



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Planning Committee

Agenda

Meeting to be held at:
The Ballroom, Retford Town Hall DN22 6DB
Wednesday 18th October 2023
at 6:30pm

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Planning Committee

Membership 2023/24

Councillor N.J. Sanders (Chairman)

Councillors: S.J. Fielding (Vice-Chairman), C. Adams, J. Bowker, H.M. Brand, D. Challinor, M.R. Charlesworth, G. Dinsdale, G. Freeman, F. McFarland, G.A.N. Oxby and D.G. Pidwell.

Substitute Members: None

Quorum: 3 Members

Lead Officer for this meeting

J. Krawczyk

Administrator for this meeting

C. Hopkinson

Planning Committee

Wednesday 18th October 2023

Agenda

1. Apologies
2. Declarations of Interest
 - (a) Members
 - (b) Officers
3. Minutes of the meeting held on 13th September 2023
(Pages 5 - 8)
4. Minutes of Planning Consultation Group meetings held on:
 - (a) 18th September 2023
(Pages 9 - 14)
 - (b) 02nd October 2023
(Pages 15 - 18)
5. Outstanding Minutes List
(Pages 19 - 20)

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.

Appeal Decision(s)

- (b) Appeal Decision: APP/A3010/W/23/3316415
- Copperfields, Land off Gainsborough Road, North Wheatley, Retford
(Pages 21 - 28)
- (c) Appeal Decision: APP/A3010/W/23/3315919
- Land forming part of North End of Gateford Road, Worksop S81 8AE
(Pages 29 - 58)

Planning Application(s) and associated items

- (d) Planning Application: 23/00801/FUL
- Land at High Marnham Power Station, Power Station Access, Fledborough Road, High Marnham, Newark
(Pages 59 - 88)

- (e) Planning Application: 23/00272/COU
- The Regal Centre, Carlton Road, Worksop S80 1PD
(Pages 89 - 114)

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: cara.hopkinson@bassetlaw.gov.uk
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Planning Committee

Minutes of the Meeting held on Wednesday, 13th September, 2023 at The Ballroom, Retford Town Hall, DN22 6DB

Present: Councillor N J Sanders (Chairman)

Councillors:

S Fielding	J Bowker
H M Brand	D Challinor
M Charlesworth	G Dinsdale
G Freeman	F McFarland
G A N Oxby	D G Pidwell

Officers: R Colebourne, C Cook, J Krawczyk, E Wallace and S Wormald.

(The meeting opened at 6.30 pm.)

15 Apologies

Apologies for absence were received from Councillor C Adams.

16 Declarations of Interest

16a Members

Councillor J Bowker declared a non-pecuniary interest in Agenda Item 6d and remained in the meeting.

16b Officers

There were no Declarations of Interest by Officers.

17 Minutes of the Meeting held on 16th August 2023

Resolved that the Minutes of the meeting held on 16th August 2023 be approved.

18 Minutes of Planning Consultation Group Meeting held on 21st August 2023

Resolved that the Minutes of the planning Consultation Group on 21st August 2023 be received.

19 Outstanding Minutes List

Resolved that the Outstanding Minutes List be received.

20 Report(s) of the Head of Regeneration

21 Public Interest Test

The Head of Regeneration, determined that all items on the agenda are non-confidential.

22 ITEM WITHDRAWN - Planning Application - 22/01713/FUL Land East of Gainsborough Road, Bole

PLANNING COMMITTEE

This item was withdrawn from the Agenda.

23 Planning Application - 23/00656/FUL - North of Brick Yard Road, Gamston

The application seeks full planning permission for the installation of a Solar Farm with an output of approximately 45.4MW and ancillary works. Access to the site would be from Brick Yard Road.

The site was subject to a site visit prior to the meeting.

The Major Projects Manager presented the application. Members were presented for consideration site photographs and maps.

Responses from statutory consultees were detailed in the report.

The application was advertised by neighbour letters, site notice and press notice. There were no representations received.

In accordance with the rules of procedure for public participation Mr Townsley, spoke in support of the application as the agent.

Member's questions and comments were addressed by the Major Projects Planner.

In conclusion, the Chairman summarised the debate.

Recommendation of the Head of Regeneration: Grant Subject to Conditions

Committee Decision Resolved that: Grant Subject to Conditions.

24 Planning Application - 22/01485/FUL - Land including Thievesdale House, Blyth Road, Worksop

Members were advised that the application seeks full planning for the approval of 91 dwellings (Phases 3 & 4) with associated accesses, parking and landscaping, this is following an outline application of the site.

The site was subject to a site visit prior to the meeting.

The Planning Development Manager presented the application. Members were presented for consideration site photographs and maps.

Responses from statutory consultees were detailed in the report. Carlton in Lindrick Parish Council objected to the proposal.

The application was advertised by neighbour letters, site notice and press notice. No comments were received.

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

In conclusion, the Chairman summarised the debate.

Recommendation of the Head of Regeneration: Grant Subject to Conditions and a S106 Agreement.

Committee Decision Resolved that: Grant Subject to Conditions and a S106 Agreement.

PLANNING COMMITTEE

25 Any other business which the Chair considers to be urgent

(Meeting closed at 7.20 pm.)

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Planning Consultation Group

Minutes of the meeting held on Monday 18th September 2023 via MS Teams

Present: Councillors F McFarland, G A N Oxby, D Pidwell and N Sanders

Officers in attendance: C Cook, C Hopkinson, J Krawczyk and L Thompson.

(Meeting opened at 4.05pm).

24. Apologies

There were no apologies for absence received.

25. Declarations of Interest

Councillor D Pidwell declared an interest in application 22/01182/OUT, he left the meeting for the application.

26. Planning Applications

Ref. No.	Description
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23/00859/VOC	Phase 2A (Unit 3) Mulberry Logistics Park, Blyth Road, Harworth
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	Variation of Conditions 1 (Approved Plans and Documents), 3 (SUDS), 5 (Written Scheme of Investigation) and Remove Condition 10 (Noise) of P.A. 22/00785/RES to Allow for Revised Drainage Design and Associated Works
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Members were advised that the application and the following associated application sought variations of conditions.

The applications sought to vary conditions 1, 3 and 5 and remove condition 10 of P.A. 22/00785/RES to allow for revised drainage design and associated works.

Plans were circulated to Members prior to the meeting.

No objections have been received from statutory consultees.

Blyth Parish Council have commented that they have concerns regarding increased noise levels however if it is monitored they have no other objection. The Council's Environmental Health have stated that the proposal should not lead to an increase in noise.

Officer recommendation – Grant variation of conditions subject to Environmental Health being satisfied with the application.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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23/00860/VOC	Phase 2B (Unit 4) Mulberry Logistics Park, Blyth Road, Harworth
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Variation of Conditions 1 (Approved Plans and Documents), 3 (SUDS), 5 (Written Scheme of Investigation) and Remove Condition 10 (Noise) of P.A. 22/00785/RES to Allow for Revised Drainage Design and Associated Works

Members were advised that the application was associated with the proceeding application.

The applications sought to vary conditions 1, 3 and 5 and remove condition 10 of P.A. 22/00785/RES to allow for revised drainage design and associated works.

Plans were circulated to Members prior to the meeting.

No objections have been received from statutory consultees.

Blyth Parish Council have commented that they have concerns regarding increased noise levels however if it is monitored they have no other objection. The Council's Environmental Health have confirmed that the proposal should not lead to an increase in noise.

Officer recommendation – Grant variation of conditions.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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23/00466/FUL	Land At Faraday Close, Harworth
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Erect 3 Industrial Buildings to be Sub-Divided into 6 Smaller Units

Members were advised that the application sought to erect three industrial buildings to be sub-divided into six smaller units.

Plans were circulated to Members prior to the meeting.

Members were advised that the site is located in an industrial area south of Harworth with access from Snape Lane.

No objections have been received from statutory consultees.

Harworth Town Council have no objections.

An objection has been received from the occupier of a nearby unit with concerns that the land is not large enough to deliver a road to serve the development and third party land will be required to achieve the required width.

The applicant has shown the access and parking can be delivered within the application site and that third party land is not required to deliver this. Nottinghamshire County Council Highways have raised no objections to the proposal.

There are no concerns in relation to character, appearance or residential amenity.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No. Description

23/00405/COU Land Adjacent Manor Farm, Breck Lane, Mattersey

Erection of 24 Dwellings, Relocation of Manor Farmhouse, Construction of Agricultural Building, Garages, Onsite Roadways and Drives, Drainage and Attenuation Pond. Removal of conditions 5 and 27 and amend condition 2

Members were advised that the application was presented to Planning Committee earlier this year with a recommendation to grant subject to a S106 Agreement.

This application seeks to remove condition 27 and amend condition 2 as the Council’s Tree Officer is satisfied with the tree protection measures.

Officer recommendation – Remove Condition 27 and amend condition 2.

Outcome following PCG – Refer for Officer Decision

Ref. No. Description

23/00656/FUL Brick Yard Lane Gamston

Solar Farm

Members were advised that the planning application was presented to the last meeting of Planning Committee. This application seeks to impose an additional condition regarding the entrance gates to preserve the setting of the heritage asset.

Officer recommendation – Impose additional condition.

Outcome following PCG – Refer for Officer Decision

Ref. No. Description

23/00541/HSE York Corner, York Street, East Markham

Two Storey Extensions to East and West Elevations

Members were advised that application sought to erect first floor extension and single storey extension to the rear.

The site lies to the west of the settlement in the Conservation Area. The area is low density with mixed character detached dwellings. The property sits side onto the street in a fairly large plot. The application has been amended and scaled back following comments from officers and conservation.

The Conservation Officer is satisfied that the amended proposal preserves the character of the Conservation Area.

In terms of neighbour comments the objection was to the original scheme. In terms of the impact of the amended application it is not considered that there would be an impact on the property to the east as there is no overlooking. The property to the west is set back slightly. Windows would be added however an existing balcony overlooking the driveway would be removed.

Plans were circulated to Members prior to the meeting.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

Ref. No.	Description
23/00541/HSE	Land Opposite Valley Farm, Middlebridge Road, Gringley On The Hill Outline Application with Some Matter Reserved (Approval Sought for Access Layout and Scale) for Construction of a Detached Dwelling

Members were advised that application sought outline planning permission with approval for access for the construction of a detached dwelling.

The site lies to the north of the settlement outside the Conservation Area in its setting and the wider setting of listed buildings.

Members were advised there is no site planning history, the previous use is considered to be agricultural.

Plans were circulated to Members prior to the meeting.

Highways have no concerns. They have stated that the junction is awkward and the approach to the site is narrow. It is felt however given the establish us of the site and the type of activity that the access is acceptable.

In relation to conservation the site is well screened and is considered to preserve character of the conservation area.

The Parish Council have objected to the development. They have raised what they feel is an inaccuracy in the application and have concerns regarding access.

Members were advised that Gringley does not have a neighbourhood plan, the Plan has recently been designated. Gringley has growth requirement.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

(Councillor D Pidwell left the meeting)

Ref. No.	Description
22/01182/OUT	Land Off Stubbing Lane, Worksop Outline Application with Some Matters Reserved (Approval Being Sought for Access) for 9 Detached Dwellings and Entrances

Members were advised that application sought outline planning permission with approval for access for the erection of 9 detached dwellings.

Plans were circulated to Members prior to the meeting.

Members were advised that the application was being refereed to the Group as a ward Member had called the application into Planning Committee raising concerns that the application is out of character with the surrounding area, flood risk and access.

The following responses have been received from consultees:

- Highways have no concerns subject to conditions.
- Environmental Health have no concerns subject to conditions.
- Rights of Way have no objection.
- The Environment Agency had concerns that the site cannot be developed without increasing the flood risk elsewhere. The applicant has done work on a flood compensation scheme and the Environment Agency now have no objection subject to conditions.
- 17 letters of objection have been received on the grounds of flood risk, drainage and highway safety.
- 1 letter of support has been received.

Members were advised that the River Ryton lies to the east of the site within flood zones 1 and 2.

Officers have recommended refusal on grounds of:

- Character and appearance – the site is a Greenfield site, given the Council's land supply the harm to the character of the area cannot be justified.
- Flood Risk – The applicant has not demonstrated that there is no land elsewhere with a lower flood risk that could be developed. The gardens of the dwellings would lie in flood zone 2.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision

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

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

(Meeting ended at 4.48pm).

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Planning Consultation Group

Minutes of the meeting held on Monday 2nd October 2023 via MS Teams

Present: Councillors C Adams, S Fielding, F McFarland and N Sanders

Officers in attendance: A Broadhead, R Colebourne and J Krawczyk

(Meeting opened at 4.05pm).

24. Apologies

There were no apologies for absence received.

25. Declarations of Interest

There were no declarations of interest.

26. Planning Applications

Ref. No.	Description
23/00475/RES	Plot 8 Land West Of Stonegate Farm On The South Side Of Bawtry Road Everton South Yorkshire Reserved Matters Application Approval Sought for Appearance, Layout, Landscaping and Scale for One Detached Dwelling (PLOT 8) – Following Outline Application 20/01484/OUT to Erect 8 Detached Dwellings (Resubmission of 22/01440/RES)

Members were advised that planning permission had been previously granted for 8 dwellings on an outline planning application, plot 8 was originally refused on the design, existing hedge and brick wall at the front of site. The planning application has been amended and the dwelling has been reduced in size, which is now more in character, the hedge will be replanted and will hide the 1.8m boundary wall.

Applications are being submitted individually for each plot. The site is not in a conservation area but is adjacent one.

Plans were circulated to Members prior to the meeting.

Objections received from Conservation Team cited that the dwelling is overly large and not in character with other buildings within the village. The Parish Council also objected to the size of the dwelling.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
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23/00897/HSE	74 Mansfield Road Worksop Nottinghamshire
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Proposed 2 Storey Side Extension and Single Storey Rear Extension

Members were advised that planning permission is sought for a 2 storey side extension and single storey rear extension. The side extension would be built on the current driveway and the first floor window would have obscure glazing.

Plans were circulated to Members prior to the meeting.

An objection was received from a member of the public citing that daylight would be reduced in kitchen window and there was no access to rear of property should there be an emergency.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

(A Broadhead left the meeting.)

Ref. No.	Description
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19/00938/FUL	Former Brickworks Brickyard Lane Walkeringham South Yorkshire
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Proposed marina and associated reception building, 12 holiday cabins, wildlife ponds, community allotments and ecological enhancement to existing site, restaurant, small business units associated with marina/craft business use and detached dwelling and annexe.

Members were advised that the application was submitted in 2019 with amendments. The application site is the former brickworks site at Brickyard Lane, which lays to the west of Walkeringham, the site at present looks untidy and the proposed application is for a marina and associated reception building, 12 holiday cabins, wildlife ponds, community allotments and ecological enhancement to existing site, restaurant, small business units associated with marina/craft business use and detached dwelling and annexe.

Plans were circulated to Members prior to the meeting.

No objections from statutory consultees were received.

The Ward Member supported of application and feels that it is supported by neighbourhood plan and will provide jobs and amenities for the surrounding area.

A County Councillor raised concerns on access on to Fountain Hill with regards to speed of travel and user numbers of the development – but no overall objection.

The application is supported by Walkeringham Neighbourhood Plan.

There were 42 letters of support from members of the public citing improvements of site visually, economy, ecological enhancements and general improvement to the area.

There were 3 letters of objections received from members of the public citing that Brickyard Lane is narrow and has abundant wildlife.

(Councillor Adams joined during this item)

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

Ref. No.	Description
23/00682/FUL	Red Roofs Church Street East Markham Newark Nottinghamshire Change of Use from Stables to Holiday Cottage

Members were advised that outline planning permission is sought to change the use from Stables to Holiday Cottage. The application is within the Conservation Area.

Plans were circulated to Members prior to the meeting.

The Conservation Team had no objections subject to conditions
No objections were received from Environmental Health other than control of working practices during the construction.
East Markham Parish Council objected to the application citing that the breach of the cap of dwellings within the area.

The Neighbourhood Plan supports conversion of rural buildings to housing providing buildings are not suitable for employment or community use.

Planning permission has been granted for a holiday cottage.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision

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

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

(Meeting ended at 4.33pm).

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Planning Committee

18th October 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
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None.

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PLANNING COMMITTEE, 18TH OCTOBER 2023

INFORMATION REPORT

APPEAL DECISION RECEIVED

Mr & Mrs Lance & Sally White	Appeal against the refusal of full planning permission for the erection of a detached zero carbon 3 bed dwelling, at Copperfields, Land off Gainsborough Road, North Wheatley.
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DECISION: Appeal DISMISSED by the Inspector.

The application was refused under delegated authority on 11th August 2022 for the following reasons;

1. The Sturton Ward Neighbourhood Plan contains policies and allocations for residential development in the parish to meet the housing requirements of the settlement. The site is not allocated for development in the Neighbourhood Plan.

Policy 1 of the Neighbourhood Plan, ' Sustainable development, infill and the development boundary', supports proposals for residential development on infill sites where the scheme is located within the existing settlement boundary, as identified on the proposals map, of North Wheatley, but states that development proposals outside the defined development boundaries will be carefully controlled in accordance with national and local planning policies.

The proposed dwelling would be located a significant distance from the settlement boundary and within the open countryside. This siting of a dwelling in this relatively isolated location would not reflect the historic development pattern of the village and would encroach into the rural setting and approaches to North Wheatley.

The proposal for a residential development on this site would conflict with the policies of the Sturton Ward Neighbourhood Plan and would therefore harm the wider spatial strategy for the plan area.

2. Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, respects the character of the area. Similar advice is contained in paragraph 130 of the NPPF which states that development should be sympathetic to local character including the surrounding built environment and landscape setting.

In addition Neighbourhood Plan policy 5 states that development proposals should demonstrate a high design quality that will contribute positively to the character of the Ward.

It is considered that the proposed dwelling by reason of its large scale, unsympathetic design and detailing, would appear as incongruous feature in the landscape and at odds with the traditional buildings in the village and its rural setting. Accordingly, if permitted the development would conflict with the aims of the policies outlined above.

3. The Bassetlaw Local Development Framework contains policy DM4, which states that development should respect its wider surroundings in relation to landscape character. In addition policy DM9 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.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Mid Nottinghamshire Farmlands: MN Policy Zone 03: Beckingham which recommends that the open rural landscape be conserved by concentrating development around the existing settlements of Beckingham and North Wheatley and by conserving and respecting the local brick built vernacular.

Similar advice is contained in policy 2a of the Neighbourhood Plan which states that development proposals should protect the positive attributes of the open countryside and landscape character as identified within the Bassetlaw Landscape Character Assessment and the Sturton Ward Design Code 2020.

Being sited over 450m from the development boundary, the proposal would result in a significant encroachment into the open countryside, to the detriment of the rural character and appearance of the area. In addition it is considered that the design and detailing of the proposed dwelling and use of materials would be at odds with the traditional form of buildings typically found in this policy zone.

Accordingly it is considered that the development would conflict with the aims of the policies and guidance outlined above.

4. Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of no detriment to highway safety. Similar advice is contained in paragraph 110 of Part 9 of the National Planning Policy Framework and Policy E8 of the Neighbourhood Plan, which states that development proposals should ensure that safe and suitable access can be achieved for all users. As insufficient information has been submitted to satisfactorily address the above issues, the development, if permitted would be contrary to the objectives of the Local Development Framework and the NPPF.

The inspector considered that the main issues were:

- i.) Whether the site is a suitable location for a dwelling having regard to the policies of the development plan and National Planning Policy Framework;
- ii.) The effects of the proposed dwelling on the character and appearance of the area; and;
- iii.) The effects on highway safety.

The Inspector concluded the following:

- i. Policy 1 of the Neighbourhood Plan indicates that development proposals within the defined development boundaries will be supported but development outside the defined development boundaries will be carefully controlled in accordance with national and local

planning policies. The NPPF promotes sustainable development in rural areas but states that housing should be located where it will enhance or maintain the vitality of rural communities. It further makes it clear that development of isolated homes in the countryside should be avoided unless it meets one of the circumstances listed. There is no evidence submitted to indicate that the proposal would meet any of these. ...the site is physically separate from the village and I do not consider that it is a suitable location for a dwelling having regard to Neighbourhood Plan Policy 1 and the Framework.

ii. Although screening by way of landscaping could lessen the impact of a dwelling in this otherwise open landscape, such screening would not negate the presence of a dwelling in an area which is otherwise free from development. For the reasons set out above, I therefore consider that the proposed dwelling would have a harmful effect on the character and appearance of the area.

iii.) Whilst the location of the appeal site would mean that future occupiers and their visitors accessed the proposed dwelling by car, the appellant has described the two bus services, one of which is principally for children travelling to and from school; a pre-booked and pre-paid service for advance bookings; a community car scheme aimed at residents who cannot use public transport and includes a fleet of vehicles adapted for wheelchairs; and a community minibus service for organised trips.

I am satisfied that on the basis of the information submitted and my own observations that there would be a safe and suitable access to the proposed dwelling. No conflict with LDF Policy DM4 would arise in that its aims for accessibility would not be compromised.

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Refuse
FINALISED DECISION LEVEL: Delegated

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Appeal Decision

Site visit made on 22 June 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023.

Appeal Ref: APP/A3010/W/23/3316415

Copperfields, Land off Gainsborough Road, North Wheatley, Retford.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Lance & Sally White against the decision of Bassetlaw District Council.
 - The application Ref 22/00811/FUL, dated 15 June 2022, was refused by notice dated 12 August 2022.
 - The development proposed is erection of detached net zero carbon 3 bedroom single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether the site is a suitable location for a dwelling having regard to the policies of the development plan and National Planning Policy Framework;
 - the effects of the proposed dwelling on the character and appearance of the area; and
 - the effects on highway safety.

Reasons

Location

3. The appeal site comprises an area of land with an existing access off Gainsborough Road and includes two buildings alongside each other at the northern end. It also includes a pond and some trees but otherwise is a large open undeveloped piece of land in a rural area. The settlement of North Wheatley lies further down the road to the south-west.
4. The Council indicates that its Core Strategy is out of step with the Framework in that it restricts development rather than promotes growth. However, the Neighbourhood Plan¹ is up-to-date and as it forms part of the development plan, its policies in relation to housing development are relevant.

¹ Sturton Ward Neighbourhood Plan Review Sturton Ward Planning Group 2021-2037 – Produced by the Sturton Ward Planning Group on behalf of the residents, businesses and organisations within the three parishes of North and South Wheatley, and Sturton le Steeple and North Leverton with Hablesthorpe, together with the hamlets and settlements within the Ward. Formally adopted by Bassetlaw District Council following a referendum on 11 November 2021.

5. Policy 1 of the Neighbourhood Plan indicates that development proposals within the defined development boundaries will be supported but development outside the defined development boundaries will be carefully controlled in accordance with national and local planning policies. The National Planning Policy Framework promotes sustainable development in rural areas but states that housing should be located where it will enhance or maintain the vitality of rural communities. It further makes it clear that development of isolated homes in the countryside should be avoided unless it meets one of the circumstances listed. There is no evidence submitted to indicate that the proposal would meet any of these.
6. Whilst there are a few dwellings and buildings outside the village, including dwellings on the opposite side of the road, the appeal site is set apart from the village and sits in isolation relative to its surroundings. Scatterings of buildings outside a village are not uncommon in rural areas and I accept that these are likely to have historical origins as the village has grown. However, I consider that the appeal site is sufficiently separate from the village and due to its location, bears characteristics of being isolated from the village.
7. I note information supplied about public transport and other services that would allow future occupiers to utilise the services and facilities in the village. I also note the proposal for a footpath along a section of Gainsborough Road which I shall return to later.
8. Notwithstanding these matters, the site is physically separate from the village and I do not consider that it is a suitable location for a dwelling having regard to Neighbourhood Plan Policy 1 and the Framework.

Character & Appearance

9. The appeal site is fairly large and the proposed dwelling would be sited within substantial grounds. A long winding driveway would run from the road and loop around to the existing outbuildings. Where there is currently open land, the erection of the proposed dwelling would introduce a residential property into this area of open space. Whilst it would be single storey, its impact would be significant. This is mainly due to its location but also its utilitarian design with large areas of solar panelling which would not reflect its rural setting.
10. The appellants have explained that the design of the dwelling has been carefully thought out to achieve an eco-friendly family home. The details of the environmental credentials of the proposed dwelling are set out and I have no doubt that the proposed dwelling would be capable of reaching the highest standards of energy efficiency and a minimal carbon footprint. I shall return to this matter later. However, this has not produced a dwelling of a particularly high standard of design in terms of its appearance in this location.
11. Furthermore, the character and appearance of this open area of land would be significantly altered by the introduction of a residential property and its associated paraphernalia into what is an otherwise open space. The Bassetlaw Landscape Character Assessment² has been submitted with the appeal site falling within the area identified as Mid Nottinghamshire Farmlands. This is

² Bassetlaw District Council Landscape Character Assessment – Bassetlaw. Nottinghamshire August 2009.

described as an undulating landscape with a distinctly rural, agricultural character.

12. Notwithstanding that scatterings of buildings can be found in rural areas, these very often have historical origins linked to agriculture or other rural enterprises whereas I have no information that would indicate that a single dwelling on this site would have such a justification. Moreover, amongst other things, MN Policy Zone 03³ seeks to conserve the rural character of the landscape by concentrating new development of appropriate design and scale around existing settlements including North Wheatley.
13. Although screening by way of landscaping could lessen the impact of a dwelling in this otherwise open landscape, such screening would not negate the presence of a dwelling in an area which is otherwise free from development. For the reasons set out above, I therefore consider that the proposed dwelling would have a harmful effect on the character and appearance of the area. This would conflict with Policies DM4 and DM9 of the Bassetlaw Local Development Framework (LDF)⁴ which require high quality design that respects local character and, in the countryside, new development will be expected to be sensitive to its landscape setting. It would also be inconsistent with Neighbourhood Plan Policy 5 which sets out similar design principles in relation to local character and Sturton Ward Design Code⁵ which sets out further guidance.

Highway Safety

14. Gainsborough Road, the A620 is a straight section of road as it passes the appeal site, it has a 50mph speed limit and an existing access currently serves the site. There is a hedge line along the road and a ditch alongside it. There are no footpaths. Whilst my visit only represents a single moment in time, I found little difficulty entering or leaving the site by car.
15. The appellant's state that a plan was being prepared indicating a footpath but the decision was issued before this could be submitted. The submitted details include a footpath and this would improve pedestrian accessibility to the village should it be constructed.
16. Furthermore, whilst the location of the appeal site would mean that future occupiers and their visitors accessed the proposed dwelling by car, the appellant has described the two bus services, one of which is principally for children travelling to and from school; a pre-booked and pre-paid service for advance bookings; a community car scheme aimed at residents who cannot use public transport and includes a fleet of vehicles adapted for wheelchairs; and a community minibus service for organised trips.
17. I am satisfied that on the basis of the information submitted and my own observations that there would be a safe and suitable access to the proposed dwelling. No conflict with LDF Policy DM4 would arise in that its aims for accessibility would not be compromised.

³ Bassetlaw Landscape Character Assessment Mid-Nottinghamshire Farmlands: MN PZ 03 – Mid Nottinghamshire Farmlands Policy Zone 03: Beckingham.

⁴ Bassetlaw District Council North Nottinghamshire – Bassetlaw District Local Development Framework Core Strategy & Development Management Policies DPD, Adopted December 2011.

⁵ Sturton Ward: North and South Wheatley, Sturton le Steeple and North Leverton with Habbleshthorpe Design Code July 2020.

Other Matters

18. The Appellant states that the Council does not have an up to date development plan and therefore paragraph 11(d) of the Framework is engaged. However, the Council has an up-to date neighbourhood plan. Moreover, the Council state that it has a supply of housing land in excess of five years, the appellant has not disputed this. I do not therefore consider that paragraph 11(d) is engaged.
19. I have referred to the environmental credentials of the house above in terms of design and I note that the proposal includes extensive attention to the creation of an eco-friendly net carbon dwelling. This would be consistent with the objectives of the Framework and the resulting benefits carry modest weight.

Conclusion

20. Whilst I do not consider that the proposal would have a harmful effect on highway safety and the benefits of an eco-friendly net carbon dwelling carry modest weight, the harm that would result from the location of the proposed dwelling and its impact on the character and appearance of the area are substantial.
21. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above the appeal is dismissed.

J D Clark

INSPECTOR

PLANNING COMMITTEE, 18TH OCTOBER 2023**INFORMATION REPORT****APPEAL DECISION RECEIVED**

Tungsten Worksop Ltd, Hallam Land Management And Paul Blagg	Appeal against the refusal of full planning permission for the construction of two buildings for employment purposes (B8), along with a gatehouse, associated infrastructure and soft landscaping.
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DECISION: Appeal ALLOWED by the Inspector and Partial Costs Awarded to the Appellant

The application was refused by Planning Committee on 14 December 2021, against officer recommendation for the following reasons:

1. *It is the opinion of the Local Planning Authority that the proposed development will have a severe effect on the strategic highway network in terms of capacity and traffic generation leading to unacceptable congestion in the vicinity of the site and on the wider highway network. In particular the proposal in conjunction with other exiting and committed development will cumulatively have a severe impact on the adjacent A57, principally the roundabouts at Claylands Avenue / Shireoaks Common, High Grounds and the St Annes A60 / A57 roundabout along with Cannon Crossroad and the junctions of Gateford Road with Raymoth Lane and Ashes Park Avenue. If permitted the proposal would be contrary to Policies DM4 and DM13 of the Bassetlaw Core Strategy and paragraph 110 of the National Planning Policy Framework 2021.*
2. *It is the opinion of the Local Planning Authority that the proposal does not meet the economic strand of the definition of achieving sustainable development set out within paragraph 8 of the National Planning Policy Framework. The proposal, if permitted would not help build a strong, responsive and competitive economy due to the fact that there will be a number of low skilled jobs created by the proposal rather than a range of opportunities across a range of skill levels, and particularly higher skilled roles, which is required within the District. The development proposed does not have a confirmed end user and therefore cannot guarantee high skilled jobs. If permitted the proposal would be contrary to paragraphs 8 and 83 of the National Planning Policy Framework 3.*
3. *It is the opinion of the Local Planning Authority that the development would have a detrimental effect on residential amenity in terms of noise and disturbance from the proposed use, primarily due to the increase in traffic movements to and from the site within the residential areas surrounding the application site. The proposal if permitted would be contrary to Policy DM4 of the Bassetlaw Core Strategy and paragraph 130*

Following an extraordinary planning committee meeting on 23rd March 2023 it was resolved that reason 2) would not be defended at the appeal.

The inspector considered that the main issues were:

- The effect on local highways, including whether the residual cumulative impacts on the road network would be severe.
- The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.
- If conflict with the development plan, when taken as a whole is identified, whether such conflict is outweighed by other material considerations.

The Inspector concluded the following:

Subject to contributions and conditions, there would be no unacceptably adverse impacts in relation to highway impacts or safety and the living conditions of neighbouring occupiers. The proposal would not be in conflict with the development plan in such terms. However, the site is located outside the limits of development and as set out above there is an 'in principle' policy harm. There would also be some harm to the character and appearance of the site and its immediate surroundings. The conflict with Policies CS1, CS2 and parts of DM4 of the CS and the NP is such that the proposal should be regarded as being in conflict with the development plan, as a whole.

The Inspector therefore undertook an analysis of any other material considerations which indicate that permission should be granted and engaged the tilted balance test as outlined in paragraph 11d) ii of the NPPF.

The Inspector states that in terms for character and appearance of the area the proposal is considered in its design, recognising its countryside location and neighbouring occupiers and to my mind the harm and resultant conflict carries a modest amount of weight against the proposal

However balanced against this was the principle of B1/B2/B8 employment and other uses on the wider site has already been established by the extant permission. The Inspector stated that the site is clearly a suitable and accessible location for new employment development identified in both the NP as a development site and in the ELP, for employment land. He also acknowledged that the extant permission would ultimately have caused greater harm in terms of the specific concerns raised by the committee members, and which led to the appeal. This weighs significantly in favour of the proposal

In terms of the provision of jobs and the pressing need for logistics space the Employment and Skills Plan secured in the UU would ensure that local people and businesses benefit from the operational phase and end use. Operational phase jobs would be at both ends of the spectrum and across a range of occupations and there would be work placement opportunities and on-site jobs for people in the district along with opportunities for qualifications and industry certification. Given the local context and in accordance with paragraph 81 of the Framework, the support for economic growth, taking account of local business needs and the wider opportunities it would create, carries significant weight in favour.

The Inspector stated that the proposed highway mitigation lay neutral in the balance and there were some environmental benefits in terms of biodiversity net gain which weigh modestly in favour

The Inspector concluded that drawing everything together, there are no policies in the Framework that protect areas or assets of particular importance that are applicable here and provide a clear reason for refusing the development proposed. This is not a case where the presumption in favour of sustainable development is disapplied by virtue of paragraph 11 d) i.

Whilst I have found that there would be some adverse impacts, they would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, when taken as a whole. As such the proposal would be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.

In this case there are material considerations which outweigh the harm and conflict with the development plan that I have identified and indicate to me that a decision should be made other than in accordance with the development plan.

There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and planning permission granted subject to the conditions set out in the attached Schedule

A copy of the Inspector's decision letter follow this report.

OFFICER RECOMMENDATION: Approve
PLANNING COMMITTEE DECISION: Refuse
FINALISED DECISION LEVEL: Planning Committee

The appellant also submitted a full costs appeal and was awarded partial costs.

There were two main reasons for refusal to consider in terms of costs:

- i. Highways
- ii. Noise

In terms of highways the Inspector concluded that the Council had not behaved unreasonably. . The Inspector stated that the reason was based on a reasonable concern over the effects that the appellant had not considered it necessary to assess. Notwithstanding the appellant considered the effects to not be materially harmful and despite confirmation that it was not required by the relevant consultees, this information was clearly an important material consideration in my determination of the highways impacts.

Whilst I have ultimately disagreed with the Council's views the manner in which the associated reason for refusal was reached and the evidence provided to the Inquiry does not amount to unreasonable behaviour. I appreciate that the applicant does not agree with the Council's consideration and opinions relating to the effect of the appeal proposal in such terms but given their conclusions, which I am satisfied were properly reached overall and substantiated, the dispute over this matter meant an appeal to resolve it was inevitable.

However in terms of noise the Inspector concluded that the Council has acted unreasonably due to the fact that conditions could have been used to overcome the reason. Furthermore the Council did not act consistently in terms of decision making of the current proposal and the schemes which had been granted permission, particularly where in this case they accept there is an extant permission that overall would have generated more traffic, including from Heavy Goods Vehicles and therefore with no material change in circumstances to warrant such an objection.

The Inspector found that the evidence and responses to his questions regarding the likely future use of Blackstone Drive/Aveling Way by vehicular traffic to be vague, generalised and unsupported by any objective analysis. The Inspector was also unconvinced by the reasons given for the need for reversing beepers.

Overall, the Inspector found the evidence on this reason for refusal to be vague, generalised, and inaccurate, unsupported by any objective analysis. The evidence failed to substantiate this reason for refusal or provide a reasonable and respectable basis for the Council's stance that the impact of the scheme before me would be more harmful than the extant scheme and would cause harm to the living conditions of neighbouring occupiers.

For these reasons, the Council's refusal of permission on the grounds of the effect on living conditions in terms of noise and disturbance amounted to unreasonable behaviour that resulted in unnecessary and wasted expense at the appeal in having to present and examine evidence on this issue. A partial award of costs is therefore justified in relation to this reason for refusal.

Council Officers are currently in the process of negotiating these costs.



Appeal Decision

Inquiry Held on 6 and 7 June 2023

Site visits made on 5, 6 and 8 June 2023

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2023

Appeal Ref: APP/A3010/W/23/3315919

Land forming part of North End of Gateford Road, Worksop S81 8AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg against the decision of Bassetlaw District Council.
 - The application Ref 21/01835/FUL, dated 14 December 2021, was refused by notice dated 11 August 2022.
 - The development proposed is the construction of two buildings for employment purposes (B8), along with a gatehouse, associated infrastructure and soft landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of two buildings for employment purposes (B8), along with a gatehouse, associated infrastructure and soft landscaping at land forming part of North End of Gateford Road, Worksop S81 8AE in accordance with the terms of the application, Ref 21/01835/FUL, dated 14 December 2021, subject to the conditions set out in the attached schedule.

Application for costs

2. At the Inquiry, an application for costs was made by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg against Bassetlaw District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application was refused by the Council for three reasons. At the Case Management Conference (the CMC) the Council confirmed that the second reason for refusal relating to a failure to meet economic objectives was withdrawn.
4. A draft planning obligation in the form of a Unilateral Undertaking (the UU) was submitted before the Inquiry but due to the need for signatures I agreed a period of time for the completed version to be submitted following the close of the Inquiry. A completed agreement dated 16 June 2023 was duly submitted.
5. The submitted UU secures a financial contribution towards highway improvements and an Employment Skills Plan. In general, these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. I have been provided with a compliance statement and find the obligations would accord with the provisions of Regulation 122 of the CIL

Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework (the Framework). I have therefore taken them into account.

6. The Council is working towards a new local plan (the ELP) but in accordance with the requirements of paragraph 48 of the Framework I agree with both parties that the ELP carries some limited weight in this appeal. The appellant details in the banner heading are slightly different to those on the application form but the parties confirmed at the Inquiry that the former was correct.
7. I visited the site and the surrounding area on a number of separate occasions observing traffic movements and flows on the local highway network and in accordance with suggested driving routes and other locations provided to me by the main parties, including all of those referred to in the first reason for refusal. The first was prior to the Inquiry opening, on Monday 5 June between 1630 and 1800 hours. I travelled around the network between 0815 and 0915 hours on Tuesday 6 June. At the end of that first day, I visited the appeal site, and travelled around the local highway network between 1630 and 1830 hours. Following the close of the Inquiry I undertook a further site visit, travelling around the network between 0730 and 0930 hours.
8. Following the close of the Inquiry it became apparent that Natural England (NE), as the Government's statutory adviser on nature conservation had not been consulted on the application. On the evidence before me this was a necessary requirement given the location of three Sites of Special Scientific Interest (SSSIs) and was a matter that could have been capable of having a reasonable bearing on the decision. Without prejudice I therefore requested that NE be consulted and gave an opportunity to the parties to comment on their response. No party would be prejudiced by my consideration of NE's comments, and I have taken the relevant response and those of the parties into account in my determination of the appeal.

Preliminary Matters

Planning policy context

9. The Bassetlaw Core Strategy and Development Management Policies 2011 (CS) and the Shireoaks Neighbourhood Plan 2016 (NP) form the development plan. Policies DM4 and DM13 are the only policies cited in the Council's two remaining reasons for refusal. The CS was prepared using a settlement hierarchy which included development boundaries to control development and it does not contain any allocations for new development. Similarly, the NP does not contain any allocations but does identify the appeal site as a 'development site'.
10. Policy CS1 of the CS states that until the adoption of the Site Allocations Development Plan Document (DPD), development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. The Council has not identified any breach of Policies CS1 and CS2 of the CS in the reasons for refusal, but they are strategic policies governing the principle of development. There is no dispute that the proposal would be in conflict with these policies.

11. Policy CS2 identifies Worksop as the principal settlement in Bassetlaw and states that at least 45% (48 ha) of the district's employment land needs will be delivered at Worksop through existing permissions and allocations in the DPD, for the plan period 2010-2028. That policy is silent with regards to future employment sites as there is no DPD for allocations in place. Consequently, whilst these policies should be regarded as being most important for these reasons they should also be regarded as being out of date. Accordingly, I agree with the parties that the so-called tilted balance within Paragraph 11 d ii of the Framework is engaged. I return to this along with matters of the weight to those conflicts and the adverse impacts in the planning balance below.

Background, the appeal site and its surroundings

12. The appeal site is an open field and covers an area of approximately 12 hectares positioned on the northern side of Shireoaks, approximately 4km to the north-west of Worksop town centre. Existing residential properties and St Luke's Primary School lie to the west of the site. A residential development that is currently under construction lies to the south of the site with the A57 to the east. To the north is an established smaller scale industrial site with open countryside beyond.
13. The appeal site and neighbouring land benefits from planning permission as part of a larger site, for an employment-led development of office, general industrial and storage and distribution uses (Use Class B1, B2 & B8), together with a pub/ restaurant, drive-thru restaurant, and petrol filling station with an ancillary convenience store¹. The latter elements have since been granted reserved matters approval and planning permission.
14. Access was proposed via the A57 roundabout and a connection joining the residential scheme at Aveling Way. In turn this followed an outline permission for residential and employment uses pursuant to LPA reference 14/00223/OUT. That permission was for 175 dwellings and 15.4 hectares of employment land. Land to the west has reserved matters approval for 167 dwellings that is currently under construction.

Main Issues

15. The main issues in this appeal are:
- The effect on local highways, including whether the residual cumulative impacts on the road network would be severe.
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to noise and general disturbance.
 - If conflict with the development plan, when taken as a whole is identified, whether such conflict is outweighed by other material considerations.

¹ LPA refs: 18/00413/OUT, 20/01696/RES and 21/00147/FUL.

Reasons

Highways

16. Vehicular access to the site is to be provided via an access road which joins part of the A57/B6041 Gateford Road/Woodsetts roundabout. From the main point of access, the road runs to the south providing access for Heavy Goods Vehicles (HGVs) and other vehicles. Two access points are proposed by the main development, one is the service yard/HGVs access to Unit 1 and a second access is provided further along the spine road which provides access to the car park and service yard for Unit 2. The main spine road would then connect to the existing residential development.
17. The submitted Transport Assessment (TA) compares the extant outline permission scheme with the appeal proposal and although that TA is from 2018 it predicted growth in traffic up to 2024 so Nottinghamshire County Council as Highway Authority (NCC) considered that the assessment's findings still stood. However, the masterplan for that outline scheme is not fixed, so further information was also provided regarding trip generation from the site considering the further development that could be approved on the remainder of the site². If proposals were to come forward for something else on the remaining site area that deviates from that permitted on the outline permission, that application would require further assessment.
18. The total proposed B8 employment use floorspace would exceed the equivalent of the consented development floorspace for this parcel of land. However, when taken as a whole the level of traffic generated would be less than the extant scheme including less HGVs. The cumulative impacts of existing and committed developments and that scheme have previously been considered acceptable in these terms because planning permission was granted. This is not a matter of dispute.
19. The site is accessible by all modes of transport with opportunities for bus travel via existing bus stops on Gateford Road, and travel by train as part of a multi modal journey involving the bus services. A Travel Plan is also proposed which seeks to encourage users of the development to travel in more environmentally sustainable way and could be secured by condition.
20. Given their considerable peak hour traffic flows, the number of trips assigned to the A57 and the fact that not all those assigned will join the wider Strategic Highway Network (SHN) of the M1 and A1 Motorways, there would be no severe or unacceptable impacts on the operation of the SHN in terms of traffic generation and capacity.
21. Turning to more local effects, the Council has provided little technical evidence to support its case regarding traffic impacts other than a limited traffic count undertaken by the Council's witness and dates of accidents between 2018 and 2021. Whilst not supported by any substantive technical study, the Council's case is supported by a significant number of representations from residents on current traffic and highway safety circumstances and concerns. The evidence of the Council's witness and resident representations are essentially based on real-life observations and the experiences of those living in the area.

² CD 2.19.

22. In this case I have no doubt that there would be a significant number of employees who would travel to the site by private car along with other operational vehicles accessing the site. However, it is also not disputed that the appeal scheme would generate less traffic than the extant planning permission both in terms of the number of vehicles and quantum of HGVs. That permission was judged to not have a severe effect and therefore effects on the relevant off-site junctions would also be reduced by the proposal before me.
23. The transport documents submitted in support of the last outline application and subsequent junction analysis identified that the proposal would result in a material worsening of traffic conditions at the Cannon Crossroads. The UU before me would however secure contributions to be used for improvements at the Cannon Crossroads and proposed conditions would secure improvements to the Ashes Park Avenue/Gateford Road and Raymoth Lane/Gateford Road junctions. The latter being mitigation schemes from the extant permission the appellant has agreed to still implement. Even in acknowledging that the Cannon Crossroads would not operate at under capacity, both NCC and the Highways Agency considered that the proposal demonstrated that the local highway network would not be severely impacted upon.
24. The Council's main challenge to the appellant's evidence was on the basis that the TA does not include 310 dwellings in its baseline assessment. The Appellant clarified³ that this was not considered necessary by NCC and in any event, would not result in any additional cumulative impacts on the highway network that should be regarded as materially harmful, let alone severe⁴. Consequently, I had to seek further clarification from the parties who submitted an agreed note on those excluded permissions⁵ setting out the traffic generation data extracted from the various TAs submitted as part of those applications, amongst other details.
25. The note refers to four additional developments. The developments closest to the appeal site are complete, or close to completion⁶. Eighty dwellings in Rhodesia were completed in October 2021 and of the 128 granted at land to the rear of Queen Elizabeth Crescent, on 4 July 2023 51 had been completed. My own observations having visited the sites in question were of significant residential occupation.
26. On my reading, the note sets out that the developments would generate approximately 160-170 additional trips during the hourly peak morning and evening periods. Periods that I observed on my site visits and on the evidence before me, approximately 100 trips would be towards the A57. The A57 is however a higher standard of road than Gateford Road (East) and Woodsetts Road. Even in taking account of the additional trips generated by these developments, and in acknowledging not all were occupied at the time of my visit, the combination of their locations and the likely frequency and spread of those movements across the peak periods would not result in a severe level of increased queuing or the blocking of accesses and other junctions.

³ Mrs Overton in XX.

⁴ Mr Holloway in XX.

⁵ ID 10.

⁶ 27 dwellings completed in September 2022 and 71 of 75 dwellings on 4 July 2023.

27. The Council's traffic count and evidence does not demonstrate severe impacts and during my own visits I observed traffic flowing freely with minimal waiting times at all of the junctions and network locations referred to in the reasons for refusal. I acknowledge these are snapshots in time but neither these observations or the evidence presented provides cogent and compelling reasons to disagree with the conclusions of the relevant statutory consultees, to which I give considerable weight.
28. In this proposal the appellant's intention is that the site would be accessible for cars, pedestrians, and cyclists only via Blackstone Drive⁷ from Shireoaks Common. There is some localised concern with the potential for an increase in traffic within the village of Shireoaks and through the residential development at Blackstone Drive/Aveling Way.
29. I have considered a third-party representation⁸ which includes an extract of a plan showing a bus gate '*for buses only*' at the end of Aveling Way and the view that no such vehicular link was previously proposed. However, the TA for the extant scheme states a vehicular link is provided between the residential and commercial development⁹ and this is repeated in earlier versions. The committee report for the extant permission states that '*it is anticipated that a connection to the residential development to the west would also be provided*¹⁰.
30. The view that the route was to be solely for buses appears to originate from the earlier outline scheme¹¹ (14/0223/OUT) where the committee report is clear that no vehicular link was proposed, acknowledged that a link could be provided for public transport but that this was not preferred as services should leave and exit at the same point. That report is also clear that whilst it is sometimes desirable to prevent employment traffic from travelling through residential areas on amenity grounds, the Highway Authority was of the view this was unlikely to be a significant issue.
31. The report then goes on to give reasons, including the likely main entry point for traffic being the Woodsetts roundabout and that the internal access road layout could discourage such a route. It states a vehicular connection would allow access for a future bus service but that the creation of a bus gate only would be '*almost impossible to enforce*' due to the installation and monitoring costs involved. This element was therefore rejected in favour of an environmental weight limit to '*deter the occasional stray HGV driver*'. On my reading it was therefore the intention that a vehicular link, not restricted to public transport only was to be provided and would be acceptable. Both of those applications were granted planning permission by the Council.
32. In any event, having visited the area the majority of the route via the A57 is a dual carriageway and the route through Shireoaks is a single carriageway, with vehicles parked on both sides, a level crossing, additional junctions, and manoeuvring vehicles. The A57 would be a quicker and more convenient route for the majority of employees and visitors to the site. I agree with the highway authority that it is likely the only employees that would use the residential route are those travelling to/from Shireoaks or to/from the villages to the west,

⁷ 3.2.1 of Pell Frischmann Transport Assessment – CD 2.16.

⁸ Representation of M Wilson – 'bus gate location'.

⁹ Paragraph 5.6 on page 18 of CD 8.3.

¹⁰ Under 'Highways Matters'.

¹¹ Page 62 of CD 8.5.

- and any traffic generated by the development within Shireoaks would not be great and would have a local origin or destination. The proposal would therefore be highly unlikely to encourage the diversion of longer distance journeys through the village and residential areas.
33. Access through the residential development would not include larger vehicles due to an environmental weight restriction, which is proposed to be secured by condition. A bus friendly plateau to the western end of the spine road is also proposed, again to be secured by condition. Vehicular traffic from the south could use Aveling Way but Steetley Lane has a 7.5 tonne environmental weight restriction and large lorries are not permitted to access Shireoaks from junction 30 of the M1 and the A619 using that route. The A57 route would also avoid the need to negotiate junctions within the residential development. With vehicles parked on both sides of the road and the associated manoeuvring of vehicles on and off driveways, speeds would be low and Blackstone Drive/Aveling Way would not be a more attractive or convenient route.
 34. Further, the creation of networks that provide permeability and connectivity between destinations, providing a choice of routes, is also a fundamental requirement of ensuring well designed, connected, legible and permeable places. Connected or permeable networks also lead to a more even spread of motor traffic throughout an area and the avoidance of cul-de-sacs reduces the concentration of traffic, negates the need for turning heads which are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles. The connection between the appeal site and the existing residential area would serve to improve the movement framework of the area, as a whole. I do not consider that the use of this connection by vehicles should be regarded as being unacceptable in highway terms and I return to matters of the effect on living conditions below.
 35. Turning to highway safety, the relevant highway authorities confirmed that there are no existing road safety issues within the immediate vicinity of the site that would be intensified by the proposal. Personal Injury Collision data has been reviewed between 2018 and 2020 and based on the number and type of collisions occurring at each junction over a three-year period, it is concluded that these are within the typical range given the size and level of use of each individual junction. The further accident dates provided by the Council's witness do not alter this view. Moreover, the new road layout would be designed to current standards and no specific mitigation in highway safety terms would be required to any off-site junctions.
 36. There would also be a reduction overall in vehicular flows compared to the extent scheme and it reasonably follows there would be an associated reduction in the likelihood of conflicts. Vehicle speeds along Aveling Way would be low, and having visited the play areas and the surroundings there is adequate visibility and surveillance of the highway for users of the facilities and suitable access via separate footways. I do not consider that there would be unacceptable conflicts between residents of the estate using those facilities and vehicles.
 37. Drawing my conclusions together, both parties reiterated at the Inquiry that I must form my own independent view albeit in the context of the objective analysis before me. Having done so, whilst there may well be some additional queueing at certain times and locations, at worst this would result in only a

minor to moderate increase in waiting time and minor inconvenience to highway users. Taken in its ordinary meaning 'severe' means 'very great' or 'intense' but the traffic impacts of the proposal here would not be sufficiently great as to amount to a significant impact that could not be cost effectively mitigated to an acceptable degree, let alone a severe impact, either on its own or cumulatively with other existing and committed developments and when judged objectively. This was ultimately accepted by the Council's planning and highways witness in cross examination.

38. For these reasons, the proposal would not result in severe residual cumulative impacts or harm to highway safety that would conflict with the requirements of Policies DM4 and DM13 of the CS or Policy 8 of the NP, insofar as they require development proposals to minimise the need to travel by private car, provide linkages to facilities, to be consistent with the Nottinghamshire Local Transport Plan, provide appropriate parking provision and be of a high quality design that accords with a number of general design principles.
39. In Framework terms, there would be no conflict with the Framework at paragraphs 110 d) and 111, insofar as they require cost effective mitigation to an acceptable degree of significant impacts from transport on the highway network, in terms of capacity and congestion and highway safety. Further, 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.

Living conditions

40. The proposal is accompanied by a detailed Noise Assessment (NA) which sets out that acceptable living conditions for neighbouring occupiers could be achieved with regard to noise and general disturbance, subject to mitigation measures that could be secured by condition. Dwellings to the south/southeast of the site at Oak Tree Park are some distance from the appeal site and would be separated from it by a petrol filling station and drive thru facility. Properties at Gateford Toll Bar are further separated from the appeal site by the A57.
41. Moreover, the NA concludes that as a worst-case scenario and with mitigation in place, the appeal scheme would have a 'Low Impact' at all relevant receptors. Mitigation includes acoustic fencing and bunding in necessary locations along with plant noise limits, and the findings of the NA were accepted by the Council's Environmental Health Team.
42. Whilst the Council's witness referred me to a restriction on the hours of operation for the extant scheme¹², that permission contains no such restriction. No evidence of existing noise complaints to the Council in this location was put before me at the Inquiry and I have no details of ongoing complaints referred to in a third-party representation. I therefore cannot be certain they are directly comparable to this proposal but in any event, I must determine the proposal on its own merits and on the evidence as put to me in the appeal.
43. The NA was undertaken during in 2021 and over a weekend period. This was to ensure lowest levels of noise were measured and at a time when the background noise for the area would have been lower than when compared to 'normal' pre/post Covid 19 Pandemic background noise levels, so it is

¹² Paragraph 5.5 of Cllr Pressley's PoE.

- reasonable to assume compliance with more stringent background noise levels was required¹³. Whilst the levels could have been artificially low, outside this period the levels would be likely to be higher which would provide additional masking of any noise generated by the proposal, reducing the impact.
44. As set out above, on my reading of the evidence it is clear that a vehicular connection to the residential development was anticipated and would be provided. This is consistent with my own observations at my site visits where provision for a future access point had been provided at the end of Aveling Way.
45. Whilst it is difficult to be certain of how many smaller vehicles, cycles and pedestrians might use such a route, as set out above there are much more attractive and quicker routes in proximity and sound reasons why Blackstone Drive/Aveling Way would not be the main point of access for the site or the A57. Even if some vehicles used that route, speeds would be low, and I also observed a busy residential development with comings and goings from all types of vehicles accessing and servicing the properties. Any additional movements through this area are unlikely to be so significant or frequent that they would result in unacceptable levels of noise or general disturbance to existing and future residential occupiers either during the day or night.
46. Turning to other potential noise sources, an earlier consultation response¹⁴ from the Council's Environmental Health Team refers to a suggested restriction that, in accordance with the relevant British Standard¹⁵ any proposed mechanical plant be assessed so as to achieve noise limit criteria of 29 LAeq during the daytime and 22 LAeq during the night¹⁶. It is not clear that details of that plant should be agreed by the Council, only that they 'be assessed' because the NA sets the appropriate levels to be achieved and such levels could be reasonably secured by condition. On the final day of the Inquiry the Council agreed that with such a condition the reason for refusal would fall away.
47. Those responses further advise that reversing beepers are often a source of noise complaints due to their cyclical tonal nature and that it would be 'prudent' to look at incorporating a condition regarding the use of white noise/quiet reversing beepers for vehicles. However, the uncontested NA shows that reversing beepers would achieve 17db LAeq at the closest dwelling façade, 5db below the level of plant noise during the night.
48. Whilst I accept, they could be a more alien sound the service yards where such vehicles would operate would be located behind large warehouse buildings which in turn would be sited behind specifically engineered acoustic fencing, bunds, and landscaping. The service yard for Unit 1 is also a significant distance from dwellings, facing onto the A57. Noise from alarms would be masked by general ambient noise and with mitigation in place any noise from such beepers is unlikely to be experienced to any harmful degree by neighbouring or nearby residential occupiers.

¹³ Environmental Health Team response dated 17 June 2022.

¹⁴ CD9.20.

¹⁵ BS 4142:2014.

¹⁶ CD9.20.

49. The Council's evidence refers to less employment in the extant scheme and that the approved traffic related noise would not be as intensive, but this would be a distribution use as opposed to a mixed industrial and distribution use. The TA is also clear, and it is not in dispute that the extant scheme would result in a greater number of vehicular trips overall and more HGV movements. No substantive evidence was provided to demonstrate properties close to the level crossing in Shireoaks or the primary school would be unacceptably impacted upon from queueing vehicles.
50. For these reasons, and subject to conditions the proposal would not cause material harm to the living conditions of neighbouring or nearby residential occupiers in terms of noise and disturbance that should be regarded as bringing the proposal into conflict with Policy DM4 of the CS or the NP insofar as they require new development to ensure it does not have a detrimental effect on the residential amenity of nearby residents through being a high quality of design. I also find there would be no conflict with the Framework insofar as it requires decisions to ensure a high standard of amenity for existing and future users and its overall objective of achieving well designed places.

Other Considerations

Character and appearance

51. The appeal site lies outside but abutting the periphery of Shireoaks, as extended by recent housing developments. It sits partly within an agrarian landscape within no landscape designations and is a generally flat and open area of agricultural land. No objections were raised by the Council in this regard but were raised by local residents and so to assist the Inquiry a Landscape Visual Assessment (the LVA) was submitted by the appellant.
52. The change from an open field to a warehouse facility, even allowing for landscaping and planting, would have a permanent effect on character and a consequent change in the appreciation of the immediate landscape. This would include through the introduction of buildings, associated structures, floodlighting and activity from vehicles. This would also be the case with the B1/B2/B8 development.
53. In this case, the magnitude of change to landscape character would be significant through an alteration to the landscape. The landscaped buffers would, however, reinforce key characteristics of the Landscape Character Area and enhance biodiversity. When combined with the very low landscape sensitivity of the site I agree with the LVA that this would result in a 'Moderate' adverse level of effect during the construction process.
54. I also agree with its findings that the existing hedges are degraded, and the proposal would make allowance for new planting to strengthen and bolster the hedge lines. A sufficient landscaped buffer would be provided to separate the employment and residential areas along with proportionate space at the boundaries. Planted with locally important species this would, over time establish a green buffer to the edge of the site.
55. The acoustic fence would be planted with native planting and climbing species enabling a suitable degree of greening over a period of 2-3 years. In terms of medium to longer term residual effects planting would fully mature to soften and visually break up the mass and scale of the built form and the 'Moderate'

- adverse effects would reduce further over time so that the residual effects would be 'Minor' adverse.
56. Visually, the scheme will be visible from those residential areas, pedestrian footpaths, and Public Rights of Way (PRoW) which pass through the setting of Shireoaks. The experience of adverse visual effects would be limited to individual houses which back, or will back, onto the site, Lower Road, and a limited number of wider viewpoints. Over time the landscaping would filter views but nonetheless, for a significant period of time from existing PRoW on the edge of Gateford and Shireoaks¹⁷ and some residential properties there would be some 'Major' to 'Moderate' adverse effects.
57. Trees would be approximately 6.5 metres on planting with an understorey half that size and containing native structural planting. The effects would be significantly reduced in the longer term by the planting, tree protection, sensitive lighting and biodiversity mitigation and enhancements and I find such mitigation to be well considered, sensitive and appropriate in this context.
58. At Years 15 onwards trees would be greater than 11 metres and including bunding heights and larger specimens the visual effects would reduce to be no more than 'Moderate' to 'Minor' adverse. The use of embedded mitigation measures such as cladding types, appropriate colour finishes and tones would further help reduce the effects and would be subject to approval by the Council.
59. Whilst I broadly agree with the findings of the LVA there would be a degree of permanent harm from such large scale-built form in this location and the scale and mass of such form would not entirely complement the appeal site or its immediate surroundings. Insofar as major development proposals being of a scale appropriate to the existing settlement there would be some conflict with parts of Policies DM4 and DM9 of the CS and Policies 1 and 2 of the NP and these should be regarded as adverse impacts that should be weighed in the balance against the proposal.

Biodiversity

60. The appeal site lies within an Impact Risk Zone (IRZs) of three SSSI's in the vicinity of the appeal site location, Lindrick Golf Course, Anston Stones Woods and Dyscarr Wood. In addition, Fox Covert a Local Wildlife Site is also nearby. The relevant consideration for the national sites relates to water and supply discharge. The consultation response I requested from NE does not provide specific advice on the details of the application but does provide standing advice. Clearly this lack of a detailed response does not imply there are no impacts on the natural environment, but the Council and appellant subsequently confirmed their previous view on ecological matters was unchanged and that there would be no harmful impacts, subject to conditions.
61. In the absence of any advice to refute the findings of consultees and the appellant's expert evidence I must form my view. Having done so, the proposal includes an engineered solution to control surface water flow emanating from the site and the discharge rate will be maintained at the greenfield run-off rate. The drain on site, flows east toward Lindrick Golf Course, but is a tributary of the River Ryton which flows south and east through Worksop and away from

¹⁷ LPA refs: 243/15/3, 249/11/1, 17, 19.

the SSSI. Therefore, there is no hydrological link to any of the SSSI's and issues and impacts to the drain on site, would not cause harm.

62. Downstream protection measures would be secured by condition for a Construction and Environmental Management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) which would also ensure no harm to Fox Covert. Consequently, there are unlikely to be any changes to the hydrological regime that could adversely affect the SSSI's. Suitable protection measures would be secured by condition and for these reasons there would be no harm to these sites of local and national importance.
63. The appellant has addressed comments from Nottinghamshire Wildlife Trust in terms of the initial protected species survey data and biodiversity net gain. The updated Ecological Assessment¹⁸ contains the agreed recommendations for mitigation and compensation. Whilst some final additional surveys are required subject to the timing of the development, I am satisfied that these are pre-commencement final checks and the presence of protected species or otherwise, has already been established, or otherwise and appropriate mitigation proposed to be secured by conditions.
64. There are opportunities for significant native tree and shrub planting and structural landscaping measures, such as creation of wildflower meadow, gapping up of hedgerows and other measures such as bird boxes. Overall, the appeal scheme would generate some ecological benefits including improved wildlife corridors and water courses and a biodiversity net gain across habitat areas, linear units, and river way units.
65. In reaching this view I have considered the concerns raised by interested parties on these matters but from what I have seen and read Great Crested Newts were not found and there appear to be no suitable water bodies on or near the site to support them. Impacts to this species were therefore scoped out during the assessments and conditions are proposed to reassess this if the development does not take place within a certain period of time. Ultimately there is nothing substantive before me that indicates protected species or nationally and locally important sites would be harmed, subject to the mitigation and conditions imposed and that the specialist advice from statutory consultees and both of the parties should not be determinative.

Other Matters

Third party representations

66. Turning to the concerns of third parties, those concerns raised in relation to light pollution, traffic impacts, flooding and environmental risks, noise and employment opportunities are considered within this decision and would be addressed through the imposition of planning conditions and in the UU.
67. Comments were made at the Inquiry and in representations that residents were not aware of the history of planning permissions and that the proposal does not follow the outline masterplan. However, although the plan is illustrative no evidence has been put before me to suggest that it is not reasonable to take the illustrative layout as an indication of the likely form of development that would have come forward at the Reserved Matters stage. The

¹⁸ CD 2.25.

extant permission would also have generated more vehicle and HGV movements.

68. There is nothing substantive to indicate a danger to residents using the play facilities/open space or from any deterioration in air quality, again noting that there would be less traffic generated by this proposal than the extant permission. I do not consider the proposal would in any way be harmful to the education of children in the village and any concerns regarding consultation with local residents by the appellant is not determinative to the planning merits of the proposals before me.
69. Whilst views from a limited number of properties would permanently change, given the distances involved and landscaping proposed such changes would not be materially harmful to outlook or be overbearing to those occupiers. For the same reasons there would not be losses of privacy or unacceptable overshadowing. Effects on property values and other private interests are not matters for me to consider when assessing the planning merits of the appeal.
70. I acknowledge that my decision will come as a disappointment to those residents who have objected to the proposal but having determined the proposal on its own planning merits, as I am required to do, I have found that the harm I have identified is not prevailing and is outweighed by other material considerations. None of these other considerations or representations, on their own or in combination, alter my view to allow the appeal.

Conditions

71. Following a round table discussion at the Inquiry the parties agreed a list of conditions. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions.
72. A condition is required to ensure compliance with the approved plans for the avoidance of doubt as this provides certainty (2). Material samples are required in the interests of the character and appearance of the area (3). Conditions relating to the submission of details of the acoustic fencing, the bunding on which it would be positioned, and the sustainability credentials of the development are all required in the interests of living conditions and to ensure energy efficient and sustainability credentials are achieved (4, 5 and 6).
73. For highway capacity reasons the development shall not be occupied until agreed improvements to the Ashes Park Avenue and Raymoth Lane junctions have been carried out (7 and 8). To ensure appropriate parking and servicing arrangements are made available a condition is required that these be in place prior to occupation (9). Details of the future management and maintenance of the spine road are also required to ensure infrastructure is appropriate and that the development is not occupied until the spine road has been completed to an appropriate surface level, is lit and open to traffic (10 and 11).
74. To ensure larger vehicles are kept to appropriate routes and to discourage vehicle speeding, conditions 12 and 13 are required to ensure an environmental weight restriction is in place and that prior to the spine road

- being open, details of a bus friendly plateau are approved, implemented, and retained.
75. A condition is necessary for lighting details to be submitted and agreed in order to protect from uncontrolled light sources (14). In the interests of sustainable travel, the development shall be carried out in accordance with a Travel Plan (15). A CEMP is necessary to protect living conditions and the local environment (16). Conditions in the interest of biodiversity and to ensure protected species are not harmed are necessary, including additional surveys for Great Crested Newts if development does not take place within one year. Development is also required to be carried out in accordance with the revised Ecological Assessment and a LEMP is to be agreed (17, 18, 19, 20 and 21).
 76. Replacement of trees is required to ensure landscaping mitigation and enhancement is appropriately provided; I have amended the proposed 5-year replacement period to 15 to ensure sufficient opportunity is afforded for the landscaping scheme, including the establishment of specimen trees to be successful (22). Conditions 23, 24 and 25 are required in the interests of protecting heritage assets. Waste management details are also required in the interests of sustainability (26).
 77. To protect the natural environment from pollution and flooding conditions 27 and 28 are required for contamination and sustainable surface water drainage purposes. A condition requiring details of proposed land levels is necessary in the interests of residential and visual amenity (29). Three proposed conditions were in dispute, although by the close of the Inquiry the parties agreed to the need for a condition to limit plant noise levels in accordance with the findings of the NA. I agree it is required to ensure living conditions are not materially harmed and it is therefore imposed (30) as agreed.
 78. Of the remaining two conditions because of my findings in relation to the lack of effects on living conditions a condition relating to restrictions for reversing noise beepers for vehicles retained on site has not been shown to be necessary. The parties disagree on a condition to limit access during site clearance and construction to the A57 to the east and to avoid trafficking through the residential state. However, the existing bell mouth access from the existing A57/Gateford Road roundabout is the obvious construction access point, albeit some works will be required to alter its levels and extend a haul road.
 79. Direct access onto the A57 is unlikely given the existence of this bell mouth and Aveling Way would not be an attractive construction route due to its geometry and the need for costly repairs to that highway from use by such large construction vehicles, in addition to the regular cleaning and maintenance that would also be required, creating unattractive logistical challenges. That said, this does not mean that it would not take place, but the CEMP required by condition 16 includes means of access and vehicle routing for larger vehicles in excess of 3.5 tonnes. I have therefore amended this to include details of signage, so such traffic is deterred from using Blackstone Drive/Aveling Way and this is necessary in the interests of highway safety and local amenity.
 80. Conditions 5, 10, 12, 16, 19, 20, 23, 28 and 29 are conditions precedent and I am satisfied that they are fundamental to the development to ensure that it does not occur until such matters are resolved, in the interests of character and

appearance, living conditions, appropriate provision of infrastructure, biodiversity/ecology, heritage assets and flooding.

Planning balance and conclusion

The adverse impacts

81. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
82. Subject to contributions and conditions, there would be no unacceptably adverse impacts in relation to highway impacts or safety and the living conditions of neighbouring occupiers. The proposal would not be in conflict with the development plan in such terms. However, the site is located outside the limits of development and as set out above there is an 'in principle' policy harm. There would also be some harm to the character and appearance of the site and its immediate surroundings. The conflict with Policies CS1, CS2 and parts of DM4 of the CS and the NP is such that the proposal should be regarded as being in conflict with the development plan, as a whole.
83. It is therefore necessary to consider whether there are any other material considerations which indicate that permission should be granted. As set out above the presumption in favour of sustainable development within paragraph 11 d) ii of the Framework is engaged. This states that permission should be granted in such cases unless 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.
84. In terms of weight to those impacts, there is a rationale strategy for development boundaries to protect the countryside while focusing growth within designated settlements, whilst accepting that on their merits, applications for housing and other development have been approved outside of these boundaries, including on the appeal site for a similar form of development. This indicates that the development plan is failing to meet its strategic challenges and this conflict is therefore of limited weight because there is no clear strategy for the delivery of growth.
85. The Framework is clear that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. The harm in character and appearance terms is tempered by the environmental benefits from ecological enhancements, energy efficiency and renewable technology measures and an overall biodiversity net gain. The proposal is considered in its design, recognising its countryside location and neighbouring occupiers and to my mind the harm and resultant conflict carries a modest amount of weight against the proposal.

Other considerations and the benefits

86. Balanced against this, the principle of B1/B2/B8 employment and other uses on the wider site has already been established by the extant permission. I am satisfied that if permission were refused there is a real prospect of that scheme being implemented and despite concerns of third parties no substantive or determinative evidence has been put before me to indicate otherwise. It should therefore be treated as a material consideration.

87. The site has a lengthy planning history, and it is clearly a suitable and accessible location for new employment development identified in both the NP as a development site and in the ELP, for employment land. Although the extant permission's illustrative layout¹⁹ indicates a different form and layout of development that scheme would have generated greater levels of activity and traffic including from more HGVs.
88. Although built form may not have been exactly at the same scale or height, overall, the character and appearance effects of such industrial development would be broadly comparable. The extant permission would ultimately have caused greater harm in terms of the specific concerns raised by the committee members, and which led to the appeal. The fallback position as a material consideration therefore weighs significantly in favour of the grant of permission for the proposal before me.
89. The evidence as a whole demonstrates a pressing need for warehousing/logistics space and highlights the importance of this type of employment for the region. The proposal would result in economic benefits of investment and construction jobs. Bassetlaw's relatively low growth in employment and business numbers, combined with an ageing population, means the creation of new jobs in the area is an important benefit.
90. Although construction jobs would be for a short one-year period the proposal would create a notable number of these jobs, and result in knock on effects for other sectors both pre and post completion. Construction would also result in somewhere in the region of £23.5 million of Gross Value Added (GVA). There would also be additional jobs from the operational phase of the employment space generating further GVA, net additional FTE jobs and associated wages. The proposed development is expected to provide approx. 700 jobs, and 40% of the proposed jobs are expected to be skilled.
91. Despite some third-party objections in this regard, the Employment and Skills Plan secured in the UU would ensure that local people and businesses benefit from the operational phase and end use. Operational phase jobs would be at both ends of the spectrum and across a range of occupations and there would be work placement opportunities and on-site jobs for people in the district along with opportunities for qualifications and industry certification. Given the local context and in accordance with paragraph 81 of the Framework, the support for economic growth, taking account of local business needs and the wider opportunities it would create, carries significant weight in favour.
92. Mitigation in the form of a financial contribution for highway improvements is intended primarily to respond to needs and impacts arising from the development and to make the development acceptable, so the contribution is neutral in the planning balance. The proposal would also include mitigation schemes from the extant permission. There would be some environmental benefits from ecological enhancements including a biodiversity net gain which weigh modestly in favour. I ascribe negligible additional benefit in respect of accessibility to local services or the site's agreed accessible location as I consider these to simply demonstrate an absence of harm.

¹⁹ With reference to CD10.2.

93. It was put to me that these benefits were not inevitable and could also result from the extant scheme but nothing substantive was put before me to indicate if any alternative scheme would provide these particular benefits. The fact is they are the benefits of the scheme before me and fall to be assessed on their merits.
94. Paragraph 9 of the Framework sets out that the three economic, social, and environmental objectives of sustainable development are not criteria against which every decision should be judged. Nonetheless, economic, and social objectives would be fulfilled and although there would be some character and appearance harm the proposal would still fulfil important environmental objectives of improving biodiversity, making effective use of land, and making best use of the capacity of development land on a site already found suitable for much needed employment and other development.

Conclusion

95. Drawing everything together, there are no policies in the Framework that protect areas or assets of particular importance that are applicable here and provide a clear reason for refusing the development proposed. This is not a case where the presumption in favour of sustainable development is disapplied by virtue of paragraph 11 d) i.
96. Whilst I have found that there would be some adverse impacts, they would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, when taken as a whole. As such the proposal would be the sustainable development for which Paragraph 11 d) ii. of the Framework indicates a presumption in favour.
97. In this case there are material considerations which outweigh the harm and conflict with the development plan that I have identified and indicate to me that a decision should be made other than in accordance with the development plan.
98. There are no other material considerations that indicate permission should be withheld. I therefore conclude that the appeal should be allowed, and planning permission granted subject to the conditions set out in the attached Schedule.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, of Counsel	instructed by Bassetlaw District Council
He called,	
Cllr Neil Sanders	Bassetlaw District Council
Cllr David Robert Pressley	Bassetlaw District Council
Susan Chan BA (Hons) MPlan CMI MRTPI MCIH	HMS Town Planning & Urban Design

Also present for the Council:

Beverley Alderton Sambrook	Bassetlaw District Council
Clare Cook	Bassetlaw District Council
Martyn Beckett	Bassetlaw District Council

FOR THE APPELLANT:

Robert Walton, of Kings Counsel	instructed by Tungsten Worksop Ltd, Hallam Land Management and Mr Paul Blagg
He called,	
Eleanor Overton BSc MA MRTPI	Pegasus Group
Chris Holloway BA MCIHT	Pell Frischmann
Adrian McCordick BSc MIOA	Hoare Lea

Also present for the appellant:

James Hicks	Pegasus Group
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Interested persons

Mr. Goode	Local resident
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DOCUMENTS SUBMITTED AT THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Mr Wilson's statement	Mr Wilson
Document 2	Appellant's opening submissions	Appellant
Document 3	Council's opening submissions	Council
Document 4	Mr Hursthouse's statement	Mr Hursthouse
Document 5	Draft Unilateral Undertaking	Appellant
Document 6	Costs application - Appellant	Appellant
Document 7	Costs application response - Council	Council
Document 8	Council's closing submissions	Council
Document 9	Appellant's closing submissions	Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 10	Highways Additional Note Rev 3	Appellant/Council
Document 11	Signed Unilateral Undertaking dated 16 June 2023	Appellant
Document 12	Final agreed schedule of planning conditions	Appellant/Council
Document 13	Email with housing completion details	Council
Document 14	Natural England response dated 18 July 2023	Council
Document 15	Final comments on NE response	Council
Document 16	Final comments on NE response	Appellant

SCHEDULE

CONDITIONS

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The proposed development shall be built in accordance with the following approved plans:

- Site location plan P411 Rev E received on 26/4/2022
- Existing site plan P416 Rev C received on 26/4/2022
- Proposed site plan P420 Rev L received on 26/4/2022
- Unit 1 proposed elevations P220 Rev F received on 23/6/2022
- Unit 1 proposed floor plan P120 Rev E received on 14/4/2022
- Unit 1 proposed roof plan P121 Rev D received on 26/4/2022
- Unit 2 proposed elevations P230 Rev E received on 19/7/2022
- Unit 2 proposed floorplan P130 Rev A received on 26/4/2022
- Unit 2 proposed roof plan P131 Rev A received on 26/4/2022
- Boundary treatments plan P423 Rev H received on 17/6/2022
- Landscape masterplan P21-0408-01-E received on 26/4/2022
- HGV parking plan P418 Rev J received on 26/4/2022
- Design risk assessment P417 Rev H received on 26/4/2022
- Travel Plan Rev P6 received on 26/4/2022
- Transport Assessment Rev P6 received on 26/4/2022
- BIA visualisations RSE_5066_BIA proposals Rev V7 received on 26/4/2022
- Biodiversity impact assessment metric received on 26/4/2022
- Existing street furniture plan P421 Rev F received on 26/4/2022
- Noise Report Revision 3 11 April 2022 received on 19/4/2022
- Air quality assessment received on 17/6/2022
- Email regarding sustainability credentials received 17/6/2022
- Phase 2 Geotechnical and Geo Environmental Site Investigation received 15/12/21
- Highway Technical Note Rev P5 received 18th July 2022
- Gateford Road / Ashes Park Avenue Mitigation ELS-BWB-GEN-XX-DR-TR-101 Rev P1 received on 19/7/2022
- Gateford Road/ Raymoth Lane Mitigation ELS_BWB-GEN-XX-DR-TR-102 Rev P1 received on 19/7/2022
- Cut and Fill analysis Drg No 115 Rev T1

unless the prior written approval has been obtained from the Local Planning Authority.

3. No development above slab level shall commence until details and samples of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be carried out in full accordance with the approved details and the development shall be maintained as approved.

4. Notwithstanding the submitted information, prior to the construction of floor slab detailed plans of the proposed acoustic fencing shall be submitted and approved in writing by the Local Planning Authority, along with a timetable for its implementation and maintenance. The development hereby approved shall not be brought into use until the acoustic fencing has been installed in accordance with the approved details in the site plan ref P420 Rev L. The acoustic fencing shall be retained for the lifetime of the development.
5. Notwithstanding the submitted information prior to the commencement of development details of the proposed bunds including the following shall be submitted to and approved in writing by the Local Planning Authority. The bunds shall be constructed and maintained in accordance with the approved details and retained in the approved form thereafter:
 - Timetable for construction of the bunds and planting of their associated landscaping;
 - Proposed land levels that the bund will be constructed at including section plans to demonstrate the levels compared with land / dwellings outside of the application site.
6. No development above floor slab shall commence until a sustainable design strategy has been submitted for approval by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained in the approved form thereafter.
7. The development hereby approved shall not be occupied until such time as the Ashes Park Avenue junction has been improved as shown on plan reference ELS-BWB-GENXX-DR-TR-101 Rev P1.
8. The development hereby approved shall not be occupied until such time as the Raymoth Lane junction has been improved as shown on plan reference ELS_BWBGGEN-XX-DR-TR-102 Rev P1.
9. The development hereby approved shall be not occupied until:
 - The access/parking/turning/servicing areas have been provided in hard bound materials (not loose gravel) and are marked out in accordance with the approved plan P420 Rev L. The access/parking/turning/servicing areas shall be drained to prevent the unregulated discharge of surface water on to the development spine road and shall not be used for any purpose other than access/parking/turning/loading and unloading of vehicles;
 - The secure cycle parking arrangements and EV charging points are in place and these facilities shall be retained and maintained to ensure they are in good working order for the lifetime of the development. An active electric vehicle charging point shall be provided adjacent to each allocated parking space and shall be designated for the sole use of electric vehicles. The charging point shall be supplied by an independent 32-amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to EN61296-2.

10. No part of the development shall commence until details of the proposed arrangements and plan for future management and maintenance of the proposed spine road including associated drainage contained within the spine road have been submitted to and approved by the Local Planning Authority. The spine road and associated drainage shall be maintained in accordance with the approved details unless and until a Section 38 Agreement Highways Act 1980 has been entered into or the spine road has been adopted as a public highway.
11. The development shall not be occupied until the development spine road including footway and cycleway has been completed up to binder course level, is street lit, and is open to traffic to and from Blackstone Drive and the A57.
12. The development shall not commence until a binding application has been made for the introduction of an environmental weight restriction (Traffic Regulation Order) and to limit the weight of vehicles in excess of 7.5 tonne, with exemptions for buses, bin lorries, and the emergency services (fire engines) from moving between the development and the residential area to the west. The environmental weight restriction shall subsequently be implemented as approved and retained thereafter.
13. Prior to the spine road being open to traffic to and from Blackstone Drive, details of a bus friendly raised plateau shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.
14. No security/floodlighting shall be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
15. The development shall be carried out in accordance with the approved Travel Plan Rev P6.
16. The development shall not commence until a Construction Environmental Management Plan (the CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be implemented as approved. The CEMP shall include the following:
 - the parking of vehicles of the site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - the means of access and steps to avoid trafficking via Aveling Way including appropriate directional signage;
 - hours of construction operations Construction traffic hours of operation;

- a dust management plan;
 - details in respect of the protection of trees/hedges;
 - a waste audit detailing waste management during site clearance and construction phases
 - vehicle routing during site clearance and construction for vehicles in excess of 3.5 tonnes.
- 17.If site clearance works are to be carried out during the bird breeding season (March – September), 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.
- 18.If the development does not commence within one year of the date of the permission a further great crested newt survey shall be undertaken, and the assessment submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
- 19.Prior to the commencement of development, a skylark and lapwing management plan shall be submitted and approved in writing by the Local Planning Authority. This shall include details of protection of habitat during construction and details of proposed compensation measures either on site or off site along with a timetable for implementation. The development shall be undertaken in accordance with the approved details.
- 20.No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall be implemented as approved. The LEMP shall include the following details:
- A biodiversity net gain state report;
 - Full details of the specification of the landscaping for the southwestern boundary
 - Timetable for implementation of landscaping;
 - Long term maintenance of the landscaping.
- 21.The recommendations as outlined in the submitted Ecological Impact Assessment (7/4/22) shall be undertaken and implemented in full unless otherwise agreed in writing by the Local Planning Authority.
- 22.Any trees, hedges or shrubs forming part of the approved landscaping scheme or subsequently agreed (as approved by Landscape masterplan P21-0408-01-E received on 26/4/2022) that are removed, dying, severely damaged or become seriously diseased within 15 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.
- 23.No development shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include the following: 1. An assessment of significance and proposed mitigation strategy (i.e.,

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

24. The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior consent of the Local Planning Authority.
25. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.
26. Prior to occupation, a waste audit detailing waste management during operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
27. 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 the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved
28. No part of the development hereby approved shall commence until a surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) and Drainage Strategy 63350-01 C, PRP Environmental, 13 December 2021, 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;
 - Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rainstorm 5 l/s rates for the developable area;

- Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA;
 - Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. 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 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods;
 - For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm;
 - Details of STW approval for connections to existing network and any adoption of site drainage infrastructure;
 - 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.
29. Development shall not commence until details of the existing and proposed land levels of the site, including sections through the site and building(s) proposed indicating finished floor levels have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
30. The mechanical plant for each unit shall achieve a noise limit criteria of 29LAeq daytime and 22 LAeq night-time. Cumulatively the identified limits shall not be exceeded.

----- End of Schedule -----

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ITEM SUBJECT OF A SITE VISIT

Application Ref.	23/00801/FUL
Application Type	Full Planning Permission
Site Address	Land At High Marnham Power Station, Power Station Access, Fledborough Road, High Marnham.
Proposal	Proposed Construction and Operation of An 8 MW Electrolytic Green Hydrogen Production Plant, with Associated Infrastructure Including HGV and Multi Cylinder Pack (MCP) Loading Areas, Vehicle Maintenance Unit, Staff Welfare Facilities and Control Room, 11KV Customer Sub-Station, Boundary Fencing, Internal Access Roads, Landscaping, External Lighting and Works.
Case Officer	Clare Cook
Recommendation	Grant Conditional Consent
Web Link:	Link to Planning Documents

THE APPLICATION**SITE CONTEXT**

This site is located within the former High Marnham Power Station site which was decommissioned in 2003. The site lies on the base of one of the former cooling tower to the south east of the site.

The site is bounded by nature trees to the south and east and is bounded to the west by the National Grid sub station.

The site is predominantly previously developed land and lies within flood zone 1.

PROPOSAL

This proposal is for the construction of an 8MW electrolytic green hydrogen production plant with associated infrastructure including HGV and Multi Cylinder Pack loading areas, vehicle maintenance unit, staff welfare facilities and control room, 11KV customer substation, boundary fencing, internal access roads, landscaping, external lighting and works.

Green hydrogen is produced using renewable power sources and in this case the power source would come from the recently approved solar array farm (22/00707/FUL), an alternative power source also could come from the biomass power plant at the Low Marnham Site.

Access to the site is proposed via Fledborough Road which is the existing access site into the former power station.

The proposal includes the following development:

- Hard standing vehicular track, tanker and multi cylinder pack loading areas and HGV parking areas.
- Vessels, pipes, pumps, compressors, tanks, valves and control equipment housed in permanent steel support structures
- A three storey building containing a vehicle maintenance unit, staff welfare facilities and control room

- Step down electricity transformers, electrolysers and compressors
- An 11kV customer substation

It is anticipated that the facility will produce a maximum of 3 tonnes of hydrogen per day which will be transported to customers via HGV loads.

It should be noted that some of the supporting documents do make reference to an ammonia cracker plant on site; however this element of the proposal has been withdrawn by the applicant and a further application is expected in this regard. The documents have not been amended as they represent the worst case scenario.

The applicant has submitted documents later in the application process in order to satisfy any proposed conditions; however it has not been possible to fully consult on these documents and therefore the conditions they relate to are still proposed and if permission is forthcoming they will need to be discharged via the formal condition discharge process.

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

22/01071/FUL - 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. Granted 26/5/23

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 – EIA required primarily due to the ammonia cracker element.

23/00313/FUL - The Erection of a 1.8m High Palisade Fence with Vehicular Gate and 2 no. Bollards (Retain). Granted 1/6/23

23/00748/HAZ - Application for Hazardous Substances Consent for the Proposed Storage of a Maximum of 3 Tonnes of Hydrogen. Pending at the time of writing the report.

23/01135/FUL - Full Planning Application for the Construction and Operation of A Prototype Facility for the Production of Hydrogen from Ammonia, and Associated HGV Loading and Unloading Areas, Staff Welfare Building, Boundary Fencing, Internal Access Roads, External Lighting and Works (EIA Development). Pending consideration

SUMMARY OF CONSULTATION RESPONSES

Nottinghamshire County Council Lead Local Flood Authority

No objection subject to condition

Nottinghamshire County Council Highways

The application is supported by a Transport Assessment. During construction the TA predicts that the development would generate 63 HGV deliveries (126 each way) and that those deliveries will be routed to and from the site via A57 and Main Street passing through Ragnall. There is no assessment of the number of require construction operatives. Nor is there a programme to determine the number of hourly/daily movements. However as the development includes modular buildings and shipping containers, the amount of construction and number of construction workers required on site would likely be less than could be expected if the whole facility was to be built from scratch on site.

During operation the TA anticipates that there will be 4 members of staff on site at any one time, but presumably would double for a short period during a shift change over. The facility would require 1 HGV ammonia delivery per week presumably to feed the ammonia cracker and the electrolyser would generate 10 tanker loads of hydrogen per day (20 two way). The TA suggests that there will be 1 HGV per day removing wastewater. The planning statement suggests that wastewater would be discharged into the River Trent. There is no assessment of the number of HGVs required to transport hydrogen from the ammonia cracker. However it is assumed that the number would be nominal.

The development would be accessed via the former power station access on Fledborough Road both construction and when in operation. The actual facility would be located some distance to the east towards the River Trent. It is therefore unlikely that the internal layout or level on site parking provision would affect the public highway.

Conditions are recommended.

Nottinghamshire County Council Planning Policy

Minerals – No objections from a minerals perspective

Waste – No objections, a waste audit is recommended if the proposal generates significant amount of waste.

Travel and Transport – If there is a requirement for a Travel plan a Sustainable Transport Statement should be provided. For public transport access the only consideration is in terms of number employees at construction.

Bassetlaw District Council Environmental Health

Extraction/ventilation – to comply with current building regulations

Noise – It is unlikely that the development will cause an issue in terms of noise. Conditions recommended for the construction process

Lighting – the submitted details illustrate low level lighting, care should be taken to avoid sky glow. Any light nuisance can be dealt with under the Environmental Protection Act

Contaminated land – recommends planning condition

Bassetlaw District Council Tree Officer

No comments received

Lincolnshire County Council Archaeological Advisor

Archaeological conditions are recommended

Anglian Water

No comment to make

Environment Agency

No objections to the phase 1 desk based assessment in principle and advises that planning permission could be granted subject to conditions.

An informative is suggested in terms of drainage and permits

Regulated Industry – no objections, give advice regarding permits and COMAH

Trent Valley Internal Drainage Board

It is outside the Boards District but within the catchment area. Marnham drain exists to the east of the site which are covered by byelaws and the land drainage act 1991.

The Boards consent may be required. The drainage system and maintenance should be agreed with the local lead flood authority.

BDC Conservation

No objections

Newark and Sherwood District Council

No comments to make

West Lindsey District Council

No observations to make

Nottinghamshire Wildlife Trust

No objections subject to conditions and mitigation being achieved.

Health and Safety Executive

No comments received in respect of this application but state in application 23/00748/HAZ that they will be assessing the hazardous substances application in November

EDF Energy

No comments received

Cadent

No objections as the intermediate and high pressure gas pipelines. Not aware that any future pipelines will be affected

National Grid Electricity Transmission

No objections. Safe working guidance given for the applicants attention.

West Burton Energy

No comments received

Sports England

No comment to make

NCC Public Rights of Way

No comments received at the time of writing the report

Marnham Parish Council

No comments received at the time of writing the report

Fire Officer

Following advice given. Has also commented on 23/00748/HAZ and given advice.

- 1) Any or all relevant Buildings would be covered by the appropriate guidance documents for example and not limited to Approved Document B
- 2) Approved Document B should be considered for (and not restricted to) Fire Service Access to the site.
- 3) Consideration given for the need for a true alternative access for Fire Service vehicles in the event of an emergency.

- 4) Any relevant buildings will fall under the scope of the Regulatory Reform (Fire Safety) Order 2005
- 5) Fire Service would encourage an Emergency Plan (including Response) from the site and its operators and offers to contribute to its content including fire-fighting actions, specialist advice, fire fighting water and its availability.
- 6) Consideration given to an incident occurring at the site and adversely affecting the existing National Infrastructure located in close proximity to the proposed development

National Gas Transmission

There are no National Gas Transmission assets affected in this area

National Grid Electricity Distribution

No comments received at the time of writing the report

Dunham Parish Council

The proposal is not supported on the following grounds (in summary):

- There is no masterplan for the site, it is being developed in a piecemeal way with J G Pears existing activities extending from Low Marnham to High Marnham.

Transport concerns.

- All the traffic will access the site to and from A57 via Ragnall and Fledborough – this is a concern. Both are rural villages with dwellings sitting on the roadside and the noise and pollution that will be generated will be detrimental to peoples amenity. The application is for green energy but the noise pollution and general road safety is not green for residents. Its creating a nuisance.
- Alternative transport links have not been considered. Figures in the assessment are from 2022 when the site was not operational.
- There are many factors that affect the efficiency of the junction known as Dunham Crossroads such as school times, staffing at the toll bridge and holiday times.
- Recently the Parish has collected figures of traffic leaving the entrance both north and south and the results have been submitted.
- The use of the River Trent should be explored for alterative transport or the train line to the west. There are also alternative routes they could use, there is a height restriction at Tuxford, if any vehicles are below this then this should be considered rather than just opting for the most direct route through the villages.

Major hazards and accident concerns.

- Notts Fire and Rescue need to be consulted to sees how they would respond to an incident at the site and for them to raise any concerns about the roads passing through built up areas particularly villages.
- The site is not at risk of flooding but there needs to be an assessment of the risks of extreme rainfall.
- The development should follow the suggestion of storing ammonia in two tanks and reduce the incoming ammonia tankers to a volume of 9 tonnes.
- The risk of the loss of potassium hydroxide from the electrolyser due to fault or accident, including on the highway has not been assessed.
- There is a need to address the potential impact of fugitive emissions of ammonia during maintenance to avoid nuisance and odours.
- Are there provisions for ammonia detectors to be placed at locations further from the plant such as the site boundary or nearby villages?
- The Parish Council wants further clarification on the intention to only run the ammonia cracker for 3 years

Suggest that a decision is not made on this application until the government review of the site is finalised and J G Pears Group has submitted a masterplan of the whole site.

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

SUMMARY OF PUBLICITY

This application was advertised by neighbour letter, site notice and press notice and 0 household letters of objection have been received at the time of writing the report.

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
- Residential Amenity
- Biodiversity
- Heritage
- Flood Risk and Drainage
- Contamination
- Other issues
- 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; however the application site per se lies within a much wider brownfield site which used to house High Marnham Power Station.

It is accepted that the CS policies of the adopted development plan are out of date and are to a degree silent in respect of this type of development. However, the most important policy for the determination of this application is Policy DM10 which considers renewable and low carbon energy. Given the fact that this policy is consistent with the aims and objectives of the National Planning Policy Framework it is given full weight. This policy is supportive of such developments providing they demonstrate the following:

- i) are compatible with policies to safeguard the built and natural environment, including heritage assets and their setting, landscape character and features of recognised importance for biodiversity;
- ii) will not lead to the loss of or damage to high-grade agricultural land (Grades 1 & 2);
- iii) are compatible with tourism and recreational facilities;
- iv) will not result in unacceptable impacts in terms of visual appearance; noise; shadow flicker; watercourse engineering and hydrological impacts; pollution; or traffic generation; and
- v) will not result in an unacceptable cumulative impact in relation to the factors above

In terms of material considerations in respect of the principle of the development the NPPF is clear that the planning system should support renewable energy development, paragraph 152 states:

“The planning system should support the transition to a low carbon future in a changing climate, taking account flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure” (report writer’s emphasis)

Paragraph 158 states:

“When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”*

Further material considerations relate to the National Policy Statements which are normally used for national infrastructure development; however they provide a good reference point demonstrating the Government’s stance to this type of proposal.

Policy Statement EN-1 National Policy Statement for Energy, Draft National Policy Statement EN-1 – Overarching Energy and Draft National Policy Statement EN-3 Renewable Energy Infrastructure are of particular importance in respect of this application. All of these documents demonstrate the Government’s commitment to meeting the climate change commitment of net zero by 2050.

It is clear from these National policy documents that there is Government support for this type of development subject to an assessment of material considerations which are discussed below.

A further material consideration relates to the location of this site. Whilst it is accepted that it is within the open countryside it forms part of a wider brownfield site which housed High Marnham Power Station; this is a prime location for a development of this nature.

It is therefore considered that the principle of the development is acceptable subject to the material considerations which are discussed below.

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.

When taken in the context of the relevant policies and material considerations outlined in the rest of this report, it is considered that the proposal constitutes sustainable development as required by the policies above. This is also in the context of the benefits provided by renewable energy and carbon reduction as a result of the proposed development.

Paragraph 158 of the NPPF does not currently require applicants to demonstrate a need for new renewable energy development, recognising that even small additions are invaluable to reducing carbon emissions. Renewable energy as a whole still makes up a minority of the UK’s energy mix and at the present time, relevant local and national policy is strongly in support of substantial increases in the provision of renewable energy.

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 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.

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.

The site is accessed off Fledborough Road, which was the access into the former power station site. This access also serve other developments on the wider site.

A Transport Assessment has been submitted with the application. It should be noted that this transport assessment also includes an ammonia cracker plant; however the ammonia cracker plant has been excluded from this application. It has not been considered necessary to revise the Transport Assessment as the submitted document is in effect a worse case scenario compared to the proposal.

The proposed plant will be located on one of the former cooling towers bases and has an existing access track leading to it from Fledborough Road. There is proposed parking for the hydrogen production plant which comprises of 8 spaces, including 1 disabled space.

During construction, the following deliveries are expected:

Concrete – 25 deliveries

Building Materials – 10 deliveries

Balance of Plant – 10 deliveries

Electrolysers (44 tonne) – 16 deliveries

Compressors (44 tonne) – 2 deliveries

It is expected that the construction vehicles will take the following route:

- A1 (northbound and southbound) at Markham Moor on to A57.
- A57 then turning right on to Main Street through Ragnall to site
- The reverse journey will be taken when departing the site.

During operation it is expected that there will be 4 members of maintenance staff on shift at any one time with shift patterns running 24 hours, 7 days a week. As a result of the proposed development it is expected that on average there will be approximately 2 additional vehicle movements per hour which will be added to the highway network.

The Transport Assessment has also considered other developments on the site which have attained planning permission in order to assess the cumulative impact on the highway network. Other developments considered include the solar farm, the meal store and Units A and B. The report concludes that none of the junctions assessed will be operating near to capacity even in the future year of 2029.

It has been questioned who the end suppliers would be and the applicant provided the following information:

“...green hydrogen will be used as a fuel for sectors that are difficult to electrify (e.g. construction sites, long-term infrastructure projects, events, film and TV production, transport). There is an existing hydrogen power unit providing power to the thermal odour abatement plant at JG Pears’ Low Marnham site. Essentially, green hydrogen replaces diesel generators”.

The Transport Assessment has been assessed and analysed by the Highway Authority who is the statutory consultee in this regard. Whilst the Highway Authority state that there is no analysis of the number of required operatives or a programme to determine the number of hourly/daily movements, the officer states that as the development includes modular buildings and shipping containers the amount of construction and the number of construction workers on site is likely to be less than could be expected if the whole facility was to be built from scratch on site.

In terms of operation the Highway Authority has analysed the details and states that whilst there is no assessment of the number of HGVs required to transport hydrogen from the plant it is expected that the number would be nominal; Conditions are recommended.

Nottinghamshire County Council Travel and Transport questioned the need for a travel plan; however the Highway Authority has confirmed that this is not necessary for this proposal.

Dunham Parish Council has objected to this application on the grounds of highway safety and their objection has been sent to NCC Highways for comment.

The Highway Authority maintain that they have no objection to the application even though it is accepted that there are gaps in the transport assessment such as the number of construction operative movements, and the number of HGVs required to transport hydrogen from the ammonia cracker. However, it is unlikely that junction improvements to deal with temporary construction traffic could be justified. The Highway Authority state that there is no assessment in accordance with the Guidelines for the Environmental Assessment of Road Traffic (IoEA 1993) in any event, but it is suspected that the operational development wouldn’t generate sufficient traffic to warrant one. The traffic impact on highway network capacity is likely to be minimal.

Comments have been made that the applicant should consider alternative transport links; however the local planning authority has a duty to determine applications that are submitted and in this case the statutory consultee – the Highway Authority consider the proposal to be acceptable in highway terms.

The Highway Authority has been asked whether a revised transport assessed is required to ‘fill in the gaps’; however this is not considered to be necessary. It states that the number of vehicle movements that are known did not really warrant a TA at all.

It is unlikely that capacity improvements would be sought to deal with queues that may occur temporarily during construction. We would only need to know the number of hydrogen deliveries if the intention was to cap the total number HGVs. There is not a highway network capacity issue to justify a cap unless the figures that are quoted are a substantial underestimate of actual movements.

The Highway Authority accept that the site is being developed in a piecemeal fashion but equally accept that the applications have to be considered on their own merits. The Authority also accepts that the impact on the highway network would be lesser if water and rail transport was utilised.

The agent for the application has responded to the rail and water transport query as follows:

“.....there is no rail connection at High Marnham. Network Rail use the section of railway to the west of High Marnham as a test track and is therefore not used (nor could it be used in the future) for commercial rail traffic. There is further information available online if you search ‘High Marnham Test Track’ and ‘Tuxford Rail Innovation and Development Centre.’

As to river transport, transporting the hydrogen via the River Trent would require substantial engineering to create a loading dock. This would have significant ecological and hydrological implications in replacing a soft banked river verge with a large concrete loading station.

Fundamentally, the green hydrogen will be delivered directly to JG Pears’ existing Hydrogen Power Unit (HPU) at Low Marnham and to a local transport company in Sutton-on-Trent. GeoPura Energy will deliver the remaining hydrogen to sectors that are difficult to electrify (e.g. construction sites, long-term infrastructure projects, events, film and TV production) which are inherently remote locations/not connected to the Grid (the green hydrogen will replace diesel generators). This will be delivered directly to customers in multiple small units. There will be no advantage to the proposed operation (and delivery to remote locations nationwide) in using rail or road transport.” (e-mail dated 28/9/23)

This explanation is accepted.

It is acknowledged that the Parish Council has submitted some traffic data; however this only relates to 1 hour on 3 separate days. It is not considered that this is sufficient to question to the analysis that has been undertaken by the Highway Authority who remains confident that the proposal is acceptable in highway terms.

The advice from the Highway Authority is accepted and it is concluded that there will not be a severe impact on the highway network.

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

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 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.

The applicant has submitted a Landscape and Visual Assessment with the application. This assessment concludes that given the previous land use the proposals would not result in any long term significant adverse harm to the landscape and would result in neutral effects and no change in the majority of views due to the established boundary treatment and the presence of industrial components in the immediate and surrounding landscape.

A cumulative analysis has also been undertaken in respect of other developments which have been granted on the wider site. It states that given the previous industrial use there will be a negligible neutral cumulative long term impact on the sites immediate setting. The short and long term cumulative impacts on the localised landscape is likely to result in negligible adverse impact and this is mainly due to the proposed solar farm which extends beyond the industrial area.

In visual terms whilst the proposed development would be barely perceived in the localised and wider setting the cumulative development will be perceived in the context of an area that is already characterised by industrial development such as the sub station and pylons. Long term negligible adverse impacts are anticipated on the localised visual environment to the south and west given the cumulative development and in the wider setting this would reduce to negligible / non adverse.

The results of the Landscape and Visual Assessment are accepted. The development per se will have little impact on the wider landscape character. It is accepted that cumulatively with the approved development the proposals will have a slightly adverse impact on the wider character area; however given the previous use on the site and the current uses and pylons it is considered that this would not be so detrimental as to warrant refusal of permission.

In terms of the design and layout of the development the site is located on the previous most south eastern cooling tower.

The western half of the cooling tower would be occupied by the hydrogen plant and will measure approx 3,452m²; the north eastern corner is reserved for future development and the south eastern part will occupy two shipping containers for storage and a semi permanent canopy between for a covered shelter for maintenance and storage. A 2m silver mesh fence is proposed around the perimeter of the site.

The proposed hydrogen production plant comprises of the following:

8 x electrolysers housed in shipping containers. The electrolysers will have plant located on top with 4 x pipes/flues on each measuring 7.55m from ground level

4 x switchgear units and 4 x compressors in GRP buildings. The compressors will occupy plant on the roof space which include x vent, this equipment measures 4.8m from the ground and the switchgear unit measures 4m from the ground.

There is a series of supporting equipment located between the electrolyzers along with equipment such as vessels, pipes, pumps, compressors, tanks, valves and control equipment.

In addition to the plant there will be a maintenance unit and a welfare building located to the south west of the plant which measures 664m².

A sub station is also proposed which would be located in its own secure compound. It consists of a raised cabin located to the south east which would be 50m² in footprint. This cabin would have a switchgear and control room with a height of 5.1m.

The design and layout of the development is typical of this type of industrial development and reflects the character of surrounding buildings.

It is considered that the development is acceptable in terms of design and layout.

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.

The site is fairly remote from any residential dwellings. A noise assessment has been submitted with the application which considers the potential noise generation from the plant associated with the proposed development.

The report concludes that the proposed development will not give rise to rating sound levels that do not exceed the measured background sound level at all Noise Sensitive Receptors during the day this giving rise to low impact.

The report identifies that the proposed development might give rise to rating sound levels that are 1dB above the measured background sound level at Noise Sensitive Receptor 3 (as shown on figure 3 of the noise report) during the night and 5dB above the measured background sound level at Noise Sensitive Receptors 1 and 2 (as shown on figure 3 of the noise report) during the night. The report considers the context in which the sound occurs and identifies that there is no significant change in ambient sound level at the closest receptor and accordingly these locations will not be endangered as a result of the development. Thus the amenity of residential receptors and operational use of the nearest non residential receptor will not be compromised.

The Environmental Health Section has assessed this report and is satisfied that the proposed development is unlikely to cause an issue in terms of noise.

In terms of construction, it is accepted that noise and disturbance will be increased; however Environmental Health has recommended a series of conditions to ensure that this temporary increase in noise is controlled so as not to have a significant impact on residential amenity.

As this is the statutory consultee in this regard their advice is accepted and it is not considered that the proposal will have a detrimental effect on residential amenity in terms of noise.

In terms of lighting this indicates that the majority of lighting will be low level flood lighting. Environmental Health advises that care should be given to installing the lighting as to reduce sky glow; however states that any light nuisance can be dealt with under the provisions of the Environmental Protection Act 1990.

In terms of odours this has been checked with the Environmental Health Officer who confirms that if the proposal is for hydrogen only then odours are unlikely to be an issue.

It is acknowledged that the Parish Council has objected to this planning application on the grounds of the impact on residential amenity from the proposed traffic generated in terms of noise and pollution. However it must be remembered that the site is a former power station and would have generated traffic. Traffic will be increased more during construction and conditions can be imposed to lower the impact on residential amenity. It is accepted that traffic from this site will be increased during operation; however it is not considered that noise and disturbance from the traffic would be a sustainable reason for refusal in this circumstance. It must also be remembered that planning decisions have to be taken in the public interest and not in terms of private interests.

Further concerns have been raised in terms of health and safety of the development. If permitted this development would require further permits to be obtained along with an assessment by the competent authority under the Control of Major Accident Hazards Regulations 2015. These items will control the health and safety of the development. It should be remembered that whilst some of the reports discuss ammonia the amended proposals does not include the ammonia cracker plant.

The applicant has addressed health and safety in the submission and an assessment of major accidents and disasters has been submitted. Industry recognised methodologies have been used to identify the hazards associated with the plant. This means minimising the risk by design where appropriate and implementing control measures to reduce risks to tolerable levels.

The applicant has confirmed that the hazardous substance application has been submitted and this will need to be consented by both the Local Planning Authority and the Health and Safety Executive. This will control how the site is controlled, operated and monitored.

Furthermore, the applicant acknowledges that the proposal will require an environmental permit from the Environment Agency and confirms that this has been submitted to the Agency.

The Fire Authority has given general advice on this application and has commented the same advice on the hazardous substance application. A condition is recommended for the applicant to submit an emergency plan for approval.

The health and safety of this proposal will be controlled primarily via other mechanisms and controlling bodies. It would therefore not be reasonable to withhold planning permission on these grounds.

On this basis even though concerns have been raised in respect of major accidents and hazards it is considered that there are adequate controls in place, albeit some of these will be controlled via separate legislation. It must be remembered that planning should not attempt to control issues that can be controlled via separate legislations:

“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.” (para 188 of the NPPF)

Based on the above analysis, given the location of this site it is not considered that the proposal would give rise to a significant impact upon residential amenity that would warrant refusal of permission.

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. 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 site is not subject to any statutory or non statutory ecological designations. Spalford Warren SSSI lies approx 3.1km to the south east of the site and Marnham Railway Yard Local Wildlife Site is located approx 0.1km to the north of the site.

The applicant has submitted an ecological appraisal with the application which concludes that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures it is unlikely that the proposals will result in significant ecological harm.

The following mitigation measures are proposed:

- Tree protection measures
- Pollution prevention to watercourses
- Sensitive lighting
- Mammal construction safeguards
- Badger update survey

- Great Crested Newt Survey
- Destructive search
- Restriction on timings of works to avoid bird breeding season, if this cannot be avoided measures should be put into place.

Nottinghamshire Wildlife Trust has been consulted on this application and has not raised any objections subject to conditions.

A Biodiversity Net Gain Assessment has been submitted with the application and it confirms that the proposals with the proposed enhancements will result in a net gain of 11.07% for habitats. A landscape strategy plan has been submitted as part of this assessment with the enhancements consisting of the following:

- 900m² of mixed scrub
- 18 medium sized trees

It is considered that the impact on biodiversity is acceptable and the provision of 11% net gain is consistent with planning policy. Conditions are recommended for a Landscape Ecological Management Plan and a Biodiversity Management Plan.

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 205 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 with the application which undertakes an assessment based on a 1.5km study area. Within this area there are 5 Listed Buildings, one of which is Grade I (Church of St Wilfrid). Outside of the 1.5km area there are a number of Listed Buildings, two Conservation Areas (South Clifton and Normanton) and a structure of industrial archaeological interest (Fledborough Viaduct).

The assessment concludes that when viewed individually the visual effects of the proposed development on setting of heritage asset will be nil and also when viewed collectively will also be nil. On this basis paragraph 202 of the NPPF (less than substantial harm) is not engaged. The report concludes that paragraph 203 of the NPPF (non designated heritage assets) may be engaged but there are no unacceptable changes or impacts on setting or significance. Furthermore the assessment concludes that there are no effects on Listed Buildings that would give rise to the Council's duty under section 66 (1) of the Act.

The proposal site is within the setting of a range of designated heritage assets including Listed Buildings and non designated heritage assets.

The key consideration is the scheme's impact upon the setting of the designated heritage assets that are located within the surrounding settlements. The scheme's impact upon the setting of nearby non-designated heritage assets, is also due consideration.

The Conservation Section has no concerns with the principle of development. The remediation, reclamation and redevelopment of the former High Marnham industrial site is seen as a priority, as such a scheme would see this large plot of redundant brownfield land positively regenerated to the benefit of the local economy, communities and environment.

Conservation has previously made comments in relation to the redevelopment of the High Marnham site, stating that: "Notwithstanding [the impact that any forthcoming scheme may have upon] the historic setting [of the surrounding built heritage], this is a former power station which was demolished several years ago and has remained brownfield land since that time. Previously there were several large buildings on the site together with 5 cooling towers, so the precedent for large scale development has already been established. Development here could also help to enhance the setting of those nearby heritage asset".

Conservation would reiterate this stance with regards to the current development, given that the current proposal is of a similar industrial character to that of the former power station. The current scheme is also substantially smaller in scale in comparison to the former power station. Furthermore, the scale and character of the current scheme is similar to that of the already extant applications/schemes which have sought to redevelopment the former High Marnham Power Station site. These include applications which have either subsequently been granted, or applications to which Conservation have provided no objections.

On the basis of the above, it is considered that the proposal would at least preserve the setting of the surrounding built heritage.

In terms of archaeology, the site lies in an area of archaeological potential associated with pre-historic, Roman, medieval and post-medieval activity. The application is accompanied by a

desk-based assessment (DBA) which summarises the known archaeology currently recorded on the HER and recent mapping.

Extensive pre-historic and Roman settlement lies along the Trent valley the closest of which lies just to the south and south-east of the site. These are noted as undated in the DBA due to a lack of evaluation, however the cropmarks are consistent with known dated settlement activity along the river valley and elsewhere in the region. A single undated cropmark enclosure is also noted just to the west of the proposed site and has not been discussed in the DBA.

The site lies within the former High Marnham Power Station adjacent to the cooling towers and to the east of the main power station buildings. There has been significant disturbance/truncation in the vicinity of the cooling towers and buildings due to construction and decommissioning activity, however much of the area proposed for the new Hydrogen Production Plant remained as agricultural land during the operational life of the power plant. Aerial photography also suggests it was not impacted significantly during the decommissioning phase and consequently retains a potential for surviving archaeological remains.

The associated groundworks for the proposal will have an impact on any surviving archaeological remains present and further archaeological investigation to inform a programme of mitigation work is recommended. Geophysical survey is unlikely to be helpful at this location; conditions are recommended.

It is considered that subject to conditions the impact on the historic environment is acceptable.

FLOOD RISK AND 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 proposed surface water system will be a gravity system taking run off from the new roofs and paved areas. The new paved areas will use a combination of linear drainage and gullies to collect surface water run off. Surface water from impermeable areas will drain by gravity to the proposed basin located to the north west of the site. The outlet from the proposed flow control chamber will connect to an existing surface water drainage system which is located in the access road. The existing surface water drainage system has an outfall to a drainage ditch at the north east corner of the ownership boundary which in turn discharges into the River Trent.

Foul drainage will adopt a similar strategy as to other developments in the same ownership boundary and proposes to use an on plot foul water treatment plant.

The submitted reports indicate that there will be no discharge to ground from either surface water drainage or foul drainage.

The reports indicate that environmental permits will be sought for foul and trade effluent discharge into the environment; these permits are controlled via separate legislation. The Environment Agency also advise of the need to notify the competent authority under the Control of Major Accident Hazards Regulations 2015.

The Environment Agency and Notts County Council Local Lead Flood Authority have been consulted on the application in respect of surface water and raise no objections. Their advice is accepted and concurred with; conditions are proposed. In terms of foul drainage the Environment Agency has stated that it is not generally recommended that foul water treated effluent is discharged into a balancing pond, instead it would be preferable to make the discharge to the drainage network after the balancing pond. It is recommended that foul water disposal is dealt with by way of planning condition.

CONTAMINATION

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.

The Council's Environmental Health Officer has considered this application and states that the site may have been previously used for potentially contaminative uses, and there is a presence of a sensitive receptor. Accordingly conditions are recommended.

The Environment Agency has also undertaken an assessment of the application. It acknowledges that the submitted report identifies potentially complete contaminant linkages and has assessed the risk that these linkages pose. For linkages posing a risk to controlled waters, the risks have been assessed as being low. The Environment Agency has no objections to the report in principle; however it is noted that the conclusions may not be applicable to other parts of the wider site where other sources of contamination may be present and where conceptual models and contaminant linkages may be different.

Planning conditions have been recommended along with a recommendation to consult with the Council's own Environmental Health Officer in respect of human health.

OTHER ISSUES

Comment has been made that the overall site is being developed in a piecemeal way without a masterplan. Given the current planning policy it is not possible to request a masterplan for this site. Instead each planning application has to be assessed on its own merits. Cumulative impact has been assessed in the supporting documentation and officer do take into account what has been constructed / has consent on the site.

Comment has also been made that the application should be left undetermined pending the outcome of the local plan examination. This is not possible as the Local Planning Authority has a duty to determine applications that have been submitted based on current planning policy at that point in time.

There has been a discussion with the applicant regarding the proposed conditions and comment is made as follows:

The need for a Construction Programme, Construction Management Plan and Delivery Traffic Management Plan – documents have been submitted but there has not been sufficient time to allow for consultations. The condition should still be imposed.

In terms of the foul water drainage the applicant has requested that the trigger for this is prior to commencement of use. This is not accepted the trigger for drainage should be prior to the commencement of development as the local planning authority needs to be satisfied that adequate foul drainage can be achieved before the development starts.

The need for a Great Crested Newt Survey – the assessments has been submitted but there has not been not been sufficient time to allow for re-consultations. The condition should still be imposed.

The need for destructive search condition – the applicant states that this condition is no longer required due to the fact that the grass is cut down; however this is not what the submitted ecological report states, it recommends that such a search should be undertaken and this has been endorsed by Nottinghamshire Wildlife Trust. The condition should still stand.

The applicant has requested that the Landscape and Ecological Management Plan and the Biodiversity Net Gain conditions are combined. These are not considered to be the same entity. Biodiversity Net Gain requires different requirements to general landscaping/ biodiversity of the site and therefore two conditions should be imposed to reflect this fact, e.g. bat boxes are not included in the biodiversity metric:

“BNG does not change existing protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain.

If there are protected species on-site then these should be approached and managed in the same way as they are currently. BNG and the Biodiversity Metric calculations would then be additional to this.

The Biodiversity Metric is a habitat-based approach, using habitat as a proxy for biodiversity. Species-based features such as bird and bat boxes are not included within the metric, instead it focuses on the habitats such species need to forage and complete their life cycles. The provision of such species features within developments should still be encouraged and LPAs can promote their usage through design guides and codes.” Planning Advisory Group website.

CONCLUSION

In conclusion this proposal is for an 8 MW Electrolytic Green Hydrogen Production Plant, with Associated Infrastructure Including HGV and Multi Cylinder Pack (MCP) Loading Areas, Vehicle Maintenance Unit, Staff Welfare Facilities and Control Room, 11KV Customer Sub-Station, Boundary Fencing, Internal Access Roads, Landscaping, External Lighting and Works. The principal policy for determining this application is Policy DM10 of the Bassetlaw Core Strategy.

All of the material considerations relating to the application have been fully analysed in the report, including National Policy which seeks to support this type of development.

It is considered that the proposal is consistent with planning policy and that there are no adverse impacts of the development that would outweigh the benefits. The recommendation is therefore to grant planning permission subject to conditions.

RECOMMENDATION:

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 6050 received on 31st July 2023
- Proposed site plan. Drawing number 6060 received on 31st July 2023
- Proposed vehicle tracking plan. Drawing number 6061 received on 31st July 2023
- Proposed fence and bollard plan. Drawing number 6062 received on 31st July 2023
- Typical shipping container. Drawing number 6063 received on 31st July 2023
- Proposed GRP unit key and elevation plan. Drawing number 6064 received on 31st July 2023
- Proposed indicative lighting plan. Drawing number 6065 received on 31st July 2023
- Proposed substation and elevation plan. Drawing number 6066 received on 31st July 2023
- Proposed legato blocks and elevation plan. Drawing number 6068 received on 31st July 2023
- Proposed site sections. Drawing number 6070 received on 31st July 2023
- Proposed hydrogen plant sections. Drawing number 6071 received on 31st July 2023
- Maintenance and welfare unit. Drawing number 6150 received on 31st July 2023
- Maintenance and Welfare Unit. Drawing number 6250 received on 31st July 2023
- Ecological Appraisal dated June 2023 received on 31st July 2023
- Biodiversity Net Gain Assessment and calculator dated June 2023 received on 31st July 2023
- Flood risk and drainage strategy (excluding ammonia cracker and foul water treated effluent discharge) dated 16th May 2023, received on 31st July 2023.
- Noise impact assessment dated 21st June 2023, received on 31st July 2023.
- Transport assessment dated June 2023, received on 31st July 2023.
- Phase 1 Desk-Based Assessment Addendum report produced by RSK, dated May 2023 (ref: 30255-R01(00)) received on 31st July 2023
- Landscape and Visual Impact Assessment dated June 2003 received on 31st July 2023
- Phase II Geo-environmental Assessment produced by RSK, dated July 2023 (ref. 302535 R02(00)) received on 21st August 2023

Reason: For the avoidance of doubt

3. Notwithstanding the submitted information this permission does not relate to the ammonia cracker unit. It permits hydrogen production only.

Reason: For the avoidance of doubt.

4. Prior to any construction commencing on the site the Applicant shall submit to the Local Planning Authority a Construction Programme and 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.
 - Construction Programme

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.

5. 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

6. All construction vehicles transporting materials to and from the site shall be fully covered with sheeting or otherwise sealed 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

7. 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.

8. Prior to the commencement of development full details of the foul water treated effluent disposal will be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved 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 from previously unidentified contamination sources at the development site. This is in line with paragraph 183 of the National Planning Policy Framework.

9. 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

10. During construction heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - Neighbourhood EHO (SH) 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

11. 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 shall include the following details:

- Dust suppression methods
- Lighting details
- Details of tree / hedgerow protection
- Details of pollution prevention into watercourses.
- Mammal construction safeguards

Reason: in the interests of amenity and biodiversity

12. Notwithstanding the submitted details, an operational lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To prevent sky glow and in the interests of biodiversity

13. Prior to commencement of the hereby approved use an Emergency Plan (including response) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall remain in place for the lifetime of the development.

Reason: To ensure that there are adequate measures in plan in the case of an emergency in the interests of health and safety.

14. Prior to the commencement of development a great crested newt survey (eDNA) shall be undertaken and the results and any proposed mitigation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity

15. A destructive search as outlined in the approved ecological appraisal shall be undertaken prior to the commencement of development. The Local Planning Authority shall be notified of the commencement date and details of the ecologist two weeks prior to the commencement of the proposed destructive search as outlined in paragraph 6.1.8 of the approved Ecological Appraisal.

Reason: In the interests of biodiversity

16. Prior to the commencement of development a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a full landscaping scheme and specification along with a maintenance strategy. It should include the mitigation measures outlined in section 6 of the approved ecological appraisal. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of biodiversity

17. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within the lifetime of the development 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.

Reason: To ensure that the landscaped areas are provided for the lifetime of the development to secure the mitigation proposed by the application

18. No development shall commence unless and until a Biodiversity Management Plan to ensure that there is at least 11% Biodiversity Net Gain as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the DEFRA biodiversity metric as applied in the area in which the site is situated at the relevant time and the Biodiversity Management Plan shall include a management and monitoring plan for a period of 30 years.

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

19. 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 *HIMA2-BED-00-XX-RP-C-2720, 16th May 2023, BE Design.*, 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.

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

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

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

20. No development or demolition shall take place until an Archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for a trial trench evaluation and provision for further mitigation work as necessary. These schemes shall include the following:

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

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework

21. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. 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: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

22. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

Informatives

1. CIL
2. The report has indicated that environmental permits will be sought for foul and trade effluent discharge into the environment. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form The Environment Agency will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.
3. In respect of condition 10 the drainage schematics submitted by the applicant indicate that the foul water treated effluent would be discharged into the balancing pond on site. This is generally not recommended and should be avoided if possible. The applicant should be advised it would be preferable to make the discharge to the drainage network after the balancing pond.
4. It is noted that the proposed operations will likely require an environmental permit or permits. In particular the Environment Agency would highlight the listed activity under the Environmental Permitting (England and Wales) Regulations 2016, Schedule 1, Part 2: Section 4.2 Part A(1) (a) Producing inorganic chemicals such as— 1. gases (for example ammonia, hydrogen chloride, hydrogen fluoride, hydrogen cyanide, hydrogen sulphide, oxides of carbon, sulphur compounds, oxides of nitrogen, hydrogen, oxides of sulphur, phosgene); In this case the Agency would strongly recommend that the operator utilises our advanced pre application advice service prior to submitting application for the required environmental permits.

It is also noted that the proposed operations, and corresponding inventories of hazardous substances will likely require notification to the competent authority under The Control of Major Accident Hazards Regulations 2015.

If the establishment has yet to be constructed and, when operational, will become subject to COMAH, the operator must send their notification within a reasonable time prior to start of construction. Similarly, should the scope of operations require the submission of a Safety Report under COMAH regulations, the safety report should be submitted a reasonable period of time before construction begins. This approach

requires the operator to submit parts of a safety report at a point before conceptual design decisions are finalised.

5. Comments from Trent Valley Drainage Board are attached for the applicant's attention.
6. National Grid's Third Party Guidance for working near National Grid Electricity Transmission equipment Note is attached for the applicant's attention.
7. Advice from the Fire Officer is attached for the applicant's attention.

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ITEM SUBJECT OF A SITE VISIT

Application Ref.	23/00272/COU
Application Type	Change of Use
Site Address	The Regal Centre, Carlton Road, Worksop.
Proposal	Change of Use Including External Alterations to form 21 Residential Apartments with Associated Communal and Ancillary Facilities
Case Officer	Jamie Elliott
Recommendation	Grant Conditonal Consent
Web Link:	Link to Planning Documents

THE APPLICATION**SITE CONTEXT**

The building in question was originally designed in 1924 as an assembly room for the Miners Welfare. The building's use as a cinema commenced in 1929, and opened in 1933 as the Regal Cinema.

In the 1990s, the building, then in the ownership of Bassetlaw District Council, was again renamed, this time as the "Regal Centre", offering live theatre performance and music practice spaces.

The building closed around 2014 and is in poor condition due to repeated vandalism in the past decade.

The building is included in the Council's 'Heritage at Risk Register' in 2022.

The application site is located within the Worksop Development Boundary.

The former Regal Centre is within the Worksop Conservation Area and is regarded as a building that contributes positively to the Conservation Area's character and appearance (as identified in the Worksop Conservation Area Appraisal & Management Plan.

The site is also in the setting of a range of Listed Buildings, including 36-38 Carlton Road (grade II).

PROPOSAL

The scheme seeks full planning permission for the conversion of the existing buildings to 21 residential apartments.

6 apartments are proposed on the ground floor consisting of 1 no. 3 bedroom apartment, 3 no. 2 bedroom apartments and 2 no. 1 bedroom apartments.

7 apartments are proposed on the first floor consisting of 3 no. 2 bedroom apartments and 4 no. 1 bedroom apartments.

8 apartments are proposed on the second floor consisting of 4 no. 2 bedroom apartments and 4 no. 1 bedroom apartments.

Supporting facilities in the form of a communal reception, gym and cycle store and bin store would be located on the ground floor, with the first and second floors providing 7 individual office spaces. These facilities would be for the use of residents only and would not be open to the general public. Storage lockers allocated to specific apartments would be accessible from communal corridors.

All apartments would be accessible through the retained frontage entrance from Carlton Road, with steps up to the main entrance hall leading to a communal hall, reception and post room. Flat 1, located across two floors, would also be accessible via a separate entrance from the rear side entrance on the southern elevation.

Access to the site will be primarily by foot or bicycle, with secure cycle storage being provided, accessed externally from the side passageway, and internally from a communal corridor.

The building has usage rights over the adjacent Miners' Welfare car park such that occupants of the building will be able to park within it. The applicant indicates that vehicular access for loading and unloading is also available by way of the adjacent car park and side passageway.

The main alterations externally would be the replacement of existing, and installation of new, windows throughout the building.

Following comments received from the district conservation officer, the application has been amended to retain existing windows and to incorporate vertical 1' over 1' sash windows on the building's façade.

The applicant's agents have submitted a number of supporting documents which include:

Design and Access Statement
Planning Statement and Heritage Impact Assessment
Transport Assessment
Phase 1 and 2 Geotechnical Site Investigation
Planning Renders (Artists/Architectural Impressions).

All these documents are available for inspection on-line or within the Council's offices.

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 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 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 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 59 – Councils to boost housing supply

Para 61 – Meeting housing need

Para 73 & 74 – All Councils to have a minimum 5 year supply of housing to meet demand.

Para 91 – Planning to achieve healthy, safe and inclusive communities.

Para 94 – Provision of sufficient school places

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 127 – Development should reflect local characteristics.

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.

Para 190 – Assessing the significance of a heritage asset

BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK

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

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM4 - Design & character
- DM5 – Housing Mix and Density
- DM8 – The Historic Environment
- DM9 - Delivering open space and sports facilities
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

RELEVANT PLANNING HISTORY

02/06/00055 - Planning permission granted to construct new entrance to provide disabled access to existing building, carry out internal alterations to provide new training kitchen and enhanced toilet facilities. April 2006.

02/94/00088 - Planning permission granted for installation of perforated security shutter to front entrance. June 1994.

02/85/00116 - Planning permission granted for extension and alterations to cinema and flat. June 1985.

SUMMARY OF CONSULTATION RESPONSES

Nottinghamshire County Council Planning Policy

Minerals and Waste

As set out in Policy WCS2 'Waste awareness, prevention and re-use' of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.

Transport and Travel Services.

Transport and Travel Services have no comments to make and are not requesting any Planning Obligations/Planning Conditions in respect of this application.

Education.

Primary

Based on current pupil projection data there is a projected surplus of places in the planning area and the impact of the development alone would not lead to a deficit in provision. At this time, it is not anticipated that the County Council would seek a primary education contribution.

Secondary

Based on current pupil projection data there is forecasted to be insufficient places in the planning area to accommodate the additional pupils that would be generated by this proposal. The delivery of additional secondary education provision within Worksop will be funded through the District Council's Community Infrastructure Levy (CIL).

Emergency Planning

The application lacks sufficient detail in relation to the parking arrangements with the "Miners Welfare Car Park". The application does not give any detail as to the ownership of this car park site or if any long term agreement (such as a lease or covenant) is in place. This poses a significant risk that rights to park within this car park could be withdrawn at any time and with little or no notice. This would be at serious detriment to the overall development and residents.

The Emergency Planning team notes that the car park is currently operating as a public Pay & Display and there appears to be no cap set as to the use of the car park by the public or guarantee of access to space within the car park for use by residents of the proposed development. The application fails to mention the capacity of the Miners Welfare car park and other users (which there clearly are) of the car park and what percentage of the available parking would be available for residents or visitors of the proposed development.

There is an assumption that there would be sufficient parking at all times within this car park and without knowing more details about usage, suitability of this parking provision for the proposed development cannot adequately be assessed. This may result in the car park exceeding maximum capacity at certain times of day or different days of the week, which would depend on what use/activity the rest of the car park is primarily providing parking for.

There is a risk that this could lead to conflict between the existing users and residents/visitors of the new development, with demand for parking exceeding capacity of the car park. The Emergency Planning team have raised parking as a concern, as the issues with the Miners Welfare car park would undoubtedly lead to an increase in on-street parking. The Emergency Planning team concern is the lack of alternative parking, either as there is no available on street parking between the hours of 0800-1800Hrs on a daily basis on Carlton Road and the nearby Gateford Road has no waiting at any time.

The Emergency Planning team believe that the lack of side roads with alternative parking would lead to contravention of no waiting and no loading restrictions in the immediate vicinity of the development. Illegal parking in the vicinity of this development would pose a risk to traffic and emergency services passing along the primary A60 route. This is the main route between Worksop Town Centre and Bassetlaw District hospital which has an A&E department. The

Emergency Planning team second concern is that displacement of excess parked vehicles from the car park onto the Carlton Road, may well hinder access of emergency vehicles in dealing with an incident within the proposed development. As a multi occupancy development this clearly needs to be considered.

Nottinghamshire County Council Highways

The Design and Access Statement confirms that the main pedestrian entrance to the development will be from Carlton Road except for flat 1 which will have a separate pedestrian entrance on the southern elevation adjacent the Miners Welfare car park. Cycle storage would be accessed from the side passageway which is adjacent the northern elevation. The passageway would also provide access to a bin store proposed at the rear of the building and provides the fire exit route. Vehicular access for loading and unloading is proposed from the passageway and the Miners Welfare car park which is suggested to be also available for residents' car parking.

The D&AS confirms that the building has usage rights over the adjacent Miners' Welfare car park that allows residents to park within it. It is not clear whether that is on the current Pay & Display basis or by way of a legal agreement or covenant. Neither the car park nor the passageway are within the planning application area. In accordance with Ministry of Housing, Communities & Local Government Guidance on Making a Planning Application, Paragraph: 024, the location plan should include all land necessary to carry out the proposed development (e.g., land required for access to the site from a public highway, car parking, and open areas around buildings).

As proposed, the ability to load and unload bulky goods from the car park would only likely benefit flat 1 being the only flat with direct access to the car park. Loading and unloading from Carlton Road outside of the 8.15 to 9.30am and 4 to 6pm loading ban or the passageway which provides level ground floor access is likely to be favoured by most people.

The passageway provides insufficient space for vehicles to manoeuvre such that access and egress can be achieved in a forward direction. It is also likely to be shared with the adjacent shop and flats. An increase in vehicles reversing to and from the passageway is likely to result in vehicle conflict and conflict with pedestrians to the detriment of highway safety.

It is unlikely that vehicles could be prevented from using the passageway if shared with the adjacent development. However, if the external fire doors are not accessible from the outside, they would be less likely to be used unless in the case of an emergency which would deter loading and unloading from that side of the building.

The pedestrian access arrangements to the bin store and cycle access would need to be reviewed so that would remain possible.

The reduction in the potential to load and unload from the passageway would be likely to materially increase the occasions when vehicles stop on Carlton Road to service the development with the potential to regularly disrupt the free flow of traffic including bus services.

However, the Planning Statement confirms that there is a secondary entrance to the rear of the building. The existing and proposed plans do not detail an entrance into the building from the rear. The bin store is located at the western end of the passageway towards the rear of the

building. It would not be appropriate for multiple bins to be left out on Carlton Road as these would likely cause a hazard.

Bassetlaw District Council Conservation

No objections in principle.

Bassetlaw District Council Environmental Health

No objections subject to conditions securing:

1. Electric Vehicle (EV) charging points;
2. Noise attenuation measures.

Bassetlaw District Council Parks and Open Space

The following contributions are normally required to provide play equipment:

- Play equipped area of 400sqm would result in a contribution of £80,000 (based on providing 5 pieces of equipment).
- As the proposed development should provide 63.42sqm (based on 21 dwellings), an off-site contribution of £ will be required.

Therefore, a contribution of £12,684.00 for improvements to our nearest existing facilities at Sandy Lane off Gladstone Street in Worksop, should be secured.

Lincolnshire County Council Archaeology

There is unlikely to be an impact to significant buried archaeological remains as previously stated, however the alterations to the building will constitute a significant change to its character and purpose from previous uses. It will also likely secure the building's future which is currently falling into a state of ruin. Given the building's communal heritage value and historic connection to mining in the area, it would be reasonable to require the applicant to commission an Historic Building Recording to record the surviving elements of the building and bring this together with its historic development from original construction to its current state. The resulting report would form a permanent record prior to the removal of any legibility of its historic use by the proposed development.

Severn Trent Water

No objections subject to a conditions securing a scheme for the disposal of foul and surface water.

Theatres Trust

Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015.

We acknowledge the Acorn Theatre opening in 2006 may also have negatively impacted the Regal. The building has been vacant since that time. The Regal can be considered a non-designated heritage asset, although it has visibly suffered from deterioration externally. Internally the few images included with the application appear to show the building in

reasonable condition with little change from those we have available taken prior to its 2013 closure.

Paragraph 93 of the NPPF (2021) seeks planning decisions to guard against the unnecessary loss of facilities. Emerging Policy CS 5.3 of the Bassetlaw Local Plan 2020-2038, which carries significant weight having undergone examination, resists the loss of community facilities unless it is demonstrated they are no longer required in their current use and are not suitable for alternative community uses. Part 4 dictates this should be detailed with robust evidence including marketing over a period of twelve months. Whilst we recognise there is other theatre and cinema provision in Worksop at the Acorn Theatre and Savoy Cinema, the Regal served a wider function and benefits from being equipped with a fly tower and a larger capacity particularly if the original volume were to be re-established. This could provide the town with a different offer if need and operator interest exist, or lend itself to other community/cultural/social functions or more sensitive alternatives than residential use.

The applicant has stated that the Regal struggled to maintain viability, but there is no evidence or marketing information to substantiate this or demonstrate lack of interest. Neither is there any appraisal of alternative uses which might be more compatible with this building's function and built form. Residential conversions are not necessarily optimum uses of deep footprint buildings such as the Regal and this is demonstrated by the number of single-aspect units. Although the appropriateness of living conditions is ultimately a matter for the Council to determine, we do recommend that appropriate marketing evidence and information sought by policy is requested. This would demonstrate to our satisfaction this facility is surplus to requirements for continued cultural or community use. We would otherwise object to the granting of planning permission.

It is possible, based on other similar conversions around that time, that behind the 1970s subdivision original fabric and features may remain concealed. The original plan form would likely also be readable. This should be investigated prior to any internal works being carried out. We in any case urge inclusion of a written and photographic historic recording report should permission be granted. This is so that the interest and significance of the Regal can be documented for the benefit of future generations. Care should also be taken to ensure sensitive treatment of the front façade.

SUMMARY OF PUBLICITY

This application was advertised by neighbour letter, site notice and press notice and 1 Letter has been received from a Local Resident objecting to the development on the following grounds:

1. Would result in the destruction of a historic landmark;
2. There is no demand for apartments;
3. The development is profit motivated;
4. Will be of no benefit for the town.

A letter has been received from the owner of the adjacent property objecting to the development on the following grounds:

1. The adjacent property 33 Carlton Road is occupied by an existing business and 3 leased flats;

2. The northern access between the properties is in the ownership of 33 Carlton Road, and only pedestrian access is permissible to the former regal building;
3. The access can only be used by vehicles of the existing business;
4. The developer has not discussed the proposed development with the adjacent owner;
5. The developer has no permission to move wheelie bins over this access;
6. Communal waste bins would not pass through the side gate;
7. The development could result in the need for 63 bins;
8. To carry out the works, scaffolding would need to be sited on the adjacent property and no such permission has been granted;
9. Development could result in the need for 42 parking spaces when there are none available.

The following comments have been received from a District Councillor:

Regarding the conversion of the Regal Centre to 21 Residential Apartments' I have read the Comments from the Conversion Officer and I agree with all his comments and his requests for conditions on the development. I would also request that any parts of the use of the Regal as a Cinema/ Miners Welfare are listed and saved in the Bassetlaw Museum. The Regal is part of the History of Worksop and deserves to be treated with care & dignity.

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.

Policy CS2 of the Bassetlaw Local Development Framework states that development in Worksop will be expected to contribute to the town's role as the District's Sub-Regional Centre, making both qualitative and quantitative improvements to the housing, employment, retail and leisure offer, as well as enhancing the built and natural environment and protecting and enhancing the town centre as a retail and leisure destination.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework. The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it does not have any new site allocations in it and as such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.

The site lies within the Worksop development boundary and whilst this proposal would be in compliance with Policy CS1 of the Core Strategy, part d) of paragraph 11 of the NPPF is engaged as Policy CS1 is considered to carry limited weight in the decision making process. Therefore this application must be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

In such circumstances the presumption is in favour of sustainable development means that development should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 74 & 75). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the NPPF, the Council can demonstrate 13.5 years' worth of housing and as such, a deliverable 5 years supply of housing can be achieved. The fact that the Council has a 5 year supply will be given weight and considered as part of all of the relevant material considerations in the tilted balance test assessment to this scheme.

Having regards to the overall policy position as outlined above and the fact that the tilted balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

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 Worksop is defined as a Sub-Regional Centre in the Core Strategy where the settlement is expected to be a focus for major housing, employment and town centre retail growth which is commensurate with its status as the primary town in the district. The erection of up to 21 new apartments would make a significant and positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment, spending and service usage from the creation of 21 additional households in the area.

HERITAGE MATTERS

Sections 66 and 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 state that special regard should be given to the desirability of preserving the setting of listed

Policy DM8 of the Bassetlaw Local Development Framework states that the historic environment shall be protected and enhanced to secure its long term future and that any development that would be detrimental to the significance of the heritage asset or its setting, will not be supported. This is reiterated in paragraph 200 of Part 16 of the National Planning Policy Framework, which states that any harm to or loss of the significance of heritage assets should require clear and convincing justification.

The former Regal Centre is within the Worksop Conservation Area (last designated April 2011) and is regarded as a building that contributes positively to the Conservation Area's character and appearance (as identified in the Worksop Conservation Area Appraisal & Management Plan, approved April 2011). The site is also in the setting of a range of Listed Buildings, including 36-38 Carlton Road (grade II). The building comprises 2 main elements: a late-1830s former townhouse, and the 1920s former Miners Welfare Assembly Room.

Overview of proposal

The scheme would see the present building range converted to form 21 residential apartments. The main alteration externally would be the replacement of existing, and installation of new, windows throughout the building.

Principle of residential conversion

Whilst the internal partition of the building to create apartments would erode the internal significance of the former assembly room and cinema spaces, it is acknowledged that the building's present condition means that a residential conversion is likely the only financially viable use given the costs of repair. Therefore, the principle of a residential conversion is supported from a heritage perspective. A programme of historic recording, secured by an appropriately worded condition, will ensure the remaining historic and architectural significance of the building and its interior are captured and recorded appropriately.

External changes

The proposal would see all existing windows and doors replaced with PVC units. No specifications have been provided for these. Standard PVC storm-proofed units would not be supported as these would likely fail to preserve the character of the building and wider Conservation Area, so a suitable worded condition should be imposed to secure the details should planning permission be granted. The south (car park side) elevation would see a number of new window openings provided. The full-height openings in the building, currently boarded over, would be retained although partially infilled with timber cladding. This would help to preserve the integrity of those openings. Subject to suitable window types and cladding finishes, this element of the proposal is considered to be appropriate. The amended drawings now show the existing circular opening being retained, thereby safeguarding this architectural feature.

The main stair window to the right of the south elevation is a somewhat ornate feature with coloured leaded glazing. Whilst its condition is not currently known, on last inspection (in 2014) this was considered in good order, although boarded over. A condition is therefore required to secure details of either a repaired window, or a replacement windows of a suitable design.

With regard to the front elevation of the building, the re-use of the existing Tudor hood moulds is welcomed. These were originally over window openings (albeit 3-part mullion casements), so their re-use would help to better reveal the façade's significance.

The front of the former townhouse currently has standard storm-proofed white PVC casements, which very much detracts from the building's historic character. It is proposed to replace these with sash windows on this elevation and this better reflects the age of this part of the building.

Therefore subject to conditions securing the appropriate and sympathetic works, it is considered that the character and appearance of the Conservation Area and setting of nearby Listed Buildings would be preserved.

Accordingly if permitted the development would comply with the provisions of the policies and guidance outlined above.

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 that permission should be refused for development of poor design (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.

As outlined above, within the Heritage Matters section of this report, it is considered that the proposed scheme for conversion would retain the character and appearance of the existing building and would be sympathetic to and in-keeping with the character and setting of the conservation and the street scene in general.

Accordingly it is considered that the change of the use of the building in question would have no adverse visual impacts and would therefore comply with the provisions of the policies and guidance outlined above.

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.

In addition, the District Council's 'Successful Places' Supplementary Planning Document also states that new flats/apartments should normally have a minimum outdoor amenity space of 25m² per flat. A development of 21 apartments would therefore require a minimum amenity area of 525m².

As only flat 6 would be provided with an outdoor amenity area, the scheme as proposed would fail to satisfy the requirements of the above guidance.

Whilst this would fall short of the prescribed minimum standard for shared outdoor space, it is considered that as the site lies with immediate access to the town centre and associated amenities, full compliance with the above guidance could not be wholly justified in this instance. Consideration must also be given to securing the optimum use of this prominently positioned building that makes a positive contribution to the surrounding Conservation Area.

When considering applications for prior approval to change the use of buildings to dwellings, the Government has amended the classes of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to require that local planning authorities must consider the provision of adequate natural light to all habitable rooms.

The Government has also amended the Order to ensure that new homes delivered through permitted development rights meet the Nationally Prescribed Space Standards, to ensure suitable living conditions for future occupiers. The required space standards are 37m² for a one bedroom apartment, 61m² for a two bedroom apartment and 74m² for a three bedroom.

When considering the current application in light of the above matters it is considered that the occupiers of the 21 apartments would be provided with both, the appropriate levels of living space and natural light to principle rooms. All the apartments proposed either meet or exceed

the floorspace standards set out within the Government's guidance and it is therefore considered that each apartment would therefore provide future occupiers with an acceptable level of residential amenity.

The converted building would include a communal reception, gym and cycle store and bin store to the ground floor, with the first and second floors providing 7 individual office spaces with storage areas for residents also being provided. These facilities would be for the use of residents only and would not be open to the general public. It is considered that whilst the development wouldn't provide any outdoor amenity areas the proposal would provide residents with a good level of residential amenity within the building itself.

The District Council's Environmental Health Team has also recommended that sound attenuation measures are incorporated into the development in order to mitigate any impact of external noise on future occupiers. It is therefore recommended that a condition be imposed on any subsequent permission requiring the incorporation of noise attenuation measures into the scheme.

In addition to the above it is considered that the development would have no significant adverse impacts on the amenities of existing dwellings/ flats, in terms of overlooking or loss of privacy.

Accordingly it is considered that the development would largely comply with the provisions of the policies outlined above.

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.

Paragraph 110b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 110e 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. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 110e of the NPPF.

Whilst not within the application site, the submitted Planning Statement indicates that the property has use rights over the adjacent car park that is also used by the Miners' Welfare.

Occupants of the apartments would therefore have the ability to park in that car park. In addition it states that given the site's location, it is expected that the majority of trips would be undertaken on foot or sustainable modes of transports.

The Local Highways Authority and the County Council's Emergency Planning Team have raised concerns in respect to ownership and use of the adjacent Miners Welfare car park. In particular, no details have been provided as to the ownership of this car park site or if any long term agreement (such as a lease or covenant) is in place. It is argued that this poses a significant risk that the rights to park within this car park could be withdrawn at any time with little or no notice. It is argued therefore that this could lead to on-street parking and congestion on a main arterial route, to the detriment to the highway safety. Therefore it is considered that this car park is not available for occupiers of the proposed development to use.

In addition as the site has no dedicated or guaranteed servicing areas, concern has been expressed that delivery and servicing activities would be likely to take place on the highway again causing disruption to the free flow of traffic on Carlton Road.

Notwithstanding the above, the site is considered to be highly sustainable as it is within close proximity to the services and facilities in the town centre, very close to existing bus stops on Carlton Road and should the residents need to travel further afield, the Worksop Railway station is also a short walk from the site. As such it is considered that car ownership would not be necessary for the residents of the flats to access local services and employment opportunities. Furthermore, Carlton Road is subject to Traffic Regulation Orders which prevent on-street car parking and ensure the free flow of traffic along the highway. It is therefore considered unreasonable to insist on a dedicated parking area for occupiers of the flats in this highly sustainable location.

In addition to the above, it is considered that objections to the development on the basis of on-street parking and congestion could not be sustained in this instance, particularly as Carlton Road is subject to the previously mentioned traffic control measures (double and single yellow lines). This would ensure that on-street parking only takes place in accordance with the prescribed highways regulations.

In addition to the above, the Highways Authority have raised concerns that the storage of wheelie bins on the site frontage whilst waiting collection, would be likely to result in an obstruction of the highway.

It is considered therefore to avoid such a scenario, a condition should be imposed on any subsequent permission requiring the submission and implementation of a refuse management plan. This would ensure that the refuse from the development would be disposed of and collected in an approved manner.

FLOODING/DRAINAGE

The NPPF at paragraph 155 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 163 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.

Severn Trent Water have indicated that subject to the means of foul and surface water disposal being secured by condition, the development would have no adverse drainage implications.

Accordingly subject to securing the prior submission and implementation of a surface and foul water strategy, the development would comply with the provisions of the policies and guidance outlined above.

ECOLOGY

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

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

Whilst no Ecological Appraisal has been submitted in support of the application, it is considered that the buildings and site would be of limited ecological value given their nature. Notwithstanding the above it is considered that a bat survey should be undertaken before development commences, in order to ensure that the works are carried in a way that mitigates any impact on any identified bat habitat.

With regard to the creation of new habitats, it is recommended that further conditions are applied to any subsequent permission securing ecological enhancements in the form of integral bird and bat boxes.

It is considered therefore that subject to condition securing the above mitigation and enhancement measures, the development would comply with the aims and provisions of the policies and guidance outlined above.

ARCHAEOLOGY

Para 197 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 council's Archaeological Consultant has indicated that that the development would be unlikely to have an impact on buried archaeological remains. Notwithstanding the above, given the building's communal heritage value and historic connection to mining in the area, it would be reasonable to require the applicant to commission an Historic Building Recording to record the surviving elements of the building and bring this together with its historic development from original construction to its current state. The resulting report would form a permanent record prior to the removal of any legibility of its historic use by the proposed development.

Therefore subject to securing an appropriate level of historic building recording it is considered that the development would comply with the provisions of the policies and guidance outlined above.

AFFORDABLE HOUSING.

Paragraph 56 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that councils plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing.

Policy CS2 of the Bassetlaw Local Development Framework states that all housing development resulting in a net gain of one or more units, will be required to contribute towards the achievement of an affordable housing target of at least 15% for Worksop.

Paragraph 64 of the NPPF gives Councils the ability to reduce the amount of affordable housing that is required in lieu of bringing vacant buildings back into use stating 'to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount'. Planning Practice Guidance goes on to state 'Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace'.

Having regard to National Planning Policy, it is not required to deliver any affordable housing within the scheme.

Notwithstanding the above, it is considered that the provision of affordable housing in such development would give rise to the issues of viability, reducing the likelihood of delivering the redevelopment of this vacant and visually important building in the Worksop Conservation area.

Accordingly it is considered that the development would comply with the provisions of the policies and guidance outlined above.

INFRASTRUCTURE/CONTRIBUTIONS

Paragraph 57 of the NPPF makes it clear that contributions can be sourced from schemes where they make the scheme acceptable in planning terms. Paragraph 61 requires that Council's plan to deliver a wide choice of housing to meet local needs and this includes the provision of affordable housing.

Paragraph 95 of the NPPF makes it clear that it is important that there are sufficient school places to meet the needs of existing and new communities and that council's should proactively work with school providers to resolve key planning issues relating to development. Paragraph 98 emphasises that access to high quality open space and opportunities for sport and physical activity is important and this is a consideration in determining planning applications.

The scheme as submitted will provide the following requirements in line with the NPPF requirements outlined above:

- £12,684.00 Contribution for the improvements of nearby public open space.

It is considered that this contribution is required to mitigate the impact of the development, particularly as the proposal does not include private outdoor amenity space and residents are therefore more likely to use nearby public open spaces on a regular basis.

LOSS OF THEATRE/ COMMUNITY FACILITIES

Paragraph 93 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The Theatres Trust has raised concerns with regard to the loss of the theatre and in particular the potential of finding alternative uses that would be contribute to the Town's community / cultural / social offer.

The Regal was equipped with CinemaScope projection system in July 1954 and in 1972 was converted into a 3-screen cinema seating 105, 153 and 84. The building was taken over by an independent company in the early 1980s but closed in 1984. It re-opened as the Regal Centre in 1985 offering both live theatre and cinema.

Renamed the Sound Wave Arts Centre in 2012, it closed in 2013 and has since been vacant.

The building is identified as CA16 in the 'Building at Risk' register stating that it has been largely derelict since around 2010 and deteriorating due to vandalism of roof and interior.

Therefore, whilst the proposed conversion would result in the loss of a theatre/cinema, the re-purposing of the buildings and finding an alternative use to ensure their preservation should take priority.

On balance therefore, it is considered that the loss of a vacant community / leisure facility and its re-development into 21 apartments would be an acceptable alternative to the building's continued deterioration and ultimate loss. The significant length of time that the building has remained vacant also leads to the conclusion that a guaranteed re-purposing and retention of the buildings should be considered as a matter of urgency.

In addition to the above it is also important to note that alternative purpose-built arts facilities have been provided elsewhere within the town, including the Savoy cinema, which opened in March 2012, and The Acorn Theatre, which opened in 2006.

Both these facilities are well-used and have car parking provision in close proximity. As such following the change of use of 'the Regal', theatre and cinema facilities will still be available for the residents of Worksop.

On balance therefore it is considered that the development would comply with the aims of the guidance outlined above.

RIGHTS OF ACCESS

An adjacent landowner has raised concerns in respect to the use of the access located on the northern boundary of the application site and the potential for the development to block the access for the adjacent retails unit.

The adjacent owner does however acknowledges that whilst the occupiers / owners of 'the Regal' do not have vehicular rights, they do have pedestrian rights of way over the access.

As use of this access would be principally for accessing the bin stores servicing the development and does not propose any vehicular parking on this access, the development would be unlikely to conflict with the rights of the adjacent land owner. Ultimately the issues of rights of access over land would be a separate legal matter between the respective land owners.

CONCLUSION/PLANNING BALANCE

Whilst the Council can now 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.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where 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 21 new dwellings	The Council has 13.5 years' worth of housing supply and therefore the houses are not needed for the Council to meet its 5 year housing supply requirements. The benefit of delivering an additional 21 dwellings is considered to carry reduced weight in the decision making for this scheme.
Heritage impacts	The development would secure the re-use and retention of a positive building in the Worksop Conservation Area and a 'Building at Risk'. This matter carries considerable weight.
Visual Amenity	The scheme would have no significant adverse impacts on visual amenity or the character of the area.
Ecology	Subject to conditions securing appropriate ecological enhancements and mitigation measures it is considered that the scheme would have no significant adverse impacts on protected species and ensure that the development would result in a Biodiversity Net Gain.
Residential Amenity	The development as proposed would have no adverse implications for existing or future residents.
New residents into the area who will use and help to sustain existing local services and facilitate potential future growth opportunities due to their spending power	This meets the requirements of the economic and social objectives outlined in paragraph 8 of the NPPF and as such it carries significant weight in the determination of this case.

Construction related jobs	Whilst this may only be a transient part of this scheme, it meets the requirements of the economic objectives outlined in paragraph 8 of the NPPF and as such it carries a medium level of weight in the determination of this case.
Infrastructure contributions (public transport/education/local play space)	This meets the requirements of the social objectives as outlined in paragraph 8 of the NPPF and as such it carries significant weight in the determination of this case.
CIL/Council Tax/New Homes bonus payments	The scheme brings with it payments to Bassetlaw Council that can be reinvested back into the local economy. This is considered to carry significant weight in the determination of this case.
Compliant with adopted policies CS1 and CS2 of the Council's Core Strategy.	This is considered to carry limited weight in the decision making process for this case due to the fact that the Bassetlaw Core Strategy Strategic policies are now considered to be out of date.
Consultee responses to the case	Objections have been received from the County Highways Authority and Emergency Planning Team in terms of lack of parking and servicing arrangements and from the Theatres Trust in respect to the loss of a cultural facility. As such, these objection counts negatively towards this scheme.

Having regards to benefits outlined above, and principally securing the long term use and survival of a 'Building at Risk', it is considered that these when considered cumulatively outweigh any limited identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme must be granted planning permission.

RECOMMENDATION:

Grant subject to conditions and the execution of a S106 agreement

CONDITIONS:

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 details and specifications included on the submitted application form and shown on the following approved plans:

Location and Block Plan, Drawing No. P/001 Rev. C received on 27 February 2023;
Proposed Ground Floor Plan, Drawing No. P/010 Rev. G, received 27 February 2023;
Proposed First Floor Plan, Drawing No. P/011 Rev. E, received 27 February 2023;
Proposed Second Floor Plan, Drawing No. P/012 Rev. E, received 27 February 2023;
Proposed Third Floor Plan, Drawing No. P/013 Rev. B, received 27 February 2023;

Proposed Basement Floor Plan, Drawing No. P/009, received 27 February 2023;
Proposed Front and Side Elevation, Drawing No. P014 Rev. F, received 01 June 2023;
Proposed Rear and Side Elevation, Drawing No. P/015 Rev. D, received 27 February 2023

Reason: To ensure the development takes the agreed form envisaged by the Local Planning Authority when determining the application and for the avoidance of doubt.

3. Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, 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 details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

4. Notwithstanding the submitted details, before any works are carried out to the large stair window at the eastern end of the south elevation, detailed specifications of either a retention and repair scheme, or a replacement window, shall be submitted to and agreed in writing by the Local Planning Authority. The repaired or replacement window shall only be in accordance with the agreed details.

Reason: To ensure the repaired or replacement large stair window preserves the character and appearance of the Conservation Area

5. Before the timber cladding infill to the south and north elevation window openings is installed, details of their design, material and finish shall be submitted and agreed in writing by the Local Planning Authority. The completed timber infilling shall only be in accordance with these agreed details.

Reason: To ensure the timber infilling preserves the character and appearance of the Conservation Area.

6. Before any new lintels or cills are installed, details of their design and materials shall be submitted to and agreed in writing by the Local Planning Authority. The new lintels and cills shall only be in accordance with the agreed details.

Reason: To ensure the new lintels and cills preserve the character and appearance of the Conservation Area.

7. Before the new balconies on the south elevation are installed, details of their design, materials and finishes shall be submitted to and agreed in writing by the Local Planning Authority. The completed balconies shall only be in accordance with the agreed details.

Reason: To ensure the new balconies preserve the character and appearance of the Conservation Area.

8. Before the rainwater goods hereby permitted are installed, samples or detailed specifications of all rainwater goods (including the method of fixing) 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 rainwater goods details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

9. Any new bricks required for the purposes of repairs shall match as closely as possible the size, colour, form and texture of the existing bricks.

Reason: To ensure the brick repairs preserve the character and appearance of the Conservation Area.

10. The slate roof hereby approved shall match as closely as possible the material, coursing, sizing, method(s) of fixing, length(s) of head lap and length(s) of exposure of the existing slate roof.

Reason: To ensure that the new slate roof matches the appearance and features of the existing historic slate roof, and preserves the character and appearance of the Conservation Area.

11. Before they are installed, full details of the siting, appearance and materials to be used in the construction of all external accretions including extractor vents, heater flues, meter boxes, airbricks, soil and vent pipes, TV aerials, satellite dishes, CCTV cameras or external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The accretions shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development preserves the character and appearance of the Conservation Area.

12. Before the east (front) elevation "REGAL HOUSE" lettering is installed, details of its design, font type, materials, method(s) of fixing and finish shall be submitted to and agreed in writing by the Local Planning Authority. The lettering shall be carried out only in accordance with the agreed details.

Reason: In order to ensure that the lettering preserves the character and appearance of the Conservation Area.

13. Before the rendered elements of the building are repainted, details of the paint finish, including paint type and colour(s), shall be submitted to and agreed in writing by the Local Planning Authority. The completed masonry paintwork shall only be in accordance with the agreed details.

Reason: To ensure the new masonry paint preserves the character and appearance of the Conservation Area.

14. Notwithstanding the above condition, and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), the building's external masonry shall not be repainted, unless in an exact like-for-like colour, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Worksop Conservation Area. The unsympathetic repainting with non-traditional colours, or the painting of existing exposed brickwork, would cause harm to the character and appearance of the Conservation Area.

15. No development or demolition shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written

Schemes of Investigation for a historic building recording and provision for further mitigation work as necessary. These schemes shall include the following:

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

The scheme of archaeological mitigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

16. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. 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: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

17. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

18. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. No surface water to enter the foul water system by any means. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

19. No development shall take place, until a survey has been carried out by a suitably trained person to establish whether or not any protected species of bat are present within the buildings to be demolished (including all outbuildings) and the results of the survey have been accepted in writing by the Local Planning Authority. If the survey results confirm that protected species are present, details of working design, method and timetable to mitigate undue disturbance to the protected species shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. The mitigation measures shall be carried out only in accordance with the agreed details.

Reason: To ensure adequate protection of any identified bat habitat.

20. No development shall commence until a scheme for the provision of bird and bat boxes units within the development has been submitted to and agreed in writing with the Local Planning Authority. The approved bird and bat boxes shall be completed and available before the dwellings hereby permitted are first occupied and shall be retained for the life of the development.

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

21. No part of the development approved by this permission shall be occupied until a refuse storage and management plan have been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be fully implemented prior to the occupation of the approved apartments and shall remain in place for the life of the development.

Reason: To safeguard the amenities of dwellings located in the vicinity of the application site and in the interests of highway safety.

22. The offices and gymnasium contained within the scheme shall be only for the benefit of the occupiers of the flats hereby permitted.

Reason: To ensure the development takes the form envisaged.

23. No apartment shall be occupied unless it has been constructed in accordance with a scheme submitted to, and agreed in writing by the Local Planning Authority, so as to ensure that the building envelope provides sound attenuation against external noise, with windows shut and other means of ventilation provided, to achieve an internal noise level of no greater than the guideline internal ambient noise levels in dwellings of BS8233:2014.

Reason: In the interests of residential amenity.

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