



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

## **Planning Committee**

### **Agenda**

Meeting to be held at The Ceres Suite,  
Worksop Town Hall, S80 2AH  
On Wednesday, 10th January, 2024  
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, 10th January, 2024**

### **Agenda**

1. Apologies
2. Declarations of Interest
- a. Members
- b. Officers
3. Minutes of the Meeting held on 13th December 2023 (Pages 5 - 8)
4. Minutes of Planning Consultation Group Meeting held on 11th December 2023 (Pages 9 - 14)
5. Outstanding Minutes List (Pages 15 - 16)

#### **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/23/3322527 - 34A Dukeries Crescent, Worksop S80 2QW (Pages 17 - 24)

##### **Planning Application(s) and Associated Items**

- c. Planning Application: 23/01141/COU - 55 Union Street, Retford, Nottinghamshire DN22 6PJ (Pages 25 - 38)

##### **Scheme of Delegation for Determining Planning Applications**

- d. Scheme of Delegation Report (Pages 39 - 64)

##### **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](mailto:laura.thompson@bassetlaw.gov.uk)

## Planning Committee

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

Present: Councillor N J Sanders (Chairman)

Councillors:

D Challinor  
G Freeman  
D G Pidwell

M Charlesworth  
G A N Oxby

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

(The meeting opened at 6.30 pm.)

#### 40 Apologies

Apologies were received from Councillors H M Brand, J P Bowker, G Dinsdale, S J Fielding and F McFarland.

#### 41 Declarations of Interest

##### 41a Members

There were no declarations of interest by Members.

##### 41b Officers

There were no declarations of interest by Officers.

#### 42 Minutes of the Meeting held on 15th November 2023

**Resolved** that the minutes of the meeting held on 15<sup>th</sup> November 2023 be approved.

#### 43 Minutes of Planning Consultation Group Meetings held on:

##### 43a 13th November 2023

**Resolved** that the minutes of the Planning Consultation Group on 13<sup>th</sup> November 2023 be received.

##### 43b 27th November 2023

**Resolved** that the minutes of the Planning Consultation Group on 27<sup>th</sup> November 2023 be received.

#### 44 Outstanding Minutes List

**Resolved** that the Outstanding Minutes List be received.

## PLANNING COMMITTEE

### Section A - Items for discussion in public

#### Key Decisions

None.

#### Other Decisions

#### 45 Report(s) of the Head of Regeneration

##### 45a Public Interest Test

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

#### Appeal Decisions

##### 45b Appeal Decision: APP/A3010/W/23/3322781 - Cross Roads Farm, Sutton Lane, Sutton-cum-Lound, Retford DN22 8SE

Members were presented with the first appeal decision.

**Resolved** that the appeal decision be received.

##### 45c Appeal Decision: APP/A3010/W/23/3316354 - Land at Claverton, Sparken Hill, Worksop S80 1AP

Members were presented with the second appeal decision.

**Resolved** that the appeal decision be received.

#### Scheme of Determining Planning Applications

##### 45d Scheme of Delegation for Determining Planning Applications

The Planning Development Manager delivered a summary of the report into the Scheme of Delegation for Determining Planning Applications.

Members were advised that 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. NSIPs are considered by the Planning Inspectorate for ultimate decision by the Secretary of State. This is known as a Development Consent Order (DCO) process and sits outside the realms of the Town and Country Planning Act. The role of the Local Authority within the DCO process is set out within the Planning Act 2008. The 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.

The Planning Development Manager explained that during the DCO process and specifically the examination stage, there will be numerous deadlines for local authorities to submit further representations which will require a swift response. Members were advised Planning Inspectorate guidance for Local Authorities suggests that there will not be time within the process to seek committee approval for all required responses and representations.

Members were presented with the following two options;

1. Agree to the recommendation to delegate the representations of the Local Planning

## PLANNING COMMITTEE

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.

Members responded with questions making reference to the timescale and technicalities of the DCO process and expressed concerns over the extent to which Members and the general public will be consulted throughout the various stages.

These questions and comments were addressed by the Head of Regeneration and Planning Development Manager.

Members deliberated over the two options presented and put forward other suggestions for the Officers to consider.

An elected Member proposed to defer the decision to the next Planning Committee. This was seconded by another Member and a vote was taken.

**Resolved that:**

1. The final decision to be deferred to the next Planning Committee scheduled in January 2024.

### **Exempt Information Items**

#### **Section B - Items for discussion in private**

#### **Key Decisions**

None.

#### **Other Decisions**

None.

#### **46 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 7.27 pm.)

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**Planning Consultation Group**

**Minutes of the meeting held on Monday 11<sup>th</sup> December 2023 via MS Teams**

Present Councillors: S Fielding and N Sanders.

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

(Meeting opened at 4.00pm).

**44. Apologies**

Apologies for absence were received from Councillor F McFarland.

Councillor G Dinsdale was absent from the meeting.

**45. Declarations of Interest**

There were no declarations of interest.

**46. Planning Applications**

<b>Ref. No.</b>	<b>Description</b>
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23/00549/FUL	Erect Three Bedroomed Detached Dwelling with Detached Double Garage at Plot 4A.
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Plot 4A At 36 Retford Road, Blyth.

Members were advised that permission is being sought to erect a three bedroom detached dwelling with a detached double garage. It is an amended application, previously granted permission for reserved matters in 2019.

Plans were circulated to Members prior to the meeting.

Environmental Health have no objections subject to construction hours being limited and a construction management plan.

The Highways Authority have no objections subject to conditions.

Blyth Parish Council have objected on the grounds of the proposed dwelling being out of character and highway safety concerns due to being near to a school.

Officer satisfied that the design will have no adverse effects on residential amenity and conforms to the Neighbourhood Plan.

Officer recommendation – Grant planning permission

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/00553/FUL	Erect a Three Bedroomed Detached House at Plot 4B
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Plot 4B At 36 Retford Road, Blyth.

Members were advised that permission is being sought to erect a three bedroom detached house.

Plans were circulated to Members prior to the meeting.

Environmental Health and the Highways Authority have no objections subject to recommended conditions.

Officer satisfied that there is sufficient private amenity space and it will have no adverse implications for surrounding properties.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01190/COU	Change of Use of Former Community Centre Building Into Self-Contained Dwelling.  Community Centre, 35 Northumberland Avenue, Costhorpe, Worksop, Nottinghamshire S81 9JP.

The application had been referred to PCG as it had been made by Bassetlaw District Council.

Members were advised that permission is being sought to change the use of an existing community centre into a self-contained bungalow.

Plans were circulated to Members prior to the meeting.

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

Officer satisfied that the proposed change of use is appropriate for the area and will be a positive addition to the district's housing supply.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01120/OUT	Outline Application With All Matters Reserved to Demolish Existing Outbuildings and Erect One Dwelling.  11 Brook Close, Worksop, Nottinghamshire S81 0EJ.

Members were advised that outline permission with all matters reserved is being sought to demolish existing outbuildings and erect one dwelling.

Plans were circulated to Members prior to the meeting.

One objection has been received, signed by 7 residents, citing the following concerns:

- Setting precedent for similar developments in the area
- Scale of the dwelling
- Increased traffic
- Turning space on the street being inadequate

Officer satisfied that it can be developed sensitively and whilst there will be temporary interruption during construction hours, it is unlikely to lead to increased traffic in the long term. The garage on site will provide off street parking preventing any issues with turning space.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01237/FUL	Demolition of Existing Building Structure and Installation of Two New Pods, Providing a Changing Places Facility and Catering Unit.  Langold Country Park, Langold.

The application had been referred to PCG as it had been made by Bassetlaw District Council.

Members were advised that permission is being sought to demolish an existing building structure and install two new pods to provide a changing places facility and catering unit at Langold Country Park.

Plans were circulated to Members prior to the meeting.

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

Officer advised that there are no concerns regarding visual impact or residential amenity due to the openness of the park and it will positively benefit visitors.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01179/HSE	Remove Chimney Stack on Rear Elevation and Install Metal Flue Pipe to Side Elevation, Remove Canopy on Front Elevation and Erect Single Storey Porch Extension, Remove Front Boundary Wall and Erect Metal Fence and Gate, Replace Windows and Doors and Insert New Door Opening on Side Elevation, Erect Single Storey Rear Extension and Carry Out Internal Alterations.  Holly Cottage, Town Street, Clayworth.

Members were advised that permission is being sought to make various changes to an existing traditional brick-built property that sits within the Conservation area.

Plans were circulated to Members prior to the meeting.

The Parish Council are in support of the application but have raised a concern in respect of the proximity of the flue pipe to neighbouring properties and potential emissions.

Officer advised Members that the installation of the flue pipe would need to comply with DEFRA regulations.

The Conservation Team are satisfied that the alterations will be sensitive to the Conservation area.

Two neighbouring properties have objected on the grounds of the metal flue pipe being out of keeping with the area and have suggested it be cladded or relocated inside of the property.

Officer advised that there are other similar flue pipes in the area that are in-keeping with the overall characteristics of the area, the materials being used for the fencing and gate are of good quality and the extension will have no impact on visual amenity.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01088/FUL	1 No. Bungalow with Detached Garage.  Land East of Woodcote and West of Ferndean, Freemans Lane, Sturton Le Steeple.

Members were advised that permission is being sought to erect one bungalow with a detached garage.

Plans were circulated to Members prior to the meeting.

Three objections have been received from neighbouring properties citing the following concerns:

- Impact on residential amenity
- Site will be overdeveloped and insensitive
- Size of the garage
- Highway safety

The Highways Authority have raised a concern in terms of the plans, stating that the boundary wall is incorrectly plotted.

Officer satisfied the design of the bungalow is in-keeping with the character of the area and the garage will not be overly dominant. This application is a re-design of a previous application that was granted permission. The same conditions will be proposed in terms of visibility splays.

The site is allocated for residential development in the Neighbourhood Plan under policy 14d and bungalows are favoured within the Housing-Mix Policy.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01248/HSE	Proposed Erection of Summer House  Lake View Barn, Bellmoor Farm, Lound Low Road, Sutton Cum Lound.

Members were advised of a retrospective application seeking permission to erect a summer house.

Plans were circulated to Members prior to the meeting.

Sutton Parish Council have objected on the grounds of it being unsympathetic to the area and the design of the host dwelling.

One letter of objection has been received from a member of the public on the grounds of the application being retrospective, citing that the owners should have been aware that the Council had removed permitted development rights in the area.

Officer satisfied that the summer house is modest in scale and will be screened by existing landscaping, therefore having limited impact on residential amenity.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/00427/COU	Change of Use of Land to Site Two Camping Cabins Including Cess Pit, Access Track, Solar PV on South Facing Roof Slope and Battery Storage.  Land at Lakeside off Main Road, Wiseton.

Members were advised that permission is being sought to change the use of land to site two camping cabins with associated facilities. The site sits north of Wiseton Hall and within an unregistered park and garden.

The Conservation Team have raised a concern on the grounds of the cabins being visually disturbing and having a negative impact on the park and gardens historic features.

Two letters of objection had been received from members of the public relating to highway safety concerns and the impact upon the character of the area.

A condition will be imposed requiring the exact design and materials used to construct the cabins to be submitted to the Planning Department before installation.

No objections have been received from the Highways Authority or other statutory consultees.

Officer advised that the cabins are temporary structures that will be well screened by existing landscaping and will positively encourage tourism and employment in the area. The positive benefits of the development are considered to outweigh the less than substantial harm arising.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

**47. Any other business which the Chairman considers to be urgent**

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

(Meeting ended at 4:44pm).

**Planning Committee**

**10<sup>th</sup> January 2024**

**Outstanding Minutes List**

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

(PDM = Planning Development Manager)

<b>Min. No.</b>	<b>Date</b>	<b>Subject</b>	<b>Decision</b>	<b>Officer Responsible</b>
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None.

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## Planning Committee

10<sup>th</sup> January 2024

### Information Report

#### Appeal Decision Received

22/01493/COU Mr Kamara 34a Dukeries Crescent, Worksop

DECISION: Appeal ALLOWED by the Inspector.

An application to change of use of a (C3a) dwelling to a children's home (Use Class C2) for a maximum of four children, with two carers sleeping overnight, working on a rota basis was refused contrary to Officer recommendation on 29<sup>th</sup> March 2023 for the following reason;

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

The inspector considered that the main issue was:

i) The main issue is whether the proposal would be suitably located to accommodate vulnerable children with particular regard to levels of crime and anti-social behaviour in the locality.

The Inspector concluded the following:

In considering the planning balance, it is clear that there is a defined need for care homes that resemble typical family homes in the County. Furthermore, the OFSTED regime provides the appropriate regulation to consider the suitability of the use of the appeal property as a care home and the welfare of each individual child who may occupy it. The exposure to crime in the locality would be the same for any children who may occupy the appeal property, or other dwellings in the locality, as a family home. In addition, my attention has not been drawn to any specific policies to suggest that the appeal property is sited in a location that is defined in the development plan as being unsuitable for use as a care home.

I recognise that the Council may have a perception that children who may occupy the appeal property would be exposed to crime and anti-social behaviour of an extent that

would be demonstrably unsupportive of the use of the appeal property as a care home. However, such perception needs to be soundly based on evidence and relevant to the provisions of the development plan if I am to attach any significant weight in the planning balance.

In this case, I do not consider that there is any material evidence to suggest that the proposal would demonstrably conflict with the provisions of the development plan, when taken as a whole. In my view, the appeal property is of a suitable size and type to be used as a care home. It would resemble a typical family home to enable the children who may occupy it to lead subsequent independent lives, particularly as another more appropriate regulatory regime would specifically consider in detail the Council's concerns. As such, the planning balance weighs in favour of allowing this appeal.

Taking the above matters into account, I find that there is no compelling evidence before me to suggest that the appeal property would be an unsuitable location for use as a children's home in land use planning terms.

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

OFFICER RECOMMENDATION: Grant planning permission  
FINALISED DECISION LEVEL: Planning Committee



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## Appeal Decision

Site visit made on 5 December 2023

**by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

**an Inspector appointed by the Secretary of State**

**Decision date: 11 December 2023**

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**Appeal Ref: APP/A3010/W/23/3322527**

**34A Dukeries Crescent, Worksop, Nottinghamshire S80 2QW**

- 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 Mohamed Kamara, Sal Integrated Care against the decision of Bassetlaw District Council.
  - The application Ref 22/01493/COU, dated 31 October 2022, was refused by notice dated 18 April 2023.
  - The development proposed is the change of use of a (C3a) dwelling to a children's home (C2) for a maximum of four children with two carers sleeping overnight working on a rota basis.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use of a (C3a) dwelling to a children's home (C2) for a maximum of four children with two carers sleeping overnight working on a rota basis at 34A Dukeries Crescent, Worksop, Nottinghamshire S80 2QW in accordance with the terms of application Ref 22/01493/COU, dated 31 October 2022, subject to the attached schedule of conditions.

### Main Issue

2. The main issue is whether the proposal would be suitably located to accommodate vulnerable children with particular regard to levels of crime and anti-social behaviour in the locality.

### Reasons

3. The appeal property comprises a two-storey detached dwelling located on a corner plot within a large residential estate. The appeal proposal is for a change of use from a domestic dwelling to a children's home for the care of up to 4 children. The home would employ 6 carers operating on a shift basis with 2 of the carers sleeping overnight. No external alterations to the dwelling are proposed.
4. The Council identifies that the locality within which the appeal property is located is within the 79.149 percentile for all crime and anti-social behaviour in the United Kingdom where 0 equals the lowest and 100 equals the highest ranked crime. Although Nottinghamshire Police did not formally object to the planning application, they did raise concerns that if resident children have established behavioural issues, the support workers may have difficulties managing this successfully. In particular, the Police identified that if the

children attend mainstream education in the area they will potentially be associating with some of the main protagonists which can impact their behaviour management by staff. Furthermore, the Police identify that the children may witness, and be influenced by, inappropriate conduct throughout the area which again may influence their behaviour.

5. As a consequence of the above, the Council considers that the appeal property is not suitably located for the proposed use. It has also made reference to an Office of National Statistics report 'The educational background of children in care who have interacted with the criminal justice system' which demonstrates that more than half (52%) of children in care had a criminal conviction by age 24 compared to 13% of children who had not been in care.
6. The Appellant sets out that operation of the care home would require to be registered with, and regulated by, OFSTED. Before OFSTED give approval, a Location Risk Assessment would be required to determine the suitability of the area for a children's care home in consultation with the Police and social services departments. In addition, there would be an impact risk assessment for each child in which local crime would be considered.
7. In my view, any sense of enhanced risk associated with crime and disorder in the locality and the effect that this may have on children in care cannot be wholly eradicated but it can be suitably controlled with adequate management and care that would be subject to regulation by OFSTED. On the basis of the evidence before me, I agree with the Appellant that there is legislation, other than that contained with the Planning Acts, and another regulatory body that more appropriately deals with the safeguarding and welfare of children in care.
8. I have taken into account the advice provided in paragraph 92 (b) of the National Planning Policy Framework (the Framework). This sets out that planning decisions should aim to achieve inclusive and safe places so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. I accept that the individual vulnerabilities of children in care could be greater than those in a typical family dwelling. However, their exposure to crime would be the same for any occupants of the appeal property who may wish to use it as a family home, or indeed any other children residing in the vicinity of the appeal property.
9. Furthermore, there is no conclusive evidence to suggest that children who are likely to occupy the proposed care home would undermine community cohesion particularly as they would be subject to prior risk assessment and supervised through the proposed caring regime. As such, I do not consider that there is any compelling evidence to suggest that the proposal would be contrary to the provisions of paragraph 92 (b) of the Framework.
10. I have also taken into account the fact that Nottinghamshire County Council, in its capacity as Corporate Parent for the children, were supportive of the proposal, particularly in circumstances where there are insufficient residential settings within the County to provide a local home for all of the children that are taken into local authority care. The County Council also confirmed that the benefit of a planning permission would not in itself enable a residential home to operate at the appeal property as strict regulatory requirements of OFSTED would also need to be met. This would involve the home being registered with, regulated by, and regularly inspected by OFSTED. Against the above background, I consider that the provision of a children's home, in

circumstances where there is evidence of a shortfall, carries significant positive weight.

11. In considering the planning balance, it is clear that there is a defined need for care homes that resemble typical family homes in the County. Furthermore, the OFSTED regime provides the appropriate regulation to consider the suitability of the use of the appeal property as a care home and the welfare of each individual child who may occupy it. The exposure to crime in the locality would be the same for any children who may occupy the appeal property, or other dwellings in the locality, as a family home. In addition, my attention has not been drawn to any specific policies to suggest that the appeal property is sited in a location that is defined in the development plan as being unsuitable for use as a care home.
12. I recognise that the Council may have a perception that children who may occupy the appeal property would be exposed to crime and anti-social behaviour of an extent that would be demonstrably unsupportive of the use of the appeal property as a care home. However, such perception needs to be soundly based on evidence and relevant to the provisions of the development plan if I am to attach any significant weight in the planning balance.
13. In this case, I do not consider that there is any material evidence to suggest that the proposal would demonstrably conflict with the provisions of the development plan, when taken as a whole. In my view, the appeal property is of a suitable size and type to be used as a care home. It would resemble a typical family home to enable the children who may occupy it to lead subsequent independent lives, particularly as another more appropriate regulatory regime would specifically consider in detail the Council's concerns. As such, the planning balance weighs in favour of allowing this appeal.
14. Taking the above matters into account, I find that there is no compelling evidence before me to suggest that the appeal property would be an unsuitable location for use as a children's home in land use planning terms. Consequently, there would be no conflict with Policy DM5 of the Bassetlaw District Local Development Framework, Core Strategy and Development Management Policies DPD (2011). This policy, amongst other things, identifies that proposals for new housing development will be expected to deliver housing of a size, type and tenure appropriate to the site and locality informed by the local demographic context and that proposals for new housing for supported and specialist accommodation, will be supported in suitable locations, in line with the role and size of the settlement.

#### *Other matters*

15. I have also taken into account the concerns of nearby residents that high levels of anti-social behaviour are well documented within the area and that the walkway (Jitty) adjacent to the appeal property, which connects Dukeries Crescent to Manton Crescent, is used by youths who regularly congregate at night and which is considered to negatively affect the appeal proposal. However, such circumstances apply to any future occupants of the appeal property but, in this case, these are matters that would be taken into account by OFSTED. Whilst I recognise the community concerns regarding the use of the public walkway, I do not consider that its presence provides any demonstrable basis to dismiss this appeal on land use planning grounds.

## **Conditions**

16. I have considered the proposed planning conditions, including a number of pre-commencement conditions, that have been provided by the Council. I have considered these against the advice given in paragraph 56 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the PPG. Where necessary I have amended them in the interests of clarity, precision, conciseness or enforceability.
17. In addition to the standard time limit, I have imposed a condition (No. 2) relating to the approved plans in the interests of certainty. A condition is also necessary to restrict the number of children that may occupy the appeal property to prevent intensification of the proposed use (No. 3).
18. In order to ensure that the appeal property is properly managed suitable for its use, a condition is necessary to require the submission of a management plan , security enhancement details in accordance with the 'Secured by Design' standard and details of landscaping (No. 4). In the interests of highway safety, a condition is necessary requiring that the southern boundary hedge to the front of the driveway gates is maintained at 1m height (No. 5).
19. Also, in the interests of highway safety, the Council has suggested a condition requiring that the area in the front of the property be hard surfaced in a bound material and drained to prevent discharge of surface water onto the public highway. At my site visit, I observed that a large part of the area to the front of the property was surfaced with block paving. However, owing to access restrictions, I was unable to confirm whether this extends to the full area shown for parking on the Block Plan (Revision A) or whether this area has adequate surface water drainage. Consequently, I have imposed the Council's suggested condition (No. 6).

## **Conclusion**

20. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

*Stephen Normington*

INSPECTOR

### **CONDITIONS SCHEDULE**

- 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:
  - Site Location Plan (Published 1 November 2023)
  - Proposed Floorplans Rev A (Published 13 February 2023)
  - Proposed Block Plan Rev A (Published 13 February 2023)
- 3) There shall be no more than 4 children residing at the property at any one time.
- 4) Notwithstanding the submitted information, the property shall not be brought into use until a management and security enhancement plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
  - A management plan for the day-to-day operations of the site
  - Details of how complaints will be managed by the provider
  - A plan for security enhancements to be implemented in accordance with the Secured by Design standard
  - A scheme for improvements for hard and soft landscaping (including boundary treatments) at the property

The approved details shall be retained for the lifetime of the development.
- 5) The section of southern boundary hedgerow to the front of the driveway gates shall be cut to 1 metre in height and maintained for the lifetime of the development, unless otherwise agreed by the Local Planning Authority in writing.
- 6) The dwelling shall not be brought into use until the area shown to the front of the property on the approved site layout plan has been laid out and hard surfaced. The driveway shall be surfaced in a bound material (not loose gravel) and shall be drained to prevent the unregulated discharge of surface water onto the public highway. That area shall not thereafter be used for any purpose other than the parking of vehicles.

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**ITEM SUBJECT OF A SITE VISIT**

Item No: a1

<b>Application Ref.</b>	23/01141/COU
<b>Application Type</b>	Change of Use
<b>Site Address</b>	55 Union Street, Retford, Nottinghamshire, DN22 6PJ
<b>Proposal</b>	Change of Use of First Floor from B1c Use to C3a to Create Two No. Apartments with New Access on the Ground Floor
<b>Case Officer</b>	Richard Greig
<b>Recommendation</b>	Grant subject to conditions
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

**THE APPLICATION****SITE CONTEXT**

The application site, consisting of a two storey gable fronted building, faced in red brick, clay pantile roof covering and timber fenestration, occupies a prominent position, forming the corner of Union Street and Chapelgate, located within Retford Town Centre; within Retford Conservation Area; and, within the setting of several listed buildings and other heritage assets.

It is understood that the building is presently occupied by 'The Time Machine' Family Centre, which provides recreational and therapeutic experiences for anyone who is socially isolated due to illness, frailty or age.

**PROPOSAL**

This application seeks planning permission for a change of use to convert the first floor to 2 no. self-contained one bedroom apartments; to create a new access at ground floor level by reinstating a doorway in a blocked opening to the east elevation; and, to install sash windows to replace the later modern window units at both ground and first floor level.

**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<sup>6</sup>; 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 overarching objectives 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 and creative way.

Para 56: Planning conditions to be kept to a minimum and to meet the tests.

Para 60: Councils to boost housing supply

Para 61: Meeting housing need

Para 96: Planning to achieve healthy, safe and inclusive communities.

Para 114 - 117: Highway safety

Para 123: Making effective use of land

Para 131: Achieving well-designed places

Para 165: Planning and flood risk

Para 180: Conserving and enhancing the natural environment

Para 195: 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
- CS3: Retford
- DM4: Design & Character
- DM5: Housing Mix and Density

- DM8: The Historic Environment
- DM12: Flood Risk, Sewerage and Drainage
- DM13: Sustainable Transport

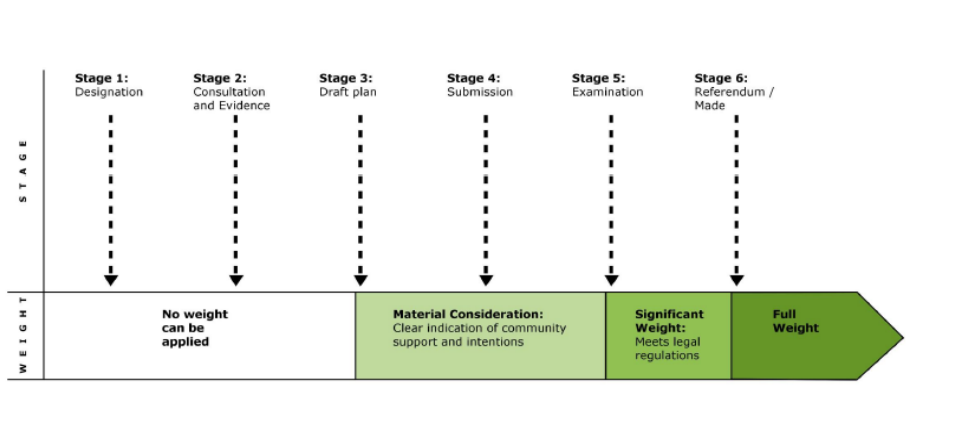
## **NEIGHBOURHOOD PLAN**

Retford Town Centre Neighbourhood Area was designated by Bassetlaw District Council on 4 March 2021, alongside the designation of Retford Town Centre Neighbourhood Planning Group as the associated Neighbourhood Forum for the area.

The Neighbourhood Area has been designated as a business area, in recognition of the proportion of business interests. A modification to the Neighbourhood Area, extending the boundary to incorporate the full extent of Bridgegate and environs, was approved by Bassetlaw District Council on 23 September 2021.

Consultation on the Pre-Submission Draft Neighbourhood Plan concluded in September 2023, with work currently underway to prepare the Submission Draft.

The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. In this instance the weight afforded is that of a '*material consideration*'.



The relevant policies of the Neighbourhood Plan are as follows:

- Policy 1: Protecting and Enhancing Heritage Assets
- Policy 2: Achieving Well Designed Places
- Policy 5a: Acceptable Uses in the Town Centre
- Policy 10a: Housing Mix
- Policy 10b: Housing Tenure
- Policy 12: Reducing the Risk of Flooding

## **RELEVANT PLANNING HISTORY**

Ref: 20/01132/COU

- Replacement Windows and Doors and Reinstatement of Doorway;
- Approved 9 February 2021

Ref: 18/01330/FUL

- Change of Use From Retail/Workshop to Ground Floor Pizza Restaurant and Install Two Flues;
- Refused 20 February 2019

Ref: 18/00674/PREAPP

- Change of Use to A3 Restaurant of Part of Ground Floor, Internal Alterations, New Entrance and Signage;
- Advice Issued 6 September 2018

## **SUMMARY OF CONSULTATION RESPONSES**

### **NOTTINGHAMSHIRE COUNTY COUNCIL HIGHWAYS**

No objections raised subject to adequate bin storage and collection arrangements and no outward opening doors or windows.

### **BASSETLAW DISTRICT COUNCIL CONSERVATION**

No objections raised subject to conditions securing details of windows and doors and ventilation to roofscape; and, the removal of permitted development rights.

## **SUMMARY OF PUBLICITY**

This application was advertised by site notice and press notice wherein 19 no have been received raising the following points:

- Incorrect site address;
- Application form incorrectly refers to 2 no parking spaces allocated to site;
- No availability to meet additional parking need;
- Proposals will intensify demand for parking and congestion within locality;
- Lack of provision for bin store/collection;
- Impact upon amenities of neighbouring residents.

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF 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 CS3 of the Core Strategy identifies Retford as a Core Service Centre. The application site lies within the designated development boundaries of Retford.

Policy CS3 supports, in part, residential development within the development boundaries, as is the case in this instance.

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.

Policy DM4 of the Core Strategy places an emphasis upon the need for development proposals to deliver a high quality of design.

Having regard to the Neighbourhood Plan, it is acknowledged therein that residential uses play a specific and important role within the Plan area, creating a mixed-use area with 24 hour natural surveillance. Policy 10a and Policy 10b of the Neighbourhood Plan provide clear direction on housing mix and housing tenure.

In light of the sustainable location within a Core Service Centre, the proposals are compliant with the requirements of policy CS1 of the Core Strategy. However, part d) of paragraph 11 of the NPPF is engaged as policy CS1 is considered to carry limited weight in the decision making process and this scheme 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 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 73 & 74). 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 (as published in July 2022 in the 5 year supply statement) 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.

It must be clarified that recent case law and appeal decisions have made it clear that schemes cannot be refused solely on the grounds that a Council has a 5 year supply as the Government sees this as a minimum requirement that each Council should achieve and not a ceiling target where schemes are refused after the target has been achieved.

Having regards to the overall policy position as outlined above and the fact that the planning 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 Bassetlaw Local Development Framework identifies Retford as a Core Service Centre where the settlement is expected to deliver at least 26% of the District’s housing requirement. Development in Retford will be of a scale necessary to sustain the town’s role as a Core Service Centre, focusing on the maintenance of an appropriate range of services, facilities and retail provision, while increasing local employment opportunities. Particular regard will be given to the protection and enhancement of Retford’s character and natural environment. The change of use of the upper floor of this building is considered to make a modest but 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 through spending and service usage from the creation of 2 additional dwellings.

In assessing the impact of a scheme in terms of the social objective as outlined in the NPPF, it must be remembered that this development meets this requirement as it will provide a new dwelling to meet the existing and future housing needs of the residents within the district and surrounding area

The site lies within a sustainable location within the main urban area of Retford with easy access to the town centre and public transport links including Retford Train station.

## **HOUSING MIX**

Section 5 of the NPPF focuses upon delivering a sufficient supply of homes wherein para. 62 states, in part, *'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'*.

As set out under para. 147 of the Neighbourhood Plan (NP), there is an important functional role served by residential dwellings within the town centre, wherein it states:

*'Recent increases in business and retail conversions and the popular option of having flats over the shops, ensures natural surveillance in the Town Centre in the evenings and contributes to the vibrancy of the Town Centre's evening economy.'*

Having regard to the type of housing, the statistics made available under the NP show the dominance of one and two bed flats. However, as acknowledged under paragraph 150 of the NP – *'The function of the Town Centre means that this need not necessarily be an issue as it complements the housing mix of the wider Retford built up area where there are more 3 bed plus houses.'*

With the above in mind the provision of 2 no. one bedroom flats, each unit delivering accommodation in excess of the minimum national space standards, within the Town Centre is considered to be consistent with the capacity of the building to accept change and appropriate to the nature and mix of residential accommodation within the town centre and the wider Retford built context, where there lies a larger proportion of family homes – in accordance with the policy framework.

## **DESIGN AND CONTENT**

Having regard to the NPPF, section 16 (conserving and enhancing the historic environment) is applicable wherein the range of heritage assets are highlighted; the significance of heritage assets are identified; the need to take into account the significance and contribution of heritage assets; of considering potential impacts of development; and, to look for opportunities to enhance or better reveal the significance of heritage assets are highlighted.

Policy DM8 of the Local Development Framework places a presumption against development that will be detrimental to the significance of a heritage asset. Proposed development affecting heritage assets, of an inappropriate scale, design or material, will not be supported. In turn Policy DM4 of the LDF places an emphasis upon delivering a high quality of design.

The historic context to the application site, inclusive of Retford Conservation Area, the neighbouring grade II listed Chapelgate House, the Grade II\* listed Parish Church of St Swithun and the status of the subject building – identified as a positive building in Retford Conservation Area Appraisal – is duly acknowledged.

Having regard to the above and the potential impact of development, if any, upon its historic context, the change of use is noted as having no heritage impact within the Bassetlaw District Council Conservation response. With regards to the alterations to the fabric of the building, the reinstatement of a historic door opening at ground floor level to serve as a means of access, is deemed to be acceptable subject to securing details of an appropriate door unit.

Similarly, further details of any replacement window units (to be secured by condition) would be required to ensure they provide an authentic response to their historic context.

With the above in mind and subject to suitably worded conditions being imposed, the proposals are considered to accord with Policy DM8 of the Local Development Framework and the applicable paragraphs of the NPPF.

### **HIGHWAY SAFETY**

Paragraph 114 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 115 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.

In response to the above the concerns expressed within the public comments, regarding parking provision and congestion are duly noted.

However, having regard to the site context – a sustainable town centre location, in close proximity to local services and amenities and in close proximity to transport links - it is reasonable to suggest that residential accommodation in this context and of this form (i.e. one bed units) places less reliance upon the private car and helps to promote other more sustainable modes of transport. Indeed, Nottinghamshire County Council Highways as the Local Highway Authority have raised no objection nor identified any need for parking provision to serve the development.

With regard to refuse collection and servicing arrangements the applicants supporting statement refers to the collection point being Union Street, '*as has been the case for previous owners of the building*'. Whilst this is acknowledged it is also necessary to ensure provision of an appropriate refuse storage area – this is to be secured by condition to avoid multiple bins being left on the footway, to the detriment of highway safety.

Given the sustainable built context wherein movements are likely to be on foot and/or by public transport, there is considered to be no information available at this time which would suggest that the proposals would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Accordingly, the proposals are considered to satisfy the relevant policy framework.

### **RESIDENTIAL AMENITY**

Policy DM4 of the LDF states that '*new development should ensure that it does not have a detrimental effect on the residential amenity of nearby residents*'. This is also echoed by paragraph 135(f) of the NPPF which states that development should create a high standard of amenity for existing and future users.

Section 3.11.2 (Amenity) of the '*Successful Places*' SPD states '*amenity describes the living conditions for the occupants of a home or place. Acceptable living conditions should always be provided for new and existing occupants.*'



In this instance it is important to have regard to the authorised commercial use of the premises and the degree of activity likely to be associated to a commercial use, which may vary between different operators. In contrast, a residential use in the form of 2 no. one bedroom flats, is likely to be less intensive, of a more low key, low impact nature, compatible with other residential land users within the area. As such the perceived impact, if any, upon neighbouring residential land users, is not considered to be so significant so as to have a detrimental effect.

In terms of the amenity of future occupants, the Council's 'Successful Places' Supplementary Planning Document also states that new flats/apartments should normally have a minimum outdoor amenity space of 25m<sup>2</sup> per flat. A development of 2 apartments would therefore require a minimum amenity area of 50m<sup>2</sup>.

Whilst the scheme 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 the current application against the Government's Nationally Prescribed Space Standards it is considered that the occupiers of the proposed apartments would be provided with the appropriate levels of living space and natural light to principle rooms. Both the apartments proposed either meet or exceed the floorspace standards set out within this guidance which recommends a minimum of floorspace of 37m<sup>2</sup> for a one bedroom apartment.

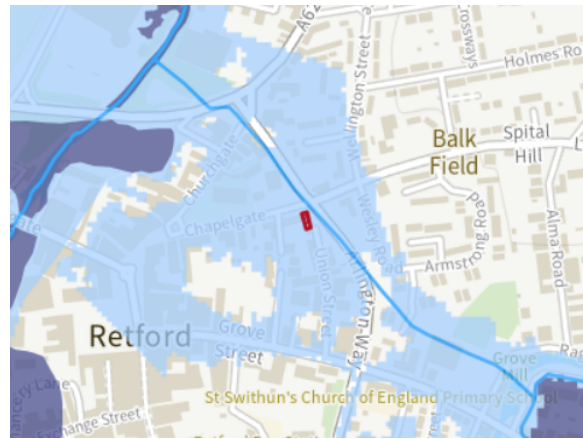
The ground floor of the building would be retained as an existing community use and it is not considered that this use would result in an unacceptable level of noise and disturbance to the future occupiers of the proposed apartments. Furthermore, appropriate sound insulation would need to be provided between the ground and first floors in order to comply with Building Regulations.

The proposals are therefore considered to accord with the requirements of Policy DM4 of the Bassetlaw Local Development Framework, section 3.11.2 of the '*Successful Places*' SPD and the NPPF.

## **FLOOD RISK**

Policy DM12 of the Local Development Framework and paragraph 165 of the NPPF make it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk and where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere

The application site is located within Flood Zone 2 (medium probability of flooding from rivers and the sea), as illustrated below:



A Flood Risk Assessment (FRA) has been provided in support of this application.

In considering the location of the application site within Flood Zone 2, the next step is to identify the flood risk vulnerability classification, which consists of five groups – 1) Essential Infrastructure; 2) Highly Vulnerable; 3) More Vulnerable; 4) Less Vulnerable; and, 5) Water Compatible Development.

Buildings used for dwelling houses, as is the case in this instance, are classified as ‘More Vulnerable’.

The above classification is then applied to the Flood Zone table below which determines whether or not the proposed development is suitable for the flood zone within which it is located:

Flood Zones	Flood Risk Vulnerability Classification				
	Essential infrastructure	Highly vulnerable	More vulnerable	Less vulnerable	Water compatible
Zone 1	✓	✓	✓	✓	✓
Zone 2	✓	Exception Test required	✓	✓	✓
Zone 3a †	Exception Test required †	X	Exception Test required	✓	✓
Zone 3b *	Exception Test required *	X	X	X	✓*

Key:

✓ Development is appropriate

X Development should not be permitted.

As highlighted above the proposed development is identified as ‘appropriate’ to Flood Zone 2.

Moreover, the sequential test, which seeks to steer new development to areas with the lowest probability of flooding, is not applicable in respect of a change of use. Likewise, the exception test does not apply. The submitted Flood Risk Assessment demonstrates that the development would be safe for its lifetime and would not increase flood risk elsewhere.

With the above in mind the proposed change of use to create 2 residential units, significantly, at first floor level (approx. 3.65m above ground level), is deemed to be appropriate to its context (i.e. Flood Zone 2) and is not considered to increase the flood risk elsewhere and is therefore considered to accord with Policy DM12 and the guidance contained within the National Planning Policy Framework.

### **CONCLUSION/PLANNING BALANCE**

Whilst the Council can now demonstrate in excess of the required 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.

In this instance the proposed development is located within the sustainable development boundaries of a Core Service Centre which forms the focus for the concentration of development and the provision is made for the delivery of additional housing, inclusive of proposals for smaller dwellings, as is the case in this instance. Moreover, the perceived outward impact, if any, of the development, as set out above, is not considered to be so significant so as to significantly and demonstrably outweigh the benefits.

It is therefore considered that the benefits of the scheme (i.e. delivering residential accommodation to meet the needs of the community within a sustainable location), outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly it is recommended that planning permission is granted.

### **RECOMMENDATION:**

- 1) Grant subject to conditions

### **CONDITIONS/REASONS:**

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

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

2. The development hereby permitted shall be in accordance with the following approved plans:

- Site Location Plan received on 15 September 2023;
- Proposed Floor Plans (DWG noA\_800\_GA\_0\_FP Rev 0) received on 15 September 2023;
- Flood Risk Assessment received on 10 October 2023.

Reason: For the avoidance of any doubt.

3. Prior to the first occupation of the residential units, details of the bin storage location shall be submitted to and agreed in writing with the Local Planning Authority and thereafter implemented in accordance with the approved details and retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid bins being left on the footway to the detriment of highway safety.

4. For the avoidance of any doubt no door or window units shall be outward opening.

Reason: In the interests of highway safety.

5. All external joinery including windows and doors shall be of a timber construction only. Details of their 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 before the windows and doors hereby approved are installed. 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.

6. Ventilation of the roof space shall not be provided via tile vents.

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

7. Before any alterations are carried out to the ventilation holes, details of their treatment (including specifications of any internal glazing units) 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: The ventilation holes are important features of the Conservation Area. Their preservation is necessary to ensure the development preserves the character and appearance of the Conservation Area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no building, extension or structure (other than those permitted as part of this development) shall be erected or placed on the approved buildings or in their curtilages without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Conservation Area. The unsympathetic extension or alteration may cause harm to the character and appearance of the Conservation Area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Conservation Area. The unsympathetic extension or alteration may cause harm to the character and appearance of the Conservation Area.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights (other than those approved as part of this development) or solar panels shall be placed on roofs of the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Conservation Area. The unsympathetic extension or alteration may cause harm to the character and appearance of the Conservation Area.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order), the roof covering on the building(s) hereby permitted shall not be replaced with an alternative roof covering (other than on a like-for-like basis), without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Conservation Area. The replacement with a non-traditional roof covering may cause harm to the character and appearance of the Conservation Area.

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**Bassetlaw District Council**

**Planning Committee**

**13<sup>th</sup> 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;

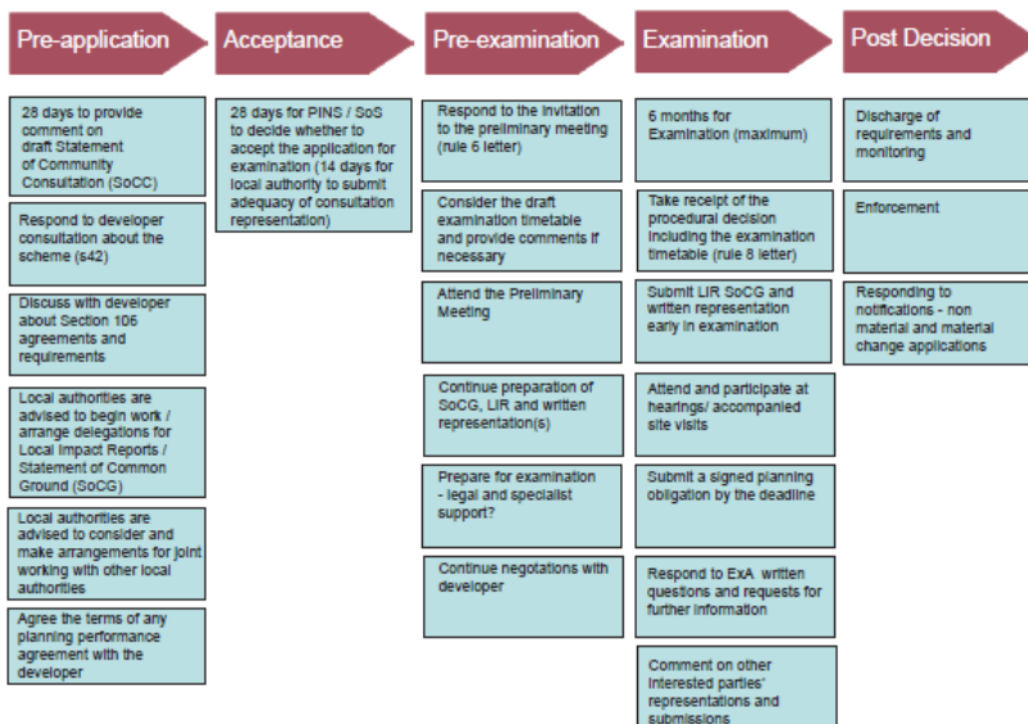
- Tillbridge Solar Project
- One Earth Solar Project

- 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. The documents must be submitted in accordance with the timetable set by the Planning Inspectorate, failure to submit the documents by the required deadlines may result in the submission not being accepted and considered. Appendix 3 provides an example of a timetable of the process of the examination, setting out the deadlines for submitting the relevant documents and representations 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.*”

## **5. 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.

## **6. Options, Risks and Reasons for Recommendations**

6.1 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).

6.2 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.
- 6.3 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.
- 6.4 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.

## **7. Recommendations**

- 7.1 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:**

<b>Factor</b>	<b>Positive Impact</b>	<b>Neutral Impact</b>	<b>Negative Impact</b>	<b>Comments</b>
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).

## 5. 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.

## 6. 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

## 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"> <li>- Complete and issue the Local Impact Report</li> <li>- Register with the Examining Authority and make 'relevant representations' in relation to the topic areas/issues highlighted in the LIR</li> <li>- Write and issue the Statement of Common Ground (key matters to be highlighted and agreed) (see below)</li> </ul>
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.

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# 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.

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## **Example of a Nationally Significant Infrastructure Project Examination Timetable**

Requirements of the Local Planning Authority are denoted in bold under each Deadline

### **2 August 2023 - Procedural Deadline A**

Deadline for receipt by the ExA of:

- **Written submissions about how the application should be examined, including the draft Examination Timetable**
- **Requests to register for the Preliminary Meeting**
- **Requests to register for Open Floor Hearing 1**
- **Requests to register for Issue Specific Hearing 1 regarding the draft Development Consent Order**
- **Suggested locations for site inspections, including the reason for nomination, issues to be observed there and whether the location(s) require access to private land**
- Other

### **5 September 2023 - Preliminary Meeting**

**Preliminary Meeting**

### **5 September 2023 - Open Floor Hearing 1**

**Open Floor Hearing 1**

### **6 September 2023 - Issue Specific Hearing 1 regarding the draft Development Consent Order**

**Issue Specific Hearing 1 regarding the draft Development Consent Order**

### **17 October 2023 - Deadline 1**

For receipt by the ExA of:

- **comments on Relevant Representations**
- **Statements of Common Ground requested by the ExA**
- **Local Impact Reports from local authorities**
- **Written summaries of oral submissions made at Hearings held during the week commencing 4 September 2023**
- **Written Representations and summaries for any that exceed 1500 words**
- **Requests from Interested Parties to be heard at a further Open Floor Hearing**
- Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing
- the Applicant's proposed itinerary for an Accompanied Site Inspection (if required)
- the Applicant's updated documents (draft Development Consent Order)
- the Applicant's updated documents (Explanatory Memorandum)

- the Applicant's updated documents (Book of Reference)
- the Applicant's updated documents (Statement of Reasons)
- the Applicant's reports on progress (Report on the interrelationship with other National Infrastructure projects)
- the Applicant's reports on progress (Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight)
- the Applicant's reports on progress (Schedule of progress regarding Protective Provisions and Statutory Undertakers)
- the Applicant's reports on progress (Schedule of the latest versions of the Applicant's submission documents and documents to be certified)
- the Applicant's reports on progress (Schedule of progress in securing other consents)
- any other information requested by the ExA for this deadline
- other

### **31 October 2023 - Publication of Examining Authority's (ExA's) First Written Questions (ExQ1)**

Examining Authority's (ExA's) First Written Questions (ExQ1)  
 Publication of the ExA's First Written Questions

### **21 November 2023 - Deadline 2**

For receipt by the ExA of:

- **comments on submissions for Deadline 1**
- **responses to the ExA's First Written Questions**
- **updated Statements of Common Ground in clean and tracked changes versions**
- the Applicant's updated documents (Report on the interrelationship with other National Infrastructure projects)
- the Applicant's updated documents (draft Development Consent Order)
- the Applicant's updated documents (Explanatory Memorandum)
- the Applicant's updated documents (Book of Reference)
- the Applicant's updated documents (Statement of Reasons)
- the Applicant's updated documents (Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight)
- the Applicant's updated documents (Schedule of progress regarding Protective Provisions and Statutory Undertakers)
- the Applicant's updated documents (Schedule of the latest versions of the Applicant's submission documents and documents to be certified)
- the Applicant's updated documents (Schedule of progress in securing other consents)
- any other information requested by the ExA for this deadline
- other

### **4 December 2023 - Reserved week for Hearings commencing Monday 4 December 2023**

Reserved week for Hearings commencing Monday 4 December 2023

Time reserved for hearings and an Accompanied Site Inspection (if required: Issue Specific Hearings Compulsory Acquisition Hearing Open Floor Hearing Accompanied Site Inspection

**5 December 2023 - Issue Specific Hearing 2 - Environmental Matters**

**Issue Specific Hearing 2 - Environmental Matters**

**5 December 2023 - Issue Specific Hearing 3 - Environmental Matters**

**Issue Specific Hearing 3 - Environmental Matters**

**6 December 2023 - Issue Specific Hearing 4 - Environmental Matters**

**Issue Specific Hearing 4 - Environmental Matters**

**7 December 2023 - Compulsory Acquisition Hearing 1**

Compulsory Acquisition Hearing 1

**7 December 2023 - Open Floor Hearing 2**

Open Floor Hearing 2

**8 December 2023 - Issue Specific Hearing 5 - Draft Development Consent Order**

Issue Specific Hearing 5 - Draft Development Consent Order

**19 December 2023 - Deadline 3**

For receipt by the ExA of:

- **comments on submissions for Deadline 2**
- **updated Statements of Common Ground in clean and tracked changes versions**
- **written summaries of oral submissions made at Hearings held during the week commencing 4 December 2023**
- the Applicant's updated documents (Report on the interrelationship with other National Infrastructure projects)
- the Applicant's updated documents (draft Development Consent Order)
- the Applicant's updated documents (Explanatory Memorandum)
- the Applicant's updated documents (Book of Reference)
- the Applicant's updated documents (Statement of Reasons)
- the Applicant's updated documents (Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight)
- the Applicant's updated documents (Schedule of progress regarding Protective Provisions and Statutory Undertakers)
- the Applicant's updated documents (Schedule of the latest versions of the Applicant's submission documents and documents to be certified)

- the Applicant's updated documents (Schedule of progress in securing other consents)
- any other information requested by the ExA for this deadline
- other

**16 January 2024 - Examining Authority's Second Written Questions (ExQ2) and Report on Implications for European Sites (if required)**

Examining Authority's Second Written Questions (ExQ2) and Report on Implications for European Sites (if required)

Publication of:

the ExA's Second Written Questions the Report on Implications for European Sites (if required)

**30 January 2024 - Deadline 4**

For receipt by the ExA of:

- **responses to the ExA's Second Written Questions**
- **comments on submissions for Deadline 3**
- **updated Statements of Common Ground in clean and tracked changes versions**
- **written summaries of oral submissions made at Hearings held during the week commencing 4 December 2023**
- the Applicant's final documents (draft Development Consent Order in the Statutory Instrument template with the Statutory Instrument template validation report)
- the Applicant's final documents (Explanatory Memorandum)
- the Applicant's updated documents (Report on the interrelationship with other National Infrastructure projects)
- the Applicant's updated documents (Book of Reference)
- the Applicant's updated documents (Statement of Reasons)
- the Applicant's updated documents (Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight)
- the Applicant's updated documents (Schedule of progress regarding Protective Provisions and Statutory Undertakers)
- the Applicant's updated documents (Schedule of the latest versions of the Applicant's submission documents and documents to be certified)
- the Applicant's updated documents (Schedule of progress in securing other consents)
- any other information requested by the ExA for this deadline
- other

**13 February 2024 - ExA's schedule of changes to the draft Development Consent Order**

ExA's schedule of changes to the draft Development Consent Order

Publication by the ExA of: the ExA's schedule of changes to the draft Development Consent Order

**27 February 2024 - Deadline 5**

For receipt by the ExA of:

- **comments on submissions for Deadline 4**
- **comments on the ExA's schedule of changes to the draft Development Consent Order**
- **comments on the Report on Implications for European Sites (if required)**
- **final Statements of Common Ground in clean and tracked changes versions**
- the Applicant's final documents (Report on the interrelationship with other National Infrastructure projects)
- the Applicant's final documents (Book of Reference)
- the Applicant's final documents (Statement of Reasons) \*the Applicant's final documents (Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight)
- the Applicant's final documents (Schedule of progress regarding Protective Provisions and Statutory Undertakers)
- the Applicant's final documents (Schedule of the latest versions of the Applicant's submission documents and documents to be certified)
- the Applicant's final documents (Schedule of progress in securing other consents)
- any other information requested by the ExA for this deadline
- other

#### **5 March 2024 - Deadline 6**

For receipt by the ExA of:

- **summary statements from parties regarding matters that they have previously raised during the examination that have not been resolved to their satisfaction**
- comments on submissions for Deadline 5
- any other information requested by the ExA for this deadline
- other

#### **5 March 2024 - Conclusion of Examination for Cottam Solar Project**

Conclusion of Examination for Cottam Solar Project

The ExA is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting

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