



Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

Lead Officer: Simon Betts, Planner (Major Projects) 01636 655369

Report Summary			
<b>Application No.</b>	24/00317/FULM (Major)		
<b>Proposal</b>	Extension to and re-development of site to provide new plant and vehicle workshop, welding services workshop, office and training academy, pylon training facility and other associated works.		
<b>Location</b>	Murphy Pipelines Ltd, Newark Road, Ollerton		
<b>Applicant</b>	J Murphy & Sons Limited	<b>Agent</b>	WSP
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/24/00317/FULM">24/00317/FULM   Extension to and re-development of site to provide new plant and vehicle workshop, welding services workshop, office and training academy, pylon training facility and other associated works.   Murphy Pipelines Ltd Newark Road Ollerton NG22 9PZ (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	15.3.24	<b>Target Date</b>	14.6.24 (agreed until 7.10.24) extension
<b>Recommendation</b>	Approve, subject to the recommended conditions within section 10.0 of this report		

**This application is being referred to the Planning Committee for determination as it represents a material departure from policy within the Development Plan.**

## 1.0 The Site

1.1 The application site comprises approximately 24ha of land situated to the east of Newark Road in Ollerton. The western portion of the site is located within the urban boundary of Ollerton and is bounded by a dismantled railway line that extends around this part of the site to the north, east and south. This part of the site comprises the existing operational site of Murphys and comprises a mix of open storage and workshop buildings, together with the existing office. The operational part of the site

wraps around an existing residential cul-de-sac (Kesley Avenue).

- 1.2 The remaining part of the site comprises agricultural land accessed via an existed gate that cuts through the former railway line embankment. This land lies outside, but immediately adjacent to the edge of the urban boundary. This triangular shaped part of the site, is split into two distinct parcels, split by a mature hedgerow, running in a north easterly direction to the railway line, that runs alongside the northern boundary of this part of the site. Whilst the land is more open to the north, this part of the site benefits from an existing substantial tree belt and associated vegetation to the east and western boundaries and therefore this has less intervisibility through this part of the site.
- 1.3 The site benefits from an existing vehicular access point from Newark Road, with a car parking area lying to the south of the access and a small gatehouse building set back from the highway with barrier, offering security for vehicles entering and exiting the site.
- 1.4 The site has the following constraints:
  - As referred to above, the eastern portion of the site lies outside of the urban boundary and therefore in open countryside;
  - The railway embankment land and the eastern boundary of the site are designated as a Site of Importance for Nature Conservation (SINC);
  - The western portion of the site lies in close proximity to existing residential development.

## **2.0 Relevant Planning History**

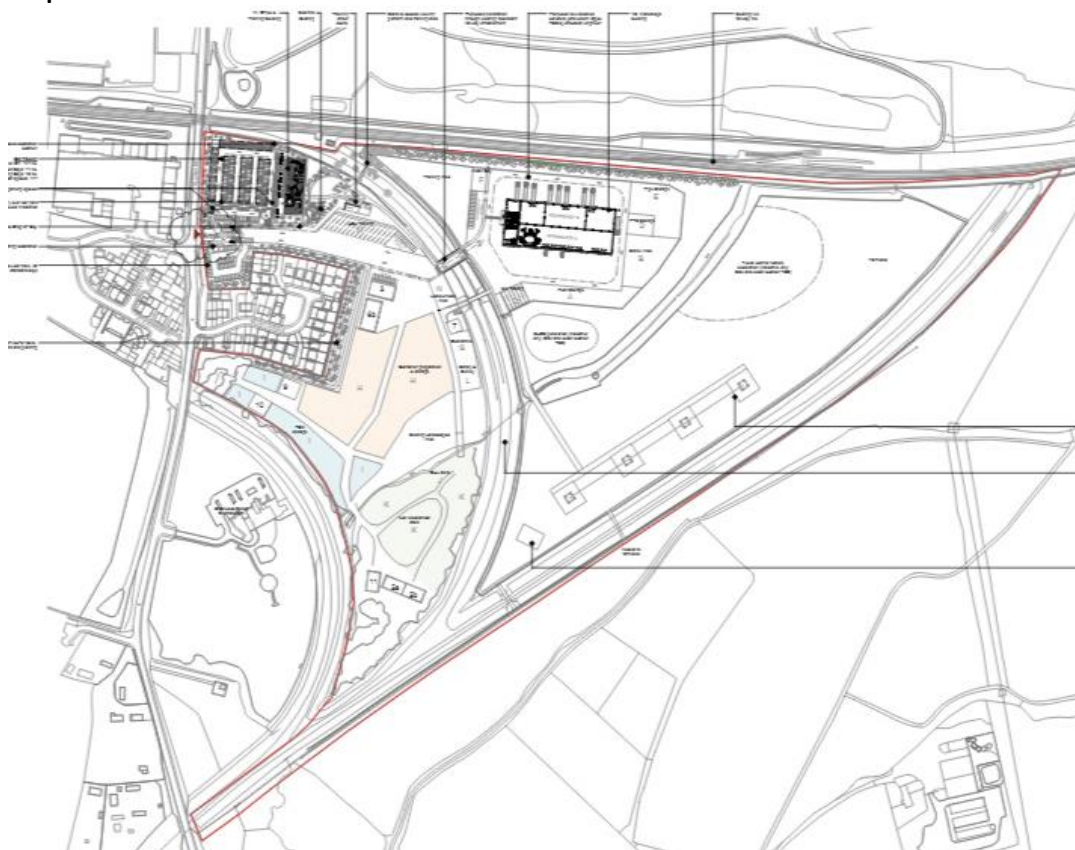
- 2.1. 19/01660/FUL – Erection of Storage Building. Permitted – 31.1.20.
- 2.2. 21/00134/FUL – Erection of New Industrial Building – Permitted 1.7.21.

## **3.0 The Proposal**

- 3.1 The application seeks permission for the redevelopment and extension of the existing Murphy's operational site. The proposed development seeks consent for the demolition of existing buildings on the current operational site and the erection of new buildings both within this area and the introduction of new development on the adjacent agricultural land.
- 3.2 In respect of the existing operational site (depot) the application is presented as a reconfiguration, so as to reduce and/or improve any associated impacts on the adjacent residential properties in the day-to-day operation of the facility. In this regard, the existing office and workshop area to the north west corner of the site will be demolished and the heavy plant machinery workshop, which is currently located adjacent to the boundary with the residential properties.
- 3.3 In respect of new buildings, within the existing depot site area, a new office and

training academy building is proposed in the north west corner, by way of a replacement for the existing. This building will be 1,500sqm in area and will be fronted by a new area of car parking provision. A new workshop building will be provided to the northern portion of the current agricultural land that lies to the east of the main depot area. This workshop will comprise of two integrated workshop buildings, both of which will be 2,500sqm in area. They will be used for plant machinery and construction vehicle maintenance, alongside specialist welding and pipe testing services.

**Proposed Site Plan**



- 3.4 Finally, the southern portion of the agricultural land will host a new pylon training area and associated viewing platform. The training area seeks to replicate the construction, operation and maintenance of pylons and sub-stations. Whilst it is understood that in broad terms the pylon training area will comprise the dismantling and re-erection of pylons, for the purposes of the application, they have been considered as permanent new structures.
- 3.5 The application submission has been accompanied by and considered on the basis of the following documents and plans. To avoid duplication, a number of other plans have been assessed and are listed in suggested conditions no. 2 and 14.

Document Description	Reference	Date Deposited
<b>Plans</b>		
SITE LOCATION PLAN	117-GTH-01-ZZ-DR-A-2001 Rev A	14 February 2024
SITE PLAN EXISTING	117 GTH 01 ZZ DR A 2010 REV A	14 February 2024

<b>Reports</b>		
Covering Letter	WSP	14 February 2024
Agricultural Land Quality Report	Reading Agricultural Consultants	14 February 2024
Air Quality Assessment	Hoare Lea	14 February 2024
Arboricultural Impact Assessment	Delta Simons	14 February 2024
Arboricultural Survey	Delta Simons	14 February 2024
Archaeological Desk Based Assessment	WSP	14 February 2024
Biodiversity Metric Calculation Tool	Delta Simons	14 February 2024
Biodiversity Net Gain Assessment	Delta Simons	5 March 2024
CIL Form 1	WSP	14 February 2024
Design and Access Statement	GTH Architects	14 February 2024
Ecological Impact Assessment	Delta Simons	14 February 2024
Economic Impact Assessment	WSP	14 February 2024
Flood Risk Assessment	Delta Simons	14 February 2024
Landscape CDM Risk Register	Fabik	14 February 2024
Lighting Strategy	WSP	14 February 2024
Landscape and Visual Appraisal	Fabik	14 February 2024
Noise Assessment	WSP	14 February 2024
Planning Statement	WSP	5 March 2024
Preliminary Ecological Appraisal	Delta Simons	14 February 2024
Preliminary Geo-environmental Report	Delta Simons	14 February 2024
Preliminary Mineral Resource Assessment	WSP	14 February 2024
Statement of Community Involvement	Murphy	14 February 2024
Sustainability Statement	Hoare Lea	14 February 2024
Transport Assessment	TPP	14 February 2024
Travel Plan	TPP	14 February 2024

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

4.1 Occupiers of 99 properties have been individually notified by letter. A site notice has also been displayed near to the site (27.3.24) and an advert was placed in the local press on the 27.3.24. The application has been advertised as a departure to the

development plan.

4.2 A site visit was undertaken on the 26.4.24.

## **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 6 – Infrastructure for Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

ShAP2 – Role of Ollerton & Boughton

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

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM3 – Developer Contributions and Planning Obligations

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. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of 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. Other Material Planning Considerations**

National Planning Policy Framework 2023

Planning Practice Guidance (online resource)

Landscape Character Area, SPD

Draft NPPF Consultation July 2024

## **6.0 Consultations and Representations**

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

## **Statutory Consultations**

- 6.1 **Nottinghamshire County Council (Highways)** – Latest comments dated 27.8.24, offering no objections to the proposed development, subject to the imposition of suitable planning conditions.
- 6.2 **National Highways** – Comments dated 19.3.24. No objection to the proposed development. Updated comments dated 13.8.24, continuing to offer no objection to the proposed development.
- 6.3 **Nottinghamshire County Council (Lead Local Flood Authority)** – Comments dated 26.3.24. No objection to the proposed development, subject to conditions. Updated comments dated 23.8.24 offered no new comments beyond original response.
- 6.4 **Nottinghamshire County Council – Rights of Way** – Confirm that based on the ‘Definitive Map’ no Public Rights of Way are recorded over the development site, although note that a ‘Claimed Route’ is currently being considered and advise of the need to accommodate this route within the proposed development (or provide for an alternative).
- 6.5 **Environment Agency** – Comments dated 28.3.24. Originally objected on the basis of foul drainage. Updated comments provided 8.8.24 withdrawing original objection and confirm no objection subject to a proposed planning condition securing the agreement and implementation of a remediation strategy.
- 6.6 **Coal Authority** – Comments dated 4.4.24. No objection to the proposed development. Updated comments dated 20.8.24 offered no new comments beyond original response.
- 6.7 **Active Travel England** – Comments dated 20.3.24. No objection to the proposed development and refer to Standing Advice. Updated comments 12.8.24 continue to refer to Standing Advice.

## **Parish/Town Councils**

- 6.8 **Boughton and Ollerton Town Council** – Comments dated 3.9.24 confirming no objections to the proposed development, providing the application meets with environmental and flooding requirements.

## **Representations/Non-Statutory Consultation**

- 6.9 **NSDC Environmental Health (Air Quality)** - Comments dated 18.3.24. No objections to the proposed development.
- 6.10 **NSDC Environmental Health (Noise)**. Latest comments dated 28.8.24 confirmed no objections to the proposed development, following the submission of further information by the applicant.
- 6.11 **NSDC Environmental Health (Contaminated Land)** - Comments dated 19.3.24. No

objections to the proposed development, subject to conditions.

- 6.12 **NSDC Economic Development** - Comments dated 28.3.24. Offer support to the proposed development on the basis of job creation and skills development in training. Updated comments provided 12.8.24 continuing to offer support to the proposed development as per the original comments.
- 6.13 **NSDC Conservation Officer** – Comments dated 16.4.24. No objections to the proposed development.
- 6.14 **NSDC Tree Officer** – Makes general comments 04.6.24, including lack of information, raising that the tree survey and impact assessment doesn't allow for future growth, concerns with generic species survey, would like to see parking interspersed with trees,
- 6.15 **NCC Planning Policy** – Comments dated 12.8.24 confirm no strategic planning observations to make.
- 6.16 Comments/concerns have been received from 4 third parties/local residents that can be summarised as follows:
- Dust associated with the existing use of the site.
  - Noise associated with the existing use.
  - Impact on privacy and amenity.
  - Adequacy of proposed landscaping scheme.
  - Highways safety and access.

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

7.1. The key issues are:

- Principle of development
- Impact on the Character of the Area
- Impact on Amenity
- Impact on the Highway
- Impact on Ecology
- Impact on Trees
- Impact on Archaeology

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.

### 7.3. Principle of Development

- 7.4. The existing site is located within the defined urban boundary for Ollerton. Its ongoing use for employment purposes aligns with Ollerton's role as a service centre within the Settlement Hierarchy (Spatial Policy 1). Core Policy 6 notes that employment development directed to service centres should provide a range of suitable sites in these locations to enable employment levels to be maintained and increased, both for traditional and emerging business sectors. This is reinforced by policy ShAP2 which includes a key aim of promoting employment opportunities within the town.
- 7.5. The site has been occupied by the applicant for a number of years and further permissions on the site have been given in recent years for storage and industrial purposes that have subsequently been implemented. The existing site plays a key role as a successful and high-profile employment and industrial use within Ollerton and its ongoing growth within the defined urban boundary is supported by policy DM1 of the Allocations and Development Management DPD, which supports employment development within the urban boundaries of service centres.
- 7.6. The principle of development in relation to redevelopment of the existing site is therefore considered to be acceptable. Notwithstanding this, the proposals include a large extension of the existing site to the east and onto adjacent agricultural land. Whilst this land is adjacent to and therefore linked with the existing site, it falls to be considered within the context of planning policies pertaining to development within the open countryside. Policy DM8 sets out the limits of development that will typically be allowed for within the countryside. Part 8 of the policy seeks to allow for 'small scale' development, where it can demonstrate a need for a rural location and sustaining such employment to meet local needs. It further states that 'proportionate' expansions of existing businesses will be supported, where they can demonstrate an ongoing contribution to local employment.
- 7.7. In the planning statement accompanying the submission, the applicant notes that neither 'small scale' or 'proportionate' are defined within policy DM8, but that the proposals include for a 65% increase in overall floor space, which is submitted to be proportionate. In terms of policy DM8, it is clear that the policy does not specifically account for business expansion adjacent to an existing settlement boundary. Whilst it is evident that the eastern part of the site lies within open countryside in policy terms, the policy particularly seeks to limit larger scale employment in more isolated and unsustainable locations and to ensure proposals are typically proportionate with the scale and extent of development in such locations.
- 7.8. As such, although it is difficult to argue that the extent of the application site area that falls within open countryside can be considered to be 'small scale' proportionality is a matter of judgement in each case and must be informed by the nature and scale of the existing employment use and the associated operations. In addition, although it cannot yet be afforded significant weight (as it has not proceeded through examination), the amended ADMDPD notes the need for clarity within existing policy DM8 with the following additional proposed text additions:



*'Proposals to expand existing businesses or construct buildings for new businesses in the open countryside are more likely to be appropriate in areas such as industrial estates where the principle of such development is established. Where it is demonstrated that it is necessary, expansion into adjacent areas could be considered appropriate if the impacts are judged to be acceptable. The proportionality of such developments should be assessed individually and cumulatively and impacts on both the immediate vicinity and the wider setting should be considered. It should be demonstrated that location on existing employment allocations or on employment land within urban boundaries or village envelopes is not more appropriate.'*

- 7.9. Utilising the above for guidance purposes, the proposals are judged to be considered favourably, in that the proposed expansion lies adjacent to an existing settlement boundary and forms part of an expansion of a single operational use that has been established for several years. Further to this, officers have been in discussion with the applicant and have sought additional justification (although noting that a sequential assessment is not strictly necessary) as to why such an expansion is necessary in a rural location and whether an area within the urban boundary of Ollerton or other parts of the district is feasible. In providing a response, the applicant has offered the following explanation and justification:

*'Policy DM8 does not require justification through a sequential test for the proposals and officers have not requested that one be undertaken. However, it should be noted that operationally Murphys require this operation to be within a single site, therefore, it would not be possible to sever the new proposals from the existing site. Accordingly, if it were not permitted to extend its operations as proposed the Murphys would need to relocate the entire existing operation to a suitable site. This would mean finding a suitable brownfield (sequentially preferable) site of approximately 10ha with limited to no building coverage to facilitate the open storage and training elements which are incorporated within the site.*

*Generally speaking, it is highly unlikely that such a site would be both suitable and available. Most commercial land-owners would look to optimise rental opportunities from commercial developments through construction of buildings that they could rent by the sqft. The only real scenario where this may be an opportunity if an existing brownfield site were to be made available for Murphys to purchase as a freehold. This, of course, would have significant additional financial and operational expense for the business to likely be unviable, and certainly unsuitable.*

*At a local level, Murphys has a long-term interest and investment within Ollerton and wishes to remain in the area. It is highly unlikely that an alternative and sequentially preferable location would be found in Ollerton so any relocation would certainly take Muphys out of the town.*

*Further, any subsequent search would also be undertaken on a regional basis. Whilst Murphys require a base in the east midlands, it is not wedded to Newark and Sherwood as a District, this means the site search is likely to cover up to half a dozen*

*local authority areas (and potentially more). If required to relocate the chances are that this would mean the business leaving the District entirely.'*

- 7.10. Further to the above, it is understood that the applicant holds a number of framework contracts whereby equipment needs to be deployed in the short term and therefore this presents a further operational challenge to relocate such an existing use to a new site, whilst maintaining its ongoing operational obligations. As such the proposed development is bespoke for the long-term consolidation of the other operational sites of the applicant and will support its growth as an important local employer. In that regard it differs from a new industrial/business park that seeks to provide new operational space in a speculative manner for multiple occupiers.
- 7.11. In addition to the above points, the applicant contends that the proposed development brings significant economic benefits, particularly through the creation of high skilled jobs in the area and increased spending in the local economy. The net additional employment is presented as being 86 FTE jobs expected on the site, with a supporting contribution to a further 21 FTE jobs in the area. This is equated to generate £13.8m in GVA per annum of which 12.4m could support the district economy at the local level.
- 7.12. The economic benefits of the proposals are fully supported by the economic growth team, who note that the job creation associated with the proposals is in line with the goals and objectives of the Community and Town Investment Plan. They also note that the creation of a new specialist training centre would close the gap in the country's skilled workforce and that this would generate job and training opportunities that would support the local workforce, alongside being of national interest.
- 7.13. In addition to the above, it is noteworthy that in July 2024, the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations and provide a useful direct of travel for planning policy. The reforms that are likely to become national policy by the end of this calendar year include a focus of delivering 1.5m new homes which would need to come forward alongside linked employment and also focuses on infrastructure. This proposal would therefore assist with the longer-term policy objectives that are coming through in national policy which also adds some weight to the decision-making process.
- 7.14. Taking account of the above factors, whilst there is judged to be some conflict with policy DM8 of the local plan, the proposals are considered to be compliant with the key aspects of the policy in avoiding large scale employment uses in isolated and unsustainable rural locations. The application proposes to consolidate and allow for the growth of an existing established employment use and the economic benefits as presented by the applicant are judged to weigh heavily in favour of the proposed development as important material planning considerations. Whilst officers do not consider the expansion is necessarily 'proportionate', the case for expanding this site is on balance acceptable taking into account the edge of settlement location, the genuine economic benefits, the lack of harm and that the eastern boundary provides

a natural barrier to contain the expanded site. The principle of development is therefore considered to be acceptable.

#### Impact on the Open Countryside and the Visual Amenities of the Area

- 7.15. Whilst the principle of development is considered to be appropriate in policy terms, there is nonetheless a need to consider the extent of the impact upon the character and appearance of the open countryside. In this regard the redline area extends a substantial distance to the east. The land to the east is currently accessed via an existing access gate and short section of hardstanding immediately beyond the gate, opening up into the open countryside part of the site. This accessway would be widened, punching through the existing (redundant) railway embankment, to allow for two way traffic movements into and out of this part of the site.
- 7.16. At this part of the site, the land then opens up into two separate field parcels, bisected by an established hedgerow (that would be retained) that runs across the site in an approximate north easterly direction, between the northern and western boundaries of the site. In the initial part of the site within the first field parcel (as the site is accessed through the railway embankment) a new substantive workshop building is proposed to a height of just under 15m. This building will be surrounded by a new concrete yard and associated external storage areas (for cranes, pipes and plant) and an outside training area (positioned to the western side of the building and in between the railway line and embankment) which add to the more substantial change in character of this part of the site, not least from the visual perspective. The training area would be observed from a proposed new viewing platform, that would be accessed via stairs and a walkway created through the existing railway embankment. An 'indicative' SUDS pond is also shown on this part of the site and whilst it does not propose 'built' development, it would be a fairly substantial engineering operation to establish. Further details of this would need to be considered and agreed, given its indicative status.
- 7.17. Beyond the dividing boundary of the hedgerow and in the other field, further development includes a training pylon area and associated training substation. This forms a key part of the proposals for the applicant, as it seeks to offer a dedicated training facility for contractor works on pylon areas, comprising of new overhead line and substation specialist training facility. Based on information provided in the Design and Access Statement accompanying the application submission, it is understood that contractors will be taught to erect, maintain and dismantle electricity pylons, working on electrified training pylons that are 30m tall. It is further understood that the pylons will be dismantled and re-erected on a regular basis as part of the training exercises.
- 7.18. In the consideration of the application, discussions have been held with the applicant as to the potential to relocate the training pylon areas closer to the workshop building and/or railway line, so as to limit the extent to which development extends further into open countryside to the east and so as to focus the new development as close to the defined urban boundary of Ollerton as possible and they have offered the following explanation and justification:

*'Officers have questioned whether the proposed pylon training area could be located in a more confined area of the site to limit encroachment into the countryside area. This, unfortunately, is not possible due to the space and operational requirements of the proposed operations. In order to simulate the actual configuration of High Voltage Overhead Line infrastructure which apprentices, employees and trainees will encounter in the field we need to have the greatest distance possible between towers. This will allow us to train individuals in the elements of conductor installation between towers, the conductor sagging operations and the high-level installation of conductor spacers.*

*Generally, in the field distance between Overhead Line Towers is circa 330m to 400m with three basic tower types, these being Terminal Towers, Tension Towers and Suspension Towers. Our proposed tower training configuration at Ollerton provides Terminal Towers at each end of the training line, and with a combination of both Suspension and Terminal towers along the proposed training line. This provides a realistic Overhead Line training configuration. This, of course, means that the size of the pylon area cannot be reduced and, therefore, there is no obvious alternative location within the existing depot, or around the location of the new proposed warehouse, for the pylons to be relocated.*

*Furthermore, exclusion zones are required during the training of tower assembly and erection. During these operations, there will be a requirement to create safety exclusion zones to facilitate craneage operations, tower delivery, unloading, the part assembly of towers and final tower erection training. During the training installation of tower insulators and conductors together with conductor spacers between towers, there is a requirement to establish "safety drop zones" along the length of the training line and around each training tower, to protect personnel from the potential of falling objects. It is, therefore, an operational requirement that there is significant space around the pylons so they will always need to be located away from the wider operations of the depot.*

- 7.19. The existing operational site contains a variety of functional workshop and other buildings and a variety of outside storage areas. In this regard, the visual appearance of the site, has a neutral impact upon the surrounding street scene. The most prominent building proposed is the office building, which lies closest to Newark Road, albeit it is set back from the road and to the rear of the proposed car parking area. The western elevation facing the road, includes glazed panels at ground floor and first floor level, which assist in breaking up the expanse of the building, including a cladded green finish at first floor level. The building is a modern equivalent to the existing office building, but with a part industrialised appearance, reflecting both the nature of the business undertaken, but this also helps to integrate this part of the site into the other areas of the site, which includes a prevalence of industrial sheds and similar. The new gatehouse building also offers a similar industrial clad appearance.
- 7.20. Whilst being less visible than the office building, the proposed new workshop building again has the typical appearance of an industrial shed, albeit that the shallow pitched roof and the dark green finish, will help to integrate it into the more landscaped surroundings of where the building will be located. As such the proposed design and

appearance of the proposed development is considered to integrate in an acceptable way within the existing site context and will have an acceptable impact within the wider street scene area, for those more visible parts of the proposed development. There is no objection to their appearance or design when considered against the policy objectives of CP9 or DM5.

- 7.21. The site is located within the 'Sherwood' Character Area, and specifically within the 'Ollerton Estate Farmlands' Policy Zone 27 in the Newark and Sherwood Landscape Character Assessment (SPD). Landscape condition is defined as 'moderate' and sensitivity to change is considered 'moderate' giving a policy action of 'conserve and create' as embedded in Core Policy 13. For landscape features this means conserving existing hedgerows and seeking opportunities to restore hedgerows and tress where appropriate to field boundaries with new development being contained within existing historic field boundaries.
- 7.22. The scheme would achieve these policy actions by retaining hedgerows and trees and the scheme would be relatively contained. In overall terms, it is clear that the nature and appearance of the two fields will change substantially as a result of the proposed development, through the introduction of new built development, with particular regard to the new workshop building. Nonetheless, it is also apparent that the land in question whilst being designated open countryside has the visual characteristics of being self-contained, which helps to reduce the impacts of the proposed development beyond the boundaries of the site as defined by the redline area. In particular the railway embankment that separates the defined urban boundary and the open countryside part of the site, which will offer substantial screening benefits and limit views of this part of the site from Newark Road. Equally, the south western boundary of the site (which will be unaffected by the proposed development) offers a substantial existing tree belt and landscaped area, that help to contain any through views of the site and joins with the western boundary to provide for significant screening of 2 of the 3 boundaries of the site.
- 7.23. The northern boundary of the site is also defined by an existing railway line and associated planting and this area of existing infrastructure assists in both containing the site from wider views and also comprises a logical location to locate built development forming an existing area of development, that also brings the new workshop building into closer proximity to the defined urban boundary that runs through the site and other areas of development within the existing operational parts of the site.
- 7.24. The main views of the part of the site that comprises the workshop buildings and training pylon area will be most visible from Ollerton Pit Woods, beyond the northern boundary of the site. Much of these views would, however, be from an elevated position and longer views of the site. The workshop building would in particular be seen within the context of the railway embankment that it lies adjacent to and beyond this, the more densely occupied parts of the existing operational site.
- 7.25. The training pylons would although introducing new development to the eastern parts of the site be at a reduced height of 30m, rather than the operational structures which are typically 50m in height. It is also of note that operational pylons are an accepted

part of the landscape that feature as areas of infrastructure in many rural locations. In this regard, they are typically accepted parts of the landscape. In this case the pylons, as they are being used for training purposes are located in a self-contained area and at a reduced height, both of which limit their wider landscape and visual impact, alongside the intervisibility of the structures themselves. Whilst the associated roadways/hardstanding areas contribute to a more urbanising impact, they are not judged to be harmful within the context of the issues already discussed above.

- 7.26. When considered in overall terms, the proposed development will introduce expansive new areas of development in open countryside, but the fact that this part of the development proposals will be linked to the existing defined urban boundary, indicate that the site is a sustainable location to support the expansion of the existing operational site. Equally landscape and visual impacts are judged to be localised and taking account of the self-contained and heavily landscaped parts of this site, are judged to be acceptable. As already referred to above, the other economic benefits of the proposal are afforded significant weight in the planning balance.

#### Impact upon Residential Amenity

- 7.27. Impacts on existing occupiers is a material planning consideration and should be assessed against the criteria set out in Policy DM5 having regard to matters such as noise, general disturbance as well as impacts from the physical buildings themselves.
- 7.28. The existing operational site to the west shares a boundary with a small residential cul-de-sac (Kelsey Avenue). The existing site wraps around the residential properties to the north south and east, bringing the operational site and the occupiers of the residential properties into close proximity. In order to address the nature of this existing relationship, the proposals on the operational part of the site seek to relocate areas of development further away from this boundary. The application also proposes a 20m wide landscape buffer area, immediately adjacent to this shared boundary, to offer improved protection of the amenity of the occupiers of properties within Kelsey Avenue. The timing of this would be controlled via condition 16.
- 7.29. Further to this, some building demolition is proposed adjacent to this boundary, which will create additional distance between the residential properties and the nearest operational buildings. As such, the existing heavy plant building will be demolished which is currently located adjacent to the western boundary with the residential properties. The existing workshop and office area to the north west of the site will also be demolished, with the new office building and associated car parking area being located further away from the residential properties also. Building demolition is indicated on the plan below.

### Extract of plan showing building demolition



- 7.30. In considering the proposals for redevelopment and reconfiguration of the site, it is considered that the proposed development offers improved protection of amenity, in comparison to the current unrestricted status quo. New buildings (particularly those that emit noise such as workshop buildings) are located further away than the current buildings on the site, including those proposed for retention. In particular, the new 1B. Workshop Building is sited some distance away from this boundary and on the other side of the railway embankment. The proposed landscape buffer, further reinforces the protection of neighbour amenity and offers an improved situation to the current scenario, if development was to not take place.
- 7.31. It is also noted that Environmental Health Officers have no objection to the proposed development in respect of noise and associated impacts, subject to the imposition of conditions as referred to at the end of this report. Accordingly, amenity impacts are therefore judged to be acceptable in respect of the proposed development.

#### Impact upon Highway Safety

- 7.32. In respect of Highway Safety, discussions have taken place throughout the application period and the Highway Authority have sought to ensure the impacts of the proposed development are properly understood. This has included the submission of further information and clarification. Following this further consideration, the Highway Authority have confirmed that they are content that the impacts of the proposed development are neither severe in terms of the capacity of the highway network, nor unacceptable in highway terms.
- 7.33. In respect of possible movements associated with the training element of the proposals, the highway authority have recommended that suitable controls be put in place to limit the training area to the designated area within the proposed office building. Whilst the proposed training workshops associated with the Pylon Areas are a positive in that they offer a bespoke and specialised facility, the success of this facility if not subject to control, may offer unacceptable highway impacts either in respect of traffic movements or onsite car parking provision. Accordingly, a suitable planning condition is proposed to offer control over this issue, requiring the submission of a

further application, should the demand for the training element increase, beyond that identified in the floor plans associated with the proposed office use.

- 7.34. Officers are therefore satisfied that the proposal would accord with the policies (DM5 and SP7) subject to the imposition of conditions.

#### Impact upon Ecology

- 7.35. The Council's Lead Ecology Officer has reviewed the full extent of the biodiversity survey and reporting as submitted in support of the application. The direct loss of a small part of the existing Local Wildlife Site (LWS) of the former railway embankment is noted, but when considered in the context of the long-term management of the LWS and habitat creation within the wider site, is judged to be acceptable.

- 7.36. Turning to potential impacts on species and other habitat areas, the ecology officer advises that with suitable mitigation measures in place as set out within the Ecological Impact Assessment (EclA), impacts are considered to be acceptable. Such mitigation measures will need to be secured in both the construction and operational phases of a development. The mechanisms for this will comprise of pre-commencement conditions in relation to the preparation and implementation of both a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP). Suitable conditions are presented later within this report.

- 7.37. Turning to Biodiversity Net Gain (BNG), the application submission was made shortly before the provision of BNG became mandatory, but nonetheless the applicant has chosen to provide a BNG Metric Calculation and includes proposals for BNG as follows:

- Habitat Units – 41.28%
- Hedgerow Units – 10.04%
- Watercourse Units – 14.08%

- 7.38. The ecology officer notes that the supporting information associated with BNG does not include detail of all assessment and it has also been undertaken within the context of features such as the SUDS basin, which do not yet have a fixed and final design. It is therefore recommended that an updated BNG assessment is undertaken in accordance with the production of the LEMP, secured through a further planning condition. Subject to conditions the proposal is considered to accord with Policies DM5, DM7 and CP12 as well as the NPPF, a material planning consideration.

#### Impact on Trees and Proposed Landscaping

- 7.39. Policies CP12 and DM7 state that natural features, such as trees and hedgerows, should be retained where possible.

- 7.40. An arboricultural survey and impact assessment has been submitted with the application which has surveyed 16 individual trees and 5 groups of trees within the site which are located on the slopes of the former railway embankment, interspersed with self-set saplings. 9 individual trees and 2 tree groups are categorised as grade B



(moderate to high quality) with the remainder categorised as grade C (low quality).

- 7.41. The comments of the Tree Officer are noted, particularly with regard to the lack of information and detail. However, I am satisfied that the authority has sufficient information to be able to reach an informed view on the acceptability of the proposal.
- 7.42. The development would result in the loss of 2 grade B trees (T8 – a 13m high Oak and T20 – a 14m high Oak both semi-mature) and one group of B graded trees (TG2 – a 16m high Hawthorn and Oak) as well as 2 x C grade trees (T9 – a 9m high Hawthorn, T19 – a 8m high Hawthorn) and 2 grade C groups (TG3 – a 9m high Oak and TG7 – average 14m high Silver Birch and Goat Willow); a total of 4 trees and 3 tree groups all of which are semi-mature. This is clearly regrettable but necessary to make way for access into the adjacent land. I am satisfied that the tree loss has been kept to the minimum necessary.

#### Extract from Tree Impact Plan



- 7.43. To compensate for the tree loss however, the scheme would offer significant tree planting throughout the wider site comprising both formal and more naturalised areas. A landscape strategy has been developed with different areas, including street- scene trees and those to create a screen/habitat, parkland planting and trees that would be appropriate around the SUDs basin. Native species are also proposed across the site. This would offer a significant level of mitigation and over time would provide a tree enhancement to the site overall. As such it is not considered that the loss of these trees should be a constraint to this development, subject to the imposition of conditions to secure the planting at appropriate times.

## Extract of Proposed Landscaping Plans



- 7.44. Mitigating the effects of the construction upon trees can be dealt with by conditions and subject to suggested conditions (numbers 5 and 22) I am satisfied that the scheme would not unduly compromise retained trees.

### Impact on Archaeology

- 7.45. The site holds high archaeological potential, particularly with the likelihood of prehistoric funerary activity.
- 7.46. The applicant has undertaken a Desk Based Assessment (DBA) to consider the potential for buried archaeological remains to be present beneath the site (with a focus on the agricultural land) which concludes the need for further investigation to be carried out. The County Archaeologist has underlined the importance of undertaking further intrusive investigations, prior to a decision being made on the application.
- 7.47. To this end a Written Scheme of Investigation (WSI) has been prepared and agreed between the applicant and the County Archaeologist, which sets out the nature and methodology for the further ground investigation works that are considered necessary. Unfortunately, the ability of these works to be carried out in the near future is constrained by the active use of the land currently for agricultural purposes and is further constrained by the lack of available and suitably qualified specialist contractors.
- 7.48. The lack of thorough site-specific investigation poses a significant risk to both the archaeological resource and the development proposal itself. The applicant's clear preference is for handling these issues post-consent albeit this approach leaves the developer vulnerable to unanticipated delays and escalating costs. Best practice would be to know the issues before a decision is issued. However, the Council's Archaeological advisor does accept that the matter could be dealt with by way of a condition to ensure that the geophysical survey, subsequent trial trenching, and any

necessary mitigation are carried out before any development commences. This will at least mitigate some of the risks involved, though it does not eliminate them entirely.

- 7.49. It is important to strike an appropriate balance between safeguarding potential archaeology and allowing for growth and expansion without delay and on balance it is considered that a conditioned approach would be reasonable to safeguard the potential heritage asset on site in accordance with DM9 and CP14. The suggestion wording forms suggested condition 3.

## **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. Despite the conflict with the development plan in that this scheme doesn't constitute a 'proportionate' expansion in land take terms, the expansion is nevertheless considered logical, contained and in a sustainable area allowing for the enlargement of an established employment use. This would bring about genuine, tangible economic growth benefits weighing in favour of the scheme and when considered in the balance are persuasive that this is an appropriate location for growth and that the principle of development in this case is acceptable in planning terms.
- 9.2. In addition, the reconfiguration and redevelopment of the site offers opportunity to improve and mitigate impacts upon the occupiers of neighbouring properties, through the provision of a significant landscape buffer on the boundary with those properties and by locating new development at a suitable distance away from this more sensitive boundary of the site. This again weighs in favour of the scheme.
- 9.3. Whilst the element of the development on open countryside will introduce new significant built form, the site is well screened by existing mature and established tree planting and other vegetation and views of this part of the site are limited from the public realm, consisting of longer and elevated views from the nearest public vantage points. The landscape and visual impacts are therefore judged to be of a localised nature only.
- 9.4. Other impacts including those upon highways, trees, ecology and archaeology are either judged to be acceptable or they can be mitigated to a satisfactory extent through the imposition of suitable planning conditions. In particular, the scheme sets out provision for BNG, despite it not being a mandatory requirement in this case, which also weighs in favour and alongside the economic benefits associated with the proposed development.
- 9.5. Whilst some conflict with the development plan is identified within this report, the proposals are otherwise considered to represent sustainable development and the benefits associated with this conflict are considered to be outweighed this conflict. As

no demonstrable harm is identified and technical constraints have been identified and addressed, the recommendation is for the grant of planning permission.

## **10.0 Draft Conditions**

Pre-commencement conditions require agreement by the applicant. In any event it is good practice to share and agree all conditions where possible. The below list of conditions has been shared with the planning agent in advance of agenda print but these haven't yet been formally agreed. Some changes may be required, for example if phasing is required and a revised list of conditions will be provided for Members at committee if necessary.

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.

### **Pre-commencement conditions**

02

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e. measures to control the emission of dust and dirt during construction;
- f. wheel washing facilities;
- g. hours/days of constructions; and
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

## Part 1

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

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

## Part 2

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

## 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 archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Mitigation Strategy and Written Schemes of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation, to ensure satisfactory arrangements are made for the recording of possible archaeological remains and 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.

04

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- A site investigation scheme, based on the Preliminary Geo-Environmental and Coal Mining Risk Assessment, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of 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 and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

06

No construction works pursuant to the permission hereby given shall commence until the access as indicatively shown on 31310/AC/019 rev A is provided, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

07

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: 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.

Reason: To ensure the protection of biodiversity interests.

08

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

- a. 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 annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years and implemented for 30 years);
- e. Identification of who will be responsible for implementing the LEMP; and
- f. A schedule for monitoring the implementation and success of the LEMP, this to include monitoring reports to be submitted to Newark and Sherwood District Council at appropriate intervals. The provision of the monitoring reports shall then form part of the planning condition. The approved LEMP shall then be implemented in accordance with the approved details therein.

Reason: To ensure the protection of biodiversity interests.

09

Prior to the commencement of the approved development an amended/updated Biodiversity Net Gain Report and accompanying Biodiversity Metric Calculation shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the development shall be implemented in accordance with the approved details.

Reason: To secure proposals for BNG as part of the development proposals and mitigate the impacts of the proposed development.

10

No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved DeltaSimons Flood Risk Assessment and Drainage Strategy dated December 2023 ref 87854.548836, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Include scaled drawings and sections as appropriate, in particular relating to the indicative SUDS basin
- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 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.
  - o No surcharge shown in a 1 in 1 year.

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.

o No flooding shown in a 1 in 30 year.

o 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.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- 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 shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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.

### **Prior to Occupation/first Use**

11

Notwithstanding the submitted version, which is not approved, no part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanisms) 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. The Travel Plan shall be implemented in accordance

with the timetable set out in that plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the potential for sustainable transport movements is secured.

12

No part of the development hereby approved (except the pylon training facility) shall become first operational until a 1.8m high acoustic fence has been installed along the perimeter boundary of the properties with Kelsey Avenue, the details and precise location of which shall be first agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to accord with the submission, in particular the noise assessments and technical note at 3.2.3 undertaken by WSP.

13

No part of the development hereby approved shall become first operational until such time as an updated Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall agree matters such as typical hours of operation and mitigation measures that will be put into place for when operations that have been identified within the updated Noise Assessment (dated 1st July 2024 by WSP) as potentially problematic such as grinding take place. The agreed mitigation measures shall thereafter be implemented on site.

Reason: In the interests of residential amenity and to accord with the submission.

14

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

Reason: In the interests of visual and residential amenity.

15

Prior to the development being first brought into use, details of an internal signage scheme directing visitors to parking arrangements (including the overflow parking area) shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall be made available for use prior to the development being first brought into use and shall thereafter be retained for parking for the lifetime of the development.

Reason: To ensure that the development provides sufficient parking in the general interests of highway safety.

16

No part of the development hereby permitted shall be occupied, until the 20m buffer zone and planting area as show on Drawing No. 117-GTH-01-ZZ-DR-A-2011 (Rev E) adjacent to the boundary with Kelsey Avenue is established, after which it shall be maintained in perpetuity. 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.

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

### **Compliance Conditions**

17

Notwithstanding the requirement of condition 16, the approved soft landscaping as shown on the following drawings:

Indicative Plant Schedule (1000 Rev PL02)

Soft Landscape General Arrangement Plan – Sheet 1 (1001 Rev PL02)

Soft Landscape General (1002 PL02)

Arrangement Plan – Sheet 2 (1002 PL02)

Soft Landscape General Arrangement Plan Sheet 3 (1003 REV PL02)

Soft Landscape General Arrangement Plan Sheet 4 (1004 REV PL02)

Soft Landscape General Arrangement Plan Sheet 5 (1005 REV PL02)

Soft Landscape General Arrangement Plan Sheet 6 (1006 REV PL02)

Soft Landscape General Arrangement Plan Sheet 7 (1007 REV PL02)

Soft Landscape General Arrangement Plan Sheet 8 (1008 REV PL02)

Soft Landscape General Arrangement Plan Sheet 9 (1009 REV PL02)

Soft Landscape General Arrangement Plan Sheet 10 (1010 REV PL02)

Soft Landscape General Arrangement Plan Sheet 11 (1011 REV PL02)

Soft Landscape General Arrangement Plan Sheet 12 (1012 REV PL02)

Soft Landscape General Arrangement Plan Sheet 13 (1013 REV PL02)

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.

18

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order 1987 (as amended) the Tunelling building (Building 9 on the site plan) to remain on site, shall only be used for storage purposes.

Reason: In the interests of residential amenity and to accord with the submission, in particular the noise assessments undertaken by WSP.

19

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.

20

All gates including the pedestrian gates as indicated on drawing number 31310/AC/019 rev A shall be kept fully open during business hours.

Reason: In the interests of highway and pedestrian safety.

21

The external lighting permitted by this permission shall only be illuminated during the operational hours of the premises to which it relates.

Reason: In the interests of visual and residential amenity.

22

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.

23

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

Site location Plan (117-GTH-01-ZZ-DR-A-2001 Rev A)

Site Plan Proposed (117 GTH 01 ZZ DR A 2011 REV E)

Site Plan Proposed Office Area (117 GTH 01 ZZ DR A 2012 REV P)

Site Plan Proposed Workshop Area (117 GTH 01 ZZ DR A 2013 REV B)

Site Plan External Finishes Plan (117 GTH 01 ZZ DR A 2014 REV A)

Site Sections 1 (117GTH 01 ZZ DR A 2051)

Site Sections 2 (117 GTH 01 ZZ DR A 2052)

Site Sections 3 (117 GTH 01 ZZ DR A 2053)

Site Sections 4 (117 GTH 01 ZZ DR A 2054)

Site Sections 5 (117 GTH 01 ZZ DR A 2055)

Site Sections 6 (117 GTH 01 ZZ DR A 2056)

Elevations (117 GTH 02 GF DR A 2111 REV B)

Illustrative Elevations (117 GTH 02 GF DR A 2112 REV B)

Typical Training Pylon Elevation (117 GTH 01 ZZ DR A 2070)

GA PLAN, GROUND FLOOR (117 GTH 02 00 DR A 2100 REV B)

GA PLAN, FIRST FLOOR (117 GTH 02 00 DR A 2100 REV B)

GA PLAN, ROOF PLAN (117 GTH 02 02 DR A 2102 REV A)

GA PLAN, GROUND FLOOR (117 GTH 03 GF DR A 2200 REV A)

GA PLAN, FIRST FLOOR (117 GTH 03 01 DR A 2201 REV A)

GA PLAN, ROOF PLAN (117 GTH 03 02 DR A 2203 REV A)

GA PLANS, GROUND AND FIRST FLOOR (117 GTH 03 ZZ DR A 2202 REV A)

OLLERTON WORKSHOP, ELEVATIONS (117 GTH 03 ZZ DR A 2211 REV A)

OLLERTON WORKSHOP, ILLUSTRATIVE ELEVATIONS (117 GTH 03 ZZ DR A 2211 REV A)

OLLERTON WORKSHOP SECTIONS (117 GTH 03 ZZ DR A 2212 REV A)

OLLERTON GATEHOUSE, GA PLAN, GF (117 GTH 04 GF DR A 2300)

OLLERTON GATEHOUSE, SECTIONS (117 GTH 04 ZZ DR A 2310)

OLLERTON TRAINING VIEWING AREA, PLAN (117 GTH 05 ZZ DR A 2400)

OLLERTON TRAINING VIEWING AREA, ELEVATIONS (117 GTH 05 ZZ DR A 2411)

ILLUSTRATIVE LANDSCAPE MASTERPLAN (5000 REV PLO2)

LANDSCAPE SECTIONS (8001 REV PLO2)

INDICATIVE SITE ACCESS (31310/AC/019 & 020)

Reason: So as to define this permission.

24

Classroom training shall only take place in the areas as defined on drawing number 117-GTH-02-00-DR-A-2100 rev B.

Reason: To ensure that the development accords with the highway assessments, in the interests of highway capacity and safety.

## **Informatives**

01

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.

02

The applicant should email [hdc.north@nottscc.gov.uk](mailto:hdc.north@nottscc.gov.uk) to commence the technical approval process, prior to submitting the related discharge of conditions application. The Highway Authority is unlikely to consider any details submitted as part of a discharge of conditions application prior to technical approval of the works being issued.

03

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

04

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

05

The applicant should note that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 189), 'where a site is affected by End 3 contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility will remain with these parties.

### Model Procedures and good practice

We recommend that developers should:

- Follow the risk management framework provided in LCRM – Land Contamination Risk Management when dealing with land affected by contamination.

- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information. 'The Environment Agency's approach to groundwater protection' We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:
  - Waste management
  - Discharge of liquid effluents
  - Land contamination
  - Ground source heat pumps
  - Cemetery developments
  - Drainage

#### 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 - 24/00618/FUL

