

Application failures to meet National and Local Planning Policy

Review of NSDC Local Development Framework Core Strategy & Allocations

Whilst the PO Report acknowledges The Development Plan and makes reference to some of the policies it fails to address many of the Spatial & Core Policies.

The **Spatial Policies** of the ***Adopted Core Strategy Development Plan Document*** states:

The themes which emerge from our Core Strategy Vision and Objectives and the locational Policies of the Regional Plan are:

- **Development should be located in the most sustainable locations**
- **That such development should support the role of settlements**
- Regeneration of settlements should be supported
- **Rural communities should be supported**
- **Development should seek to secure a mixed and balanced community**

On the evidence provided to, this application and proposed development **DOES NOT** support these themes/objectives.

As the Adopted Core Strategy (ACS) provides a Settlement Hierarchy for Newark and Sherwood which identifies which settlements are central to the delivery of Newark and Sherwood's Spatial Strategy and the role of these settlements in delivering that Strategy. The Hierarchy is defined below:

- Sub-Regional Centre
- Service Centre
- Principal Village
- Other Villages (Staythorpe)

As Staythorpe falls into the 'Other Villages' category, the ACS sets out that ***“development will be considered against the sustainability criteria set out in Spatial Policy 3 Rural Areas”***

Within this **Spatial Policy 3/Rural Areas** states:

The District Council will support and promote local services and facilities in the rural communities of Newark & Sherwood. Local housing need will be addressed by focusing housing in sustainable, accessible villages. The rural economy will be supported by encouraging tourism, rural diversification, and by **supporting appropriate agricultural** and forestry development. **The countryside will be protected and schemes to enhance heritage assets, to increase biodiversity, enhance the landscape and, in the right locations, increase woodland cover will be encouraged.**

Beyond Principal Villages, proposals for new development will be considered against the following criteria:

- **Location** - new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls;
- **Scale** - **new development should be appropriate to the proposed location and small scale in nature;**
- **Need** - Employment and tourism which are sustainable and meet the requirements of the relevant Core Policies. New or replacement facilities to support the local community.

Development which supports local agriculture and farm diversification. New housing where it helps to support community facilities and local services. Neighbourhood Plans may set detailed policies reflecting local housing need, elsewhere housing schemes of 3 dwellings or more should meet the mix and type requirements of Core Policy 3;

- **Impact** - **new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network; and**
- **Character** - **new development should not have a detrimental impact on the character of the location or its landscape setting.**

The current application, fails to meet any of the above Policy Criteria, for the following reasons:

- **Location:** Whilst Staythorpe has access to Newark Urban Area, Service Centres or Principal Villages via road network and Public Transport, it does not have any of the listed *local services* within the immediate area. The nearest service is 2 miles (Post Office – Fiskerton). The application Design & Access Statement refers to a 1km Search Area of suitable sites due to the proximity to the National Grid connection. There is NO evidence to support the claim that this type of development **must** be sited within 1km of such a facility, which is supported by two further proposed facilities nearby (beyond 1km) and numerous other Planning Applications across the UK for similar developments. Most of which are beyond 1km from a National Grid connection.

The site location is predominantly within Flood Zone 2 & 3. **Core Policy 9 states:**

The Council will aim to steer new development away from areas at highest risk of flooding. Development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

As previously stated the proposal FAILS the Sequential Test, which was unnecessarily limited in geographical area. Given that there is no evidence of ‘need’ for such a development within the region or local area, there is no reason to limit this search area and as such a wider geographical search would likely identify more suitable options.

Proximity to residential properties. The proposed development would become one of, if not the largest of its kind in Europe. It is therefore, inconceivable that it would ever be appropriate or suitable to site such a facility so close (within 38m to the boundary/77 m to the nearest noise emitting device).

Core Policy 9 & DM5 (ADM DP) also states:

- 1. Access: Provision should be made for safe and inclusive access to new development.**

The proposed Site Access is located on the internal apex of blind bend of a 50mph road with restricted visibility and could not be deemed a safe proposition.

- 3. Amenity: The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.**

Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Proximity to residential properties. The proposed development would become one of, if not the largest of its kind in Europe. It is therefore, inconceivable that it would ever be appropriate or suitable to site such a facility so close (within 38m to the boundary/77 m to the nearest noise emitting device).

4. Local Distinctiveness and Character: The rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In accordance with Core Policy 13, all development proposals will be considered against the assessments contained in the Landscape Character Assessment Supplementary Planning Document.

Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

The application contains a number of Photographic Existing Viewpoints. These were conveniently taken from low level access points, during the summer when hedgerows and trees were full. They do not consider views during autumn, winter and early spring when there is minimal barrier. Attached are some recent photos of similar viewpoints.



1.1 Viewpoint – Opposite Staythorpe Farm Cottages – Dec 22



1.2 Viewpoint – Opposite Staythorpe Farm Cottages – Dec 22



1.3 Viewpoint – First Floor Window Old Farm House, Pingley Lane – Dec 22



1.4 Viewpoint – Proposed Site Access Dec 22

- **Scale:** The proposed development is neither **appropriate** nor **small scale in nature**.
- **Need:** Whilst it is argued that the proposed development *supports farm diversification*; it does not meet any of the other criteria of need and has not demonstrated either a local or regional requirement for such a facility.
- **Impact:** The proposed development **will** generate significant **excessive vehicle traffic**, in particularly heavy vehicles, through the construction phase (ECAP suggest up to 1 year). And once the facility is operational, any traffic movement is likely to be an increase to the extremely limited use of farm vehicles accessing the land for agricultural use. The proposal will have significantly negative impact on how local people experience the immediate site (Public Right of Way) and surrounding area due to the visual impact, noise & light pollution, disruption to transport, dust and noise from construction related operations, increased flood risk and environmental concerns.
- **Character:** The proposed development will have an obvious and highly visual **detrimental on the character of the location and its landscape setting**.

Policy DM8 (ADMDP) Development in the Open Countryside:

In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of villages, in the open countryside, will **be strictly controlled and limited to the following types of development;**

1. Agricultural and Forestry Development Requiring Planning Permission
2. New and Replacement Rural Workers Dwellings, the Extension of Existing Dwellings, and the Removal of Occupancy Conditions Attached to Existing Dwellings.
3. New and Replacement Dwellings
4. Replacement of Non Residential Buildings
5. Conversion of existing buildings
6. Rural Diversification

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 should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.
7. Equestrian Uses
8. Employment uses
9. Community and Leisure Facilities
10. Roadside Services
11. Visitor Based Tourism Development
12. Tourist Accommodation

All proposals will need to satisfy other relevant Development Management Policies, take account of any potential visual impact they create and in particular address the requirements of Landscape Character, in accordance with Core Policy 13.

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

The proposed development can only be categorised as **Rural Diversification**. However, there is NO evidence to support a **contribution to the local economy**. There is also NO evidence to satisfy the criteria of Core Policy 13 (see below) and the sequential approach to site selection **does not and cannot demonstrate environmental or community benefits that outweigh the land loss**.

Core Policy 13: Landscape Character

Based on the comprehensive assessment of the District's landscape character, provided by the Landscape Character Assessment Supplementary Planning Document, the District Council will work with partners and developers to secure:

New development which positively addresses the implications of relevant landscape Policy Zone(s) that is consistent with the landscape conservation and enhancement aims for the area(s) ensuring that landscapes, including valued landscapes, have been protected and enhanced.

The proposed development site is located within TW10 of the Landscape Character Zone and is categorised as 'Conserve & Create'.

This proposed development will neither Conserve nor Create character of the landscape.

As a result of the above, the application clearly **FAILS to meet the requirements of Spatial Policy 3 and should therefore be refused permission.**

In support of the above statement, there is a history of refused planning applications in the immediate vicinity of the proposed site and in the adjacent villages. Refusals were based on failure to comply with the criteria of Spatial Policy 3 and Amended Core Strategy Policies of NSDC.

Recent examples that have upheld these Policies and reinforce the **Reasons for Refusal**:

- 23/00188/FULM - Change of use of land from agricultural to equestrian use, erection of new stables/livestock building at Flaggs Farm, Caunton Road, Norwell, Newark on Trent, NG23 6LB
Refused by the Planning Committee on 8th June 23 as the proposal is considered to be contrary to Spatial Policy 3 of the Amended Core Strategy and Policy DM8 of the Allocations and Development Management DPD and fails to accord with Core Policy 9 and 13 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD and the Landscape Character SPD and the NPPF which is a material planning consideration.
- 22/02176/FUL - LAND AT GREENAWAY, ROLLESTON
Refused by the Planning Committee on 20th April 23 as considered an 'Over Intensive Development' and the 'likely impact on the use of Village Hall due to the proximity of the dwellings'