



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Planning Committee

Agenda

Meeting to be held at
The Ballroom, Retford Town Hall DN22 6DB
Wednesday 24th May 2023
at 6:30pm

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Planning Committee

Membership 2023/23

Councillor **To be determined at the Annual General Meeting** (Chairman).

Councillors: **To be determined at the Annual General Meeting.**

Substitute Members: None.

Quorum: 3 Members

Lead Officer for this meeting

J. Krawczyk

Administrator for this meeting

S. Johnson

Planning Committee
Wednesday 24th May 2023

Agenda

1. Apologies
2. Declarations of Interest
 - (a) Members
 - (b) Officers
3. Minutes of the meeting held on 29th March 2023
(Pages 5 - 8)
4. Minutes of Planning Consultation Group meetings held on:
 - (a) 17th April 2023
(Pages 9 - 14)
 - (b) 02nd May 2023
(Pages 15 - 20)
5. Outstanding Minutes List
(Pages 21 - 22)

Section A - Items for discussion in Public

Key Decisions

None.

Other Decisions

6. Report(s) of the Head of Regeneration
 - (a) Public Interest Test
Ms. B. Alderton-Sambrook, Head of Regeneration, has deemed that all items on the agenda are not confidential.
 - (b) Planning Application: 23/00190/CTP
- 7 Kingfisher Walk S81 8TQ
(Pages 23 - 34)
 - (c) Planning Application: 22/01071/FUL
- Land at High Marnham Power Station, High Marnham
(Pages 35 - 78)
 - (d) Planning Application: 22/01621/FUL
- Land Adjacent to Manor Farm, Mattersey
(Pages 79 - 116)

- (e) Planning Application: 23/00410/CDM
- Former Ash Disposal Lagoons, Retford
(Pages 117 - 126)
- (f) Development Management Performance Report 2022/23 Full Year
(Pages 127 - 134)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

Section B - Items for discussion in Private

Key Decisions

None.

Other Decisions

None.

7. Any other business which the Chairman considers to be urgent

Notes:

1. The papers enclosed with this Agenda are available in large print if required.
 2. Copies can be requested by contacting us on 01909 533 232 or by e-mail: simon.johnson@bassetlaw.gov.uk
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Member Training – Planning (Mandatory for Members that will sit on Planning Committee)

This is a reminder that we are imminently hosting the mandatory Planning Committee training for all Members who are expecting to sit on Planning Committee. In accordance with the Council's Constitution, you will not be able to sit on the Committee and/or vote if you have not attended the training.

All non-Planning Committee Members are welcome to attend if you are interested in having an oversight of the planning decision making process.

Date of Training; Friday 19 May 2023

Time of Training: 9:30am inwards for a prompt start at 10:00am

Location of Training: Retford Town Hall Ballroom

Kind regards,

Bev Alderton-Sambrook, Head of Regeneration.

Planning Committee

Minutes of the meeting held on Wednesday 29th March 2023 at The Ballroom, Retford Town Hall DN22 6DB

Present: Councillor D. G. Pidwell (Chairman)

Councillors:

S. Fielding (Vice-Chairman)	D. Challinor
G. Freeman	D.J. Merryweather
D.R. Pressley	N.J. Sanders

Officers: B. Alderton-Sambrook, C. Cook, E. Grant, S. Johnson and S. Wormald.

(The meeting opened at 6.30pm.)

70 Apologies

Apologies for absence were received from Councillors: J. Bowker, H.M. Brand, G.A.N. Oxbly and M.W. Quigley MBE.

Councillor L. Stanniland was absent from the meeting.

71 Declarations of Interest

71a Members

There were no declarations of interest from Members.

71b Officers

There were no declarations of interest from Officers.

72 Minutes of the meetings held on 01st February 2023 and 23rd March 2023.

Resolved that:

The Minutes of the meetings held on 01st February 2023 and 23rd March 2023 be approved.

73 Minutes of Planning Consultation Group meeting held on 06th March 2023

Resolved that:

The Minutes of the Planning Consultation Group held on 06th March 2023 be received.

74 Outstanding Minutes List

Resolved that:

The Outstanding Minutes List be received.

Planning Committee

75 Report(s) of the Head of Regeneration

75a Public Interest Test

The Head of Regeneration deemed that all items on the Agenda were non-confidential.

75b Appeal Decision: APP/A3010/W/22/3306495 - 4 Church Street, Beckingham DN10 4PH

Resolved that:

The Appeal Decision be received.

75c Planning Application: 22/01493/COU - 34A Dukeries Crescent, Worksop S80 2QW

Ref No.	Applicant	Location and Proposal
22/01493/COU	Mr Mohamed Kamara	34A Dukeries Crescent, Worksop, Nottinghamshire S80 2QW. Application for the Change of Use of a (C3a) Dwelling to a Children's Home for a maximum of four children, with two carers sleeping overnight, working on a rota basis (C2).

Members were advised that permission was being sought, for an application proposing a change of use from a domestic dwelling (Use Class C3) into a children's home (Use Class C2), for the care of up to 4 children aged between and 8 and 18. This will be operated by an independent provider. Provisions will be made for two carers to sleep overnight to allow 24 hour care.

The Planning Officer presented the application which outlined the site history, housing type and sustainability of the site.

Members were presented for consideration, site photographs, maps, dwelling designs and site layout.

In accordance with the rules of procedure for public participation, Mrs Christine Raisbeck (local resident), Councillor Josie Potts (Ward Member) and Councillor John Shephard (Ward Member) spoke against the application. Mr Adrian Rose (Agent) spoke in favour of the application.

Member's questions and comments were addressed by the Planning Officer.

Responses from statutory consultees were detailed in the report.

Further to publication of the agenda an additional written response, from the Police's Designing Out Crime Officer, was circulated for consideration to Members prior to the meeting.

In conclusion, the Chairman summarised the debate.

Recommendation of the Head of Regeneration

That permission for Change of Use be granted subject to conditions.

Planning Committee

Formal Vote:

For: 1	Councillor N.J. Sanders
Against: 4	Councillors: D. Challinor, G. Freeman, D.J. Merryweather and D.R. Pressley
Abstain: 2	Councillors: S.J. Fielding and D.G. Pidwell

Committee Decision

Resolved that:

Permission for Change of Use be refused for the following reason(s):

Reason(s):

It is the opinion of the Local Planning Authority that the proposal is inconsistent with Policy DM5 of the Bassetlaw Core Strategy 2011 which states that proposals for new housing development will be expected to deliver housing of a size, type and tenure appropriate to the site and locality, having regard to the local demographic context. It is the opinion of the Local Planning Authority that the application site is not located within an appropriate area to accommodate new housing for vulnerable children due to the fact that the area is within the 79th percentile for all crime and anti-social behaviour in the UK. The proposal if permitted would put vulnerable children at further risk through exposure to crime and disorder. The proposal is therefore inconsistent with the aims and objectives of Policy DM5 of the Bassetlaw Core Strategy 2011.

76 Any other business which the Chairman considers to be urgent

As there was no other urgent business, the Chairman closed the meeting.

(Meeting closed at 8.10pm.)

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Planning Consultation Group

Minutes of the meeting held on Monday 17th April 2023 via MS Teams

Present: Councillors S Fielding, D G Pidwell and G A N Oxby.

Officers in attendance: J Elliott, E Grant, C Hopkinson, J Krawczyk.

(Meeting opened at 4.04pm).

83. Apologies

There were no apologies for absence received.

84. Declarations of Interest

Councillor S Fielding declared an Interest in applications 23/00374/CDM and 23/00410/CDM. She left the meeting during the Items.

It was noted that all Members had been lobbied in respect of application 23/00410/CDM.

85. Planning Applications

Ref. No.	Description
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22/00975/FUL	Jaynes Place, Bawtry Road, Blyth, Worksop
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	Application to Regularise the Change of Use of the Former Cafe/Truckstop to Open Storage (B8) with Ancillary Office Use in the Existing Buildings, Retention of the Toilet Block and the Erection of a 10m x 10m Shed
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Members were advised that the Item was presented to the Group a few weeks ago and was deferred as Blyth Parish Council had not been consulted. Blyth Parish Council have no objection.

Plans were circulated to Members prior to the meeting.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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23/00199/FUL	Littlewood House, Wheatley Road, Sturton Le Steeple
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	Demolition of an Existing Derelict Bungalow and Erection of a Detached House and Garages with New Vehicular Access
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Members were advised that the application sought permission for the demolition of an existing bungalow and the erection of a replacement dwelling.

Plans were circulated to Members prior to the meeting.

The dwelling is in a small row of properties of mixed house types. The current property is a sizeable bungalow, it is proposed to replace it with a two storey house.

An application of a different design was previously refused on the grounds of the design due to the height. The design has been amended and the height changed, the materials have been amended to be more appropriate to the surroundings.

The neighbour was granted planning permission for a dwelling previously which is currently under construction. They have commented that they would prefer the garage to be further away however, Members were advised that it is over 17m away from nearest elevation.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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22/01000/FUL	Unit 1, Lawn Road, Costhorpe
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	Internal and External Alterations to Sub-Divide Industrial Building (B2/B8) into 10 Independent Units, Retain Office Space, Replacement of External Cladding and Installation of Roller Shutter Doors and Creation of New Access
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Members were advised that the application sought to retain works largely already carried out to subdivide an industrial unit into 10 units.

Plans were circulated to Members prior to the meeting.

No objection has been received from highways subject to the imposition of a one-way system around the site and sufficient parking.

Environmental Health have no objection subject conditions.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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23/00210/VOC	Orchard House, Big Lane, Clarborough, Retford, Nottinghamshire DN22 9LT
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	Vary Condition 1 of P.A. 22/00036/RES to Allow Alterations to Doors and Windows to all Plots and Create 5th Bedroom and Ensuite in Loft Space, the Addition of Roof Lights to all Plots, Alter Entrance Canopies and Introduce Small Gablette, Alter Hard Landscaping Layout, Rear Patio Areas and Boundary Fence Position to Plot 4
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Members were advised that the application sought permission to vary condition 1 of the Reserved Matters application to allow alterations to doors and windows, create a 5th bedroom and en-suite in loft space, the addition of roof lights to all plots, alter entrance canopies and introduce a small gablette.

In addition the proposal seeks a minor change to the position of fencing on plot 4.

Plans were circulated to Members prior to the meeting.

Letters of objection have been received from local residents on the grounds of parking; highway safety; the development would be over-intensive and the village does not need larger dwellings.

The Parish Council have objected on the grounds that the proposal is out of character with the area, insufficient parking, congestion on Big Lane and it does not satisfy the need for smaller homes.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
22/01401/VOC	Manor House Caravan Park Clayhough Lane Church Laneham Retford Nottinghamshire Variation of Condition 3 on P/A 28/07/00016 to Increase the Number of Months to be able to open from 8 Months (Existing) up to 10.5 Months Per Annum for the area of the Park Identified as Site B

Members were advised that the application sought to vary condition 3 to increase the number of months that the caravan park can open from existing 8 months a year to 10.5 months per annum in area of the Park identified as Area B.

The proposal is to allow up to 130 holiday caravans on Area B of the caravan park to be open from the beginning of March through to the middle of January the following year.

Plans were circulated to Members prior to the meeting.

In support the applicant has indicated that this will give the owners opportunity to use their caravans over the Christmas/New Year period. The greater flexibility will result in wider economic benefits. Limited occupation currently is out of line with changing holiday and leisure patterns, particularly post Covid-19 with more UK holidays being taken.

The site is within flood zones 2 and 3. A Flood Risk Assessment has been submitted as part of the application. The Environment Agency have no objection subject to conditions.

Laneham Parish Council object on the grounds of access and traffic and noise and pollution.

Environmental Health and Licensing have no objection.

16 letters of support have been received mainly from caravan owners and local businesses.

Members were advised that in terms of residential amenity the use will not be anymore intensive as it is for same amount caravans with an extended usage period. The use is not considered to have any greater impact on highway safety than the existing use.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

Ref. No. Description

23/00280/HSE The Forge, Orchard Lane, South Leverton

Erect Single Story Side and Rear Wrap Around Extension with a Vaulted Pitched Roof

Members were advised that the application sought to erect a single storey side and rear extension that is modest in scale. The application is partially retrospective.

Nine letters of objection have been received from local residents on the grounds that works have already started and building control concerns.

The Parish Council have neutral stance on the application.

Members were advised that the applicants made a householder enquiry and were told that planning permission was not required however permitted development rights had been removed. This was an error by the council and the owners made an application as soon as possible.

Conservation have no concerns, the development would be well screened from the Church to the south.

In terms scale it is not considered to have a detrimental impact on street scene or surrounding area. It is felt that the impact on amenity and the character of area is acceptable.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

(Councillor S Fielding left the meeting)

Ref. No. Description

23/00374/CDM Land north of Churchill Way, Worksop

Consultation - Construction of new 315 (1.5FE) place primary school with 26 place nursery over two phases (1st phase 1FE 210 place with 26 place Nursery) associated playing fields, car parking (including lighting columns 4m high), lit service areas and sprinkler tank, hard surfaced outdoor play and footpaths. Solar panels to school building roof (Phases 1 and 2). Associated landscaping and covered areas to nursery/reception classes, sun canopies, fenced sprinkler tank and bin store, 3.0m and 2.4m high perimeter/internal fencing

The application is a Notts County Council matter for which the District Council is a consultee.

The application proposes to construct a new 315 place primary school with a 26 place nursery over two phases.

It was commented that people had wanted to see the proposal to come forward for a while.

Officer recommendation – Raise no objection.

Outcome following PCG – Refer for Officer Decision

Ref. No.	Description
23/00410/CDM	Former Ash Disposal Lagoons South Of Lound Retford Nottinghamshire DN22 8SG County Matter Application for the Extraction, Processing and Export of Pulverised Fuel Ash From Former Ash Disposal Lagoons and Their Progressive Restoration, and Associated Development Including Earthworks, Dewatering and Soil Storage, Ponds and Excavations, Hard and Soft Surfacing and Landscaping and Boundary Treatment, Buildings and Structures, Plant, Conveyors, Utility Connections, Roadways, Parking, Drainage and Ancillary Development

The application is a Notts County Council matter for which the District Council is a consultee.

Members were advised that the site will be split into three areas with an extraction period of 25 years.

13 letters of objection have been received from local residents and a letter of objection from Blyth Parish Council on the grounds of:

- Nossie and disturbance
- Loss of character
- Detrimental impact on tourism and holiday accommodation
- Contamination of drinking water
- Vehicle movements
- Adverse impact on SSSI
- Access the countryside
- The proximity to the school
- The application should be considered by planning committee

Officer recommendation – Raise no objection.

Outcome following PCG – Refer to Planning Committee.

86. Any Other Business which the Chair considers to be urgent

As there was no other business, the Chair closed the meeting.

(Meeting ended at 4.09pm).

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Planning Consultation Group

Minutes of the meeting held on Tuesday 02nd May 2023 via MS Teams

Present Councillors: S. Fielding, D.G. Pidwell and D.R. Pressley.

Officers in attendance: J. Elliott, E. Grant, S. Johnson and J. Krawczyk.

(Meeting opened at 4.00pm).

87. Apologies

There were no apologies for absence received.

Councillor M. Quigley MBE was absent from the meeting.

88. Declarations of Interest

Councillor D.G. Pidwell declared a Non-Pecuniary Interest in application 23/00229/FUL

Councillor Pidwell left the meeting during the determination of this item and for the rest of the meeting.

Councillor D.R. Pressley declared a Non-Pecuniary Interest in application 22/01701/FUL

Councillor Pressley remained in the meeting during the determination of this item.

89. Planning Applications

Ref. No.	Description
23/00310/RES	Reserved Matters Application Following 21/00208/OUT (Approval Sought for Scale, Layout, Appearance, Landscaping and Access) for One Detached Dwelling. Land Adjacent to 9 Glamis Road, Carlton-In-Lindrick.

Members were advised this is a reserved matters application for a single detached dwelling.

Plans were circulated to Members prior to the meeting.

An objection was received from the Highways Authority (Statutory Consultee) on the grounds of there is only an allocation of two parking spaces for a four bedroom property, any overflow would therefore be on street.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
23/00306/HSE	Demolition of Garage WC and Chimney and the Construction of Single Storey Side Extension Spinney View, Main Street, Oldcotes.

Members were advised that the application sought permission for the demolition of the garage, W.C. and chimney of standing property to facilitate a single storey extension.

Plans were circulated to Members prior to the meeting.

An objection has been received from a neighbouring property on the grounds of the over-hang of the extension to their property. The design has since been amended and the neighbour informed but no response back has been received.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
23/00220/HSE	Erect Fence and Gates to Front and Rear of Property, Various Hard-standings for Patio Area and Base for Garden Shed to be Erected to Rear with Permeable Gravelled Areas and Paving Walkways and Retain Existing Boundary Hedgerow.

The Holt, Main Street, Mathersey.

Members were advised of an application for the erection of boundary fences and gates with hardstanding areas for shed and walkways; with retention of existing boundary hedge.

Plans were circulated to Members prior to the meeting.

An objection was received from a neighbouring property of potential for water ingress into their cellar from the gravel drive. Officer opinion is there is no evidence that this would occur and should anything arise, it would be considered a civil matter; furthermore the application does not require Listed Building Consent or Building Regulation.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
23/00113/HSE	Front Porch, Replacement Garage and Shed and Removal of Side Conservatory.

Belmont Chapel Lane Scrooby Doncaster.

Members were advised of an application for the removal of side conservatory and the addition of a front porch, replacement garage and garden shed.

Plans were circulated to Members prior to the meeting.

No objections were received on the grounds of Conservation or Archaeology, nor in principal from the Parish Council. One object was received from a neighbouring property on the grounds the development of the site would be out of scale and dominant in setting; Officers are satisfied with distancing from the neighbouring property and would not overshadow.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
22/01701/FUL	Convert Existing Storage/Workshop into Two (One Bedroom) Dwellings. Outbuilding at Chantry Walk, Tuxford.

Members were advised of an application to convert the existing storage/workshop to two, one bedroom, dwellings.

Plans were circulated to Members prior to the meeting.

Conservation does not object to changes to the windows and doors from the scheme design; nor has there been objection from the Highways Authority.

Tuxford Town Council has written in support of the application but with no substantive reason.

Officer reasoning for recommending refusal is that there is no dedicated out-door amenity such as bin storage area; bin collection would have to be stored on street. The view would be dominated by the gable end of the development and lack of outlook. Also refusal on the grounds that the development is immediately sited next to an access which already serves six properties.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
22/01626/FUL	Change of Use from Office to Residential, Single Storey Rear Extension, Replacement Windows, 2 No. Additional Windows to East Elevation, Demolition of Timber Buildings and Brick Lean-to Building. Kaymar House, Budby Road, Cuckney.

Members were advised of an application for change of use from office to residential dwelling with extension and replacement windows.

Plans were circulated to Members prior to the meeting.

No objections were received from the Highways Authority, Environmental Health or Archaeology; Conservation has made suggest of material changes, which had been included so no objection received.

A noise assessment had found mitigation (bricked up door and ventilation system negating the opening of windows) in place so no objection could be made.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No. Description

23/00245/FUL Four Bedroomed Detached Dwelling with Detached Garage and New Access.

Land Adjacent to Three Gables, Little Top Lane, Lound.

Members were advised of an application for a four bedroomed detached dwelling with detached garage and new access.

Plans were circulated to Members prior to the meeting.

No objections were received from the Highways Authority or Archaeology.

Lound Parish Council made objection in belief the development contravenes Policy 7 of the Neighbourhood Plan; Officer opinion is that the development is in accordance with the Policy.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No. Description

23/00165/HSE Proposed Two Storey Rear Extension and Proposed First Floor Side Extension.

7 Ashfield Court, Everton.

Members were advised that an application for a two storey rear extension and first floor side extension.

Plans were circulated to Members prior to the meeting.

The Parish Council raised concern that the extension may impose on a neighbouring property and the loss of privacy and overshadowing. Officer opinion does not agree as the extension is only three metres in length and has no side window.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No. Description

21/00386/LBA Refurbishment of Dwelling Including Internal and External Alterations.

7 Gringley Road, Misterton ,DN10 4AN

Members were advised that an application for refurbishment of a dwelling, with internal and external alterations.

Details were circulated to Members during the meeting.

Multiple objections had been received, some resolved in terms of the Parish Council.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
23/00190/CTP	Application for Lawful Development Certificate for a Proposed Use as C2 (up to six people living together as a single household and receiving care). 7 Kingfisher Walk, Worksop.

Members were advised that an application for Lawful Development Certificate for a single household, of multiple occupation receiving care.

Plans were circulated to Members prior to the meeting.

Eighty-nine objections (on the grounds of noise, asbestos and environmental health issues) had been received but none were of a material consideration.

In knowledge that the norm for referral to Committee was usually based on ten objections, Members were of a mind to refer this application to Committee for determination.

Officer recommendation – Grant planning permission.

Outcome following PCG – Referral to Committee for determination.

Ref. No.	Description
23/00229/FUL	6 x CCTV Columns. Various Sites Around Community Centre Cleveland Close Carlton-In-Lindrick Worksop.

Members were advised of an application to install CCTV columns around the Community Centre on Cleveland Close, Carlton-In-Lindrick.

Plans were circulated to Members prior to the meeting.

Non objections from statutory consultees or others have been received.

The Parish Council and neighbouring properties have written in support of the application.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

90. Any Other Business which the Chairman considers to be urgent

As there was no other business, the Chairman closed the meeting.

(Meeting ended at 4:58pm).

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Planning Committee**24th May 2023****Outstanding Minutes List**

Members please note that the updated positions are shown in bold type following each item.

(PDM = Planning Development Manager)

Min. No.	Date	Subject	Decision	Officer Responsible
28(f)	15.09.21	Planning Services; Establishment of a viability Protocol.	The process to be reviewed and reported back to Planning Committee in 18 months' time.	PDM

Report to be presented at a future meeting.

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Item No: a1

Application Ref.	23/00190/CTP
Application Type	Certificate of Lawfulness - Proposed Use
Site Address	7 Kingfisher Walk, Worksop, Nottinghamshire, S81 8TQ
Proposal	Application for Lawful Development Certificate for a Proposed Use as C2
Case Officer	John McKeown
Recommendation	GTD - Grant
Web Link:	Link to Planning Documents

The Application

Site Context

The application site comprises a 2 ½ storey detached five bedroom property sited within a predominantly residential area within Worksop. The property fronts Kingfisher Walk and is positioned opposite an informal area of public open space.

The property benefits from a generous driveway, double garage and private rear garden area.

Proposal

The application is for a Certificate of Lawful Use. The application is seeking the confirmation that proposed use would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.

The proposal is for the use of 7 Kingfisher Walk, Worksop as Use Class C2 (residential institution). The dwelling would provide a home for 2 children, up to 18 years of age, as their sole or main residence. They would be looked after by two carers sleeping overnight, working on a 48 hour rota basis, sharing facilities with them. A manager would be on site during weekdays from 9am to 5pm.

Development Plan and other Material Considerations

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process. Therefore there are no development plan or national planning policies or guidance relevant to the consideration of this application.

Section of 192 of the Town and Country Planning Act 1990 (as amended), or 'the Act', states that:

'(1) If any person wishes to ascertain whether -

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application

Relevant Planning History

None

Summary of Consultation Responses

None

Summary of Publicity

This application was not publicised by the Local Planning Authority as there is no statutory requirement to consult third parties including parish councils or neighbours in respect of applications for Certificates of Lawful Use.

Councillor Pressley requested that the application be considered by Planning Committee as there are over 80 objections from residents regarding lack of amenities, noise, fear of crime and anti-social behaviour and highway issues in a residential area.

89 letters of objection have been received from local residents on the following summarised grounds;

- Noise
- Residential amenity
- Highway safety
- Anti-social behaviour
- Unsuitability of area and lack of local facilities

Consideration of Planning Issues

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process.

In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"

Applicant's Position

Following discussions with the Planning Department, the applicant has agreed that the description of the proposal should be altered to 'Application for Lawful Development Certificate for a proposed use of property as Class C2 (from Class C3).

The applicant's view is that there would be little material difference between the current permitted use of the dwelling C3 and the proposed use of C2 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Accordingly it is the position of the applicant that the above proposal would not constitute a material change of use.

Discussion

Character of the proposed use - The submitted Supporting Statement provides an outline of the proposed use of 7 Kingfisher Walk. The property would be the sole or main residence for a maximum of two children aged between 8 and 18 years.

They would be looked after by two carers sleeping overnight, working on a 48 hour rota basis, sharing facilities with them. A manager would be on site during weekdays from 9am to 5pm.

The submitted Statement describes that the proposal is for up to 2 child residents occupying the dwelling and receiving care.

It is acknowledged that the use would not fall within Use C3 dwelling; Uses as a dwellinghouse (whether or not as main residence) by: A single person or by people to be regarded as forming a single household. Not more than 6 residents. A 'single household' is defined in Section 258 of the Housing Act 2004. However, by virtue of the Use Classes Order this definition is only applicable to a C3(a) use and cannot reasonably be applied in this case.

It has to be considered whether 2 children living within the dwelling and being cared for by non-resident staff would constitute a household. There have been recent appeal decisions that are considered relevant to this matter. In his decision for appeal APP/A3010/X/21/3277785 (a copy of the appeal decision is provided at the end of this report) against Bassetlaw District Council's refusal for a Certificate for 3 children living together and receiving care, (reference number 21/00759/CTP), the Inspector Stated;

'Children alone are unable to form a household because they are reliant on adults to care for them and to run the home. Where care is provided in a dwelling that is not the main residence of the carers, those providing care do not form part of a household. In those circumstances, the use falls within Class C2 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 as amended and is not a dwellinghouse use within Class C3 of the same Order. While that is so, it must be determined, on the facts of the case, whether there would be a significant difference in the character of activities from the present use, such that a material change of use would occur.'

Therefore the main consideration in the determination of whether this use is lawful for planning purposes is whether the use proposed is materially different than what would occur should the property be in use as a dwellinghouse.

At most, on non-school weekdays, there would be 6 people, 4 adults and 2 children, within the house. The submitted information states that the carers work shifts on a rota basis which comprise of them staying at the property for at least 2 nights before changing over. There will always be 2 members of staff at the property with a manager being present between the hours of 9.00 and 17.00. A Social Worker will visit the property once every 6 weeks. There would be annual inspections by Ofsted but no regular welfare or wellbeing visits.

On a typical day, it is considered that it is likely that there would generally be 3 cars, those of the carers and manager, parked at the property and vehicular movements would be generated by taking the children to school, the change-over of care staff (once every 48 hours) and movements associated with trips out such as for shopping or leisure.

The existing property is a 5 bedroom dwelling that could be occupied by a family, which given the scale of the dwelling could realistically comprise 2 adults and 3 or 4 children. A family of this size may have several vehicles, particularly should the children be young adults, that would be parked at the property at any one time and the vehicular movements associated with a large family dwelling occupied by family with independent children are likely to be greater than a care home with 2 children who are generally supervised by 3 members of staff during the day time. It is therefore considered that there would not be material difference between cars being parked at the site and vehicular movements associated with the use when compared to a family dwelling.

Whilst there is no reference to a dedicated office area at the property, the use of a room as an office or study is not unusual in domestic settings, particularly due to the increase in home working since the pandemic. While the length of any child's stay will depend on factors particular to that child, it is anticipated that each stay will be generally more than temporary or passing. The information provided by the applicant state that the property will provide the main or sole residence for the children so occupation as a halfway house or as overnight emergency lodgings is not proposed. Therefore, while the children's lengths of residence may be shorter, their occupation of the house would be comparable with children of a family that may occupy a family home of this character.

Conclusion/Planning Balance

Having had consideration to the character of the property of 7 Kingfisher Walk, the information provided by the applicant regarding the way the care home would operate demonstrates that the proposed use would not be materially different in character from the occupation of the house by a single household. It is therefore recommended that the Certificate of Lawful Use for Use Class C2 should be granted.

Recommendation:

Grant the Application for the Lawful Development Certificate for a Proposed Use as C2

It is hereby certified that on 13th February 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed use, while falling within Class C2 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 as amended, would not be materially different in character from use as a dwellinghouse within Class C3 of the same Order.

First Schedule

Use of a dwelling for a children's home for a maximum of two children, with two carers sleeping overnight, working on a rota basis

Second Schedule

7 Kingfisher Walk, Worksop, Nottinghamshire, S81 8TQ

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Appeal Decision

Site visit made on 14 December 2021

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/A3010/X/21/3277785

Chestnut House, Town Street, Cottam DN22 0EZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development.
 - The appeal is made by Mrs Tasmine Silver, Kids Inc Residential Services, against the decision of Bassetlaw District Council.
 - The application Ref 21/00759/CTP, dated 11 May 2021, was refused by notice dated 24 June 2021.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended (the Act).
 - The use for which a certificate of lawful use or development is sought is use of a C3a dwelling for a children's home for a maximum of three children, with two carers sleeping overnight, working on a rota basis (C2).
-

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development (LDC) describing the proposed use which is found to be lawful.

Preliminary Matter

2. The Council's decision notice and the appeal form describe the use as 'use of a dwelling (C3) for a children's home (C2) for a maximum of 3 children, where care is provided'. However, I shall determine the appeal in accordance with the wording in the application form, as set out in the header above.

Main Issue

3. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded. If, on an application under section 192 of the Act, the local planning authority is provided with information satisfying it that the use described in the application would be lawful if instituted at the time of the application, it shall issue a certificate to that effect; and in any other case shall refuse the application.

Reasons

4. The appeal relates to a detached 4-bedroom house. As proposed, it would be the sole or main residence of no more than 3 children aged up to 18. Care for the children would be provided continuously by 2 non-resident staff working 48-hour shifts and sharing facilities with them. A third carer would visit on weekdays and use one room as an office for administrative tasks relating to the

- premises. The house would otherwise only be adapted by providing locks to the children's bedroom doors and fire doors to the kitchen area.
5. Children alone are unable to form a household because they are reliant on adults to care for them and to run the home. Where care is provided in a dwelling that is not the main residence of the carers, those providing care do not form part of a household. In those circumstances, the use falls within Class C2 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 as amended and is not a dwellinghouse use within Class C3 of the same Order. While that is so, it must be determined, on the facts of the case, whether there would be a significant difference in the character of activities from the present use, such that a material change of use would occur.
 6. At most, on non-school weekdays, there would be 6 people within the house. The expected movements would primarily be the turnover of the 2 main carers at the start and end of their shifts, the weekday visits by the third carer, and school runs. Calculations provided by the appellant indicate this would result in 2 more vehicular movements in a typical week than the previous occupation by a single family. While children may need home tutoring from time to time, this would be provided remotely, with no additional visitors. There would be annual inspections by Ofsted and social care services but no regular welfare or wellbeing visits. As such, the comings and goings associated with the proposed use would not differ significantly from a typical occupation of a 4-bedroom house by a single household.
 7. The use of a room as an office or study is not unusual in domestic settings. While the length of any child's stay will depend on factors particular to that child, it is anticipated that each stay will be generally more than temporary or passing. Occupation as a halfway house or as overnight emergency lodgings is not proposed. Accordingly, while the children's lengths of residence may be shorter, their occupation of the house would be comparable with children forming part of a household. The proposed adaptations to the fabric of the house are minor and would not facilitate any significant changes in the character of occupation. Furthermore, they would not be apparent from outside, so they would not alter perceptions of how the house is used.
 8. In view of the foregoing, the information provided demonstrates that the proposed use would not be materially different in character from the occupation of the house by a single household.

Conclusion

9. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant an LDC was not well-founded. The appeal succeeds accordingly, and I will exercise the powers transferred to me under section 195(2) of the Act.

Mark Harbottle

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 11 May 2021 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed use, while falling within Class C2 of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 as amended, would not be materially different in character from use as a dwellinghouse within Class C3 of the same Order.

Signed

Mark Harbottle

Inspector

Date: 27 January 2022

Reference: APP/A3010/X/21/3277785

First Schedule

Use of a dwelling for a children's home for a maximum of three children, with two carers sleeping overnight, working on a rota basis

Second Schedule

Land at Chestnut House, Town Street, Cottam DN22 0EZ

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



Plan

This is the plan referred to in the Lawful Development Certificate dated: 27 January 2022

by **Mark Harbottle BSc MRTPI**

Land at: Chestnut House, Town Street, Cottam DN22 0EZ

Reference: APP/A3010/X/21/3277785

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Item No: a2

Application Ref.	22/01071/FUL
Application Type	Full Planning Permission
Site Address	Land At High Marnham Power Station, Power Station Access, Fledborough Road, High Marnham, Newark, Nottinghamshire.
Proposal	The Erection of Unit A - A Finished Product Despatch Warehouse Building (B8 Use) and Packaging Plant (B2 Use) Including Odour Abatement Plant and Solar PV and Unit B - Raw Animal By-Product (ABP) Intermediate Storage Building (B8 Use) Incorporating Mechanical Processing Plant for Crushing, Freezing and Reloading (B2 Use) Including Odour Abatement Plant and Solar PV on Land Comprising Part of the Former High Marnham Power Station at High Marnham
Case Officer	Clare Cook
Recommendation	Grant Conditional Consent
Web Link:	Link to Planning Documents

The Application

Site Context

The site lies within the grounds of the former power station at High Marnham. The site previously comprised of a car park, power station office buildings, soft landscaping and a sports pitch. It is now currently vacant land and has overhead power lines on it; it is a mixture of greenfield and previously developed land.

The former High Marnham power station site surrounds the application and this is currently vacant with the exception of the substation which is managed by National Grid and there is a planning permission to the east of the application for a B8 storage / distribution unit.

The wider site is surrounded by agricultural fields, the River Trent is located to the east and the railway embankment to the north of the wider former power station site. The village of High Marnham is the closest settlement and lies approximately 1km to the south of the site.

The site is located outside of the development boundary in open countryside and is in Flood Zone 1 which is the lowest propensity for flooding.

Proposal

The proposal comprises of two main elements:

- Unit A – A finished product dispatch warehouse building (B8) and packaging plant (B2 use) including odour abatement plant and solar PV. This unit would measure approx 5,829sqm GIA with an overall height of approximately 16.54m. It has a car park proposed to the north west of the unit adjacent the office building. The odour abatement plant (5m x 8m) would be located to the south elevation of the building along with a flue (0.35m x 20m)

- Unit B – Raw animal by product intermediate storage building (B8) incorporating mechanical processing plant for crushing and reloading (B2 use) including odour abatement plant and solar PV. This unit would measure approx 9,253 sqm GIA with an overall height of approximately 14.47m. This unit would have 2 x odour abatement plants (5m x 8m) which would be located to the western elevation along with a flue on each plant (1m x 20m).

Both units have vehicular access off Fledbrough Road. The site currently has electric gates on the entrance which are controlled from Low Marnham.

There has been additional information submitted throughout the course of this application which has been re-consulted upon.

Development Plan and other Material Considerations

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following parts of the Framework are the most applicable to this development:

Section 2 – Achieving Sustainable Development
 Section 4 – Decision Making
 Section 6 – Building a Strong, Competitive Economy
 Section 8 – Promoting Healthy, Safe Communities
 Section 9 – Promoting Sustainable Transport
 Section 11 – Making Effective Use of Land
 Section 12 – Achieving Well Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 – Conserving and Enhancing the Natural Environment
Section 16 – Conserving and Enhancing the Historic Environment

Bassetlaw District Council – Local Development Framework

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 – Green Infrastructure, Biodiversity, Geodiversity, Landscape, Open Space and Sports Facilities
- DM10 – Renewable and Low Carbon Energy
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

Neighbourhood Plan (including status and relevant policies)

There is no neighbourhood plan for this area.

Emerging Local Plan – Bassetlaw Local Plan 2020-2038

Policies in this document are afforded limited weight at this point in time.

Relevant Planning History

There is an extensive history associated with the power station. However the most relevant applications relating to this application are as follows:

19/00818/FUL - Erect Storage Building (Class B8) with Associated Weigh Bridge. Granted 5th December 2019.

22/00707/FUL – The Construction and Operation of a Solar Photovoltaic(PV) Farm with other Associated Infrastructure Including Sub Stations, Security Cameras, Fencing, Storage Containers, Access Tracks and Landscaping. Granted 5/1/23

22/01689/FUL - A Gatehouse, Weighbridges, Widened Access Road and Vehicle Parking Area. Granted 16th March 2023

23/00243/SCR - Screening Opinion - An 8 MW Green Hydrogen Production Plant, Storage and Distribution Facility and Green Ammonia Cracker Demonstration Unit on Land Comprising Part of the Former High Marnham Power Station – pending at the time of writing the report.

23/00313/FUL - The Erection of a 1.8m High Palisade Fence with Vehicular Gate and 2 no. Bollards (Retain). Pending consideration

Summary of Consultation Responses

Nottinghamshire County Council Lead Local Flood Authority

Originally objected to the development

Following the submission of additional information raise no objections subject to planning condition.

Nottinghamshire County Council Highways

Following clarification on the lorry movements recommends planning conditions

The applicant questioned the condition regarding HGV movements and stated that it was not necessary, enforceable or reasonable. The Highway Authority maintain that the condition was required and if it was not imposed then the applicant should submit a full Transport Appraisal.

Following the submission of a Transport Assessment the Authority states that it is not convinced that the assessment adequately replicates the potential traffic impact of development more generally. The assessment should deal with both B2 and B8 scenarios to establish the worst case in traffic terms and demonstrate adequate parking. It should also consider the likely different traffic distribution associated with employee commuter trips and lorry deliveries. Lorries should be converted to passenger car units. This would become more relevant should there be further development on the power station site that would require cumulative traffic impact to be considered. As it is the junctions included in the assessment would likely have spare capacity even if the traffic generation of the development was somewhat higher. Parking is unlikely to be a problem.

Recommends conditions.

Following the submission of additional information in respect of proposed business operations and associated HGV movements the Highway Authority states that it is understood that the HGV movements described in the summary are already on the local highway network as they are generated by the existing plant. It is understood that the proposal would not increase capacity at the existing plant. Unit B would result in a material increase in HGV movements on the C2 Fledborough Marnham Road between the existing plant and High Marnham as the arrival of animal by products from the south would pass the existing plant to reach Unit B before being sent back to the existing plant for processing. This would not result in a network capacity issue. There are also no sensitive receptors along that section of carriageway. The proposed Unit A would result in a slight reduction of the total number of HGV movements on the wider highway network associated with the distribution of the finished product by removing the need for it to be transported to Blyton. The quoted HGV movements in the summary are average so there will continue to be some days when there are more lorries on the highway network and others where there are less.

The Highway Authority has no objections to the suggested conditions controlling lorry routing.

Nottinghamshire County Council Planning Policy

No comments to make

Bassetlaw District Council Environmental Health

Following re-consultation the following comments are provided:

Extraction / Ventilation – to comply with Building Regulations

Noise – Originally stated that the development is unlikely to affect the environment with regards to noise. Following a re-consultation, conditions were recommended in respect of construction activities. Following a discussion with the case officer a noise report was requested due to the public objections. Following a rebuttal from the applicant it was concluded that noise could be dealt with by way of planning condition.

Lighting – external lighting schemes should be designed and installed as to not cause excessive sky glow.

Food and Hygiene – to comply with current legislation

Health and Safety – to comply with current legislation

Pollution and Prevention Control – The process operator must apply to the relevant regulatory authority for an Environmental Permit prior to commencement of operations. The precise nature of the operations and the likely emissions associated with the site dictates who issues the permit and in this application the local authority is the appropriate agency.

Contaminated Land - recommend condition

There has been a discussion about construction hours and Environmental Health advises that the standard construction hours should be imposed on any permission.

Separate meetings were held about odour and the applicant provided additional information. The Environmental Health Officer responded to this by accepting that the final odour abatement details needed to be finalised; however the technologies stated were suitable. The proposed methodologies would be capable of treating the amount of odour being produced, especially with 7 air changes per hour. Moreover the modelling does not suggest that the odour will have a significant impact on the local amenity.

Having spoken to you about the nature of the ‘processing’ onsite am inclined to believe that the site requires a Part B Permit under The Environmental Permitting Regulations 2016 as per Section 6.8 of Appendix 1.

Environmental Health was asked about air pollution and it was confirmed that it wasn’t raised as the impact of vehicles is not likely to be significant. It was stated that the Section would be happy to put a nitrogen dioxide diffusion tube up in any gardens to determine the actual levels of pollutants but it would be very low

Bassetlaw District Council Conservation

The proposed scheme is considered to be acceptable in principle. However the industrial function of the site has the potential to impact negatively upon the setting of the surrounding built heritage. Conservation is not qualified to comment on the efficacy of the schemes proposed odour abatement measures. As such conservation would defer to the informed opinion of the Council’s Pollution Officer and subsequently request further information in regards to the proposed abatement measures.

Bassetlaw District Council Tree Officer

No comments received

Lincolnshire County Council Archaeological Advisor

Requested that the applicant provides further evaluation to inform an appropriate recommendation. A geophysical and trial trenching evaluation should be undertaken and submitted prior to determination.

Following further comments from the applicant the advisor states that much of the ground on which the development lies remains undeveloped and needs to be evaluated. Known archaeological remains have been recorded within the site boundary and the applicant needs to present an informed assessment based on evidence rather than supposition to meet the requirements of the NPPF prior to determination.

Following the submission of additional information raises no objections subject to condition

Anglian Water

No comments to make

Environment Agency

The activities described in the application are not listed under the Environmental Permitting Regulations 2016 and therefore the EA would have no regulatory involvement. The Environment Agency would like to comment on the sensitivity of the local community to odour and recommend that careful consideration is given to the odour potential from the proposed site and that expert advice is sought in respect of the odour abatement system

Further comments sent in respect of ground pollution – no objections subject to conditions

Trent Valley Internal Drainage Board

The Board maintained Fledborough House Drain, an open watercourse, exists in the north of the site and to which byelaws and the land drainage act 1991 applies. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's District. The Board's consent will be required regardless of any planning permission given. The applicant is advised that it has riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them. The design, operation and future maintenance of the sites drainage should be agreed with the LLFA.

Newark and Sherwood District Council

No comments to make originally.

Following the re-consultation exercise Newark comments as follows:

Provides a summary of the application in relation to Newark. Concludes that Newark District Council does not consider that the visual impact on landscape character, the setting of the Grade II* listed church, impacts on odour and vehicle movements are unlikely to be so detrimental to receptors in Newark District to warrant an objection however the concerns from the Parish Council's should be noted.

Summary of Newark Parish Council concerns:

South Clifton Parish Council

- Light pollution – residents and biodiversity

- Materials – the goose grey building at the original PEARs stands out, especially when lit at night
- Request a light assessment
- Ask BDC to take into consideration the need for outdoor light especially at night being low level
- Noise concerns – noise survey required and noise to be kept to a minimum and take to the east of the site into consideration
- Odour concerns
- Heritage concerns at South Clifton, some assets have not been mentioned such as St George and the Martyr Church
- Could there be additional planting to screen views towards South Clifton
- We need to know the baselines before development is allowed

Grassthorpe Parish Council

- Concerned in respect of increase of HGV traffic
- Noise and vibration from HGVs will lead to residential amenity issues especially as the site operates at unsociable hours
- Will cause more wear and tear on the roads
- Highway safety especially by the bridge over Grassthorpe Beck

West Lindsey District Council

No comments to make

Nottinghamshire Wildlife Trust

Originally requested further surveys

Following the submission of additional information the Trust state that the surveys have been taken to a high standard and the conclusions and recommendations are supported.

A Construction Environmental Management Plan and/or a Landscape Ecological Management Plan should inform the construction. Attention should be given to Table 6 – the summary of impacts. All mitigation measures are appropriate and necessary but special attention is drawn to the following:

- Bats – retention of trees with bat roost potential. Maintain RPA and avoid artificial lighting. Soft fell of low potential trees and ecology supervision for removal of T9 and T11.
- Badgers – Perimeter fencing should have badger gates, precautionary strategy required.
- Breeding birds – detailed mitigation strategy for barn owl is required. Limit construction time periods to avoid impacts on breeding birds.
- Lighting – a lighting plan is required, minimum lux of 7.5
- Biodiversity net gain – the BNG approach is supported

Sport England

Object to the development due to the loss of a playing pitch and the fact that the application does not accord with any of the exceptions to Sports England's Playing Field Policy or with para 99 of the NPPF.

Whilst the playing pitch strategy does not make reference to this site this does not mean that it is not a defined playing pitch. The site falls inside the rural analysis area. The only identified specific shortfall of provision in that area is to meet the demand for artificial grass pitch provision for football.

In addition the playing pitch strategy advises that rugby union pitches are at capacity across the District and there is a shortfall of rugby pitch availability at East Retford Rugby Club.

However if appropriate mitigation is provided for the loss of the playing field in the form of a financial contribution to upgrade named sites Sport England will reconsider their position.

Following re-consultation maintain the objection to the application because it does not accord with any of the exceptions to Sports England's Playing Field Policy or with paragraph 99 of the NPPF. However if appropriate mitigation is provided Sports England will reconsider its position.

Health and Safety Executive

The site does not lie within the consultation distance of a major hazard site or major accident pipeline.

There is one unidentified pipeline in this local authority area:
EDF Energy Ltd Grayingham Offtake to West Burton B Power Station

EDF Energy

No comments received

Cadent

No objections as the intermediate and high pressure gas pipeline in the area would not be affected.

This response has been questioned by Cadent who confirm that they have no objections because they have no gas pipelines in the area.

National Grid

No comments received

West Burton Energy

If the High Marnham Power Station application is on the existing stations land, on first review would not be of any concern for West Burton Energy

NCC Public Rights of Way

The closest PROW (Marnham FP7) is almost half a mile away and probably too far to comment on (even if odour would have been a consideration). The Sustrans route is managed by NCC.

Marnham Parish Council

Appalled at the latest planning application as the development falls outside of the boundary fence of the old power station. There is a massive brownfield site that has had development previously yet the applicant proposes to build on greenfield land adjacent to this that has never been built on. The only development that was on a small section of the area that is proposed to be built on was the old workshops, office block and store builds all of which were low level (no more than two stories). The power station has been closed for 19 years now and these areas (having never been built on) have been taken over by wildlife.

Only a small amount of the roof is covered in solar panels.

The Parish trust that local councillors and the MP will support the local residents to object to a development on greenfield land when there is a brownfield site adjacent to the development.

The Parish strongly objects

Sutton Parish Council

A petition has been submitted from Sutton Parish Council which has been signed by 42 people which objects to the application on the grounds of HGV traffic travelling along Hemplands Lane and Grassthorpe Road all day and all night and the impact that this will have residents day to day lives. Would not support any initiative that seeks to increase the amount of HGVs travelling along this route

Dunham Parish Council

The application is not supported on the following grounds:

- Noise – since the closure of the power station the site has been quieter. The approved B8 unit is under construction and local residents can now hear workers voices and more prominently lorries reversing. This kind of noise has a detrimental effect on residents especially hearing it all day and all night; this will be exacerbated as people now work from home. The Sustrans route which is being promoted will be affected by noise and odour. There is nothing in the submission that indicates noise/sound levels have been carried out north of the development site or on the opposite of the River in North and South Clifton.
- Smell – Bone meal smells and the developer has a history of not controlling odours. request that the Odour Abatement Plant and operational controls are robust enough to ensure that should there be a breakdown/breach that this is quickly remedied with spare parts and engineers available to fix immediately and that additional consideration is given to this being regulated by the Environment Agency
- Traffic- half of the HGV's will use the A57 via Ragnall and Fledborough and is a concern. Both are rural villages and nearly all the homes sit close to/and on the roadside. The noise, pollution and smell generated by so many lorries and the additional number of non-local employees travelling to and from the site will make a detrimental impact to the feel of these villages.
Users of the Sustrans route, including those accessing the Trentside public footpaths and generally in groups, may not be seen by the HGV drivers and visa versa, they will also have added experience of the lingering pungent stench generated from these lorries.
- Visual Impact / Lighting- This development site is sat in a rural setting and there is concern that it is bringing with it an industrial feel. The current gates should be painted green as they are out of character with the area.
Concerns raised in respect of light pollution for residents and wildlife
- Operating Hours- Request that operating hours are limited on any permission and access for all HGVS being limited along this stretch (A1 at Sutton on Trent to A57 at Dunham on Trent). The power station was not in operation 24/7
- Request that a decision is not made until the government review has been made of the site.

This planning application is a further application for the J G Pears operation in the locality and has aims for additional development proposals on this site such as battery storage and hydrogen power plant. It is considered that this will be a further nuisance site which will affect a large number of people and this is why we cannot support this application

MP Robert Jenrick

Strongly objects. These developments see a substantial increase in the JG Pears operations and in his opinion are not appropriate to grant due to the fact that the company has consistently flouted their environmental permits and responsibilities over many years causing misery to local residents, impacting on quality of life and preventing the local economy to thrive. He has monitored the company's performance over the past 8 years and he has no confidence that the company will address the ongoing issues with the existing plant. It would be shocking if the Council were to give this business, which treats its neighbours with contempt, licence to massively increase its operation. It would bring the planning system and environmental regulations into disrepute.

Summary of Publicity

This application was advertised by neighbour letter, site notice and press notice and 22 household letters of objection have been received raising the following points:

- The roads around the site are not up to standard to carry lorries
- Noise and smell is currently an issue for residents
- It will increase the vehicles on the road
- Clarity on future output capacity is required in particular the following:
 - Future odour output
 - Why is unit B essential if it is not to unlock a future output capacity for the main site at Low Marnham
 - Will the new development lead to changes in the EA permit that will allow future capacity to be installed
 - Questions asked about the EA permit
 - Will the new development unlock footprint at the existing site that can be used to install new equipment or increase its capacity of any part of the site in future.
 - Does the building of the new site unlock other constraints at the existing site which may then unlock additional throughput at any part of the factory
 - If the development unlocks other criteria which may be a limiting factor of the EA permit can capacity be increased? Please clarify
- Clarity on odour issues
 - The odour report is questioned it states that the proposed development will have negligible impact but also says the existing plus the proposed is also negligible. The reality is that there is a frequent foul smell in the area. The report is theoretical and not reality
 - What accountabilities will be put in planning conditions to ensure that odour control meets the standards? And what penalties will be in place?
 - A faster system to report odours should be in place by planning conditions. An investigation of complaints and the current situation should be undertaken before permission is granted
- Clarity on infrastructure
 - The Highways Agency has additional questions
 - There will be a significant increase of 16% of HGVs between the current and proposed site
 - Although the statement says there will be no increase in traffic there will be increase in the local area

- The road structure is not adequate for this development
- There is no mention of the sustainable horticulture element and the previously approved Bonemeal storage. How many additional vehicles in total will the site generate?
- Impact on the Sustrans route
 - What measures will be put in place to protect the trail from odours?
 - Will planning conditions ensure that no restrictions will be placed on parking areas currently used or if so will a car park be built?
 - In the consultation it was stated that a small car park would be built for community use but there is no evidence of this on the plans
- Sustainable horticulture
 - Overall a welcome addition
 - 1700T per year businesses what implications for this on infrastructure /incremental number of trucks?
 - What are the plans for biodiversity net gain?
 - The new application and the existing site are intrinsically linked, further expansion should not be put into place until the current site is under control
- The voice of the local population is being ignored
- The current odour control measures are not up to standard
- What will the footprint freed up from the existing site be used for?
- The existing company ignores its obligations and therefore shouldn't be allowed to expand
- Fledborough Marnham Road is inadequate and regularly floods
- The parked cars near the entrance of the Fledbrough / High Marnham cycle path will cause an issue
- Some of the roads in the vicinity have no pavements and are inadequate. They are used by a number of people including school children, local residents, cyclists, visitors. The development will lead to highway safety issues
- The infrastructure in this area is inadequate
- The development is in conflict with the objectives of the emerging local plan in terms of neighbourhood planning and providing residents with a high quality of life.
- The odour report is inaccurate and at the consultation event the company stated that the proposal would make odour issues better.
- It is not just the odours but it is the components that are contained within them that are concerning
- The local roads have a lot of pot holes which comes at considerable cost for local residents and they are deep and dangerous
- There are inconsistencies in the proposed traffic movements
- There are already too many lorries coming through Sutton on Trent
- A relief road is needed for the lorries so that they avoid the villages
- Noise is currently a problem from the existing facility, this will increase noise and noise from traffic
- The odour will be exacerbated due to transporting the material between sites
- It will have a detrimental effect on ecology along the cycle paths. Loss of habitats
- Local residents cannot have their windows open
- Concerns about lorries using Grassthorpe Road
- Wildlife should not be disturbed by installing solar PV
- Loss of green open fields and trees

- Toxic gasses
- Detrimental impact on quality of life, health and well being and the wider environment
- Inadequate consultations by Bassetlaw District Council
- Is the odour abatement suitable for the rising climate?
- Planning has already been granted for a storage building with the condition that it will not hold any raw animal by products. Will this clause change?
- The statement states that no rendering will take place on site will this change when there is a large warehouse on site for finished product and a large warehouse raw by product? Would you freeze a product before rendering it or is this another business operation?
- Noise generated from the odour abatement system and onsite machinery. Questions whether there will be limited working hours for the plant? The power station used to have limited hours.
- What controls will be in place to limit light pollution? The rendering site is a large building that can be seen for miles when illuminated. This application site is dark and the area is low in light pollution
- The size and scale of the buildings will impact on the landscape character and will spoil views. There are no images of proposed impact on horizon view from the east of the River Trent. Photomontages should be submitted
- Appendices 6 and 7 are missing from the statement of community involvement
- Increase in air pollution
- If the company complied with their basic responsibilities the community would be much more supportive.
- Damage to the roads and verges
- The current amount of traffic in the area is already greater than it should be for this rural village
- The size of the vehicles means that they cannot keep in their own lane.
- A formal engineering assessment of the load capacity of the small bridge at Grassthorpe and its ability to cope with HGVs and its ability to cope with HGVs that must be in excess of 15-20 tonnes.
- The stench of rotting flesh impacts on human rights.
- There is no indication of the timeline or period when the odour tests were carried out. It would be interesting to correlate the level of complaints compared to when the tests were undertaken. This data is requested
- The company should be held account for 12 months before any new planning applications are considered.
- Neither BDC nor the EA have been able to regulate the breaches that have occurred from the existing operations. An independent agency is required to monitor and regulate it
- It will impact on people who use the area for recreation
- The increase in the number of local residents coupled with increase in deliveries and HGV vehicles makes the road dangerous and there is already a record of accidents and fatalities

Following the submission of additional documents and information a re-consultation exercise was undertaken and the following public comments were received:

- Road safety implications. The increase in HGVs using the small narrow roads would be dangerous for other road users. It could lead to a fatal accident.
- Residents comments about smell have not been addressed in the past 8 years
- Environmental impacts – smell, noise, wildlife and old trees
- There is a blind bend
- Erosion of grassland
- The number of HGVs that already go through Sutton on Trent is obscene. The roads are not built for HGVs
- Two lorries cannot pass each other without mounting the kerb.
- The road surfaces are deteriorating due to HGVs.
- Smell from the lorries, they should have metal lids but instead they are covered by canvas tarps.
- The additional information doesn't raise concerns about traffic, noise and odour
- It will lead to light pollution
- There is no mention of the screening opinion for the hydrogen plant
- Issues of odour affecting Normanton on Trent
- Land watercourse and river pollution
- Vehicular access to and from existing and new plant via A1 or A57 the condition of the roads is poor and HGVs will make it worse
- What provision is in place to better manage the negative comments about the business
- Fear for cyclists

Following the final consultation the following issues have been raised:

- Odours
- Impact on groundwater pollution
- Highway safety
- How will the business be managed
- The existing business causes problems that are not managed correctly.

Consideration of Planning Issues

The main issues in this application are as follows:

- Environmental Impact Assessment
- The Principle of Development
- Sustainability of development
- Highway considerations
- Landscape and visual amenity including layout and design
- Pollution issues including residential amenity
- Biodiversity
- Heritage
- Flood Risk
- Other issues
- Tilted balance
- Conclusion

Environmental Impact Assessment

The proposal has been screened by officers for an Environmental Impact Assessment and it was concluded that the proposal is not EIA development.

Principle of the Development

The starting point for assessing development is the adopted development plan which currently comprises of the Bassetlaw Core Strategy 2011.

The site lies outside of a development boundary and therefore is within the open countryside. The application site per se is a part brownfield and part greenfield site; however the site lies within a much wider site which used to house High Marnham Power Station.

Policy CS9 is the relevant CS policy for this development and this states that developments which deliver rural employment opportunities, of a scale and type appropriate to the settlement and surrounding uses in line with policy DM1-DM3 and other considerations will be supported.

Policy DM1 considers development in the countryside, it states that economic development in the open countryside will be supported providing that it meets a number of criteria.

Policy DM3 considers general development in the countryside, part B of this policy in respect of previously developed land for part of the site. It generally supports development on previously developed land (where the site hasn't regenerated) subject to a number of criteria.

However it is considered that the CS policies in particular are time expired and not fully consistent with the National Planning Policy Framework (NPPF). Accordingly in line with paragraph 11 of the NPPF the tilted balance is engaged.

In terms of the principle of development the NPPF is clear at paragraph 81 that planning decisions should help create conditions in which businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

Paragraphs 84 and 85 discuss the rural economy and place emphasis on the need for sustainable growth and expansion of all types of businesses in rural areas and encourages development on previously developed land. Paragraph 85 states:

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”

The NPPF is given significant weight in the decision making process.

It is noted that there is currently an adequate supply of employment land within the Bassetlaw District. The Bassetlaw Housing & Economic Needs Assessment Addendum (April 2022) sets out that the Council can currently demonstrate a supply of 189.4 hectares of employment land with the requirement up until 2038 being 196.7 hectares (therefore an addition of 7.3 hectares to 2038). Whilst this reduces the weight of providing new employment land in the balance there are unique circumstances in respect of this site which relate to the facts that this employment development is related to an existing business and the National Policy (as discussed above) is to support existing businesses and also the unique nature of the business which is discussed below in the section existing business considerations.

The applicant has submitted a note on the emerging local plan however the emerging policies are given limited weight at this point in time. It is noted that the 2022 Bassetlaw Land Availability Assessment (LAA) forms part of the evidence base of the emerging local plan. Whilst no significant weight is given to the plan, it is acknowledged that there may be a policy on large rural brownfield sites in the new plan.

Sports Pitch

Sports England has been consulted on this application and raises an objection based on the fact that there used to be a playing pitch on the site. Sport England conclude that the application is in conflict with paragraph 99 of the NPPF and their playing fields policy. Sports England accept that as the playing pitch has not been used for over 5 years it is not a statutory requirement to consult with them.

The Sports England Playing Fields Policy states that it will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- All or part of a playing field
- Land which has been used as a playing field and remains undeveloped
- Land allocated for use as a playing field

There are 5 exceptions to this:

- i) A robust assessment has been demonstrated that there is excess of playing field provision in the catchment
- ii) The proposed development is for ancillary facilities which support the main playing pitch use
- iii) The proposed development affects only land incapable of forming part of a playing pitch
- iv) The playing pitch to be lost will be replaced
- v) The proposed development is for an indoor or outdoor facility for sport.

Sports England has requested a contribution of £100,000 to contribute towards off site sports provision.

The applicant has rebutted this request on the following grounds:

- Paragraph 99 of the NPPF refers to existing open space, sports and recreational buildings and land, including playing fields. There is no existing playing pitch provision at High Marnham. A private playing pitch used by the staff of High Marnham Power Station was lost 20 years ago following the decommissioning of the site. There has been no recreational or sports use of the land since this time. Therefore these proposals do not result in a loss, or prejudice the use of a playing pitch. High Marnham has nil use.
- The request for an offsite contribution towards playing pitch provision is unreasonable and unlawful. It does not satisfy the tests of paragraph 122 of the Community Infrastructure Levy Regulations 2010
- The Bassetlaw Playing Pitch Strategy and Action Plan (2019) includes a section on disused / lapsed sites (playing pitches) in Bassetlaw; High Marnham is not identified.
- It is important to note that the applicant already sponsors a number of local sports clubs and community facilities locally which have been listed in the rebuttal.

It is officer opinion that the requested contribution is unlawful and would not meet the tests of the Regulations which are as follows:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Whilst it is accepted that there was a playing pitch on this site it was predominately for employees at High Marnham and it was lost around 20 years ago. It would therefore be very difficult to justify that there is a need for this pitch after such a long time has passed. It is accepted that this proposal does not accord with Sport England's guidance; however this guidance is not planning legislation, it is guidance. The NPPF at paragraph 99 does state 'existing' open space, sports and recreational buildings and land including sports pitches; it is not considered that this is an existing pitch.

On the basis of the above it is considered that the contribution request by Sports England does not meet the CIL Regulations:

- It is not necessary to make the development acceptable in planning terms as there is currently no pitch on site and hasn't been one there for approximately 20 years
- It is not directly related to the development – there is no requirement for a development of this kind to have a playing pitch
- It is not fairly and reasonable related in scale and kind to the development. The original pitch was private and used by the employees at High Marnham, it was lost around 20 years ago and no provision has been made for its replacement during this period of time. Furthermore Bassetlaw's own Playing Pitch Strategy makes no reference to this pitch in the section of disused / lapsed sites (playing pitches).

It is therefore considered that this would not form a sustainable 'in principle' reason for refusal.

Existing Business Considerations

Whilst this planning application should be considered on its own merits it is important to note that the applicant does have a current business at Low Marnham which treats animal by-products to create fats, oils and protein products for the pet feed, aqua feed and biofuel sectors. The existing factory has a combined heat and power plant which makes the operations self-sufficient for the majority of its heat and energy requirements and it exports surplus energy to the National Grid via the substation at High Marnham. The category 1 meat and bone meal is used as the fuel source and the ash from the combined heat and power plant is used as fertiliser.

The proposed development is to be linked to the operations at Low Marnham and it is anticipated that it will allow the business to operate more efficiently. The proposed buildings would increase the amount of storage for the current business and would reduce the distance that HGVs have to currently travel thus reducing the environmental impact of the current operation.

The applicant has provided a statement which sets out the unique circumstances of this site and in summary this states the following:

- J G Pears provides an essential service as part of the UK food supply chain
- Low Marnham is a confined site and there is conflict between site operatives and the movement of HGVs. This proposal will reduce this conflict by achieving the following:
 - Eliminate higher numbers of full and part load direct deliveries to Low Marnham
 - Enable full deliveries between High Marnham and Low Marnham bulked up for increased transport efficiency
 - The short distance between High Marnham and Low Marnham enables these deliveries to be in sealed (airtight) trailers/containers – so minimising the risk of odour emissions
 - The short distance between High Marnham and Low Marnham enables these deliveries to be in sealed (airtight) trailers/containers – so minimising the risk of odour emissions
- The proposed development is not designed for speculative employment use, it is designed for J G Pears
- There is a regional and sub regional economic need for the proposal which cannot be located elsewhere in the District to the requirement to co locate the proposed units with Low Marnham
- The proposal capitalises on the locational attributes of the site to achieve economic and environmental benefits by reducing the distance HGVs have to cover and the ability for deliveries to be in sealed airtight containers which result in productivity gains and a reducing odour emissions
- There are no other large brownfield sites in the locality that could accommodate this use; there will be no significant adverse impacts on the character of the area, landscape biodiversity or heritage primarily due to the former use of the site.

Whilst not directly related to this application the applicant has confirmed that it does already sponsor a number of local sports clubs and community facilities which have been listed in supporting information.

These points on the whole are accepted by officers.

It is noted that there have been many objections in respect of the existing business and that it shouldn't be allowed to expand until existing problems are addressed.

This is a standalone planning application which needs to be considered on its own merits; it cannot be used to resolve existing problems and issues however it is acknowledged that the proposal would be linked to the operations at Low Marnham. The existing site has its own planning permission which should be adhered to and if the business is breaching any planning conditions imposed on the original permission this becomes a planning enforcement matter. The existing site is also controlled by Environment Agency legislation which also needs to be adhered to and if the conditions of the permit are breached this is an issue for the Environment Agency. To make any changes to the current operation in terms of increasing output this would need to be fully considered and endorsed by the Environment Agency.

The remainder of the report considers the various material considerations that need to be assessed in the tilted balance.

Sustainability of the Development

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The issue of sustainability is finely balanced and this is because this site is located within the open countryside and by virtue of this it is fairly isolated in terms of location to other services and facilities.

However it has to be remembered that this site is a former power station site which was an employment site and the NPPF is clear that rural enterprises should be supported especially on previously developed sites.

Whilst it is accepted that not all of this site is previously developed it is part of the wider former power station site which is now a large brownfield site in the countryside that could lend itself to be redeveloped.

The development will meet the economic objection of paragraph 8 in that it will allow an existing rural business to expand and thus support the rural economy.

In terms of the social strand it will provide a development that is safe and will provide employment and economic benefits to support local communities.

Finally in terms of the environmental strand the development is providing solar array which will assist in reducing its carbon footprint, although it is accepted that this amounts to only 20% of coverage per unit. Whilst some of the land is greenfield it does form part of a wider site which was occupied by the power station, it therefore makes efficient use of land on a predominately brownfield site. The development will provide for a 17% in biodiversity net gain.

It is therefore considered that the development meets the sustainability objectives as outlined by the NPPF.

Highway Considerations

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 108 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 112e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations.

Policy DM13 of the Bassetlaw Core Strategy seeks to provide sustainable transport.

There is currently an existing access off Fledborough Road which served the former power station and currently serves the substation and the recently approved B8 storage and distribution unit on the wider site. Permission has recently been granted for a gatehouse development which will control vehicles in and out of the site.

From the existing access a new access road and junction is proposed from the main spine road to serve units A and B with a one way access being provided to avoid any conflict between vehicle movements. Each unit has its own egress back onto the spine road and associated car and HGV parking. The Highway Authority has commented stating that the proposed car parking is below the standards required by the County; however given the anticipated number of staff, the number of spaces are likely to be sufficient and furthermore the buildings are located well away from Fledborough Road so it is highly unlikely that the parking and servicing would disrupt the highway network.

A transport statement was submitted with the planning application which was assessed by the Highway Authority who, following the submission of additional information from the applicant recommended conditions including a condition which capped trip rates. The applicant did not wish to accept this condition and therefore the Highway Authority requested a Transport Assessment to demonstrate the impact of traffic movements on the wider road network to ensure that these would be acceptable if the units were not occupied by JG Pears in the future which was submitted by the applicant. Capacity results indicated that there would be minimal impact on the highway network and none of the junctions assessed would be operating near to capacity even in a future year of 2029.

The Highway Authority assessed the Transport Assessment and recommended conditions. The Highway Authority acknowledged that the Transport Assessment had scenarios missing from the assessment; however at this point in time the assessment showed spare capacity at the junctions and this means that even if vehicle movements are higher this would not lead to an unacceptable impact on the highway network. On this basis the Highway Authority recommended planning conditions.

The Highway Authority has been approached several times by the case officer to discuss the highway implications of the development and whether or not it has the potential to have a detrimental impact on the highway network. These discussions culminated in a meeting with the developer, Highway Authority and planning officers. The applicant outlined the current and proposed operations in terms of trips and also discussed the capacity of the Low Marnham site.

Further information was requested of the applicant to set out how the current site operates and also to outline the capacity and output of the current operation. This is important to understand as if output increases as a result of the proposal then this could lead to more HGVs on the road.

Whilst it is accepted that output is controlled via an Environment Agency Permit this permit does not assess number of vehicles associated with the operations.

It has to be remembered that the PEARs operation at Low Marnham is an existing business and there are no restriction on HGV movements. It is proposed that this development will be linked to the existing Low Marnham site and a condition is proposed in this regard.

A summary of the current and proposed operations are provided for below.

Currently animal bi products arrive at Low Marnham from multiple sources which have to be weighed on arrival. A vehicle may have up to 3 types of animal bi product which requires separate off loading and weighing which leads to odour emissions as the products cannot be stored in air tight containers. There is currently conflict between site operatives and the movement of HGVs due to the constrained nature of the existing site at Low Marnham. The number of HGV movements currently delivering animal bi product to Low Marnham is approx 475 per week.

The proposal would allow the existing business to operative more effectively. The erection of Unit B would see the number of HGV movements which currently deliver animal bi product to Low Marnham (approx 475 a week) be diverted to Unit B.

This means a shortened delivery for deliveries from the north and a slightly longer distance for deliveries from the south. The delivered material would be bulked up in Unit B and then taken to Low Marnham for processing when required. The animal bi product conveyed by 475 HGVs to High Marnham would be bulked up resulting in fewer number of full trailers being required to carry forward to Low Marnham on 330 HGVs fully loaded. Therefore the number of trailers travelling to Low Marnham would be reduced by approx 145 as the trailers will be fully loaded and sealed between the two sites.

The only additional HGV movements will be between High Marnham and Low Marnham (circa 330) from Unit B to the processing plant. However as approx 238 deliveries per week currently arrive at Low Marnham from the north and 238 vehicles per week from the south, consequently the 238 HGVs that are currently travelling south past High Marnham to Low Marnham will stop at High Marnham and will not carry onto Low Marnham. Therefore there will be a net increase of approx 92 HGVs (330-238) on the part of the highway network travelling south from High Marnham to Low Marnham for processing as a result of the proposal.

In terms of Unit A this is proposed to store the finished product which will be delivered from Low Marnham. Currently once the rendering has taken place some finished product is taken to Blyton from Low Marnham where it is temporarily stored. It then has to be transported back to Low Marnham for dispatch after it has been veterinary checked and certified. Approx 11 vehicles a day travel between Low Marnham and Blyton. Unit A would replace Blyton as a storage facility so the 11 vehicle movements per day would take place between Low Marnham and High Marnham and the finished produced would be dispatched from High Marnham as opposed to having to be returned for dispatch to Low Marnham.

In summary the applicant has confirmed the following:

Present

475 HGV movements over a 7 day week into Low Marnham with animal bi products, from across the regions of the UK.

11 HGVs a day travelling between Low Marnham and Blyton with finished goods.

The finished goods are veterinary checked and certified (process can take up to 10 days) at Blyton

Finished goods are then taken back to Low Marnham for dispatch

Proposed

475 HGV movements over a 7 day week into High Marnham with animal bi product from across the regions of the UK.

330 HGV movements per week from High Marnham to Low Marnham (animal bi products bulked down/fully laden HGVs). In reality there will be a net increase of approx 92 HGVs as presently 238 HGV deliveries arrive per week at Low Marnham from the north.

11 HGVs a day travelling between Low Marnham and High Marnham Storage Unit (Unit A).

The finished goods are veterinary checked and certified at High Marnham before dispatch.

In terms of capacity of the existing site this has also been addressed by the applicant. The applicant is clear that this proposal is not to enable an increased throughput at the rendering facility at Low Marnham which is regulated by the Environment Agency. The applicant has confirmed that if output were to be increased at the existing facility then this would require further built development on the existing site which would require planning permission which in turn would require a further assessment of the material considerations including vehicle movements.

A concern of the Highway Authority was whether the transport assessment should include the wider High Marnham site in its calculations; however the emerging plan is given little weight at this point in time and the wider site is not proposed as an allocation in the submitted plan (a final view on the sites status will be taken by the Inspector later in the year). Therefore this would not be a reasonable approach for this application. Instead future applications submitted on the wider site and their impact on the highway network would need to be assessed cumulatively with any existing or committed development at that point in time.

In terms of the routeing of HGVs both during construction and for deliveries it is proposed that conditions are imposed in this regard to ensure suitable routes.

On this basis of the above information both planning and highway officers are satisfied that there will not be a severe impact on the highway network as a result of this proposal.

A travel plan has been submitted with the application which reviewed existing transport facilities to the site and identifies a range of measures for implementation by the plan coordinator to reduce overall car usage and promote sustainable methods of transport.

Many objections have been received in respect of the condition of the roads; however it has to be remembered that this was a former power station which had vehicle movement associated with it. Furthermore due to the specific nature of this development it is not anticipated that there will be more vehicles on the road than previously albeit they will be more local between High Marnham and Low Marnham; however longer distance journeys will be reduced. On this basis the Highway Authority has confirmed that there is no justification to seek road improvements and ultimately roads are the Government's responsibility and not the applicant's.

There has also been an objection that the parked cars near the entrance of the Fledbrough / High Marnham cycle path will cause an issue. It is motorist's responsibility to park responsibly and if not then this becomes the Police's responsibility. Advice from the Highway Authority is that the propose development should reduce HGV traffic north of the former power station entrance.

There have been objections of the impact of the development on the Sustrans route and public rights of way. There are no proposals in this planning application to build a car park for community use and this would not be considered necessary to make this development acceptable. It is contained within the applicant's supporting information; however it is envisaged that this will be for the wider site as opposed for this development. It is not envisaged that the development would have a detrimental effect on the parking areas for the Sustrans route. NCC Public Rights of Way Officer has been consulted and states that the closest PROW (Marnham FP7) is almost half a mile away and probably too far to comment

on (even if odour would have been a consideration). NCC highways has no further comments in respect of the Sustrans route.

There has been a public comment requiring a formal engineering assessment of the load capacity of the small bridge at Grassthorpe and its ability to cope with HGVs and its ability to cope with HGVs that must be in excess of 15-20 tonnes. The Highway Authority confirms that highway structures receive an inspection every two years and the overall standard of bridges is maintained so that can safely carry traffic.

Objections have been received in respect of the routeing of HGVs during construction and during the operational phase. This issue can be controlled by planning conditions and the applicant has confirmed that it is anticipated that lorries would take the most direct route to and from the A1 rather than going through villages.

It should also be remembered that the NPPF is clear at paragraph 111 when considering refusals on highway grounds, it states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

The key word here is *severe*. It would be difficult to argue that the impacts on the road network would be severe as a result of the proposed development providing that adequate conditions are imposed to control those movements.

On this basis it would not be reasonable to refuse the application on highway grounds.

Landscape and Visual Amenity (including design and layout)

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state that permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The applicant has submitted a landscape and visual assessment with this application which concludes that the development would have no more than medium impact on the surrounding landscape. It is acknowledged that there will be impact as a result of the development as the site is currently disused and partially overgrown. It states that the site has a good degree of visual screening and landscape mitigation; however the assessment has undertaken an analysis of various receptor sites and it states that the most sensitive of these are High Marnham where there will be a generally medium to medium-to-low impact on residents and users of the Sustrans trail and walkers along the River Trent where there will be medium-to-low impact. The Impact Assessment also includes analysis of the cumulative development proposed around the site.

The site straddles the Mid Nottinghamshire and Trent Washlands Character Areas and there is high landscape sensitivity here due to the flat nature of the landscape; however it does have to be remembered that the wider site did used to accommodate a power station which was extremely prominent in the wider landscape although the landscape does have to be assessed on how it is today for the purposes of this application.

There are remnants of the former use on the site and on the wider site and this does somewhat reduce the landscape sensitivity and there is fairly good screening around the wider site which will reduce the impact of the development. It should also be remembered that permission has been granted for an employment building on part of the wider site which again will impact on the landscape character.

There is no doubt that the proposed two buildings which will be approximately 16.5m and 14.5m high with 20m flues will change the landscape character of the area; however it is not considered that given the former use and existing permission on the site that this would be so detrimental to warrant refusal of permission.

In terms of the design and layout of the development. As aforementioned the development is accessed via the existing access off Fledborough Road.

The design of the proposed units is industrial and functional. Unit A comprises of a warehouse and ancillary offices, it is proposed to be approximately 16.5m in height, with the offices to the north being 3 storey at a slightly lower height of approximately 13.2m. A junction is proposed to be constructed off the main spine road which leads onto the site, HGV traffic would go in a clockwise direction with the HGV yards to the east and the north. A car park is proposed to the north west of the unit adjacent to the offices. The main warehouse is served by 3 level access doors and 4 dock doors which are located on the eastern and norther elevations.

Unit B is proposed to be a pressurised industrial building with ancillary offices and is approximately 14.47m in height with the offices being approximately 8.25m. This is a long building which has air locks on entry and egress. Car parking, tractor spaces and HGV trailer spaces are all proposed for this unit. Access to this unit is from the main spine road to the north and south east of the unit, egress is from the junction to the north west of Unit A.

Both buildings have odour abatement plants and flues joining the buildings are both are proposed to be constructed with grey cladding and have solar panels on the roof.

The design and layout of the buildings are functional and reflect the existing permission on the site. It is considered that they are acceptable and whilst they will be seen in the locality they will not have such a detrimental effect on visual amenity that would warrant refusal of permission.

Pollution Issues including impact on Residential Amenity

Paragraph 185 of the NPPF states that new development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. It states that decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, identify and protect tranquil areas and limit the impact of light pollution from artificial light on local amenity, dark landscapes and nature conservation.

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

There have been public objections in terms of pollution issues and the impact that these might have on the wider environment and on residential amenity.

Some of these objections have been raised due to the existing operation of JG Pears at Low Marnham. Whilst there is a relationship between the existing site and the proposed units, the operation at Low Marnham is an existing an established business which is controlled by the Environment Agency; it is not part of this planning application. It is acknowledged that there have been issues previously raised by local residents in respect of the existing operations particularly in terms of odour. However the processes undertaken at the existing site are different to the current proposal and issues raised with the existing operation cannot be a material consideration in this planning application.

The main issues in this application relate to noise, light, odour, air pollution and contamination.

Noise

There have been many objections in respect of noise generation and the impact on surrounding residents and the surrounding area.

The applicant has stated that the proposed units will be operational 24 hours 7 days a week.

No noise assessment has been provided by the applicant and this has been questioned by the case officer and discussed with Environmental Health who originally stated that the development would be unlikely to cause noise issues; however then following the submission of public objections stated that a noise assessment should be submitted.

This was relayed to the applicant who requested that this issue be dealt with via planning condition as the details relating to the odour abatement systems were not yet known. This was relayed to the Environment Health Officer who agreed this approach. However the agreed condition was worded to ensure that the development did not exceed the prevailing background sound at any residential receptor existing at the time of the approval of permission. It is not possible to use this wording as the current prevailing background sound is not yet known. On this basis it is considered that a full noise survey along with any proposed mitigation should be submitted and approved in writing by the local planning authority prior to any commencement of operation.

Whilst it is appreciated that this is an intensive use, the site is fairly divorced from surrounding residential properties. The operations will be contained within the two units and therefore noise impacts from loading and unloading material inside of the building should be low. A condition is also proposed to prevent any outside working other than deliveries.

Based on the above reasoning it is considered that a planning condition requiring a noise assessment is the logical approach in this application. The principle of such a condition has been accepted by the Environmental Health Officer who is the statutory consultee in this regard. Further conditions are also recommended in respect of construction activities.

There has been some discussion regarding the hours of construction traffic as the applicant is of the opinion that the proposed hours recommended by Environmental Health are not necessary. This has been discussed with Environmental Health who maintain that the condition is necessary as it is difficult to enforce disciplinary steps. It is therefore recommended that the standard condition with respect of hours of construction is imposed on any permission.

It is not considered that the proposal will have such a detrimental on noise that would warrant refusal of this application.

Light

Concerns have been raised in respect of light pollution in terms of it impacting on local residential amenity and impact on dark rural sky that surrounds the site.

Environmental Health has been consulted in this regard and state that due to the location lighting is unlikely to be an issue; however it should be designed and installed as not to cause excessive sky glow. This is an important consideration to ensure that there is no impact on surrounding properties.

As there has been insufficient details submitted in respect of lighting it is considered that a suitably worded planning condition should be imposed on any planning permission. The scheme would also need to assess the impact of lighting on biodiversity (discussed below).

Odour

There have been many public objections in terms of odour and many of the concerns relate to the existing operations at JG Pears at Low Marnham.

Odour does have to be considered as part of this planning application; however it has to be determined on its own merits. In effect a decision has to be taken as to whether the proposed development would lead to an unacceptable level of odour compared to any existing situation.

This application is not seeking to increase throughput at the rendering factory in Low Marnham. The current operations are controlled via Environmental Legislation by the Environment Agency.

It must be remembered that planning legislation is clear that if an issue is controlled via other legislation then planning conditions should not also be used as this would be ultra vires. Paragraph 188 of the NPPF is clear in stating:

“The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

An odour impact assessment was submitted with the original application which was assessed by Environmental Health and considered the following:

- Application of the Institute of Air Quality Management risk assessment for odour
- A detailed odour dispersion modelling assessment of the odour emissions from the proposed development
- A detailed odour dispersion modelling assessment of the odour emissions from the proposed development site in conjunction with the odour emissions from the JG Pears rendering facility at Low Marnham.

The odour impact assessment concludes that the impact of the proposed development alone will have negligible impact on odour at all receptor locations that were considered.

When odour is assessed in conjunction with the existing Pears operation it was concluded that receptors close to the proposed development but further away from the existing site would have negligible impact on odour.

At receptor sites between the proposed development and the existing site the combined odour will have a slight adverse impact.

At receptor sites close to the existing Pears site at Low Marnham the combined odour will have moderate adverse effect. Most of this would be from the existing operation.

Following assessment of this document Environmental Health requested further information in respect of the odour management system which has been provided and is useful in explaining the processes that are proposed to take place. A summary is provided below:

Unit A proposed use – Storage for the finished product which is made at the Low Marnham site. This is currently stored at Blyton and then comes back to Low Marnham for dispatch.

Unit B proposed use – Storage for animal by product and the pre-treatment of this material to takes place (crushing / bulking) before sending it to Low Marnham. This would use a 'just in time' process and would eliminate trailers waiting outside of Low Marnham and would also decrease the number of vehicles.

It is important to note that the proposed development (as stated in the report):

- Will not include any heat treatment of animal by product materials (i.e. rendering)
- Will act as a raw material bulking station to allow materials arriving in compartmental trailers to be unloaded within the confines of the building and a just in time process used.
- Loads arriving will be pre-treated (screened) to remove excess water
- Will provide additional storage for finished meal products in silo waiting for dispatch

The report goes on to set out the activities that will take place on the site and how odour will be managed and odour impact (which is insignificant / negligible or displaced for all activities), along with various options for odour control techniques.

The Environmental Health Officer has assessed this document and has accepted its content stating that the proposed methodologies would be capable of treating the odour that is being produced. It also has been confirmed that it will be the local authority that would need to control any future permit.

Based on the information that has been submitted it is considered that the applicant has demonstrated that the odour generated by this proposal will not be any worse than the existing situation and in fact there is likely to be some improvement as working practices will be more streamlined.

The information that has been submitted has been verified and the proposed methodologies and technologies accepted by the environmental health officer who is the professional in this regard. A condition is recommended to require precise details of the odour abatement systems prior to occupation of the units.

Ultimately the development will require a permit under the Environmental Permitting Regulations 2016 which will be controlled by the Environmental Health Section of the local authority.

Subject to appropriate conditions it is considered that the issue relating to odour is acceptable.

Air Pollution

There have been public objections regarding air pollution; however no request has been made from Environmental Health for any survey.

Environmental Health has been contacted again in this regard and maintains that the impact of the proposed vehicle movements on air pollution is considered to be low.

On this basis it is not considered a significant issue for this proposal.

Contamination

Advice from the Environment Agency states that the previous uses of the proposed development site (associated with the historic power station site) poses a contamination risk to controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is:

- Located upon Secondary A and Secondary B aquifers;
- The historic surface water drainage infrastructure are not known or understood and may be potential pathways for historic contamination or contamination to migrate around or off-site. The River Trent is located 763m east of the site and historic related infrastructure may provide pathways for contamination to migrate to the River Trent (the off-site associated power station was located 237m from the River Trent).

A ground contamination report has been submitted with the application and the Environmental Health Officer advises that the site may have previously been used for potentially contaminative uses and there is the presence of a sensitive receptor. A planning condition is therefore recommended on any permission to require a full contamination assessment.

The Environment Agency has also provided comments and recommended conditions in respect of ground water pollution.

It is considered that issues relating to pollution are acceptable and any impacts can be mitigated against.

There have been public objections on the impact on health and well-being and human rights; however the above analysis has demonstrated that the impact on health and well being can be mitigated against and accordingly it would not warrant a refusal of permission on this basis.

It is therefore considered that the application has demonstrated that the issues relating to residential amenity can be satisfactorily controlled and would not warrant refusal of permission subject to planning conditions; this has been confirmed by the statutory consultees.

Biodiversity

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. Some harm to biodiversity is allowed, but it states that significant harm should be avoided, adequate mitigation should be provided or if this is not possible, the loss should be compensated for. If none of the above is possible, then permission should be refused.

The applicant has submitted an ecological appraisal with the application and a biodiversity net gain assessment. The following mitigation is proposed:

- Dust and pollution impacts should be controlled in respect of the Local Wildlife Site

- Retention of hedgerows and trees in accordance with root protection areas. Utilise native or nectar / pollen rich species.
- Precautionary approach for reptiles
- Retention of trees with bat roosting potential. Maintain Root Protection Area for trees and avoid artificial lighting. Soft fell of low potential trees and removal of T9 and T11 under the supervision of an ecologist.
- Replacement of vegetation with native tree species and maintenance of connective features such as hedgerows and tree lines by adhering to root protection zones. Implementation of sensitive bat lighting scheme.
- Precautionary measures for mammals passing through the site. Badger gates required
- Vegetation clearance works to be undertaken outside of the nesting season.
- Detailed mitigation for barn owl
- Net gain required – creation of diverse grassland in adjacent arable land

Compensation and enhancement recommendations are as follows:

- Suggestions made in respect of tree planting species.
- Suggest the planting of fruit trees
- Minimum of 6 hedgerow species should be planted
- Creation of wildflower meadows in the retained margins and open areas.
- A chain harrow is recommended along with long season meadow mix.
- Incorporation of bat and bird boxes
- Installation of barn owl nest boxes
- Log piles and dead wood under dense ground could be created across the site for herpetofauna hibernacula

A biodiversity net gain assessment has also been submitted by the applicant. This concluded that there was a net loss in habitat units of -71.31%. It is proposed to use an area within the wider site to achieve a net gain in biodiversity and this would equate to a net gain in biodiversity of 17.52%

An arboricultural survey has also been submitted with the application. The proposed development requires the removal of 2 x moderate quality trees and the partial removal of a low category group of trees. Compensatory planting is recommended as part of the landscaping scheme and it is recommended that retained trees are adequately protected during construction.

All of these documents have been assessed by Nottinghamshire Wildlife Trust who has no objections to the proposal. Conditions are recommended.

Based on appropriate mitigation, and enhancement it is considered that there will not be a detrimental impact on biodiversity and accordingly this issue is consistent with planning policy.

Heritage

The Council has a duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance. The House of Lords in the South Lakeland DC vs the SOS case in 1992 decided that a Conservation Area would be preserved, even if it was altered by development, if the character or appearance (its significance in other words) was not harmed. Conservation' is defined in the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and where appropriate enhances its significance. Therefore case law has ascertained that both 'conservation' and 'preservation' are concerned with the management of change in a way that sustains the interest or values in a place – its special interest or significance. However, 'conservation' has the added dimension of taking opportunities to enhance significance where opportunities arise and where appropriate.

Para 194 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset. Paragraph 199 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Para 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. Paragraph 199 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The applicant has submitted a heritage impact assessment which concluded that the proposal will have a minimal impact on the settings of nearby heritage assets.

The application has been assessed by the Council Conservation Section who confirm that there are no concerns in respect of the principle of this development and it is acknowledged that this was a former industrial site which contained several large buildings.

Concerns have been raised in respect of the setting of surrounding heritage assets in terms of odour and how this would affect how one may experience the historic environment. As Conservation are not experts in odour their recommendation is that the development is acceptable in principle; however officer's defer to the Council's Pollution Officer and the request for additional information on odour abatement.

As discussed in the above section (odour) further information has been submitted by the applicant in this regard and the Council's Environmental Health Officer is satisfied that the options outlined would be acceptable to control the issue of odour.

On this basis it is not considered that odour would have a detrimental effect on the historic environment and accordingly the development is consistent with planning policy relating to heritage.

Comments have been received from South Clifton Parish Council about the impact of the development on St George and the Martyr Church. Advice has been sought from the Council's Conservation Officer who has assessed this and states that this is unlikely to warrant a recommendation of refusal from Conservation. It is accepted that there will be a degree of intervisibility between the site and the Church and visual screening may help offset the impact. A scheme of landscaping has been requested by way of planning condition; however it has to be remembered that this site is part of a wider site and therefore it is the perimeter of the main site that is perhaps the crucial landscaping boundary which is not controlled by this planning application.

In terms of archaeology the site lies within an area of archaeological potential associated with pre historic Roman, medieval and post medieval activity.

The Council's archaeological advisor initially requested further details prior to determination of the application in the form of a trial trench evaluation and a geo phys survey. This has been provided by the applicant and the archaeological advisor is satisfied that the details contained within the programme for archaeological investigation and mitigation are acceptable; planning condition is recommended.

It is considered that heritage issues are acceptable and are consistent with planning policy.

Flood Risk

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

A Flood Risk Assessment has been submitted by the applicant which concludes that the flood risk from fluvial and surface water sources is low. The surface water strategy has been assessed in accordance with the sustainable drainage hierarchy – discharge to ground, followed by a waterbody or finally the public sewer.

The Local Lead Flood Authority has been consulted on this application and required further information and assessment in request of the use of SUDs. The applicant has submitted further information and the drainage proposal do now indicate an attenuation pond as part of the drainage strategy.

The Local Lead Flood Authority is content with this approach and also would welcome the use of swales at the detained design stage. Further details were sought on the proposed tank and its structural capacity which have also been provided by the applicant.

The Local Lead Flood Authority has confirmed that the proposals are suitable for this site and therefore subject to condition raises no objections.

It is therefore considered that issues relating to flood risk and drainage are acceptable.

Other Issues

Public comments have been made about the statement of community involvement and the omission of appendices 6 and 7. These have since been requested and are on the file; however this does not prevent any permission being issued as a full assessment has been undertaken of the proposal.

There have been discussions regarding the Health and Safety Executive response in respect of the gas pipeline which shows a dotted line along the northern part of the application site. EDF was consulted as advised by the HSE but it has been pointed out that EDF no longer own the pipeline. Cadent were consulted and raised no objections; however when this was questioned it became apparent that they do not own the pipeline on the site either.

This has been relayed to the applicant who states that the existence of a gas pipeline is not referenced in the RSK Phase 1 Desktop Study. The applicant is aware that EDF Energy sold West Burton B to EIG Global Energy Partners in 2021, so it is not clear which company is responsible for the pipeline.

The case officer has made contact with West Burton Energy who confirmed that they have no immediate concerns regarding the application.

The applicant, has also confirmed that the dotted line on the Health and Safety Executive Map is the parish boundary and there is no easement in the deeds for a gas pipeline and no markers on the site. It has been confirmed by the applicant that there is no gas pipeline across the site and the nearest gas pipeline is at Saxonby.

In any event it is the responsibility of the applicant to ensure that there is no harm to any gas pipelines and that adequate easements or other necessary requirements are provided. An informative is recommended to alter the applicant to this fact.

Comments have been made in respect of the fencing fronting onto Fledborough Road, this is controlled via planning application 23/00313/FUL which at the time of writing the report had not yet been determined.

Comments have been made that a decision should not be made until the outcome of the emerging local plan has been established; however the Local Planning Authority has a duty to determine applications and therefore it would not be reasonable not to determine an application on these grounds.

The Tilted Balance

As the Core Strategy is deemed to be out of date paragraph 11 of the NPPF is engaged which makes it clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

An assessment of the benefits and negatives provided by the scheme is given below with the weight apportioned to this in making a recommendation on this scheme:

Benefit/Negative of the scheme	Weight given to the benefit/negative in decision making
Provision of Employment Development	The NPPF is clear that economic development should be supported particularly on previously developed land. Whilst the development may not create any more jobs it will support and allow and existing business to operate more efficiently. It is accepted that District does have adequate employment land supply; however as this is part of a large rural brownfield site and supports an existing business this is given moderate positive weight in the planning balance.
Existing Business Considerations	This is a unique site and development which will support an existing rural business, allowing to become more effective and efficient. This is given significant positive weight in the planning balance
Reuse of a brownfield / greenfield site	Whilst it is accepted that this site is part brownfield and part greenfield it does form part of a wider site which housed a former power station. The overall site is considered to be previously developed and is a prime site for regeneration. This is given moderate - significant positive weight in the planning balance.
Loss of a sports pitch	There has been an objection from Sports England on the loss of a playing pitch. It is not considered that this would be a sustainable reason for refusal due to the fact that there is no evidence of a playing field on the site and there hasn't been for a number of years. This is given low negative weight in the planning balance
Sustainability	The development meets the 3 strands of sustainability. It will meet and economic need, a social need and an environmental need; although the site is located outside of the development boundary. This is given moderate positive weight in the planning balance.
Highway Considerations	Whilst there have been public objections in terms of highway considerations there is no objection from the Highway Authority and the applicant has provided adequate information to demonstrate that there will not be a server impact on the highway network which has been agreed with the Highway Authority. Furthermore the former use of the site was as a power station which would have generated traffic. The Highway Authority has confirmed that the proposal is acceptable.

	This impact sits neutral in the planning balance.
Landscape /Visual Amenity	It is accepted that the development will have an impact on landscape and visual amenity due to the scale of the buildings. However the overall site is industrial in nature and a similar building has already been granted consent on this site. It is not considered that the impact on the area given its context would be demonstrable. This is given low-moderate negative weight in the planning balance.
Pollution Issues incl residential amenity	There have been many public objections in respect of pollution issues and many of these relate to the existing operations at the Low Marnham site, which is not a material consideration in this planning application. The applicant has submitted various assessments in respect of the proposed development and these have been assessed by the Council's Environmental Health Officers and the Environment Agency who raise no objections. On this basis this sits as low negative weight in the planning balance as it has been demonstrated that any potential issues can be mitigated against, although it is accepted that there will be some impact on surrounding residential properties. Furthermore it should be remembered that an Environmental Permit will be required for the development and this is controlled via Environmental Health legislation not planning.
Biodiversity	The development of this site will see a net biodiversity loss in habitat. However the applicant proposes to use part of the wider site to provide an area of grassland and additional planting to achieve a 17% net gain in biodiversity. This is welcomed and is given moderate positive weight in the planning balance.
Heritage	It is not considered that this development will have a detrimental effect on surrounding heritage assets. Whilst the conservation officer raises concerns about odour this issue was deferred to Environmental Health who raise no objection in this regard. This issue sits neutral in the planning balance.
Flood Risk	The Local Lead Flood Authority raises no objections to this development subject to a planning condition which will ensure that the drainage strategy is acceptable and will not exacerbate flooding elsewhere. This issue sits neutral in the planning balance.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme should be granted planning permission.

Conclusion

This is a full application for the erection of two commercial units on the former High Marnham Power Station. The application has been subject to the tilted balance assessment and each consideration has been assessed in detail above.

Whilst it is accepted that the District does have a sufficient supply of employment land, this is a unique site with unique circumstances and the benefits arising from it as outlined in the planning balance and below outweigh the minimal harm.

It is considered that there are three negative impacts in the planning balance relating to pollution issues in respect of residential amenity (low weight) landscape character (low – moderate weight) and loss of a sports pitch (low weight). The positive impacts of the proposal relate to the creating of employment development which is given moderate positive weight in the balance. The fact that it is part of a wider brownfield site (albeit it is accepted the application site is a mixture of greenfield/brownfield) which is prime for a regeneration site is given moderate to significant positive weight in the balance. A net gain of 17% in biodiversity is given moderate positive weight. Furthermore regard has been had in respect of the existing operations of the future occupier and the fact that this development would support an existing business in a rural area which is supported in National policy and this is afforded significant positive weight in the balance.

Based on paragraph 11 of the NPPF there are no significant and demonstrable adverse impacts of the development that outweigh the benefits and accordingly the recommendation is to grant planning permission.

Recommendation:

- 1) Grant subject to conditions

Conditions/Reasons:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be in accordance with the following approved plans:
 - Site Location Plan Drawing Number 0170 Rev P02 received on 4th August 2022
 - Proposed Site Plan Unit A and Unit B Drawing Number 0172 Rev P09 received on 9th March 2022

- Unit A Proposed Ground Floor Plan Drawing Number 0175 Rev P04 received on 4th August 2022
- Unit A Proposed Roof Plan Drawing Number 0176 Rev P07 received on 4th August 2022
- Unit A Proposed Building Sections Drawing Number 0177 Rev P03 received on 4th August 2022
- Unit A Proposed Building Elevations Drawing Number 0178 Rev P06 received on 4th August 2022
- Unit A Proposed Ground, First and Second Floor Plan Drawing Number 0179 Rev P02 received on 4th August 2022
- Unit B Proposed Plan Drawing Number 0195 Rev P04 received on 4th August 2022
- Unit B Proposed Roof Plan Drawing Number 0196 Rev P06 received on 4th August 2022
- Unit B Proposed Building Sections Drawing Number 0197 Rev P03 received on 4th August 2022
- Unit B Proposed Building Elevations Drawing Number 0198 Rev P05 received on 4th August 2022
- Unit B Proposed Ground Floor, First Floor and Roof Plan Drawing Number 0199 Rev P01 received on 4th August 2022
- Travel Plan dated July 2022 received on 4th August 2022
- Transport Assessment Rev 4 dated December 2022 received on 14th December 2022
- Heritage Impact Assessment dated July 2022 received on 4th August 2022
- Landscape and Visual Appraisal dated July 2022 received on 4th August 2022
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated July 2022 received on 4th August 2022
- Odour Impact Assessment dated 31st May 2022 received on 4th August 2022
- Geophysical Survey dated January 2023 received on 20th January 2023
- Written Scheme of Investigation Archaeological Evaluation Geophysical Survey and Trial Trenching dated February 2023 received 13th February 2023
- Flood Risk Assessment and Drainage Management Strategy dated March 2023 received on 9th March 2023
- Ricardo Energy and Environment letter dated 6th December 2022 regarding odour received on 9th December 2022
- Ecological Impact Assessment dated December 2022 received on 7th December 2022
- Biodiversity Calculation received on 7th December 2022
- Baseline Habitat Plan received on 7th December 2022
- Proposed Habitat Plan received on 7th December 2022
- Letter dated 20th April 2023 regarding J G Pears current and proposed business operations and associated HGV movements.

Reason: For the avoidance of doubt

3. This permission relates only to the following uses and operator:
 Unit A - A Finished Product Despatch Warehouse Building (B8 Use) and Packaging Plant (B2 Use) Including Odour Abatement Plant and Solar PV for use by J G Pears in association with the existing site at Low Marnham
 Unit B - Raw Animal By-Product (ABP) Intermediate Storage Building (B8 Use) Incorporating Mechanical Processing Plant for Crushing, Freezing and Reloading (B2

Use) Including Odour Abatement Plant and Solar PV for use by J G Pears in association with the existing site at Low Marnham

Reason: The application documents relate to J G Pears operations and they have been assessed on the specific requirements of J G Pears in association with their existing site at Low Marnham.

4. The development shall be undertaken in accordance with the materials specified on the approved drawings unless otherwise agreed in writing by formal application to the Local Planning Authority

Reason: In the interests of visual amenity.

5. Before any construction occurs above damp proof course (DPC) full details of the boundary treatment for the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that the site is secure and in the interests of visual amenity.

6. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy, *HYD696_2NO.INDUSTRIAL.UNITS_FRA&DMS Rev 4, Betts Hydro Consulting Engineers, March 2023.*, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets.

Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.

- No surcharge shown in a 1 in 1 year
- No flooding shown in a 1 in 30 year
- For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm

- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.
- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness

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

7. Prior to any construction commencing on the site the Applicant shall submit to the Local Planning Authority a Construction Traffic Management Plan for the routing of vehicles exceeding 3.5 tonnes gross vehicle weight to and from the site. The Plan shall thereafter be implemented as approved and make provision for:
 - Monitoring of the approved arrangements during the construction of the development.
 - Ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements.
 - The disciplinary steps that will be exercised in the event of a default.
 - Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.
 - Wheel cleaning facilities and their use/retention.

Reason: To minimise the possibility of heavy construction traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety.

8. Prior to the development being first brought into use the Applicant shall submit to the Local Planning Authority a Delivery Traffic Management Plan for the routing of delivery vehicles exceeding 3.5 tonnes gross vehicle weight to and from the site. The Plan shall thereafter be implemented as approved and make provision for:
 - monitoring of the approved arrangements during the operation of the development.
 - ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements,
 - the disciplinary steps that will be exercised in the event of a default,

- appropriate signage to be erected to advise drivers of the vehicle routes

The approved arrangements shall limit vehicle movements above 3.5 tonnes to the north via Main Street and the A57, to the South via Hemplands Lane and Great North Road, and to the West via Polly Turners Lane and vice-versa and to no other routes.

Reason: To minimise the possibility of heavy traffic using inappropriate routes to and from the site in the interests of maintaining highway efficiency and safety

9. All vehicles transporting materials to and from the site shall be fully covered with sheeting prior to them leaving the application site and entering the public highway for the lifetime of the development.

Reason: To minimise the potential for debris to be deposited on the highway

10. Each industrial unit shall not be occupied until 10% of the car parking spaces have been fitted with an EV fast charging point (minimum specification - 7w Mode 3 with Type 2 connector, 230v AC 32 Amp single phase dedicated supply) and a further 10% have been fitted with the necessary infrastructure in accordance with details and locations to be first submitted to and approved by the Local Planning Authority.

Reason: To comply with paragraph 112 of the National Planning Policy Framework and in the interest of sustainable transport

11. No development shall take place until the implementation of a programme of archaeological work as detailed in submitted document 'Written Scheme of Investigation: Archaeological Evaluation: Geophysical Survey and Trial Trenching – Project Ref 07743D – February 2023'. All work will be undertaken in accordance the approved scheme and the applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: In the interests of archaeology

12. Except in case of emergency, construction operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: In the interest of residential amenity

13. Heavy goods vehicles should only enter or leave the site during construction between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: In the interest of residential amenity

14. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should include the following:

- Measures to control dust and impact on the adjacent Local Wildlife Site
- A lighting strategy
- Details of tree/hedgerow protection measures during construction
- Mitigation for, bats, birds, newts, reptiles, badgers and hedgehogs during construction
- Detailed mitigation strategy for barn owl.
- Details of tree felling and confirmation of supervision of all site clearance, tree removal and removal of vegetated habitats by a qualified ecologist (details to be submitted to the LPA 2 weeks prior to commencement of these works)
- A working methodology to be followed by site contractors

The development shall be undertaken in accordance with the approved details.

Reason: In the interests of residential amenity and biodiversity

15. Prior to occupation of the units a lighting strategy and plan for the operational period of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interests of residential and visual amenity

16. Prior to the occupation of development specific details of the odour abatement systems shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the submitted details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To provide clarification on the system that will be used and to ensure that there will not be an issue relating to odour arising from the development in the interests of residential amenity.

17. The proposed development shall not include any heat treatment of animal by product materials (i.e. rendering) and shall be undertaken in accordance with the details contained within the Ricardo Energy and Environment letter dated 6th December 2022.

Reason: To define the terms of the permission and for the avoidance of doubt

18. No development shall commence until a Biodiversity Enhancement Plan demonstrating a biodiversity net gain in accordance with the Biodiversity Metric received on 07 December 2022 and Proposed Habitat Plan received on 07 December 2022, comprising of a timetable for delivery and management plan, has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancements should follow the recommendations included in the approved ecological appraisal. The development shall be carried only in accordance with the approved scheme and shall be retained for the lifetime of the development.

Reason: To ensure that the optimal benefits of biodiversity are achieved

19. A full noise impact assessment, including any proposed mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any/each unit. The assessment should include full details of the noise effects of the scheme, including noise-generating elements and predicted off-site impacts for both day time and night time. The rating noise level of the proposed development, including the odour abatement systems should not exceed the existing prevailing background sound level at any residential receptor (daytime and night-time) when assessed in accordance with BS4142:2-14+A1:2019. The development shall be undertaken in accordance with the approved details and any mitigation should be retained for the lifetime of the development.

Reason: In the interests of residential amenity

20. The development shall be carried out in accordance with the travel plan dated July 2022 Ref: NT/210462/TP/2.

Reason: In the interest of sustainable travel.

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

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework

22. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 183 of the National Planning Policy Framework.

23. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework

24. No infiltration of surface water drainage into the ground by soakaway or infiltration SUDS on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 183 of the National Planning Policy Framework

25. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

26. No outside working or processing is permitted across the site unless otherwise agreed in writing with the LPA

Reason: To ensure that the level of noise from the development does not have a detrimental effect on residential amenity.

27. Before any construction occurs above damp proof course (DPC) level details of a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity

28. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within five years of their planting shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the landscaped areas are provided for within the correct timescales in the interests of visual, residential and ecological interests

Item No: a3

Application Ref.	22/01621/FUL
Application Type	Full Planning Permission
Site Address	Land Adjacent Manor Farm, Breck Lane, Mattersey.
Proposal	Erection of 24 Dwellings, Relocation of Manor Farmhouse, Construction of Agricultural Building, Garages, Onsite Roadways and Drives, Drainage and Attenuation Pond (24 Dwellings in Total - Phased Development)
Case Officer	Ellie Grant
Recommendation	Grant
Web Link:	Link to Planning Documents

The Application

Site Context

The application site is an open field on the east side of Breck Lane, to the south of Mattersey Thorpe. The topography is generally flat and it is defined with a boundary hedgerow along Breck Lane with some protected mature trees and a field access gate toward the south of the site. The site is within Mattersey Thorpe as defined in the Bassetlaw Local Development Framework; however, the site is within the Neighbourhood Plan boundary. The site is allocated within the Neighbourhood Plan for residential development for up to 25 dwellings.

Residential development for 17 dwellings has been undertaken to the north of the site (permission granted in 2019). As part of the development, a new vehicular access road 'Meadow View' was created with a foul sewage pumping station sited to the south of the road, on the north-west corner of this proposal site close to Breck Lane.

A watercourse runs through the centre of the site from the west of Breck Lane towards the east.

For the avoidance of doubt, clarity is given that the existing farmhouse to the north of the site 'Manor Farm' (has since been renamed renamed) and associated outbuildings are regarded as non-designated heritage assets. The former farmhouse has been advertised for open market sale. Relocation therefore refers to the inhabitants and associated agricultural operations; there will be no physical loss of an existing dwelling.

Proposal

The application proposes to develop 25 new dwellings in a mix of 2, 3 and 4 bedroom accommodation on an agricultural field to the east of Breck Lane.

The primary vehicular access into the site will be obtained from the abovementioned recent residential development on Meadow View, adjacent to the foul sewage pumping station, to provide a culdesac and private drive.

A secondary access will be provided to the south of the site to serve a new farmhouse and five dwellings. The farmhouse dwelling will be at the south-west end of the site and

One larger farmhouse dwelling is proposed at the south-west end of the site to be occupied by the applicant. This will be accompanied by an agricultural building for the purposes of domestic vehicle parking and storage of agricultural equipment.

As part of the development some land will be regraded to ensure the site can be adequately drained into an attenuation pond to the east of the site. The pond is accompanied by a landscaping strategy to deliver enhancements to biodiversity.

The farmhouse element of the development may come forwards separately to the wider development as a self-build dwelling, with the remainder of the development being a latter phase.

Development Plan and other Material Considerations

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town & Country Planning Act 1990 provides that the local planning authority shall have regard to the provision of the development plan, as far as material to the application, and to any other material considerations.

Other material planning considerations include the National Planning Policy Framework and guidance within the National Planning Policy Guidance.

Environmental Impact Assessment Regulations 2011

The proposal does not fall into any of the categories of development contained in Schedule 1 or 2 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 defined as requiring EIA Screening.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following paragraphs of the framework are applicable to this development:

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 5 – delivering a sufficient supply of homes

Section 8 – promoting healthy and safe communities

Section 9 – promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Bassetlaw District Council – Local Development Framework

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- CS9 – All other settlements
- DM4 - Design & character
- DM5 – Housing mix and density
- DM8 – The historic environment
- DM9 – Biodiversity and landscape character
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

Bassetlaw Draft Local Plan 2020-2038 – Emerging Policy

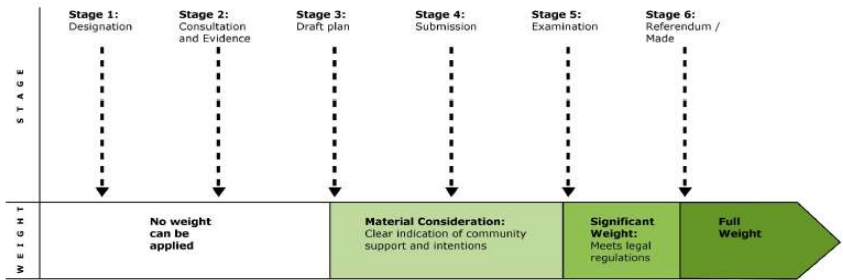
The Emerging Local Plan is awaiting the outcome of examination. As such, the policies in this plan are given limited weight in the decision making process at this point in time.

Neighbourhood Plan (including status and relevant policies)

The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. The Mattersey & Mattersey Thorpe Neighbourhood Plan was adopted at referendum in December 2019.

Though it is more than 2 years old, it contains site allocations for new development and so is considered to be up-to-date. It can therefore be accorded full weight. The relevant policies are:

- Policy 1 – Protecting the landscape character of Mattersey Parish
- Policy 2 – Design principles
- Policy 4 – Development affecting heritage assets
- Policy 5 – A mix of housing types
- Policy 13 – Land south of Breck Lane, Mattersey Thorpe



Other Relevant Guidance

- Successful Places SPD
- Bassetlaw Residential Parking Standards
- Nottinghamshire County Council Highway Design Guide
- National Model Design Code
- National Planning Policy Guidance
- Mattersey and Mattersey Thorpe Village Appraisal Aug 2017
- Mattersey Neighbourhood Plan Character Assessment

Relevant Planning History

Outline planning permission was granted on this site (with a slightly different red line boundary) under reference 20/00349/OUT. However, the associated reserved matters application was refused (reference 21/00661/RES) on the basis that the housing mix proposed was not reflective of housing need and because the levels change required on site would be inappropriate. The outline planning permission is extant and expires 4 September 2023; however as the red line boundary has changed to incorporate an attenuation pond, this application cannot be submitted in association with 20/00349/OUT.

The completed development to the north on Meadow View which is referenced within this committee report was granted planning permission under references 16/00505/OUT and 18/01411/RES.

Summary of Consultation Responses

Strategic Housing

No objections; There is a need for 2 and 3 bedroom dwellings. There would be a requirement for 35% of all units on site to be affordable, at least 10% of this should be available for affordable market homes. There is a requirement for 25% of all affordable housing to be allocated to First Homes.

Parks and Open Spaces

No objections; a contribution of **£17,808.00** towards the provision of improvements on the play area at Winston Green, Mattersey Thorpe should be secured.

Lead Local Flood Authority

No objections subject to condition.

Anglian Water

No comment; the development falls out of our statutory sewage boundary.

Isle of Axholme Water Management Board

No objections; there is an open water course which runs through the site. Agreement must be sought directly from the water board before any development to ensure adequate drainage.

Mattersey Parish Council

No objections; although some concern raised regarding an increase in traffic volume.

Police Designing Out Crime Officer

No formal objection but raised concerns that there is a high prevalence of burglary in this location and a lack of natural surveillance where the site meets open agricultural land. Suggested amendments to reduce the pedestrian permeability through the site as it would limit options for escape if criminals were to target the site. Also recommended amendments to enhance security in use of CCTV, street lighting and taller boundary treatments. Suggests that properties should be built to the 'Secured By Design' standard and details of ongoing management and maintenance of open spaces should be submitted.

Nottinghamshire County Council Highways Authority

No objections; subject to conditions for highway improvement works on Breck Lane.

Lincolnshire County Council Archaeology

No objections; identified several features of probable post-medieval date relating to field boundaries, however these are considered of low historical significance. No further works are required.

BDC Conservation

Objects: No concerns in respect of the general layout of the proposed residential development or the appearance of plots 1-11 and 13-25. However, raises concern in relation to the appearance of the farmhouse (plot 12) due to unsympathetic design and using a mix of architectural styles. Specific concerns are maintained in relation to the following elements:

- The prominently placed glazed gable along the front of the property;
- The vertical black cedar composite boarding;
- The modern suburban front door;
- The siting of the single storey range which projects from the front façade of the farmhouse;
- The modern front porch;
- The small scale of the buildings gable chimney stack

Nottinghamshire County Council Education

No objections; there is currently a surplus of primary and secondary education places in the area and so no contributions are required.

Nottinghamshire County Council Transport

No objections; requests **£15,700** for bus stop infrastructure. The Officer queried the need to provide free introductory bus passes and it was deemed appropriate to not require this by planning condition.

Nottinghamshire County Council Minerals and Waste

No objections; the developer should have regard to county mineral and waste plans. Noted that the site is within a minerals safeguarding area; materials excavated should be re-used in the development where practicable.

BDC Tree Officer

Further information required; raised concerns because the submitted tree survey does not show the locations and root protection areas in context of the proposed block plan and particularly, their relationship with proposed buildings and proposed passing bays on Breck Lane.

Nottinghamshire Wildlife Trust

No objections; the submitted surveys are completed to a high standard and the BNG trading rules have been satisfied. The development should be carried out in accordance with the recommendations made in the submitted ecological assessment.

Environmental Health

No objections; requested conditions in the interest of health and safety (contamination) and disturbance.

Summary of Publicity

This application was advertised by neighbour letter, site notice and press notice. 3 letters of objection have been received in regard of the following matters:

- Proposal is felt to not accord with neighbourhood plan allocation in terms of design and size
- Mattersey Thorpe is a small hamlet without the facilities and infrastructure to accommodate further large development
- Land levels to be raised which will be of detriment to the rural character of the village
- The increase of traffic will have a detrimental impact to highway safety as Breck Lane is only a narrow country lane
- No footways on section of Breck Lane so will increase conflict between pedestrians and cars and pose a safety risk
- Raising land levels could contribute to increased flooding
- Road diversions associated with construction in the area has necessitated closure of Breck Lane previously and is problematic for existing residents as there are limited alternative routes in/out of the village

A fourth objection from a member of the public at 2 Meadow View was received but was withdrawn and so is not considered as part of this report.

Objection has also been received from Councillor Depledge:

'Mattersey and Mattersey Thorpe are the quintessential small and charming English villages steeped in history and surrounded by conservation land. Therefore the Local Plan was given thorough thought and detail by residents in order to maintain the villages character and ethos, encompassing hundreds of years. Part of the heritage is to keep a status quo in certain situations including ground levels, characters of property and the roads which all have impact on the environment and residents themselves. This proposal does not meet any of the desired principles enshrined within the Local Plan and other Regulations thus it must not be permitted at all costs.'

Consideration of Planning Issues

Principle of the Development

Paragraph 12 of the NPPF is clear that the starting point when assessing the principle of development is the development plan. The Bassetlaw Development Plan comprises the Bassetlaw Core Strategy 2011 and the Mattersey and Mattersey Thorpe Neighbourhood Plan which was adopted in 2019.

The site is located outside of any development boundary as defined by the adopted core strategy 2011. Policy CS1 of the Bassetlaw Local Development Framework states that development will be restricted to areas within defined Development Boundaries. As this site does not sit within a development boundary, it is therefore considered to be development in the countryside. For the purposes of the Core Strategy policy DM3 should therefore be engaged.

Policy DM3 discusses general development in the countryside and sets out the context in which development in the countryside is considered to be acceptable. Development may be acceptable if for the conversion or replacement of buildings, development on brownfield land (in certain circumstances), or for agricultural/forestry buildings. It is understood that this land is previously undeveloped and does not meet the criteria outlined above.

The proposal is therefore inconsistent with the above core strategy policies. However it has been acknowledged through case law that if the Core Strategy policies are out of date when assessed against the guidance contained within the NPPF, the weight given to them when assessing the principle of development is reduced.

Notwithstanding the above context for development; there is a made neighbourhood plan for Mattersey and Mattersey Thorpe in which the site is included in the Neighbourhood Plan area. The Neighbourhood Plan is considered to be up to date in line with the guidance contained within paragraph 11 of the NPPF and accordingly the policies contained within it are given full weight. The Neighbourhood Plan is therefore the development plan for this area. The Neighbourhood Plan contains site allocations and most notably policy 13 allocates the application site for residential development of up to 25 dwellings. The development is therefore consistent with the Neighbourhood Plan in principle.

It is noted that the Emerging Bassetlaw Local Plan is awaiting the outcome of examination and so its policies cannot be given any significant weight. However, it is noted that within the emerging plan the settlement of Mattersey is regarded as a small rural settlement with a limited capacity for additional development. It is reiterated that this is not afforded any weight at this time; once the outcomes of the examination are known the policy weighting of this plan may change.

A further material consideration in respect of principle of this application is that Bassetlaw District Council has identified a 13.5 year land supply for housing.

Based on the above analysis the Neighbourhood Plan allocation establishes a principle of residential development on this site and this is the development plan for the area, therefore the principle of the development is consistent with the development plan subject to the below material considerations.

The following material considerations have been identified.

Sustainability of the Development

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The settlement of Mattersey is located within the open countryside and so has a limited amount of services. However, there is an established smaller residential settlement in this location and some local services.

In terms of the economic objective this development will assist the local economy by providing jobs through the construction and operational phases and will assist in the local economy by providing increased spending in the village and nearest town via new residents.

In terms of the social objective the overall development will provide a strong and healthy community by providing a range of different house types including the provision of a small number of bungalows which may be of benefit to elderly and specialist housing needs. A proportion of the development will also be required to provide affordable housing and first homes.

In terms of the environmental objective the development makes the efficient use of land adjacent to existing development. It is accepted that the site is currently a greenfield site and as such any loss to biodiversity or landscape must be mitigated against. This is discussed in more detail further in the report.

It is considered that the proposal is consistent with paragraph 8 of the NPPF.

Loss of Agricultural Land

Paragraph 174b of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and

ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

The site is a 1.79 hectare open field located within the countryside.

The NPPF notes that where development of agricultural land is necessary, areas of poorer quality of land should be preferred to those of higher quality. It regards land in Grade 1 and 2 classifications as the Best and Most Versatile ('BMV') agricultural land.

Case law has established that some limited loss of BMV land may be acceptable if there is a sufficient supply of agricultural land retained and if any loss of such land would deliver significant benefits which would outweigh the loss.

The field in question is Grade 3 agricultural land. It has been stated that the applicant retains 32 acres of agricultural land as part of their holding. Their trade has formerly been for egg farming but this has since declined and the trade will be diversified to cropping for hay. Land will be used for grazing for two flocks of sheep, with future plans for lambing.

Furthermore the site has been allocated in the made Neighbourhood Plan which has established the principle of residential development.

Whilst the loss of agricultural land is generally resisted, the site is not BMV land and there will be a good supply of agricultural land retained.

Housing Mix

Policy DM5 of the Core Strategy states that proposals will be expected to deliver housing of a size, type and tenure appropriate to the site and locality. Whilst the draft Bassetlaw plan only holds limited weight, Policy ST30 gives an up to date insight into the future housing approach in the District, stating that new developments should have an appropriate mix which should include a mix and type of market housing, affordable housing and specialist housing for older people and disabled persons informed by the Council's most up-to-date evidence of housing need, as identified in emerging Policies ST29 and ST31.

The Bassetlaw Strategic Housing Market Assessment (SHMA) identifies that a high level of affordable housing is needed within the District.

Policy 13 of the Neighbourhood Plan indicates that this site should deliver a mix of house types in accordance with the latest needs assessment. Policy 5 of the Neighbourhood Plan states that housing schemes are required to deliver a housing mix that reflects the demonstrable need for smaller (2 - 3 bed) market dwellings in the most recent Housing Needs Assessment.

The proposal initially raised concerns with the Local Planning Authority in that it was slightly weighted towards larger 4 bedroom dwellings. Amendments were therefore sought and the scheme now proposes the following housing mix:

- 3 x 3-bed detached dormer bungalows (plots 9, 10 and 11)
- 3 x 2-bed semi-detached bungalows (plots 13, 16 and 17)
- 6 x 3-bed semi-detached houses (plots 14, 15, 22, 23, 24 and 25)

- 2 x 3-bed detached houses (plots 4 and 5)
- 10 x 4-bed detached houses (plots 1-3, 6-8, 18-21).
- 1 x 4-bed detached farmhouse (plot 12)

It is noted that the Council's Strategic Housing department concurs with the neighbourhood plan in evidencing that there is a need for 2 and 3 bedroom units within this location.

The revised housing mix now demonstrates that 56% of the development will be weighted towards 2 and 3 bedroom properties with 44% delivering 4 bedroom properties. There is a mix of detached, semi-detached and bungalow properties to cater for a range of needs.

The design and access statement indicates that approximately 35% of units will be delivered as affordable housing. These are proposed to be allocated as plots 13-17, 22-25 (totalling 9 affordable dwellings).

The revised housing mix and provision of affordable housing satisfies Core Strategy policy DM5 and policies 5 and 13 of the Neighbourhood Plan.

Heritage Matters

Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.

A similar duty exists where the proposed development will be within a conservation area where section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Paragraph 194 of the NPPF states that when determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 195 of the NPPF states that local planning authorities should 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. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 197 of the NPPF states that in determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF states that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The NPPF identifies two levels of harm: substantial harm (paragraphs 200 & 201) and less than substantial harm (para 202). The courts have made it clear that there is no spectrum of degree of harm within the less than substantial harm category but, the more important a heritage asset is, the greater the weight to be attached to its preservation or the preservation of its setting, irrespective of whether the harm caused is substantial or less than substantial.

Para 203 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy DM8 of the Council's Core Strategy states that there will be presumption against development that will be detrimental to the significance of a heritage asset, proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported and the setting of an asset is an important aspect of its special architectural or historic interest and proposals that fail to preserve or enhance the setting of a heritage asset will not be supported.

Policy 4 of the Neighbourhood Plan states that the effect of a proposal on the significance of non-designated heritage assets, including their setting, will be taken into consideration when determining planning applications. Applications that are considered to be harmful to the significance of a non-designated heritage asset, especially full demolition, will require a clear and convincing justification. Proposals should minimise the conflict between the heritage asset's conservation and any aspect of the proposal.

The proposed development is to the south-west of the non-designated heritage asset which until late has been regarded as Manor Farm farmstead. As mentioned previously, the existing farmhouse is advertised for sale and the associated barns have previously undergone conversion into residential use.

The Conservation Officer has objected to the proposal in respect of the design of the new farmhouse referred to as plot 12. The objection is primarily made on the basis that there are contrasting architectural elements; some of which are regarded as modern and suburban on an otherwise traditional pastiche dwelling. The Conservation Officer regards that the resulting appearance and character is not visually congruous with the remainder of the development or the setting of the existing Manor Farm farmstead (non-designated heritage asset). This is stated to be compounded by the larger scale of the farmhouse in relation to the wider development.

In consideration of the extent of harm to the heritage asset in accordance with paragraph 203 of the NPPF, the harm considered is deemed to be low. Whilst the Conservation Officer has concerns in respect of the farmhouse, this dwelling is at the southern-most point of the development which is furthest from the heritage asset. Given the surrounding context of new development at Meadow View, the impact to the existing heritage asset farmhouse is not considered to be significant.

The design of the farmhouse shall be discussed in context of the wider development in the following section. The comments raised by the Conservation Officer are considered and it is acknowledged that the farmhouse will be approximately 9.2 metres tall to ridge height in a location with generally flat topography. The result will be a farmhouse which will be prominent along Breck Lane and from landscape vantage points.

The applicant has been willing to accommodate some amendments to the farmhouse and has made changes to the design of the doors and incorporated appropriate lintels; however more substantive changes have not been undertaken and so the objection has been sustained.

The above matters will be factored into the planning balance.

Archaeology

Paragraph 205 of the NPPF is also applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

As part of the previously granted outline planning permission 20/00349/OUT, archaeological investigation was undertaken at the site which revealed historic field boundaries, however these were regarded to be of low archaeological interest.

The County Archaeologist was consulted as part of this application and they are satisfied that no further archaeological investigation or remediation is required in light of the previous assessment.

Design, Layout & Visual Amenity

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 130) and permission should be "refused for development of poor design that fails to take the opportunities

available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes.

The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The District Council’s ‘Successful Places’ Supplementary Planning Document also provides guidance on improving the quality of design and attractiveness of residential development.

Policy 2 of the Neighbourhood Plan states that proposals for residential development should demonstrate a high design quality that enhances the distinctiveness and quality of Mattersey and Mattersey Thorpe and contributes to their rural character. Developments shall be completed in local materials; use low walls and hedgerows for boundary treatments; be of a scale and mass which provides views to the wider landscape; have a layout which integrates with the existing settlement pattern; have regular plots with consistent building lines; should landscape to provide a green soft edge where it meets the countryside.

Policy 2 goes on to specify that development in Mattersey Thorpe should offer an active edge to the street with windows (and doors where appropriate) overlooking the frontage; should ensure that the spaces at front and back are private; and should use regular plots with front gardens and on plot parking.

Policy 13 of the Neighbourhood Plan instructs that the design of this site shall incorporate a layout which reflects the rural and historic character of Mattersey Thorpe; and shall make use of traditional red brick and red clay pantiles.

Objections have been lodged from members of the public and Councillor Depledge in respect of design. Their comments raise concern that the proposal does not accord with the neighbourhood plan in terms of design and size. A full analysis will be made of the design of the proposed scheme, however it should be highlighted that the proposed quantity of dwellings is 25 which accords with criterion (A) of Policy 13 in the Neighbourhood Plan. It is also reiterated that these comments were made prior to amendments to the scheme and the proposal now reflects a greater mix of smaller dwellings.

Notwithstanding the above, an assessment of the visual impact of the scheme is as follows.

Layout

The site layout proposes the construction of 25 new dwellings on an agricultural field. This will make use of the existing access point adjacent to the pumping station at the north of the site in addition to a secondary access point to the southern end of the site. The internal layout splits the site in two with the northern side offering a linear cul de sac arrangement with 19 properties facing into the development. The southern access point will serve the proposed farmhouse and associated agricultural building and 5 other dwellings. Vehicles will not be able to manoeuvre through the split but pedestrian access is available to enable

connectivity throughout and connect dwellings to the main settlement area of Mattersey Thorpe to the north.

There is an open watercourse which runs from west to east, under Breck Lane and into the site in question.

It is proposed to culvert the dyke as part of the application with an easement at either side. This will provide a modest section of green space relatively centrally within the site which will connect to an attenuation pond located remotely to the east of the site.

It is noted that the layout does not offer an active frontage onto Breck Lane at the north side of the development as properties will face onto the cul de sac which runs centrally through the site. The properties rear elevations and gardens will consequently overlook Breck Lane. It was considered whether it would be beneficial to alter this but it is not considered to significantly detriment the character or quality of the development. The south of the site will have properties which overlook Breck Lane, facing north-west. This element will assimilate the development with the established pattern of development which exists to the north. As such, the cul de sac arrangement does not afford significant harm.

The gross density is approximately 14 dwellings per hectare which is considered to be low density. This is generally reflective of the surrounding density and rural character of Mattersey Thorpe.

Levels Change

A crucial part of the design of the scheme includes regrading of land to allow adequate drainage of the site into the proposed attenuation pond. This will also be discussed in respect of drainage, but the visual impact will be noticeable within the site.

Public objection has been received in relation to the proposed levels change, with concern that the change will erode the rural character of the village. This has been echoed in concerns raised by Councillor Depledge. This must be given due consideration.

Properties at the rear (south-east) of the site will undergo the most significant level change, raising by approximately 0.7 metres at plot 8. This has previously been reason for refusal in reference to 21/00611/RES, however it is noted that the proposed finished levels were up to approximately 1.6 metres higher and the dwellings were proposed to be both physically larger and taller in the previous application. Whilst it is acknowledged that some regrading will have to be accepted to make the site functional, the lesser change to topography when compared with the previous application is a welcome part of this scheme.

The impact of this visual change has attempted to be mitigated by setting the smaller dormer bungalows (plots 9-11) in the location where levels will increase the most. This will lessen the visual impact of the works required and sections have been submitted to satisfy the Authority that the resulting height of these properties will be reasonable and compatible with the remainder of the site and wider settlement.

It should be noted that the new farmhouse (plot 12) will not require any change to ground levels as adequate drainage can be achieved for this plot. As the adjacent plots will be on

higher ground, the visual impact of the taller ridge level at the farmhouse will be alleviated somewhat.

The Local Planning Authority is satisfied that good design has mitigated any significant harm posed by the land levels change.

Landscape Character Impacts

The Bassetlaw Local Development Framework contains policy DM4, which states that development should respect its wider surroundings in relation to landscape character. Similar advice is contained in paragraph 130 of the NPPF which states that development should be sympathetic to local character and the surrounding built environment. In addition, policy DM9 of the LDF states that that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting and expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated.

Policy 13(d) of the Neighbourhood Plan allocation requires inclusion of a landscape scheme that includes new landscaping around the periphery of the site using native species and retains the mature trees, mature hedgerow and stream, where possible. The reasons for the loss of any of the mature trees and hedgerow will have to be fully justified and subject to replanting with native species.

The site is located within the Idle Lowlands Landscape Character Zone and is covered by Landscape policy zone 5 (and is surrounded by policy zone 7 to the immediate north and south). Policy zone 5 largely characterises the landscape area as low lying arable farmland. The policy approach is to reinforce the rural character of the Policy Zone by concentrating new development around existing settlement; to enhance planting; and to reinforce the local brick vernacular. New development should take account of the distinctive ecological elements within the Policy Zone.

It is acknowledged that the topography on this site and surrounding area is particularly flat and so any development on this site will be highly visible from landscape vantage points. This will be somewhat intensified as the development site will have to be re-graded to assist with drainage. However, as discussed previously the levels changes are considered to be acceptable when compared with the previous application (21/00611/RES).

Notwithstanding the above point, the landscape impact of this development will be very similar to that previously approved to the immediate north at Meadow View (references 16/00505/OUT and 18/01411/RES). The scheme referenced has been completed and occupies land which was previously agricultural and is open in character with sparse landscape features. The introduction of dwellings therefore alters where the village terminates and this will span further south as part of the proposed scheme. The built form will encroach on the landscape in a similar manner and will be particularly visible from the southern point of Breck Lane and southeast on Ranskill Road. The impact of this will be mitigated somewhat by the traditional vernacular and materials palette throughout the development and by provision of a good scheme of soft landscaping.

Boundary treatments between plots are not yet known; however the perimeter boundary of the site will be demarked by a post and rail fence with a double planted hedgerow of native species. This is deemed to accord with paragraph (D) of the Neighbourhood Plan allocation and will ease the transition of the development into the open countryside setting.

Design

The scheme proposes a mix of house types. The dwellings at the northern end of the site are of simple design with a rectangular plan form and modest features of subdivided casement windows. The dwellings are proposed to be finished in red brick with pantile roofing, with a small number of plots which will use grey slate roofing. Dwellings will vary in terms of height and detailing; many dwellings will have porches and these will vary from brick lean-tos to timber canopy style porches. Dwellings will have brick or stone detailing to lintels. These features all add variety throughout the development and contribute to the rural character of the development and wider setting. These dwellings will be a high quality finish.

The southern end of the development site adds more variety into the development and makes greater reference to the rural character of the development. There are 5 dwellings which sit closest to Breck Lane which are made up of a detached bungalow and an adjacent arrangement of 4 dwellings which are all adjoined. The 4 dwellings appear as a mock barn conversion which would relate to the new build farmhouse which sits further back.

All of the dwellings will have reasonably sized rear gardens and have front gardens or soft landscaped areas to the front. All properties will have ample off-road parking or at least 2 allocated parking spaces. The site plan indicates that a good standard of hard or soft landscaping will be incorporated and full details of these matters will be secured by way of planning condition.

The farmhouse is undoubtedly the most prominent dwelling within this development due to its height at over 9 metres tall and large footprint. The design of the farmhouse has been subject to scrutiny during the course of the application as the Conservation Officer had raised concerns that the design encompasses a range of materials and detailing which detracts from the wider development. Most notably, the glazed gable frontage, use of black painted timber cladding and the height and large footprint of the dwelling are dissimilar from any other dwelling proposed on site.

The Planning Officer has taken the concerns raised by the Conservation Officer and challenged whether the height of the dwelling could be reduced to alleviate the prominence of this dwelling. However, it is acknowledged that other dwellings in this development are relatively tall with comparable dwellings (on plots 2, 3, 6-8) at 8.7 metres to ridge height. In consideration of this and the adjacent level changes, the contrast posed by the farmhouse is lessened as it would not appear particularly out of keeping with the rest of the site. It cannot be disputed that the farmhouse will have a notably large footprint, however much of the volume of the dwelling has been reduced through use of longer single storey buildings which are not uncommon in agricultural settings. This reduces the mass of the dwelling and many of the single storey aspects will not be highly visible due to screening from other dwellings within the development. The Conservation Officer's concerns that this dwelling would detract from the non-designated heritage asset (the original Manor Farmhouse) to the north has been considered. However, on balance, the harm to heritage is not considered to be

significant because the surrounding character has already been eroded somewhat by the recently completed residential development on Meadow View. The Meadow View development is a higher density and is considered more suburban in character than the current proposal. In consideration of the surrounding built context and the distance of the new farmhouse from the heritage asset, the planning officer would consider that the impact to heritage would not be significantly harmful to outweigh the principle of development.

In addition to the above residential elements, the applicant proposes to include an agricultural building to the southern end of the site which will be approximately 20 x 10 metres and 5 metres to ridge height. It will have a functional appearance and be completed materials to match the farmhouse. This building is proposed for the storage of agricultural equipment associated with the applicant's ongoing enterprise as well as offering additional parking for the occupants of the farmhouse. Agricultural buildings are not often assimilated into residential developments however the building is considered a reasonable scale and in this instance it is considered to aid in establishing an agricultural character associated with the farmhouse.

Overall, the impact of the proposed scheme in terms of visual amenity is deemed to be positive. The design and layout of the site is considered to preserve the rural character of Mattersey Thorpe and offer a good quality of residential development for future occupants. The choice of materials and detailing is considered to accord with the requirements contained within Policy 13 of the Neighbourhood Plan. As a matter of planning judgement, it is considered that the proposal conforms with the Neighbourhood Plan allocation and so objections raised in respect of design are not substantiated as material planning harm that would warrant refusal of permission.

Residential Amenity

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

3.11.11 of the Councils adopted Successful Places SPD states Proposals should not cause a loss of daylight, over-shadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity and goes on to describe how the impact of an extension on the daylight enjoyed by neighbouring occupiers can be assessed using the 45 degree rule.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes and assessment of noise and light impact.

The site occupies an edge of settlement position and will border agricultural land to the south and east, with the highway (Breck Lane) and further agricultural land to the west. The built up part of the settlement lies to the north. The closest properties to the development are a Bungalow to the north of the foul water pumping station and properties on Meadow View. Namely, 2 Meadow View has a side elevation which will be in proximity to the boundary of

plot 1. However, this is not considered to pose any harm in terms of loss of privacy, overshadowing or overbearing impacts. Plot 1, and other properties within the new development, will sit further west of the dwellings on Meadow View and will have a reasonable separation between them.

No. 14 and 16 Meadow View are sited to the rear of 2-6 Meadow View and are orientated with the rear elevations and gardens facing south-west. These properties will have a view of the new dwellings, however loss of view is not a material planning consideration. These properties will be situated at 90 degrees to the new dwellings and as such it is unlikely that there will be significant overlooking between elevations of these properties. There may be the potential of some overlooking between the gardens of these properties and the new builds when viewed from the first floor windows, however this is not uncommon in residential layouts. The gardens will be adequately screened from one another by the existing boundary fences on Meadow View and the proposed hedgerows which will be planted for the new build dwellings.

The proposed dwellings generally offer a good standard of amenity. There are no adverse impacts of overlooking or overshadowing within the development, likely due to the low density of the proposed scheme.

All new dwellings have rear gardens and front gardens or modest landscaped areas to the front. It is noted that some of the plots have smaller gardens (plots 4-5, 23-25) however these will all exceed the minimum size requirements outlined in the Successful Places SPD.

It is therefore concluded that there is an acceptable standard of amenity for existing and proposed users.

Safety by Design

Whilst no formal objections have been raised by The Police's Design Officer; suggestions have been made in review of the security of the proposed development and its vulnerability to crime.

Their main concerns were that the site meets open agricultural land with a lack of natural surveillance which offers an easy means of escape in the event of burglary. There are also concerns that the footpath running through the site would again offer easy means of escape.

Whilst their concerns are taken on board, the consideration given to them has to be balanced against other demands of residential developments. The footpath which runs centrally through the development is considered desirable for placemaking as it enhances permeability and connectivity through the site. It would also improve pedestrian safety to retain this footpath as the alternative would be travelling along Brecks Lane in which conflict with cars may be more likely.

Whilst the boundary facing onto open countryside could ease access into the new development, a post and rail fence is proposed on the perimeter of the development with double planted hedgerows. This may offer access initially but once the hedgerow matures it would be quite difficult to gain access through it. Consideration must also be given to the need for a soft transition into the open countryside landscape, as per the neighbourhood plan

allocation. Comparatively, a tall wall or fence as boundary treatment would be visually imposing and erode the rural character of this development within Mattersey Village.

For the reasons outlined above, amendments have not been sought in light of their comments. However, simple enhancements including appropriate lighting and encouragement for consideration of the secured by design standard could enhance the security of this development.

Highways Matters

Highway Safety

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Policy DM13 of the Bassetlaw Core Strategy seeks to enable developments which provide sustainable modes of transport.

Policy 13 of the Neighbourhood Plan relates to the site allocation at Breck Lane. The policy requires inclusion of a highways scheme that provides adequate road width to accommodate increased vehicle movements on this country lane.

The site proposes to connect to the highway network from Breck Lane. Breck Lane is a 50mph speed limit road which reduces to 30mph towards the north as it enters Mattersey Thorpe. Breck Lane is a single carriageway road when exiting to the south. Public objections have been raised, suggesting that further intensification of Breck Lane would pose a highway safety risk due to the increased volume of traffic on a single carriage width road. Further comments have raised concern that the development will necessitate the closure of Breck Lane which would be problematic for existing residents during development. It is inferred that this was a source of inconvenience whilst the residential development on Meadow View was carried out.

The Highway Authority has been consulted as part of the application and the applicant has provided amendments to the proposal to address any concerns. The Highway Authority has commented that it has no objections to the use of Breck Lane or concerns relating to traffic generated for this scale of additional residential development, subject to improvements to passing places on Breck Lane. This will require construction of two passing bays and improvement to the existing passing bay on this carriageway. A plan has been submitted to

the Authority to indicate the location of these bays which are of satisfaction and will be secured by planning condition.

The Highway Authority has not requested any further improvements to Breck Lane; though it is noted that the lane has already been subject to improvement works to the north in association with the residential development on Meadow View.

It is not known whether road closure would be necessary during the construction phase, however this would be dealt with by way of a section 278 agreement with the Highway Authority, who is the primary authority responsible for the safe operation of the network. Any works carried out will therefore prioritise safe vehicular and pedestrian movements. Whilst the Local Planning Authority does sympathise with the inconvenience this may pose, any closures would be temporary in nature during the construction phase and would therefore be a sufficient reason for refusal.

It is therefore concluded that the impact to the existing highway network will not be severe and accordingly would not warrant refusal of permission.

Access into the Development

The development proposes two points of access serving two separate cul-de-sac arrangements. The northernmost access point has already been established to serve the foul water pumping station. This will serve plots 1-11 and plots 18-25 via a cul de sac which extends to a private drive. The secondary access is situated at the south of the development. This will utilise an existing field access gate which will serve plot 12 (the farmhouse and associated agricultural building) and plots 13-17. These access points ensure adequate visibility for vehicles entering and exiting onto Breck Lane.

Parking

Plots 1-11 and 18-25 provide off-road parking in the form of long single-width driveways which will allow ample car parking in a linear fashion. These plots will have parking for at least 2 off-road parking spaces per dwelling. The driveways will be block paved and, for the majority of dwellings, will lead to a single detached garage sited to the rear of each dwelling. Plots 21-25 will not include garages, but retain sufficient parking to meet parking standards.

The dwellings referred to as plots 13-17 have a closer relationship than other dwellings on this site in order to have a pastiche agricultural/barn appearance. Parking for these plots is detached from these plots so as to not impose on the appearance or amenity of these buildings. Plots 14 and 15 have two allocated spaces each, whereas plots 13, 16 and 17 have only 1 space. This is acceptable as they are smaller dwellings and there are 3 visitor spaces to prevent adhoc parking within the development or on Breck Lane.

As established, the main farmhouse will have an agricultural building which will partially function as additional vehicle storage. The farmhouse itself will also contain a domestic garage and have a large area of hardstanding to the front of the property for additional vehicle parking.

It is noted that the Highway Authority and Environmental Health Officer requested a condition for EV charging points to be provided for all dwellings. It is advised that this is no longer

necessary by way of planning condition for housing developments as building regulations now mandate this for all new build dwellings.

Bin Collections

The provision of bin stores for each dwelling is required as part of any development so as to ensure adequate means of collection by a bin lorry and prevent any consequential harm to highway safety.

Full details of these have not been provided on the block plan for the properties served by the adopted carriageway on the northern part of the site; the Highway Authority is satisfied that this can be achieved. However, a communal bin store is provided on the kerbside for plots 8-11 to prevent any damage from the bin lorry to the private drive.

Advice was given that a communal bin store should also be provided for dwellings 12-17, adjacent to the vehicular entrance at the south of the site. This is shown on the proposed block plan and will provide satisfactory means of waste collection for these dwellings.

Public Transport infrastructure

NPPF Paragraph 112(A) states developments should facilitate access to public transport wherever possible.

It is acknowledged that Mattersey Thorpe is a rural settlement and therefore its connectivity to services and other settlements is somewhat limited. A travel plan has not been submitted in support of the proposal but this could be obtained by condition; however it is not deemed necessary by the Officer for this scale of development.

Inevitably, this site is likely to be reliant on private cars as the primary mode of travel for services which are not available within Mattersey and Mattersey Thorpe. This is often the case in rural settlements. Nottinghamshire County Council have made an assessment of the public transport infrastructure but have determined that they do not require contributions in respect of bus services. However, contributions have been sought to make improvements to the existing bus stop on Breck Lane which the developer has agreed to.

Pedestrian Infrastructure

Paragraph 112(A) of the NPPF states that developments should give priority to pedestrian and cycle movements.

Consideration of the safety associated with the proposed development more generally has been given earlier within this report and there is some overlap in relation to pedestrian safety. In consideration of pedestrian movements in the context of highway safety; there is considered to be adequate pedestrian infrastructure provided. A public objection raised concern that the termination of the pedestrian footway outside of the foul water pumping station (as existing) would be problematic if this development comes forwards as pedestrians will be required to walk on Breck Lane which may conflict with passing vehicles. The comments raised are a material planning consideration; however the concern is alleviated by the provision of pedestrian infrastructure within the development. The north-west access

point into the development will be supported by a footway which will lead to a footpath connection between plots 11 and 14. This will connect pedestrians travelling from plots 12-17 with the existing footways into Mattersey Thorpe. This is considered an appropriate solution as the vehicular speeds within the new development's cul de sac will likely be slower than that on the 50mph road where it reduces to 30mph.

It should be noted that the matter of street lighting was raised by the Police, in relation to safety of the development, which will in turn impact pedestrian safety. Street lighting is controlled within the Highway Authority agreements. However, a lighting scheme will also be requested by condition in the interest of security and impacts to biodiversity (which is discussed later in this report).

On the basis of the above matters, the Local Planning Authority is satisfied that provision has been made for pedestrians as part of the new development.

Open Space

The provision of useable open space is expected as part of good residential design. The proposed development is low density and offers a good balance of landscaping in the form of front and rear gardens.

Some incidental open space is shown centrally within the site as easement to the drainage ditch. This will remain an open drain and so will not be considered as open space per se as it will be required for the maintenance of the watercourse.

It is not expected that a site of this scale will offer a large quantity of public open space. However, a contribution will be sought for improvements to the local play area at Winston Green in Mattersey Thorpe.

Biodiversity and Trees

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.

- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- householder applications
- biodiversity gain sites (where habitats are being enhanced for wildlife)
- small scale self-build and custom housing

This is subject to change should any secondary legislation or further supplementary guidance be published by the Government.

An up-to-date ecological impact assessment, biodiversity enhancement plan and tree survey have been submitted during the course of the application.

Nottinghamshire Wildlife Trust has been consulted in respect of the submitted information and have raised no objections to the findings.

Ecology

The ecological impact assessment demonstrates that there are no significant impacts to existing species on site. The site does not contain significant habitats, though it is noted that trees and hedgerows within vicinity will not be impacted by the proposed development. There is no evidence of roosting bats on site but a scheme of lighting should be agreed to prevent undue disturbance to commuting bats along Breck Lane and bat boxes should be installed in dwellings.

There has been evidence of barn owls within the site and wider setting. An assessment was undertaken as part of the development associated with Meadow View which also makes reference to this site. It identifies that two alternative owl boxes have been sited away from the site to the east of the development. A third owl box is proposed as part of this development which is welcomed.

Biodiversity Net Gain

The ecological impact assessment identifies that there will be a loss of 3.5 habitat units due to the loss of the arable field. This is alleviated somewhat by landscaping within the development, but the remaining loss to habitat units will be 1.84 units. This equates to a -49% loss.

A scheme of off-site mitigation is proposed, with a section of enhanced woodland and the creation of an attenuation basin which will create new habitats. This will be remote from the development site which will prevent disturbance from human activity. This will change the position from a 1.8 unit loss to a net gain of 0.52 units (this is a positive gain of 14.52% from the position of loss). This figure improves further with enhancements to existing ecological features on site.

These enhancements are welcomed and would deliver a benefit to biodiversity. Future maintenance of these features will be secured within any legal agreement.

Trees and Hedgerows

The site has a series of trees along the north-west boundary along Breck Lane. 12 Oak trees in this row are protected by a tree preservation order and there are a number of other tree species alongside it.

A tree survey has been submitted to assess the health of these trees. Only one tree is proposed for removal (referred to as T11) due to poor health and evidence of dieback. This will be replaced with a tree of similar species.

The Tree Officer has not commented on the proposals within the schedule of works, however has raised concern that the submitted survey does not adequately demonstrate the span of the trees in context of the proposed development.

Whilst the Tree Officer's concerns are understood, the Planning Officer has compared the proposed block plan with the submitted tree survey and is satisfied that the trees can adequately be protected during development. There are trees in proximity to the southern access point and the root protection area of those trees will need to be preserved during any works for surfacing. This can be dealt with by a suitably worded condition for the submission of tree protection methods to prevent undue harm to those trees.

There are no buildings or structures proposed in proximity to the other trees along the roadside; these RPAs will mainly be occupied by gardens for the new dwellings. Again, the root protection trees will need fencing off during the construction phase of development to prevent any adverse impacts to their health and will be secured by planning condition.

There are no trees in proximity to the northernmost passing bay proposed, but the southerly passing bay proposed is in reasonable proximity to two trees. These trees are not likely to be impacted by the proposed location of the passing bay but it is noted that these are not of any particular merit or maturity.

It is noted that the hedgerow on the north-west boundary on Breck Lane will be retained and enhanced as part of the development alongside hedgerow planting on the perimeter of the site, on the south-west, south-east and north-east boundaries to ensure a soft transition of the development into the open countryside. This will further enhance the biodiversity contributions for this site.

Whilst the development will require some losses to ecology and one tree; the developer has satisfied the requirements of paragraph 180 of the NPPF and has delivered a net gain to biodiversity in anticipation of the emerging legislation.

Flooding/Drainage

The NPPF at paragraph 159 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 167 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The site is wholly in flood zone 1 which is the area that is least vulnerable to flooding. As the site is more than 1 hectare in size, a site specific flood risk assessment was requested by the Local Planning Authority.

The statutory consultees in this instance are the Lead Local Flood Authority (LLFA) and the Internal Drainage Board (IDB). The LLFA are consulted to ensure that the development does not increase the risk of flooding elsewhere in accordance with NPPF paragraph 167. The IDB are responsible for maintenance of an open drain which runs through this site and so the Board's consent is required following any grant of planning permission.

The site will be drained by means of infiltration and will discharge into the established watercourse which connects to the River Idle to the north-east. Surface water discharge will be directed to the east of the site to prevent any risk to new or existing dwellings. An attenuation basin is proposed to the east of the site which is physically detached from the housing development. This will collect any overflow of surface water run-off collected by means of infiltration and from the drainage ditch within the site.

The topography of this site is predominantly flat. In order to ensure adequate management of surface water drainage, the ground level will need to be increased for a number of the plots within the site. This has previously been discussed in respect of visual impacts; however there are no objections to this from a drainage perspective.

The applicant has engaged with the LLFA and IDB during the course of the application in relation to plans to culvert the ditch under the road which runs through the site, due to potential maintenance issues which might arise. In order to address these concerns the proposed site plan has been amended to show that the watercourse will remain open and a bridge will be formed to support the main road which runs through the site. It has also been made clear that there will be no structures or planting within 6 metres of the edge of the dyke to ensure access for the IDB for any future maintenance. The remainder of the drainage ditch will be culverted to the east and west of the road which runs through the site.

Foul drainage will connect to the existing pumping station located within the north-west corner of the site which is operated by Severn Trent Water. This has already been established to support the completed housing development on Meadow View (reference 18/01411/RES).

Public objection has raised concern that the proposed increase in land levels would increase risk of localised flooding. However, as demonstrated above, the level change has actually been implemented to alleviate the risk of flooding and ensure adequate methods of surface water drainage. This concern is therefore not substantiated.

The LLFA and IDB have raised no objections to the proposed drainage solution, subject to a condition for a detailed drainage scheme to be submitted and a condition to ensure the safeguard the drainage board's access to the open watercourse for maintenance.

Contaminated Land

Paragraph 183 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

Whilst the site has not previously been developed, it has been in use for agricultural purposes historically. The Environmental Health Officer (EHO) has noted that there is a potential for contamination at the site as a result.

In consideration of the larger scale of development and the sensitivity of residential use, a condition was recommended to undertake an investigation of contamination on this site. This has been submitted by the applicant at a late stage of the application to the satisfaction of the EHO. A condition will be included to ensure verification and remediation evidence is submitted to the Local Authority to ensure that the site is free from contamination before it is brought into use.

Planning Obligations

Paragraph 55 of the NPPF allows Local Planning Authorities to consider whether an otherwise unacceptable development could be made acceptable through the use of planning conditions or obligations.

Paragraph 57 of the NPPF sets out the relevant tests in respect of planning obligations which are as follows:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The scheme as submitted requires the following infrastructure requirements and developer contributions in line with the NPPF tests outlined above:

- A Bus Stop Infrastructure contribution of **£12,700** is paid to provide improvements to the bus stops on Breck Lane denoted BA0205 and BA0946 and shall include real time bus stop poles & displays including electrical connections and a bus stop pole and raised boarding kerbs at BA0946.
- A contribution of **£17,808.00** towards the provision of improvements on the play area at Winston Green Mathersey Thorpe
- Highways improvements to implement improved passing places on Breck Lane

- A scheme for the maintenance of the biodiversity enhancements proposed for a period of 30 years
- A contribution for the maintenance of drainage for the lifetime of the development
- A requirement for 35% of all units on site to be affordable (of this 10% should be for affordable market homes and 25% should be for 'First Homes')

No contributions have been sought from Nottinghamshire County Council at this time in respect of education as there is a surplus of school places at primary and secondary level in this location.

The County Council had suggested that a free introductory bus pass be provided for new residents upon completion of the development. This was queried during the application process as it was not considered proportionate to the relatively small scale of development proposed. As such, this has not been included by way of planning condition and the County Council have verbally agreed to this.

The above terms have been agreed by the applicant and these will be secured in the form of a Section 106 agreement which will need to be submitted prior to any permission being issued.

Objections have been lodged from members of the public stating that the village does not have the infrastructure or facilities to support further residential development. However, this is not substantiated as material planning harm because the site has been allocated for development within the Neighbourhood Plan which, as stated, is up to date and the applicant has agreed with the above planning obligations which mitigate against its impact. On this basis this would not be a sustainable reason for refusal.

It is considered that the above obligations meet the tests outlined in paragraph 57 of the NPPF.

Conclusion

Whilst the Council can demonstrate a 5 year supply of housing, case law has determined that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is considered to be limited in decision making. However, there is a made Neighbourhood Plan for Mattersey and Mattersey Thorpe which is considered to be up-to-date.

Paragraph 11 makes it clear that developments which accord with an up-to-date development plan should be approved without delay. The site is allocated for residential development within the Neighbourhood Plan. A full assessment has been undertaken to examine whether the proposal meets the criteria for new development set out in Policy 13 of the Neighbourhood Plan alongside all other material considerations.

It is acknowledged that there are some limitations of the site which relate to the impact to heritage and disturbance to residential amenity during construction. Most notable of these is an objection from the Conservation Officer in respect of the detailing of the farmhouse at Plot 12. However, design is a matter of planning judgement in which heritage concerns are only

one aspect. When taken as a whole, the proposed development scheme is considered to respect the rural vernacular and character of Mattersey Thorpe.

There is some degree of harm posed by other matters; notably in terms of trees and ecology, however the impacts are offset by a quality scheme of ecological mitigation and enhancement, including the delivery of a gain to biodiversity which exceeds current policy requirements.

This committee report has found that there are no significant matters of harm which would outweigh the principle of development and it is considered that the development would be high quality and would meet the criteria set out within Policy 13 of the Neighbourhood Plan. Accordingly the officer recommendation is to grant planning permission subject to a legal agreement for the aforementioned developer contributions and the following conditions.

Recommendation:

Grant Subject to conditions and Section 106 agreement

Conditions/Reasons:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. This permission shall be read in accordance with the following approved plans and assessments:

- Site Plan Dwg 4A Published by the Authority 22/12/2022
- Amended Block Plan Dwg 1F published by the Authority 11/05/2023
- Updated House Types Schedule published by the Authority 20/04/2023
- Sections Through Site Dwg 13A published by the Authority 31/03/2023
- House Type A Floorplans and Elevations Dwg 6 published by the Authority 01/12/2022
- Amended House Type B Floorplans and Elevations Dwg 7B published by the Authority 20/04/2023
- Amended House Type C Floorplans and Elevations Dwg 8A published by the Authority 20/04/2023
- House Type D Floorplans and Elevations Dwg 9 published by the Authority 01/12/2022
- Amended House Types E and F Floorplans and Elevations Dwg 10B published by the Authority 20/04/2023
- House Type G Floorplans and Elevations Dwg 11 published by the Authority 01/12/2022
- Amended House Type H Floorplans and Elevations Dwg 15A published by the Authority 20/04/2023

- Proposed Garage Floorplans and Elevations Dwg 12 published by the Authority 01/12/2022
- Amended Plot 12 Proposed Elevations Dwg 2A published by the Authority 31/03/2023
- Plot 12 Proposed Floorplans Dwg 3 Published by the Authority 01/12/2023
- Proposed Steel Frame Building Floorplans and Elevations Dwg 5 Published by the Authority 01/12/2023
- Flood Risk Assessment with Drainage Statement by Armstrong Stokes and Clayton Ltd dated February 2023
- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by BJ Collins dated February 2023.
- Biodiversity Plan Dwg 14A Published by the Authority 27/02/2023.
- Phase I Geo-environmental Assessment by Geomatters dated February 2023

Reason: to define the terms of the permission and for the avoidance of doubt.

3. Development shall not commence until a scheme for the phasing of the development hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in an appropriate manner and as envisaged by the Local Planning Authority.

4. The development hereby permitted shall be in accordance with the submitted finished land levels and finished floor levels shown in drawing 13A published by the Authority on 31 March 2023.

Reason: To ensure the satisfactory development of the site, without undue harm to the streetscene or landscape.

5. No phase of development shall commence until Stage 3 remediation and verification measures identified by the Phase I Geo-environmental Assessment by Geomatters dated February 2023 have been carried out for that phase and the reports submitted and agreed in writing by the Local Planning Authority. In order to comply with the above condition, the proposal should comply with Land Contamination: risk management guidance found at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> and "BS 10175:2011+A2:2017 Investigation of potentially Contaminated sites - Code of practice".

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing

by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the site, when developed, is free from contamination, in the interests of safety'.

7. No works relating to deliveries, site preparation or construction for any phase of development shall take place outside 08:00 and 18:00 hours to Monday to Friday; 08:00 and 13:00 on Saturdays and not at all on Sundays or Bank Holidays.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site.

8. No dwelling shall be occupied in any phase until the existing site accesses on to Breck Lane that has been made redundant as a consequence of this consent are permanently closed and the access crossings are reinstated as verge where not replaced by the development access arrangements hereby approved.

Reason: In the interest of highway safety.

9. Prior to the occupation of plots 8 to 11 and 12 to 17 respectively the communal bin stores detailed on drawing reference 1A shall be provided in a hard bound material and retained for the lifetime of the development

Reason: To ensure bins do not obstruct the footway and visibility splays from accesses, and to ensure bins are accessible from the roadside in the interest of highway safety.

10. If any phase of development exceeds one dwelling, a Stage 1 Road Safety Audit (generally in compliance with GG 119) covering the Breck Lane highway works as detailed on plan reference 4A shall be submitted to and approved in writing for that phase by the Local Planning Authority before construction occurs above damp proof course (DPC) level.

Reason: In the interest of general highway safety and sustainable travel.

11. If any phase of development exceeds one dwelling, no dwelling in that phase shall be occupied until the passing places and improvements to the existing Breck Lane layby have been constructed as shown on Drawing No. 4A or as amended by the approved Road Safety Audit.

Reason: To provide adequate passing places on Breck Lane to the south of the development in the interest of general highway safety.

12. No phase of development shall commence until a Construction Method Statement (CMS) for that phase has been submitted to and has been approved in writing by the Local Planning Authority including a works programme. For each part of the works programme (i.e., site clearance, foundations, structures, roofing, plumbing, electrics, carpentry, plastering, etc.) the CMS shall include:

- a quantitative assessment of site operatives and visitors,
- a quantitative assessment of the size and number of daily deliveries,
- a quantitative assessment of the size, number, and type of plant,
- a plan identifying any temporary access arrangements,
- a plan of parking for site operatives and visitors,
- a plan of loading and unloading areas for lorries and plant,
- a plan of areas for the siting and storage of plant, materials, and waste, and
- the surface treatment of temporary access, parking and loading and unloading areas
- noise method statements and noise levels for each construction activity including any piling and excavation operations
- dust, dirt and vibration method statements and arrangements
- details of site lighting during construction

The first action on commencement of development for that phase, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CMS and thereafter any temporary access, parking, load and unloading, and storage areas shall be set out and utilised in accordance with the approved CMS and programme. The designated parking, loading, and unloading, and storage areas shall be used for no other purpose during the respective part of the programme.

Reason: To minimise the impact of the development on the public highway during construction in the interest of highway safety.

13. Before any construction occurs above damp proof course (DPC) level for any one phase of development, details of the proposed arrangements for the management and maintenance of the streets (prior to an agreement being entered into under Section 38 of the Highways Act 1980) including associated streetlight and drainage shall be submitted to and approved by the Local Planning Authority for that phase. The streets including streetlighting and drainage shall for the lifetime of the development be maintained in accordance with the approved private management and maintenance details unless an agreement has been entered into under Section 38 of the Highways Act 1980 at which point those streets covered by the agreement will not be subject to the approved management and maintenance details.

Reason: To ensure that the street infrastructure is maintained to an appropriate standard.

14. No dwellings within any one phase of the development shall be occupied until the streets and footways affording access to those dwellings have been completed up to binder course level and are street lit. The streets and footways shall be surface coursed prior to the last occupation for that phase.

Reason: To ensure that the streets serving the development are sufficiently completed and are available for use by the occupants and other users of the development in the interest of highway safety.

15. Plots 12 to 17 shall not be occupied until such time as the path to the rear of plots 13 to 18 detailed on plan reference 1A is in place and the proceeding footway connection to Breck Lane is available for use. Rear pedestrian and cycle access from the roadway detailed on plan reference 1A shall remain available for use by plots 12 to 17 for the lifetime of the development

Reason: To reduce the potential for residents to walk with the Breck Lane carriageway in the interest of highway safety.

16. No dwelling shall be occupied in any phase until such time as the access and parking area to that dwelling has been provided in a bound material (not loose gravel) and which shall be drained to prevent the unregulated discharge of surface water onto adjacent roads and footways.

Reason: To ensure appropriate access and parking arrangements are available, to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.), to minimise the chance of highway flooding and severe icing, and in the interest of highway safety.

17. Before any construction occurs above damp proof course (DPC) level for any one phase of development, a management plan for the highway boundary hedgerow relevant to that phase shall be submitted to and approved in writing by the Local Planning Authority. The boundary shall be maintained in accordance with the approved management plan for the lifetime of the development.

Reason: To ensure that the boundary hedgerow is appropriately maintained in the interest of highway safety and in the interests of biodiversity.

18. All vehicles preparing to leave the site during the construction period for any phase shall have their wheels thoroughly washed should they be displaying signs of mud or debris and a mechanically propelled road sweeper shall be employed should mud or debris be transported onto the public highway immediately following each occurrence until such time as all mud and debris has been removed.

Reason: To minimise the exportation of mud and debris onto the public highway and to ensure that this is appropriately dealt with in the interest of highway safety.

19. No gates or other obstacle shall be erected on the driveway to plots 12 to 17 within 12.0m of the Breck Lane site boundary. If any gates are hung outside of that area, they shall be hung so not to open outwards.

Reason: To ensure that large saloon cars and rigid delivery vehicles can clear the public highway without obstruction in the interest of the free flow of traffic and in the interest of highway safety.

20. No development, structures or planting, whether permitted by the Town and Country Planning Act or not, shall be retained, erected, planted or allowed to grow within six metres of the top banks of the Board maintained watercourse to both the North and

South sides of the watercourse. These areas of land shall be kept clear at all times to allow access for maintenance activities to be undertaken to the watercourse for the lifetime of the development.

Reason: To allow for the adequate maintenance of the watercourse which runs through the site.

21. Before any construction occurs above damp proof course (DPC) level for any one phase of development, details of the method of constructing the proposed access road over the watercourse for that phase shall be submitted and approved in writing by the Planning Authority after consultation with the Internal Drainage Board and Highway Authority. Once agreed the watercourse crossing shall be constructed in accordance with the approved details and retained and maintained where relevant for the lifetime of the development.

Reason: To allow for the adequate maintenance of the watercourse which runs through the site.

22. No development shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy referred to as Manor Farm, Breck Lane, Mattersey Thorpe, FRA with DS, February 2023 by Armstrong Stokes & Clayton Limited, and Block Plan Drawing no. 22_2030 1E, by Derek Kitson dated 26/04/23, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:

- Include a timetable for the implementation of drainage infrastructure
- Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753 and NPPF Paragraph 169.
- Limit the discharge generated by all rainfall events up to the 100 year plus 40% (climate change) critical rain storm to QBar rates for the developable area.
- Provide detailed design (plans, network details, calculations and supporting summary documentation) in support of any surface water drainage scheme, including details on any attenuation system, the outfall arrangements and any private drainage assets. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods.
 - No surcharge in a 1 in 1 year
 - No flooding shown in a 1 in 30 year
 - For all exceedance to be contained within the site boundary without flooding properties in a 100 year plus 40% storm.
- Evidence to demonstrate the viability (e.g Condition, Capacity and positive onward connection) of any receiving watercourse to accept and convey all surface water from the site.
- Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.

- Evidence of approval for drainage infrastructure crossing third party land where applicable.
- Provide a surface water management plan demonstrating how surface water flows will be managed during construction to ensure no increase in flood risk off site.
- Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term effectiveness.

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

23. Before any construction occurs above damp proof course (DPC) level for any one phase of development, a specification of all hard surfacing to be used on site for that phase shall be submitted and agreed in writing by the Local Planning Authority. The development shall only be carried out in accordance with the agreed specifications.

Reason: To ensure the satisfactory appearance of the development; to ensure the development preserves the character of the village which it is located in.

24. Before any construction occurs above damp proof course (DPC) level for any one phase of development, samples of all external materials to be used in the phase shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed specifications.

Reason: To ensure the satisfactory appearance of the development; to ensure the development preserves the character of the village which it is located in.

25. Before any construction occurs above damp proof course (DPC) level for any one phase of development, full details and specifications of all new boundary treatments for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The information submitted shall include details of all wall/gate/fence materials, designs, and finishes. The completed boundary treatments shall only be erected in accordance with the agreed details and retained as such for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure the completed boundary treatments help to preserve the character and appearance of Mattersey Thorpe; to ensure the development is in accordance with the Neighbourhood Plan.

26. Before any construction occurs above damp proof course (DPC) level for any one phase of development, a scheme for tree planting and soft landscaping for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented within nine months of the date when the last dwelling on that phase is first occupied. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting

shall be replaced by trees or shrubs of a size and species similar to those originally required to be planted.

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surroundings.

27. Before any phase of development commences, a tree protection plan shall be submitted to and agreed in writing by the Local Planning Authority for that phase. The works to trees shall only be in accordance with the agreed scheme for that phase.

Reason: To ensure that the development is carried out in a way which safeguards the health and amenity of the trees.

28. The works hereby granted consent shall be carried out only in accordance with the submitted tree works schedule by Steven Burrows of Advanced Tree Care Ltd, published by the Authority on 31st March 2023.

Reason: To ensure that the works are carried out in a way which safeguards the health and amenity of the tree(s).

29. All site clearance work and works to trees shall be undertaken outside the bird-breeding season (March - September inclusive). If clearance works are to be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds in such manner and to such specification as may have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that birds nests are protected from disturbance and destruction.

30. Details of all outdoor lighting to be erected on each phase of the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the erection of any such lighting. The details shall include the height, direction and level of illumination of all lights. Any lighting shall be implemented in accordance with the approved details prior to first occupation of that phase.

Reason: To safeguard the amenity of residents; in the interest of surrounding biodiversity.

31. The development shall be carried out in accordance with the submitted Barn Owl Mitigation Plan by Whitcher Wildlife Consultants dated 26th March 2021.

Reason: In the interest of biodiversity.

32. A scheme of enhancement for bat and bird species shall be included within the design of all new dwellings in accordance with the recommendations contained within section 7 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by BJ Collins dated February 2023.

Reason: In the interest of biodiversity.

33. Before any construction occurs above damp proof course (DPC) on any phase, a statement including the following details shall be submitted to and agreed by the Local Planning Authority:

- A timetable demonstrating when the off-site biodiversity enhancements recommended within section 8 of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment by BJ Collins dated February 2023 will be carried out.
- A detailed scheme for management of the biodiversity enhancements including a monitoring plan for a period of 30 years.

The development shall be undertaken in accordance with the approved details.

Reason: In the interest of biodiversity.

34. The agricultural building hereby permitted shall be used only for the purposes of agriculture or vehicle storage.

Reason: Alternative uses may give rise to nuisance for nearby dwellings and the Local Authority wishes to reconsider the impact if any alternative uses were proposed.

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Item No: a4

Application Ref.	23/00410/CDM
Application Type	County Council Development
Site Address	Former Ash Disposal Lagoons, South Of Lound, Retford.
Proposal	County Matter Application for the Extraction, Processing and Export of Pulverised Fuel Ash From Former Ash Disposal Lagoons and Their Progressive Restoration, and Associated Development Including Earthworks, Dewatering and Soil Storage, Ponds and Excavations, Hard and Soft Surfacing and Landscaping and Boundary Treatment, Buildings and Structures, Plant, Conveyors, Utility Connections, Roadways, Parking, Drainage and Ancillary Development
Case Officer	Jamie Elliott
Recommendation	RNO - No Objection
Web Link:	Link to Planning Documents

The Application

Site Context

The Site is an irregular shape and covers an area of approximately 113.55 hectares.

The area in question is predominantly rural/agricultural in character, with much of the Site used for grazing. The area has an extensive history of sand and gravel extraction; previously being quarried for sand and gravel, after which the resulting void was converted to form raised Pulverised Fuel Ash (PFA) disposal lagoons to take waste material via pipeline from Cottam Power Station.

The site is located approximately 750m to the east of Sutton-cum-Lound and approximately 500m to the south of Lound.

Belmoor Farm, Low Farm and Sutton Grange lie adjacent to the application site.

The site is within an area of Archaeological Interest.

Sutton and Lound Gravel Pits SSSI is located to the North of the site.

The site falls within Flood Zone 2.

Proposal

The application seeks planning permission for the extraction of pulverised fuel ash ('PFA') from former ash disposal lagoons located on land to the east of Sutton-cum-Lound, together with associated development.

The applicants have indicated that in 2015, approximately 3.28 million tonnes per year of PFA was used by the building products industry, with the remainder going to disposal sites.

There has historically been an oversupply of PFA in the UK, with more produced by coal-fired power stations than could be used by the building products industry. Large quantities have therefore historically been sent to disposal sites and stored as a waste material.

However following the government's announcement to close coal power stations, an alternative source of PFA will be required to maintain supplies to the building industry.

As an alternative to importing PFA, from the continent of farther afield, would be to recover PFA from disposal sites, such as those located at the application site.

The applicants argue that the proposed development, if approved, would make a substantial contribution towards meeting the national demand for PFA.

In total, extraction is expected to take around 22 years at a rate of approximately 300,000 tonnes per annum.

A temporary construction compound would be required for the installation of the infrastructure. This would be located on existing hardstanding at the Site. Temporary cabins, to be used for site offices and welfare facilities are proposed. Welfare facilities would be installed as required by the Construction (Design and Management) Regulations 2015.

It is proposed that power would be provided by connection to the local electricity network and/or a new combined heat and power plant, with backup/an alternative provided by a diesel generator(s) banded to 110% diesel capacity. Water for the welfare facilities would be provide by existing utility connections at Area.

Pre-extraction works

Construction activities would include, but are not limited to, the following:

- *Delivery and installation of extraction and processing plant;*
- *Erection of buildings and other structures;*
- *Connection of utilities;*
- *Site drainage works;*
- *Laying of foundations, hardstanding and haul roads;*
- *Importation of all necessary construction materials, including engineering clay or similar for capping, void lining and drainage works, and soil for restoration, as necessary;*
- *Earthworks and soil movements; and*
- *Any other necessary engineering and electrical works.*

Construction activities would be confined to the hours of 07:00 to 19:00 on weekdays and 07:00 to 13:00 on Saturdays, with no working on Sundays or Bank Holidays.

In some circumstances (for example concrete pouring), it may be necessary to work outside of these hours and, in these circumstances, permission would be sought from NCC.

Operational Development

Once operational, the Proposed Development would comprise the following main elements:

- *Extraction;*
- *Screening and Shredding;*
- *Processing; and*
- *Export by road.*

PFA would be extracted by mobile excavators and/or motor scrapers.

Mobile screening and shredding plant would be used to pre-process the PFA at the on site Processing Areas to the required grade by separating out lumps of material into smaller particles.

The main processing site would consist of:

- Material storage buildings;
- Conveyors, including a gantry over the site access road;
- Drying modules (up to 10x individual modules), cyclones and storage silos; • Internal access roads and hardstanding;
- Offices, canteen and laboratories – in a co-located area of single storey cabins;
- Combined heat and power (CHP) plant – providing power and heat for the drying plant and other components, along with possibly a connection to the local electricity distribution network;
- Gas tanks and delivery infrastructure, and/or a gas main connection;
- Staff car park;
- Yard and storage area; and • Wheel wash and weighbridge.

Export to Road.

PFA would be loaded into 30 tonne articulated powder tankers/sheeted wagons (hereafter referred to as 'HGVs') that would be filled using a closed pipework from the silos or straight from the enclosed material storage building. The HGVs would pass over a weighbridge on arrival and before departure from the Site and, if necessary, on departure a wheel wash and/or jet wash would be utilised to clean vehicles.

It is estimated there would be up to 136 daily vehicle movements (96 HGVs and 40 car movements) as a result of the operation of the proposed development.

Hours of Operation.

The operating hours for extraction and HGV exports would be limited to the following:

- 07:00 and 19:00 Monday to Friday; and
- 07:00 to 13:00 Saturday, and
- No extraction activities or imports are proposed for Sundays or Bank Holidays.

Site Restoration.

The restoration scheme would include reinstatement of some of the existing farming activities, including grazing of the site and habitat management using sheep. The proposed

habitats include wet grassland, species-rich grassland, reed beds, woodland, and water bodies. It is anticipated that there would be a significant improvement on the current habitats at the Site.

Development Plan and other Material Considerations

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

National Planning Policy Framework

The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.

Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.

Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up to date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission shall be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The following paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development

Para 8 – Three strands to sustainable development

Para 10 – Presumption in favour of sustainable development

Para 11 – Decision making

Para 12 – Development plan as the starting point for decision making

Para 33 – Strategic policies in development plans should be reviewed every 5 years.

Para 38 – Decision making should be done in a positive way.

Para 55 – Planning conditions to be kept to a minimum and to meet the tests.

Para 56 – Planning obligations

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 96 – provision of high quality open space and opportunities for sport and physical activity.

Para 108 – 110 – Highway safety

Para 117 – Making effective use of land

Para 124 – Good design is a key aspect of sustainable development.

Para 130 – Poor design should be refused permission.

Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.

Para 163 – New development must not increase the risk of flooding elsewhere.

Para 170 - Decisions should contribute to protecting and enhancing the natural and local environment.

Para 178 – Planning and pollution

Para 180 - Development and its effect on health.

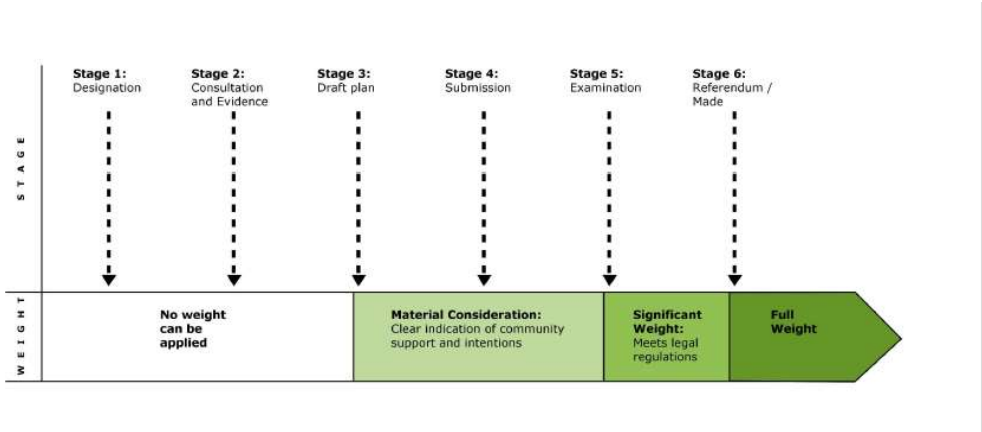
Bassetlaw District Council – Local Development Framework

Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):

- CS1 - Settlement hierarchy
- CS9 – All Other Settlements
- DM1 – Economic Development in the Countryside
- DM4 - Design & character
- DM9 - Delivering open space and sports facilities
- DM13 - Sustainable transport

Sutton-cum-Lound Neighbourhood Plan

The Sutton cum Lound Neighbourhood Plan was made in March 2021. The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. It can therefore be accorded full weight.



The relevant polices are as follows:
Policy 8 – Improving green infrastructure
Policy 9 – Highway safety

Relevant Planning History

There is no relevant planning history

Summary of Consultation Responses

Whilst Nottinghamshire County Council are the determining authority for this application and responsible for carrying out of consultations, the district council has received comments from the **Blyth Parish Councillors objecting** to the increase in HGV movements on the surrounding road network.

Summary of Publicity

Notwithstanding that Nottinghamshire County Council are the determining authority for this application and responsible for carrying out of consultations, **14 Letters** have been received from **Local Residents objecting** to the development on the following grounds:

1. Health Risks associated with dust, asbestos and other pollutants;
2. Noise and disturbance generated by extraction and processing activities;
3. Would be detrimental to the peace and tranquillity of the area;
4. Would have detrimental impacts on the tourism in the area and nearby holiday accommodation;
5. The applicant's environmental assessment shows that the site is contaminated;
6. The development may result in the contamination of bore holes and drinking water;
7. The proposed mitigation measures will not be sufficient to protect local residents;
8. The increase in HGV movements would be detrimental of highway safety and would generate significant levels of noise and pollution;
9. The applicants are Solar Farm specialists not PFA specialists;
10. The development would have an adverse impact on ecological assets such as the Sutton and Lound GP SSSI;
11. The applicants have not demonstrated that the PFA safe or free from hazardous contaminants;
12. The application should be deferred in order to investigate the potential of asbestos contamination;
13. Other waste products can be used as an alternative to PFA;
14. The information submitted with the application is misleading;
15. The works would be carried out of many years;
16. The new jobs would not off-set those lost in the hospitality and tourism industry;
17. Heavy rain would lead to run-off and wider contamination;
18. The countryside should be restored and protected;
19. Idle Valley is an important site for bird watching;
20. Access to the countryside is important for recreation and mental health;
21. The Government has made substantial commitments to protect nature and improve biodiversity;
22. The application should be determined at planning committee;
23. The claims of reducing emissions are exaggerated;
24. The extraction activities would be very close to Sutton School;
25. A million pounds of National Lottery Grant was spent on re-wilding the ash lagoons and the surrounding area;
26. Would result in light pollution.

Consideration of Planning Issues

Principle of the Development

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the

development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

The principle of development will be considered by Nottinghamshire County Council who are the minerals authority for Bassetlaw.

Sustainability of the Development

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

Design, Layout & Visual Amenity

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 130 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.

Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is “proper to seek to promote or reinforce local distinctiveness” (para 130) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 134).

Policy DM4 of the Bassetlaw Core Strategy provides general design principles which should be applied to all schemes. The policy states that all development proposals will need to be in keeping with the character and appearance of the wider area and when they are in historic

locations, they should respect existing development patterns. All schemes must respect their context and not create a pastiche development which would be incorrect in their context.

The Environmental Statement submitted with the application includes a section discussing the visual impact of the development on the rural landscape, in the form of a Landscape Visual Impact Assessment.

The impacts outlined above would ultimately be considered and determined by the Nottinghamshire County Council.

Notwithstanding the above, it is considered that the visual impacts of the extraction phase, could be satisfactorily mitigated by an appropriately designed and implemented scheme for restoration and planting.

Residential Amenity

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This is also reflected in paragraph 130 criterion f) of the NPPF which states that development should create a high standard of amenity for existing and future users.

Paragraph 185 of the NPPF seeks to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. This includes and assessment of noise and light impact.

The Environmental Statement (ES) submitted with the application includes a section discussing the potential impacts of noise and vibration generated by the construction phase of the development and by the extraction and restoration phases of the development.

Subject to the implementation of appropriate mitigation measures, the ES concludes that the significance of effects of the proposed development are as follows:

- The significance of effect due to construction activities is considered to be of minor significance.
- The significance of effect due to operational phases (night-time working only) is considered to be of minor significance.
- The significance of effect due to restoration phases is considered to be of minor significance.

Ultimately, Nottinghamshire County Council would determine whether the proposal would have unacceptable impacts on the residential amenities of local residents.

Highways Matters

Paragraph 108 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 91 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 108 of the NPPF requires schemes to

provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

The issues of highway safety will be considered by the Nottinghamshire County Council, who are the local highways authority for the area.

Ecology/Trees

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Opportunities to achieve 10% net gain in planning decisions are welcomed, however this will not become mandatory until November 2023 for large sites and April 2024 in the case of small sites. In the interim, with the absence of an up-to-date Local Plan, the Authority will approach biodiversity in accordance with paragraph 180 of the NPPF which makes clear that there should be no net loss to biodiversity as a result of development.

The content of paragraph 180 of the NPPF states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy DM9 of the Core Strategy is consistent with the above and adds that development proposals will be expected to take opportunities to restore or enhance habitats and species' populations and to demonstrate that they will not adversely affect or result in the loss of features of recognised importance.

The Government's Consultation response on Biodiversity Net Gain has been published in February 2023 and makes clear that exemptions for the assessment and delivery of Biodiversity Net Gain will be made in the following instances:

- Development impacting habitat of an area below a 'de minimis' threshold of 25 metres squared, or 5m for linear habitats such as hedgerows
- Householder applications
- Biodiversity gain sites (where habitats are being enhanced for wildlife)
- Small scale self-build and custom housing.

As indicated below the application site is located adjacent to the Sutton and Lound Gravel Pits, Site of Special Scientific Interest (SSSI).

The Environmental Statement submitted with the application includes a section discussing the impacts of the development on Ecological Assets, the contents of which will be assessed by Nottinghamshire County Council.

Flooding/Drainage

The NPPF at paragraph 159 makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Policy DM12 of the Core Strategy states that proposals for the development of new units in Flood Zones 2, 3a and 3b that are not defined by national planning guidance as being suitable for these zones will not be supported while development sites remain available in sequentially superior locations across the District

The Environmental Statement submitted with the application includes a Flood Risk Assessment, the contents of which will be assessed by Nottinghamshire County Council.

Conclusion

Subject to the implementation of appropriate mitigation measures addressing the impacts of the development on noise, pollution, asbestos contamination, vibration, highway safety, landscape character, ecology and flood risk, it is considered that the development would comply with policies DM4, DM9 and DM12 of the Bassetlaw Local Development Framework, and policies 8 and 9 of the Neighbourhood Plan.

Recommendation:

Raise no Objection

Bassetlaw District Council

Planning Committee

24th May 2023

Report of Head of Regeneration

Development Management Performance Report 2022/2023 Full Year

Cabinet Member: Regeneration
Contact: John Krawczyk

1. Public Interest Test

- 1.1 The author of this report, John Krawczyk has determined that this report is not confidential.

2. Purpose of the Report

- 2.1 To provide Members with a quarterly performance report recorded for the Development Management function for the whole year of 2022/2023

3. Background and Discussion

- 3.1 Following agreement at Planning Committee in June 2014 that performance reporting would be presented to Members on a regular basis, this paper provides details of the planning application performance for the full year.

4. Matters for Consideration

- 4.1 Once a planning application has been validated, the Local Planning Authority should make a decision on the proposal as quickly as possible after the consultation period has ended. The statutory time limit is set nationally and applications should be determined in this time unless a longer period is agreed in writing by the applicant.
- 4.2 Statutory time limits are usually 13 weeks for applications for major development, and 8 weeks for all other types of development (unless an application is subject to Environmental Impact Assessment, in which case a 16 week time limit applies). These times can be agreed to be extended with the applicant and this must be confirmed in writing.
- 4.3 Amendments to the Town and Country Planning Act 1990 introduced another measure of performance for major applications. If Local Planning Authorities are not meeting the standards then they will become a 'designated planning authority', which means applicants are able to submit planning applications directly to Secretary of State. Two criteria are used for measuring the performance of Local Planning Authorities. These are:-

- Timeliness – Local Planning Authorities are deemed to be underperforming if they determine less than 60% of major developments and 70% of non-major developments within the statutory timescales; or
- Quality – Where more than 10% of major and non-major planning application decisions are overturned at appeal.

Measure and type of application	Threshold and assessment period Nov 21 to Dec 22	Threshold and assessment period Nov 20 to Dec 22	Live Table
Speed of Major Development (District and County)	60%	60%	District - P151a County - P151B
Speed of non-major Development	70%	70%	P153
Quality of major Development (District and County)	10%	10%	District - P152a County - P152B
Quality of non-major Development	10%	10%	P154

Source - Improving planning performance - Criteria for designation (revised 2018)

4.4 Major applications are defined as those where 10 or more dwellings are to be constructed (or where the number is not given, the site area is more than 0.5ha), or where the commercial floorspace proposed is 1000sqm or the commercial site area is 1000sqm or more.

4.5 The local targets are set 10% above the National planning performance targets and are 70% within time for Majors and 80% for other applications.

Year 2022/2023 Performance; Speed of Determination

Indicator	Achievement 2021/2022	Local Target	2022/2023
% of “major” applications determined in 13/16 weeks (or authorised extended period)	97.5%	70%	97.87% (46/47)
% of “non-major” applications determined in 8 weeks	87.6%	80%	93.55% (667/713)

- 4.6 Officers are continuing to take a robust approach to decision-making and are being encouraged to work positively and proactively with applicants. Whilst there have been some staffing changes, with an Officer leaving the Authority and a new Planning Officer joining the team, the annual application determination performance has exceeded local or national targets for both major and non-major applications with only one major application being determined out of time in the entire year and only 46 non-major applications from the 713 determined went over the target determination date. This has resulted in both the majors and non-majors returns significantly exceeding both the national and local targets.

Number of Applications Received

- 4.7 The Council's Scheme of Delegation for Determining Applications, which is currently under review, requires certain applications to be determined by the Planning Committee. These applications are generally the most controversial and large scale proposals. More than 95% of planning applications are determined under delegated powers.
- 4.8 The table below sets out the numbers of planning applications received by the Local Planning Authority each month from March 2019.

	2019	2020	2021	2022	2023
January		91	114	120	133
February		148	128	126	149
March	158	129	190	138	135
April	136	100	140	114	130
May	118	101	116	129	
June	121	128	154	114	
July	129	115	150	124	
August	100	99	103	160	
September	102	133	108	150	
October	126	121	83	136	
November	113	142	102	120	
December	97	125	108	109	

- 4.9 Since the easing of the COVID 19 Pandemic, economic factors, such as an increase in build costs and a reduced availability of materials have applied additional pressure to the development industry. The table shows that this hasn't had a demonstrable impact upon the numbers of applications with the total number of applications for 2022 / 2023 totalling 1573 compared to 1496 in 2020/2021 and 1568 in 2019/2020.

Pre-Application Advice

- 4.10 In addition to the applications described above, the Local Planning Authority offers a pre-application service which offers clear, impartial and professional advice on a range of proposals from house extensions to major residential and commercial developments.
- 4.11 In the 2022/2023 year the Council received a total of 297 requests for pre-application and this generated an income of approximately £31k.

Qualitative Measures – Appeals

- 4.12 During 2021 / 2022 a total of 21 appeal determinations were made. Out of these, 4 were allowed and 17 were dismissed by the Planning Inspectorate, equating to 19% of appeals being allowed during the year.
- 4.13 This percentage of appeals allowed achieves the local target of 20%. However, it must be borne in mind that given the relatively low number of appeal decisions, any allowed will have a significant impact on the percentage returns. In addition to this, the current figure is well below the 33% (as outlined within the Planning Inspectorate's Appeal Statistics 2020) as the national average of appeals allowed.

Costs Appeals

- 4.14 There were 5 applications for costs to the Planning Inspectorate (PINS) and 2 of these were allowed. This demonstrates a robust and defensible approach to decision-making.
- 4.15 The costs awards by the Planning Inspectorate due to the Local Planning Authority having been considered to be have behaved unreasonably. The Local Planning Authority is required to pay the costs reasonably associated with the appellant preparing the appeal and the costs awards amounted to £4969.95 and £916.35.

Quality of Decision Making: Appeal performance for July 2019 – June 2021

- 4.15 With regard to the new national target of 10% for all majors decided which are overturned at appeal, the Government is currently reviewing appeals for applications submitted between July 2019 and June 2021. As set out above. For both Major and Non-Major decisions overturned on appeal, the threshold for overturned appeals is 10%.
- 4.16 There were 7 major application appeals decided in this period and 1 of these was allowed at appeal. This is out of a total of 113 major applications. The percentage of appeals allowed in this period determined 0.9%, far below the 10% threshold of overturned appeals set by the Government.
- 4.17 For non-major decisions, during the period of July 2019 to June 2021, 36 appeals were determined and 5 were allowed from a total of 1392 determined applications. This gives a return of 0.3% which is again far below the 10% threshold set by the Government.
- 4.18 Decisions must be based on the relevant planning policy and the Planning Inspectorate is now determining appeals based on recent decisions of the Secretary of State and the High Court, which placed more importance on Paragraph 11 of the National Planning Policy Framework.

“Plans and decision should apply a presumption in favour of sustainable development.

For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The implication of this for decision making is that includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where there are no up-to-date development plan policies, the 'titled balance' is engaged the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts of the development.

Planning Enforcement

- 4.19 Whilst investigating alleged breaches of planning control is a statutory function for Local Planning Authorities taking action is discretionary. Planning Practice Guidance states 'Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations'
- 4.20 2022 / 2023 has again proved to be another very busy year for the Planning Enforcement Team. Notwithstanding this the service has largely succeeded in managing the caseload.
- 4.21 For the entire year, 336 service requests were received and investigated and 553 were closed. However, it should be made clear that there are still approximately 165 enforcement cases that are ongoing or awaiting investigation.
- 4.22 The Planning Enforcement have worked effectively to manage the team's caseload without taking formal action with only 1 Planning Contravention Notice being served. The Government's Planning Practice Guidance sets out that addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of control may be the result of a genuine mistake where, once the breach is identified, the owner or occupier takes immediate action to remedy it. Furthermore in some instances formal enforcement action may not be appropriate.

5. Summary : How are we performing?

- 5.1 This report has shown that during the year 2022 / 2023, the standard of performance far exceeded the local and national targets for both Majors and Non Major applications.
- 5.2 In terms of the national picture of Local Authority planning performance, across all Council's that deal with 'District Matters' planning applications, the latest figures from the Ministry of Housing, Communities and Local Government show from January 2021 to December 2022, 86.5 per cent of major applications were decided within 13 weeks or within the agreed time. In the same period 85.2 per cent of non-major applications were decided within eight weeks or the agreed time. The performance of

the Development Team has been consistently exceeded the national average performance of Local Planning Authorities despite changes in staffing over the year.

- 5.3 The latest performance figures published by the Ministry of Housing, Communities and Local Government show that 13 Local Authorities have fallen below the government's special measures threshold. By way of comparison, there are 14 Authorities that fall below the threshold for non-major decisions made in 8 weeks with performance of 46.4% - 69.3%. In respect of major applications, the bottom 3 Authorities have returned performance of 56.1% - 59.1% Bassetlaw District Council compares very favourably to these with performance of 97.87% and 93.55% respectively.
- 5.4 It is considered that with the sustained focus on caseload management that the current returns should be sustained throughout 2023 / 2024.
- 5.5 Overall during 2022 / 2023 32% of appeals were allowed. Whilst this falls below the local target of 20% Appeal returns and it does align with 33% national performance average.
- 5.6 The Planning Enforcement service has managed the caseload well and has had good results without a significant degree of formal enforcement action. That the figures do not reflect is the high degree of resolution of alleged planning breaches through negotiation rather than formal action. Response times in respect of complaints regarding non-priority matters has improved and introduction of the Planning Enforcement Protocol has set performance standards which ensures the expectations of members of the public are met. In addition, the Development Team has provided assistance to the Enforcement Team with the management of ongoing cases with the most pressing and expedient matters having been given priority.
- 5.7 Planning Practice Guidance states that 'Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy' and makes it clear that formal enforcement action should be the last option to resolve a breach of planning control. Land owners and interested parties have the right of appeal against enforcement notices which can be extremely lengthy and often results in the breach remaining or continuing during the appeal process. It is therefore often preferable to resolve breaches informally through negotiation than seeking formal action.

6. Implications

- a) For service users

Efficient and effective regular monitoring enables a consistent approach to ensuring a good quality of service delivery which benefits service users.

- b) Strategic & Policy

The reporting of the Development Team performance meets with the Council Plan (2019-2023) ambition of Investing in Place through ensuring that the Service provides an efficient processing of applications to deliver sustainable growth. There are no strategic and policy implications arising from this report.

c) Financial - Ref: 24/87

No financial implications arising from this report

d) Legal – Ref: 019/05/2023

e) Human Resources

There are no human resources implications arising from this report.

f) Climate change, Environmental

There are no environmental implications arising from this report

g) Community Safety, Equality and Diversity

There are no Community Safety, Equalities or Environmental implications arising from this report.

h) GDPR

There are no data protection implications arising from this report.

i) Whether this is a key decision, and if so the reference number.

This is not a key decision.

7. Options, Risks and Reasons for Recommendations

7.1 To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on achieving high performance, facilitating development and providing good service to all who use the Planning Service.

8. Recommendations

8.1 That the report be received and the Committee notes the current performance data.

Background Papers	Location
Development Management returns to the Ministry of Housing, Communities and Local Government PS1 and PS2 for 2022 / 2023	Planning Services

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