

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	17/02071/FULM
Proposal:	Application for temporary (5 year) permission in relation to improved security and campsite operation, comprising: Planning Permission for a vehicle security gate to main entrance, estate fencing along driveway and front boundary; Change of use of sports field for camping and caravanning operation comprising a maximum of 50 pitches; Planning Permission for mains cabinet; Retrospective Planning Permission for 8no. electricity distribution boxes; Retrospective Planning Permission for WC block; Retrospective Planning Permission for family shower block; Retrospective Planning Permission for unisex shower block and Elsan Point; Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);
Location:	Kelham Hall Ltd Kelham Hall Main Road Kelham Nottinghamshire NG23 5QX
Applicant:	Mr Jonathan Pass
Registered:	21.05.2018 Target Date: 20.08.2018 Extension of Time Agreed: 05.10.2018

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

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These

buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017. In recent years elements of the building have been leased to the applicant and used for various functions including weddings and corporate events.

The Hall and grounds are within the village of Kelham as well as the designated conservation area. The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the site is within Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall in recent years. Some of these applications were in relation to the sale of the building by the District Council to Kelham Hall Ltd. (the current occupier). The most relevant applications to the current application are set out below:

17/01021/FULM and 17/01022/LBC - Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Application approved by Committee October 2017.

17/02075/ADV - Advertisement Consent for new signage (9 No. in total) including illumination as necessary.

Application currently pending.

18/00947/LBC - 2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site.

Application currently pending.

18/00954/LBC - Retrospective permission for an electricity distribution box located close to the southern boundary wall (read in conjunction with application ref: 17/02071/FULM).

Application withdrawn.

44840699 - USE GROUNDS FOR (A) CARAVAN AND CAMPING RALLIES AND (B) SHOWS

This permission was granted in September 1984 relating to the playing field as subject to the current application. It was however conditioned on the basis that, 'The permission shall be

exercised by the Newark District Council only' and that 'The 5 and 7 day rallies shall be restricted to a maximum of 50 units at any one time and all units shall be located within the area cross hatched on the attached plan' (the playing field).

44871171 - VARIATION OF CONDITION FOR SEVEN NIGHT STAY CARAVAN RALLY FOR 250 UNITS

This application was approved in 1987 but related solely to 'one caravan rally for a maximum of 250 units to be held between 25th September, and 2nd October, 1988.'

The Proposal

As described by the description of the development above, the proposal has been submitted in an attempt to facilitate a temporary use of the site for a camping and caravanning use. The proposal relates to both the use itself as well as additional facilities to support the use including a vehicle security gate and welfare facilities. As is referenced by the description of development, a number of elements of the proposals are retrospective in nature.

The change of use sought is for a camping and caravanning use for up to 50 units for 5 years. This has been reduced during the life of the application from the original proposal which sought temporary permission for up to 250 units.

The Planning and Heritage Statement (P&HS) (which has been revised during the life of the application) makes reference to the historic use of the site for camping and caravanning but for the avoidance of doubt this was through 'personal' permissions granted to the District Council through their previous occupation of the building and thus any such use which has occurred following the sale of the building has been strictly unauthorized.

The P&HS provides an overview of the elements of the current proposal which has been incorporated into the description of the development above.

Planning Permission for a vehicle security gate to main entrance, estate fencing and stock fencing along driveway and front boundary;

This element of the proposal relates to the entrance along the western boundary of the site with the proposed security gate set back along the driveway around the bend (around 50m from the highway edge). The proposed estate fencing would be splayed to ensure highways visibility. The gate is proposed to be a black, galvanised steel sliding gate with an approximate width of 5.5m and approximate height of 1.2m (albeit decorative elements of the gate would be slightly higher).

The proposed estate fencing would be along a section of the front western boundary and along each side of the first section of the driveway up to the proposed gate. The proposed height would again be approximately 1.2m.

Planning Permission for mains cabinet;

There is a mains cabinet which exists along the southern boundary of the site and has approximate dimensions of 1.6m in width and depth and 2.5m in height. For the avoidance of doubt, as confirmed through the latest site plan, the location of this cabinet is to be moved from the existing position which abuts the wall. The revised plan demonstrates that the cabinet would be moved a minimum distance of 0.3m northwards.

Retrospective Planning Permission for 8no. electricity distribution boxes;

The 8 no. electricity distribution boxes are located around the perimeter of the sports field (one being attached to the southern boundary wall and thereby subject to a separate application for listed building consent. Their approximate dimensions are 0.63m in width; 0.4m in depth and 1.1m in height.

Retrospective Planning Permission for WC block;

The WC block exists along the southern boundary of the site and has approximate dimensions of 6.24m in width; 8.5m in depth and 3.3m in height.

Retrospective Planning Permission for family shower block;

The family shower block exists along the southern boundary of the site and has approximate dimensions of 4.87m in width; 2.64m in depth and 2.6m in height.

Retrospective Planning Permission for unisex shower block and Elsan Point;

The unisex shower block and Elsan Point exists along the southern boundary of the site. The shower block has approximate dimensions of 8.6m in width; 3.05m in depth and 2.55m in height. The Elsan point is 1.2m in width and 1.1m in height. The block is accessed by steps which are approximately 1.24m in width and 1.1m in depth.

Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total);

The 3 security cameras exist at the entrance to the site; close to the southern boundary near the camping and caravanning facilities; and to the north of the building near the Dome. The security cameras are mounted on concrete blocks and a pole with a total height of approximately 6.5m.

The original application submission also included retrospective planning permission for the erection of a demountable tap but this has since been removed from the site and therefore removed from the application submission.

The application has been appraised on the basis of the revised suite of plans and supporting documents, the majority of which were received by email dated 13th August 2018. The latest site plan was received 3rd September 2018.

- EX1D Proposed Site Plan
- EX3B Proposed Security Gate and Boundary Details
- MD1 Existing Site Plan
- Planning and Heritage Statement Rev C: September 2018
- GTA Response to LPA & Consultees Comments 010818 Rev A

It should be noted that as outlined by the planning history section above, there are currently separate applications for 9 no. proposed advertisement signs, two of which require listed building consent due to their attachment to the gate posts.

The supporting information submitted with the application comprises:

- Planning and Heritage Statement
- Flood Risk Assessment
- External Signage Strategy
- Additional Justification '*GTA response to LPA& Consultees Comments*' received 1 August 2018

Departure/Public Advertisement Procedure

Occupiers of 38 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. An additional round of re-consultation has been undertaken in respect to the revised plans and documents received during the life of the application.

Planning Policy Framework

The Development Plan

The relevant policies of the Development Plan in relation to this application are as follows:

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
 Spatial Policy 3: Rural Areas
 Spatial Policy 7: Sustainable Transport
 Spatial Policy 8: Protecting and Promoting Leisure and Community Facilities
 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 13: Landscape Character
 Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5: Design
 Policy DM7: Biodiversity and Green Infrastructure
 Policy DM9: Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)
- Historic England Advice Notes (notably Note 2: making changes to heritage assets)

Consultations

Averham Kelham and Staythorpe Parish Council – *Additional comments received 22nd August 2018:*

Following the AKS Parish Council meeting held Monday 13th August 2018, the AKS PC voted to object to the following planning applications:

18/00954/LBC

17/02075/ADV

17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown many having contacted Kelham Hall to request they be blanked out. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposal makes no reference as to how the gated entrance may be managed. However the current proposals contravene that legislation and should therefore be refused.

Mains Cabinet, distribution boxes, WC bock, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland.

The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

We would also echo the concerns of the NSDC Conservation Planner and English Heritage that these should not be viewed in isolation to the camping and caravanning proposal.

Camping & Caravanning

The Kelham Hall and associated estate is noted as being a significant heritage asset on a National level therefore the PC fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 50 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

Even considering the reduced numbers the proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal for the development of the hall and totally inappropriate in the conservation area.

The revised proposal will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

There are no proposals as to how the extent of the camping and caravanning pitches would be monitored and regulated to ensure compliance with the numbers proposed. The PC is concerned given recent experience with Kelham Hall Ltd. that they would operate within the boundaries of their current proposal.

The proposal would permit camping and caravanning 365 day a year which would be a massive increase on the limits currently permitted, set at 28 days per year. This would have a significant detrimental impact on the conservation area, surrounding residents and Kelham Village itself.

We note the comments in the Response to Consultees Comments document with interest especially in relation to the Phase 1 scope of works. Work on a building and project of this nature is relatively unique and challenging making it expensive when compared to more standard restoration type projects. The PC would challenge the statement that camping and caravanning operation proposed would contribute anywhere near the 10% figure stated and is therefore misleading.

The original application made no reference to the financing of refurbishment works being dependent upon a camping and caravanning operation and was approved on that basis any would question why that should be changed.

The documentation submitted by the applicant makes numerous references to balancing harm against public benefits. It should be noted that all planning policy is intended to serve the public

interest rather than that of individuals. This part of the application is not in the public interest and seeks only to benefit the applicant and purely on a financial basis.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

Original comments received:

Following the AKS Parish Council meeting held Tuesday 12th June 2018, the AKS PC voted to object to the following planning applications:

18/00947/LBC
17/02075/ADV
17/02071/FULM

The reasons for the objection are detailed below:

New Signage:

Signs numbered 1, 2 and 3 placed along Main Road are large and out of scale with all other signage along Main Road.

Given their size and location in close proximity to the main highway they will be a potential distraction to drivers and hence increase the risk of potential accidents along what is a busy highway.

Signs placed adjacent to the main entrance will block the sight of vehicles exiting the Hall, again increasing the risk of potential accidents.

The wording of signs 4a and 4b are not appropriate and in the case of 4a contravene the regulations governing Public Rights of Way. The pedestrian gate and associated footpath adjacent the Lodge are a Public Right of Way and defined as such with the Land Registry. This route allows public access from Main Road via the Lodge Gate through the grounds of the Hall to the Church of St Wilfrid, by default it also provides pedestrian access to the Hall. Placing the sign as detailed implies that there is no pedestrian access whatsoever via this route and appears to be an attempt to discourage residents and general public using a defined public right of way. In the case of sign 4b it would be more appropriate to amend the wording to read "Main Vehicular Entrance 500m 2nd on the left" so as not to deter people using the pedestrian gate adjacent the Lodge. It should also be borne in mind that it is a criminal offence to obstruct a public right of way.

Sign 6 should have the detail of the areas of Kelham surrounding the Hall blanked out. As proposed it indicates details of properties etc. surrounding the Hall, similar to the existing sign that is currently in place. The existing sign has already attracted a number of complaints from residents at having their properties shown. The sign would also benefit from a red line boundary clearly defining the extent of the Hall and Parkland.

Security Gates and Boundary Treatments:

The PC is particularly concerned regarding the proposals for the increased security proposals. The route from the main entrance along the existing access road round to the Church of St Wilfrid is a public right of way and should be available for use at all times. As with the pedestrian access route from the Lodge this vehicular route is also registered with the Land Registry and as such the land owner has clearly defined legal responsibilities. Legislation states "The owner or occupier of land with a public right of way across it must avoid putting obstructions on or across the route, such as permanent or temporary fences, walls, hedgerows, padlocked gates or barbed wire". The current proposals including the proposed management of the entrance gate contravene that legislation and therefore refused. As stated above obstructing a public right of way is a criminal offence.

Mains Cabinet, distribution boxes, WC block, unisex shower, Elsan point & demountable tap:

The planning application granted for the development of the Hall and the associated parklands was on the basis of the proposals being a high quality restoration and reinstatement of the parkland. The above facilities that are currently in situ in the park, which is currently in contravention of existing permissions, are of poor quality and constitute somewhat of an eyesore and certainly not in keeping of facilities that you would expect to see in a quality parkland environment. They are also located next to the parkland walks again detracting from the aesthetics of the parkland.

The flood risk assessment that has been undertaken has identified that the southern end of the parkland is the area most prone to flooding. This in itself is cause for concern however what is of most concern is the location of the existing Elsan point, which as stated above is in contravention of existing permissions. Should this area flood there is a very high risk of the surrounding area and water courses leading into the River Trent being polluted with effluent.

Camping & Caravanning

The PC would fully endorse the comments of Historic England that the camping and caravanning proposals are not conducive to the high-quality restoration and reuse of the Hall and Park on which the original application was based and in fact are detrimental.

This application is retrospective but it should be noted that Kelham Hall Ltd.'s current campsite operation is in contravention of current permissions as it operates well in excess of the permitted number of days. This has also led to a high number of complaints from Kelham residents. This proposal can only result in greater nuisance and disruption and hence increase the number of complaints.

The latest proposals indicate approximately 250 pitches to be located on the existing playing field. A key component of the original planning application was to promote leisure and activity the current proposal removes any available activity area.

The numbers proposed are out of proportion for the size of the playing field. The proposal would result in something that would have the appearance of a refugee camp. This would be at odds with the intent of the original proposal and totally inappropriate in the conservation area.

The proposals make no allowance for the required level of parking provision for the numbers proposed and have actually reduced the existing parking numbers.

The proposal would involve 250 cars, caravans, camper vans and the like coming to site, plus the potential for approximately 1,000 people. This will have a detrimental impact on the conservation area and the surrounding areas of Kelham. Numbers proposed will result in increased environmental impact, impact upon highways increasing numbers on already busy roads, vehicles queuing and backing up onto the main highway, increased nuisance to local residents, increased levels of noise at socially unacceptable times during the week and weekends given the round the clock operation.

Kelham is a conservation area and as such NSDC has a responsibility to give due consideration to the preservation of its character and appearance. The planning application seeks to allow the camping and caravanning to operate 7 days a week, 24 hours a day throughout the whole of the year for a period of 5 years. This will undoubtedly have a huge detrimental impact on the conservation area, local residents and surrounding environs and should therefore be rejected.

NSDC Conservation – Additional comments received 24th August 2018:

Thank you for consulting conservation on revised information for application 17/02071/FULM and & 18/00954/LBC.

With regards to the signage element please see my comments for 18/00947/LBC & 17/02075/ADV.

With regards to application 18/00954/LBC I note the tap has been removed from site (I believe?) and from this application, which of course removes my concern about this item.

The Agent attests that despite my inspection some time ago the base for the distribution box has not in fact been cut into the wall and has caused no actual harm to the boundary wall. As this part of the site is now overgrown we have no way of verifying this at present and in order to determine the application we would usually assume the supporting information was true and take this at face value. I also note that a season's scrubby growth has gone some way to reducing the visual impact of the unit, although this could die back and be cleared at any moment so has no permanence in terms of mitigation. As such my concern for this item is the same as for the rest of the outdoor camping and caravanning equipment dealt with under 17/02071/FULM, see below.

17/02071/FULM

Principle of camping and caravanning

I see a significant reduction in the number of proposed pitches (although no reduction in number of facilities required) and their restriction to the southern end of the site. I believe this may be a less intrusive layout than was approved for the Council, but I am not sure if the Council's permission was year round like is being proposed here, so whether this is tangible improvement over the last use or not. When the Council operated the site it did not have extra outdoor facilities in the grounds, so in this respect this proposal still remains a more intrusive scheme.

I have already outlined how and why the camping and caravanning and its associated facilities are harmful, although I acknowledge this is now a less harmful scheme than first proposed. Nevertheless it is still a visually intrusive element in the otherwise green and designed historic gardens. This harm is to the setting of the Hall, the church, the unregistered park and garden, causing harm to the significance of these elements of the historic environment. As the defining and principal asset in Kelham Conservation Area there is also harm to the character and appearance of Kelham Conservation Area. Given that this is not physical harm to the fabric of

these assets and how this impact has now been reduced this is harm is less than substantial to the significance of these heritage assets.

However, I do accept a temporary 5 year permission limits this harm. While 5 years is not an insignificant amount of time, it is not (to use a term often used in wind turbine debates) a 'generation of harm' so will in people's memory only be a temporary fixture.

I also accept there is an explanation of how the revenue from the camping and caravanning will be used to cross fund and bring about the approved scheme for extensions and conversions to Kelham Hall. While there are various benefits to bringing this scheme forward, and therefore some weight to be given to these benefits against the harm identified, it must be understood that this weight should be limited. Simply put, we still have no justification that camping and caravanning is required at all to bring about the benefit of a new use at Kelham Hall. It may well be required by *this* applicant to bring about *this* approved scheme (although no independent verification is available), but we have no evidence to suggest this is the *only or best* scheme to re-use Kelham Hall. A less ambitious scheme may well be viable without any revenue from camping and caravanning – we simply do not have this information. I also note that even if camping and caravanning was fully justified the position and appearance of the facilities now put in place could be better. There is some explanation for why this harm is limited, how it will help bring about a benefit and I am also aware that the camping and caravanning is not of course a new use, but it nevertheless is a harmful use in this setting what has been submitted is not in itself 'clear and convincing' justification, so should be given limited weight.

Estate and stock fencing

I am pleased to see the proposed stock fencing has been removed from the amended site plan. However, it has not been removed from the revised Planning and Heritage Statement and this needs clarifying please. As per my earlier consultation comments I was concerned by the untraditional and unattractive nature of this fencing in this setting. The use of estate fencing instead is acceptable. I cannot now see any annotation for any fencing to the Southern boundary so presume there will be no fencing here. Please note that I believe any existing stock fencing here to be unauthorised.

In terms of the detail of the estate fencing, this now seems to be a neater and more traditional detail and I appreciate this revision being made.

Security cameras

The existing and unauthorised security cameras have been added to the proposal – these are very unattractive structures being galvanised metal on large concrete bases. Even if the case was made for their need surely we could get a much less intrusive design and finish? At the very least black poles on a green (?) painted base?

In conclusion there is harm identified from the camping and caravanning and a limited justification for this. There is also harm from the unattractive security cameras (again less than substantial to the identified heritage assets) which could no doubt be lessened by a better design.

Original comments received 22nd June 2018

History, Significance and Designations

Kelham Hall is a Grade I listed building of outstanding national architectural and historic significance. The present Hall was built and enlarged c.1859-61 in the Gothic Revival style, by Sir George Gilbert Scott, renowned architect, for John Manners-Sutton. It is a fine example of

Victorian Gothic architecture and of Gilbert Scott's work. Despite the lavish plan for the building some elements were never fully executed, leaving curiosities like the incomplete columns and the crude infill where a staircase was never carried out. This rebuild incorporated the earlier Renaissance Revival style services range dating from 1844-46, designed and built by A. Salvin for the same client.

We understand the present Hall was at least the third house to have existed on the site and while no house is recorded on the site in Medieval times, a house is recorded in the Averham parish register in 1674. Kelham also saw significant activity in the Civil War. Map regression and documentation shows a designed landscaped pre-dating the present Hall with treescape, ha-ha and fish pond / water feature.

The grounds primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860.

While not formally designated the grounds should be considered as a non-designated park and garden heritage asset.

Within the grounds, but historically always the parish church, is the Grade I listed medieval Church of St Wilfred and adjoining graveyard, to the east of the Hall.

In 1903 the Hall was tenanted and later bought by The Society of the Sacred Mission and became a Theological College with an additional wing and new chapel added in 1928 by CC Thompson in the Byzantine style, Grade II listed. Part of this domed chapel was never completed, leaving weather boarded walls instead of completed apse.

From 1973 the Hall passed into the hands of Newark and Sherwood District Council with further adaptation for this new use.

The Hall and grounds are adjacent to Kelham village, which also contains Home Farm (Grade II), associated with the Hall. The Grade II listed lodge and adjacent elaborate gate once marked the original vehicular entrance to Kelham Hall, leading carriages directly into the Carriage Court. The Carriage Court is now a covered structure and used for functions. The gated entrance is used for pedestrians only now, with the existing vehicular access having been created to the west of the grounds.

The site sits within Kelham Conservation Area.

There is a strong historic and visual link between all the heritage assets and together they form a unique complex of very high significance.

There is a significant archaeological potential on this site, from the Civil War, early houses and the designed landscape.

Policy and Legislative Framework

In examining the impacts upon the significance of heritage, weight must be afforded to Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the desirability of preserving the setting of a listed building. The legislative requirement indicates that it is not enough to simply weigh the extent of harm against the associated public benefit arising out of the proposals as required by the development plan, but that decision makers are reminded to give considerable weight and importance to preserve the special significance of a listed building. This duty applies whether substantial or less than substantial harm has been found. A similar duty has

been found to exist in case law to the statutory duty (section 72 of the Act) to preserve or enhance the character or appearance of a conservation area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan in any determination that determination shall be in accordance with the plan unless material considerations indicate otherwise. The relevant policies of the Newark and Sherwood Core Strategy Development Plan Document (adopted March 2011) are CP9 on Sustainable Design and CP 14 on the Historic Environment. The relevant policies of the Newark and Sherwood Allocations & Development Management Development Plan Document (adopted July 2013) are Policy DM5 Design, Policy DM9 Protecting and Enhancing the Historic Environment and Policy DM12 Presumption in Favour of Sustainable Development.

Section 12 of the National Planning Policy Framework (NPPF) (Conserving and Enhancing the Historic Environment) gives the Government's stance on the determination of applications affecting the heritage assets. In common with all applications concerning direct or indirect impact on designated and undesignated heritage assets, paragraph 128 requires *'an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting'*. It is made clear that this description of significance should be proportionate to the asset's importance. Similarly, paragraph 129 requires local planning authorities to *'identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise'*. It goes on to note that this should form part of the assessment of impact on any asset.

Paragraph 131 requires local planning authorities when determining applications to *'take account of the desirability of sustaining and enhancing the significance of heritage assets'*. Paragraph 132 takes this further stating that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be'*. It goes on to clarify that *'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'*.

In paragraph 132 notes that substantial harm to or loss of a grade II listed building should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, including grade I and II* listed buildings, should be wholly exceptional. Should a proposal lead to less than substantial harm to the significance of a designated heritage asset, the NPPF states that this harm should be weighed against the public benefit of the proposal' (paragraph 134).

Paragraph 135 notes that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Paragraph 137 of the NPPF refers specifically to how *'local planning authorities should look for opportunities for development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance'*.

Paragraph 140 refers to enabling development and the need to ensure it would secure the future conversation of a heritage asset.

ID 18a of the Planning Practice Guidance covers *Conserving and Enhancing the Historic Environment*. Paragraph 001 of this section states that, *'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to*

achieve sustainable development. The appropriate conservation of heritage assets forms one of the 'Core Planning Principles' that underpin the planning system.'

Paragraph 013 of the PPG talks about what the setting of a heritage asset is (using the definition given in the glossary of the NPPF) and how it should be taken into account. This section states that, *'A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.'* It talks of how setting is often expressed by reference to visual considerations but is a wider experience.

The advice enshrined in Historic England's Historic Environment Good Practice Advice in Planning Notes 2 and 3, on Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets respectively are also useful references.

Comments on the proposals

With regards to the signage element please see my comments for 18/00947/LBC & 17/02075/ADV.

With regards to the distribution box on the boundary wall and demountable tap please see my comments for 18/00954/LBC.

Principle of camping and caravanning

The visual impact of camping and caravanning, even without the provision of equipment for the use of visitors, is negative in the grounds of Kelham Hall. Kelham Hall has relatively small grounds, yet are no less significant for it, but the effect being that most places are within site of the Hall or within or near a designed or pleasant vista to or from the Hall and/or are of themselves of significance as being part of the designed landscape. A Country House estate is differentiated from other large houses by the grounds around them and the setting of country houses is intimately linked to the significance of the building as a whole.

The location of the current camping site is such that from the current (ie not historic) vehicular entrance the tents and caravans form part of the first vista one sees of the Hall. On special event days the camping and caravanning can fill most of the front field, being the defining feature in the view. On less busy days the site is still visible in this entrance vista. I note this application is for 250 pitches – the hatched area on the plan shows that this will fill all the front field, former parkland, filling the west facing outlook from the Hall. In size alone this will have a significant visual impact on the Hall and Church.

The associated equipment (toilet blocks, electricity boxes etc) has also been laid out such that when enjoying the grounds they are hard to avoid. The equipment is at least confined to one area, but this is an area that includes the edge of the cricket field, an orchard and a designed walk along the southern boundary. While hard standing takes up most of the northern part of the site, the camping and caravanning will inevitably take up a good majority of the remaining open and green parts of the grounds, greatly reducing the areas of the grounds that do complement the Hall.

The equipment applied for as part of this application is not in itself attractive and has a temporary and functional character and appearance, like the green distribution boxes and flat roofed portacabins for showers etc. While it may be possible to 'lose' the smaller green distribution boxes in the vegetation there is no way to disguise the portacabins and their negative visual impact is

somewhat inevitable. On top of the tents and caravans these are the more permanent, visually intrusive and incongruous elements of having this use here.

The reality is that the camping and caravanning use at Kelham Hall is harmful in heritage terms, by creating a visually intrusive element in the otherwise green and designed historic gardens. This harm is to the setting of the Hall, the church, the unregistered park and garden, causing harm to the significance of these elements of the historic environment. As the defining and principal asset in Kelham Conservation Area there is also harm to the character and appearance of Kelham Conservation Area.

With the exception of a small area of damage to the boundary wall it is accepted that this is not physical harm to the assets but the visual intrusion does lead to less than substantial harm to the significance of these heritage assets. Considering how important setting is to Kelham Hall and the sheer size of this proposal the impact on its setting will be quite significant.

If this camping and caravanning use is to be justified it must be met with a clear and convincing justification in the form of public benefit. I understand the case is outlined that this use will cross fund the approved scheme to re-use the Hall as a hotel and function space. This justification needs much further investigation.

Firstly, it would only be right to consider generating funds from a harmful development for cross funding purposes if there were some identified conservation deficit to plug, and I do not believe this has been identified or agreed. We would also need to be assured that what is being proposed is the minimal in terms of size and in terms of length of permission to achieve the conservation benefit and I can see no assurances on this. I understand this issue has been put to the Agent and we are awaiting a reply, but I wanted in the mean-time to comment formally from Conservation.

Gates

The proposed security gates are not the same gates shown on pg 39 of their Design and Heritage Statement and this should be clarified.

I have no objection to the use of estate fencing around the entrance way, but while I appreciate estate fencing is visually permeable, I would rather not see a rather modern splayed boundary line being created from estate fencing at the entrance, unless there is some highway imperative. It would be much nicer to define the boundary up to the entrance road, giving it a more traditional feel.

In terms of detail of this fencing, I am not sure why a plastic cap detail is needed and it seems a bit odd and clumsy to have a repeating pattern of jointed panels with abutting uprights when the benefit of estate fencing is it can carry on infinitely without doubling up on the uprights.

I am not keen on the stock fencing which is mesh galvanised wire between timber posts. This is neither traditional nor attractive and would end up being quite visible being along the main A617 roadside and along the southern boundary, which one enjoys from the designed walk here. Currently these boundaries are unfenced (not including what I think is a more recent unauthorised wire fence on the south boundary) so this represents a decline in standards. If fencing is to be allowed here it must meet the minimal test of preservation in terms of impact on both the Conservation Area and Listed Buildings. Estate fencing is the obvious choice along the A617. Along the southern boundary which gives way to farmer's fields a post and rail fence could be suitable, but how would this interact with the existing red brick boundary wall here?

Conclusion

Some elements of this proposal could be improved, notably the enclosures, but there is a fundamental concern over the principle and equipment of the camping and caravanning proposal which unless overcome would sustain a conservation objection.

NSDC Environmental Health - I refer to the above application and wish to object to the number of caravans requested in the application.

The reason for this is that the existing number of showers and toilets and elsan point do not support the number of requested touring caravans.

Previously the site was licensed for 50 touring caravans.

NCC Highways Authority – *Additional comments received 29th August 2018:*

Further to comments dated 11 June 2018, in accordance with drawing EX1/C it is now understood that the number of camping/caravanning pitches has been reduced to 50 and that parking is included alongside each pitch.

In terms of other elements within this proposal, there are no issues that have an impact upon the public highway, except to reaffirm that any fencing will need to be sited on or outside of the public highway boundary.

In conclusion, no objections are raised.

Original comments dated 11th June 2018:

The application site is located within the grounds of Kelham Hall where planning permission has recently been obtained to convert the Hall into a hotel and spa (17/01021/FULM). Off-street parking associated to that proposal consisted of a 160 space main car-park, with a 200 space overflow car-park for events.

Under the current submission, drawing EX1 shows the sports field will be used to accommodate up to 250 camping/caravanning pitches, yet it would appear the overflow parking area described above has been substituted by a parking allocation of c.73 spaces plus 6 disabled user spaces. No justification has been given to determine whether the reduced complement is sufficient to meet demand, and so further information is required to clarify this matter.

Historic England – *Additional comments received 28th August 2018:*

Thank you for your letter of 21 May 2018 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

As set out in our previous planning advice on 17/010021/FULM and 17/01022/LBC for the main scheme of work at Kelham this is a building and landscape of particular importance and complexity including the Grade I Hall itself, Grade II* Gazebo and Garden Wall in designed landscape grounds with Grade II listed Railing Piers, Urns, Lodge and Gateway and Grade II listed former monastic buildings all within a Conservation Area.

As set out in the applicant's submitted documentation the Hall is complex multi-period structure whose origins may lie prior to the Civil War. The Grade I listed Church of St Wilfred is within the designed landscape and the archaeological potential of the park is high both for remains associated with the medieval village and the development of the designed landscape but perhaps most significantly for the remains of activity associated with the Civil War and the Scots Army command to the rear of the Edinburgh Fort besieging Newark.

We note the previous consent to the Council for campsite / rally uses and welcome the statement in the submitted documents that the further campsite / rally use is a temporary solution whilst the Hotel Scheme is developed rather than a use compatible with a high end offer and the long term sustainable conservation of this nationally important set of assets. We would not regard the campsite / rally uses as conducive to the high quality restoration and reuse of the Hall and Park nor to the conservation of its significance; this is use harmful and we are concerned as to the proposed 5 year term reflecting a solid planned programme of works leading to opening for hotel guests.

We are concerned also that whilst your authority applied a sound multi-part condition in respect of archaeological investigation and analysis of the park and buildings we are not aware of this work having progressed as yet to a detailed written scheme of investigation. This work requires a degree of specialist methodological input and consultation in its design and could not be specified on generic basis. As such we trust that there will be early discussions between the archaeological consultants to the applicant and your authority's expert advisers (to which we would be happy to input alongside your retained archaeological curator).

The term of any new temporary consent should be robustly tested by your authority if it is minded so to grant, and we advise any such consent should be tied to progress milestones in respect of archaeological investigation and analysis of above and below ground remains such that the detailing of the hotel and grounds scheme may appropriately and effectively address significance as revealed.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132, 134, 135, 139, 141 of the NPPF on the basis that the temporary harmful nature of the proposals shall facilitate a sustainable long term solution for the site.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

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As set out in our previous planning advice on 17/010021/FULM and 17/01022/LBC for the main scheme of work at Kelham this is a building and landscape of particular importance and complexity including the Grade I Hall itself, Grade II* Gazebo and Garden Wall in designed landscape grounds with Grade II listed Railing Piers, Urns, Lodge and Gateway and Grade II listed former monastic buildings all within a Conservation Area.

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and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Trent Valley IDB – The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Mission Drain, an open watercourse, exists through the northern part 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 Board's consent is required for any works, whether temporary or permanent, in, over or under, any Board maintained watercourse or culvert.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvery, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent.

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 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.

Surface water run-off raters to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Severn Trent Water – No comments received.

Environment Agency –

Environment Agency position

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Kelham Hall: Works in Connection with Camping & Caravanning Operations", Rev B, 11504/12, May 2018, William Saunders, and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe routes into and out of the site to an appropriate safe haven.

2. Electricity hook-up points use high level outlets set a minimum of 900mm above ground level. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To ensure safe access and egress from and to the site.
2. To increase resilience and reduce the impact of flooding on the development.

Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

NCC Flood – Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (e.g. culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

Cadent Gas - Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Representations have been received from 3 local residents/interested parties which can be summarised as follows:

- The change of use to a camping site cannot be in keeping with the conservation area and the listed building setting
- Concern regarding light and air pollution from the increase in vehicles entering and leaving the site
- There are concerns as to how the 50 caravans limit will be regulated
- The occupiers have breached rules and regulations in the past
- At the moment cars park haphazardly and have in some cases partly destroyed the woodland and conservation habitat
- There are children at the local school who have Kelham Hall as their address so they are presumably living in the caravans year round
- The use of the camping site is not in line with the caravan site license or 1984 planning permission
- The effluent of the toilets are processed by a single domestic treatment unit which is domestic in size and inadequate for the numbers of people using it
- Run-off of sewage brings health concerns
- There are permanent caravans on the site

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub-Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). SP3 goes on to confirm that, development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses certain uses as outlined by Policy DM8.

Section 6 of the NPPF, 'Building a strong, competitive economy' confirms at paragraph 83 states

that, planning policies and decisions should enable *'the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing building and well-designed new buildings.'*

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below (i.e. the impact criterion is discussed in the context of highways movements in the subsequent highways section of the report and the character and scale criteria are considered in detail in the below heritage assessment). For the avoidance of doubt officers consider that Kelham Hall falls within the main built up area of Kelham which is readily accessible to Newark. It is noted that the services within Kelham are limited to a Church and public house (which has recently been re-opened following a period of closure), however given the nature of the proposed development (and indeed the extant approval which relates to the site), the proposal offers the opportunity to support and potentially increase the service offer within the village.

SP3 confirms that the rural economy will be supported including through the encouragement of tourism. It is notable that the reference to tourism development in the need criterion is intended to be revised through the emerging Core Strategy. The revised wording requires employment and tourism uses to be sustainable and meet the requirements of the relevant Core Policies as opposed to the extant document which requires demonstration of a rural / village location.

I am mindful that full weight cannot be attached to the emerging plan at the current time, however it would in any case be necessary to assess the proposals against the requirements of other relevant Core Policies, notably Core Policy 7: Tourism Development.

It should be explicitly stated that the wording of CP7 has been fundamentally altered and essentially completely re-written through the July 2017 emerging plan. However, elements of the justification text remain identical including the acknowledgment that a healthy tourism industry within the District can help sustainable economic growth, and contribute to prosperous communities and attractive environments. Equally it remains the case that increasing the proportion of visitors who stay overnight is identified as a priority for future tourism development.

The weight attached to emerging policies is a matter for consideration of the decision taker. In reaching a judgement of how much weight should be attached to the emerging policy I am conscious that the extant policy wording does give rise to issues in terms of its consistency with national policy. Moreover, there were no objections to the revised policy at the recent publication stage and the Inspector did not identify the revised wording for discussion at the hearings. On this basis, Officers are content that significant weight can be attached to the wording of CP7 as presented in the emerging plan document.

The revised wording confirms that, within rural areas, proposals may be considered acceptable subject to a number of matters as follows:

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport, infrastructure, community services and in locations adjacent to the open countryside landscape character; and
- Compliance with the locational requirements of Spatial Policy 3.

Clearly the majority of matters within the first two bullet points lend themselves to a more detailed discussion in respect of other material consideration of the proposal such as heritage and highways implications. It has already been stated above that the proposal is considered to comply with the locational requirement of SP3 and as such officers are content that the principle of the proposed tourism use is acceptable against both national and local planning considerations subject to the further discussion on other matters as outlined below.

Impact on Heritage Assets

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise that a finding of harm to a listed building, or harm to the setting of a listed building, or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. The presumption is not irrefutable; it can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other, if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering. This is a matter that has been considered in a number of court cases (in particular: *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council* (2014); *The Forge Field Society v Sevenoaks District Council* (2014); and *Mordue* (2016)).

Indeed, the importance of considering the impact of new development on the significance of designated heritage assets, is set out in detail in section 16 of the National Planning Policy Framework (NPPF). Paragraph 189 requires LPAs to ensure that in the submission of applications affecting heritage assets applicants should describe the significance of any heritage assets affected, including any contribution made by their setting.

At a local level there are a suite of policies which are also of relevance. These include Policies CP14 and DM9 of the Council's LDF DPDs. CP14 acknowledges the rich and distinctive historic environment of the District and seeks to ensure *'the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment.'* The policy goes on to explicitly identify the need for the *'preservation of the special character of Conservation Areas.'* Again officers note that the emerging plan features slightly amended wording to the policy but the overall stance remains consistent.

Policy DM9 mirrors CP14 in that, *"all development proposals concerning heritage assets will be expected to secure their continued protection of enhancement"*. In respect of development proposals *"affecting heritage assets and their settings, including new operational development and alterations to existing buildings, where they form or affect heritage assets,"* proposals *"should utilise appropriate siting, design, detailing, materials and methods of construction."*

The proposals amount to a number of implications to both designated and non-designated heritage assets. Given the largely retrospective nature of the proposals, the heritage implications can be readily and robustly assessed. The proposals have been subject to consultation with relevant expertise including internal conservation colleagues and Historic England. Whilst not advancing to an objection as such, the original comments of Historic England (listed in full above) did raise concerns in respect of the proposal confirming their view that the use of the site for campsite / caravanning rallies is not conducive to the conservation of Kelham Hall's significance and thus it is stated that; *'this use is harmful.'* There is no identification of the scale of such considered harm but the identification of any level of harm trigger the duties of s.66 and s.72 to be given considerable weight and importance.

It is notable that the proposals have been revised during the life of the application in terms of reducing the number of proposed caravans from 250 to 50 units. This is clearly a significant reduction which has been appraised in respect to its heritage harm by both the revised comments of Historic England and NSDC Conservation. For the avoidance of doubt, both parties continue to maintain that the proposed use, even on a temporary basis would amount to heritage harm.

Paragraph 194 of the NPPF is clear that any harm to a heritage asset should require clear and convincing justification with paragraph 196 going further to state that where the identified harm is less than substantial it should be weighed against the public benefits of the proposal, including securing its optimum viable use.

The site is subject to an extant planning permission which allows for the conversion of Kelham Hall into a hotel with associated spa and restaurant. The submitted P&HS confirms that the extant proposals continue to be the long term vision for Kelham Hall and that the current applications are a 'temporary measure' to assist in raising the necessary funds to redevelop the Hall. The document assesses the elements of the scheme in terms their impact on the heritage assets. Whilst it is concluded that the site security elements (e.g. fencing and gate) would have a negligible impact, it is accepted that the general camping and caravanning use (including associated retrospective development) would create some impact on the setting of the Hall. Mitigation measures for the identified harm are outlined at page 41 of the document. These points largely relate to the positioning of the equipment as far as possible away from the primary heritage asset. The document contends that the signage strategy (subject to separate advertisement and listed building consents) will have a minimal impact.

The key point to take from the above is that the proposals *would* lead to less than substantial harm to the significance of the relevant assets and therefore the requirements of paragraph 196 of the NPPF (in terms of weighting against the public benefits) must be applied in reaching a decision.

It is fully appreciated that in approving the extant scheme for a change of use to a hotel and spa facility, the LPA were satisfied that the public benefits associated with the proposals were sufficient to outweigh the then identified heritage harm. These benefits were largely attributed to enhancing the nighttime and tourism economy of the District and some direct heritage benefits such as removal of existing modern interventions and reinstatement of landscaping.

Whilst a camping and caravanning use does offer some benefits to the tourism economy, these are not considered comparable to the benefits of a more formalized hotel; restaurant and spa use. I note that the camping and caravanning could contribute towards the existing use of Kelham Hall for functions such as weddings, but without the lawful implementation of the extant permission for change of use (which is subject to a number of strict pre-commencement conditions) any such use is considered unauthorized. It is accepted that the current proposal is temporary in nature but it is Officers' submission that in order to attach any meaningful weight to public benefits of the proposal this would have to be in the context that the current proposed use (and associated structures) is wholly necessary to build the funds required for the approved conversion such that the heritage assets could be brought into a long term use and deliver the public benefits associated with a hotel; spa and restaurant use. On this basis, Officers have sought a level of financial evidence to prove that the current proposal is wholly necessary to allow the extant permission to be realized.

This has been addressed through the document titled '*GTA response to LPA& Consultees Comments*' dated 1st August 2018. It is suggested through this document that the level of heritage harm amounting from the revised proposed (i.e. a maximum of 50 units) would equal the harm which has been previously established on the site through the previous operations of the District Council permission. Furthermore, it is stated that the benefit of the current proposal in comparison to that operated by the District Council is that the proposed use would be restricted to an area to the southern end of the field (rather than the permission for the District Council which allowed the use on the entirety of the field). However, on the contrary the current proposal clearly includes other elements which were never required through the Council's use of the site such as the welfare facilities; security cameras; and security access gates. Members should note that Officers have agreed alterations to the finish of the originally proposed (and indeed existing) security cameras during the life of the application through the recommendations of the Conservation Officer. These changes could be secured by condition.

The Statement goes on to discuss matters of finance in respect to why the proposed use is necessary to allow the extant planning permission for conversion into a hotel and spa to be realized. The following is deemed worthy of direct repetition in the context of the discussion on heritage impact:

Since gaining planning and LBC approval, the applicant, owner and Managing Director of Kelham Hall Ltd has worked closely with a finance company and Project Manager, to determine a development plan for the realisation of the approved scheme. With regards to finance, the proposed redevelopment relies entirely on this funding package, with works delivered in distinct phases. The Phase 1 scope of works has been agreed, consultants appointed and the detailed design stages are progressing. Phase 1 comprises the following:

- Alterations to create a new hotel entrance and reception;
- Provision of 40 hotel bedrooms and en-suites;
- 1no. Manager flat;
- Creation of new driveway and turning area/frontage to the hotel;
- Restoration of lost Parterre;
- Provision of additional car parking.

Funds to service the loan are accrued from the existing operations on the site, i.e. weddings, functions, events, office rentals, camping and caravanning. The camping and caravanning operation represents approximately 10% of the Phase 1 project value over a period of 5 years and is therefore considered an essential factor in funding the initial phases of the proposed development and should therefore be considered when balancing the harm with the public benefit.

As part of organisational works being undertaken in advance of the redevelopment, temporary welfare facilities have been provided within the proposed campsite area in the form of mobile units, and these form part of this application. This will ensure that campers no longer need to use the Hall's facilities, rendering them free for the various works being undertaken, both now, during the investigation and design development stages, as well as the construction works. It is the intention that these temporary welfare be used throughout the 5 year development period and be fully removed once Works are complete.

Officers infer from this that the camping and caravanning use contributes towards 10% of the funding of the Phase 1 works. The revised submission dated 1st August 2018 goes on to detail that Phase 2 (i.e. the rest of the development) is due for completion in 2023 but there is no commentary as to how the camping and caravanning use would contribute to the loan beyond the completion of Phase 1 (due in Jan 2020). This matter has therefore been raised with the agent and the following response provided:

'the camping and caravanning operation represents 10% of the Phase 1 project value over a period of 5 years. Therefore, the camping operation will still need to exist over this period to generate this revenue. Even though the Phase 1 works will be complete before this 5 year period, it will still be a significant contributing factor towards servicing the loan.'

It is explicitly stated that once the hotel scheme is fully operational in 2023, the camping and caravanning use and associated infrastructure will no longer be required as the hotel and function operation will be self-sustaining.

Officers have carefully considered the position presented in terms of whether this represents appropriate justification for the level of heritage harm identified. In an ideal scenario Officers would have preferred to be given a thorough and full financial justification. The latest comments of the Conservation Officer are also relevant to note that ultimately:

Simply put, we still have no justification that camping and caravanning is required at all to bring about the benefit of a new use at Kelham Hall. It may well be required by this applicant to bring about this approved scheme (although no independent verification is available), but we have no evidence to suggest this is the only or best scheme to re-use Kelham Hall. A less ambitious scheme may well be viable without any revenue from camping and caravanning – we simply do not have this information.

This is a difficult position to address. Whilst Officers would fully concur with the Conservation Officer comments, the difficulty comes in how one would reasonably seek that this evidence be provided. Whilst there undoubtedly remains a potential that the building could be used for another end use or by another end user, the role of the LPA is to assess the application on its own merits. Officers have identified no prescriptive reasonable route that the applicant could take to explore *all* other uses and even if these were to be identified as having a lesser heritage harm, there is no guarantee that they would come forward given that the intentions of the applicant are clear in the context of the extant permission which exists on the site.

10% is notably not a significant contribution to the Phase 1 funding overall. However, the statement is clear that there would be no requirement for the use beyond 2023 and equally acknowledges that the use could cease at an earlier date should the final bedrooms be implemented prior to 2023. The implication of this is that there would be no justification for the camping and caravanning use to occur nor for the associated facilities to exist beyond 2023. This would clearly be conditioned to the grant of any temporary planning permission. The use and all associated infrastructure could be removed in full from the site after a period of 5 years with no lasting heritage harm.

It is fully acknowledged that the proposed use, albeit having increased over recent years, is not foreign to the site noting that planning permission granted to the District Council in 1984. Although this was not granted under the current heritage regime, the matter remains that a degree of heritage harm has been occurring already for a number of decades. The current application is temporary in nature and restricts the use to an area of land at the south of the cricket field which is further away from the designated asset of the Hall. Any acceptances of heritage harm, whether temporary or not, is not a judgement to be taken lightly. However, in the context of the already accepted public and heritage benefits which would be delivered through the implementation of the extant hotel conversion scheme, and acknowledging that the revenue from the camping and caravanning use contributes towards the funding for such implementation, Officers consider that, on balance the proposals would achieve the requirements of paragraph 196 of the NPPF. In reaching this view, Officers are mindful that the alternative to refuse the scheme, (and take enforcement action against the use and associated built form which has been operating on an unauthorized basis) would potentially risk that the extant hotel conversion scheme would no longer be capable of being financed and ultimately potentially risk the designated heritage asset falling into decline.

The latest comments from Historic England make reference to the need for a condition to be attached to any forthcoming temporary consent for *“progress milestones in respect of archaeological investigation...”* However, as is also referenced by the comments, archeological remains would be required to be investigated by the original extant consent and Officers do not consider that it would be reasonable for an additional condition to be attached to the temporary consent hereby applied for given the nature of the development which Officers consider is unlikely to have adversely affected buried archeological remains. The proposals impact on other heritage assets including the Historic Park and Garden have been assessed and given special consideration within the Planning Balance.

Impact on wider Landscape Character (including Trees)

Notwithstanding the heritage context discussed above, 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 application site is within Policy Zone Trent Washlands 11: Cromwell North and South Muskham. This zone is identified as a predominantly flat, large scale arable landscape with large semi-irregular fields; often with low trimmed gappy hedgerows. Kelham Hall is explicitly referenced through the LCA as being surrounded by mature tree cover with a parkland landscape still in evidence. The zone is identified as having a moderate landscape sensitivity with an overall intention to conserve and create. Indeed one of the specific aims of the policy zone is to conserve the historic woodland and parkland landscape around Kelham Hall as well as conserving historic sites within the landscape as a whole.

The application proposals relate predominantly to a change of use and modestly sized associated built form which is largely already in situ. The P&HS acknowledges that the field where the caravans would be positioned, although being historically open parkland, was cleared of trees when the monks occupied Kelham Hall and has been left open in nature since. Although the application submission has not been accompanied by a tree survey, I am confident that the development, would not adversely affect the longevity of trees within the site. I have partially reached this view on the basis that the majority of the larger structures (e.g. the toilet and shower blocks) are not built on foundations owing to their design which is temporary (and ultimately movable) in nature.

I am mindful that the introduction of up to 50 caravans would have the potential to significantly impact upon the landscape character of the immediate site (albeit at a significantly reduced level from the originally proposed 250 units). Taking account of the previous use employed by the District Council; the temporary nature of the development; and the screening afforded by the tree lined boundaries of the site, Officers are confident that these factors would allow landscape impacts to be negligible to a degree to which it would not be worthy of resistance of the application in their own right. If temporary permission were to be forthcoming then this would need to be conditioned on the basis that the land is reinstated to its former state (i.e. any built structures removed) at the expiry of the 5 years.

Impact of Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the Sequential Test and Exception Test where necessary.

Parts of the site are located within Flood Zones 2 and 3 according to the Environment Agency maps. Flood Zone 3 primarily affects the east of the site (immediately adjacent to the River Trent) whilst the extent of Flood Zone 2 affects the majority of the existing building as well as the

northern extremes of the site where the main car park is situated.

The field where the camping use is proposed is predominantly within Flood Zone 1 and therefore sequentially appropriate for the change of use. The structures associated with the camping development e.g. the shower blocks, along the southern boundary of the site would fall within Flood Zone 2. It is considered that this element of the proposal would be classed as recreation facilities which fall within the 'water-compatible' development category. Table 3 of the Technical Guidance confirms that water compatible development is appropriate within Flood Zone 2.

The application submission includes a Flood Risk Assessment to which NCC Flood as the Lead Local Flood Authority have declined to provide specific comment and the Environment Agency have commented raising no objections subject to conditions. I concur that, should permission be forthcoming, the imposition of such conditions in relation to mitigation measures including identification of safe routes will ensure that the development is appropriate in flood risk terms and therefore compliant with Core Policies 9 and 10 and the relevant elements of the NPPF and the PPG.

Impact on Highways Network

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The original comments of the Highways Authority raised concern in respect to the demonstration that the previously approved overflow parking area (approved through the extant permission) has been reduced in size through the current submission. However, the revised proposal would no longer conflict with the area of proposed parking through the extant application as the camping and caravanning pitches would be positioned towards the south of the cricket field. This has been acknowledged by the revised comments of the Highways Authority.

The proposals relate to works to the highways access in terms of the installation of a security fence and estate fencing to part of the western boundary. The access gate is set some 50m from the highways edge thereby allowing adequate space for vehicles (even if they are towing caravans) to pull into the site without obstructing the highway. The proposals are therefore considered compliant with Spatial Policy 7.

Impact on Amenity

The NPPF seeks to secure a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states that development proposals should ensure there would be no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

It is acknowledged that Kelham Hall is an established building at the edge of the village. Nevertheless there are residential properties in close proximity to the site which warrant consideration in respect of the additional amenity impacts that will inevitably arise from the proposed development, notably, the residents of Home Farm Close as well as the properties on Blacksmith Lane both to the north of the development site.

It is notable to reference that the site has been previously utilised for a camping and caravanning use when the District Council were in occupation of the building (which has continued to be used for such purposes since the Council sold the building). To some degree therefore the neighbouring properties will be familiar with associated impacts arising from such a use. Nevertheless the current proposal seeks to regularize and formalize the use for a period of 5 years and therefore an assessment of likely amenity impacts remains of great importance. Given the separation distances afforded by the driveway and an area of vegetated land to the north of the driveway, I am confident that the proposed use would not create an imposition on neighbouring amenity in terms of direct overlooking or overbearing impacts. It is my view that the most likely amenity implications of the proposal would be the overall activity within the site which could lead to increased vehicular movements and noise. I also note the concern raised during consultation in respect to increased light and air pollution. It must be considered that this could occur alongside increased activities within the Hall itself as the development associated with the extant planning permission is delivered (albeit to a varying degree over time in line with the phased delivery of the extant permission).

Kelham Hall has long been established as a commercial use which in recent years has amounted to an increase in events such as weddings and corporate occasions. I do appreciate that this caused some friction particularly for the occupiers of Holme Farm Close to the north of the site. I understand that there have been occasions where cars have wrongly driven down Holme Farm Close trying to access Kelham Hall. Matters of amenity were fully considered and ultimately determined to be appropriate in the assessment of the extant permission for the hotel; spa and restaurant use.

The revised application has now demonstrated that the 50 camping and caravanning units would be positioned to the south of the cricket field some distance away from the boundary with the neighbouring residential properties. On the basis of the revised positioning and the reduction in overall units, Officers do not consider that the impacts to neighbouring amenity would be materially different or indeed perceivable from the previously established use of the site. On this basis the proposal is considered compliant with the relevant amenity criteria of Policy DM5.

Other Matters

The current application includes an electricity distribution box which in its existing position would require listed building consent due to its attachment to the boundary wall of the site. It was originally sought that this be considered retrospectively with an associated listed building consent application. However, it was unclear how the box had affected the wall and therefore it was advised that the box would be unlikely to receive listed building consent. In line with discussions with the Conservation Officer, the latest site plan received 3rd September 2018 confirms that the proposal now seeks to move the box a minimum of 0.3m away from the wall and that any damage made to the wall would be made good. This could be secured by appropriately worded condition if Members are minded to approve. To confirm, given that the proposed box is no longer proposed to be attached to the wall, the need for listed building consent falls and as such the associated listed building consent application has been withdrawn.

The Council's Environmental Health Team commented on the original proposal for up to 250 units and objected on the basis that the facilities provided would not support this many units. Clearly the scheme has now been revised to 50 units which has been granted a site license in the past.

Matters of whether the welfare facilities provided for this number of units would be sufficient would be dealt with through any subsequent site license should permission be forthcoming.

Overall Balance and Conclusion

The proposals relate to a temporary planning permission for the change of use of part of the cricket field to operate a camping and caravanning use for up to 50 units. As is detailed by the description of the development, the proposals also include a number of associated elements to facilitate this use, the majority of which are retrospective in nature.

The site is subject to constraints which require careful consideration notably the designated heritage assets which affect the site both in respect to the listed building itself and also the Conservation Area. There is no dispute that the proposals amount to heritage harm and therefore in the context of paragraph 196 of the NPPF this harm should be weighed against the public benefits of the proposal. The rationale for the submission of the proposals is on the basis that they are necessary to support the re-development of Kelham Hall in respect to the approved applications for a hotel and spa facility. Officers have been clear that in order to attach any meaningful weight to public benefits of the proposal the proposals must be demonstrated as being financially necessary to allow for the implementation of the extant permissions. Evidence has been provided during the life of the application which on balance, Officers consider to be sufficient to accept the level of harm identified. This judgement is however purely on the basis of a temporary permission for up to 5 years after which time all aspects of the proposal would be required to be removed.

The development as revised is considered acceptable in respect to all other matters including residential amenity; landscape character impacts; flooding; and highways safety. On this basis, the recommendation is for approval subject to the conditions as outlined below.

RECOMMENDATION

That temporary planning permission is approved subject to the conditions and reasons shown below:

01

Within three months of the date of the permission hereby granted, all camping and caravanning units within the site shall be restricted to the area demonstrated by the hatching at the south of the cricket field on plan reference 'EX1D Proposed Site Plan.' No camping or caravanning units (or associated vehicles) shall be positioned outside of this area for the lifetime of the temporary development hereby approved. The temporary use hereby approved shall be restricted to a maximum of 50 units at any one time.

Reason: In acknowledgement of the temporary nature of the permission and to define the approved development.

02

The use of the land for camping and caravanning purposes shall cease on or before five years from the date of the permission.

Reason: In acknowledgement of the temporary nature of the permission and to define the approved development.

03

Within one month of the cessation of the use for camping and caravanning purposes a scheme of remediation shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this scheme shall include a timetable for the removal of all associated development as detailed in the description of development unless planning permission has been granted for their retention in the meantime. The scheme shall be carried out in accordance with the approved details and timetable.

Reason: In acknowledgement of the temporary nature of the permission and to restore the site appropriately noting the heritage assets which are affected.

04

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

- EX1D Proposed Site Plan
- EX3B Proposed Security Gate and Boundary Details
- Planning and Heritage Statement Rev B
- GTA Response to LPA & Consultees Comments 010818 Rev A

Unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

05

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) "Kelham Hall: Works in Connection with Camping & Caravanning Operations", Rev B, 11504/12, May 2018, William Saunders, and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
 2. Electricity hook-up points use high level outlets set a minimum of 900mm above ground level.
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure safe access and egress from and to the site and to increase resilience and reduce the impact of flooding on the development.

06

Within three months of the date of the permission hereby granted, the alterations to the existing security cameras as detailed by page 39 of the Planning and Heritage Statement Rev C: September

2018 shall be fully implemented on site and retained for the lifetime of the temporary development hereby approved unless otherwise agreed in writing by the local planning authority.

Reason: To reduce the level of heritage harm to the associated listed building.

07

The owners/operators of the campsite operation hereby approved shall maintain an up-to-date register of the names of all owners/occupiers of the accommodation on the site. This register shall be made available within 1 calendar month of a written request by the Local Planning Authority.

Reason: The proposed unit/visitor accommodation would be situated in the open countryside, outside any defined settlement boundary where new residential development will be strictly controlled. The proposed unit/accommodation is only acceptable as a tourism development. To grant permission without such a condition would be contrary to policies Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

08

The pitches for the camping operation hereby permitted shall not be occupied as a person's sole, or permanent place of residence.

Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation in the interests of sustainable development in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

09

The pitches for the camping operation hereby permitted shall not be occupied by the same person or persons, for a total period exceeding 28 days in any calendar year unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the unit is not occupied for residential purposes in a location where new residential development would not normally be permitted in accordance with Core Policy 7 of the Core Strategy and Policy DM8 of the Allocations and Development Management DPD.

10

Within three months of the date of the permission hereby granted, details of the exact positioning for the electricity box and its associated plinth referred by 'EDB-5 Detail' on plan reference 'EX1D Proposed Site Plan' and any associated works to the wall required from the movement of the box and its associated plinth, shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt, these details shall include a reasonable timescale for the works to be undertaken. The works shall thereafter be carried out in full in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve the heritage asset of the wall in the event that the unauthorized positioning of the box and its associated plinth has affected the wall.

Note 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/

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Business Manager – Growth and Regeneration

Committee Plan - 17/02071/FULM

