

## PLANNING COMMITTEE – 6 DECEMBER 2021

<b>Application No:</b>	<b>21/01219/FULM</b>	
<b>Proposal:</b>	<b>Change of use of agricultural field to dog exercise area and creation of access and parking area</b>	
<b>Location:</b>	<b>Field Ref No 4804, Southwell Road, Kirklington</b>	
<b>Applicant:</b>	<b>Strawson Ltd</b>	
<b>Agent:</b>	<b>Miss Nia Borseley - Fisher German LLP</b>	
<b>Registered:</b>	<b>19.07.2021</b>	<b>Target Date: 18.10.2021</b>
		<b>Extension agreed to: 10.12.2021</b>
<b>Link to Application File:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QTNTCJLBFRL00">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=QTNTCJLBFRL00</a>	

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

### The Site

The application site lies to the south-west of Kirklington and is located off a private road that turns west off Southwell Road. The site is currently an agricultural field which is broadly rectangular and approx. 0.9ha in size. The field comprised low cut grass at the time of visiting and was bound on all sides by dense trees/hedgerows and some stock fencing. An access exists in the SW corner which is formed by a timber 5-bar gate and Kirklington Public Footpath No. 12 passes along the private access track to the proposal from Southwell Road.

The NE corner of the site lies within the Kirklington Conservation area and the closest listed buildings are Kirklington Mill and Road Bridge (Grade II) and Mill Farmhouse (Grade II) approx. 130m to the NE. The eastern boundary of the site also lies within Flood Zone 2 as defined by the Environment Agency and to the north is a local wildlife site known as Kirklington Mill Ponds (Biosinc 2/534).

### Relevant Planning History

*No relevant planning history.*

### The Proposal

The application seeks permission for the change of use of the agricultural field to a dog exercise area and creation of a new access and parking area. The parking area and access would be adjacent to south-east corner of the site and would comprise an area of permeable gravel with space for 6 vehicles to park and turn off the access track. 1.5m high timber posts and stock fencing are proposed to secure the perimeter of the site and the parking area where there would be a

timber access gate into the exercise area.

The site would be used as an area for people to visit and exercise their dogs in a secure location. Some dog training equipment/obstacles would be brought to the site but would be movable and non-permanent. The business would cater for the site to be hired for up to one hour or half an hour for up to 6 dogs and bookings would be via an online booking system.

The intention is to provide an area that is secure for dog walkers and similarly provides comfort to local farmers that potentially dangerous dogs are away from public footpaths which go through their land and increase the chance of dog attacks on sheep. Customers would be able to book online slots, would not be permitted to arrive before their allocated time and must have left the car park before the end of their time period. This would ensure that there would be no overlap in customers in the car park or on the tarmac access lane.

In line with recommendations from the Highways Authority the proposed Site/Access Plan shows the widening of the existing access with Southwell Road and the installation of a passing place down the access track.

The application form states opening hours are proposed to be:

- Summer opening times: 7am-7pm
- Winter opening times: 8am-4pm
- Sundays: 10am – 5pm

Documents considered as part of this appraisal:

- Site Location Plan – Ref. 129927-01 Rev. C
- Existing Site Plan – Ref. 129927-02
- Proposed Site Plan – Ref. 129927-03 Rev. C
- Site/Access Plan – Ref. 129927-04
- Supporting Planning Statement
- Flood Risk Assessment
- Phase One Ecology Survey
- Dog Management Plan
- Dog Field Business Plan

### Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter, a site notice has been displayed close to the site and an advertisement has been placed in the local press.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 7: Tourism Development

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 14: Historic Environment

### **Allocations & Development Management DPD**

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 - Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

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

### **Consultations**

**Kirklington Parish Council** – Object – “Kirklington Parish Council objects to the proposals for the following reasons:

- Precedent - the Parish Council is concerned that changing the land use (and, in effect, loss of land) could set a precedent for future development in an area where it is neither desired, nor required, and would want the site to be protected against commercial or residential development.
- Access - the lane is narrow and unlikely to easily cope with two-way traffic at change over times; additionally visibility onto the road is not great, and speeding can be an issue as vehicles enter / leave the village which could increase the risk of accidents. This puts local residents and walkers at risk.
- Unproven demand - it is not certain that there is a demand for such facilities, especially from local residents who have regular routes, when there are many lovely and accessible walks in the area that can be used for free. Would people drive to, and pay to use, facilities when there are many areas that are free in the vicinity? If they did, the increase in traffic leads to additional risks for the village roads as they access the facilities.
- Sheep - national, rather than local, statistics were quoted for incidents where animals were harmed which doesn't give an accurate picture of what happens in the immediate vicinity.
- Employment - no employment opportunities are created.”

**NSDC Conservation** – No objection – “The application is for a site that is located within Kirklington Conservation Area.

From a review of the plans we do not wish to make any formal observations in this case, but refer you to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs, section 16 of the NPPF (revised July 2021) and the legal duties with respect to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In reaching any view, the local planning authority must pay special attention to the desirability of preserving or enhancing character of the conservation area. Preservation is achieved by causing no harm, and might include maintaining the existing contribution made by the host site.”

**NCC Highways** – No objection subject to conditions – “The applicant has submitted an amended plan ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021 showing the proposed access off Southwell Road as widened to 6.0m for the first 8.0m from the edge of the carriageway and 6m radius on both sides of the access. One passing bay along the private

driveway / public footpath is also proposed to allow for two vehicles or a vehicle and walkers on the public footway to pass each other in a safe manner. The Highway Authority would not wish to raise any objection to this proposal, subject to conditions.”

**NCC Rights of Way** – No objection subject to a condition and informative notes to the applicant – Kirklington Public Footpath No. 12 passes along the private access track to the proposal. The applicant will need to demonstrate how members of the public using the Public Footpath will be kept safe by the increase in vehicle use that will result in this proposal. This might be through signage, customer car speed limits etc. The increase in vehicle use of the road to the proposed site may lead to damage to the surface of the track so some assurance as to the applicant’s plans for maintenance of the surface is also requested. A suitably worded condition may mitigate these concerns.

**The Environment Agency** – No objection – “The site lies almost entirely within flood zone 1 with a very small section of the eastern portion of the red line boundary located within flood zone 2. Therefore the LPA can apply national flood risk standing advice (FRSA) in this instance. The site does lie in between two watercourses both of which are classified as ordinary watercourses and as such fall under the remit of the Lead Local Flood Authority (LLFA). The River Greet is located to the north and an unnamed watercourse to the south of the site. Given the proximity to these watercourses, if either were classified as Main River then they would require a flood risk activity permit (FRAP). It is therefore assumed that the LLFA may require an equivalent permit/consent.”

**NCC Flood Risk (LLFA)** – No objection/comments to make.

**Trent Valley Internal Drainage Board** – No objection - “The Board maintained Cotton Mill Dyke, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The Board’s consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s Planning and Byelaw Policy, Advice Notes and Application form is available on the website - [www.wmc-idbs.org.uk/TVIDB](http://www.wmc-idbs.org.uk/TVIDB) The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board’s consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board’s machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board’s requirements if the Board’s consent is refused.”

**Ramblers Association** – No comments received.

**Nottinghamshire Wildlife Trust** – No comments received.

**No comments have been received from third parties.**

Comments of the Business Manager

*Principle of Development*

Spatial Policy 3 states that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as (amongst other things) agriculture and forestry and schemes for rural diversifications. The application site is currently agricultural and is part of a wider farm holding. The applicant has provided a business plan statement which explains that this field doesn't currently bring in any income for the farm as it is too small and that this farm holding currently has no diversification projects. The statement explains that the Basic Payment Scheme (the biggest of the rural grants and payments that provide help to the farming industry) is declining and that the Government is encouraging farm diversification in order to replace the payment scheme and support farming enterprises. The applicant advances that the use of this field for a dog exercise area (controlled by an online booking service) would be a rural diversification scheme that would enable this field to be used to generate an additional income to support the wider business.

Policy DM8 explains that proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals must be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. Paragraph 84 of the NPPF is also relevant in the assessment of this application which affirms that decisions should enable the diversification of agricultural and other land-based businesses.

Core Policy 6 also states that the economy of the District will be strengthened and broadened to provide a diverse range of employment opportunities by helping the economy of rural areas by rural diversification that will encourage tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact.

In this case, the site lies within the open countryside within the Strawson Ltd. Farm complex, an established 320Ha agricultural holding which is mainly arable and vegetables with a pedigree beef shorthorn herd. The application advances that the use of this field for a dog exercise area would be a rural diversification scheme that would enable this field to be used to generate an additional income to support the wider business as the field is not currently used for active farming due to its small size. The application also proposes that the use of this field for this purpose would offer a form of appropriate and small scale diversification that would sustain rural employment within the holding in response to reduction in grant funding. The field would offer local people a safe environment to exercise their dogs and the applicant advances that it could also reduce the numbers of attacks on farm animals from unruly dogs. Articles have been submitted from Farmers Weekly which promote farm diversification for this same purpose to help reduce dog attacks on cattle and a low-cost option to generate additional income to support the farm enterprise. The supporting statements explain the need for a countryside location for this proposed use and the benefit of using underutilised land within a farm holding to help support and sustain existing operations and employment levels, particularly during times where funding is being restricted.

It is considered that this business proposal would be small scale given it would be limited to one relatively small field, and it would enable an existing farm enterprise (with no current diversification schemes) to diversify in a low-cost way that would help sustain the business and existing employment on site. This in turn would sustain local employment and the rural economy of the district. It is therefore considered that the principle of this use in this location, for the

purposes of rural diversification, is acceptable in principle subject to a more detailed assessment of other factors below.

### *Impact upon Character of the Area*

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM8 of the DPD states agricultural development should have regard to the character of the surrounding landscape and be designed to reduce its impact on the surrounding area. Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The relevant Landscape Policy Zone for the site is Hockerton Village Farmlands (MN PZ 34). Landscape condition is defined as good and landscape sensitivity with regards to visibility into and out of the area is moderate. Landscape actions for the area are to create and reinforce – however the relevant policy part for this type of development is to conserve the rural character of the landscape by limiting any new development to around the settlements of Edingley, Kirklington, Hockerton and Normanton. The policy also notes that a threat of drivers for change in this policy zone includes increased intensity of agriculture leading to fragmentation and/or loss of hedgerows and reduction of woodland due to land use changes and lack of management. I note that this proposal would be confined to one field which has established field boundaries – as part of the application a new access is proposed in the SW corner of the site which would result in a reduction of approx. 5m of hedgerow. The existing field would be maintained as grass and a small area for parking would be provided adjacent to the access which would be the only physical development proposed in this application (save for low level fencing) and would remain contained within the fields existing boundaries.

Views of the parking area and proposed perimeter fencing would be restricted from public view by virtue of their positioning, the existing dense boundaries to the site and the separation from the immediate public realm. Notwithstanding this I accept that the impact on the openness of the countryside is not measured purely by what can be seen from the public realm. The impact of development in plan form is also an important consideration. In this case the whole field would remain open and laid to grass save for a small area that would be gravelled to provide an informal parking area for visitors. Small timber post and livestock fencing would enclose the perimeter of the field but this would not have any perceivable impact on the openness of the site. I am mindful under agricultural permitted development there would be a level of development that could be undertaken on this site that would not require express planning permission but nevertheless I do not consider the hard surfacing for the parking area would result in any adverse impact on the character of the open countryside. The supporting documents refer to picnic benches being placed on site to allow visitors to sit whilst watching their dogs – these would be movable and non-

permanent structures but in any event would be very small scale given the size of the site overall and would not have any adverse impact on the character of the area.

The new access will result in a 5m gap in the hedgerow which is relatively well established along its length. However, the position of the entrance would provide enhanced visibility in both directions and reduce potential conflict for users of the public right of way. The hedgerows and trees in this location are not within a conservation area and not protected by TPOs, however given this site boundary surrounds an agricultural field and is in excess of 20 m in total length prior consent for any removal is required. The loss of a limited portion of this boundary vegetation is not ideal. However in this agricultural context it is not considered to be a significant loss visually given the site context and expanse of hedgerow which is largely un-fragmented at this location. I also do not consider that there would be any significant long term impact on the ecology and biodiversity of the area as this application would see the removal of a relatively minor length of a hedgerow in an environment where there are ample other habitat opportunities for wildlife. In addition, the installation of this access gate would not, in my view, result in a significant detrimental impact on the open countryside, wider biodiversity of the area or result in harm to the character of the area such that would warrant the refusal of this application. I therefore consider the development would not be unduly prominent from the surrounding rural area in accordance with Core Policies 13 & 14 and Policies DM5, DM8 and DM9 of the Development Plan Document.

#### *Heritage Matters*

The NE corner of the site lies within the Kirklington Conservation area and the closest listed buildings are Kirklington Mill and Road Bridge (Grade II) and Mill Farmhouse (Grade II) approx. 130m to the NE. As such the relationship with these designated heritage assets is an important consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving 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.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 206 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

Physical development is limited in the proposal. Owing to the separation distances, enclosure of the site within established field boundaries and limited alterations proposed I am satisfied the proposal would preserve the rural character of the conservation area and setting of the nearby listed buildings. I therefore consider the proposal would accord with the requirements of policies CP14 and DM9 in this respect. I also consider the scheme to comply with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

### *Impact upon Residential Amenity*

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

There are no residential properties in close proximity that could be impacted by the proposed use of the land. Whilst there could be a slight increase in noise through dogs barking during the day the site is well contained with a dense hedgerow/tree lined boundary that would likely buffer any noises from the closest neighbouring properties which are approx. 120m away. Therefore, I am satisfied that the proposal complies with Policy DM5 of the DPD.

### *Impact upon the Highway*

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The site is accessed via a tarmacked access off Southwell Road, following negotiations with the highways authority the access is now proposed in the SE corner of the site and will be enclosed by a timber 5-bar gate. Kirklington Public Footpath No. 12 passes along the private access track to the proposal from Southwell Road. The site would operate on a booking system where customers would be able to book online slots, would not be permitted to arrive before their allocated time and must have left the car park before the end of their time period to ensure that there would be no overlap in customers in the car park or on the tarmac access lane.

The amended plans show the proposed access to the site within closer distance to Southwell Road, i.e. approximately 150m instead 276m as previously proposed which is a significant reduction of the length of the track/Footpath that vehicles would have to cover to access the proposed site. This is considered to be a benefit the safety of the users of the Public Footpath as it would reduce the stretch of the Footpath where vehicles could conflict with walkers and other vehicles. The Highways authority have raised no objection to the development subject to conditions requiring the assessment of the current access onto Southwell Road and enhancement where necessary and the installation of passing bays down the existing track. A scheme for improvements has been submitted and assessed by the Highways Authority who have found them to be acceptable.

The RoW team have also raised no objection subject to a condition and informative notes to the applicant which ensures the safety of members of the public using the Public Footpath through appropriate signage, customer car speed limits etc.

On the basis of support from the highways authority I am of the view that the application meets the requirements of SP7 and DM5 subject to the conditions requested.

### *Impact upon Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected

and enhanced. The NPPF also includes that opportunities to incorporate biodiversity in and around developments should be encouraged.

The Site is located within 2 km of 13 Local Wildlife Site (LWS), with one of the Sites located immediately adjacent to the Site. A Preliminary Ecology survey has been submitted with this application which includes recommendations to ensure that the adjacent LWS would not be adversely impacted by the change of land use. Kirklington Mill Ponds LWS is located immediately to the north, east and west of the Site and supports old mill ponds connected to the River Greet and associated wet areas and broadleaved woodland. Whilst the site is already well contained within existing dense site boundaries a stock proof fence is proposed that would prevent any dogs from leaving the Site around its periphery.

The ecology survey concludes that there will be a negligible impact on potential bat roosts and foraging/commuting bats within the Site. However, a bat box has been recommended as an enhancement. The waterbodies associated with Kirklington Mill Ponds LWS are connected to the River Greet and were discounted for great crested newts (GCN). There are two ponds within 500m of the Site but based on the distances between the Site and the ponds and in consideration of the relatively minor change of land use, GCN are not considered to be a constraint to the proposed development as concluded by the ecology survey.

Subject to the recommendations set out in the ecology survey I do not consider the proposed use of this site for this purpose would result in an adverse ecological impact on the surrounding area or LWS noting particularly that no development is proposed close to the LWS. Whilst there would be an increase in users of this particular field, I note that there are existing PROW networks in the vicinity which are already used by walkers/dog walkers. I therefore consider the application would not have an adverse impact on existing ecology and would be in accordance with CP12 and DM5 in this regard.

### *Impact on Flooding*

The site lies within Flood Zone 2 as defined by the Environment Agencies Flood Mapping. The National Planning Policy Framework (NPPF) provides guidance on dealing with development where all or part of the application site falls within Flood Zone 2. Chapter 14 of the NPPF outlines 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 – themes which are reflected within policies DM5, CP9 and 10 of the Council's development plan.

The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted. Para 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance'.

However, the NPPG explains that applications for minor development or changes of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site) need not be subjected to the sequential or exception tests. Nevertheless the applicant has submitted a Flood Risk assessment which assessed the flood risk to the site and site users. It is noted that Table 3 of the PPG flood risk section notes that amenity/recreation areas (as characterised within Table 2 of the PPG) are appropriate within Flood Zone 1 and 2 and are classed as water-compatible development as these sites would not be used in times of flooding.

Overall I do not consider the use of this site for recreational purposes/dog exercising would increase any flood risk to third parties or put future site users at any additional flood risk. It is therefore considered that the proposal accords with Core Policy 9, Core Policy 10, DM5 and Section 14 of the NPPF and PPG in this regard.

### *Conclusion*

Given the above, I am satisfied that the principle of the development at the site is acceptable and that the proposal would not result in any material impact on the character and appearance of the site, setting of the CA or nearby listed buildings, highways safety concerns, flood risk, ecology or impact neighbouring properties. It is therefore considered that the proposal would accord with the aims of NPPF as well as the abovementioned policies within the Development Plan. I also consider a scheme to comply with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act. It is therefore recommended that planning permission be granted.

### **RECOMMENDATION**

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

#### **Conditions**

01

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

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

02

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

- Site Location Plan – Ref. 129927-01 Rev. C
- Proposed Site Plan – Ref. 129927-03 Rev. C
- Site/Access Plan – Ref. 129927-04 (dated October 2021)

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

The site shall only be open to members of the public during the following hours:

- Summer opening times (April-October inclusive): 7am-7pm
- Winter opening times (November-March inclusive): 8am-4pm
- Sundays (all year): 10am-5pm

Reason: In the interests of residential amenity.

05

No part of the development hereby permitted shall be brought into use until the access onto Southwell Road has been altered and completed in accordance with the approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to safeguard free flow and safety of traffic on Southwell Road in the interest of highway safety.

06

No part of the development hereby permitted shall be brought into use until a minimum of one passing bay on the Public Footpath / access track between the Southwell Road / Footpath junction and the access is provided in accordance with the approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021.

Reason: To enable vehicles and pedestrians to safely pass each other on the narrow track / Footpath and to reduce the distance vehicles would have to reverse to pass each other in the interest of highway and pedestrian safety.

07

No part of the development hereby permitted shall be brought into use until the new access to the field and any parking and turning areas are provided in accordance with the approved plans. The parking or turning areas shall then be used only for parking and turning of vehicles in connection with the proposed use for the life of the development.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to parking on the Public Footpath; to ensure vehicles can enter and leave the site in forward gear.

08

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters are provided on each side of the vehicle access to the field. These measurements must be taken from and along the edge of the Public Footpath along Southwell Road as shown on approved ref. drawing no. 129927-04, titled: Proposed site plan, dated October 2021. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

Reason: In the interest of pedestrian safety on the Public Footpath.

09

Prior to the commencement of development, a signage and safety measures scheme and ongoing maintenance plan for repairs to the surface of the access track, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme and maintenance plan shall be complied with in full before the use hereby permitted commences and retained for the lifetime of the development.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives.

10

The development hereby approved shall be undertaken in strict accordance with the Recommendations outlined at section 4 of the Preliminary Ecological Appraisal – dated May 2021, produced by BM Ecology Ltd submitted in support of this application in that:

- Before the use hereby permitted commences, a stock proof fence (of a maximum height of 2 metres) capable of preventing dogs from leaving the Site must be installed around the periphery of the Site;
- Before the use hereby permitted commences, a system shall be put in place to ensure that all dog faeces is removed from the Site each day i.e. via a dog bin or dog owners taking their dogs faeces away from the Site;
- At least one bat box must be installed on a tree within or bordering the Site;
- Any tree or hedgerow removal that is required as part of this development must be undertaken outside of the bird nesting period of March to August (inclusive). If this is not possible, works within the Site during the bird nesting period (March to August inclusive) may require supervision by a suitably qualified ecologist; and
- Any deep excavations must be either fenced-off, covered overnight or fitted with an exit ramp to avoid the trapping of mammals.

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

## Notes to Applicant

01

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

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

02

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

03

Comments from NCC Rights of Way:

- Kirklington Public Footpath No. 12 passes along the private access track to the proposal. The applicant may wish to confirm the exact route of the Public Footpath by obtaining a Public Rights of Way Search to make sure that their proposal will not interfere or obstruct this Public Right of Way. For more information email [row.landsearches@nottscc.gov.uk](mailto:row.landsearches@nottscc.gov.uk)
- The footpath should remain open, unobstructed and be kept on its legal alignment at all times.
- Vehicles should not be parked on the Public Footpath or materials unloaded or stored on the Public Footpath so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

04

Notes from Highways:

The development makes it necessary to amend vehicular access over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/01219/FULM

