sit in bays of two surrounded by 3m high concrete firewalls.

The BESS compound would also include two switchgear cabins, substations for both the BESS and solar farm, two spare storage cabins and four containers.

The Distribution Network Operator (DNO) requires communication mast(s) to be provided as part of the substation arrangement but has yet to confirm the position and size of such mast(s). Indicative positions and a suggested specification have been provided.

The BESS compound and substations would be secured by 2.4m high paladin fencing. A 4m high acoustic fence would also surround the BESS compound.

- Inverters (accommodated on the mounting frames) and transformers (housed in prefabricated containers) and associated cabling (largely below ground)
The solar panels would be connected to small inverter units typically located on the racking of the frames. The inverters would connect to transformer stations which would convert the electricity from Direct Current (DC) to Alternating Current (AC) to ensure that electricity can be transferred to the substation and then to the 'local grid' more efficiently.
- Scheme of landscaping and biodiversity enhancement.
- Deer fencing (approximately 2-metres high)
Galvanized steel deer fencing (1xRoll HT13/190/15) fixed to wooden posts.
- Infra-red CCTV (CCTV cameras would operate using motion sensors and be positioned inward only to ensure privacy to neighbouring land and property)
- Temporary construction compound towards the southern part of the site near the proposed access off the A617 to accommodate deliveries of materials and equipment during construction phase and staff parking.
- Internal service roads approximately 4-metres wide, comprised of compacted crushed stone.
- Site Access for the construction and operational phases.
Access is proposed to be obtained through existing field gates off the A617 Main Road.

- 3.3 The proposal (Solar Farm and BESS) would have a lifespan of 40-years, after which all equipment would be removed from the site and the land returned to its former condition.
- 3.4 It should be noted that the proposals have been amended to remove development in a field closest to the A617 public road (and to the south of Kelham House) as it would have potentially interfered with the flood mitigation measures associated with the A46 by-pass development presently being considered by the Planning Inspectorate.
- 3.5 Documents assessed in this appraisal:

Drawings:

- HC1002 05 01 REV 0 Site Location Plan
- HC1002 05 2A REV 1 Planning Application Boundary Sheet 1 of 2
- HC1002 05 2B REV 1 Planning Application Boundary Sheet 2 of 2
- HC1002 01 03 REV 0 Constraints Mapping
- HC1002 02 01 REV 1 LVIA Study Area
- HC1002 02 02 REV 1 Landscape Planning Constraints
- HOR1002 02 03 REV 0 Zone of Theoretical Visibility Barriers
- HC1002 02 04 REV 1 Landscape Character Policy Zones
- HC1002 02 05 R3 REV 3 Landscape Mitigation
- HC1002 02 06 R3 REV 0 Cumulative Sites
- HC1002 02 07 REV 1 Residential, Settlement and Transport Receptors
- HC1002 02 08 REV 0 Viewpoint Location Plan
- HC1002 02 09 REV 0 Viewpoint Location Plan *received 12 July 2024*
- HC1002 05 03 REV 4 Site Layout *received 2 Dec 2024*
- HC1002 05 04 REV 1 Substation and BESS Compound Arrangement
- HC1002 05 05 REV 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)
- HC1002 05 06 REV 0 DNO Substation Details
- HC1002 05 07 REV 0 Solar and BESS Switchgear Cabins Details
- HC1002 05 08 REV 0 Solar Transformer Station Details
- HC1002 05 09 REV 0 Spares Cabin Details
- HC1002 05 10 REV 0 Container Details
- HC1002 05 11 REV 0 Battery Modules Details
- HC1002 05 12 REV 0 Battery Transformer Inverter Details
- HC1002 05 13 REV 0 Battery Firewall Details
- HC1002 05 14 REV 1 Point of Connection Details
- HC1002 05 15 REV 0 Sections Through Substations and BESS Compound
- HC1002 02 16 REV 2 Landscape Masterplan *received 20 Dec 2024*
- HC1002 05 17 REV 0 Fencing and Security Details
- HC1002 05 18 REV 0 Internal Access Track Construction Detail
- HC1002 05 19 REV 0 Palisade Fencing Details
- HC1002 05 20 REV 0 Deer Mesh Fencing Details

- HC1002 05 21 REV 0 Acoustic Fence Details
- HC1002 05 22 REV 0 Paladin Fence Details
- HC1002 05 23 REV 1 Site Access Details *received 21 June 2024*
- HC1002 05 24 REV 0 Site Access Construction Details
- HC1002 05 25 REV 2 Temporary Site Set Down Area Details
- HC1002 05 26 REV 0 Indicative 132kv Substation Details
- HC1002 05 27 REV 2 Public Access Details *received 20 Dec 2024*
- HC1002 05 28 REV 2 Archaeology Mitigation Areas
- HC1002 05 29 REV 2 Translocated Hedgerow Plan *received 21 June 2024*
- WPD EPEX GA 03 REV B AND WPD EPEX GA 01 Communication Mast Indicative Specification

Technical Reports/Supporting Documents:

- Battery Fire Safety Statement prepared by Sirius Planning Ltd (No date, No ref)
- Planning Phase Battery Safety Management Plan – Fire Strategy prepared by OWC dated 10 May 2024 (Ref: OWC-041558-000-REP002) *received 21 June 2024*
- Ecology Appraisal prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev B)
- Bird Report prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev D)
- Biodiversity Net Gain Calculation/Report *received 21 June 2024*
- Flood Risk Assessment and Drainage Strategy prepared by KRS Environmental Limited dated October 2023 (ref: KRS.0297.051.R.001.B) including:
 - Flood Risk Assessment – Appendix 2 – Topographical Survey.
- Letter of Comfort from National Highways dated 22 December 2022 (No Ref):
- Geophysical Survey prepared by Archaeology England dated December 2022 (Ref: 2092 Version 2)
- Heritage Impact Assessment prepared by Archaeology England dated August 2023 (Ref: 2218 Version 2)
- Archaeology and Cultural Heritage Desk Based Assessment prepared by Archaeology England dated September 2023 (Ref: 2027 Version 2)
- Archaeological Evaluation Report dated August 2023 (Ref: 2222 Version 01) (Part 1, 2A, 2Bx2)
- Noise Impact Assessment prepared by Noise & Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK)
- Outline Construction Environmental Management Plan prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/CEMP)
- Landscape and Visual Impact Assessment prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002 02 01/LVIA Final) including:
 - LVIA Appendix 1 - Methodology
 - Photomontage VP1
 - Photomontage VP2
 - Photomontage VP3
 - Photomontage VP4

- Photomontage VP5
- Photomontage VP6 - 10
- Photomontage VP11
- LVIA Addendum prepared by Sirius Planning dated June 2024 (Ref: HC1002/02/Adden) including updated Viewpoints 4, 5, and 7.
- Planning Statement prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/PS Final)
- Design and Access Statement prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/DAS Final)
- Statement of Community Involvement prepared by Thirty 4/7 dated October 2023 (No Ref)
- Soil Resources and Agricultural Quality Report prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2)
- Soil Management Plan prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2) (ref: 1909/3)
- Agricultural Land Impact Assessment prepared by Assured Agronomy dated January 2024 (No Ref)
- Transport Statement prepared by Sanderson Associates Consulting Engineers dated October 2023 (Ref: 153656 001 02)
- Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262 002 03)
- Construction Traffic Management Plan prepared by Sanderson Associates Consulting Engineers dated June 2024 (Ref: 153262 007 02)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 135 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.
- 4.2 Site visits undertaken on 06.11.2023 and 09.12.2024.

5.0 Planning Policy Framework

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

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

5.2. Allocations & Development Management DPD (2013)

DM4 – Renewable and Low Carbon Energy Generation
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

5.3. The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18th January 2024 and has been subject to an examination in public in November 2024. Whilst the Plan is therefore at an advanced stage of preparation the Inspectors report is still awaited. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4. **Nottinghamshire Minerals Local Plan (2021)**

Policy SP7: Minerals Safeguarding, Consultation Area, and Associated Minerals Infrastructure.

5.5. **Other Material Planning Considerations**

- Newark Sherwood District Council’s Climate Emergency Strategy 2020
- Newark and Sherwood Landscape Character Assessment SPD, 2013
- Newark and Sherwood Non-Designated Heritage Asset Criteria, 2021
- National Planning Policy Framework (NPPF) 2024
- National Planning Practice Guidance (PPG) online resource
- National Policy Statement EN-3 (can be a material consideration in determining applications under the Town and Country Planning Act 1990)
- Written Ministerial Statement ‘Solar and protecting our Food Security and Best and Most Versatile (BMV) Land’ - 15th May 2024 (previous Government)
- The Climate Change Act 2008
- UN Paris Agreement 2016
- Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Commercial Renewable Energy Development and the Historic Environment Historic England Advice Note 15 (February 2021)
- The Setting of Heritage Assets -Historic Environment Good Practice Advice in Planning: 3 (2nd Edition)
- Conservation of Habitats and Species Regulations 2017, as amended.
- Natural Environment and Rural Communities (2006) Act
- Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems, Department for Energy Security and Net Zero, March 2024

Planning Decisions

- Appeal Decision for Planning Application 22/01840/FULM (see ‘Relevant Planning History’ for details)

6.0 Consultations and Representations

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

(a) Statutory Consultees

NCC Highways – Have responded to state that they do not object to the proposals subject to a range of planning conditions including details of the design and precise location of gates, a revised CTMP to include (in part) detailed delivery routes and times to limit impacts on the A617 at Kelham Bridge together with development phasing and car parking provision on site during construction.

National Highways – No objection subject to recommended conditions to require a CTMP.

NCC Lead Local Flood Authority – No objection subject to recommended conditions.

Environment Agency – No objections (advisory notes)

Natural England - No objections (advisory notes)

(b) Town/Parish Council

Averham Kelham and Staythorpe Parish Council – Object

- No strategic plan(s) in place regarding how to deal with the overall development of “green energy” solutions in the drive toward net zero.
- Development is linked to larger GNR proposal.
- By virtue of its scale, size and design, and proximity to adjoining dwelling houses and conservation area would have a harmful and significant detrimental impact. on local landscape character and amenity on the village of Kelham and surrounding communities.
- Concerns the development will be permanent as panels will be replaced as technology improves.
- Loss of amenity /character of locality – fails to address the aims of the Landscape Character Assessment.
- Concerns regarding taking viable agricultural land out of production, loss of land would be harmful to the aims of delivering food and non-food crops and sustainable food production.
- The green credentials of solar farms is questionable – what about energy used in manufacturing, delivery and construction.
- Solar panels are not recyclable.
- Cumulative impact of this development and others will have a devastating effect on the parish of Averham, Kelham, and Staythorpe.
- The topography of the site is best described as “crowned”, which will require greater levels of excavation, which may increase flooding – large volumes of topsoil and subsoil will also require removal, what will happen to this?
- Query the available capacity at the National Grid substation at Staythorpe and

- whether there is sufficient to support all or some of these applications.
- The BESS elements of the proposed represents a huge fire risk, the environmental impacts of which would be catastrophic.
 - The BESS element is not linked to the solar generation capacity of this application.
 - Concerns regarding glint and glare and reflection/refraction from sunlight hitting the panels and impacts this could have on drivers along the A617.
 - The development represents an unsustainable and unacceptable form of development.
 - The Parish Council understand the need for renewable energy and is supportive of the Government's legally binding target to reach net zero emissions by 2025, but does not believe this should be at the expense of the open countryside when other brown field or previously developed site are available.

(c) Representations/Non-Statutory Consultation

NCC Rights of Way – No objection subject to there being a condition requiring maintenance of the surface of the permissive paths during the operation of the site.

Ramblers Association – No comments received

Nottinghamshire Wildlife Trust – No comments received

Nottinghamshire Fire and Rescue – Comment that they have reviewed the submitted Planning Phase Battery Safety Management Plan and note that there are several 'statements of intent'. They state that the Fire Authority understands that due to the precise detail of the technology to be used not being known to date – providing that exact information to support these statements now is difficult however, it is hoped then that the developers and the Local Planning Authority (LPA) should you choose to approve the application, deem it appropriate to use a planning condition to ensure all relevant detail is disclosed and agreed in full prior to commencement and then being enforced by the LPA.

Based on the above the Fire Authority may seek that changes to the layout / facilities currently within the scope of the planning application are made.

That said it would be remiss not to highlight at this stage the entrance to the site. Whilst it is pleasing to see that there is two directions once within the site, however if there was a fire and a prevailing wind, can access into the site itself be compromised?

Furthermore, the roads within the site have some very tight corners, it may be the case that SWEPT path analysis would be required to confirm this. (Swept path already provided)

Has any consideration been given to mitigate fire spread through the vegetation surrounding the solar arrays. (Design included fire walls, in-built suppression system)

NSDC Environmental Health –

Noise: The report indicates that, with the proposed layout, plant and attenuation, there will be no noise impact at sensitive receptors. I therefore have no objection on noise grounds,

subject to the development proceeding as planned. Should details of the scheme change, an amended acoustic report should be provided to demonstrate noise remains at acceptable levels.

CEMP: An outline plan has been submitted, with proposals for a finalised plan to be submitted prior to development commencing. I would therefore recommend this be a condition of any permission granted. The outline plan is broadly acceptable, however this department generally recommends no noisy construction activity outside of 08:00- 13:00 on Saturdays, rather than to 16:00 as stated in the report.

NSDC Conservation –

The proposed development harms the special interest of several listed buildings, which is contrary to s66 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 and should be given special consideration in the planning decision. The proposal harms the setting, and thereby significance, of two Conservation Areas. Harm to the setting of a Conservation Areas is not covered in s72 of the Act but harm to the significance of the two CAs is contrary to policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs and should be considered in the planning decision.

The harm to the two unregistered Parks and Gardens would be contrary to policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs and should be taken into account in determining the application, balancing the scale of harm and the significance of the heritage assets. The harm in all cases is judged to be at the lower end of less than substantial and the information in the Addendum to the HIA has not changed this assessment. This does not necessarily constitute an objection from Conservation, who advise that the harm to heritage assets be given the appropriate consideration in the planning balance against the public benefits of the scheme.

NSDC Archaeological Advisor –

No objection and comment that the areas that will require archaeological mitigation and that this can be achieved through an appropriate strategy that can be secured through a condition of consent if you decide to grant it. The Archaeological Mitigation Strategy (AMS) will comprise a phased approach of investigation and recording, monitoring, preservation in-situ and non-intrusive mounting solutions. This should be secured by appropriate condition to enable any remaining archaeology which currently survives on this site to be properly recorded and preserved.

Externally appointed landscape Advisor –

Generally agree with the methodology of the submitted Landscape and Visual Impact Assessment (LVIA). Following the submission of an addendum to the LVIA they concur with the overall conclusions. They disagreed with the conclusion of the some of the viewpoint analysis in that the harm associated with users of the footpath is likely to be greater during construction and likewise, the impact from views on residential receptors (particularly along Northgate Lane) would be greater than stated, however, they acknowledged this harm would be temporary period during construction. They also agreed with the conclusion on impact

the development would have on the wider landscape character as well as the likely cumulative effects.

NSDC Ecologist –

States that the proposed mitigation and compensation measures, subject to the discussed change to the species mix to be sown under the panels, are all appropriate and proportionate and are required to make the proposed development acceptable in terms of compliance with the biodiversity elements of the NPPF, Amended Core Strategy Policy 12 and Policies DM5 and DM7 of the Allocations & Development Management Development Plan Document. As such, I would advise that these measures should be secured by appropriate conditions of any planning approval.

Trent Valley Internal Drainage Board –

State that the site is within the Trent Valley Internal Drainage Board District and that the Board maintained Broadgate Lane Feeder, Misson Drain and Pingley Carr Dyke, all open watercourses, exist within the site boundary and are all subject to Bylaws and the Land Drainage Act 1991. They advise that there are numerous watercourses that are likely to be impacted by the development, either by the position of the proposed arrays, cable route or potential increase in flows and that their (separate) consent will only be granted for the increase in flow to a watercourse where the Board is happy that in doing so no demonstrable harm will be caused. It may be the case that appropriate mitigations are required to be put in place to either attenuate flow or to enhance the existing watercourse to ensure no detriment. If this is not possible alternative outfall locations may need to be considered.

Public Comment

Residents were consulted on the application initially in October 2023 (with a press notice and site notice also being published). As a result of the initial consulted 52 letters of representation were received that included 1 letter of support and 51 letters of objection.

Subsequently, following the submission of revised plans, in June 2024 neighbours were consulted again. As a result of this consultation 51 separate letters of representation were received including 13 letters of support and 38 letters of objection. The grounds of objection covered the same points that included:

- The development should not be considered green development;
- The proposed development is proposed too close to the village;
- It would affect flood mitigation for the proposed A46 bypass and would increase the likelihood of flooding;
- It would create an industrial landscape;
- It would decrease biodiversity and harm wildlife;
- It would adversely affect good agricultural land and affect food protection, and other sites should be used instead;
- It would be accessed off a busy road;
- The cumulative affect of all proposed energy projects in the area would be catastrophic for local residents;
- The proposed battery storage would be a fire risk;

- It would adversely affect flooding in the local area;
- It would have an adverse impact on the local community in Averham;
- It would adversely affect the setting of conservation areas;
- The proposed screening would not limit all views from residential properties;
- The development would be a noise disturbance;
- There is too much solar planned in the local area compared to other areas and Districts, and the impact, if approved would be significant on local residents;
- There could adversely impact on glint and glare on local residents, road users and aircraft;
- The development is too large;
- It would adversely impact amenity through loss of views;
- The traffic during construction would have a harmful impact on local residents and road users;
- The development would not benefit the local community;
- It would harmfully affect users of the local bridleway alongside the site who are used to open views alongside it;
- A large amount of top soil may need to be removed from the site;
- It would have an adverse visual impact on local views and the surrounding landscape;
- The development would not be temporary if it is for 40 years as proposed;
- It would have a limited impact to reduce Co2 emissions;
- It would have an overbearing impact on the adjacent village; and
- Already similar types of development being considered in the vicinity of development and to cumulative impact would be significant;

The submission in support of the application states that:

- That there is a great need for renewable energy in the UK;
- That the proposed development would be incorporated in the local area without having a significant effect;
- There is a greater need to decarbonise energy production;
- It would provide a greatly needed source of renewable energy; and
- It would reduce carbon emissions

7.0 Comments of the Business Manager

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

Principle of Development

- 7.2. The site is located within the open countryside. Spatial Policy 3 of the Amended Core Strategy DPD states that the rural economy will be supported by encouraging tourism, rural diversification and by supporting appropriate agricultural development and that the countryside will be protected and schemes to enhance heritage assets, increase biodiversity, enhance the landscape, and increase woodland cover will be encouraged. Development in the open countryside will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD.
- 7.3. Policy DM8 of the Allocations & Development Management DPD is silent on the appropriateness of renewable energy in the open countryside but provides support for rural diversification projects which should be complimentary and proportionate to the existing business in their scale and nature. However, the main Development Plan policy considerations for this type of development are set out within Core Policy 10 of the Amended Core Strategy DPD and Policy DM4 of the Allocations & Development Management DPD.
- 7.4. The District Council's commitment to tackling climate change is set out in Core Policy 10 which states that the Council is committed to tackling the causes and impacts of climate change and to delivering a reduction in the District's carbon footprint. This provides that the Council will promote the provision of renewable and low carbon energy generation within new development. The proposed solar farm will produce 49.9MW of renewable energy and include a BESS element with a capacity of 50MW. Core Policy 10 then signposts to Policy DM4 which states that permission shall be granted for renewable energy generation development, as both standalone projects and part of other development, and its associated infrastructure where its benefits are not outweighed by detrimental impact from the operation and maintenance of the development and through the installation process upon various listed criteria. The criteria include landscape character from the individual or cumulative impact of the proposals, heritage assets and their setting, amenity including noise pollution, highway safety and ecology of the local and wider area.
- 7.5. The approach outlined in 7.7 above is also echoed by the NPPF which states in para. 168 that *"When determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should:*
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;*
 - b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions;*
 - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site."*

- 7.6. Paragraph 157 of the NPPF (2024) also states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 7.7. In determining this application, it is necessary to balance the strong policy presumption in favour of applications for renewable technologies against the environmental impact. The wider social and economic benefits of the proposal are also material considerations to be given significant weight in this decision, as set out in para. 8 of the NPPF. It also stated in para 10 that at the heart of the Framework is a presumption in favour of sustainable development.
- 7.8. Planning Practice Guidance (PPG) states that electricity storage in Battery Energy Storage Systems can enable us to use energy more flexibly and re-carbonise our energy system cost-effectively – for example by helping to balance the system at a lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar, wind), and deferring or avoiding the need for costly network upgrades and new generation capacity. The PPG goes on to state that where planning permission is being sought for development of battery energy storage systems of 1 MWh or over, the local planning authority are encouraged to consult with their local fire and rescue service prior to deciding the planning application, so that their views for potential mitigations which could be put in place in the event of an incident, can be taken into account when determining the application. Local planning authorities are also encouraged to consider guidance produced by the National Fire Chiefs Council when determining the application.
- 7.9. Given the nature and scale of renewable and low carbon development, it is inevitable that such development will have impacts, particularly if sited in rural areas. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.
- 7.10. The PPG states that whilst Local Planning Authorities should design their policies to maximise renewable and low carbon energy, there is no quota which a Local Plan has to deliver.

Renewable Energy

- 7.11 The UK Government recognises that climate change is happening through increased greenhouse gas emissions, and that action is required to mitigate its effects. One such action is for the planning system to support the transition to a low carbon future in a changing climate, with actions to achieve radical reductions greenhouse gas emissions and support renewable and low carbon development.

- 7.12 The Climate Change Act 2008, as amended, sets a legally binding target to achieve an 80% reduction in greenhouse gas emissions by 2050 against 1990 levels. In June 2019, this target was amended to be 100% of 1990 levels (known as the net zero target).
- 7.13 To globally tackle climate change and its negative impacts, world leaders at the UN Climate Change Conference (COP21) in Paris (2015) reached agreement on a legal binding international treaty to substantially reduce global greenhouse gas emissions. This is known as ‘The Paris Agreement’, which entered into force on 4 November 2016. Under The Paris Agreement, the UK has committed to a target of cutting carbon by 68% by 2030.
- 7.14 The previous Government published various plans and strategies detailing how the above targets could be met, including through accelerated deployment of low-cost renewable generation. Since the application was originally submitted there has been a change in Government, however, there remains a clear commitment to decarbonising the power sector and achieving net zero as outlined within the Great British Energy Bill, which was introduced to Parliament on 25 July 2024¹.
- 7.15 In addition, the UK Government is currently consulting on proposed reforms to the National Planning Policy Framework (and other changes to the planning system) which continue to prioritise planning for climate change. Indeed, the recent to the NPPF (December 2024) require that Local Planning Authorities give “significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future” as part of the decision making process that is a material consideration in determining this planning application.
- 7.16 A Climate Emergency was declared by the Council on 16 July 2019, followed by the publication of a Climate Emergency Strategy in September 2020, which recognised the importance of climate change and the Council’s role in reducing carbon emissions and driving change in the District. The Council therefore takes the matter of improving carbon emission schemes seriously and, alongside Central Government, see this as part of ongoing agenda priorities.
- 7.17 The Planning Statement submitted in support of the application asserts “the proposed development would support the operation of existing and development of proposed renewable energy projects, essential to delivering the Net Zero Strategy objective of decarbonising the electricity grid by 2035 and meeting the nation’s carbon reduction targets. The proposal would support growth and prosperity in the energy sector and improve energy security by diversifying the area’s energy supply mix and help to protect the local communities from potential black outs ... In addition to this, recent months have brought into stark focus the need for the UK to improve its energy security to ensure both continuity of supply, reduced costs to the consumer and avoid future price spikes caused by geo-political events”.

¹ <https://www.gov.uk/government/publications/great-british-energy-bill-factsheets/great-british-energy-bill-overarching-factsheet>

- 7.18 The application asserts that the proposed solar farm would generate enough 'green' electricity to power over 12,600 homes per year and offset approximately 13,400 tonnes of CO2 every year, while the proposed battery energy storage system would provide balancing requirements essential to support the grid as UK electricity generation shifts to more intermittent renewable energy sources such as wind and solar. It is therefore accepted that, by its very nature, the proposal would contribute to renewable energy generation and a net zero future, in accordance with the abovementioned legal and planning frameworks.

Site Selection

- 7.19 The proposed Solar Farm and BESS would connect to Staythorpe Substation, which is located approximately 1.4km to the south of the site. The proposed cable route would run underground within the highway. Chapter 5 'Site Selection and Justification' outlines how the site was selected through a criteria-based search exercise, with a key determining factor being the availability and proximity of the local distribution network i.e., the grid.
- 7.20 It is understood there are around 180 400kV substations across Britain of which 6 are located in Nottinghamshire – namely West Burton, Cottam, High Marnham, Ratcliffe on Soar, Staythorpe and Stoke Bardolph. It is understood that Solar Farm and BESS developments are needed (and planned) at all substations in Nottinghamshire and elsewhere in the UK to meet the net zero target. In this case, the Distribution Network Operator (DNO), i.e., the organisation responsible for operating the local electricity transmission network, identified the existing substation at Staythorpe as being suitable for a grid connection.
- 7.21 Staythorpe Substation (Grid Supply Point, GSP) features 4 x 400kV transmission circuits and is part of the historic 'megawatt valley' area of electricity generation. Centrally located, Staythorpe substation is connected to four transmission lines and covers a wide geographic area and is therefore strategically important. Decommissioning of coal/gas power stations has created available connection capacity.
- 7.22 The Planning Statement submitted in support of the application outlines that a key determining factor in identifying the location and suitability of a Solar Farm and/or BESS is proximity to available grid capacity. Once grid capacity has been identified, the DNO provides a point of connection. It is from this point onwards that the developer has some control to determine the best location for the infrastructure. Distance from the point of connection, potential planning and environmental constraints, and a willing landowner will then determine the location and extent of an application site.
- 7.23 The submitted Planning Statement outlines that the industry-standard approach is to secure sites within 3.5km of a grid connection. The proposed cable route from the deployment area to the point of connection is less than 1.5km or circa. 1km as the crow flies. Consideration of sites closer to the point of connection were considered

but discounted due to flood risk, proximity to built-up areas, and limited availability of landowners willing to lease their land.

- 7.24 The submitted Planning Statement then goes on to detail the site selection process, which involved a search for sites within 3km of Staythorpe Substation and assessment against various technical, environmental, and economic criteria. Drawing. HC1002 01 03 REV 0 Constraints Mapping illustrates this exercise, which ultimately resulted in the selection of the application site, as the least constrained site within the defined search area.
- 7.25 It is acknowledged that the application site has a high proportion of best and most versatile agricultural land (92%), determined by the detailed soil resource and agricultural land quality survey undertaken by Land Research Associates Limited, who are qualified experts in this field (Land Research Associates Report 1909/2, September 2023). However, the application asserts that there are no alternative unconstrained sites within the search area of lower grade – noting that other sites within the search area have not been subjected to detailed soil surveys but graded using Agricultural Land Classification (ALC) survey data for the purposes of the assessment.

Impact on Agricultural Land

- 7.26 Policy DM4 of the Allocations & Management DPD is silent on the loss of best and most versatile agricultural land while Policy DM8 seeks a sequential approach in respect to the loss of the most versatile areas of agricultural land and requires proposals that cause the loss of such land to demonstrate environmental or community benefits that outweigh the land loss. The Inspector at the Staythorpe BESS Public Inquiry concluded that *“This approach does not accord with the national policy as set out in the National Planning Policy Framework. Moreover, it is unclear as to whether the section on agricultural land within Policy DM8 is intended to apply to categories of development such as renewable energy that are not referred to in that policy. The most relevant policy to the appeal scheme is Policy DM4 which allows for renewable energy schemes subject to certain criteria and does not refer to agricultural land quality as a criterion. But whatever the intention of Policy DM8, it is relevant to consider the effect on agricultural land; the National Planning Policy Framework seeks to protect soils and recognises the benefits derived from natural capital, including the best and most versatile agricultural land.”*
- 7.27 Paragraph 187 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by, amongst other things, 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. The footnote to paragraph 188 of the NPPF states 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 then goes on to state that the availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

- 7.28 A new National Policy Statement for Renewable Energy Infrastructure was published in January this year (EN-3), which identifies solar as a key part of the government's strategy for low-cost decarbonisation of the energy sector. EN-3 places the emphasis on prioritising previously developed land (PDL) and industrial land for renewable energy developments, however, accepts that where the proposed use on agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of BMV agricultural land where possible (emphasis added). It is important to note that EN-3 is the national energy policy that applies to Nationally Significant Infrastructure Projects (NSIP) and is not, on first reading, the policy against which Town and Country Planning Act 1990 applications (like this one) are assessed (instead the relevant policies are contained within the Council's Development Plan and the NPPF). However, EN-3 (paragraph 1.6) details that the policy "...will also apply to renewable generation proposals of the types listed above, which capacity is below the relevant threshold (which this scheme is), which are directed into the NSIP regime...". Whilst EN-3 is a material consideration, it is not appropriate to directly apply it to this application given the intention is for EN-3 to relate to schemes that are of such a scale that they are considered nationally significant (and therefore likely to include a much greater land take), although it is recommended that consideration still be given to it.
- 7.29 Natural England's 'Guide to assessing development proposals on agricultural land' states that the policies to protect agricultural land and soil 'aim to protect the best and most versatile (BMV) agricultural land and soils from significant, inappropriate or unsustainable development proposals.' It emphasises the role of Natural England as the statutory consultee in assessing the likely long term significant effects of development proposal on these resources. Section 6 of the Guide advises LPAs to use Agricultural Land Classification (ALC) survey data to assess the loss of land or quality of land from a proposed development, noting that any decision should avoid unnecessary loss of BMV land.
- 7.30 Natural England originally commented on the application in December 2023 to request further information to enable them to determine the potential impact of the proposed development on BMV land and the scope for mitigation. In their response, Natural England recognised that a proportion of the agricultural land would experience temporary land loss, but regarded the BESS and substation as permanent infrastructure that could lead to permanent agricultural land loss. The Soil Resources and Agricultural Quality of Land Report prepared by Land Research Associate and submitted in support of the application confirms the proposed BESS and substation would be sited on Grade 2 very good quality agricultural land, which constitutes 55% of the total site area, as per the image enclosed below.

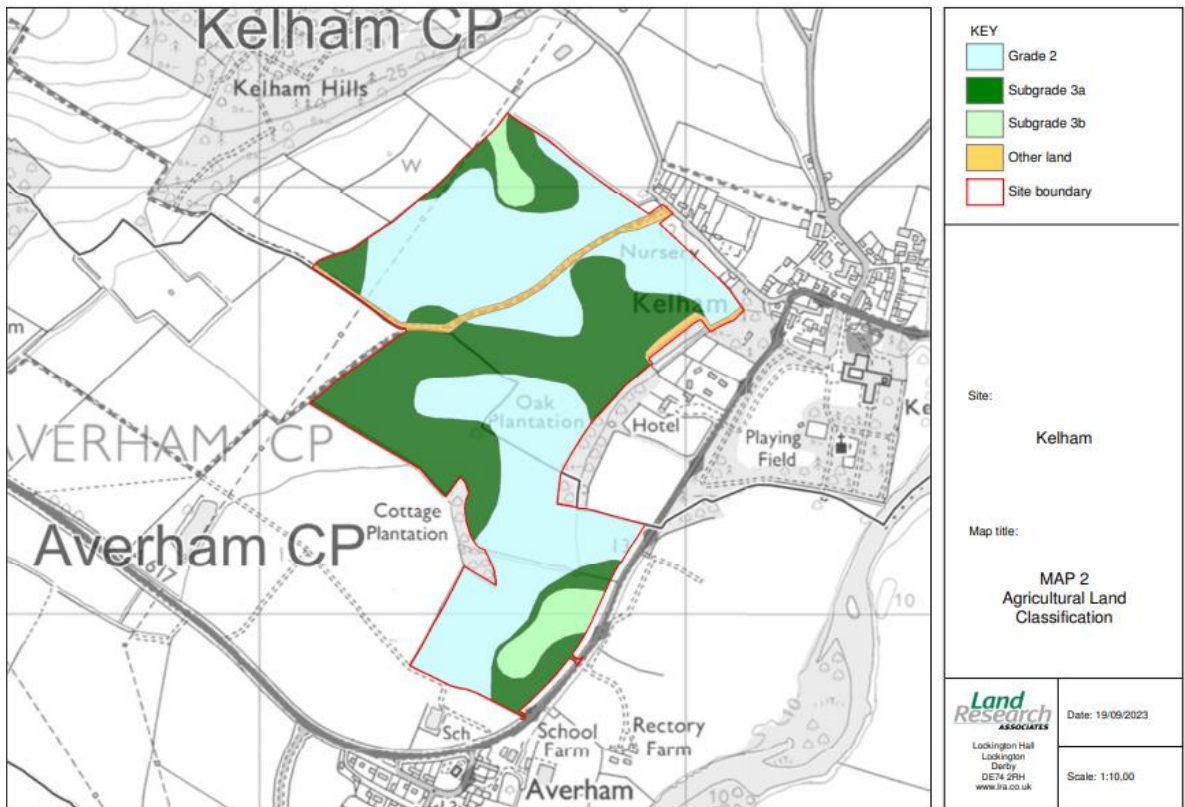


Figure 1 Agricultural Land Classification Map (Land Research Associates)

- 7.31 In response to Natural England, a Soil Resources and Management Plan (SMP) has been prepared and submitted in support of the application (Land Research Associates Report 1909/3, May 2024). The SMP details measures and working practices to prevent damage to soil resources which may cause adverse effects during and after the lifetime of the Solar Farm and BESS. Its overall aim is to ensure that all solar array areas can be effectively restored to agricultural use, with no change in the agricultural capability (ALC grade) of the land. Natural England has reviewed the submitted SMP and raised no objection to the planning application. However, their latest response (dated 08 August 2024) sets out further advice on soils and BMV land and requests clarification on some of the information submitted in support of the application.
- 7.32 Sirius Planning Ltd (the planning agent) has prepared a further response to Natural England, which confirms the area for the proposed BESS and substation measures 0.75ha. The same response also suggests this area could be used as hard standing for the storage of agricultural machinery or materials after decommissioning but recognises that development would reduce the agricultural quality of the land. It is also acknowledged that ballast blocks would be used over areas requiring archaeological mitigation, which would be in situ for the life of the proposal (40-years) then removed as part of decommissioning. The submission therefore asserts that there would be no permanent loss of BMV agricultural land within the solar array areas.
- 7.33 Overall, the proposed development is anticipated to result in the permanent loss of 0.75ha of Grade 2 agricultural land, while a further c.59.5ha of Grade 2 and Subgrade 3a agricultural land would be temporarily lost to development for the life of the

proposal (40-years). Policy DM8 requires this loss to be weighed against the environmental and community benefits of the scheme, which factors in the overall planning balance, which is discussed at the end of this report.

- 7.34 In accordance with Natural England advice, a condition requiring a detailed SMP to be submitted to and agreed in writing by the LPA in consultation with Natural England is recommended to be imposed on an approved application. A condition requiring a Decommissioning Plan to be submitted to and agreed in writing by the LPA before decommissioning of the site begins is also recommended.

Potential loss of agricultural land for food production

- 7.35 On 15th May 2024, the previous Government published a Written Ministerial Statement (WMS) titled “Solar and protecting our Food Security and Best and Most Versatile (BMV) Land”. Whilst this WMS explained that food security is an essential part of national security, it emphasised that prioritisation should be given to the protection of the “best agricultural land”. The WMS also explained that solar power is a key part of the Government’s strategy for energy security, net zero and clean growth.
- 7.36 The WMS clearly emphasises the need to balance both the need for energy security and food production but makes it clear that the concern surrounds the use of BMV land where this could be used for food production. However, as noted above, as detailed in the most recent version of the NPPF does not require the availability of agricultural land used for food production to be considered when deciding what sites are most appropriate for renewable energy development. The requirement is to consider whether the development on agricultural land is demonstrated to be necessary, and that other areas of poorer quality land need to be preferred to those of a higher quality.
- 7.37 The Planning Statement submitted in support of this application outlines the site selection exercise that was undertaken for the scheme, which demonstrated there is no previously developed land or industrial land that could accommodate the proposal within the 3km search area. Whilst the majority of the site constitutes BMV agricultural land, the Planning Statement also confirms that the crops grown on site are energy and animal food crops. An Agricultural Land Impact Assessment (ALIA) has been prepared in support of the application by Assured Agronomy, an independent agronomy company who advise farmers to enable them to farm profitably and sustainably. The report confirms the land is currently used for cropping winter wheat, barley, potatoes, sugar beet, parsnips and forage rye and maize, with 5-15% left uncropped. Productivity wise, the report confirms that the land contributes minimally to agricultural production overall at both a regional and national level.
- 7.38 The conclusions of the submitted ALIA appear to align with the previously mentioned WMS, which also explains that the total area of agricultural land use for solar (in England) is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK’s agricultural land. On this basis, whilst the intentions of the

current footnote to paragraph 188 of the NPPF are noted, it is considered that this scheme would not compromise national food security and that the Council has insufficient evidence to be able to demonstrate that the diversion of this site from arable productivity for a temporary 40-year period would result in the 'loss' of agricultural land (noting that the site could still be used for pastoral grazing) that would be of a sufficient level to warrant significant negative weight in any planning balance.

Flood Risk and Drainage

- 7.39 Environment Agency Flood Maps confirm the site is predominately Flood Zone 1, where there is a low probability of flooding. However, the site contains isolated areas of Flood Zone 2, where there is a medium probability of flooding, and a small part of the site access would fall within Flood Zone 3.
- 7.40 The Environment Agency's Flood Map for Planning does not differentiate between Flood Zones 3a and 3b, however, the LPA's Strategic Flood Risk Assessment identifies areas of functional floodplain (3b) and identifies the area in question as falling within Flood Zone 3a.

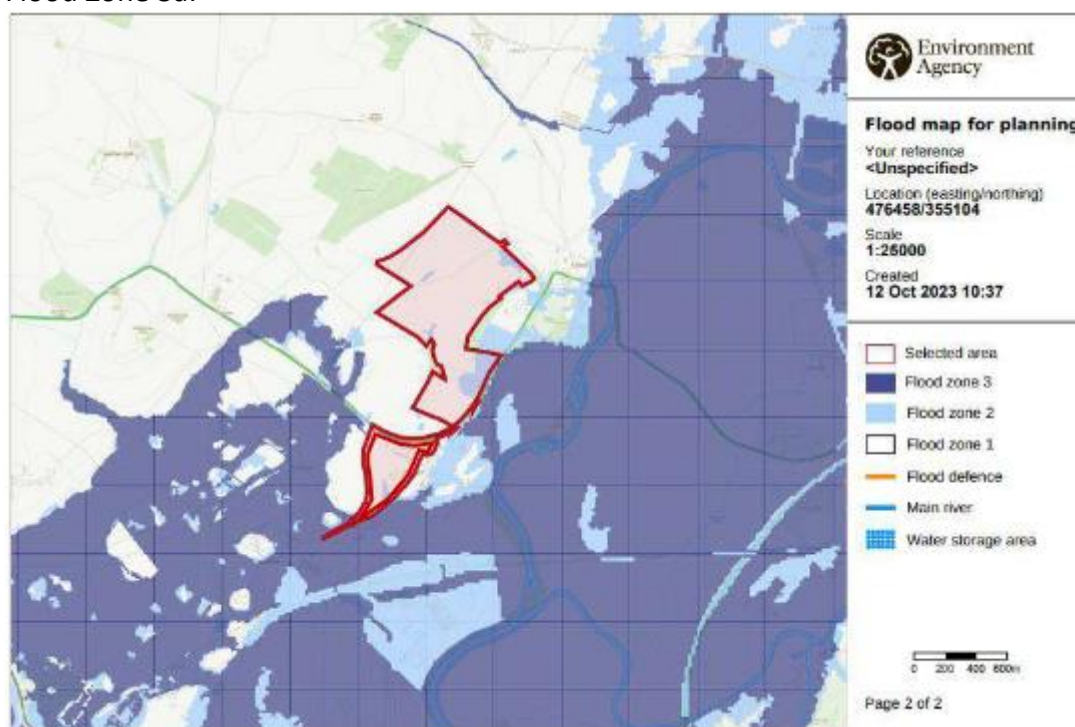


Figure 2 EA Flood Map for Planning

- 7.41 Core Policy 9 and Policy DM5 require that proposals pro-actively manage surface water and Core Policy 10 and Policy DM5 seek to mitigate the impacts of climate change through ensuring that new development proposals take into account the need to reduce the causes and impacts of climate change and flood risk. Policy DM4 is silent on flood risk.

- 7.42 Paragraph 161 of the NPPF states that the planning system should support the transition to a low carbon future, in a changing climate, taking full account of flood risk and that it should support renewable and low carbon energy and associated infrastructure.
- 7.43 The NPPF, Core Policy 10 and DM5 state 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 as set out in the application of the Sequential and Exception Tests.
- 7.44 Annex 3 (Flood risk vulnerability classification) of the NPPF identifies that essential infrastructure includes “essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distributions systems; including electricity generating power stations, grid and primary substations storage; and water treatment works that need to remain operational in times of flood.” The proposed Solar Farm and BESS therefore fall within the definition of essential infrastructure.
- 7.45 The application is supported by a site-specific Flood Risk Assessment (FRA) and Drainage Strategy prepared by KRS Environmental Limited (October 2023), which outlines the flood risk to the existing site and proposed development; the proposed surface water drainage for the site; the potential impacts of the proposed development on surface water drainage; and details of mitigation measures to manage flood risk. The report also considers the application of the Sequential and Exception Tests.
- 7.46 Paragraph 2.5 of the submitted FRA confirms that there are a number of drainage ditches located within the site. There are also several unnamed ponds within the vicinity of the site, and an unnamed watercourse running along the eastern and southern boundary, which is a tributary of the River Trent, which is located approximately 790m to the east of the site. Notwithstanding this, the submitted FRA confirms that the site has not flooded within the recent past.

Fluvial (River) Flooding

- 7.47 The submitted FRA states that fluvial flooding from the River Trent poses the primary “but unlikely” flood risk to the site, as Environment Agency flood data shows the site would be flood free during the designed 1 in 100-year (plus 39% climate change allowance) event due to ground levels between the site and the River Trent rising above the modelled water levels. The submitted FRA therefore concludes that the site would only flood in the most extreme flood events and, even then, flooding would be of a minor nature due to low flows and the topography of the area. The risk of fluvial flooding is therefore considered to be of low significance.

Pluvial (Surface Water) Flooding

- 7.48 The submitted FRA also considers the risk of pluvial flooding to be of low significance, as the Environment Agency Surface Water flood map shows the majority of the site at very low risk of surface water flooding. However, there are small areas that have a low to high risk of surface water flooding, which correspond with the drainage ditches within the site and the unnamed watercourse running along the eastern and southern boundary. The submitted FRA nevertheless concludes that the size and location of surface water flooding sources in the site would pose a low risk to the site and proposed development.
- 7.49 The submitted FRA confirms that the risks of flooding from both groundwater and sewer flooding are not significant. In addition, whilst there are reservoirs located within the vicinity of the site, the risk of flooding from these is extremely unlikely and therefore not significant to the site or proposed development.
- 7.50 In terms of the effect of the development on flood risk, the submitted FRA concludes that the development would have no impact on flood risk and the overall direction of movement of water would be maintained within the site and surrounding area. In addition, there would be no net loss in flood storage capacity, and any changes in topography would be minor and not located within the floodplain.
- 7.51 The Environment Agency has considered the application and supporting FRA and raised no objections.

Sequential Test

- 7.52 The site is predominately Flood Zone 1 and therefore primarily located in a low-risk area. However, the application is not entirely exempt from the Sequential Test, as the site boundary includes small areas within Flood Zones 2 and 3a. It is therefore appropriate to seek to apply the Sequential Test.
- 7.53 Planning Practice Guidance confirms that, for individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. As noted under 'Site Selection', a criteria-based approach to site selection has been undertaken, with availability and proximity to the local distribution network or 'grid' being a key determining factor. Following consideration of sites within a 3km radius, i.e., the distance determined (by the applicant) to support a financially viable connection to Staythorpe Power Station, the application site was identified as the least constrained in terms of flood risk, topography, size, use, and availability.
- 7.54 Therefore, based on the applicant's search for and assessment of alternative sites, and considering the predominately low flood risk to the site as a whole, it is accepted that there are no 'reasonably available', lower-risk sites, suitable for the proposed development, to which the development could be steered.

Exception Test

- 7.55 With reference to Table 2: Flood risk vulnerability and flood zone ‘incompatibility’ contained within the Planning Practice Guidance for Flood Risk and Coastal Change, ‘Essential Infrastructure’ within Flood Zone 1 does not require the application of the Exception Test. The submitted FRA confirms that no built development would be located within Flood Zone 3, asserting the access road would constitute ‘Less Vulnerable’ development (in flood risk terms), which also does not require the application of the Exception Test in Flood Zone 3.
- 7.56 Notwithstanding the above, if the Council’s Planning Committee was minded to consider the access road as ‘Essential Infrastructure’, this would require the application of the Exception Test, which requires the following two elements to be satisfied before development can be permitted:
- a) development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Regarding element a), Planning Practice Guidance confirms that Local Planning Authorities need to set their own criteria for this assessment, having regard to the objectives of the Plan’s Sustainability Appraisal framework. The Council’s most up-to-date framework would be the Integrated Impact Assessment Framework, which functions as the Sustainability Appraisal as part of the Local Development Framework Plan Review in relation to the 2nd Publication Draft Allocations & Management Development, which was published in September 2023. This identifies the need ‘to minimise energy usage and facilitate the development of appropriately located renewable energy schemes, including community led initiatives’ as a key objective. It therefore follows that schemes such as the proposed Solar Farm and BESS will provide wider sustainability benefits to the community. In terms of whether these would outweigh flood risk, it is considered it would in this instance given the low significance of flood risk posed in relation to this site as a whole. The development would therefore satisfy the Exception Test in this regard.

- 7.57 Regarding element b), the submitted FRA includes a ‘Risk Management’ chapter that outlines how flooding sources would be mitigated on the site to manage and reduce the overall flood risk and ensure the development would be safe for its lifetime. This chapter confirms that in the event of a flood, the plant would be shut down and isolated from the power grid. In addition, buildings would be constructed to be resilient to floodwater. A Flood Plan would also be developed, so that all personnel would know what to do when a flood event is anticipated. It should be noted that the site would be unmanned for the majority of the time, except for occasional routing maintenance visits. Nevertheless, the submitted FRA confirms that a safe access and egress route would be maintained in accordance with relevant planning and

Environment Agency guidance. Finally, it is confirmed that no works would occur within 9m of drainage ditches maintained by Trent Valley Internal Drainage Board.

- 7.58 Subject to a condition to secure a Flood Plan for the life of the development, element b) would be satisfied and the development would pass the Exception Test.

Drainage

- 7.59 The submitted FRA incorporates a Drainage Strategy for the site, which confirms a preferred option for discharging surface water run-off to the ground via infiltration, with a secondary option to discharge to a drainage ditch, at Greenfield runoff rates. Paragraph 4.5 of the submitted FRA and Drainage Strategy therefore details an Outline SuDS Strategy that would include permeable surfaces – crushed stone, infiltration trenches, and swales. Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the application and accompanying Drainage Strategy and raised no objections subject to a condition to secure a detailed surface water drainage scheme based on the principles outlined in the submitted FRA and Drainage Strategy. This condition is recommended to be imposed on an approved application.
- 7.60 Trent Valley Internal Drainage Board (TVIDB) reviewed the application as submitted and provided comments on the submission in December 2023. Whilst they have since been reconsulted on revisions, no further comments have been received. In response to TVIDB's original response, Sirius Planning Ltd (the planning agent) has confirmed the following:
- *The proposal will not increase the flow or volume of water into any watercourse, as confirmed in the submitted Flood Risk Assessment.*
 - *With the exception of internal access tracks no buildings or structures, tree or shrub are proposed within 9m of the drainage bank.*
 - *The applicant will liaise with the Trent Valley Internal Drainage Board should the proposal affect any of the Byelaws.*
- 7.61 It should also be noted that a small proportion of the site would be used as flood mitigation for the A46 bypass proposals recently being considered by the Planning Inspectorate. The proposed access to the application site would also be used to access the fields used for flood mitigation. None of the proposed panels are proposed in the area to be used as flood mitigation. The Environment Agency have considered this matter as part of their response and have no objection to the proposals.
- 7.62 Public comments regarding panels increasing flood risk have been noted, however, the submitted Flood Risk Assessment has demonstrated that the development would not lead to flooding elsewhere and both the Local Lead Flood Authority and Environment Agency do not object to the proposals.

Landscape Character and Visual Impacts

- 7.63 Core Policy 9 of the Amended Core Strategy DPD 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 requires the landscape character of the surrounding area to be conserved and created.

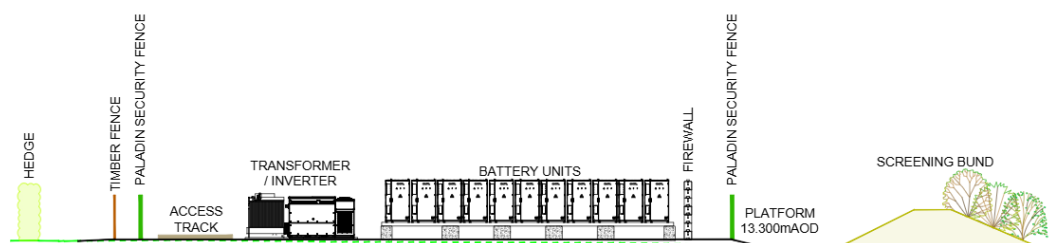
- 7.64 Paragraph 194 of the NPPF indicates that the intrinsic character and beauty of countryside should be recognised but does not seek to protect, for its own sake, all countryside from development; rather it concentrates on the protection of valued landscapes. The site does not form part of any designated landscape and for the purposes of the Framework, the site is not considered to be a valued landscape.
- 7.65 Para 194 also 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.’

Landscape character

- 7.66 The proposed site is located in Natural England National Character Area 48 Trent and Belvoir Vales. Siting within the Trent Valley the area is generally low-lying and rural in nature with little woodland cover and long, open views and undulating in form. Agriculture is the dominant land use, with much of the pasture converted to arable, although grazing is still significant. There is a regular pattern of medium to large fields enclosed by hawthorn hedgerows and ditches in low-lying areas, these elements dominate the landscape. It is a rural and sparsely settled area with small villages and dispersed farms linked by quiet lanes.
- 7.67 At a local level the site is also located within the Trent Washlands Regional Character Area and both the ‘Cromwell, North and South Muskham’ (TW PZ 11) and ‘Kelham Hills River Meadowlands’ (TW PZ 32) policy zones as defined within the Newark and Sherwood Landscape Character Assessment (2013). Policy Zone TW PZ 11 is described as ‘a flat, large scale intensive arable landscape’, ‘fragmented in places by transport routes, including the busy A1 to the northeast of the area’. There are some detracting features, including the National Grid power station at Averham. Overall, the landscape condition is described as moderate. The landscape sensitivity is also moderate. The policy actions for this zone are to ‘Conserve and Create’, including small scale woodlands/tree planting to soften new development, preferably in advance of development. Policy Zone TW PZ 32 is described as an area of mixed farming with small to medium sized fields of pasture and arable land. The landscape condition is described as very good. The landscape sensitivity is defined as moderate. The policy action for the zones is to ‘Conserve’, including enhancing visual unity through appropriate small-scale tree and woodland planting.
- 7.68 The proposed built form would be set back from the roadside frontage at both the A617 to the east of the site and Broadgate Lane to the north. Development would be behind existing and newly proposed hedgerow and planting and there are areas of

woodland to the east, north-west and west to limited wider views of the site within the wider landscape. However, whilst the panels themselves would be limited to some 2m in height, the proposed battery container units; Inverters (accommodated on the mounting frames) and transformers (housed in prefabricated, Separate Distribution Network Operator (DNO), communication mast(s) and CCTV cameras on security poles customer and fencing would alter the landscape from its current open, green arable farming fields.

- 7.69 The highest proposed features on the site would be the substation which would be the battery storage that would measure some 3.2m in height and would be enclosed by a 3m high fire wall and beyond a 4m high wooden fence as detailed in the cross section below.



SECTION B-B

- 7.70 The 4m high solid acoustic screens would result in rather harsh stark features in the short term. Their green colour would assist in their assimilation and over time their mitigation would improve with new planting. The impact of other boundary fencing around the site would be new restrictive features but would be largely sensitively located in conjunction with existing hedgerows and new planting and where this is absent, the mesh design and green colour would limit the visual impact. Elsewhere, the highest part of the development around the proposed panels would be a 3m high containers housing the proposed transporters and substations.
- 7.71 A Landscape and Visual Assessment (LVA) has been submitted with the application to identify and assess the likely significance of the landscape visual effects of the proposed development on the surrounding area.
- 7.72 The LVA states the landscape value of the site is Medium overall and sensitivity of the landscape as being Moderate. Noting that *“The site does not lie within or adjacent to a designated landscape and overall, its features are not overly important or distinctive as they are commonplace landscape characteristics seen across the wider landscape and region. The north western area of the site offers public amenity value by way of the single public right of way which follows the existing access track that heads west from Broadgate Lane which is also part of a permissive circular route. Whilst this will affect the scenic value of this part of the site this route will be physically unaffected by*

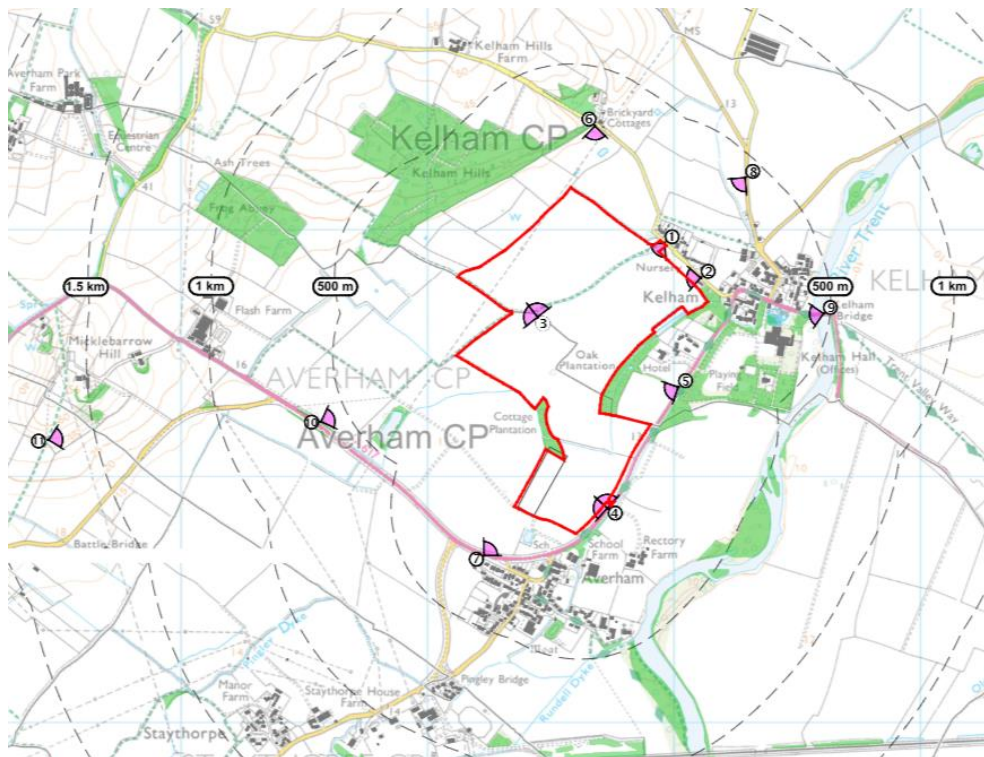
the proposed solar farm with a suitable standoff provided along the route as it passes through the site.”

- 7.73 In terms of the effect the development would have on the immediate (landscape) surroundings the LVA concludes a Medium landscape sensitivity and a Medium magnitude of change and in accordance with the methodology, the Kelham Solar Farm is considered to result in a Moderate level of landscape effect overall, this is a ‘not substantial’ effect. The scheme would affect an area of landscape character of Medium/Moderate value / susceptibility to change, but limited to effects within the local context, diminishing the sense of place locally for users of the PROW crossing the north western area of the site (and users of the permissive path).
- 7.74 The impact on the wider landscape area (particularly the wider study area 2.5km radius of the site), the LVA concludes that taking account of a Medium landscape sensitivity and a Low magnitude of change the proposals are considered to result in a Minor level of landscape effect on the wider study area overall, this is a ‘**Not Substantial**’ effect over a 40 year period. However, it is acknowledged within the LVA that during the 6-month construction period that there would be a high magnitude of landscape effect in the short term overall although it is stated that all construction works will be carried out in accordance with best practice procedures to minimise potential effects on landscape character and that appropriate methods will be adopted to protect existing trees and hedgerows.
- 7.75 In respect of the cumulative impact the proposal would have on the wider landscape character it is concluded that the development would primarily affect the landcover characteristic of the site and adjoining fields only with the main change experienced being the covering over of existing arable farmland with solar arrays. This would have a characterising effect on landscape pattern, but the landform and landscape structure (intactness of field boundaries) would be largely unaffected. In respect of other proposed developments, the LVA states that *‘due to the degree of separation from the proposal site, the setting of which would remain distinct from the 2 proposed solar schemes to the north west and that it is not anticipated the developments would give rise to any additional cumulative landscape effects. Furthermore, there would negligible or very limited theoretical intervisibility between the proposal and other similar developments because distance and that the site is separated by the A617 that limits the degree to which this site and other are functionally linked. Also, due to the low-level nature of the BESS development in relation to the proposal site is not considered that it would give rise to sufficient additional change so as to constitute landscape effects over and above the level identified in the landscape assessment.’*
- 7.76 To inform our assessment of this application, the District Council has commissioned Influence Landscape Planning and Design Ltd to review the submitted Landscape and Visual Impact Assessment (LVIA) and supporting information. In respect of the potential impact on landscape character, they agree that there would be *“a ‘moderate’ adverse effect on the site and the immediate environs, but effects will decrease with increasing distance from the site and having a minor adverse effect over the study area generally. With mitigation proposals in place as described in the LVIA*

addendum, this is considered to be a fair assessment overall for the purpose of this review.”

Visual Impact

7.77 Visual effects are concerned wholly with the effect of the Development on views and the general visual amenity as experienced by people. Visual effects are assessed by considering the sensitivity of the receptor (people) against the proposed magnitude of change to determine a level of visual effect and are assessed in relation to particular viewpoints. The locations of the viewpoints are shown below:



Viewpoint 1 – view from Staythorpe Road at Grange Farm

Viewpoint 1- Broadgate Lane, Site entrance and PROW Ref: NT/Kelham FP4

Year 1

Magnitude of Change -	Residents and PROW Users – High
	Road Users - Medium
Level of visual effect –	Residential – Moderate
	Road users – Minor

Year 10

Magnitude of Change –	Low
Level of visual effect -	Residential – Minor-
	Local Road users – Minor



Views south-west from Broadgate Lane.

Viewpoint 2 – Broadgate Lane

Year 1	
Magnitude of Change -	Residents – High
	Road Users - Medium
Level of visual effect –	Residential – Low
	Road users – Low
Year 10	
Magnitude of Change –	Low
Level of visual effect -	Residential – Minor-
	Local Road users – Minor

Viewpoint 3- Western Site Boundary, PRow Ref: NT Kelham FP4

Year 1	
Magnitude of Change -	Public Footpath Users – High
Level of visual effect –	Public Footpath Users – Major & Substantial
Year 10	
Magnitude of Change –	High

Level of visual effect -

Public Footpath Users – High
Public Footpath Users – Major & Substantial



Viewpoint 4- A617, Main Street

Year 1

Magnitude of Change -

Level of visual effect -

Road users – Medium

Road users – Medium-High

Year 10

Magnitude of Change –

Level of visual effect -

Road users – Moderate

Road users – Moderate – Not substantial

7.78 The other 7 viewpoints were considered along with the impacts upon a number of residential, recreational, road receptors. The LVA study goes on to assess the visual impact on some individual properties which draw the same conclusions and effects for nearby residents. Overall, it confirms that users of the public footpath through the site would be most affected by the proposals with Year 1 being Major and substantial in Year 1 and Major and substantial in Year 10 (noting that the effects are reversible in the long term on decommissioning of the scheme) together with some of the properties along Broadgate Lane.

7.79 In terms of the visual impact from residential receptors it is stated that "... there is only one residential receptor (detached property R2 'Colerne', Broadgate Lane)

which has the potential to be subject to substantial visual effects prior to any mitigation measures being implemented. The majority of the other properties assessed were found to at worst experience a minor magnitude of visual effect and one with a Moderate effect (R3 Group on Broadgate Lane) which are a 'Not Substantial' level of effects with some also neutral and subject to no change. Following the installation of the landscaped bund at the northern end of the site and mitigation planting, effects from the Residential receptor R2 which is directly opposite the point of access into the site on Broadgate Lane would reduce to be a Low-Medium and Moderate level of effect which are a 'Not Substantial' level of visual effects."

- 7.80 To inform our assessment of the landscape and visual effects, a review was undertaken by Influence Landscape Planning and Design Ltd. In their response they conclude that they mostly agree with the conclusion of visual impact. However they note that although a high landscape bund would be located along the site boundary to Broadgate Lane and that it would be provided prior to the construction of the wider site, evidently at a few properties along Broadgate Lane there would be views above the bund, of construction vehicle movements and noise impacts during this phase, from facing habitable rooms and therefore effects on local residential receptors directly opposite the site at Broadgate Lane should therefore instead be judged as 'substantial' during the construction phase.
- 7.81 They highlight that the overall construction phase visual effects are considered in the LVIA addendum to be 'not substantial' due to the site entrance being located at the A617 entrance, and set away from sensitive residential receptors however, they have also noted that the visual impact that the from all local sensitive visual receptors (excluding users of PRow Kelham Footpath 4 and permissive footpath users) being 'not substantial' is perhaps misleading, as footpaths are well used and there are a few properties with open views of the site from habitable rooms, albeit the construction phase is a temporary. Similarly, they also note that the LVIA has been updated to include the proposed communication masts as visual receptors but note that they overall conclusion remain the same.
- 7.82 The LVIA outlines that the site has the capacity to accommodate the development as it forms a complementary use of the land together with existing infrastructure and due to the majority of its relatively low-level nature. The site is considered to have the capacity to absorb the proposed development during its operation with beneficial effects from landscape mitigation and any adverse effects would be reversible. Whilst the categorisation of particular views of the development during construction is partially questioned, the overall conclusion of landscape and visual effects are not disputed in that any potential effects would be localised and would be reduced over the lifespan of the development through additional planting, noting that the proposals remain reversible in the longer term. In summary, having regard to the provisions of the submitted LVIA and of the independent assessment, there would not be a significant adverse impact as a result of the proposals, nevertheless the potential harm (particularly to users of the footpath and in part the

effected residential receptors along Broadgate Lane) still needs to be considered in the overall planning balance and weighed against the benefits of the proposal.

Cumulative visual effects

- 7.83 It should be noted that since this application for a proposed solar farm and BESS at Kelham, Elements Green has submitted their intention for a large-scale solar development called Great North Solar Park throughout the Newark and Sherwood District. At this time no formal application documents have been submitted to the Planning Inspectorate and therefore it has not yet been formally accepted as a National Significant Infrastructure Project (NSIP). Other than indicative location plans used for public consultation there are no formal document to consider the impact of these proposals. Should this application be approved (and the Great North Solar Park NSIP be accepted), it would be up to the Planning Inspectorate so consider the impact of this proposed development against the merits of Great North Solar Park.
- 7.84 A review of planning applications has been undertaken and therefore to consider the cumulative impact the applicant has reviewed 4 relevant developments in the surrounding area:
- SITE A – Ref: 22/01840/FULM- Land South of Staythorpe Road, Staythorpe (1.2km southwest) - Construction and Operation of a Battery Energy Storage System and associated grid connection infrastructure which was refused planning permission (July 2023) and allowed on appeal May 2024.
 - Site B – Ref: 23/00317/FULM - Land Off Staythorpe Road, Averham (c. 400m southwest) - Construction and operation of Battery Energy Storage System (BESS), transformer/substation and associated infrastructure. On 19 June 2024 the Council’s Planning Committee agreed that Planning Permission should be approved subject to conditions and completion of a Section 106 agreement for the matters set out within the report.
 - SITE C Ref: 22/00975/FULM – Knapthorpe Lodge Hockerton Road Caunton (c. 2.8km Northwest) - Proposed solar development, access and associated works. Refused November 2023 and present being considered at appeal by the Planning Inspectorate.
 - SITE D Ref: 22/00976/FULM - Field Reference Number 2227 Hockerton Road Caunton (c. 2.7km Northwest) Proposed solar development, access and associated works. Refused November 2023 and present being considered at appeal by the Planning Inspectorate.
- 7.85 The applicant confirms that “analysis of the ZTV shows there are no areas of theoretical visibility extending towards Knapthorpe, the location for the 2 proposed solar sites (Sites C and D) which adjoin each other on land surrounding Knapthorpe, to the south of Caunton. The sites are screened from Kelham by topography as well as intervening woodland including Kelham Hills to the immediate north west of the site. Therefore the development of the solar schemes at Knapthorpe and/or solar

and BESS proposal at Kelham would not give rise to any combined cumulative visual effects and the separation distances between the sites (>2.7km) are considered sufficient so as not to lead to any substantial successive or sequential visual effects.” Owing to the overall distance between the two sites and the overall height of the proposed development is not considered that there would be a negligible cumulative effect.

7.86 In respect of Site A, clearly there would be very limited views of the development at Staythorpe Road, Staythorpe from the application site given that the development is alongside the large Staythorpe National Grid Substation and associated infrastructure. Also, between the two sites are the buildings that form Staythorpe as well as areas of woodland and hedgerows. Given the distance between the site sites it is not considered that there would any significant cumulative effects.

7.87 The proposed BESS scheme located 400m to the west (Site B) on the south side of A617 to the immediate west of Averham village. On 19 June 2024 the Council’s Planning Committee agreed that Planning Permission should be approved subject to conditions and completion of a Section 106 agreement for the matters set out within the report. . The ZTV with Barriers shows only the effects of topographic, woodland and buildings screening for the proposed Solar and BESS scheme at Kelham. The viewpoint and residential receptors assessment for this application has confirmed that considerable screening to the site is also provided by the tall southern boundary hedgerow bordering the A617 (Refer to Viewpoint 7, Residential Receptors R10 Staythorpe Road and R11, R12 and R13 either side of the ‘The Close’, Averham. As this roadside hedgerow is directly between the 2 sites it is concluded that there would be very limited intervisibility between the developments and at most very limited views at the outset given the low-level nature of each development and the dense vegetative barrier. Following the implementation of landscape mitigation proposals for Site B which includes bunding around the site compound and native woodland planting bounding the A617 there would likely be no views at all between the two sites.

7.88 In visual terms it is therefore concluded that an at most ‘Negligible’ level of Cumulative visual effects would arise from and is agreed to be a Neutral level of visual effect.

Impact on Heritage Assets

7.89 By virtue of the scale, form and appearance of the proposed development, it is capable of affecting the historic environment. As the application concerns designated heritage assets of the setting of listed buildings, sections 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.”

- 7.90 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. Section 66 places a high duty on the preservation of the settings of listed buildings.
- 7.91 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.”
- 7.92 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 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).
- 7.93 Planning Practice Guidance states in relation to large solar farm development ‘...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.’
- 7.94 Importantly paragraph 222 of the NPPF states that “Where a development proposal would 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.” This is echoed by Policy CP14 set out in the Sore Strategy that that states “where adverse impact is identified there should be a clear and convincing justification, including where appropriate a demonstration of clear public benefits.”
- 7.95 It is considered in the submitted Heritage Impact Assessment and the Conservation Officer’s comments that the proposed development is capable of affecting the historic environment. Each of the identified heritage assets have been considered in turn below that take account of the submitted Heritage Impact Assessment and the Conservation Officer’s comments.

a) Averham Conservation Area (CA)

- 7.96 Overall, there is the possibility of minor negative visual impact from the fringes of the CA by experiencing the historic townscape in the same sweep as elements of the solar farm, this seems likely to be limited to views from upper storeys and possibly glimpsed views of some of the taller elements of the scheme. This impact would be limited by distance, green screening and the fact that it would be seen across modern infrastructure and across an altered landscape, such that the harm would be at the lower end of less than substantial.
- 7.97 In longer distant views looking back towards the CA it is hard to perceive the presence of a historic village here, the village generally being well contained and in many areas surrounded by modern housing and modern infrastructure. As such there is likely to be limited impact to the setting of the CA in terms of views from outside the CA looking back towards it with the solar farm in the same view.
- 7.98 However, while generally there are no obvious landmark features to identify the village in distant views, Conservation has observed that the church tower at Averham is visible from the east to west footpath across the application site and in these views the church tower does act as a way finder for the CA. The HIA Addendum states that views from this footpath at the point as identified previously by Conservation are screened by hedgerows, nevertheless a site visit (accompanied by the Agent and Case Officer) was undertaken by Conservation July 2022 where the views of the church tower were visible at some point on this footpath, so the potential for impact remains a possibility and in these views, however limited, there is likely to be some harm to the setting of the Averham Church and the CA through an altered foreground of modern energy infrastructure within the view. However, in these views the existing and further proposed additional green screening to this path would further limit opportunities to see the church tower and CA, so it is accepted that the harm in this aspect would be limited and at the lower end of less than substantial. In conclusion, there may be limited intervisibility with the taller elements of the proposal from the northern side of the CA, more so from School Farm area and the rear of Pinfold Lane and Pinfold Cottage than from anywhere else, the limited possibility of some restricted intervisibility from the church yard, and limited possibility of largely mitigated impact in longer distance views looking back towards the village and its church tower, introducing a modern and incongruous new element to the otherwise rural farmland setting. The HIA Addendum has confirmed that this impact includes all the taller elements of the scheme, except the masts. Given the mitigating factors explored above this harm would be at the lower end of less than substantial to the overall significance of Averham CA.
- b) The Old Rectory, Averham, brick and stucco L plan rectory, built 1838-39, (Grade II)
- 7.99 From the public realm generally, and given the separation distance, intervening buildings and green screening it seems very likely that visual impact from ground level would be so limited it would be hard to perceive. As per the HIA it is accepted

that from upper storeys the development may be intervisible. In these views the solar farm would be a distracting and incongruous addition to the landscape setting of the Rectory but seen across an altered landscape with existing vertical intrusions (see above), and at some distance. Setting contributes most strongly to the Old Rectory by its visual links to the church and by its immediate garden setting, which would not be affected by the proposal. As such, any impact would be at the lower end of less than substantial.

c) Church of St Michael, (Grade I)

7.100 It is conserved that there could theoretically be intervisibility from the church and its grounds back to the application site and conceivably the tallest element of the proposal could be glimpsed in conjunction with this heritage asset, In these views it is felt that the visual impact would be hard to discern and be limited at best, and across an altered landscape, placing any heritage harm to the lower end of less than substantial.

7.101 Likewise, the east to west track running across the application site does afford views back to Averham Church in its landscape, seen here in combination with Kelham Church and the towers of Kelham Hall, making an attractive composition, however this is already a somewhat glimpsed view given the greenery around this path. While these views would be detracted by a modern solar farm installation in the foreground, the existing and proposed increased green screening would limit opportunities to experience this altered view, making harm to the significance of this heritage asset at the lower end of less than substantiation.

d) Kelham Conservation Area

7.102 Located directly adjacent to the application site is Kelham Conservation Area. The submitted Zone of Theoretical Visibility confirms three separate areas within the Conservation Area have the potential to be impacted by the proposed development: the former kitchen gardens on Broadgate Lane; the field in the south which borders Oak Plantation; and Kelham Hall.

7.103 The kitchen garden on Broadgate Lane, while altered through loss and some modern development, is still discernible and makes an attractive feature from the lane. The structures here look out over Broadgate Lane and at this point the public realm of the Conservation Area has almost unbroken views out onto agricultural land which contributes positively to the setting of the Conservation Area, giving it an attractive rural, and open and green backdrop, with the Kelham Hills making an attractive landscape character. Without mitigation the outlook at this part of the Conservation Area would be quite altered and harmed by the modern and incongruous appearance of a solar farm. However, mitigation in the form of a landscape bund is proposed here. Once established, this would prevent wider views of the proposed solar and battery storage installation. The indicative montages within the LVIA

suggest it would be largely effective, although less so at the gap forms to allow access to the PROW.

- 7.104 Furthermore, the bund itself has a heritage impact to consider. While this is a green feature and so not unattractive, it would effectively remove these existing long-distance landscape views which currently contribute positively to the setting of the Conservation Area, so the mitigation alone would also be harmful in heritage terms. In the context of the overall significance of the Conservation Area it is considered that this harm would be at the lower end of less than substantial to Kelham Conservation Area.
- 7.105 The field at Oak Plantation also has the potential to affect the setting of Kelham House in the Conservation Area and the entrance and exit views of the Conservation Area. However, despite the proximity of the proposal to the Conservation Area at this point, the impact to the north at least would be largely screened by the existing Oak Plantation, which is likely to be tall enough to also screen some of the impact from the higher elements of the proposal. Further, additional proposed tree planting mitigation is shown to wholly enclose this field to the south, effectively enclosing the southern part of the Conservation Area from the proposal site at this point and as such the impact to the CA at this point is likely to be at the lower end of less than substantial.
- 7.106 The impact to Kelham Hall, which is a listed building with unregistered Park and Garden (considered separately below) also needs to be considered in terms of the overall impact on Kelham Conservation Area given that its form and specifically its grounds are a significant area of public open space in the Conservation Area.
- 7.107 Most of the grounds of Kelham Hall are well-contained and there is very limited scope for intervisibility with the application site due to tree cover, however the HaHa' at the southern part of the site gives unbroken views out to the farmland to the south and may allow for intervisibility with the southern part of the scheme, including towards the taller elements of the proposal like the masts and transformer etc. In these views it is accepted that the impact would be to an altered setting, with the A617 in between, and limited by mitigation planting, but it may well add an incongruous and imposing element in the landscape setting of the CA.
- 7.108 Views back to Kelham Hall towers from within the application site, on the east to west track, would also be impacted by the solar farm in the foreground and then by being partly obscured by the proposed additional mitigation planting here. To a degree this would harm and obscure these views of Kelham Hall. In these views the impact to the setting of the Conservation Area and thereby the significance of the Conservation Area would be at the lower end of less than substantial harm.
- 7.109 In summary, the impact to Kelham Conservation Area would be slight, the majority of the Conservation Area being inward looking and contained by green landscaping. The exceptions are at Broadgate Lane, views back towards Kelham House, views back

towards the landmark structures of Kelham Hall and Kelham Church and from the grounds of Kelham Hall. In these views the impact of the proposal is limited by distance, existing screening and proposed mitigation and would overall lead to harm at the lower end of less than substantial to the character and appearance of Kelham Conservation Area.

e) Kelham Hall Grade C19 Gothic Revival style country House, (Grade I)

7.110 In terms of the setting of Kelham Hall as a listed building, it is accepted that there would not be intervisibility with the solar farm from the ground floor of the Hall. However, it has been established that there would be some intervisibility from the upper floors. The Hall has been specifically designed to enjoy views to the east, south and west, although towards the west (i.e. towards the application site) the view has been carefully controlled with a tree belt so that it does not take in the road or land beyond. As such, while there would be views of the application site from the upper floors, and they are currently of a rural and mostly agrarian setting which is a positive element, although it is acknowledged that the *designed* view ends with the grounds in this direction and would not be impacted.

7.111 As above, it is not felt likely that there would be any intervisibility of the proposal site from the majority of the formal gardens and grounds of Kelham Hall due to orientation and substantial areas of trees and intervening village structures. However, the HaHa' does give deliberate and unbroken views out over the landscape to the south and south west and this may then encompass an impact from the proposed solar farm, harming the setting, and thereby significance of the Hall. As discussed above, the impact to the setting of the Hall, through long distance views to its towers from within the application site would also (in part) have an affect on its setting. Considering the overall significance of the Hall the likely harm from the proposed solar farm would be at the lower end of less than substantial.

f) Church of St Wilfrid, Kelham, (Grade I)

7.112 This is a relatively modest church, which is not obviously prominent in its setting. It is now set in the grounds of Kelham Hall and is effectively screened by tree planting associated with this Kelham Hall. The church has a modest tower which nevertheless does not obviously appear to be dominant in the surrounding landscape and it is unlikely that the proposal would be visible from the church itself, other than perhaps the tower. It also does not seem likely that the proposal site will be intervisible with the immediate setting or graveyard of the church. The church is not prominent in these views and is limited by existing green screening, which would be increased by the proposed mitigation, such that the opportunity to experience this view and see it altered by the solar farm in the foregrounds will be very limited. This harm will be at the lower end of less than substantial.

g) Kelham Hall unregistered Park and Garden

7.113 It is accepted that this part of the park and garden, while clearly of historic interest, it much harder to perceive in the landscape today, having been separated from the current grounds of the Hall and turned over the farming and aviation use, with the former boundaries of the parkland here now lost. The main landscape feature that survives in the southern part of the park and garden is the tree belt, which would itself then act as a screen to filter views of the solar farm. There would be intervisibility from within this southern part of the former parkland, but it is accepted that this is private land with no public realm accessibility. The main impact would be from the path along the HaHa' to the south of the current grounds of the Hall, from which open views will take in the southern part of the proposed solar farm. Such views would be mitigated in part by the existing mature tree belt, existing and proposed mitigation planting, the overall distance, and the intervening A617 therefore the overall the impact will be limited. The best preserved and most legible elements of the park and garden would not be impacted by the proposal. Overall, the harm will be at the lower end of less than substantial.

- h) Averham Park House – former early C18 hunting lodge, (Grade II*) including South Farm, former service wing of Averham Park, c 1720 , extended C19 and C20, (Grade II) and Averham Park post medieval hunting park, unregistered Park and Garden

7.114 In agreement with the Heritage Impact Assess it is agreed that that views from the listed buildings and park towards the application site are largely blocked by the lower ridge and woodland in the middle ground, and that the intervening distance makes the application site hard to discern in this flat terrain. From the application site looking back to these heritage assets it is also demonstrated that the Kelham Hills would prevent a good deal of visibility, with the southern most field looking back to the site of Averham Park - but at this distance not being clearly legible in the view. While intervisibility and impact from the parkland cannot be ruled out, it does seem likely that the visual impact will be hard to discern and would be low and only in limited areas and most likely in the winter months. The HIA identifies that the upper floors of the listed buildings may provide better visibility out across the application site, such that a minor negative impact from this solar farm in the setting of both listed buildings could occur. Again, this impact would be largely mitigated by the intervening distance but nevertheless would not necessarily be zero. Therefore. the likely impact to these three heritage assets would be at the lower end of less than substantial.

7.115 In summary, it is considered that the proposed development would cause some harm to the special interest of several listed buildings. It would also cause some harm to the setting, and thereby significance, of two Conservation Areas and harm to the setting of a Conservation Areas and some limited harm to the two unregistered Parks and Gardens.

- 7.116 All of the perceived harm to these heritage assets has been considered to be no greater than *“less than substantial”* harm. This is harm that falls short of being substantial and would have a minor or moderate impact on an asset’s significance. This generally includes developments that have a noticeable impact but do not fundamentally change our ability to appreciate its significance. Where a development would lead to less than substantial harm to a heritage asset the proposal may be justified if the public benefits of the proposal significantly outweigh the harm. Paragraph 215 of the NPPF states that *“Where a development proposal would 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.”*
- 7.117 The Conservation Officer notes that their comments do not necessarily constitute an objection and advise that the harm to heritage assets be given the appropriate consideration in the planning balance against the public benefits of the scheme. This is also considered in greater detail in the planning balance of the report below.
- 7.118 Taking account that the level of harm at would be limited to *“less than substantial harm”*, temporary and reversible nature of the development, that the significance and impacts would reduce over time as new additional planting matures and mitigation levels increase, and the public benefits associated with the development. Therefore, on balance it is considered that the proposal would be in accordance with CP14 and DM9 of the Development Plan and the aims of the NPPF and PPG in heritage terms.

Impact on Archaeology

- 7.119 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’.
- 7.120 The application is accompanied by an Archaeological Evaluation Phase 1 Report which sets out trial trenching excavations that have taken place on the site, following a geophysical survey to assess the archaeological impact of the proposed development.
- 7.121 The County Archaeologist have revised the submission and has advised that the site has a very high archaeological potential as identified on the Nottinghamshire Historic Environment Record (NHER), primarily through cropmark data supplied by the National Mapping Programme (NMP). Consequently, the applicant has undertaken extensive archaeological investigation as part of the application process including

geophysical survey and trial trench evaluation, which this office has assisted with and monitored.

- 7.122 The resulting evaluation work has produced significant results which have proved very helpful with assessing the archaeological potential and development impacts. He confirms that the evaluation works has recorded significant activity within the site dating to between the Neolithic and postmedieval periods. Three distinct settlement foci were recorded and dated between the late Iron Age and Roman periods. Highly significant Neolithic activity was also recorded in the form of a large pit containing 543 pieces of worked flint, 491 sherds of pottery and 881 fragments of burnt and calcined animal bone. The remains of a rare (for this area) burnt mount dating to the late Neolithic/early Bronze Age was also identified in the site boundary.
- 7.123 Historic England have also recently identified a Neolithic long barrow across the road towards the Trent. This together indicates a highly significant Neolithic funerary and settlement landscape that was not known prior to this evaluation on work. While results of the evaluation indicate a high level of significant archaeological remains within the site boundary, they advise that this does not necessarily preclude development, provided an appropriate and sufficient Archaeological Mitigation Strategy (AMS) for the protection of archaeological remains is designed and implemented. This would normally require either exclusion or archaeological excavation of sensitive areas.
- 7.124 The Council's Archaeology Consultant has advised that whilst this may not preclude the proposed development, further evaluation is required to determine the full extent of archaeological remains and provide an accurate basis for a programme of archaeological mitigation work. Mitigation work is likely to include open area excavation or preservation in situ by complete avoidance of the archaeologically sensitive areas. The Council's Archaeology Consultant raises no objection to the application subject to the further work being required by planning condition.
- 7.125 Overall, subject to conditions, the proposal is not considered to result in any adverse impact upon archaeological remains in accordance with Policies CP14 and DM9.

Impact on Ecology, Biodiversity and Trees

- 7.126 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.
- 7.127 DM7 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 187 and 193 of the NPPF.

- 7.128 Five Local Wildlife Sites (LWS) have been identified within 1km of the application site. Owing to the nature of the proposals and the distance from these LWSs, it is considered unlikely that the proposal would result in any adverse direct or indirect impacts to these non-statutory designated sites.
- 7.129 In terms of habitats, most of the site is formed by arable land with species-poor grassland margins, both of which are of low to negligible biodiversity value. The field compartments are bounded by native species hedgerows that represent 'hedgerow' habitat of principal importance (i.e., they are a priority habitat). All mature trees would be retained on the site.
- 7.130 An Ecological Appraisal has been submitted in support of the application that includes a desk study, an extended Phase 1 habitat survey, great crested newt (GCN) presence absence surveys, and ground level assessment of trees for potential to support roosting bats.
- 7.131 It is stated that given the nature of the proposals it is considered likely that the majority of the boundary habitats for the site and the field compartments (hedgerows and woodland edge) can remain unaffected during construction and operation of the proposal. However, in order to allow for the formation of pedestrian and vehicular access to the site, proposals require two small breaks within existing hedgerows, which will be compensated for through the planting of new native hedgerows through the site. The small number of mature trees present will be retained.
- 7.132 In terms of the impact the proposed development would have on priority and / or notable Species it was noted that the small number of mature trees within the site provide the only potential roosting opportunities for bats. These would be retained but may require additional assessment should the proposals change, or heavy pruning be required. Boundary hedges provide suitable commuting/foraging corridors for bats. Except for a small number access gaps, these will be retained, and whilst there is no lighting proposed for the operational phase, lighting during construction work should be positioned to ensure that hedgerows remain unlit.
- 7.133 In relation to Great Crested Newts, although a small population of great crested newt were recorded in an offsite pond ca.180m from the application site boundary, this pond is subject to periodic drying and it is considered unlikely that great crested newt would be present within the site; however, precautionary working methods are recommended.
- 7.134 In relation to badgers it is acknowledged that there is some badger activity associated with the application site boundary and adjacent land however potential impacts would be mitigated by the adoption of best practice methods involving

ecological supervision of scrub clearance and working methods during construction activity.

- 7.135 In relation to birds, it is stated that the habitat on the site supports breeding and wintering bird assemblage, and which is formed mainly by common and widespread species. The main mitigation measures would be ecological supervision if vegetation clearance cannot take place outside of the bird nesting season.
- 7.136 In relation to other species it is stated that the habitats on site provide suitable habitat for hedgehog *Erinaceus europaeus*, in particular the hedgerow habitat for nesting and shelter, and that rabbit and hare *Lepus europaeus*, associated droppings and worn pathways were recorded within the grassland field and rabbit burrows were identified in the hedgerows, scrub and woodland areas within and adjacent to the site. It is also stated that the proposals will enhance the habitats available to these species through provisions of tussocky and species rich grassland allowing for a more diverse foraging resource while the scrub habitats will provide shelter.
- 7.137 The Biodiversity and Ecology Lead Officer has reviewed the proposals, the associated Ecological Appraisal and mitigation measures and has concluded that no significant impacts have been identified but a small amount of mainly precautionary mitigation measures have been recommended, and they advise that these should be implemented through a Construction and Environmental Management Plan (CEMP) which can be secured by condition. Whilst they acknowledge that an outline CEMP has been submitted as part of the application it does not fully capture the ecology requirements.
- 7.138 In respect of Biodiversity Net Gain (BNG), it should be noted that whilst the Environment Act 2021 (9th November 2021) mandates the need for at least a 10% BNG, as calculated using a Biodiversity Metric and a Biodiversity Gain Plan, this application was submitted prior to this statutory requirement. Nevertheless, a voluntary Biodiversity Net Gain Assessment has been undertaken. This calculation considers land take, habitat loss/change and habitat creation that would accompany the proposed development and would be achieved through the proposed landscape planting and habitat enhancements. It concludes a net gain of 90.88 habitat units (61.04%) and 7.38 hedgerow units (16.14%). A Landscape Mitigation Plan (LMP) has been submitted which includes mitigation and enhancements and which aims to increase the development's biodiversity value. The proposal is to primarily sow commercial Emorsgate Seeds EG10 Tussock Grass mixture beneath the solar array and then a EM2 General Purpose Meadow Mixture adjacent to the application site parcel boundaries. EG10 is a grass species only mixture with a composition of 6 species.
- 7.139 The Biodiversity and Ecology Lead Officer welcomes the BNG and advises that a different seed mix could result in a much more diverse grassland over a significant part of the application site and make the area of greater value for invertebrates although acknowledges that it would not necessarily increase the BNG value (and is not mandatory).

- 7.140 Whilst the visual impact of the proposed form, layout and appearance of the plant and equipment would be largely negative, the proposals would also provide opportunities to secure net gains for biodiversity and wider environmental enhancements on other parts of the site over and above the existing scenario and proven gains, as outlined in the NPPF.
- 7.141 In terms of Biodiversity Net Gain (BNG), the Ecology Impact Assessment 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. The long-term management and maintenance of both ecological and landscape mitigations and enhancements would be secured through a Section 106 Agreement that would require the applicant to provide all relevant BNG enhancement together with appropriate monitoring through the lifetime of the development.
- 7.142 Natural England also do not object to the proposals, confirming that the proposed development would not have significant adverse impacts on designated sites.
- 7.143 Whilst some harm is inevitable, subject to conditions requiring development to take place in accordance with the Landscape Mitigation Plan, a further condition requiring a Construction Environmental Management plan and a requirement to comply with the recommendations set out in the Ecological Appraisal, it is considered that the proposed development could be acceptably mitigated in visual, landscape character and biodiversity terms over time. As such, it is considered that the proposals would accord with Core Policy 12 of the Core Strategy together with policies DM5 and DM7 of the DPD.

Impacts on Highways

- 7.144 Spatial Policy 7 ‘Sustainable Transport’ of the Amended Core Strategy DPD supports development proposals that are appropriate for the highway network in terms of the volume and nature of traffic generated and ensure that the safety and convenience of all users of the highway are not adversely affected. Policy DM5 ‘Design’ of the Allocations & Development Management DPD states provision should be made for safe and inclusive access to new development, and parking provision for vehicle and cycles should be based on the scale and specific location of development.
- 7.145 Paragraph 115 of the NPPF (December 2024) states, amongst other things, that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.
- 7.146 Paragraph 116 of the NPPF (2023) 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.141 The site is currently accessed via three separate field gates, two entrances from the A617 along the eastern and southern boundary, and a third entrance from Broadgate Lane on the north-eastern boundary.
- 7.147 Access is proposed to be taken from the existing field entrance off the A617 to the south of the site during the construction and operational phases of the proposed development.
- 7.148 Within the site service tracks are required to the substations and BESS area, as well as within and around the solar farm deployment areas which will provide vehicular access around the site as part of inspections and maintenance.
- 7.149 The existing public right of way through the application site would remain open throughout the life of proposal. A detailed CEMP will provide (prior to commencement of the development) a strategy to ensure the safety of footpath users will not be adversely affected.
- 7.150 A permissive bridleway would also be provided along the perimeter of the development site as part of the proposals. The bridleway will have a grass surface, be 4m to 5m wide typically from the proposed security fence to the existing hedgerow/woodland and would measure some 3.5km in length. The permissive route will be removed on decommissioning of the scheme. (Drawing HC1002/05/27 shows the alignment of the permissive bridleway)
- 7.151 The submitted Transport Statement (TS) confirms that the construction period would be over a 6-month period and the Transport Statement (TS) confirms that there would be up to 790 two-way HGV movements over a 6-month period (5.06 per day on average). There would also be approximately 8 staff cars/vans two-way movements per day on average. The TS concludes that the increase in traffic generation due to construction traffic was calculated using baseline traffic data and with regards to HGV movements was found to be significant. However, further assessment of the road showed significant residual capacity when including construction traffic numbers. Due to this and the temporary nature of the works, the TS concludes the impact on traffic generation due to construction is therefore not significant.
- 7.152 The submitted Transportation Assessment also highlighted that when viewing the visibility to the left on exit that the recommended visibility cannot be achieved to the near side kerb line and even by extending this line of sight to the far side kerb line still falls slightly short but is much improved. However, following consultation responses from Nottinghamshire County Council Highway Authority (the Highway Authority) and National Highways, a Construction Traffic Management Plan (CTMP) has been prepared in support of the application. The CTMP sets out the current and proposed access arrangements to the application site, the anticipated construction programme, construction vehicle numbers and routing of deliveries, construction

worker numbers and the proposed hours of construction. As a result of the discussions, the site access off the A617 has been revised from that originally submitted, including the provision of improved visibility for vehicles emerging from the application site. These updated details are shown on drawing HC1002/05/23 r1 – Site Access Details and drawing HC1002/05/29 r2 - Translocated Hedgerow Plan.

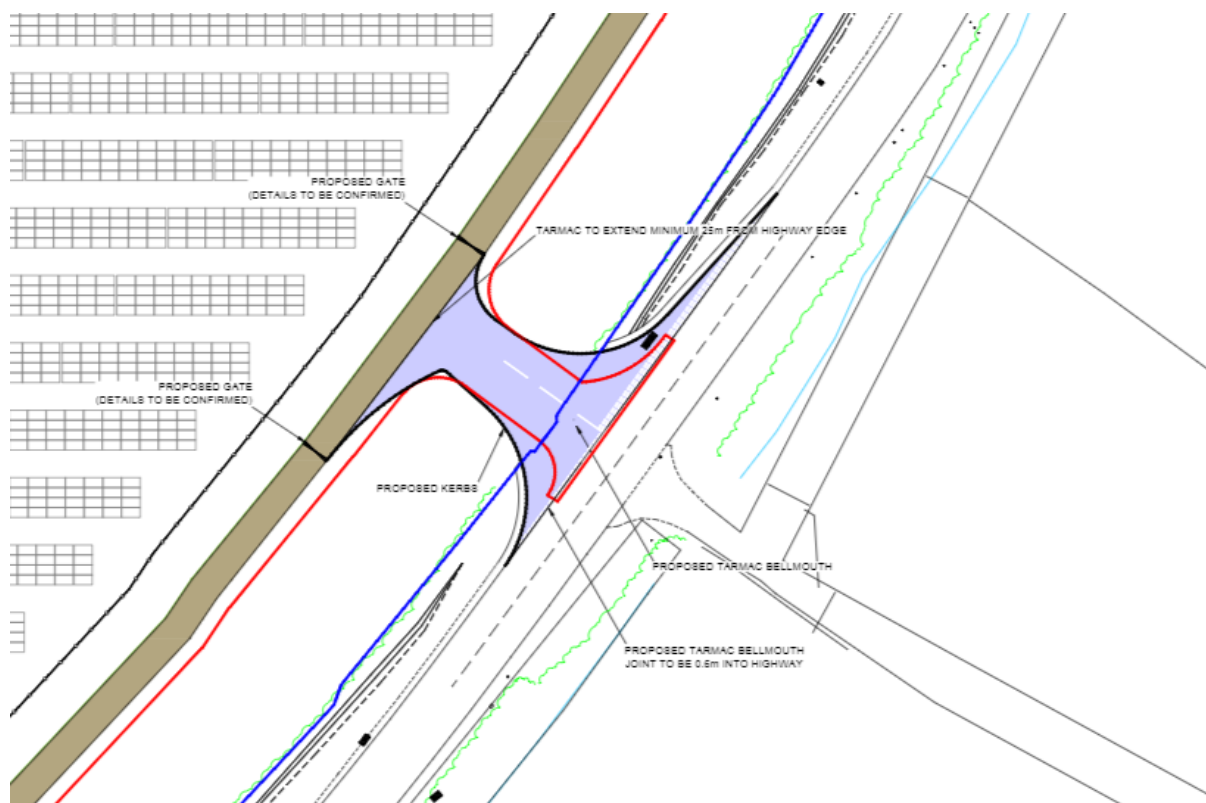


Figure 3 Extract from HC1002/05/23 r1 - Site Access Details

- 7.153 The Highway Authority has reviewed the revised site access scheme, the amended site layout, public access details, and the CTMP, they do not object to the proposals subject to a range of planning conditions including details of the design and precise location of gates, a revised CTMP to include (in part) detailed delivery routes and times to limit impacts on the A617 at Kelham Bridge together with development phasing and car parking provision on site during construction. They also request a highway condition survey be undertaken so ensure that there would be no damage to the public road during construction. If approved, this can be secured through a S106 legal agreement.
- 7.154 One suggested condition relates to the position of gates set back from the public road. This would allow vehicles to be clear of the public road when accessing the site. The highway authority raise concern that it may be used for parking. Given its location, and that there is a near identical road junction broadly opposite the proposed access, where a similar situation exists, it is not considered that this condition is reasonable or appropriate.
- 7.155 The Highway Authority also requests a condition to close off the existing farm access

to the north of the proposed access permanently. There is no requirement to do so given that a fence would enclose the entirety of the site, and that this access provides access to the existing wider farm holding and as such this suggested condition is not therefore necessary. The remaining conditions would ensure that the access is provided prior to the construction of the proposed development (if approved), the visibility splays remain clear on to the A617, an updated CTMP be submitted prior to the commencement of development, that a highways condition survey be undertaken, and that no access is taken from Broadgate Lane and details of de-commissioning are provided.

- 7.156 It should also be noted that the proposed access would intersect with the proposed Flood Compensation Area (FCA) associated with the A46 Nationally Significant Infrastructure Project (NSIP) - currently being considered by the Planning Inspectorate. The Environment Agency have advised that for the FCA to function correctly this new access must not be a barrier to flood waters entering the FCA. Best practice design for this access would be a clear span bridge, with its soffit level set a minimum of 300mm above the 1 in 100 year plus climate change flood height. The detailed design of the bridge, allowing for water entry, falls under the scope of the A46 NSIP and is the responsibility of National Highways, and importantly is not reliant upon the development of this application.
- 7.157 It is acknowledged that during the construction period, traffic levels to and from the site would increase considerably and may require additional traffic management measures, but this would be for a temporary period during the construction and de-commissioning periods only. Overall, the proposed access arrangements are considered to be acceptable, subject to appropriate conditions, and there are no highway related objections to the proposed development. 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 on Public Rights of Way

- 7.158 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 (PROW) 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.
- 7.159 Kelham Footpath No. 4 follows the route of an existing farm track from Broadgate Lane and Averham Footpath No.6 run through and adjacent to the site. The visual impact of the proposed development from the PROWs has already been considered above.
- 7.160 The applicant confirms that the existing public right of ways through the application site would remain open throughout the life of proposal. A permissive bridleway would also be provided along the perimeter of the development site as part of the proposals. The bridleway would have a grass surface, be 4m to 5m wide typically

from the proposed security fence to the existing hedgerow/woodland and will measure some 3.5km in length. The permissive route would include extensive planting on either side to create a high quality and pleasant rural path.

- 7.161 The PRoW would be screened from the development by existing hedgerows and any gaps planted up to provide maximum screening. Behind the hedgerows security fencing would stand 2.4m in height and development would be set back from the boundary fence.
- 7.162 The PRoW would remain open for the majority of the construction phase and a gate or alternative access management measures put in place to ensure safety, as set out in the Outline Construction Environmental Management Plan (OCEMP). A full Construction Traffic Management Plan (CTPM) would be produced and agreed prior to commencement.
- 7.163 The Rights of Way officer at NCC raise no objection. They suggest a condition should be in place to ensure that the permissive path around the development be in place for the lifetime of the development and be suitably maintained.
- 7.164 During the construction phase significant levels of built development, machinery, plant and workers and vehicular movements would be present and needing to cross the PRoW which are likely to result in harm to users. However, this would be for a limited period and a new permissive footpath would allow users an alternative route to pass through the site. The provision of this new footpath therefore needs to be appropriately conditioned in order to provide acceptable mitigation for the harm to the PRoW identified at the necessary time. Overall, with a condition to secure the provision of the permissive footpath prior to the commencement of the development on the rest of the site, it is not considered that the routes of the existing or potential future PROW routes would be adversely affected by the proposed development.

Impact upon Residential Amenity

- 7.165 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 a high standard of amenity for all existing and future occupants of land and buildings.
- 7.166 The nearest residential properties to the site are Kelham House, those forming 'The Rutlands' to the east, dwellings along Main Road and those located along Broadgate Lane to the northeast.
- 7.167 The dwellings to the east are mostly screened from the application site by existing woodland and a pond. Development would also be set back from the boundary of the application site nearest to these dwellings. A fence would be formed, and a permissive path established between them. The nearest dwelling would be some 100m from the nearest panels.

- 7.168 Along Broadgate Lane to the north of the site, dwellings mainly face towards the application site, which is mainly on the opposite side of the public road. It is proposed that a screening bund be formed to limit views and any disturbance from activities on the application site. The bund would be located within the application site and be parallel to Broadgate Lane. Behind the bunding would be a deer fence and the panels beyond. The nearest panels would be some 75m from residential dwellings along Broadgate Lane.
- 7.169 A Noise Impact Assessment prepared by Noise & Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK) was submitted in support of the application. The assessment states the main items of noise generating plant would be the transformers, battery containers and inverters. It states the closest noise-sensitive receptors are located approx. 75m north of the nearest plant items, along Broadgate Lane. The Assessment concluded that provided the mitigation measures outlined within the report are incorporated in the development design the scheme would be acceptable. Mitigation includes the installation of two 4m high acoustic fences between the battery units and the nearest noise-sensitive receptors and the installation of acoustic enclosures to transformers.
- 7.170 It is stated that rating levels due to noise from the development would not exceed the respective background sound levels at the nearest, and therefore all noise-sensitive receptors, during daytime and night-time periods. During the construction period, it is predicted that construction noise would indicate no significant impacts and best practicable means would be applied. In addition, the maximum levels of vibration during the construction phase would be below the threshold of perceptibility. The Council's Environmental Health officer notes the conclusion of the report and states that this is subject to the site being laid out as specified in the report, along with acoustic barriers and this should be a condition of any permission. On this basis, no objection is raised.
- 7.171 It is the construction phase of the development (6 months) that is likely to have a much greater impact on residential amenity than the operational phase. Although an Outline Construction Environmental Management Plan has been submitted, there are no specific details relating to noise control and mitigation measures, so this will require the imposition of a condition. It currently states core working hours are proposed to be 07:00 until 19:00 weekdays and 08:00 to 13:00 on Saturdays (not on Sundays or bank holidays). Delivery times also reflect these times. Start up and close down periods for an hour either side is proposed but when no plant or machinery would be used. If work is undertaken outside daylight hours, lighting would be used for the works area only, fitted with hoods to reduce spillage and quieter construction activities undertaken to reduce disturbance. The Construction Environmental Management Plan condition would also require details of dust emissions from the site during construction and associated mitigation measures.
- 7.172 During the construction phase, the Transport Statement sets out in detail the likely expected traffic movements to and from the site, which would be substantial over a

6 month construction period. Whilst the main point of access would be to the south away from these dwellings, there would still be construction traffic within the site itself and to create the landscape bunds. It would therefore be important to restrict hours of construction and deliveries and the submission of a full Construction Management Plan are imposed by planning condition, in the event of approval being granted. In principle the operational phase would be automatically / remotely controlled so operational traffic will be very limited relating to maintenance and inspections and stated as being on average movements would be a max of 1 per month.

- 7.173 The development would result in no emissions during the operational phase and therefore no harm would result in relation to the air quality. Any impacts from the construction phase could be adequately controlled through the details of a detailed Construction Environmental Management Plan that could be conditioned on any approval.
- 7.174 Whilst it is acknowledged that the construction phase of the development has a significantly greater capacity to negatively impact on the amenities of local residents, this could be mitigated by the details of a Construction Management Plan. Once operational, given no impact on air quality would result and that light and noise emissions, could be controlled by conditions, it is not considered that the proposal would have a 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

- 7.175 Both the proposed solar installation and BESS 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. There is no government imposed limit on the lifetime of solar installations or BESS's set out in national guidance. 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 BESS and the benefits of renewable energy support could be a benefit for longer as a consequence. Nevertheless, 40 years should not be regarded as an insignificant amount of time. A condition would be imposed on any consent relating to the decommissioning and restoration of the site at the end of the 40 year period.

Minerals

- 7.176 The proposed development falls within a Minerals Safeguarding and Consultation Area for sand and gravel and therefore Policy SP7: Minerals Safeguarding, Consultation Areas and Associated Minerals Infrastructure of the Nottinghamshire Minerals Local Plan needs to be addressed. This policy along with para 223 of the NPPF requires non-mineral development within the minerals safeguarding area to

demonstrate it will not needlessly sterilise the minerals resource. Where this cannot be demonstrated and there is a clear need for non-mineral development, prior extraction will be sought where practical.

- 7.177 The applicant states that considering the scale of the development, and that it is a temporary permission for 40 years and the restricted nature of the scheme in needing to be in close proximity to the existing substation, there would be no unacceptable impact on the potential to extract the sand and gravel from the site at the end of the 40 years period. Therefore, provided the development is only for a temporary period and there is a condition that requires the total restoration of the site at the end of the life of the development, there would be no undermining of the future mineral resource on the site.

Health, Safety, Fire Risk and Pollution

- 7.178 It is clear from the comments received from local residents that there is significant local concern in relation to fire risk, thermal runaway in the scheme, and about the discharge of fumes and groundwater contamination from such an event.
- 7.179 The applicant has submitted a Fire Strategy Management Plan, a Fire Strategy Management Plan Addendum, a Fire Safety Statement from the applicants as well as the applicant's responses to specific queries raised by the Nottinghamshire Fire and Rescue Service.
- 7.180 It is clear from these documents that the final supplier of this development has yet to be chosen. However, the proposed development has had regard to all the relevant British Standards, guidance and policy in respect of fire safety and is considered to comply with all current legislation, guidance and best practice. The applicant is committed to only selecting suppliers with battery systems certified under UL9540, which is subject to tests under UL9540A at system level. UL9540A is a test methodology at battery cell, battery module and battery system level to assess the level of fire propagation between subcomponents. This is the strictest test under the UL9540A test group.
- 7.181 The scheme would be in a secure compound and would be a considerable distance from the nearest home (195m to the south-east of the site). It would not contain hazardous substances. Any fire would be contained to a single container, which is a robust structure. Fire propagation would be mitigated by the current spacing of 2.5m between containers together with 1 hour fire walls to be included within the BESS unit designs to support these spacings and prevent internal fire propagation. This would result in adjacent containers being unaffected by such an event and the incident would remain within the confines of the site boundary. This builds on best practice and lessons learnt from past incidents such as the 2019 McMiken and 2020 Carnegie Road incidents which have been referred to by residents.
- 7.182 Best practice for managing a fire event is for the Fire Services to let the container burn from a safe inaccessible distance. As regards the smoke plume from burning

lithium-ion batteries, the toxicity of the fumes from a burning BESS are generally accepted as being comparable to those from burning diesel or petrol vehicles. There would be more hydrofluoric gas, but this is highly reactive, and residues have not been found in the analysis of fire incidents at BESS sites. There is no evidence of contamination or high concentrations of toxic gases from either the limited number of BESS fires that have taken place or in laboratory assessments, including large-scale tests by a leading expert in the field. The only recorded BESS incident in the UK at Carnegie Road, Liverpool in 2020 which led to no damage to the environment or any personal injury. The Hazardous Materials Environmental Protection Officers undertook a comprehensive assessment following the event and did not record any high concentrations of toxic gases.

- 7.183 The BESS is designed to remain fully operational during a flood event and would be designed so that it could be safely accessed by the fire and rescue services. If a container were to enter thermal runaway during a flood event, the project would have a detailed management of State of Discharge, where the number of BESS containers at 100% charge would be minimised. The affected container alongside its power control system would be isolated and electronically disconnected from the grid and the fire services would cool the area with water surrounding the container. An impermeable membrane would capture fire water, which would be pumped away in a controlled manner by a licenced operator. The Fire Management Plan estimates that the probability of a container fire and design flood event (an event that would occur on average once in 100 years) occurring at the same time would be very small indeed.
- 7.184 A Fire Strategy Management Plan has been evolved through collaborative working between the applicant and Nottinghamshire Fire and Rescue Service (NFRS). The plan includes consultation, pre-fire planning, signage, emergency response plans and provision for a post-incident and recovery plan.
- 7.185 Table 6 and of the Fire Strategy Management Plan and the response to the NFRS received 10 November 2023 demonstrates that the proposed development and accompanying fire safety management plan would meet, and in a number of instances, go beyond, the recommended good practice measures set out in para 3.4.1 of the newly issued good practice guidance document "Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems," listed in paragraph 5.5 of this report.
- 7.186 NFRS has no objection to the scheme subject to a condition requiring an updated Fire Safety Management Plan. The same approach to this aspect was taken by the Inspector during the recent Public Inquiry. Subject to the condition, the scheme would be acceptable in terms of fire safety and would accord with Policy DM10 of the Allocations and Development Management DPD which seeks to control the potential for pollution from development proposals.

8.0 Implications

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

9.0 Planning Balance and Conclusion

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'
- 9.2 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.
- 9.3 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 and supports the greater use of renewable energy through reducing waste of energy from renewable sources and improving the use and efficiency of such energy production, thus increasing domestic energy supplies to the national grid. This in turn has the impact of reducing reliance on fossil fuels and therefore the resulting reduction in harm to climate change. All these factors attract significant positive weight in the determination of this application, which should not be underestimated.
- 9.4 The proposal represents over 60% of Biodiversity Net Gain on the site compared to the existing situation as well as the creation of a new permissive footpath through the site which weighs positively in the planning balance given that there are no statutory requirements for any biodiversity gain.
- 9.5 The Public Rights of Way through the site would remain open during the operation of the proposed development. In addition, the development includes that provision of a new 3.5km long permissive bridleway along the perimeter of the development. The bridleway would have a grass surface, be 4m to 5m wide typically from the proposed security fence to the existing hedgerow/woodland and would be maintained by the applicant for the duration of project. This would provide a public benefit and represents a modest positive weighting.
- 9.6 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 significantly to employment in the area, even

though these economic benefits would be for a limited period of time, which represent a modest positive weighting.

- 9.7 The proposed development would lead to the permanent loss of 0.75ha of Grade 2 agricultural land, and a further c.59.5ha of Grade 2 and Subgrade 3a agricultural land would be temporarily lost to development for the life of the proposal (40-years). Although 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 crop production, as such significant harm in this case can be reduced to moderate harm.
- 9.8 In heritage terms the application site is in close proximity to many heritage assets namely Kelham and Averham conservation areas and the heritage assets within them. Following a detailed analysis, the conclusion is that the development would have “*less than substantial harm*” in most cases taking account of the landscape mitigation and the temporary and reversible nature of the proposals. Nevertheless, there would still be a degree of harm over a 40-year period and it is considered that this a moderate negative weighting given the number of assets that would be affected by the proposals.
- 9.9 It is acknowledged that the change of use from agriculture to industrial use in this countryside location will result in major landscape and visual harm that would reduce over time to moderate. However, the majority of the proposal would be of limited height the majority of which could be mitigated by existing, enhanced and new planting. However, because of the lightweight visually permeable physical appearance and limited massing and siting within the site, it would be a reduced visual impact. Harm would be experienced locally by users of the public footpaths and at a further distance the occupants of nearby dwellings who presently enjoy the openness of the application site. The submission has sought to mitigate these impacts by the introduction of hedgerow planting, bunding to limit the visual impact and setting development back from boundaries. This would reduce the level of harm but it not considered would remove it altogether given that it would be experienced for a temporary period of 40 years. The proposal is therefore considered to result in an overall moderate landscape/visual harm that would be higher during the construction period but is likely to reduce to a more moderate harm over time as planting matures. This is considered to represent one of the most significant impacts on the residential amenities of local residents and users of the public footpaths and as such is considered to be a moderate negative weighting.
- 9.10 There is a genuine held fear and apprehension that the site cannot be safely operated. This understandably is felt most keenly by those living near to the site. The submitted FSMP and redesigned scheme seeks to demonstrate that the risk of fire is as low as it can possibly be and in the event of a fire provides maximum mitigation to reduce its impact. However, the risk cannot be completely removed and the fear of fire to local residents would still likely be a reality and therefore this remains a minor negative aspect.

- 9.11 Neutral impacts include highway safety, flood risk, archaeology, drainage, biodiversity impacts on protected species subject to mitigation, air quality and noise which are matters that can be acceptably controlled through the imposition of conditions.
- 9.12 To conclude, the full benefits of supporting the national electricity grid with a greater renewal energy supply and the consequential additional benefits arising from that, together with the benefits of BNG, permissive footpath and some job creation is considered to outweigh the harm identified above in terms of loss of BMV land, landscape/visual impacts and the fire risk/fear of fire identified, and harm to heritage assets in the overall planning balance. Subject to conditions, the application has been found to be acceptable with regards to impact on ecology including nearby designated sites and biodiversity impacts on protected species subject to mitigation, passing the Exception Test, highway safety, archaeology, drainage, tree/hedgerow, air quality and noise.
- 9.13 It is accepted that there has been concerns submitted outlining the objections of both the Parish Councils and local residents, these comments have been weighted accordingly in the planning balance.
- 9.14 Overall, based on a balancing exercise of positive benefits against the harm identified, it is considered that the scheme is acceptable, subject to the conditions detailed below and would represent sustainable development in accordance with the NPPF and the Development Plan.

10.0 Recommendation

Approve, subject to:

a) the completion of a S106 Agreement requiring

- i. Details, timescales and measures to ensure all biodiversity improvements are in place and are appropriately monitored for the lifetime of the development, and
- ii. That a highways condition survey is undertaken in agreement with the Highway Authority and all potential damage to the public road rectified.

b) the following conditions detailed below:

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 after the date the of the first import of electricity to the development or generation of electricity on the development (the "Commission Date"). Written confirmation of the Commission Date shall be provided to the Local Planning Authority within one month after the event.

Reason: To define the temporary nature of the development and to comply with the requirements of the submitted application.

03

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

Drawing Reference HC1002 05 01 REV 0 Site Location Plan
Drawing Reference HC1002 05 2A REV 1 Planning Application Boundary Sheet 1 of 2
Drawing Reference HC1002 05 2B REV 1 Planning Application Boundary Sheet 2 of 2
Drawing Reference HC1002 01 03 REV 0 Constraints Mapping
Drawing Reference HC1002 02 01 REV 1 LVIA Study Area
Drawing Reference HC1002 02 02 REV 1 Landscape Planning Constraints
Drawing Reference HOR1002 02 03 REV 0 Zone of Theoretical Visibility Barriers
Drawing Reference HC1002 02 04 REV 1 Landscape Character Policy Zones
Drawing Reference HC1002 02 05 R3 REV 3 Landscape Mitigation
Drawing Reference HC1002 02 06 R3 REV 0 Cumulative Sites
Drawing Reference HC1002 02 07 REV 1 Residential, Settlement and Transport Receptors
Drawing Reference HC1002 02 08 REV 0 Viewpoint Location Plan
Drawing Reference HC1002 02 09 REV 0 Viewpoint Location Plan *received 12 July 2024*
Drawing Reference HC1002 05 03 REV 4 Site Layout *received 2 Dec 2024*
Drawing Reference HC1002 05 04 REV 1 Substation and BESS Compound Arrangement
Drawing Reference HC1002 05 05 REV 0 PV Panel Details (including details of different mounting systems, to be read in conjunction with Drawing no. HC1002/5/28 Archaeology Mitigation Areas)
Drawing Reference HC1002 05 06 REV 0 DNO Substation Details
Drawing Reference HC1002 05 07 REV 0 Solar and BESS Switchgear Cabins Details
Drawing Reference HC1002 05 08 REV 0 Solar Transformer Station Details
Drawing Reference HC1002 05 09 REV 0 Spares Cabin Details
Drawing Reference HC1002 05 10 REV 0 Container Details
Drawing Reference HC1002 05 11 REV 0 Battery Modules Details
Drawing Reference HC1002 05 12 REV 0 Battery Transformer Inverter Details

Drawing Reference HC1002 05 13 REV 0 Battery Firewall Details
Drawing Reference HC1002 05 14 REV 1 Point of Connection Details
Drawing Reference HC1002 05 15 REV 0 Sections Through Substations and BESS Compound
Drawing Reference HC1002 02 16 REV 2 Landscape Masterplan *received 20 Dec 2024*
Drawing Reference HC1002 05 17 REV 0 Fencing and Security Details
Drawing Reference HC1002 05 18 REV 0 Internal Access Track Construction Detail
Drawing Reference HC1002 05 19 REV 0 Palisade Fencing Details
Drawing Reference HC1002 05 20 REV 0 Deer Mesh Fencing Details
Drawing Reference HC1002 05 21 REV 0 Acoustic Fence Details
Drawing Reference HC1002 05 22 REV 0 Paladin Fence Details
Drawing Reference HC1002 05 23 REV 1 Site Access Details *received 21 June 2024*
Drawing Reference HC1002 05 24 REV 0 Site Access Construction Details
Drawing Reference HC1002 05 25 REV 2 Temporary Site Set Down Area Details
Drawing Reference HC1002 05 26 REV 0 Indicative 132kv Substation Details
Drawing Reference HC1002 05 27 REV 2 Public Access Details *received 20 Dec 2024*
Drawing Reference HC1002 05 28 REV 2 Archaeology Mitigation Areas
Drawing Reference HC1002 05 29 REV 2 Translocated Hedgerow Plan *received 21 June 2024*
Drawing Reference WPD EPEX GA 03 REV B AND WPD EPEX GA 01 Communication Mast Indicative Specification

Reason: To define this permission and for the avoidance of doubt.

04

No later than 12 months before the expiration of a period of 40 years months from the Commission Date, or within 6 months of a cessation of operation of the facility for a period of 12 months (unless otherwise agreed with the Local Planning Authority) a Scheme of Decommissioning and Restoration shall be submitted to and agreed in writing by the Local Planning Authority. The Scheme shall include:

- (a) The management and timings of any works;
- (b) A Traffic Management Plan to address likely traffic impact issues during the decommissioning period;
- (c) An Environmental Management Plan to include measures to be taken to protect wildlife and habitats during and after the decommissioning period;
- (d) A De-construction Environmental Management Plan to include measures to protect the amenities of neighbouring residents during the decommissioning period as well as site restoration measures.

All equipment and associated works shall be removed within 12 months of the Scheme being approved by the Local Planning Authority, unless alternative timings are agreed within the Scheme.

Reason: In the interests of highway safety, visual and residential amenity, biodiversity and environmental protection.

05

Prior to any obstruction to Kelham Footpath No. 4 and Averham Footpath No.6, the permissive footpath shown on Site Layout Plan (Drawing Reference HC1002/5/03 r4) shall be installed and made available for public use and retained for the lifetime of the development in accordance with a scheme for its laying out along the route shown on Site Layout Plan (Drawing Reference HC1002/5/03 r4) together with the arrangements for maintaining the footpath during the life of the development that shall first be submitted to and approved in writing by the Local Planning Authority (the "Permissive Footpath Scheme"). The said scheme shall include the programme of delivery, details of the footpath specification and any arrangements for the temporary restriction of access to the public to Kelham Footpath No. 4 and Averham Footpath No.6.

Reason: To maintain and enhance the recreational use of the site both during the construction period and through the lifetime of the development.

06

Prior to commencement of development a Full Construction Environmental Management Plan (based largely on the submitted outline) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt that shall include, but not be limited to:

- i. a scheme to control noise and dust/dirt and mitigation measures;
- ii. except for emergency works, construction works on the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and no time at all on Sundays or Bank Holidays;
- iii. that deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed for abnormal load deliveries;
- iv. the parking of vehicles of site operatives and visitors;
- v. loading and unloading of plant and materials;
- vi. storage of plant and materials used in constructing the development;
- vii. wheel washing facilities;
- viii. details of the wooden fencing to enclose temporary compound area;
- ix. traffic management signage scheme;
- x. full details of any temporary external lighting;
- xi. measures for the protection of habitats and species within the Site.

The approved Construction Environmental Management Plan shall be fully complied with until the completion of construction on the site.

Reason: In the interests of residential amenity, biodiversity.

07

Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority that shall include a Construction Staff Travel Plan detailing proposals (including targets, a timetable and enforcement mechanism) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall include arrangements for monitoring of progress of the proposals, Construction delivery details and details of staff parking as well as details of comprehensive signage to indicate construction traffic routing, and traffic management arrangements.

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

08

Before development commences and notwithstanding the submitted drawings, the A617 site access, as indicatively shown on drawing number Drawing Reference HC1002/5/23 r1 - Site Access Details (save for the provision of gates), shall be constructed in accordance with a detailed design to be first submitted and approved in writing by the Local Planning Authority. The approved access shall be maintained for the life of the development.

Reason: In the interests of highway safety.

09

The required 2.4m x 160m site access visibility splays, as shown on drawing number 153626-002 Rev D, shall be provided prior to the A617 access being brought into use. Any hedge or other vegetation within 1m of the rear of the visibility splays shall be removed and the splays shall then be kept clear of all obstructions of 0.26m above adjacent carriageway level for the lifetime of the development.

Reason: In the interests of highway safety.

10

Notwithstanding the submitted drawings, gates at the A617 access shall be constructed in accordance with a detailed design to be first submitted to and approved in writing by the Local Planning Authority. The approved gates shall be retained for the life of the development unless otherwise agreed by the Local Planning Authority.

Reason: In the interest of highway safety.

011

There shall be no vehicular or pedestrian access into the development site via Broadgate Lane.

Reason: To prevent development traffic from using Broadgate Lane for access, or for parking in connection with access, to the proposed development in the interest of residential amenity and highway safety.

012

The noise associated with the development hereby approved shall be limited to those specified in paragraph 6.2.3 of the submitted Noise Impact Assessment by NVC Ltd dated 10.10.2023 and all noise mitigation measures detailed in the assessment shall be installed and be operational prior to any use of the site being made for energy generating purposes. All noise mitigation measures shall remain operational and in place for the lifetime of the development.

Reason: In the interests of residential amenity.

013

Notwithstanding any submitted details hereby approved, prior to the installation of any permanent external lighting to serve the operational use, full details of all external lighting proposed (to include methods to restrict times of illumination, luminance levels, glare potential) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be designed to minimise the use of external lighting on the site, prevent light spillage and be directed away from sensitive receptors and high value and boundary habitats, such as woodland. External lighting for the operational phase shall be installed and thereafter maintained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of residential amenity and biodiversity.

014

Notwithstanding the submitted Soil Resources and Management Plan (Land Research Associates Report 1909/3, May 2024), an updated report shall be submitted to and approved by the Local Planning Authority before development commences that shall have regard to the Institute of Quarrying Good Practice Guide for Handling Soils in Mineral Working, British Society of Soil Science Guidance Notes, in particular the note titled 'Benefitting from Soil Management in Development and Construction'. It shall also include:

- a) An assessment of agricultural land and soil resource at the site pre-construction. restoration detail of ALC graded agricultural land included in the SMP;
- b) An aftercare programme which would enable a satisfactory standard of agricultural after-use;
- c) to be reached. Details of how the Agricultural Impact Assessment (Jan 2024) informs the SMP to maintain agricultural production to the same standard after decommissioning;
- d) The methods by which the applicant intends to restore appropriate affected areas to agricultural use after works including excavations and restoration has finished; and

- e) Remediation in the event of compaction (inc cultivating, reseeding, draining or irrigating, applying fertiliser, or cutting and grazing the site)

Thereafter, the development hereby approved shall be carried out in accordance with the approved details.

Reason: To ensure soil quality is suitable maintained of the lifetime of the development and to ensure that its appropriately can be effectively restored to agricultural use, with no change in the agricultural capability (ALC grade) of the land

015

The installed electrical generating capacity of the development hereby approved shall be restricted to a maximum of 49.9 megawatts (MW) measured as the AC installed export capacity.

Reason: To limit the generating capacity of the site based on the submitted information and to accord with the National Policy Statement for Renewable Energy Infrastructure (EN-3), and for the avoidance of doubt.

016

Prior to the commencement of the development hereby approved (including all preparatory work), a scheme for the protection of the retained trees (together with all planting carried out under the requirements of Condition 04 of this permission), in accordance with BS 5837:2012, including a Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Details of construction within the RPA or that may impact on the retained trees.
- c) Boundary treatment works within the RPA and a full specification for their installation.
- d) a full specification for the construction of any roads and parking areas, including details of the no-dig specification and extent of the areas of the roads and parking areas to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- i) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- j) Methodology and detailed assessment of root pruning.
- k) Arboricultural supervision and inspection by a suitably qualified tree specialist.

l) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during construction and to protect and enhance the appearance and character of the site and locality and pursuant to section 197 of the Town and Country Planning Act 1990.

017

Prior to the Commission Date hereby approved, details of the treatment of all areas of the site not included within requirements of Condition 4 and not covered by buildings/structures shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or Commission Date, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted.
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 3) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 4) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 5) types and dimensions of all boundary treatments.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to enhance its setting within the immediate locality.

018

No retained or planted tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase, unless it is diseased or dangerous, and thereafter within 10 years from the date of the Commission Date, other than in accordance with the approved plans and particulars. Any trees/shrubs which, within a period of ten 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.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality.

019

Prior to the Commission Date a Landscape and Ecological Management Plan (LEMP) based on the approved Landscape Mitigation Plan (Reference HC1002/5/16 r2 - Landscape Masterplan) which shall include all planting carried out in compliance with Condition 18 and a maintenance schedule of watercourses within the site for surface water disposal, with timescales embedded shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a ten-year maintenance programme for all planting. The approved LEMP shall be fully implemented and maintained for the lifetime of the development.

Reason: In the interests of biodiversity and the landscape character and rural amenities of the area.

020

Prior to the Commission Date, an updated Fire Safety Management Plan detailing the specification of all plant and machinery shall be submitted to and approved by the Local Planning Authority thereafter the development shall be fully implemented and shall be retained and maintained as such for the lifetime of the development.

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

021

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the Flood Risk Assessment (FRA) and Drainage Strategy prepared by KRS Environmental Limited (October 2023), 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 Sustainable Drainage Systems throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

- 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 30 year and 1 in 100 year plus climate change return periods.

No surcharge shown in a 1 in 1 year.

No flooding shown in a 1 in 30 year.

For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.

- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.

- Evidence of how the on-site surface water drainage systems, including Staythorpe Sidings Drain, shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

The development shall be implemented in full accordance with the approved detailed surface water drainage scheme.

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

022

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation and enhancement measures outlined in the Geophysical Survey prepared by Archaeology England dated December 2022 (Ref: 2092 Version 2), Heritage Impact Assessment prepared by Archaeology England dated August 2023 (Ref: 2218 Version 2), Archaeology and Cultural Heritage Desk Based Assessment prepared by Archaeology England dated September 2023 (Ref: 2027 Version 2), Archaeological Evaluation Report dated August 2023 (Ref: 2222 Version 01) (Part 1, 2A, 2Bx2), Noise Impact Assessment prepared by Noise & Vibration Consultants Ltd dated 10th October 2023 (Ref: R23.0603/DRK), Outline Construction Environmental Management Plan prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/CEMP), Landscape and Visual Impact Assessment prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002 02 01/LVIA Final) including: LVIA, LVIA Addendum prepared by Sirius Planning dated June 2024 (Ref: HC1002/02/Adden), Design and Access Statement prepared by Sirius Planning Ltd dated October 2023 (Ref: HC1002/DAS Final), Soil Resources and Agricultural Quality Report prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2), Soil Management Plan prepared by Land Research Associates Ltd dated 19th September 2023 (Ref: 1909/2) (ref: 1909/3), Agricultural Land Impact Assessment prepared by Assured Agronomy dated January 2024 (No Ref), Transport Statement prepared by Sanderson Associates Consulting Engineers dated October 2023 (Ref: 153656 001 02), Stage 1 Road Safety Audit Brief prepared by Sanderson Associates Consulting Engineers dated July 2023 (Ref: 153262 002 03), Construction Traffic Management

Plan prepared by Sanderson Associates Consulting Engineers dated June 2024 (Ref: 153262 007 02)

The mitigation and enhancement measures shall be implemented and maintained for the lifetime of the development.

Reason: In the interests of landscape character, visual and residential amenities and biodiversity.

023

Archaeology - Part 1

No development 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 evaluation trenching, open area excavation and provision for other 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; and
6. Nomination of a competent person/organisation to undertake the work.

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

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

024

Archaeology - Part 2

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. 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 to the methods and procedures set out in the approved Written Scheme of Investigation 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.

025

Archaeology - Part 3

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority; and the condition shall not be discharged until the archive of all archaeological work undertaken hitherto has been deposited with the County Museum Service, or another public depository willing to receive it.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

026

The development shall be undertaken in accordance with the approved mitigation and enhancement measures and/or works and shall be carried out in accordance with the details contained in the:

- Ecology Appraisal prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev B)
- Bird Report prepared by FPCR Environment and Design Ltd dated September 2023 (Ref: 9511 Rev D)
- Biodiversity Net Gain Calculation/Report *received 21 June 2024*

together with any subsequently approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development contributes to the enhancement of biodiversity on the site having regard to Chapter 15 (Conserving and enhancing the natural environment) of the National Planning Policy Framework (December 2024) and to conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

027

No development shall take place (including demolition, ground works, vegetation clearance) until a separate construction environmental management plan specifically in respect of Biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- 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 to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

028

Notwithstanding the submitted details, prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall also 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. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years over the operational lifetime of the solar array);
- f. Identification of who will be responsible for implementing the BMP; and
- g. 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.

Informatives

01

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

02

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

03

Environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental->

permits or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with the EA at the earliest opportunity.

04

Should a Temporary Closure of Kelham Footpath No. 4 and / or Averham Footpath No.6 be needed, this 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 contact countryside.access@notscc.gov.uk, as least 5 weeks' notice is required to process the closure.

05

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

06

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

07

Severn Trent Water advise that although their statutory sewer records do not show any public sewers with the area specified, there may be sewers that have been recently adopted under, The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

08

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 to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting 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.

09

National Highways have requested that that the develop to consult with the A46 Newark By-Pass Team in the event that their detailed plans incorporate new or diverted services with the verges of the A617, to ensure the impacts to the A46 Newark Bypass scheme proposals for the flood compensation area are taken into consideration. Contact details: a46newarkbypass@nationalhighways.co.uk

010

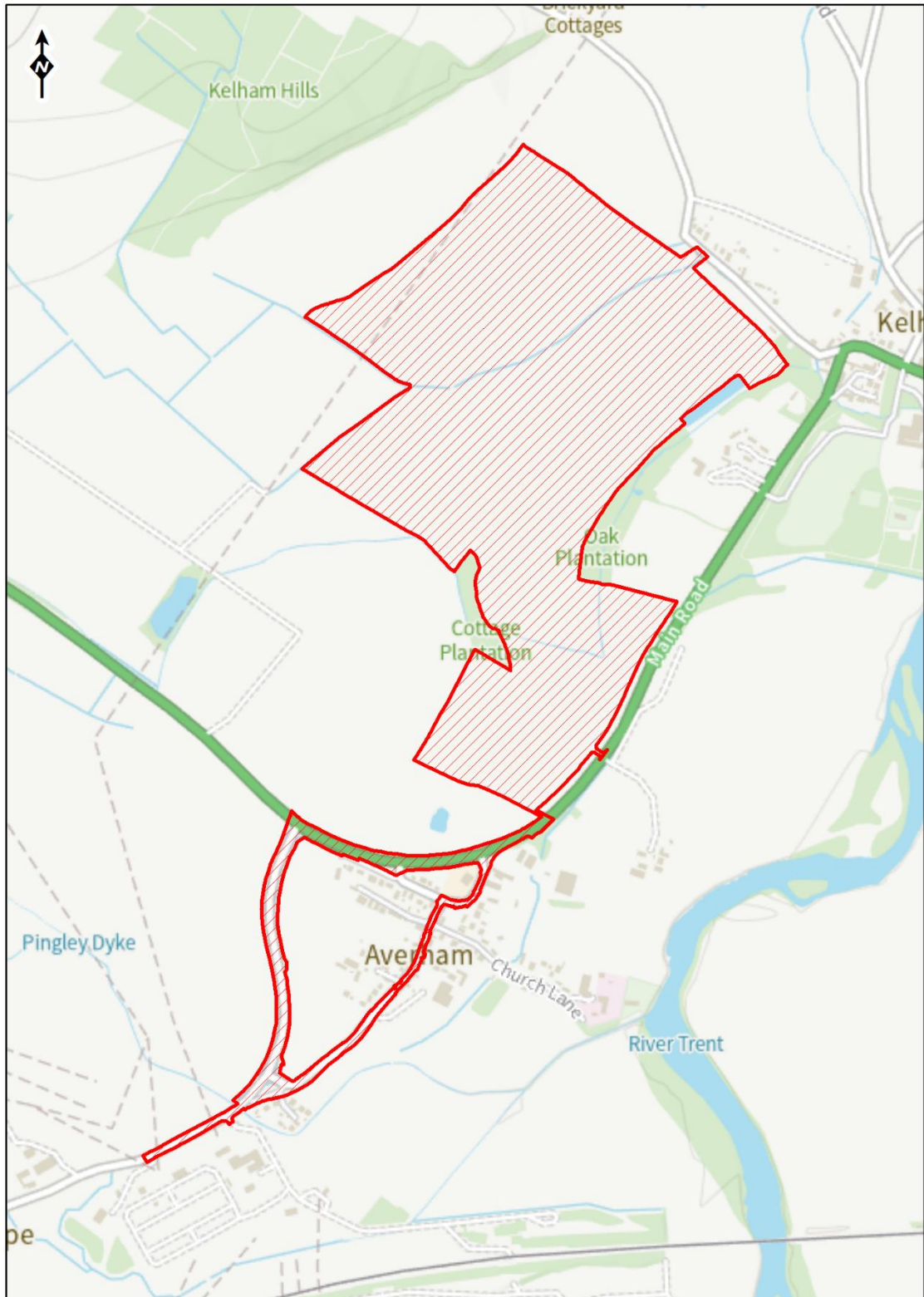
The applicant is advised to contact Trent Valley Internal Drainage Board to ensure that no part of the development contravenes their by-laws which are intended to protect the watercourses and the maintenance of them (planning@tvidb.co.uk)

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 - 23/01837/FULM



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Report to Planning Committee 16 January 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application No.	24/01603/FUL		
Proposal	Change of Use from Place of Worship to Dwelling with single storey side extension.		
Location	St Stephens, Fosse Road, Brough, Newark, NG23 7QE		
Applicant	The Diocese of Southwell and Nottingham	Agent	Wake Conservation Ltd
Registered	26.09.2024	Target Date	18.11.2024 EOT agreed 17.01.25
Recommendation	Approve		

Referred to the Committee by Ward Member in line with Collingham Parish Council concerns about archaeology, design and highways.

1.0 The Site

- 1.1 The site comprises the Grade II listed St Stephen’s Church, built in 1885 within its churchyard plot in the small hamlet of Brough. The small Victorian Church, constructed of red brick and rosemary clay tiled roof, is set at a lower level than the road and is located to the north of the plot. The building has not been in use for a place of congregation for many years.
- 1.2 The site is largely obscured by mature trees which enclose the site from Fosse Road. There is currently no parking or vehicular access to serve the building. Black metal railings and a pedestrian gate form the frontage boundary with the road.
- 1.3 Glebe Farm operates from land to north-west and the boundary comprises trees and wire mesh fencing. To the north-east is a pair of cottages with no. 1 School Cottages

being located closest to the church, bound by railings. The boundary here is relatively open.

1.4 A scheduled ancient monument (Crococalana Roman town) surrounds the site.

2.0 Relevant Planning History

2.1 PREAPP/00359/22 – Change of use to dwelling with single storey dwelling. Advice offered 1st February 2023.

3.0 The Proposal

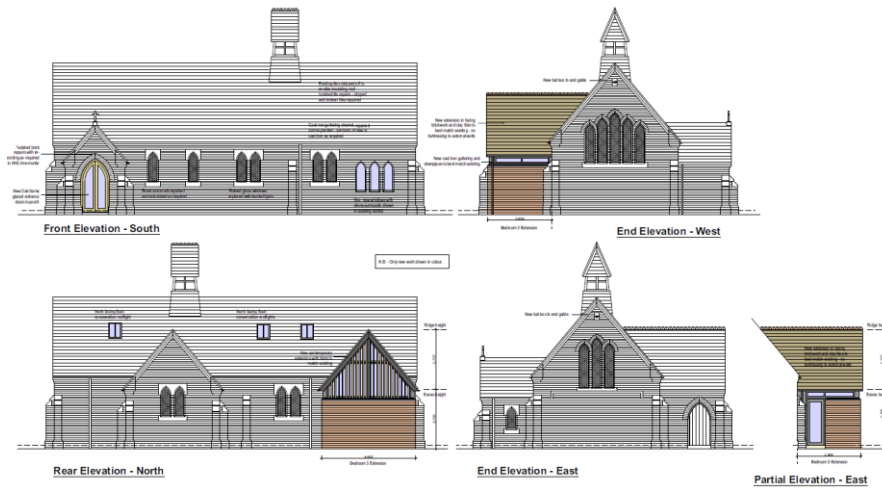
3.1 Revised plans have been received during the course of the application to address concerns raised by officers and consultees.

3.2 The application seeks full planning permission for the change of use from a former church to a 3-bedroom dwelling. It also includes a brick and clay tile single storey extension to the north elevation to form a bedroom which measures 4.4m wide by 2.9m deep, with an eaves height of 2.72m and 5.45m to ridge. Other external changes include 3 (revised from 4) new roof lights to the northern roof face, the insertion of a bat box at the eastern gable, new oak framed doors to the porch and the insertion of 3 new windows with stone surround to the south elevation.

Existing Elevations

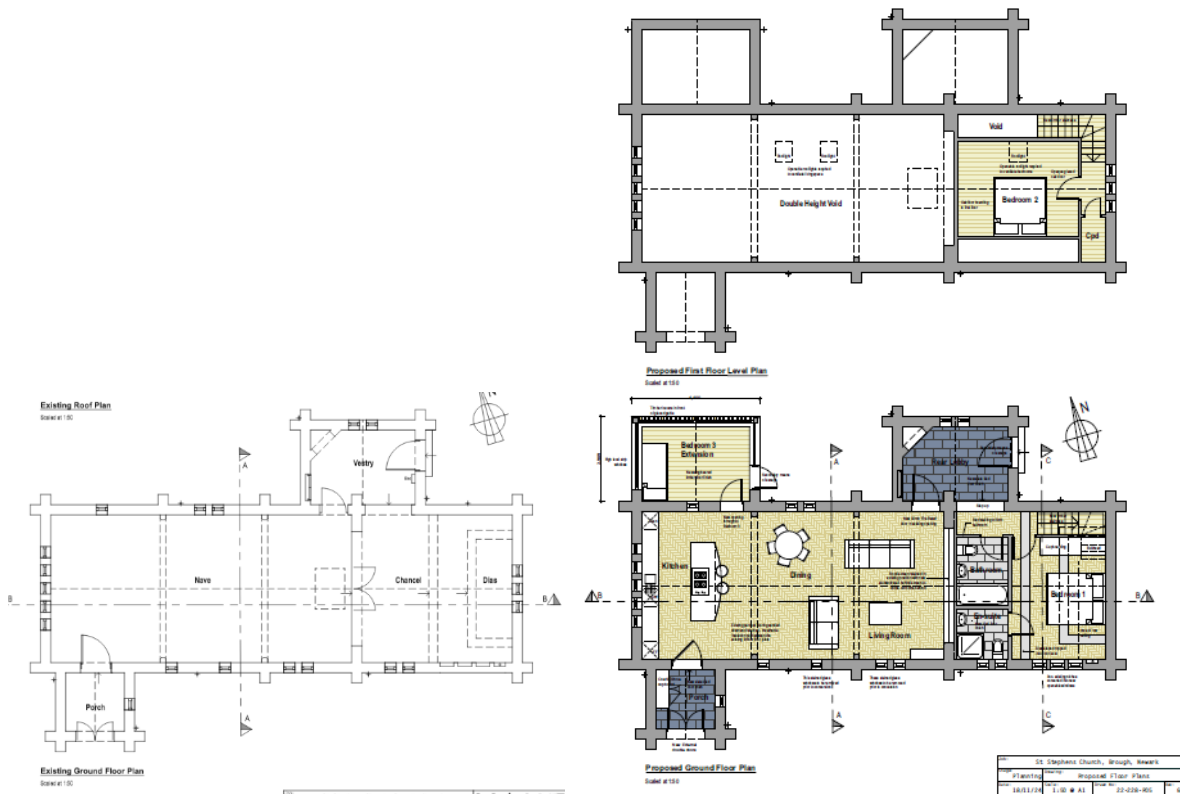


Proposed Elevations



Existing Floor Plans

Proposed Floor Plans



3.3 A new vehicular access is proposed to be formed from Fosse Road. This would involve banking either side of the driveway to raise levels across the ditch. This would pass through a line of mature trees. Visibility splays would be provided in both directions. The on-site driveway would be permeable and provided parking and turning for 3 vehicles.

3.4 Documents and plans assessed in this appraisal:

- Existing Floor Plans, drawing no. 22-228-P02
- Existing Sections AA BB, drawing no. 22-228-P04
- Existing Elevations, drawing no. 22-228-P03 Rev A

Existing Site Plan, drawing no. 22-228-P08
 Proposed Ground Floor Plans, drawing no. 22-228-P05 Rev G (received 18.11.2004)
 Proposed Site Plan, drawing no. 22-228-P09 Rev C (received 09.12.2024)
 Proposed Section AA, drawing no. 22-228-P07 Rev B (received 18.11.2024)
 Proposed Section BB, drawing no. 22-228-P10 Rev B (received 18.11.2024)
 Proposed Section CC, drawing no. 22-228-P11 Rev A (received 18.11.2024)
 Proposed Elevations, drawing no. 22-228-P06 Rev C (received 18.11.2024)
 Site Location Plan, drawing no. 22-228-P01 Rev B
 Proposed Site Plan, P09 Rev B (received 18.11.2024)
 Location Plan (showing visibility splays) 22-228-P12 Rev A (received 09.12.2024)
 Vehicular Access Drive Sections, 22-228-P13 (received 18.11.2024)
 External Store Detail, drawing no. 22-2282-P14 (received 18.11.2024)
 Secondary Glazing Detail, 22-228-P15 (received 18.11.2024)
 Rood Screen Detail, 22-228-P16 (received 18.11.2024)
 Historic England Pre-application advice letter dated 21 July 2023
 Tree Work Specification Letter dated 25 November 2022 by Watson Lindsey
 Arboricultural Report and Impact Assessment, Watson Lindsey, 25 November 2022
 Archaeological Evaluation, Prospect Archaeology
 Archaeological Watching Brief, Prospect Archaeology. Revised Jan 2023
 Observations of the Potential for Archaeological Remains, JM Archaeology Ltd, Nov 2022
 Bat Survey Report Rev B, LM Ecology, Sept 2024
 Biodiversity Metric Calculation Tool
 Biodiversity Net Gain Assessment
 Heritage Statement, Rev B, Wake Conservation
 Preliminary Ecological Appraisal, Brindle & Green, February 2023
 Viability/Feasibility Budget Information, (received 29.11.2024)
 Letter from Brown and Co. Estate Agents (received 29.11.2024)

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 3 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 expiring 24th October 2024. Re-consultation has also taken place in respect of the revised plans.

4.2 Site visit undertaken on 3rd October 2024

5.0 Planning Policy Framework

5.1 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
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 3 – Housing Mix, Type and Density
- Core Policy 9 -Sustainable Design

- Core Policy 10 – Climate Change
- Core Policy 10A – Local Drainage Designations
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character
- Core Policy 14 – Historic Environment

5.2 **Allocations & Development Management DPD (2013)**

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

- 5.3 The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024 and an examination in public was undertaken in November. This is therefore at an advanced stage of preparation albeit the outcome of the examination is not yet known. There are unresolved objections to amended versions of policies set out above emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.4 **Other Material Planning Considerations**

Planning (Listed Building and Conservation Areas) Act 1990
 National Planning Policy Framework 2024
 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**

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

Statutory Consultations

- 6.2 **Nottinghamshire County Council (Highways)** – (17.12.2024) Following their previous request for additional information regarding parking and visibility splays, they now confirm the details are satisfactory and raise no objections subject to conditions to control 1) the provision of visibility splays which should be kept free from obstruction, 2) provision of the driveway in hard bound material for first 5.5m back from highway and 3) provision and maintenance of parking and turning areas.
- 6.3 **Historic England** – (29.11.2024) – Support but with some concerns raised on heritage grounds.

Historic England has provided pre-application advice on 21st July 2023 for the proposed conversion of the church to a private dwelling. We have since provided advice on the submitted applications, raising concerns with elements of the proposed conversion. The proposed scheme did take on board some of the pre-application comments and has taken on board the additional comments within the first submission. There are concerns which should still be addressed, and the Local Planning Authority should ensure they have all the information required which advances understanding of the proposed works.

Historic England accept the principal of conversion and note the positive changes in the proposed scheme. There are concerns with elements of the proposed development, the alterations to the chancel arch, roof insulation and stained-glass windows, and it is advised that the Local Planning Authority ensure they have sufficient information to make a balanced assessment regarding those alterations.

Regarding the proposed thermal upgrade and energy efficiency measures we refer you to the guidance set out in Historic England Advice Note 18: Adapting Historic Buildings for Energy and Carbon Efficiency and advise the use of a whole building approach to the matter to consider the need for all thermal elements to be upgraded.

It is also advised further justification and alternative options for a third car parking space be submitted.

(18.10.2024) Concern raised as proposal would cause 'less than substantial' harm to heritage asset.

- Proposed means of enclosing the chancel arch
- Shadow gap needs to be provided between the rood screen and the proposed
- Infilling of arch should be set back from the reveal
- Need for thermal insulation should be reconsidered
- Reuse of existing niches look slightly awkward with the symmetry with the rest of the windows internally
- Formation of stone surround overcomplicates the design and simpler plain brick opening would mitigate

Town/Parish Council

6.3 Collingham Parish Council – (29.11.2024) object unanimously on the following grounds:

- Ecology, landscape
 - The building is adjacent to the Scheduled Monument of Crococalana and significant archaeological artefacts have been found in trial trenches that suggest that the area may be as significant as the accepted Crococalana site.
- Design and visual impact
 - New features to the existing building, such as the rooflights, alteration to the chancel and the removal of two of the stained-glass windows are likely to be visually jarring.

- Internally, subdivision of the space would be a substantial departure from the intentional openness of the design of a church and the thermal improvements will also substantially alter the internal character.
- The modern design of the extension would clash with the Gothic Revival architecture of the rest of the building.
- Access & Traffic
 - The original visibility splay of 45m from 2.5m back is unsuitable for a national speed limit road, and conflicts with the Nottinghamshire Highway Design Guide (NHDG). Although this may now have been revised this should be checked carefully as there have been several serious accidents recently on this road and another local main road where cars enter from driveways.
 - We note that two of the car parking spaces have been increased to the standard of 3m x 5.5m for a residential building as outlined in the NSDC Residential Cycle and Car Parking Standards SPD, but the size of the space nearest the building doesn't appear to be specified.

The Parish Council is not opposed to the development of this historic building and welcomes its preservation but does not consider this proposal to be suitable.

(25.10.2024) – Do not support – whilst they support in principle they believe strongest conditions should be imposed to preserve the archaeology and history of both below and above ground level.

Representations/Non-Statutory Consultation

6.4 NSDC Conservation – (04.12.2024) Do not object, summary of comments as follows:

Conservation are supportive of the principle of converting the church and finding a new optimum viable use for the Listed Building. They raised concerns regarding the extension as it would harm the building's historic and architectural interest albeit they accept that additional information provides more robust justification for the principle of a 3-bed dwelling. Whilst the proposal would still result in the same degree of harm to the designated heritage asset (less than substantial harm – par.208 of NPPF), there has been clear and convincing justification for this (par.206 of NPPF). Whilst the proposed extension would be overtly contemporary, its scale is proportionate the modest scale of the church and it has been sited to the rear of the building to be less visually prominent.

Overall, the proposal would result in a high degree of harm to the special interest and setting of the Listed Building, contrary to s.66 and 16 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.208 of NPPF and policy DM9 of the local development framework), but at the higher end of the scale of harm. However it has been clearly demonstrated that the new use and extension is required to facilitate the long-term conservation and maintenance of the Listed Building (par.206 of NPPF). There would be public benefits arising from the reuse of the building and securing the building's optimum viable use would help sustain the significance of the heritage asset for future generations (par.203 and 208 of NPPF). With all things considered, these benefits would likely

balance the heritage harm arising from the proposed development. Therefore, there are no objections to the proposal from a conservation perspective subject to a number of conditions.

(28.10.2024) Object, needs more justification.

6.5 Historic Advisor for Archaeology (LCC) – Advise given. Highly sensitive area that would require mitigation in the event of an approval.

6.6 Environment Agency – The site falls within flood zone 1 and therefore they have no fluvial flood risk concerns and there are no other environmental constraints associated with the site within the remit of the EA.

6.7 No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issues have been identified as:

1. Principles of development
2. Impact on Heritage (Character and Design)
3. Highways and Parking
4. Residential Amenity
5. Impact on Landscape and Trees
6. Impact on Biodiversity/Ecology
7. Housing Mix and Need
8. Drainage

Principle of Development

7.2 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.

Loss of Community Facility

7.3 Spatial Policy 8 of the Amended Core Strategy seeks to protect against the loss of existing community and leisure facilities. However, given that the building has not been used as a community facility (a church) for many years (since 1986) and its community use has effectively been abandoned, I am satisfied that this policy should not apply and needs no further consideration.

Principle of Conversion to Residential

- 7.4 The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan (detailed above) is not fully up to date in respect to housing supply and the NPPF is a strong material consideration. Since the publication of the NPPF in December 2024, the Council is now unable to demonstrate the required 5 year housing land supply meaning that the titled balance is now engaged, which will be discussed further in the planning balance and conclusion section of this report.
- 7.5 The application site is located close to the hamlet of Brough but is located away from the built up area and falls to be considered within the open countryside in locational terms. Following the settlement hierarchy within the Core Strategy, the proposal would fall to be considered against Spatial Policy 3 (Rural Areas) and its sustainability criteria of location, scale, need, impact and character.
- 7.6 Spatial Policy 3 advises that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. However it also advises that consideration will be also given to the re-use of rural buildings. Specific guidance on development within the open countryside is set out within Policy DM8 of the Allocations and Development Management DPD.
- 7.7 Policy DM8 lists the appropriate forms of development within the open countryside which includes the conversion of existing buildings and states:-
- ‘In the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. 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.’
- 7.8 Whilst the site is not considered to be in a particularly sustainable location for new housing given that future occupants of the proposed dwelling would be likely to be reliant on the use of a private car for day to day living, the re-use of an existing building does represent a form of sustainable development. Importantly, the building is listed with special historical and architectural merit. As such, in accordance with Policy DM8, the existing chapel warrants preservation and from the submitted structural report would appear to be capable of conversion without any significant re-buildings or alterations notwithstanding its rural location. It is considered that its reuse for residential use is likely to be the best option of safeguarding the building for the future. As such, the principle of conversion to a dwelling is therefore acceptable subject to consideration of the impacts which are now considered below.

Impacts on Heritage (Character and Design)

- 7.9 Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require 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 courts have said that this statutory requirement operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation. This is also reflected in CP14 and DM9 of the Development Plan. Policies DM5 and CP9 detail a more general expectation for a high standard of design.

Significance

- 7.10 The proposal would involve the conversion of St Stephen's Church, which is a Grade II Listed Building immediately surrounded by a Scheduled Monument of the buried remains of a Roman Town. St Stephen's is a c.1885 parish church constructed in brick, ashlar detailing and has a plain tile roof. The building is designed in an Early English revival style. This was constructed through the support of the local community with money raised through fundraising. The hamlet of Brough became deserted in the late-20th century due to changes in agricultural production and, as such, the church became poorly attended and was eventually closed in 1985. The significance of the building relates to its intactness and integrity as a late-19th century parish church, design in Gothic-revival design, retention of stained glass, modest scale and rural setting.
- 7.11 Crococalana Roman Town is a Scheduled Monument and is of high archaeological and historic value due to the potential evidence of buried remains of the town dating 1st century AD which developed around a military fort. There are no earthworks visible above ground, but the proposed development has the potential to impact the Scheduled Monument and/or any undesignated archaeological remains on the development site.

Assessment

- 7.12 The proposal would involve conversion of the disused church into a single 3-bed dwellinghouse. The proposed works to facilitate the conversion would involve the creation of a single-storey projecting side extension, installation of internal partitions and a mezzanine level, installation of rooflights, replacement of some windows and installation of new windows. Works within the grounds would include alterations to the boundary treatments, creation of a driveway and access and the installation of an air source heat pump (ADHP).
- 7.13 From a heritage perspective, officers (and Historic England) support the principle of converting the church and finding a new optimum use for the listed building. Conservation colleagues have advised that there would be a high degree of harm

arising from the loss of the original and historic features which would result in irreversible harm to the heritage asset. They do however recognise that the scheme has tried to sensitively design alterations and upgrades to reflect and sustain the significance of the listed building as a place of worship. The impacts of the proposal are considered below.

Internal alterations to the Listed Building

- 7.14 Churches are principally designed to be open to the rafters and, even in a modest scale church such as this, the openness is one of the key characteristics of the building's interior as it accentuates the eminence of the space and highlights the architectural detailing.
- 7.15 The proposed conversion to a dwelling would involve the subdivision of the interior, change in floor levels of the dais and the insertion of a mezzanine level to the chancel. In addition, the internal works would involve thermal upgrades such as the installation of insulation to the perimeter walls, flooring, and ceiling as well as the installation of secondary glazing to all windows. Conservation colleagues are clear that the subdivision of the layout would disrupt views and the appreciation of the internal architectural detailing and the church's sense of openness. The proposed internal wall insulation would cover the exposed brickwork and hide the aesthetic interest of the detailing, such as window surround chamfers and voussoirs. This would diminish the appreciation of the Gothic-revival detailing of the building.
- 7.16 A sectional drawing for the proposed secondary glazing has been provided which is useful to illustrate how this would sit within the masonry. However, given the sensitivity of the building's architectural design, more detail would be required through condition showing specific details of the secondary glazing upgrades to the different types of window openings and details of internal appearance of this i.e. drawings illustrating how this would align with any outer frames and details of the opening mechanisms to ensure that the impact is minimised on the asset.
- 7.16 In other aspects of the proposed conversion, there has clearly been consideration given to minimising the impact and harm on the historic character of the building. For example, the insulation would be installed from above the ceiling, therefore maintaining the exposed timber work in situ. In addition, the flooring is proposed to be thermally upgraded by lifting and relaying the parquet flooring on top of the insulation. The proposed floorplans (dwg no. 22-228-P05 Rev F) and sectional drawing (dwg no. 22-228-P07 Rev A) illustrate that the partition to the chancel would be sited behind the brick archway and the rood screen would be retained in situ. Whilst there would be some intrusive physical works associated with these alterations, the preservation of these features would ultimately help maintain some of the aesthetic value of the building's interior.
- 7.17 The loss of some of the remaining features, such as the memorial plaque would result in a degree of harm, although it is noted in the Heritage Statement, that the Diocese intends to relocate it to a local church so its significance would not be totally lost.

External alterations to the Listed Building

- 7.18 The external alterations would involve an extension to the north elevation, external masonry and roof repairs, installation of rooflights and the replacement and insertion of new windows.
- 7.19 There would be 3 rooflights proposed (serving the open plan living area and the mezzanine bedroom) which as amended has reduced the previously (slightly cluttered) appearance to the roof slope.
- 7.20 The proposal would involve the opening up of three niches in the chancel to create a 3-light window on the south elevation. Conservation colleagues have commented that this would cause a degree of harm to the significance of the building as it would result in the loss of historic fabric and authenticity of this feature. In addition, the cill of the new windows would not align with the other features and would look discordant with the overall designed elevations.
- 7.21 It is proposed to remove and relocate three stained-glass windows within the building. Whilst their fabric will be preserved in other locations (outside of the site), the removal of them from their original location would result in the loss of a tangible connection and authenticity, thus, would result in harm to the historic and architectural interest of this listed building.
- 7.22 It is proposed to construct a projecting pitched gable extension to the north elevation to create a third bedroom. Conservation colleagues have raised concerns regarding this from the outset in terms of the effect on the historic plan form and legibility of the building, although this is not a concern that Heritage England have raised.
- 7.23 The extension would be of a similar scale to the rear lobby projecting addition. Conservation colleagues have raised concerns regarding the contemporary design which they consider would clash with and distract from the Gothic-revival interest of the building. This is not a view I share. I consider that the design approach is appropriate in scale and design and having a modern, simple design allows the history of the building to be read in a transparent, honest way.
- 7.24 Conservation colleagues were also concerned that insufficient justification had been advanced to demonstrate that the use (primarily the extension) causes the least amount of harm to the significance of the heritage asset. However, further marketing information and construction costings have been provided. This further supporting information provides more robust justification for the principle of a 3-bed dwelling. I am satisfied that in viability terms, a 3 bedroom dwelling (with extension) would be necessary to enable the building to be converted. Whilst the proposal would still result in the same degree of harm to the designated heritage asset (less than substantial harm – para.212 of NPPF), they are satisfied that there has been clear and convincing justification for this (par.213 of NPPF). Whilst the proposed extension would be overtly contemporary, its scale is proportionate with the modest scale of the church and it has been sited to the rear of the building to be less visually prominent.

Alterations within the grounds

- 7.25 Development within the grounds would involve the installation of an air-source heat pump (ASHP), the creation of an entrance and driveway and the replacement of boundary treatments.
- 7.26 Details of the bin and air-source heat pump stores have been provided. Whilst these would be quite domestic in appearance and have a minor harmful impact on the setting of the Listed Building, they have been sited in more discreet locations to minimise their visual impact.



- 7.27 Regarding the new entrance access, the existing boundary railings would be retained where possible and reused which would likely have a negligible impact on the setting of the Listed Building. It is noted that Historic England have raised concerns about the addition of a 3rd parking space due to its proximity to the church. However due to existing constraints such as trees and the need to provide an area of garden there are no suitable alternative areas for the 3rd space required as a result of NCC Highways Authority requirements which are clearly competing with the heritage aspects. Notwithstanding the layout plan submitted (extract above) it is considered that the space closest to the listed building could be provided in a grasscrete to improve the setting of the building whilst still achieving additional parking when required. This can be secured by condition. On balance and subject to a condition as I have set out, it is not considered that the 3rd space is so harmful that it would warrant a reason for refusal when considered in the round.
- 7.28 No ancillary structures or outbuildings are proposed. The rear lobby may be able to provide covered cycle storage but any other future outbuilding would need planning permission given they would be within the curtilage of a listed building.

Archaeology

- 7.29 The site is in a highly sensitive area within the Roman settlement at Brough and surrounded by the scheduled monument area of Crococolana, (NRHE 1003479). The initial archaeological evaluation (received 11.09.2024), comprising of four trenches, revealed archaeological deposits in three trenches (Trenches 1, 2 & 3), with dark earth deposits and 19th century brick wall foundations found in the fourth trench (Trench 4). Hand-augering also demonstrated complex, deep archaeological deposits.
- 7.30 Trench 1 was located immediately adjacent to and abutting the chapel's northern elevation. The investigation here revealed wall foundations and disturbance associated with the chapel's construction. In addition, evidence of Roman archaeological deposits, including a rubble/course laid surface were found between 0.3m and 1.3m below the current ground level. Roman pottery and animal bone (some displaying butchery evidence) was recovered from these deposits and layers. A poorly preserved stone surface was identified in Trench 2, and similar pottery to that found in Trench 1 was recovered from Trenches 2 and 3. Modern plastic was recovered from Trench 4, indicating more recent disturbance in this area.
- 7.31 The identification of Roman deposits demonstrates the excellent archaeological preservation within the site, associated with the Roman town. The remains identified during the trial trench evaluation may thus be of equal significance to the scheduled monument (NPPF, Dec 2023, footnote 72). The construction of the new extension, new driveway, parking and associated works (e.g. excavation of new service trenches, drainage, landscaping), due to the relatively shallow depth of the known archaeology, will adversely affect in situ archaeological deposits.
- 7.32 The concerns of the Parish Council are noted in respect of archaeology. However archaeology is, by its very nature, destructive but provides a means of learning about our past. This is not a matter which is considered reasonable to withhold planning permission on. Members will note that our historic environment advisor does not object but advises that if permission is granted mitigation will be required. This mitigation should be secured by an appropriate condition to enable the remaining archaeology to be properly recorded prior to any impact from construction or associated works.

Highway Impacts

- 7.33 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 DPD requires the provision of safe access to new development and appropriate parking provision. The Council's SPD on Residential Parking sets out guidance for parking design and quantum.

New Access

- 7.34 The proposals involve the creation of a new vehicular access to serve the conversion off Fosse Road, which is subject to the national speed limit of 60mph.

- 7.35 NCC Highways Authority initially raised concerns that the visibility splays shown were not sufficient and incorrectly shown. However additional information has been provided with the drawing showing that 215m can be provided in both directions of the access. Nottinghamshire County Council have commented that 215m is not achievable to the southwest perimeter as the splay goes through third party land. They advise that realistically, a maximum X distance of approximately 120 metres is achievable to the southwest. They go on to advise that whilst this falls short of that required, the applicant has demonstrated that the trees to the frontage of the site will be cut back to maintain visibility from/to the access and they therefore have no objection. A condition is required to secure the provision of the visibility splays and to keep this clear from obstructions over 0.6m in height.

Parking and Driveway

- 7.36 In accordance with the Council's Supplementary Planning Guidance on residential parking, it sets out that for 3 bedroom dwellings in this area (rest of district) 3 car parking spaces should be provided, each measuring 3m wide by 5.5m in length with additional space provided if bound by a wall or other means of enclosure.
- 7.37 NCC initially raised concerns out that the parking spaces were below size. Amendments have been received showing an enlarged driveway that extends closer to the building that would provide for 3 spaces and space for turning to allow vehicles to leave in a forward gear. Notwithstanding the detail shown on the drawing, it is considered that the space nearest to the building could be provided in grasscrete to soften the impact on the listed building and this can be secured by condition.
- 7.38 NCC also state that the driveway would need to be surfaced with a bound material within 5.5m of the highway and drainage to prevent water from entering the highway. The revised plan confirms that the first 5.5m of the driveway would be laid with tarmac. A condition to secure this is recommended.
- 7.39 In summary, the impact upon the highway is considered acceptable subject to conditions.

Residential Impacts

- 7.40 Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 7.41 A residential dwelling lies to the north-east of the Church where the boundary is relatively open and there are windows to habitable rooms in the elevation of the adjacent cottage facing directly towards the church. The north elevation would provide 2 small windows at ground floor serving the lobby and 2 small windows serving the dining area. Given their ground floor location, their distance from the boundary and their narrow size, these are not likely to cause any harmful overlooking.

In any event these are existing windows. No new windows at first floor level are proposed that would cause any loss of amenity.

- 7.42 The use of the building itself as a dwelling is not likely to cause any adverse impact on neighbouring land uses. Boundary treatments can be controlled by condition to ensure privacy and appropriateness for the heritage asset.
- 7.43 In summary there are no concerns regarding unacceptable impacts on neighbours.

Impact on Landscape and Trees

- 7.44 In terms of 'Character', Spatial Policy 3 provides that new development should not have a detrimental impact on the character of the location of the landscape setting. The starting point in Policy DM7 is retaining existing natural features where possible. Policies DM5 and DM8 sets out that proposals will need to take account of any potential visual impact they create and in particular address the requirements of Landscape Character in accordance with Core Policy 13. The assessment overlaps with the other considerations required by Policy DM5, which confirm 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.
- 7.45 In Landscape Character terms, the site lies within the East Nottinghamshire Sandlands Policy Zone ES PZ 04: Winthorpe Village Farmlands where the landscape condition and landscape sensitivity are both defined as moderate and the landscape actions are to 'Conserve and Create'. In terms of landscape features, actions should include conserving and enhancing tree cover and the fabric of historical sites and their setting.
- 7.46 The submitted tree report and impact assessment shows three trees would be lost to facilitate the development; a semi-mature Lime T4 (B2/3 category) a semi-mature Sycamore T10 (C2) and a Common Laburnum T11 (poor). The loss of the Lime tree appears to be necessary to gain access into the site and it will also be necessary to clear trees that lie close to the church. Crown lift works are proposed on five others (T3 and T5, T6, T7, T8), the removal of deadwood to T12 and the removal of elder G1 from the roadside. No dig construction techniques and tree protection measures are advanced as a solution to avoiding and minimising harm to trees.
- 7.47 The removal of the trees, the other tree works and the methodology outlined to facilitate vehicular access are considered acceptable in principle. Whilst the loss of trees is regrettable, it is also inevitable in order to create adequate off-street parking which will be necessary to make the new use acceptable. To be clear there is no other means of obtaining access. The tree works proposed would better reveal the heritage asset to discreet public views. In my view the harm from the loss of the trees is outweighed by the bringing back into viable use a listed building.
- 7.48 Given the presence of existing trees and the need to create a garden, planting elsewhere is not a feasible option to compensate for the tree loss in this case. However compensation in terms of mandatory biodiversity net gain off-site would need to be achieved in any event.

- 7.49 Overall, it is considered that the loss of 3 trees would have a minimal impact on the character or appearance of the rural landscape. It is worth noting that none of the trees to be lost are protected and could be removed at any time without prior notification to the authority.

Impacts on Biodiversity/Ecology

- 7.50 Core Policy 12 sets out that development should take account of the need to protect the district's ecological, biological and geological assets and seek to maximize opportunities to conserve, enhance and restore biodiversity. Policy DM7 reflects this seeking to protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both as part of on-site development proposals and through off site provision.
- 7.51 A Preliminary Ecology Appraisal and a Bat Survey accompany the application. The latter identifies a pipistrelle day roost within the building which would be affected by the proposals. The most significant impacts can be avoided through mitigation and avoidance strategies set out in the report, which would also need to form part of the licence that will be required from Natural England.
- 7.52 In relation to European Protected Species (including all bat species), Local Planning Authorities are required to be satisfied that a license is likely to be granted when determining a planning application and would need to have in mind the three tests set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2017 if required, namely:
- a) The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment";
 - b) There must be "no satisfactory alternative"
 - c) The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 7.53 In terms of the first (a) of these tests relating to overriding public interest generated by the proposal these can be of a social, environmental or economic interest (including human health, public safety). Bringing back into use this listed building and ensuring its longevity is considered to be a public benefit. With regards to the second test (b) there is no satisfactory alternative and finally (c) an outline of the mitigation strategy has been provided within the Bat survey in section 7. This sets out provision of soft stripping, compensatory roost provision etc. It is considered that these mitigation measures are acceptable, in line with the third test of the Regulations.
- 7.54 Trees were also assessed for their suitability for roosting bats. A Horse Chestnut tree (T1) was assessed as having moderate suitability to support roosting bats but upon

further inspection no evidence of roosting bats was found. This tree is to be retained in any event.

- 7.55 Bats were observed foraging within the site during the surveys but it is not considered that this poses a significant constraint to development.
- 7.56 A number of measures are proposed to deal with ecological impacts. Reasonable avoidance measures are proposed for breeding birds including avoiding works and clearance during bird breeding season unless immediately preceded by a survey undertaken by a suitably qualified person. External lighting would need to be designed to take account of bats informed by the relevant guidance – matters that could be controlled by condition.
- 7.57 One bat access tile is to be included on the south facing roof to compensate for the lost roost, 2 surface mounted bat boxes in the east and west gables of the conversion are proposed and 2 tree mounted bird boxes are to be installed within the site. The roof lining is to be one of 3 options specified in bat survey (para. 63) to avoid bat entanglement. Reasonable avoidance measures would also be employed during construction in relation to badgers and herptiles, hedgehogs and brown hare all of which could be subject to condition in the event of a planning approval. Subject to conditions to secure these matters, the proposal is considered to meet the policy expectations and the requirements of the NPPF.

Mandatory Biodiversity Net Gain

- 7.58 The development would be required to provide 10% net gain and according to the submission would not meet any of the exemptions. There is an acknowledgement that this would need to be provided off-site either via a habitat bank or as a last resort through the purchase of national credits. This is a matter that is secured through other legislation and a note to applicant is therefore added for information.

Housing Mix and Need

- 7.59 Core Policy 3 sets out the Council's policy in respect of housing need, mix and density. There is a general need in the district for family accommodation and for older people with mobility issues.
- 7.60 The Council commissioned a housing needs survey of the district (undertaken by Arc 4 in 2020) and it established that in the 'Collingham Sub Area' where this site falls, the greatest need is for 3 bedroom houses (46.8%) with the need for one and two bedroom houses accounting for 4.9%.
- 7.61 In this case the scheme advanced is for a dwelling comprising 3 bedrooms which would help in meeting the largest identified need in accordance with CP3.

Drainage

- 7.62 The site lies within flood zone 1 (low risk) according to the Environment Agency maps.

- 7.63 Surface water disposal is proposed to be dealt with by soakaways which is the preferred option in the drainage hierarchy, subject to the percolation tests showing the sand and gravelly soils are suitable.
- 7.64 It is noted that the plans show foul drainage would be discharged to a septic tank. Government guidance contained within the PPG (para.20) sets out a hierarchy of drainage options that must be considered and discounted in the following order:
- 1) connect to public sewer
 - 2) package treatment plan
 - 3) septic tank
- 7.65 A permit is required for septic tank from the Environment Agency and the granting of permission do not guarantee the granting of an EA permit. It is understood that there is no mains sewer in Brough and foul sewage would be a matter dealt with via other legislation so does not need to be considered further as part of the planning application.

Planning Balance and Conclusion

- 7.66 The district council can no longer demonstrate the necessary 5 year housing land supply and the titled balance applies. This means (in accordance with paragraph 11 (d) of the NPPF) granting permission unless:
- i) the application of policies in the framework that protect areas or assets of particular importance provides a strong reason for refusal, or
 - ii) any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making efficient use of land, securing well-designed places and providing affordable homes individually or in combination.
- 7.67 The principle of converting the listed building to a new dwelling is considered acceptable in principle as it would bring about a new use for this building of merit, in accordance with the intentions of both national and local level policies.
- 7.68 The proposal would result in less than substantial harm to the listed building. Paragraph 215 of the NPPF sets out that where a proposal would 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.
- 7.69 The NPPG sets out (at para.20) that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order

to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

- 7.70 Officers conclude that there would be public benefits in securing both additional housing stock (albeit on a minor level) in an area where insufficient land supply has been identified and through securing the optimum viable use of this listed building to support its long term conservation, which outweighs the harm in this case. Equally the limited tree loss is necessary to enable the delivery of this. Other limited harm resulting from the associated works (for example the creation of car parking and upon ecology) can be avoided, mitigated or compensated for subject to the imposition of conditions.
- 7.71 Being mindful of the NPPF, the public benefits are considered to outweigh the harm, there are no strong reasons for refusal and adverse impacts would not demonstrably outweigh the benefits when assessed against the policies of the framework taken as a whole. The recommendation is therefore for one of approval subject to the conditions set out below.

8.0 Implications

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

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.

Prior to Commencement

02

Part 1 Archaeology

No development shall take place until an archaeological Mitigation Strategy for the excavation and recording of archaeological remains is submitted to and approved 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.

03

Part 2 Archaeology

The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant 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.

04

Part 3 Archaeology

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

05

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 District Planning Authority. This scheme shall include:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: Insufficient details have been provided and the condition is necessary to ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

No development shall commence until a programme of historic building recording in accordance with Historic England Level 3 has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed scheme.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

07

No development shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses repairs to brickwork (internally and externally), re-pointing, re-roofing and any repairs to ceilings. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

08

Before any bricks are laid, a brick sample panel, showing brick type, brick bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local

Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To preserve the special architectural and historic interest of the listed building.

09

Before the new roof hereby approved is installed, samples or detailed specifications of the new roof tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed roof materials.

Reason: To ensure the development preserves the special architectural and historic interest of the listed building.

10

No development in relation to the following details shall be commenced until details, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Ridge, verge and eaves details
 Heads and cills
 Louvres to extension
 Vents and flues
 Conservation rooflights
 Rainwater goods
 Any external lighting
 Surfacing and hardstanding within the grounds

Reason: To ensure the development preserves the special architectural and historic interest of the Listed Building.

11

Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed window and door details.

Reason: Insufficient details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

12

In relation to the above condition (no. 11), trickle vents shall not be inserted into the windows and doors hereby granted permission.

Reason: To preserve the special architectural and historic interest of the listed building.

Prior to first occupation

13

Notwithstanding the parking shown on drawing reference 22-228-P09 Rev C, no part of the development hereby permitted shall be first occupied until the parking and turning areas are provided with details to be first submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall maintained for the lifetime of the development and shall not be used for any other purpose other than the parking/turning and loading/unloading of vehicles.

Reason: This condition is necessary to ensure that the parking area's are provided in materials appropriate to the setting of the listed building (noting that the parking space closest to the building should be provided in grasscrete or similar to minimise its impact) and to a timescale that is appropriate in the interests of highway safety.

14

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;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials; and
- other hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

15

Prior to first occupation of the dwelling hereby approved, an ecological enhancement scheme shall be submitted to and be approved in writing by the Local Planning Authority. This shall include (but is not limited to) the provision of a minimum of 2 bird nest boxes and 2 integral bat boxes. The approved measures shall be implemented on site to a timescale as embedded within the scheme.

Reason: In order to provide suitable enhancements within a timescale that is appropriate to properly meet the policy tests relating to biodiversity.

16

Prior to first occupation, 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 with particular regard to nocturnal wildlife. 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 visual and residential amenity and biodiversity.

Compliance

17

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

Proposed Ground Floor Plans, drawing no. 22-228-P05 Rev G (received 18.11.2004)

Proposed Site Plan, drawing no. 22-228-P09 Rev C (received 09.12.2024)

Proposed Section AA, drawing no. 22-228-P07 Rev B (received 18.11.2024)

Proposed Section BB, drawing no. 22-228-P10 Rev B (received 18.11.2024)

Proposed Section CC, drawing no. 22-228-P11 Rev A (received 18.11.2024)

Proposed Elevations, drawing no. 22-228-P06 Rev C (received 18.11.2024)

Site Location Plan, drawing no. 22-228-P01 Rev B

Proposed Site Plan, P09 Rev B (received 18.11.2024)

Location Plan (showing visibility splays) 22-228-P12 Rev A (received 09.12.2024)

Vehicular Access Drive Sections, 22-228-P13 (received 18.11.2024)

External Store Detail, drawing no. 22-2282-P14 (received 18.11.2024)

Secondary Glazing Detail, 22-228-P15 (received 18.11.2024)

Rood Screen Detail, 22-228-P16 (received 18.11.2024)

Reason: So as to define this permission.

18

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

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

19

No hedgerow that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the Local Planning Authority.

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

20

The reasonable avoidance measures as set out in Section 7 of the Preliminary Ecological Appraisal dated February 2023 by Brindle and Green shall be employed during the construction phase of the development.

Reason: To ensure that adequate protection is afforded in the interests of ecology and biodiversity.

21

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. 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.

22

The development shall be carried out in accordance with the bat mitigation strategy contained within the Bat Survey Report Revision B dated September 2024 by LM Ecology unless otherwise agreed in writing by the Local Planning Authority.

Reason; In order to ensure that bat roosts are afforded adequate protection during the construction period.

23

The compensatory bat roost shall be provided on site prior to first occupation of the dwelling hereby approved in accordance with details contained within the Bat Survey Report Revision B dated September 2024 by LM Ecology, unless otherwise agreed. This compensatory roost shall thereafter be retained for the lifetime of the development.

Reason; In order to ensure that a compensatory bat roost is provided at an appropriate point in the development in the interests of ecology.

24

No part of the development hereby permitted shall be brought into use until the vegetation to the front boundary of the dwelling is cut back as indicated in the submitted drawing reference 22-228-P12 Rev. A to provide a clear view from a height of 0.6m to 2.0m within the visibility splay, which should thereafter be maintained as such for the life of the development.

Reason: To maintain visibility splays throughout the life of the development and in the interests of general highway safety.

25

No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary with provision to prevent the discharge of surface water from the driveway to the public highway. This shall thereafter be maintained as such for life of the development.

Reason: To reduce the possibility of deleterious material and surface water from the site being deposited on the public highway.

Informatives

01

IMPORTANT

The development granted by this notice **must not begin unless:**

- a) A Biodiversity Gain Plan has been submitted to the planning authority, and
- b) The planning authority has approved the plan.

Details about how to comply with the statutory condition are set out below.

Biodiversity Net Gain

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

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan;

OR

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

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

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. Details of these exemptions and associated legislation are set out in the planning practice guidance on biodiversity net gain (Biodiversity net gain - GOV.UK (www.gov.uk)) However in this case the Council consider that this development is not exempt and mandatory Biodiversity Net Gain does apply here.

02

In respect of archaeology, it is recommended that the resulting 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.

Scheduled monument consent may also be required for any works, including minimally intrusive works, that abut or enter the scheduled monument; the boundary of the designated area appears to be inside the site red line (see [Crococalana Roman town, Collingham - 1003479 | Historic England](#)).

03

The development makes it necessary to introduce a vehicular crossing. These works shall be constructed to the satisfaction of the Highway Authority. The developer is required to contact the Highway Authority's agent, VIA East Midlands (Tel. 0300 500 8080), to arrange for these works to be designed/approved and implemented.

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).

Proactive

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/

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

06

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the 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.

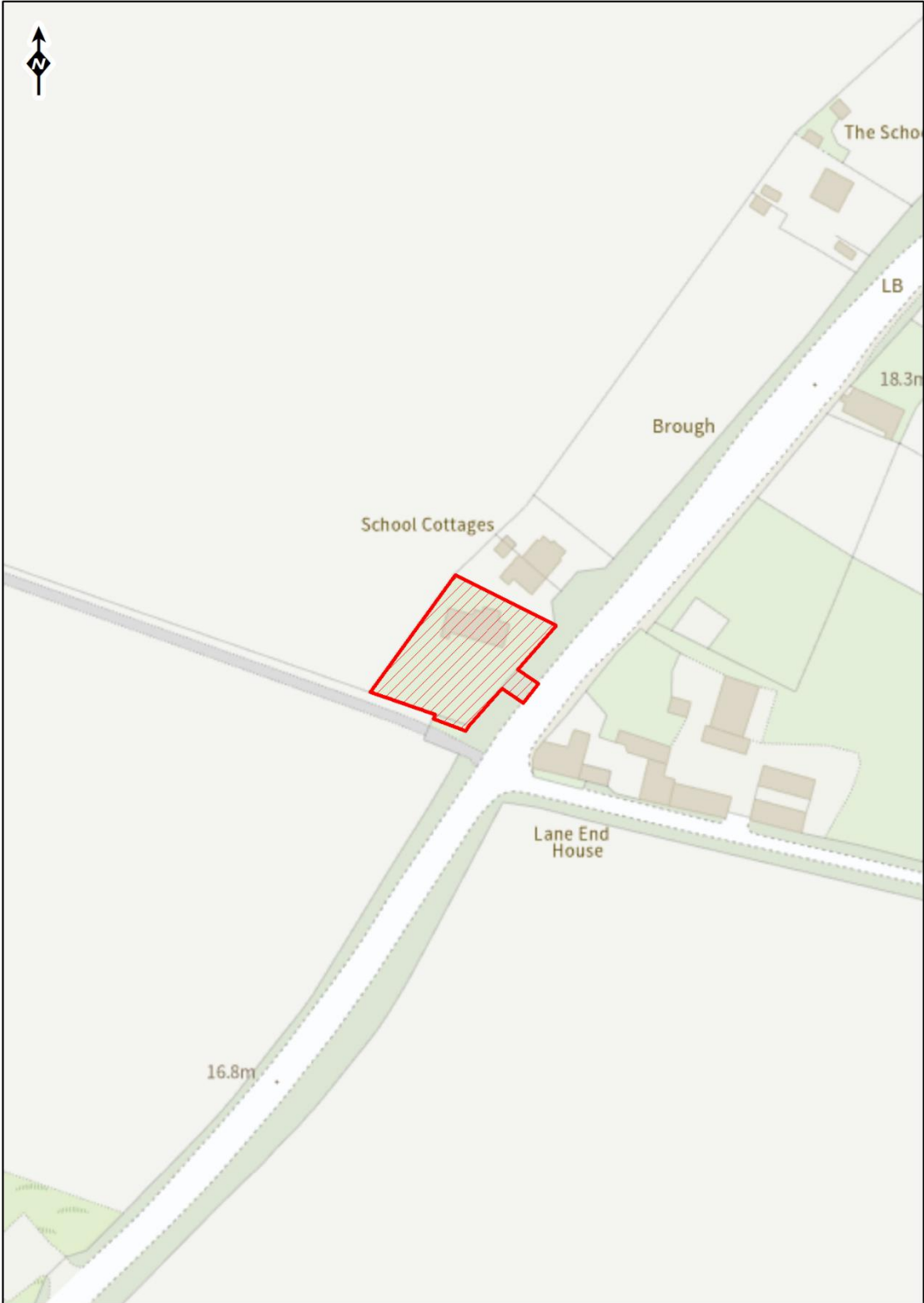
East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. Contact details are available on their website www.eastmidlandsbc.com

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 - 24/01603/FUL



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Report to Planning Committee 16 January 2025

Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application No.	24/01604/LBC		
Proposal	Internal and external alterations to facilitate use of former place of worship as a dwelling		
Location	St Stephens, Fosse Road, Brough, Newark, NG23 7QE		
Applicant	The Diocese of Southwell and Nottingham	Agent	Wake Conservation Ltd
Registered	26.09.2024	Target Date	18.11.2024 EOT agreed 17.01.25
Recommendation	Approve		

Referred to the Committee by Ward Member in line with Collingham Parish Council concerns about archaeology, design and highways. Given this is an associated listed building application this is presented for completeness.

1.0 The Site

- 1.1 The site comprises the Grade II listed St Stephen’s Church, built in 1885 within its churchyard plot in the small hamlet of Brough. The small Victorian Church, constructed of red brick and rosemary clay tiled roof, is set at a lower level than the road and is located to the north of the plot. The building has not been in use for a place of congregation for many years.
- 1.2 The site is largely obscured by mature trees which enclose the site from Fosse Road. There is currently no parking or vehicular access to serve the building. Black metal railings and a pedestrian gate form the frontage boundary with the road.

1.3 Glebe Farm operates from land to north-west and the boundary comprises trees and wire mesh fencing. To the north-east is a pair of cottages with no. 1 School Cottages being located closest to the church, bound by railings. The boundary here is relatively open.

1.4 A scheduled ancient monument (Crococalana Roman town) surrounds the site.

2.0 Relevant Planning History

2.1 PREAPP/00359/22 – Change of use to dwelling with single storey dwelling. Advice offered 1st February 2023.

3.0 The Proposal

3.1 Revised plans have been received during the course of the application to address concerns raised.

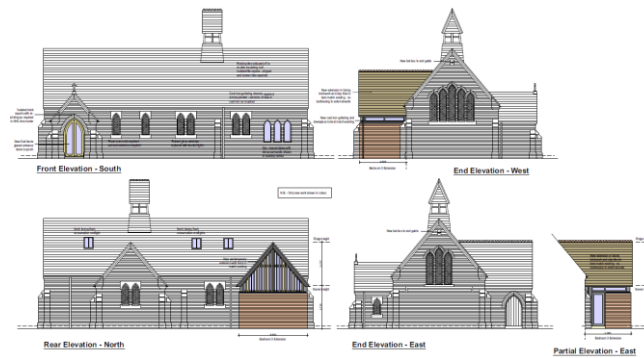
3.2 Listed building consent is sought for internal and external alterations to facilitate use as a dwelling house. Internally, alterations include creating a first floor accommodating a bedroom served by a new staircase, the subdivision of the interior, changes to floor levels, thermal upgrades, the addition of insulation and the installation of secondary glazing.

3.3 Externally, an extension is proposed on the north elevation to form a bedroom which measures 4.4m wide by 2.9m deep, with an eaves height of 2.72m and 5.45m to ridge. Other external changes include 3 (revised from 4) new roof lights to the northern roof face, the insertion of a bat box at the eastern gable, new oak framed doors to the porch and the insertion of 3 new windows with stone surround to the south elevation.

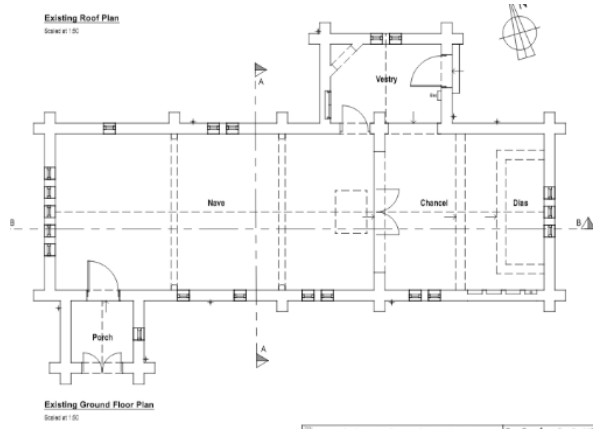
Existing Elevations



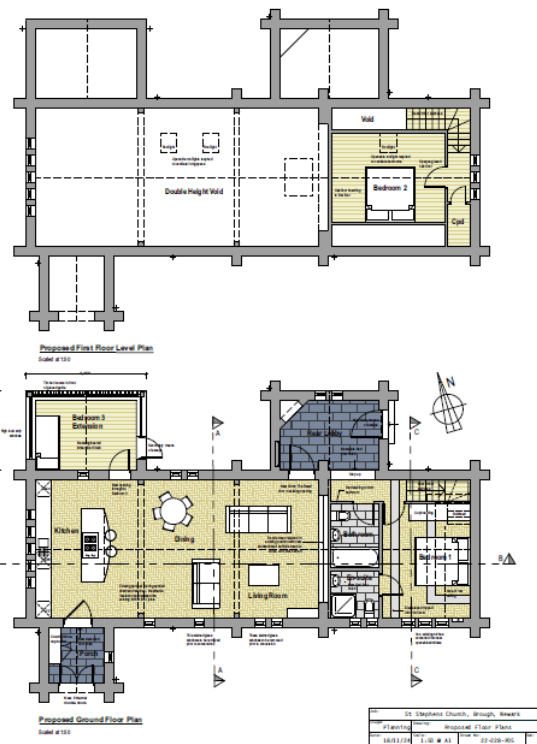
Proposed Elevations



Existing Floor Plans



Proposed Floor Plans



3.4 Documents and plans assessed in this appraisal:

- Existing Floor Plans, drawing no. 22-228-P02
- Existing Sections AA BB, drawing no. 22-228-P04
- Existing Elevations, drawing no. 22-228-P03 Rev A
- Existing Site Plan, drawing no. 22-228-P08
- Proposed Ground Floor Plans, drawing no. 22-228-P05 Rev G (received 18.11.2004)
- Proposed Site Plan, drawing no. 22-228-P09 Rev C (received 09.12.2024)
- Proposed Section AA, drawing no. 22-228-P07 Rev B (received 18.11.2024)
- Proposed Section BB, drawing no. 22-228-P10 Rev B (received 18.11.2024)
- Proposed Section CC, drawing no. 22-228-P11 Rev A (received 18.11.2024)
- Proposed Elevations, drawing no. 22-228-P06 Rev C (received 18.11.2024)

Site Location Plan, drawing no. 22-228-P01 Rev B
 Proposed Site Plan, P09 Rev B (received 18.11.2024)
 Location Plan (showing visibility splays) 22-228-P12 Rev A (received 09.12.2024)
 External Store Detail, drawing no. 22-2282-P14 (received 18.11.2024)
 Secondary Glazing Detail, 22-228-P15 (received 18.11.2024)
 Rood Screen Detail, 22-228-P16 (received 18.11.2024)
 Historic England Pre-application advice letter dated 21 July 2023
 Archaeological Evaluation, Prospect Archaeology
 Archaeological Watching Brief, Prospect Archaeology. Revised Jan 2023
 Observations of the Potential for Archaeological Remains, JM Archaeology Ltd, Nov 2022
 Heritage Statement, Rev B, Wake Conservation
 Viability/Feasibility Budget Information, (received 29.11.2024)
 Letter from Brown and Co. Estate Agents (received 29.11.2024)

4.0 Departure/Public Advertisement Procedure

- 4.1 Occupiers of 3 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 expiring 24th October 2024. Re-consultation has also taken place in respect of the revised plans.
- 4.2 Site visit undertaken on 3rd October 2024.

5.0 Planning Policy Framework

- 5.1 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 Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework (NPPF) 2024
- Planning Practice Guidance (PPG) on line resource
- Historic England's Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets
- Historic England Advice Note 2 – Making Changes to Heritage Assets
- Historic England – Traditional Windows: their care, repair and upgrading
- Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Core Policy 14 – Historic Environment of Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)
- DM9 – Protecting and Enhancing the Historic Environment of Allocations & Development Management DPD (2013)

6.0 Consultations and Representations

- 6.1 Comments below are provided in summary - for comments in full please see the online

planning file.

Statutory Consultations

6.1 Historic England – (29.11.2024) – Support but with some concerns raised on heritage grounds.

Historic England has provided pre-application advice on 21st July 2023 for the proposed conversion of the church to a private dwelling. We have since provided advice on the submitted applications, raising concerns with elements of the proposed conversion. The proposed scheme did take on board some of the pre-application comments and has taken on board the additional comments within the first submission. There are concerns which should still be addressed, and the Local Planning Authority should ensure they have all the information required which advances understanding of the proposed works.

Historic England accept the principal of conversion and note the positive changes in the proposed scheme. There are concerns with elements of the proposed development, the alterations to the chancel arch, roof insulation and stained-glass windows, and it is advised that the Local Planning Authority ensure they have sufficient information to make a balanced assessment regarding those alterations.

Regarding the proposed thermal upgrade and energy efficiency measures we refer you to the guidance set out in Historic England Advice Note 18: Adapting Historic Buildings for Energy and Carbon Efficiency and advise the use of a whole building approach to the matter to consider the need for all thermal elements to be upgraded.

It is also advised further justification and alternative options for a third car parking space be submitted.

(18.10.2024) Concern raised as proposal would cause 'less than substantial' harm to heritage asset.

- Proposed means of enclosing the chancel arch
- Shadow gap needs to be provided between the rood screen and the proposed
- Infilling of arch should be set back from the reveal
- Need for thermal insulation should be reconsidered
- Reuse of existing niches look slightly awkward with the symmetry with the rest of the windows internally
- Formation of stone surround overcomplicates the design and simpler plain brick opening would mitigate

Town/Parish Council

6.2 Collingham Parish Council – (29.11.2024) object unanimously on the following grounds:

- Ecology, landscape

- The building is adjacent to the Scheduled Monument of Crococalana and significant archaeological artefacts have been found in trial trenches that suggest that the area may be as significant as the accepted Crococalana site.
- Design and visual impact
 - New features to the existing building, such as the rooflights, alteration to the chancel and the removal of two of the stained-glass windows are likely to be visually jarring.
 - Internally, subdivision of the space would be a substantial departure from the intentional openness of the design of a church and the thermal improvements will also substantially alter the internal character.
 - The modern design of the extension would clash with the Gothic Revival architecture of the rest of the building.
- Access & Traffic
 - The original visibility splay of 45m from 2.5m back is unsuitable for a national speed limit road, and conflicts with the Nottinghamshire Highway Design Guide (NHDG). Although this may now have been revised this should be checked carefully as there have been several serious accidents recently on this road and another local main road where cars enter from driveways.
 - We note that two of the car parking spaces have been increased to the standard of 3m x 5.5m for a residential building as outlined in the NSDC Residential Cycle and Car Parking Standards SPD, but the size of the space nearest the building doesn't appear to be specified.

The Parish Council is not opposed to the development of this historic building and welcomes its preservation but does not consider this proposal to be suitable.

(25.10.2024) – Do not support – whilst they support in principle they believe strongest conditions should be imposed to preserve the archaeology and history of both below and above ground level.

Representations/Non-Statutory Consultation

6.3 NSDC Conservation – (04.12.2024) Do not object, summary of comments as follows:

Conservation are supportive of the principle of converting the church and finding a new optimum viable use for the Listed Building. They raised concerns regarding the extension as it would harm the building's historic and architectural interest albeit they accept that additional information provides more robust justification for the principle of a 3-bed dwelling. Whilst the proposal would still result in the same degree of harm to the designated heritage asset (less than substantial harm – par.208 of NPPF), there has been clear and convincing justification for this (par.206 of NPPF). Whilst the proposed extension would be overtly contemporary, its scale is proportionate the modest scale of the church and it has been sited to the rear of the building to be less visually prominent.

Overall, the proposal would result in a high degree of harm to the special interest and setting of the Listed Building, contrary to s.66 and 16 of the Act. With reference to the planning policies, this would be 'less than substantial harm' to the designated heritage asset (par.208 of NPPF and policy DM9 of the local development framework), but at

the higher end of the scale of harm. However it has been clearly demonstrated that the new use and extension is required to facilitate the long-term conservation and maintenance of the Listed Building (par.206 of NPPF). There would be public benefits arising from the reuse of the building and securing the building's optimum viable use would help sustain the significance of the heritage asset for future generations (par.203 and 208 of NPPF). With all things considered, these benefits would likely balance the heritage harm arising from the proposed development. Therefore, there are no objections to the proposal from a conservation perspective subject to a number of conditions.

(28.10.2024) Object, needs more justification.

6.4 No comments have been received from any third party/local resident.

7.0 Comments of the Business Manager – Planning Development

7.1 The key issue in assessing this listed building consent is the heritage impacts.

7.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require 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 courts have said that this statutory requirement operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation. This is also reflected in CP14 and DM9 of the Development Plan. Policies DM5 and CP9 detail a more general expectation for a high standard of design.

Significance

7.3 The proposal would involve the conversion of St Stephen's Church, which is a Grade II Listed Building immediately surrounded by a Scheduled Monument of the buried remains of a Roman Town. St Stephen's is a c.1885 parish church constructed in brick, ashlar detailing and has a plain tile roof. The building is designed in an Early English revival style. This was constructed through the support of the local community with money raised through fundraising. The hamlet of Brough became deserted in the late-20th century due to changes in agricultural production and, as such, the church became poorly attended and was eventually closed in 1985. The significance of the building relates to its intactness and integrity as a late-19th century parish church, design in Gothic-revival design, retention of stained glass, modest scale and rural setting.

7.4 Crococalana Roman Town is a Scheduled Monument and is of high archaeological and historic value due to the potential evidence of buried remains of the town dating 1st century AD which developed around a military fort. There are no earthworks visible above ground, but the proposed development has the potential to impact the Scheduled Monument and/or any undesignated archaeological remains on the development site.

Assessment

- 7.5 The proposal would involve conversion of the disused church into a single 3-bed dwellinghouse. The proposed works to facilitate the conversion would involve the creation of a single-storey projecting side extension, installation of internal partitions and a mezzanine level, installation of rooflights, replacement of some windows and installation of new windows. Works within the grounds would include alterations to the boundary treatments, creation of a driveway and access and the installation of an air source heat pump (ADHP).
- 7.6 From a heritage perspective, officers (and Historic England) support the principle of converting the church and finding a new optimum use for the listed building. Conservation colleagues have advised that there would be a high degree of harm arising from the loss of the original and historic features which would result in irreversible harm to the heritage asset. They do however recognise that the scheme has tried to sensitively design alterations and upgrades to reflect and sustain the significance of the listed building as a place of worship. The impacts of the proposal are considered below.

Internal alterations to the Listed Building

- 7.7 Churches are principally designed to be open to the rafters and, even in a modest scale church such as this, the openness is one of the key characteristics of the building's interior as it accentuates the eminence of the space and highlights the architectural detailing.
- 7.8 The proposed conversion to a dwelling would involve the subdivision of the interior, change in floor levels of the dais and the insertion of a mezzanine level to the chancel. In addition, the internal works would involve thermal upgrades such as the installation of insulation to the perimeter walls, flooring, and ceiling as well as the installation of secondary glazing to all windows. Conservation colleagues are clear that the subdivision of the layout would disrupt views and the appreciation of the internal architectural detailing and the church's sense of openness. The proposed internal wall insulation would cover the exposed brickwork and hide the aesthetic interest of the detailing, such as window surround chamfers and voussoirs. This would diminish the appreciation of the Gothic-revival detailing of the building.
- 7.9 A sectional drawing for the proposed secondary glazing has been provided which is useful to illustrate how this would sit within the masonry. However, given the sensitivity of the building's architectural design, more detail would be required through condition showing specific details of the secondary glazing upgrades to the different types of window openings and details of internal appearance of this i.e. drawings illustrating how this would align with any outer frames and details of the opening mechanisms to ensure that the impact is minimised on the asset.
- 7.10 In other aspects of the proposed conversion, there has clearly been consideration given to minimising the impact and harm on the historic character of the building. For

example, the insulation would be installed from above the ceiling, therefore maintaining the exposed timber work in situ. In addition, the flooring is proposed to be thermally upgraded by lifting and relaying the parquet flooring on top of the insulation. The proposed floorplans (dwg no. 22-228-P05 Rev F) and sectional drawing (dwg no. 22-228-P07 Rev A) illustrate that the partition to the chancel would be sited behind the brick archway and the rood screen would be retained in situ. Whilst there would be some intrusive physical works associated with these alterations, the preservation of these features would ultimately help maintain some of the aesthetic value of the building's interior.

- 7.11 The loss of some of the remaining features, such as the memorial plaque would result in a degree of harm, although it is noted in the Heritage Statement, that the Diocese intends to relocate it to a local church so its significance would not be totally lost.

External alterations to the Listed Building

- 7.12 The external alterations would involve an extension to the north elevation, external masonry and roof repairs, installation of rooflights and the replacement and insertion of new windows.
- 7.13 There would be 3 rooflights proposed (serving the open plan living area and the mezzanine bedroom) which as amended has reduced the previously (slightly cluttered) appearance to the roof slope.
- 7.14 The proposal would involve the opening up of three niches in the chancel to create a 3-light window on the south elevation. Conservation colleagues have commented that this would cause a degree of harm to the significance of the building as it would result in the loss of historic fabric and authenticity of this feature. In addition, the cill of the new windows would not align with the other features and would look discordant with the overall designed elevations.
- 7.15 It is proposed to remove and relocate three stained-glass windows within the building. Whilst their fabric will be preserved in other locations (outside of the site), the removal of them from their original location would result in the loss of a tangible connection and authenticity, thus, would result in harm to the historic and architectural interest of this listed building.
- 7.16 It is proposed to construct a projecting pitched gable extension to the north elevation to create a third bedroom. Conservation colleagues have raised concerns regarding this from the outset in terms of the effect on the historic plan form and legibility of the building, although this is not a concern that Heritage England have raised.
- 7.17 The extension would be of a similar scale to the rear lobby projecting addition. Conservation colleagues have raised concerns regarding the contemporary design which they consider would clash with and distract from the Gothic-revival interest of the building. This is not a view I share. I consider that the design approach is appropriate in scale and design and having a modern, simple design allows the history of the building to be read in a transparent, honest way.

- 7.18 Conservation colleagues were also concerned that insufficient justification had been advanced to demonstrate that the use (primarily the extension) causes the least amount of harm to the significance of the heritage asset. However, further marketing information and construction costings have been provided. This further supporting information provides more robust justification for the principle of a 3-bed dwelling. I am satisfied that in viability terms, a 3 bedroom dwelling (with extension) would be necessary to enable the building to be converted. Whilst the proposal would still result in the same degree of harm to the designated heritage asset (less than substantial harm – para.212 of NPPF), they are satisfied that there has been clear and convincing justification for this (par.213 of NPPF). Whilst the proposed extension would be overtly contemporary, its scale is proportionate with the modest scale of the church and it has been sited to the rear of the building to be less visually prominent.

Alterations within the grounds

- 7.19 Development within the grounds would involve the installation of an air-source heat pump (ASHP), the creation of an entrance and driveway, the replacement of boundary treatments and the installation of a bin store. None of these works require listed building consent but are considered as part of the full planning application which is running concurrently alongside this application. Likewise archaeological impacts are considered under the full planning application.

Balance and Conclusion

- 7.20 The proposal would result in less than substantial harm to the listed building. The proposal is therefore contrary to the objective of preservation required under section 16 of the Act. However, paragraph 215 of the NPPF sets out that where a proposal would 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.
- 7.21 The NPPG sets out (at para.20) that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
- 7.22 Officers conclude that there would be public benefits here in securing the optimum viable use of this listed building to support its long term conservation, which outweighs the harm in this case. Harm to the listed building can be avoided, mitigated or compensated for subject to the imposition of conditions. The recommendation is therefore for one of approval subject to the conditions set out below.

8.0 Implications

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

9.0 Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

No works shall not commence until a programme of historic building recording in accordance with Historic England Level 3 has been submitted to and agreed in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the agreed scheme.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

03

No works shall be commenced until a methodology for undertaking repair works has been submitted to and approved in writing by the local planning authority. This shall include a full schedule of works which addresses repairs to brickwork (internally and externally), re-pointing, re-roofing and any repairs to ceilings. The works shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

04

Before any bricks are laid, a brick sample panel, showing brick type, brick bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed sample panel details.

Reason: To preserve the special architectural and historic interest of the listed building.

05

Before the new roof hereby approved is installed, samples or detailed specifications of the new roof tiles, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed roof materials.

Reason: To ensure the development preserves the special architectural and historic interest of the listed building.

06

No works in relation to the following details shall be commenced until details, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out and retained in accordance with the approved details.

- Ridge, verge and eaves details
- Heads and cills
- Louvres to extension
- Vents and flues
- Conservation rooflights
- Rainwater goods
- Any external lighting
- Surfacing and hardstanding within the grounds

Reason: To ensure the development preserves the special architectural and historic interest of the Listed Building.

07

Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out only in accordance with the agreed window and door details.

Reason: Insufficient details of these matters have been submitted with the application and in order to ensure that the works preserve the special architectural and historic interest of the listed building.

08

In relation to the above condition, trickle vents shall not be inserted into the windows and doors hereby granted consent.

Reason: To preserve the special architectural and historic interest of the listed building.

09

No internal works in relation to the following details shall be commenced until details, in the form of drawings and sections to no less than 1:20 scale (or detailed specifications), shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out and retained in accordance with the approved details.

- Specific details of secondary glazing
- Specific details of wall linings and floor upgrades

Reason: To ensure the development preserves the special architectural and historic interest of the Listed Building.

Informatives

01

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

02

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the works are commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

03

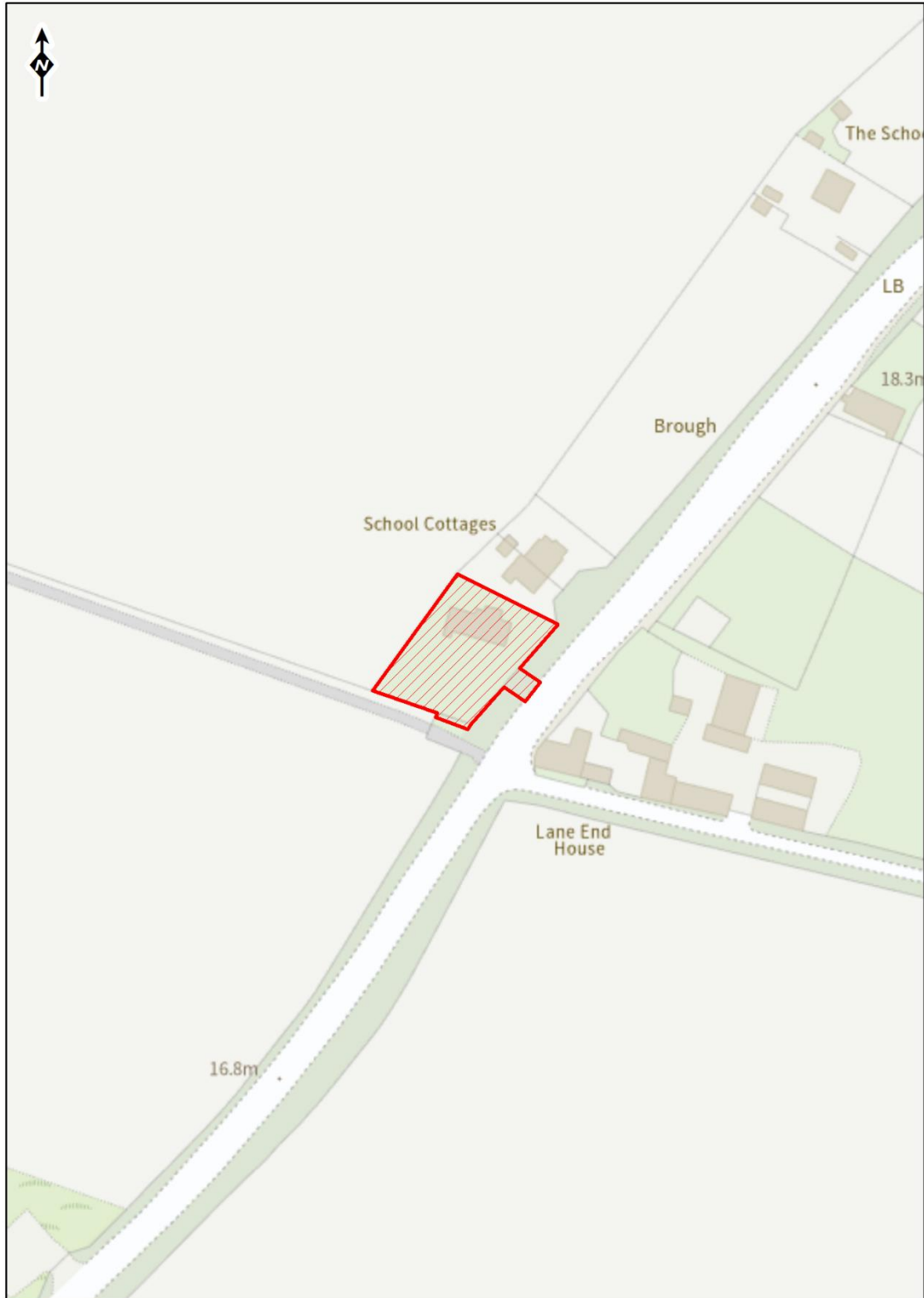
The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

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 - 24/01604/LBC



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Planning Committee – 16 January 2025

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
That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development

Appendix A: Appeals Lodged (received between 22 November 2024 and 06 January 2025)

Appeal and application refs	Address	Proposal	Procedure	Appeal against
APP/B3030/D/24/3355261 24/01107/HOUSE	15 Station Road Sutton On Trent NG23 6QF	Single storey front extension	Fast Track Appeal	refusal of a planning application
APP/B3030/Z/24/3355541 24/01565/ADV	Land Off Station Road And Nottingham Road Thurgarton	Retention of 3 existing signs located on a trailer	Written Representation	refusal of a planning application

Future Hearings and Inquiries

The following applications are due to be heard by hearing or inquiry over forthcoming months.

Planning application number or enforcement reference	Proposal	Procedure and date	Case officer
23/00013/ENFNOT	Appeal against Tree Replacement Notice	Hearing – date to be confirmed	Micheal Read

If you would like more information regarding any of the above, please do not hesitate in contacting the case officer.

Planning Committee – 16 January 2025

Appendix B: Appeals Determined (22 November 2024 and 06 January 2025)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
23/01333/FULM	Land Reference Number 2587 Oxton Hill Southwell	Change of use of land for leisure/tourism including siting of 6 No. Glamping pods, 2 No. Yurts, amenity building and car parking area.	Delegated Officer	Not Applicable	Appeal Allowed	20th December 2024
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=RYI58ULBJRM00						
23/01329/FUL	Land At Former Ashleigh Great North Road South Muskham Newark On Trent NG23 6EA	Erection of 3 dwellings. Resubmission of approved application 19/00782/FUL to allow extended time to commence works.	Delegated Officer	Not Applicable	Appeal Dismissed	6th December 2024
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=RYGOHCLBJR500						
24/00637/HOUSE	Ivy Cottage Main Street Norwell Newark On Trent NG23 6JN	Replace existing garden shed with wooden store	Delegated Officer	Not Applicable	Appeal Dismissed	18th December 2024
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=SBNWS1LBFU500						
22/00428/ENFB	Elston Lodge Farm Lodge Lane Elston Newark On Trent NG23 5PG	Without planning permission, development consisting of the material change of use of land from agricultural use to residential use (as shown within photograph 1), including associated works consisting of the erection of a hardsurfaced access	Not Applicable	Not Applicable	Appeal Dismissed	11th December 2024

		track (as shown within photograph 1) and gates (as shown within photograph 2).				
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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=S32ZCPLB0FL01>

23/00221/ENFB	The Nook Marsh Lane North Muskham Newark On Trent NG23 6HG	Without planning permission, operational development consisting of the altering of land levels and the construction of associated works including a gabion wall, brick walls and wooden sleeper wall, as shown on Images 1, 2 and 3.	Not Applicable	Not Applicable	Appeal Dismissed	11th December 2024
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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=S8YBJ1LB0FL00>

23/00221/ENFB	The Nook Marsh Lane North Muskham Newark On Trent NG23 6HG	Without planning permission, operational development consisting of the altering of land levels and the construction of associated works including a gabion wall, brick walls and wooden sleeper wall, as shown on Images 1, 2 and 3.	Not Applicable	Not Applicable	Appeal Dismissed	11th December 2024
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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=S8YBJ1LB0FL00>

Agenda Challenges and Other Matters

App No.	Address	Proposal	Discussion

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Oliver Scott
Business Manager – Planning Development