



Bassetlaw
DISTRICT COUNCIL
— North Nottinghamshire —

Planning Committee

Agenda

Meeting to be held at The Ballroom, Retford
Town Hall, DN22 6DB
On Wednesday, 13th December, 2023
At 6.30 pm

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Planning Committee

Membership: 2023-24

Councillors: N J Sanders, S Fielding, C Adams, J Bowker, H M Brand, D Challinor, M 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

L Thompson

Planning Committee

Wednesday, 13th December, 2023

Agenda

1. Apologies
2. Declarations of Interest
 - a. Members
 - b. Officers
3. Minutes of the Meeting held on 15th November 2023 (Pages 5 - 8)
4. Minutes of Planning Consultation Group Meetings held on:
 - a. 13th November 2023 (Pages 9 - 14)
 - b. 27th November 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/23/3322781 - Cross Roads Farm, Sutton Lane, Sutton-cum-Lound, Retford DN22 8SE (Pages 21 - 28)
- c. Appeal Decision: APP/A3010/W/23/3316354 - Land at Claverton, Sparken Hill, Worksop S80 1AP (Pages 29 - 34)

Scheme of Delegation For Determining Planning Applications

- d. Scheme of Delegation for Determining Planning Applications (Pages 35 - 54)

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 Chair 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 laura.thompson@bassetlaw.gov.uk

Planning Committee

Minutes of the Meeting held on Wednesday, 15th November, 2023 at The Ceres Suite, Worksop Town Hall, S80 2AH

Present: Councillor N J Sanders (Chairman)

Councillors:

| | |
|-------------|-------------|
| S Fielding | J Bowker |
| H M Brand | D Challinor |
| G Freeman | F McFarland |
| D G Pidwell | |

Officers: B Alderton-Sambrook, S Bacon, C Hopkinson, J Krawczyk,
L Thompson and E Wallace.

(The meeting opened at 6.30 pm.)

33 Apologies

Apologies were received from Councillors Adams, Dinsdale and Oxby.

Councillor M Charlesworth was absent from the meeting.

34 Declarations of Interest

34a Members

There were no declarations of interest by Members.

34b Officers

There were no declarations of interest by Officers.

35 Minutes of the Meeting held on 18th October 2023

Resolved that the Minutes of the meeting held on 18th October 2023 be approved.

36 Minutes of Planning Consultation Group Meetings held on 16th and 30th October 2023

Resolved that the Minutes of the Planning Consultation Group on 16th and 30th October 2023 be received.

37 Outstanding Minutes List

Resolved that the Outstanding Minutes List be received.

Section A - Items for discussion in public

Key Decisions

None.

PLANNING COMMITTEE

Other Decisions

38 Report(s) of the Head of Regeneration

38a Public Interest Test

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

Appeal Decisions

38b Appeal Decision APP/A3010/W/23/3316717 Land Adjacent No. 3 Askew Cottages, Beaver Place, Worksop, Notts S80 2ER

Members were presented with one appeal decision. The Planning Development manager gave a summary of the appeal.

Resolved that the appeal decision be received.

Planning Applications and Associated Items

38c Planning Application: 22/01713/FUL Land East Of Gainsborough Road Bole Nottinghamshire

Members were advised of an application seeking full planning permission for the Construction and Operation of a Battery Energy Storage System with an Electrical Output Capacity of up to 500MW and Associated Development Including Power Inverter Systems, Electrical Banking Station, Electrical Cabling including Below Ground Cabling to 400KV Switchyard, Welfare Facilities, Internal Access Roads, Site Security Infrastructure, Lighting, Boundary Treatments, and Landscaping.

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

The Planning Development Manager presented the application. Members were presented with a location map, site photographs and elevations for consideration.

Responses from statutory consultees were detailed in the report.

In accordance with the rules of procedure for public participation Christine Warren spoke in objection to the application and Colin Turnbull spoke in support of the application as the agent.

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 a S106 Agreement.

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

Exempt Information Items

Section B - Items for discussion in private

Key Decisions

PLANNING COMMITTEE

None.

Other Decisions

None.

39 Any other business which the Chair considers to be urgent

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

(Meeting closed at 7.20 pm.)

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Planning Consultation Group

Minutes of the meeting held on Monday 13th November 2023 via MS Teams

Present Councillors: D Challinor, S Fielding and F McFarland and N Sanders

Officers in attendance: A Broadhead, J Elliot, L Ip, J Krawczyk and L Thompson

(Meeting opened at 4.00pm).

36. Apologies

There were no apologies for absence received.

37. Declarations of Interest

There were no declarations of interest.

38. Planning Applications

| Ref. No. | Description |
|--------------|---|
| 23/00771/FUL | Demolition of Existing Masons Arms Building Aside the Front Ground Floor Facade, Erection of Shop, Café, Staff Quarters, 13 Apartments and Communal Lounge. |

Former Masons Arms, Spital Hill, Retford.

Members were advised of an application to demolish the existing building and erect a shop, café, staff quarters, 13 apartments and a communal lounge in its place. The new building will provide supported living accommodation.

The application was presented to Planning Consultation Group as a S106 agreement is required.

Plans were circulated to Members prior to the meeting.

No objections were received from statutory consultees.

A neighbouring resident has written in support of the application.

Officer recommendation – Grant planning permission subject to a S106 agreement.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|--------------|---|
| 23/00272/COU | Change of Use Including External Alterations to form 21 Residential Apartments with Associated Communal and Ancillary Facilities. |

The Regal, Carlton Road, Worksop.

Members were advised of an application for change of use including external alterations to form 21 residential apartments with associated facilities. The application was the subject of a report to the Planning Committee on the 18 October 2023, where members of the committee

resolved to Grant planning permission for the above development subject to further condition requiring a Construction Traffic Management Scheme.

Plans were circulated to Members prior to the meeting.

Members agreed to the additional condition.

Officer recommendation – Grant planning permission subject to additional condition.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|---|
| 23/00687/COU | Change of Use from Existing Stables to Eight Holiday Let Chalets. |
|--------------|---|

Stables At Green Mile Farm, Green Mile Lane, Babworth.

Members were advised of an application seeking to change the use of an existing stables to eight holiday let chalets. The application is identical to a previous application granted permission subject to conditions.

Plans were circulated to Members prior to the meeting.

The Highways Authority are not satisfied safe access to the site can be achieved. Officer advises that the application is identical to the previous submission with conditions that were imposed by Highways.

Conservation Team have no objections but have made suggestions regarding the placement of roof lights and solar panels.

Two letters of objection have been received from residents citing the following concerns:

- Highway safety
- There is already sufficient holiday accommodation in the area and the use will be at odds with the setting
- Light pollution
- Noise levels
- Loss of privacy
- Waste management
- Parking arrangements

Officer recommendation – Grant planning permission subject to previously imposed conditions.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|---|
| 23/00838/COU | Conversion of Existing Farm Storage Building into Residential Annex |
|--------------|---|

Skewer Farm, Wallingwells Lane, Carlton In Lindrick.

Members were advised of an application seeking to convert an existing farm storage building into a residential annex.

Plans were circulated to Members prior to the meeting.

No objections were received from statutory consultees.

A letter of objection has been received from a neighbouring resident citing the impact increased vehicular usage will have on the access road that is already in poor condition.

Officer satisfied that the impact is not significant enough to refuse planning permission as any additional vehicles will be domestic. A condition will be imposed to ensure the residents of the annex are dependents/relatives of the existing farmhouse.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|---|
| 23/00995/HSE | Proposed Two Storey Side Extension and Single Storey Rear Extension, Including Raise Roof to Bungalow Woodside View, Pinfold Lane, Everton, Doncaster. |

Members were advised of an application proposing a two storey side extension and single storey rear extension, including raise roof to the bungalow.

Plans were circulated to Members prior to the meeting.

The Parish Council have objected on the grounds of the application being unsympathetic in terms of scale.

Four letters of objection have been received from residents citing the following concerns:

- It will exceed the existing roof line and look out of place
- Loss of privacy due to overlooking

The Neighbourhood Plan encourages high quality designs that protect the visual amenity.

Officer advised that Pinfold Lane is characterised by a mixture of dwelling types and materials.

A similar application for a property in close proximity to the bungalow was granted planning permission in 2013. Officer satisfied there is a substantial garden with a 30m separation distance so the dwelling will not be overly dominating. There will be limited overlooking as the dwelling is well screened by mature hedgerows.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

23/01050/FUL 2 x 10m CCTV Columns

Carolgate, Retford.

Members were advised of an application to install two (ten metre) CCTV columns on Carolgate, Retford. The location sits within the Conservation Area and town boundary, near to listed buildings.

Plans were circulated to Members prior to the meeting.

No objections from statutory consultees or others were received.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--|
| 23/01169/FUL | Erect a Two Bedroom Single Storey Garden Annex Building Hodsock Woodhouse, Hodsock Lane, Langold. |

Members were advised of an amended planning application to erect a two bedroom single storey garden annex building. The previous application was refused on the grounds of scale and dimension being unduly dominating.

Plans were circulated to Members prior to the meeting.

Two letters of objection have been received from neighbouring residents citing concerns over scale, potential commercial use, limited visibility from the access road and increased traffic.

Rights of Way have made it clear that the road condition will be the responsibility of the occupier to maintain.

Officer satisfied there is sufficient parking to accommodate those residing in the annex and any increased vehicle usage will be of a domestic nature.

No objections were received from statutory consultees.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--|
| 23/01008/COU | Two No. 4 Bed Detached Dwellings Land East Of 36 Retford Road, Blyth. |

Members were advised of an amended application seeking permission for two (four bed) detached dwellings. Amendments have been made to the proposed height of the dwellings.

Plans were circulated to Members prior to the meeting.

The Highways Authority have no objections subject to conditions on securing parking, a 2 metre footway to the frontage and a dropped kerb.

The Parish Council have objected on the grounds of road safety and close proximity to the school. They have suggested a condition be imposed requiring a dropped kerb.

No other objections or comments have been received.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|---|
| 23/00359/COU | Conversion of Former Local Communal Centre (F2) into a 9 bed HMO (Sui Generis Class) including reconfigured windows, raised roof level and external alterations Former Communal Centre, Lanchester Gardens, Worksop. |

Members were advised on an application seeking to convert a former local community centre into a nine bed house of multiple occupancy including reconfigured windows, raised roof level and external alterations.

Plans were circulated to Members prior to the meeting.

A sheltered housing accommodation company have objected on grounds of undermining previous refurbishments to the building and increased anti-social behaviour in the area.

Environmental Health have no objections but request conditions are imposed to limit the construction hours and the amount of dust/mud carried onto the highway.

No other objections were received from statutory consultees.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|---|
| 23/01023/COU | Change of Use of Land for the Extension of Traveller Site to Create Two Additional Pitches The Paddock, Long Lane, East Drayton. |

Members were advised of an application for a change of use of the land for the extension of a traveller site to create two additional pitches.

Plans were circulated to Members prior to the meeting.

Officer advised that the site is visually contained with mature hedgerows and a gated entrance with trees and walls.

The Highways Authority and Parish Council have cited concerns over the width of the access road which would not allow two vehicles towing caravans to pass by one another.

No further objections or comments have been received from statutory consultees.

Officer acknowledged the need for appropriate traveller sites in the district, and is satisfied this site is appropriate due to being well screened and in close proximity to services in surrounding settlements. On balance officer feels that the application is not detrimental to highway safety as the caravans will be static upon delivery.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

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

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

(Meeting ended at 4:53pm).

Planning Consultation Group

Minutes of the meeting held on Monday 27th November 2023 via MS Teams

Present Councillors: S Fielding and N Sanders.

Officers in attendance: J Krawczyk and L Thompson.

(Meeting opened at 4.05pm).

40. Apologies

There were no apologies for absence received.

Councillors M Charlesworth and F McFarland were absent from the meeting.

41. Declarations of Interest

There were no declarations of interest.

42. Planning Applications

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|---|
| 23/00747/HSE | Proposed New Garage and Demolition of the Existing Old Garage. The Old Vicarage, 35 Town Street, Sutton Cum Lound. |
|--------------|---|

Members were advised that permission is being sought for a new detached garage at an existing property.

Plans were circulated to Members prior to the meeting.

The Parish Council and Council's Conservation Team initially raised objections to the proposal on the grounds of the height and design of the garage. Officer advised Members that the demolition of the old garage has now been deleted from the application and will be retained. The Conservation Team now have no concerns subject to conditions regarding the materials used. The Parish Council have been re-consulted but no comments received.

No further objections or comments have been received from statutory consultees or members of the public.

Officer is satisfied based on the scale and separation distance to other properties, that there will be no impact on residential amenity.

Officer recommendation – Grant planning permission

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|--|
| 23/01239/FUL | 1 x New 10m CCTV Column with Camera. Part of Playing Field Off Raymoth Lane, Worksop. |
|--------------|--|

Members were advised that permission was being sought to install a 1 x 10m CCTV column with a camera.

Plans were circulated to Members prior to the meeting.

No objections were received from statutory consultees or members of the public.

Officer is satisfied that it will serve to prevent anti-social behaviour in the area and offer effective monitoring going forward. The camera will cover the open space and will not overlook surrounding properties.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|---|
| 23/01238/FUL | 1 x New 6m Double Headed Lighting Column. |
|--------------|---|

Part of Playing Field Off Main Street, North Leverton.

Members were advised that permission was being sought to install a 1 x 6m double headed lighting column on part of a playing field off Main Street, North Leverton.

Plans were circulated to Members prior to the meeting.

No objections have been received from statutory consultees.

Two letters of objections have been received from members of the public, citing that the lighting will encourage anti-social behaviour and more people will park there during the darker hours. The second objection cited concerns over light spill into a bedroom window of a neighbouring property and requested it be located elsewhere.

Bassetlaw's Community Safety Team have advised that lighting tends to deter anti-social behaviour as it makes people more visible and identifiable. In terms of the type of lighting used, it will be an LED downlight which will minimise light spill.

Members were advised that Bassetlaw District Council's consultants state that the proposed location for the column is the most appropriate position to discourage anti-social behaviour in the area.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--------------------|
|-----------------|--------------------|

| | |
|--------------|---|
| 23/01101/COU | Change of Use of Land to be Incorporated into Domestic Curtilage with Approx. 1.8m High Fence Around. |
|--------------|---|

180 Raymoth Lane, Worksop.

Members were advised that permission was being sought to change the use of land to be incorporated into domestic curtilage with a 1.8m high fence.

Plans were circulated to Members prior to the meeting.

Three letters of objection from members of the public were received citing the following concerns:

- The area already has limited green space.
- View from neighbouring properties will be affected.
- Lack of privacy.
- The view from the access road will be affected.
- Will encourage people to park further up the road.
- Increased anti-social behaviour that is already an issue around the nearby shops.

No objections or comments have been received from statutory consultees.

Five letters of support have been received from members of the public and neighbouring occupiers on grounds of reducing litter and dog fouling on the grass land and they believe it will be effective in the general tidying up of the area.

Officer satisfied that whilst the fence will be visible to neighbouring occupiers, it will not be overbearing as the distance of separation is substantial. There are no concerns from a highway safety point of view and on balance feels that it would be an appropriate development.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|--|
| 22/01719/FUL | Demolition of Existing Rear Single Storey Extension and Erect a Two Storey Extension to the Existing Building to Create Eight, Two Bed Flats and Erect a Two Storey New Build to Create Four, Two Bed Flats. Former St Anne's Veterinary Centre, Newcastle Avenue, Worksop. |

Members were advised that permission is being sought to demolish the existing rear single storey extension to the existing building and create eight two-bed flats and erect a two storey new build to create four two-bed flats.

Plans were circulated to Members prior to the meeting.

No objections have been received from members of the public.

Nottinghamshire County Council Planning have no objections subject to archaeological evaluation and mitigation strategy and a S106 agreement.

The Council's Parks and Open Spaces Team have no objections subject to a S106 agreement.

Environmental Health have no objections subject to conditions on external lighting and construction.

Seven Trent Water have no objections subject to conditions on foul drainage and contamination.

The Council's Conservation Team have been supportive of the application and feel that the existing building will be extended sympathetically and it is important to bring the building back into use.

Officer advised that whilst the site is located within Flood Zone 2, the applicant has submitted a detailed flood risk assessment including the raising of floor levels and flood mitigation strategies. Officer satisfied that the applicant has demonstrated there will be no impact on flood risk elsewhere.

Officer recommendation – Grant planning permission subject to conditions and a S106 agreement.

Outcome following PCG – Refer for Officer Decision.

| Ref. No. | Description |
|-----------------|---|
| 23/01149/FUL | Proposed Resurfacing of Existing Path Network, Reinstatement of Historic Pathways With New Surfacing and Introducing Metal Edging to Paths. Clumber Park Pleasure Grounds, Clumber Park. |

Members were advised that permission is being sought to resurface an existing path network, reinstate historic pathways with new surfacing and introduce metal edging to paths. The metal edging will be flush to the ground and are for maintenance purposes.

Plans were circulated to Members prior to the meeting.

Historic England have raised an objection, citing concerns on the colour of the material being used to resurface the pathways. They have recommended a brighter colour be used.

No further objections have been received from statutory consultees or members of the public.

The Council's Conservation Team are wholly supportive of the application and believe that the proposed colour will be muted and will allow the historical assets of the park to be better read by visitors.

Officer satisfied that the proposed re-surfacing will benefit the public by providing better access, as the current pathways are prone to getting 'muddy' in areas in wet weather.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

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

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

(Meeting ended at 4:41pm).

Planning Committee

13th December 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 |
|-----------------|-------------|----------------|-----------------|----------------------------|
|-----------------|-------------|----------------|-----------------|----------------------------|

None.

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PLANNING COMMITTEE,

13th December 2023

INFORMATION REPORT

APPEAL DECISION RECEIVED

23/00108/COU Mr Daulby Appeal against the refusal of full planning permission for the Conversion of Existing Garage/Storage/Workshop Building to One New Dwelling

DECISION: Appeal DISMISSED by the Inspector.

An application for the conversion of existing garage/storage/workshop building to one new dwelling was refused on 27th March 2023 under delegated authority for the following reasons;

1. Policy DM2 of the Bassetlaw Local Development Framework states The conversion of non-residential rural buildings for solely market housing (or for schemes where conversion for market housing is part of a wider development scheme that includes viable long-term, linked economic development uses) will be supported where an economic, community/service or affordable housing use of the building has been shown to be unviable. Applicants will be expected to demonstrate that all reasonable efforts have been made to sell and let the site or premises for an economic development, community/service or affordable housing use at a realistic price for a period of at least 12 months or to provide evidence that demonstrates to the Council's satisfaction that conversion for such uses is unviable. The conversion of modern, purpose-built agricultural or industrial buildings, regardless of their location, for residential purposes will not be supported.

The building is a modern, purpose built storage / warehouse building and no details have been submitted to demonstrate that all reasonable efforts have been made to sell or let the premises at a realistic price for the alternative uses. It is therefore considered the proposal is contrary to Policy DM2.

2. Policy DM9 of the Bassetlaw Local Development Framework 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 Bassetlaw Landscape Character Assessment states the aim for this area is to create and reinforce landscape features and with regard to built features, the aim is to conserve the traditional character of the surrounding settlements by reinforcing the local vernacular in any new development and conserve and reinforce the open rural character of the Policy Zone by concentrating new small scale development around Sutton-cum-Lound and Barnby Moor at the boundaries of the Policy Zone.

Policy DM4 of the Bassetlaw Core Strategy states that all development proposals will need to be in keeping with the character and appearance of the wider area.

Policy 1 of the Neighbourhood Plan states proposals for residential development should demonstrate a high design quality that enhances the distinctiveness and quality of the village by contributing to its historic rural character

Policy 6 of the Sutton cum Lound Neighbourhood Plan states that residential development on redevelopment sites will only be supported where the scheme is in keeping with the character of the area particularly in relation to historic development patterns and building plot sizes

The proposed alterations do not reflect the character of the existing building and would introduce a relatively modern suburban style dwelling into a countryside setting which would appear incongruous and result in harm to the character of the surrounding area. It is therefore considered that the proposal would have a detrimental impact on the visual amenity of the area and the countryside landscape character.

Accordingly, it is considered that the proposal would not comply with the aims of the landscape character assessment and policies DM4 and DM9 of Bassetlaw Local Development Framework, Policies 1 and 6 of the Neighbourhood Plan and paragraph 127 of the NPPF.

The inspector considered that the main issues were:

- i) Whether suitable measures have been investigated with regard to alternative uses for the building.
- ii) The effect of the development on the character and appearance of the area

The Inspector concluded the following:

i) The Council's first reason for refusal relates to section (B) which sets out the requirements for utilising a non-residential rural building for market housing, which includes investigation of alternative uses, and that effective marketing must have taken place. However, I find this approach of the Council to be incorrect. The last approved and implemented use, previously approved by the council, was for domestic residential use, as itemised in the banner heading above. As such, I do not consider that any marketing is required, as the use was, in fact ancillary to the residential use of the main property. As a result, I find no conflict with Policy DM2 of the CS, as it does not relate in this instance.

ii) I find that the design and appearance of the proposed dwelling does not reflect the locality, with large amounts of glazing to the proposal, specifically on what is indicated as the front elevation, but overall, on three of the four elevations. This does not respect the rural character of the building and gives the overall appearance far more of a contemporary look than many of the nearby and surrounding properties, and does not reflect the character of the locality.

Albeit the development would not be readily visible from the main road or any public vantage points, views from surrounding dwellings would be available. Any loss of vegetation would allow longer distance views to become available, and the appeal proposal would generally be seen as an unwelcome intrusion.

Policy DM3 also seeks to ensure such development is appropriate for its location, setting and compatibility with surrounding land uses. The wider character of the area is agricultural and interspersed with buildings.

I therefore conclude that the development harms the character and appearance of the area, contrary to CS Policies DM3 and DM4. Combined, and insofar as they are relevant

to the proposal these seek to ensure development is appropriate for its setting taking into account local distinctiveness. The development is also contrary to the National Planning Policy Framework (the Framework) at paragraph 130 where it seeks to ensure development is sympathetic to local character and recognising the intrinsic character of the countryside as set out in paragraph 174.

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

OFFICER RECOMMENDATION: Refuse

FINALISED DECISION LEVEL: Delegated following referral to PCG

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Appeal Decision

Site visit made on 7 November 2023

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/A3010/W/23/3322781

Cross Roads Farm, Sutton Lane, Sutton-cum-Lound, Retford DN22 8SE

- 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 Daulby against the decision of Bassetlaw District Council.
 - The application Ref 23/00108/COU, dated 25 January 2023, was refused by notice dated 27 March 2023.
 - The development proposed is conversion of existing garage / storage / workshop to one new dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are :-
 - Whether suitable measures have been investigated with regard to alternative uses for the building.
 - The effect of the development on the character and appearance of the area.

Reasons

3. The appeal building is a brick-built structure, with some cladding which, from the evidence provided, has had a number of permissions and uses over a period of time.

Alternative uses

4. The Council, in their statement, on many occasions, have referred to the appeal building as both agricultural and non-residential, and as a result, have referenced policy DM2 of the Bassetlaw District Core Strategy and Development Management Policies DPD (2011) (the CS) which has two relevant sections, (A) General Principles and (B) Conversion for Market Housing.
5. The Council's first reason for refusal relates to section (B) which sets out the requirements for utilising a non-residential rural building for market housing, which includes investigation of alternative uses, and that effective marketing must have taken place.
6. However, I find this approach of the Council to be incorrect. The last approved and implemented use, previously approved by the council, was for domestic residential use, as itemised in the banner heading above. As such, I do not

consider that any marketing is required, as the use was, in fact ancillary to the residential use of the main property. As a result, I find no conflict with Policy DM2 of the CS, as it does not relate in this instance.

Character and appearance

7. I am advised that the site forms part of the Idle – Lowlands Policy Zone 9 within the Bassetlaw Landscape Character Assessment (LCA) which is defined as a coherent pattern of elements with strong ecological integrity, whilst reinforcing local vernacular and the open rural character of the Zone.
8. I find that the design and appearance of the proposed dwelling does not reflect the locality, with large amounts of glazing to the proposal, specifically on what is indicated as the front elevation, but overall, on three of the four elevations. This does not respect the rural character of the building and gives the overall appearance far more of a contemporary look than many of the nearby and surrounding properties, and does not reflect the character of the locality.
9. Albeit the development would not be readily visible from the main road or any public vantage points, views from surrounding dwellings would be available. Any loss of vegetation would allow longer distance views to become available, and the appeal proposal would generally be seen as an unwelcome intrusion. Whilst the development is of a modest scale and within a large site, I do not find the proposal is insensitive to its landscape setting for the reasons given above.
10. Policy DM3 also seeks to ensure such development is appropriate for its location, setting and compatibility with surrounding land uses. The wider character of the area is agricultural and interspersed with buildings. Despite the fact that inevitably there will have been landscape changes and built development across the wider area, since the time of the publication of the LCA, to my mind the site contributes to the rural character. Thus, despite the age of the LCA the appeal site contributes positively to the character and appearance of the area.
11. I therefore conclude that the development harms the character and appearance of the area, contrary to CS Policies DM3 and DM4. Combined, and insofar as they are relevant to the proposal these seek to ensure development is appropriate for its setting taking into account local distinctiveness. The development is also contrary to the National Planning Policy Framework (the Framework) at paragraph 130 where it seeks to ensure development is sympathetic to local character and recognising the intrinsic character of the countryside as set out in paragraph 174. For similar reasons, the development therefore conflicts with the aims of the Bassetlaw Landscape Character Assessment.
12. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. Accordingly, it would not comply with Policies DM4 and DM9 of the CS where they concern high quality design; development respecting its wider surroundings, and that proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting, including with regard to the distinctive qualities of the landscape character policy zone, as identified in the LCA.

Conclusion

13. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Paul Cooper

INSPECTOR

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PLANNING COMMITTEE,

13th December 2023

INFORMATION REPORT

APPEAL DECISION RECEIVED

21/01289/FUL Mr Manley Claverton, Sparken Hill, Worksop

DECISION: Appeal ALLOWED by the Inspector.

An application to erect detached three bedroom dwelling with associated landscape works and alter existing access was refused on 17th October 2022 under delegated authority for the following reasons;

1. 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 and historic development patterns. 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.

The character of this part of Sparken Hill is largely derived from the large properties set in spacious grounds. The proposed dwelling sited between Claverton and Camelot, would appear unduly cramped in form and out of character with its immediate surroundings.

In addition, it is considered that the proposed dwelling by reason of its form, appearance and detailing would be out of keeping with and at odds with the character and appearance of the more traditional buildings in the immediate vicinity.

Accordingly if permitted the development would conflict with the policies and guidance outlined above.

2. 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 203 of Part 16 of the National Planning Policy Framework, which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Both Claverton and Camelot have been identified as non-designated heritage assets. It is considered that the proposed dwelling by reason of its siting, design and detailing would appear at odds with the character, appearance and setting of the non-designated heritage assets.

Accordingly, if permitted the development would conflict with the policies and guidance outlined above.

The inspector considered that the main issue was:

i) The effect of the proposal on the character and appearance of the area with particular regard to the setting of non-designated heritage assets.

The Inspector concluded the following:

i) The adjacent buildings of Claverton and Camelot have been identified as non-designated heritage assets. Camelot is a two storey villa and Claverton is a subdivided villa both built in the early 20th Century and their significance is derived from their traditional design in keeping with others in the area along with the spaces round the buildings.

The proposed dwelling would be set back from the road following the established building line and although it would be narrower and longer than the adjoining houses there would be limited views of it from Sparken Hill, due to the existing trees, which will remain. Even though the dwelling would have a narrow form, space would remain between it and the existing dwellings so that the development would not appear cramped and out of character with the properties in the area. Although there are large areas of glazing, and the building would have a modern design, traditional materials are proposed, which would be sympathetic to the local character. Overall, the proposed dwelling would be of a form and scale sympathetic to the wider area, including the neighbouring properties of Claverton and Camelot.

I therefore conclude that the proposed dwelling would not harm the character and appearance of the area with particular regard to the setting of non-designated heritage assets.

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

OFFICER RECOMMENDATION: Refuse

FINALISED DECISION LEVEL: Delegated following referral to PCG



Appeal Decision

Site visit made on 1 August 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2023

Appeal Ref: APP/A3010/W/23/3316354

Land at Claverton, Sparken Hill, Worksop S80 1AP

- 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 Mark Manley against the decision of Bassetlaw District Council.
 - The application Ref 21/01289/FUL, dated 2 August 2021, was refused by notice dated 17 October 2022.
 - The development proposed is new 3 Bedroom Dwelling with Associated Landscape Works.
-

Decision

1. The appeal is allowed and planning permission is granted for new 3 Bedroom Dwelling with Associated Landscape Works at Claverton, Sparken Hill, Worksop, S80 1AP in accordance with the terms of the application, Ref 21/01289/FUL, dated 2 August 2021, subject in the attached schedule.

Preliminary Matter

2. The name of the applicant on the Planning Application form is given as Manley. The appeal form confirms that the appellant is Mr Mark Manley.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the setting of non-designated heritage assets.

Reasons

4. The appeal site lies to the side of Claverton. It is within a predominantly residential area characterised by large, detached dwellings, set back from the road and with spaces between them. The presence of trees and landscaping gives a verdant and open character to the area.
5. Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document (2011) states that development affecting heritage assets will not be supported if they are of an inappropriate scale, design or material or which lead to the loss of important spaces. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that the effect of a proposal on the significance of a non-designated heritage asset should be taken into account in determining the application and states that a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.

6. The adjacent buildings of Claverton and Camelot have been identified as non-designated heritage assets. Camelot is a two storey villa and Claverton is a subdivided villa both built in the early 20th Century and their significance is derived from their traditional design in keeping with others in the area along with the spaces round the buildings.
7. The proposed dwelling would be set back from the road following the established building line and although it would be narrower and longer than the adjoining houses there would be limited views of it from Sparken Hill, due to the existing trees, which will remain. Even though the dwelling would have a narrow form, space would remain between it and the existing dwellings so that the development would not appear cramped and out of character with the properties in the area. Although there are large areas of glazing, and the building would have a modern design, traditional materials are proposed, which would be sympathetic to the local character. Overall, the proposed dwelling would be of a form and scale sympathetic to the wider area, including the neighbouring properties of Claverton and Camelot.
8. I therefore conclude that the proposed dwelling would not harm the character and appearance of the area with particular regard to the setting of non-designated heritage assets. It would comply with policies DM4 and DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document 2011 (DPD) which seeks to ensure, amongst other matters, that development is of high-quality design and respects its wider surroundings and that protect and enhance the historic environment. It would also comply with the design and historic environment aims of the Framework.

Other Matters

9. I note that permission was granted for a detached dwelling on the site in 2010 (Application number 02/10/00093). On my site visit I saw foundations, which the appellant states are for this dwelling.
10. I note the comments from neighbouring occupiers. Even though the dwelling would extend beyond the rear of the existing neighbouring dwellings and would therefore be closer to the dwellings to the rear of the site, a large area of amenity space would remain with adequate separation distances to them. There is no evidence to suggest that the proposal would lead to an increase in the level of noise in the area.
11. The access to the dwelling from Sparken Hill would be shared with Claverton. Whilst there would be additional traffic movements, there were no objections from the Highway Authority to the proposal, subject to conditions which I have imposed. From the evidence before me I have no reason to disagree with the Highway Authority on this matter.

Conditions

12. No conditions have been provided by the Council or the appellant, although they have been afforded the opportunity to comment on the suggested conditions.
13. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.

14. I note the request from the Council's Environmental Health department for a condition restricting working hours on site to limit noise from construction works, which I agree is necessary given the presence of nearby dwellings. I also agree that the conditions requested by the Highway Authority are necessary in the interests of highway safety.
15. The drainage condition is necessary to ensure the proposal meets the requirements of Policy DM12 of the DPD and the condition relating to trees is necessary to ensure enforceability of the tree protection measures.

Conclusion

16. The proposal accords with the development plan as a whole and there are no other considerations, including the provisions of the National Planning Policy Framework, which outweigh this finding. For the reasons given the appeal succeeds.

H Senior

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2973/001 Rev B, 2973/002 Rev A, 3973/003 Rev A, CSH-01, CSH-03 rev B.
- 3) All works and ancillary operations during construction shall be carried out only between 08.00-18.00 hrs [Monday-Friday] 08.00- 13.00 hrs [Saturday] and at no time on Sunday, Bank/Public holidays. No deliveries to/from the site outside of these hours.
- 4) The dwelling hereby approved shall not be occupied until:
 - The shared driveway, parking and manoeuvring areas (for both the existing and proposed properties) have been constructed in accordance with plan 2973/001 Rev B. The area hatched green shall remain unobstructed and available for manoeuvring purposes by both properties for the lifetime of the development.
 - The shared driveway has been surfaced in a hard, bound material (not loose gravel) for a minimum of the first 5m within the site (measured from the rear of the adjacent footway).
 - Drainage measures have been included which prevent the unregulated discharge of surface water from the shared driveway into the public highway.
 - A dropped kerb vehicular crossing has been provided across the full width of the widened access driveway.
 - 2m x 2m pedestrian visibility splays have been provided on either side of the shared driveway, within which there shall be no obstructions to vision above 600mm in height.

The surfaced driveway, parking and manoeuvring areas, pedestrian visibility splays and drainage measures shall then be maintained as approved for the lifetime of the development.

- 5) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Prior to the occupation of the dwelling hereby approved, a wheelie bin collection point shall be provided to serve the existing and proposed properties, to be located in a position to be agreed in writing with the District Council, which shall thereafter be retained indefinitely.
- 7) All the trees shown on the tree protection plan CSH-03 rev B as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.]

Bassetlaw District Council

Planning Committee

13th December 2023

Report of the Head of Regeneration

Development Management

Scheme of Determining Planning Applications

Cabinet Member: Identity and Place

Contact: John Krawczyk

1. Public Interest Test

The author of this report has determined that the report is not confidential.

2. Purpose of the Report

2.1 Bassetlaw District Council has received notification of the submission of three Nationally Significant Infrastructure Projects (NSIP) to the Planning Inspectorate that will require Local Authority input in the role of host authority. Public consultation is also being undertaken in respect of another two proposals.

2.2 NSIPs are considered by the Planning Inspectorate for ultimate decision by the Secretary of State. This is known as a Development Consent Order process and sits outside of the realms of the Town and Country Planning Act.

2.3 The role of the local authority within the DCO process is set out within the Planning Act 2008.

2.4 This report sets out the role that the Local Authority will undertake in the DCO process and proposes a route for decision making and officer delegation.

3. Background and Discussion

3.1 The Council are currently considering three Nationally Significant Infrastructure Projects and have been made aware of two further projects where Bassetlaw District Council will perform the role of one of the host authorities in the Development Consent Order process. These projects being:

- West Burton Solar Project
- Cottam Solar Project
- Gate Burton Energy Park

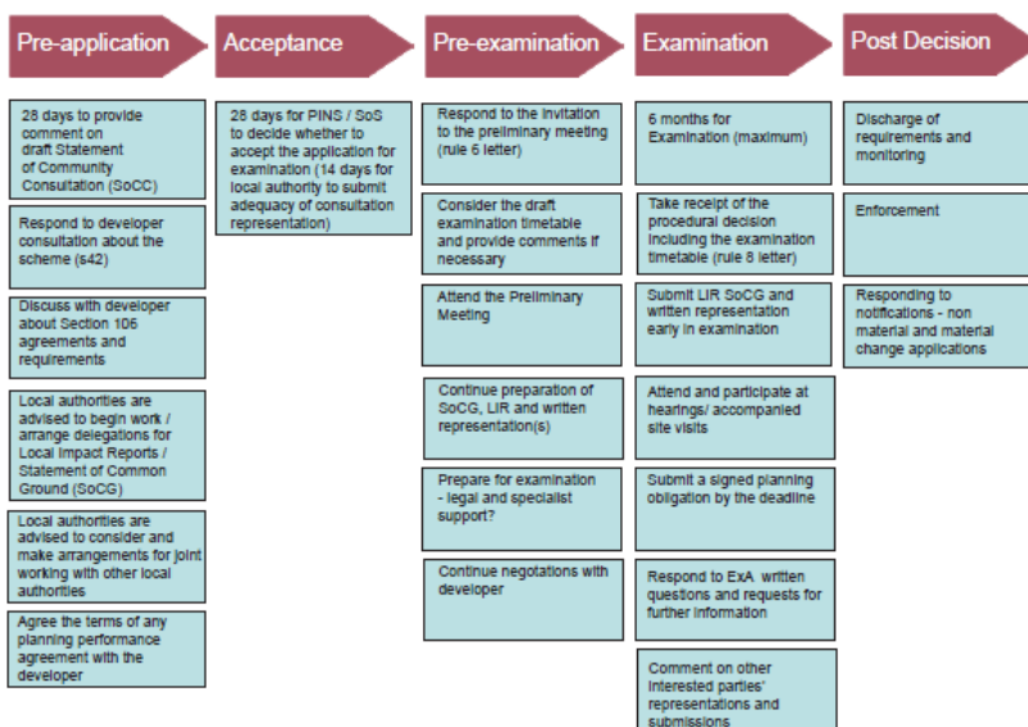
At non-statutory consultation stage;

- Tillbridge Solar Project
- One Earth Solar Project

- 3.2 The Planning Act 2008 introduced the Development Consent Order process to streamline decision making process for nationally significant major infrastructure projects with the aim of making the process fair and faster for communities and applicants alike.
- 3.3 Instead of making an application for planning permission to the Local Planning Authority under the Town & Country Planning Act, the applicant instead applies for a Development Consent Order (DCO) directly to the Government. The application will be considered by the Government's Planning Inspectorate, who will make a recommendation to the relevant Secretary of State who then makes the final decision. So, whilst there are a number of categories of NSIP projects, the most common in Bassetlaw are solar renewable energy schemes of 50MW or more power generation. These are determined by the Secretary of State for Business, Energy and Industrial Strategy.
- 3.4 There are six stages of the National Infrastructure Planning process. These are:
1. Pre-application: Before submitting an application, potential applicants have a statutory duty to carry out consultation on their proposals.
 2. Acceptance: When the applicant submits an application for development consent the Planning Inspectorate, on behalf of the Secretary of State, must decide whether or not the application meets the standard required to be accepted for examination.
 3. Pre-examination: This stage allows Interested Parties (including members of the public) to register and make a representation to the Planning Inspectorate on the proposals.
 4. Examination: The Planning Inspectorate has up to six months to carry out the examination. The Planning Inspectorate will consider all important and relevant matters with questions posed and answered through a hearing or series of hearings.
 5. Recommendation and Decision: Within 3 months of the examination closing, The Planning Inspectorate prepares a report on the application for consideration by the relevant Secretary of State who then decides whether to grant or refuse development consent.
 6. Post Decision: Once a decision has been issued by the Secretary of State there is a six week period where this can be challenged.
- 3.5 Bassetlaw District Council is a host authority for the three current NSIP proposals for solar farm development. The role of host authority is set out in the Planning Act 2008. Participation is not obligatory but is strongly advised by the Planning Inspectorate. The local authority has the opportunity to provide an important local perspective at the pre-application stage, in addition to the views expressed directly to the developer by local residents, groups and businesses. Local authorities will also become responsible for discharging many of the requirements (akin to planning conditions) if development consent is granted. Local authorities are also likely to have a role in monitoring and enforcing many of the DCO provisions and requirements.

4. The Role of Local Planning Authorities

- 4.1 The diagram below sets out the five (out of six) stages of the DCO process in which the local host authorities have a direct role.



- 4.2 As set out above, one of the early tasks at the pre application stage is for the local authority to consider and arrange the necessary delegations for certain elements of the process.
- 4.3 There are a number of key documents that the local authority have the opportunity to respond to.
- 4.4 We have considered published advice and taken guidance from colleagues within both Nottinghamshire and Lincolnshire that have worked on similar DCOs previously to assist in proposing a delegation and decision route for NSIPs in Bassetlaw.
- 4.5 It is recognised that during the DCO process and specifically the examination, there will be numerous deadlines for local authorities and other interested parties to submit further representations. This will require a swift response and response times are set out in the Planning Act 2008.
- 4.6 The Planning Inspectorate and NSIP process operates to a strict timetable with submissions typically required to a set deadline. Planning Inspectorate guidance (Advice Note two: The role of local authorities in the development consent process) for Local authorities, it suggests that there will not be time within the process to seek committee approval for all required responses and representations, therefore ensuring that adequate delegations are in place is essential. The guidance states *“Some local authorities may want to seek their members’ approval for certain key examination documents such as the LIR, written representation or SoCG, although this is not required. The Examining Authority’s (ExA) main concern is that once the examination timetable is published, interested parties adhere to the deadlines in it. Late submission of an important document such as the LIR or SoCG may prejudice the ability of other interested parties to consider and comment on its content, potentially disrupting the examination timetable and resulting in additional costs for other interested parties.”* This guidance goes on to state *“There is unlikely to be time to seek committee approval*

for representations made by a local authority during the examination. In general terms a local authority must assume that it won't be possible for the examination timetable to be structured around its committee cycle." It is therefore considered that it will not be appropriate to seek member approval for the Local Impact Report (LIR) and the Written Representations (WR), which will both be submitted during the examination stage.

- 4.7 The LIR is defined as 'a technical report giving details of the likely impact of the proposed development on the authorities' area (or any part of that area)'. Local Planning Authorities can cover any topics they consider relevant to the impact of the proposed development including local planning considerations. The examiner and the Secretary of State must have regard to any LIR submitted by a relevant authority. The Planning Inspectorate Guidance sets out that 'A Written Representation is the most appropriate document for a Local Authority to set out its view on the application i.e. whether or not it supports the application and its reasons'.
- 4.8 Appendix 1 sets out the full list of documents that the local authority must prepare / agree a response to, at what stage of the process these are required and the proposed decision route.
- 4.9 It is proposed that the LIR and WR's are prepared by Officers, with input from technical specialists, and submitted to the Planning Inspectorate under delegated authority.
- 4.10 It is clear that the Planning Inspectorate prioritises the timely submission of the documents and it is not a requirement to seek Committee approval for such representations. The responses provided to the Planning Inspectorate will be based upon the technical advice of the relevant technical experts such as the Nottinghamshire County Council as the Highway Authority and Lead Local Flood Authority and Lincolnshire County Council Archaeology. Advice not readily provided by statutory consultees, such as landscape impacts, will be procured through an independent consultant where necessary.
- 4.11 Evidence will have to be presented during Issue Specific Hearings. The guidance states "*Issue specific hearings are inquisitorial and the ExA will generally ask questions of the participants. Cross examination is an exception but can be requested by an interested party. In such cases the ExA will decide whether or not cross examination of a matter is needed and would benefit the examination of the application. If the ExA decides to allow cross examination it will endeavour to notify the relevant parties in advance so they can prepare for it.*"

4. Implications

- a) For service users

The proposed delegation would allow technical representations to be submitted to the Planning Inspectorate in a timely manner and ensure they are fully considered by the determining authority.

- b) Strategic & Policy

The DCO proposals will deliver significant amounts of renewable energy. Enabling the proposals to be considered in a timely manner will assist delivering the Bassetlaw 2040 Vision by supporting the pillars of Identity, Skills, Business and Environment

- c) Financial - Ref: 24/784

The resourcing of this process is met through the applicant entering into a Planning Performance Agreement, therefore there are no financial implications arising from this report

d) Legal – Ref: 141/11/2023

There are no legal implications arising from this report

e) Human Resources

There are no human resources implications arising from this report.

f) Climate change, Environmental

The current proposals that require the Council to consider how it engages in the DCO process, subject to approval, would deliver significant amounts of renewable energy. The scale of the proposals, measured in megawatt production capacity is the determining factor in the proposals being considered by government through the DCO process (each are over 50MW). We understand that the proposals are driven by the governments net zero carbon strategy, taking advantage of the unique opportunity afforded by the decommissioning of the coal fired power stations at Cottam, West Burton and High Marnham.

g) Community Safety, Equality and Diversity

There are no Community Safety, Equalities or Environmental implications arising from this report. An Equalities Impact Assessment screening opinion has been undertaken and is appended to this report.

h) GDPR

There are no data protection implications arising from this report.

i) Whether this is a key decision, and if so the reference number.

This is not a key decision.

5. Options, Risks and Reasons for Recommendations

5.1 The Scheme of Delegation ensures that the decisions in respect of planning applications are transparent, accountable and made a timely manner. It should be remembered that Bassetlaw District Council is not the determining authority for NSIP applications. Any reference to the Head of Regeneration also means the Head of Planning and Place (following the recently approved Senior Management Restructure).

5.2 There are two options available;

1. Agree to the recommendation to delegate the representations of the Local Planning Authority to NSIPs to the Head of Regeneration which will ensure the timely submission of representations by the Local Planning Authority.
2. Require documents such as the Statement of Common Ground, Local Impact Reports and Written Representations to be approved by Planning Committee prior

to submission to the Planning Inspectorate, which may not meet the deadlines set by the Planning Inspectorate unless Extraordinary Planning Committees are to be scheduled.

- 5.3 The Planning Inspectorate Guidance is clear that Planning Committee approval is not compulsory within the NSIP process. The representations of the Local Planning Authority will be based on technical advice and expert evidence provided by the relevant statutory consultees who will present their evidence as required during the issue specific hearings. Should a Committee decision be taken not to accept the technical advice, Members would be expected to present their evidence to the Planning Inspectorate during the hearing sessions given that Planning Committee is a Member decision making forum.
- 5.4 Given the technical, evidence-based nature of the representations that must be made to the Planning Inspectorate in respect of NSIP applications it is considered that it is not necessary to seek Committee Approval.

6. Recommendations

- 6.1 That Planning Committee agree the decision and delegation protocols set out at Appendix 1 when acting in the role of “host authority” for Nationally Significant Infrastructure Projects, and in doing so, delegate the following responsibilities to the Head of Regeneration:

- Preparation and sign off of Planning Performance Agreement
- Preparation and sign off of S106 Agreement
- Statement of Community Consultation (SOCC) response
- Draft Preliminary Environmental Impact Report response (draft Environmental Statement)
- Environmental Statement (submission version) – ongoing dialogue
- Adequacy of Consultation Response (AoC)
- Local Impact Report (LIR) & Development Consent Order (DCO) including draft Requirements
- Statement of Common Ground (SoCG)
- Examination Participation including written representation submissions
- Discharge of requirements and monitoring

The current Scheme of Delegation for Determining Planning Applications is attached as Appendix 2.

Background Papers

National Infrastructure Planning Advice Notes

Location

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Equality Impact Assessment

Part 1: Screening

Version: 2022 2.3

Before undertaking this EIA please read the following guidance

An equality impact assessment (EIA) is an evidence-based approach that helps the Council determine if its policies, strategies, plans, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage. The first stage of the process is known as 'screening' and is used to come to a decision about whether and why further analysis is – or is not – required.

Equality Duties to be taken into account in this screening include:

Prohibited Conduct under the Equality Act 2010 includes:

- Direct discrimination - treating one person worse than another person because of a protected characteristic*
- Indirect discrimination - a rule or a policy or a way of doing things in place which has a worse impact on someone with a protected characteristic than someone without one.
- Harassment – you cannot treat people in a way that violates your dignity, or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation – You cannot treat a person unfairly for taking action under the Equality Act

Positive Discrimination is the act of treating someone more favourably because they have a protected characteristic, and is generally unlawful under the Equality Act 2010.

The law however permits Positive Action if it is proportionate to overcome disadvantage, meet needs and tackle under-representation.

***The following characteristics are protected under the Equality Act:**

Age, Disability, Sex, Gender Reassignment, Race, Religion or Belief (including No Belief), Sexuality, Marriage and Civil Partnership (applies only to work matters, and Pregnancy and Maternity (including breastfeeding).

You're disabled under the Equality Act 2010 if you have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on your ability to do normal daily activities.

Public Sector Equality Duty

Services providing public functions must have due regard to the need to:

- **Eliminate unlawful discrimination, harassment and victimisation;**
- **Advance equality of opportunity and**
- **Foster good relations between different groups.**

Human Rights include: Rights under the European Convention include not to be subjected to degrading **treatment**; **right to a fair trial** (civil and criminal issues); **right to privacy** (subject to certain exceptions e.g. national security/public safety, or certain other specific situations); **freedom of conscience** (including religion and belief and rights to manifest these

limited only by law and as necessary for public safety, public order, protection of rights of others and other specified situations); **freedom of expression** (subject to certain exceptions); **freedom of peaceful assembly and to join trade unions** (subject to certain exceptions); **right not to be subject to unlawful discrimination** (e.g. sex, race, colour, language, religion, political opinion, national or social origin); **right to peaceful enjoyment of own possessions** (subject to certain exceptions e.g. to secure payment of taxes or other contributions or penalties); **right to an education**; **right to hold free elections by secret ballot**. The European Convention is given effect in UK law by the Human Rights Act 1998.

National Adult Autism Strategy (Autism Act 2009; statutory guidelines) including: To improve how services identify and meet needs of adults with autism and their families.

The Digital Accessibility Regulations 2018 came into force for public sector bodies on 23 September 2018. They say **you must make your website or mobile app more accessible** by making it '**perceivable, operable, understandable and robust**'. You need to include and update an accessibility statement on your website.

Care Leavers and Armed Forces: From 2023 the Council will include Care Leavers and Armed Forces Personnel, veterans and their families in the EIA process. People with care experience disproportionately experience homelessness, loneliness, unemployment, poverty and a range of other disadvantages.

As part of the **Armed Forces Covenant**, we acknowledge and understand that those who serve or who have served in the armed forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives.

1. Name of policy/activity/project/practice

Amendment to the Scheme of Delegation for Determining Planning Applications

2. Screening undertaken

Person undertaking EIA: John Krawczyk

3. Brief description of policy/activity/project/practice:

Including its main purpose, aims, objectives and projected outcomes. Who is it intended to affect or benefit (the target population)? How do these fit in with the wider aims of the organisation? i.e. Is it linked to BDC's Corporate Plan? Service Plan? Other?

The report proposes an amendment to the Scheme of Delegation for Determining Planning Applications, with the intention being to ensure that the relevant information in respect of DCO applications is provided to the determining authority, the Planning Inspectorate, in a timely manner.

There is a risk that members of the public in general may feel excluded from the process if reports relating to DCO Applications are not presented to Planning Committee. However, the Council is not the determining authority and the public are able to engage with the process directly with the Planning Inspectorate who do determine the applications and consider all representations made.

4. Impact

How will the aims affect our duty to:

- Promote equality of opportunity?

- Eliminate discrimination, harassment and victimisation?
- Promote good community relations?
- Promote positive attitudes towards people with protected characteristics?
- Encourage participation of people with protected characteristics?
- Protect and promote Human Rights?

For example, think about it from the perspectives of different groups in society. Does it cause harm or a benefit to any group(s) differently to others? Will it differentially affect:

- Black, Asian or other ethnic minority and/or cultural groups?
- Disabled people? And their carers?
- Transgender people?
- Men and women?
- Lesbians, gay men and/or bisexual people?
- Different religious communities/groups?
- People of a particular age e.g. older people or children and young people?
- Care Leavers and people with care experience
- Armed Forces Personnel, veterans and their families
- Any other groups?
- People with flexible or agreed working patterns?

Are there any aspects, including how it is delivered, or accessed, that could contribute to inequalities? (This should relate to all areas including Human Rights, Care Experience and Armed Forces Personnel, veterans and their families.)

There are no negative impacts on any protected characteristic or assessment factor.

Within this table, state whether the policy or function will have a positive or negative impact:

| Factor | Positive Impact | Neutral Impact | Negative Impact | Comments |
|---|-----------------|----------------|-----------------|-----------|
| Age | | Neutral | | No impact |
| Disability | | Neutral | | No impact |
| Sex | | Neutral | | No impact |
| Gender reassignment | | Neutral | | No impact |
| Race | | Neutral | | No impact |
| Religion or belief (including no belief) | | Neutral | | No impact |
| Sexuality | | Neutral | | No impact |
| Marriage and Civil Partnership (applies only to work matters) | | Neutral | | No impact |
| Pregnancy and maternity (including breastfeeding) | | Neutral | | No impact |
| Socio economic (including rural and poverty) | | Neutral | | No impact |
| Human Rights | | Neutral | | No impact |
| Care Leavers and people with Care experience | | Neutral | | No impact |
| Members of the Armed Forces, veterans and their families | | Neutral | | No impact |

There is a risk that members of the public in general may feel excluded from the process if reports relating to DCO Applications are not presented to Planning Committee. However, the Council is not the determining authority and the public are able to engage with the process directly with the Planning Inspectorate who do determine the applications and consider all representations made.

If you have identified negative impacts a FULL assessment (Appendix 2) MUST be completed. (Not required).

6. Evidence Base for Screening

List the evidence sources you have used to make this assessment (i.e. the known evidence) (e.g. Index of Multiple Deprivation, workforce data, population statistics, any relevant reports, customer surveys Census 2011, equality monitoring data for the service area.)

Bassetlaw Vision 2040

<https://www.bassetlaw.gov.uk/about-us/bassetlaw-vision-2040/>

National Infrastructure Planning – The Process

<https://infrastructure.planninginspectorate.gov.uk/application-process/the-process/>

National Infrastructure Planning Advice Notes

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

Are there any significant gaps in the known evidence base? If so what are your recommendations for how and by when those gaps will be filled?

- No significant gaps.

7. Consultation

Describe what consultation has been undertaken on this function or policy, who was involved and the outcome.

We have considered published advice and taken guidance from colleagues within both Nottinghamshire and Lincolnshire that have worked on similar DCOs previously to assist in proposing a delegation and decision route for NSIPs in Bassetlaw.

I am satisfied with the results of the EIA.



John Krawczyk
Development Team Manager
EIA Ref: SDPA-11/23

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Appendix 1

| Document | Stage of Process | Proposed Decision Route | Notes |
|--|--------------------------------|-----------------------------------|---|
| Statement of Community Consultation (SOCC) response | Pre-application | Delegated to Head of Regeneration | The applicant must set out how they propose to consult with the community. The local authority will advise the applicant using local knowledge as to how the consultation should be conducted and who to engage with. The Local Authority has a statutory 28 days to comment on the draft SoCC. |
| Draft Preliminary Environmental Impact Report response (draft Environmental Statement) | Pre-application | Delegated to Head of Regeneration | Technical input to process co-ordinated by Case Officer with support from appointed consultants. |
| Planning Performance Agreement (PPA) | Pre-application | Delegated to Head of Regeneration | A Project Management tool voluntarily entered into by the applicant and host authority(ies), to agree timescales, actions and resourcing for handling the application. |
| S106 Planning Obligations | Pre-application to examination | Delegated to Head of Regeneration | Where there are grounds for the host authority to enter into a S106 planning obligation, this would be negotiated by the Planning Case Officer and Legal Team, as is common practice with planning applications. |

| | | | |
|--|--|-----------------------------------|---|
| Environmental Statement (submission version) – ongoing dialogue | Pre-application | Delegated to Head of Regeneration | Finalisation of technical input to process co-ordinated by Case Officer and supported by appointed consultants |
| Adequacy of Consultation Response (AoC) | Acceptance | Delegated to Head of Regeneration | Deadline 14 days following DCO application submission to PINS. Factual assessment based on whether the applicant has delivered the agreed SOCC. |
| Local Impact Report (LIR) & Development Consent Order (DCO) including draft Requirements | Pre-application Acceptance Pre-examination | Delegated to Head of Regeneration | Delegated Authority to Head of Regeneration (assisted by consultant as necessary) to; <ul style="list-style-type: none"> - Complete and issue the Local Impact Report - Register with the Examining Authority and make 'relevant representations' in relation to the topic areas/issues highlighted in the LIR - Write and issue the Statement of Common Ground (key matters to be highlighted and agreed) (see below) |
| Statement of Common Ground (SoCG) | Pre-application Acceptance Pre-Examination | Delegated to Head of Regeneration | To identify technical matters agreed, matters for negotiation and matters not agreed. |

| | | | |
|--|-----------------------------|-----------------------------------|---|
| Examination Participation including written representation submissions | Pre-Examination Examination | Delegated to Head of Regeneration | Officer delegated authority to make the technical representations based on the advice of statutory consultees and specialist consultants and present any evidence as necessary during the public hearings |
| Discharge of requirements and Monitoring | Post-decision | Delegated to Head of Regeneration | Officer delegated authority to make the technical assessments to discharge any requirements arising where a DCO has been granted. |

Appendix 2



Bassetlaw

DISTRICT COUNCIL

— North Nottinghamshire —

Scheme of delegation for determining planning applications

Introduction

The key objective of this scheme is to provide clarity about the circumstances in which applications will be dealt with using delegated powers, referred to Planning Consultation Group (PCG) or referred to Planning Committee.

Any Member of the Council is able to request that applications are considered by Planning Committee. To aid this process the standard form must be completed by Members so that the Call in request is recorded properly. The form will be presented to PCG for consideration before a decision is made to refer the application to Planning Committee. The completed form will be added to the application file. Any requests via email will not be accepted as a Member Call in unless the Standard Form is attached (this form can be completed via Member iPad technology).

In the interest of transparency, the Officer report to PCG will include minutes summarising any relevant issues arising from the discussion at PCG and noting any specific points that Members wish to be recorded. The minutes will be available for inspection as a record of the considerations taken into account in determining the application.

The scheme of delegation sets out the criteria to be used to determine:

- The circumstances in which delegated powers can be used;
- The applications that should automatically be referred to PCG;

- The applications that should automatically be referred to Planning Committee.

When considering applications that do not obviously meet these criteria. Officers will use their judgement to determine whether the applications raise issues that justify consideration at PCG or Committee.

The scheme of delegation for determining planning applications, and related matters as approved by Planning Committee, is set out below.

Extent of delegation to Officers

Officers will have the following delegated powers.

Determination of applications for permission, approval or consent, requirements for assessment, issuing of notices and completion or modification of agreements or obligations under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991 and the Environment Act 1995, or any subordinate rules, orders or regulations made under such legislation.

Officers will also have delegated powers to determine all other matters required to be dealt with as part of the management and administration of the Council's Planning function and powers, including (but not exclusively):

- Amendments to Planning Permissions;
- Details submitted pursuant to conditions imposed on Planning Permissions and other consents;
- Matters relating to protected trees;
- Consultation with other bodies on planning matters;
- Enforcement of planning control (in consultation with the Head of Regeneration);
- Appeals;
- Screening opinions under the 2017 Environmental Assessment Regulations.
- Scoping opinions under the 2017 Environmental Assessment Regulations.
- All minor County Matter applications

Applications that should automatically be referred to Planning Consultation Group (PCG) for consideration

- Applications made by elected Members of the Council or by Officers of the Council or close relatives.
- All major County Matter applications
- Applications where a request is made in writing on the required form, by an elected Member of the Council, on planning grounds, that an application be decided by Planning Committee;
- Applications that have received up to 10 objections, on material planning grounds, where the recommendation is to grant permission;
- Applications subject to a Parish Council objection on valid planning grounds where the recommendation is to grant permission or applications explicitly supported by the Parish Council where the recommendation is to refuse;

- Applications subject to a Neighbourhood Planning Group objection on valid planning grounds where the recommendation is to grant permission or applications explicitly supported by the Parish Council where the recommendation is to refuse
- Applications where the recommendation is to grant where there are objections raised by a Statutory Consultee;
- Applications for material amendments and to vary conditions (under Section 73 applications) to planning permissions previously approved at Planning Committee;
- Applications for reserved matters where the outline planning permission was granted by Planning Committee.
- Confirmation of Tree Preservation or other Orders or Directions, which are the subject of a valid objection.
- All applications for Planning Permission in Principle (PiP)
- All applications for Technical Details Consent (TDC) related to a Planning Permission in Principle
- Any written reports, representations or statements to be submitted in respect of Nationally Significant Infrastructure Projects (NSIP).

Applications that should automatically be referred to Planning Committee

- Major Planning Applications that require referral to the Secretary of State;
- Applications accompanied by an Environmental Impact Assessment;
- Applications for residential development or conversions for the following:
 - 20 or more dwellings in Harworth, Worksop and Retford where the recommendation is to grant planning permission;
 - 10 or more dwellings elsewhere in the district where the recommendation is to grant planning permission:
- Applications for renewable energy generation where the application site exceeds 5 hectares in area
- Employment proposals classified as major schemes not within an existing employment site;
- Applications where more than a total of 10 letters of objection have been received (Members of the public and Parish Councils) where the recommendation is to grant permission.
- Free standing chimneys, towers, masts or similar structures, other than structures intended for removal within less than 1 year, higher than 20 metres. In the case of turbines the height refers to the height of the turbine hub.