



**Bassetlaw**  
DISTRICT COUNCIL  
— North Nottinghamshire —

## **Planning Committee**

### **Agenda**

Meeting to be held at The Ceres Suite,  
Worksop Town Hall, S80 2AH  
On Wednesday, 6th March, 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, 6th March, 2024**

### **Agenda**

1. Apologies
2. Declarations of Interest
  - a. Members
  - b. Officers
3. Minutes of the Meeting held on 7th February 2024 (Pages 5 - 8)
4. Minutes of Planning Consultation Group Meetings held on:
  - a. 29th January 2024 (Pages 9 - 14)
  - b. 5th February 2024 (Pages 15 - 20)
  - c. 19th February 2024 (Pages 21 - 24)
5. Outstanding Minutes List (Pages 25 - 26)

### **Section A - Items for discussion in public**

#### **Key Decisions**

None.

#### **Other Decisions**

6. Report(s) of the Head of Planning and Place

#### **Public Interest Test**

Ms. B. Alderton-Sambrook, Head of Planning and Place, has deemed that all items on the agenda are not confidential.

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

- a. Planning Application: 23/01313/CTP - Apple Barn, Great North Road, Gamston, Nottinghamshire DN22 0PY (Pages 27 - 34)
- b. Planning Application: 23/00854/FUL - Apple Barn, Great North Road, Gamston, Nottinghamshire DN22 0PY (Pages 35 - 44)
- c. Planning Application: 23/00946/OUT - Land North of Ollerton Road, Tuxford, Nottinghamshire (Pages 45 - 72)
- d. Planning Application: 23/01444/FUL - Land Off Rayton Lane, Osberton, Worksop, Nottinghamshire (Pages 73 - 100)

#### **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, 7th February, 2024 at The Ballroom, Retford Town Hall, DN22 6DB**

Present: Councillor N J Sanders (Chairman)

Councillors:

C Adams	J Bowker
M Charlesworth	S Fielding
G Freeman	F McFarland
G A N Oxby	D G Pidwell

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

(The meeting opened at 6.30 pm.)

#### **54 Apologies**

Apologies were received from Councillors H M Brand and D Challinor.

#### **55 Declarations of Interest**

##### **55a Members**

There were no declarations of interest by Members.

##### **55b Officers**

There were no declarations of interest by Officers.

#### **56 Minutes of the Meeting held on 10th January 2024**

**Resolved** that the minutes of the meeting held on 10<sup>th</sup> January 2024 be approved.

#### **57 Minutes of Planning Consultation Group Meeting held on 8th January 2024**

**Resolved** that the minutes of the Planning Consultation Group meeting held on 8<sup>th</sup> January 2024 be received.

#### **58 Outstanding Minutes List**

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

### **Section A - Items for discussion in public**

#### **Key Decisions**

None.

#### **Other Decisions**

#### **Public Interest Test**

## PLANNING COMMITTEE

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

### **59 Report(s) of the Head of Planning and Place**

#### **Appeal Decision(s)**

#### **59a Appeal Decision: APP/A3010/X/23/3326348 - Land at Lincoln Road and Broadgate, East Markham, Nottinghamshire NG22 0SL**

Members were presented with the first appeal decision. The Planning Development Manager gave a summary of the appeal.

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

#### **59b Appeal Decision: APP/A3010/W/23/3319621 - 24B Gringley Road, Misterton, Nottinghamshire DN10 4AP**

Members were presented with the second appeal decision. The Planning Development Manager gave a summary of the appeal.

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

#### **59c Appeal Decision: APP/A3010/W/23/3320497 - Wheatley Field Farm, Retford Road, North Wheatley, Nottinghamshire DN22 9DX**

Members were presented with the third appeal decision. The Planning Development Manager gave a summary of the appeal.

**Resolved** the appeal decision be received.

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

#### **59d Planning Application: 23/01135/FUL - Land at High Marnham Power Station, Power Station Access Fledborough Road, High Marnham, Nottinghamshire**

Members were advised of an application seeking permission for the construction and operation of a prototype facility for the production of hydrogen from ammonia, associated HGV loading and unloading areas, staff welfare building, boundary fencing, internal access roads, external lighting and works (EIA Development).

The site was not subject to a site visit prior to the meeting as the site had been viewed by Members for a previous application in October 2023.

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

Responses from statutory consultees were detailed in the report.

In accordance with the rules of procedure for public participation, Rachel Bean spoke on behalf of Dunham and District Parish Council. Ben Lee spoke in objection to the application as a local resident and Alistair Collins spoke in support of the application on behalf of the applicant.

Members asked questions with reference to the Environment Agency Report, ammonia detectors on site, comprehensive masterplan, involvement of the Fire Service, lighting and transport access.

## PLANNING COMMITTEE

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

An elected Member suggested an additional condition may be required to ensure that sufficient detectors are installed on the site to monitor the levels of Ammonia.

The Planning Development Manager proposed that Condition 9 circulated in the report could be amended to the following:

"Prior to commencement of the use of the hereby approved Prototype Facility for the Production of Hydrogen from Ammonia an Emergency Plan (including response and details of Ammonia level monitoring) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall remain in place for the lifetime of the development.

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

In conclusion, the Chairman summarised the debate.

**Recommendation of the Head of Planning and Place:** Grant Subject to Conditions.

**Committee Decision Resolved that:** Grant Subject to Conditions.

### **Nationally Significant Infrastructure Project(s)**

#### **59e Nationally Significant Infrastructure Project Briefing Note: One Earth Solar Farm; Southeast Bassetlaw Locality**

**Resolved** that the Briefing Note be received.

### **Exempt Information Items**

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

### **Key Decisions**

None.

### **Other Decisions**

None.

#### **60 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 7:28 pm.)

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**Planning Consultation Group**

**Minutes of the meeting held on Monday 29<sup>th</sup> January via MS Teams**

Present Councillors: S Fielding and N Sanders.

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

(Meeting opened at 4.06pm).

**52. Apologies**

There were no apologies for absence received.

**53. Declarations of Interest**

There were no declarations of interest by Members.

**54. Planning Applications**

<b>Ref. No.</b>	<b>Description</b>
23/00471/RES	Reserved Matters Application for the Approval of Appearance, Layout, Landscaping and Scale to Erect One Dwelling Following Outline Application 20/01484/OUT - Outline Application with Some Matters Reserved (Approval Being Sought for Access) to Erect 8 Detached Dwellings.  Plot 6 Land West of Stonegate Farm, Bawtry Road, Everton.

Members were advised of an application, seeking approval of reserved matters of appearance, layout, landscaping and scale to erect one dwelling.

Plans were circulated to Members prior to the meeting.

The Parish Council have objected on the grounds of the size of the dwelling being too large for the site.

Conservation Team have objected on the grounds of the dwelling appearing suburban and out of character for the area.

Members were advised that the application has been amended with a reduction in the height of the dwelling to 8.3m and it will be red brick as opposed to red brick with white rendering.

No other objections have been received from statutory consultees.

Officer satisfied that the amended application is in keeping with the other plots on the site and conditions will be imposed.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/00469/RES	Reserved Matters Application for the Approval of Appearance, Layout, Landscaping and Scale to Erect One Dwelling Following Outline Application 20/01484/OUT - Outline Application with Some Matters Reserved (Approval Being Sought for Access) to Erect 8 Detached Dwellings.
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Plot 4 Land West of Stonegate Farm, Bawtry Road, Everton.

Members were advised of an application, seeking approval of reserved matters of appearance, layout, landscaping and scale to erect one dwelling.

Plans were circulated to Members prior to the meeting.

The application has been amended so the dwelling is now 8.4m in height and no longer fills the width of the site.

The Parish Council have objected on the grounds of the design and scale of the proposed dwelling.

Conservation Team have also objected on the grounds of the dwelling appearing suburban, out of character in a largely rural area and failing to preserve the Everton Conservation Area.

No other objections have been received from statutory consultees.

Officer satisfied that the amended application is in keeping with the other plots on the site and conditions will be imposed.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/01325/FUL	Erect 4 Residential Bungalows (Use Class C3(b)), Car Parking Layout for 10 Cars and Associated Works.
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Land in the Grounds of Dyscarr Grange, Doncaster Road, Langold.

Members were advised of an application seeking permission to erect four residential bungalows along with car parking layout for ten cars and associated works. The application is essentially an extension of the nearby care home to allow residents to live as independently as possible whilst also receiving care.

Plans were circulated to Members prior to the meeting.

In discussion of this application, it was noted that it was brought to Planning Consultation Group as it was called in by an elected Member.

Highways had initially objected citing concerns over the access road. This has now been resolved and a two-way traffic flow will be implemented. There will also be conditions imposed to ensure that the use of the bungalows cannot be severed away from the function of the care home.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01377/HSE	Two Storey Side/Front Extension and Single Storey Front Porch Extension  10 Westminster Close, Worksop.

Members were advised that permission is being sought for a two storey side/front extension and a single storey front porch extension.

Plans were circulated to Members prior to the meeting.

It proposes a projecting gable, similar in design to a previous application that was refused and dismissed at appeal stage. Officers have given the applicant alternative design suggestions but the applicant has decided to pursue with this application.

No objections or comments have been received from neighbouring properties or statutory consultees.

The applicant submitted a petition with 15 signatures of support for the application. Officer noted that the recommended refusal of planning permission is not on the grounds of residential amenity.

Officer of the opinion that the proposed application is too similar to the one previously refused permission and will be harmful to both the character and appearance of the area.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/00795/RES	Reserved Matters Application for the Approval of Appearance, Landscaping, Layout, Scale and Access for 105 Dwellings (Phase 3a) Including Condition Compliance of 1, 2, 3, 4, 6, 9, 13, 18, 19, 20, 21, 22, 25 and 26 Following Outline Application 18/01210/OUT.  Land South of Scrooby Road and North of Snape Lane, Harworth.

Members were advised of an application, seeking approval of reserved matters of appearance, landscaping, layout, scale and access for 105 dwellings; including compliance of itemised conditions.

Plans were circulated to Members prior to the meeting.

The Lead Local Flood Authority have objected on the grounds of the calculations submitted by the developer. They have since revised the calculations which the Lead Local Flood Authority are currently reviewing.

No other objections have been received from statutory consultees.

Officer advised they are working closing with the Lead Local Flood Authority on the overarching drainage strategy and they need to ensure that each phase is compliant. Officers are recommending a grant of planning permission subject to the Lead Local Flood Authority being satisfied and withdrawing their objection.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/00836/RES	Reserved Matters Application for the Approval of Appearance, Landscaping, Layout, Scale and Access for the Proposed Delivery of the Green Wheel Link Footpath to Phase 2 Including Condition Compliance of 6 13 18 19 21 and 25 Following Outline P.A 18/01210/OUT.

Land South of Scrooby Road and North of Snape Lane, Harworth.

Members were advised of an application, seeking approval of reserved matters of appearance, landscaping, layout, scale and access for the proposed delivery of the Green Wheel Link Footpath to Phase 2 including compliance of itemised conditions.

Plans were circulated to Members prior to the meeting.

Officer advised the footpath will allow residents to access the site and surrounding area safely without the use of a vehicle.

The Lead Local Flood Authority are satisfied the proposed application complies with the overarching drainage strategy.

No other objection have been received from statutory consultees.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
22/00432/FUL	Erect Detached Self Build Dwelling with Integral Garage.

Land Off Mattersey Road, Sutton Cum Lound.

Members were advised of an application seeking permission to erect a detached self-build dwelling with integral garage.

Plans were circulated to Members prior to the meeting.

No objections were received from statutory consultees.

It was noted that the site is allocated for residential development within the Neighbourhood Plan and already consists of nine dwellings comparable in scale.

Officer advised that a tenth dwelling would usually require a S106 agreement. However, Bassetlaw District Council have had an independent assessment carried out by a chartered surveyor which has concluded that the scheme is not viable.

Officer of the opinion that on balance, the harm from one additional self-build property is less than substantial and a S106 agreement is not required.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

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

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

(Meeting ended at 4:48pm).

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## Planning Consultation Group

### Minutes of the meeting held on Monday 5<sup>th</sup> February 2024 via MS Teams

Present Councillors: C Adams, S Fielding and N Sanders.

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

(Meeting opened at 4.00pm).

#### 56. Apologies

There were no apologies for absence received.

#### 57. Declarations of Interest

There were no declarations of interest by Members.

#### 58. Planning Applications

Ref. No.	Description
23/00626/HSE	Proposed Single Storey Outbuilding to Rear. 10 Fieldview Gardens, Ranskill.

Members were advised of an application, seeking approval for a proposed single storey outbuilding to the rear of an existing dwelling.

Plans were circulated to Members prior to the meeting.

The Parish Council have objected on the grounds of the contemporary design being out of character and excessive in scale.

A neighbouring occupier has objected on the grounds of the proposed outbuilding blocking light, loss of view and increased noise with the proposed usage being a cinema room.

Officer of the opinion that the scale of the outbuilding will not be obtrusive. In terms of residential amenity, the outbuilding will be located north and therefore will not be overshadowing the neighbouring occupier located south. Ancillary outbuildings are expected in residential areas and the proposed usage is not expected to generate excessive noise.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

Ref. No.	Description
23/01152/OUT	Outline Application with Some Matters Reserved (Approval Being Sought for Access and Layout) for the Proposed Demolition of Modern Barns and Fire-Damaged Farmhouse. Erect 5 Dwellings and Construct New Access Drive.  Former Manor Farm, Town Street, Treswell.

Members were advised of an outline application with some matters reserved (approval being sought for access and layout) seeking permission for the proposed demolition of modern barns and fire-damaged farmhouse, erect 5 dwellings and construct a new access drive.

Plans were circulated to Members prior to the meeting.

The Parish Council have cited their support for the application but do have concerns over the pollution that will be generated from traffic.

Highways have no objections subject to conditions ensuring appropriate access is implemented.

Conservation Team have also cited their support for the application.

Nottinghamshire Wildlife Trust have recommended further work goes into ensuring protected species in the area are considered.

Two letters have been received from members of the public, citing their support for the application on the grounds of the proposed development being sympathetic and attractive to the area and seeming fair and reasonable given the tragic event of the fire.

Two letters of objection have been received from members of the public citing the following concerns;

- Destroying the character of the area;
- Setting a precedent in terms of density and backland development;
- Access and parking provision.

Officers have worked closely with the developer to agree on a layout that is respectful of the agricultural character of the area and are satisfied it is an appropriate and sensitive development.

Officer recommendation – Grant planning permission subject to conditions.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01114/FUL	Change of Use to Ancillary Guest Accommodation for Wedding Venue.  Hodsock Priory Lodge.

Members were advised of an application seeking approval to change the use of a currently disused dwelling to ancillary guest accommodation for the wedding venue.

Plans were circulated to Members prior to the meeting.

No objections have been received from statutory consultees.

Conservation Team have raised a concern regarding the removal of the chimney stacks.

The agent has provided information showing that the chimney stacks are not the originals and they currently pose a health and safety risk as they are unsupported and cannot be reinforced with steel.



Officer of the opinion that bringing the non-designated heritage asset back into use outweighs any potential loss caused by removing the chimney stacks.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01043/VOC	Variation of Conditions 3, 5 and 6 to P/A 21/00120/OUT – Outline Planning Application with Some Matters Reserved (Approval Sought for Access) for 7 No. Dwellings (Potential Self Build).  Land at Church Lane, East Drayton.

Members were advised that permission is being sought for the variation of conditions 3,5 and 6 to an outline planning application with some matters reserved (approval sought for access) for 7 dwellings.

Plans were circulated to Members prior to the meeting.

The original application proposed 7 individual access points and a large removal of hedgerows.

Highways suggested having a two metre footway outside the site but it was felt that this would erode the rural character of the area.

The applicant has now proposed a 2 shared access point with no footway meaning more of the hedgerows will be retained.

The Parish Council and Conservation Team are in support of the retention of the hedgerows as it will protect the biodiversity of the area.

Highways are satisfied that a footway is not required subject to conditions ensuring the public can safely use the road positioned behind the hedgerows.

Three objections have been received from members of the public citing the following concerns;

- Increased noise;
- Impact on residential amenity;
- Increased traffic;
- Devaluation of property;
- Loss of view;
- Width of Church Lane being insufficient;
- Obscuring the views of the countryside.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/01339/HSE	Retain Works Carried Out to Western Boundary Wall. Remove Existing Gates and Erect Sliding Gate.
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The Old Granary High Street, Misson.

Members were advised of a retrospective application, seeking approval to retain works carried out to a western boundary wall, remove existing gates and erect a sliding gate in its place.

Plans were circulated to Members prior to the meeting.

The boundary wall was taken down due to safety concerns and built back up with a like for like replacement using an English garden wall bond. Officers consider this acceptable in terms of preserving the Misson Conservation Area.

The Parish Council have objected on the following grounds; the private gravel driveway has been replaced with tarmac, a gate post appears to be cut into the pavement and the proposed gate will be out of keeping with the character of the area.

A neighbouring occupier has also objected citing similar concerns.

Officer advised that tarmacking a private drive is a permitted development right subject to appropriate drainage at the site and any concerns regarding the gate post must be taken up with Highways.

Officer satisfied that the gate along with the solid wall is not detrimental to the site and is a sensitive addition to the Conservation Area.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/01456/OUT	Outline Planning Application for Four Live/Work Units (All Matters Reserved)
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Land at Blyth Road, Bawtry Road, Blyth.

Members were advised of an application, seeking approval for four live/work units with all matters reserved.

Plans were circulated to Members prior to the meeting.

Officer advised that this site has had a lot of planning application history and in 2021 an application was refused and dismissed at appeal stage referencing Policy 3 of the Neighbourhood Plan.

The site in question is not allocated within the Neighbourhood Plan for residential development.

Environmental Health have recommended a noise impact assessment takes place due to the industrial surroundings and a light scheme assessment report as complaints have been received by neighbouring occupiers.

Highways have raised questions over how access and visibility have been considered and are concerned over the potential loss of trees on the highway verge.

A letter has been received from a neighbouring occupier, not in objection but has raised questions regarding the live/work arrangements.

No objections have been received from the Parish Council or other statutory consultees.

Officer is recommending a refusal of planning permission on the grounds of residential amenity.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
23/01084/OUT	Outline Application with Some Matters Reserved (Approval Being Sought for Access) to Erect a Single Storey Dwelling with Parking.  Land Adjacent to Manderley, Church Street, South Leverton.

Members were advised of an application seeking permission to erect a single storey dwelling with parking. It will form part of the domestic curtilage of an existing dormer bungalow.

Plans were circulated to Members prior to the meeting.

It was noted that there is not a Neighbourhood Plan in place.

The Parish Council have expressed their support for the application.

Environmental Health have no objections subject to conditions limiting construction hours on the grounds of residential amenity.

A neighbouring occupier has objected on the grounds of highway and neighbourhood safety.

Highways requested further information but are now satisfied with the shared vehicular access to the site.

Officer satisfied residential amenity will be protected as the single storey dwelling will be well screened from a public vantage point and will be in keeping with the character and appearance of the area.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

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

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

(Meeting ended at 4:40pm).

**Planning Consultation Group**

**Minutes of the meeting held on Monday 19<sup>th</sup> February 2024 via MS Teams**

Present Councillors: S Fielding and N Sanders.

Officers in attendance: J Krawczyk, J Mountain and L Thompson.

(Meeting opened at 4.03pm).

**60. Apologies**

There were no apologies for absence received.

**61. Declarations of Interest**

There were no declarations of interest by Members.

**62. Planning Applications**

<b>Ref. No.</b>	<b>Description</b>
23/00548/FUL	Retention of Fishing Lodge.  Laurels Farm House, Main Street, Milton.

Members were advised of an application, seeking permission to retain a fishing lodge in the garden of Laurels Farm House.

It was noted that planning permission was refused in 2019.

Plans were circulated to Members prior to the meeting.

The Parish Council have expressed support for the application on the grounds of it being an improvement to the area.

Two letters of support have been received citing the following:

- The lodge is only used by the family.
- No excessive noise has been generated.
- The lodge is built to a high standard and is moveable.
- Overall it is a positive enhancement to the area.

Officer is recommending a refusal of planning permission on the grounds of it being harmful to the character of the surrounding landscape and contrary to Policies DM4 and DM9 of the Bassetlaw Local Development Framework.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/01078/FUL New Two Storey Dwelling with Associated Access, Amenity and Landscaping.

Plot 2 Tangletrees, Main Street, Laneham, Retford.

Members were advised of an application seeking permission for a new two storey dwelling with associated access, amenity and landscaping.

The application was being referred to PCG as an elected Member had called the application into Planning Committee raising concerns of flood risk and impact on local heritage assets.

Plans were circulated to Members prior to the meeting.

The site in question has extant planning permission dating back to 1986 for two dwellings to be built in the garden of the existing detached dwelling.

The site lies within flood zones 2 and 3.

Conservation raised concerns regarding the detail of the dwelling and rendering of the porch structure.

No objections have been received from statutory consultees.

Officer advised Members of Bassetlaw's strong housing land supply at this moment in time, and recommended a refusal of planning permission on the grounds of flood risk and being contrary to policies outlined in the Local Development Framework.

Officer recommendation – Refuse planning permission.

Outcome following PCG – Refer for Officer Decision.

<b>Ref. No.</b>	<b>Description</b>
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23/00998/COU	Change of Use From Community Centre (Class F2) to Café (Class E).
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Community Centre, 64 Dadley Road, Carlton in Lindrick.

Members were advised of an application seeking to change the use of a community centre to a café.

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

Plans were circulated to Members prior to the meeting.

No objections have been received from statutory consultees.

Officer satisfied the change of use will be beneficial to the vibrancy of the residential surroundings and will offer a facility that will still serve the community.

Officer recommendation – Grant planning permission.

Outcome following PCG – Refer for Officer Decision.

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

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

(Meeting ended at 4:21pm).

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**Planning Committee**

**6<sup>th</sup> March 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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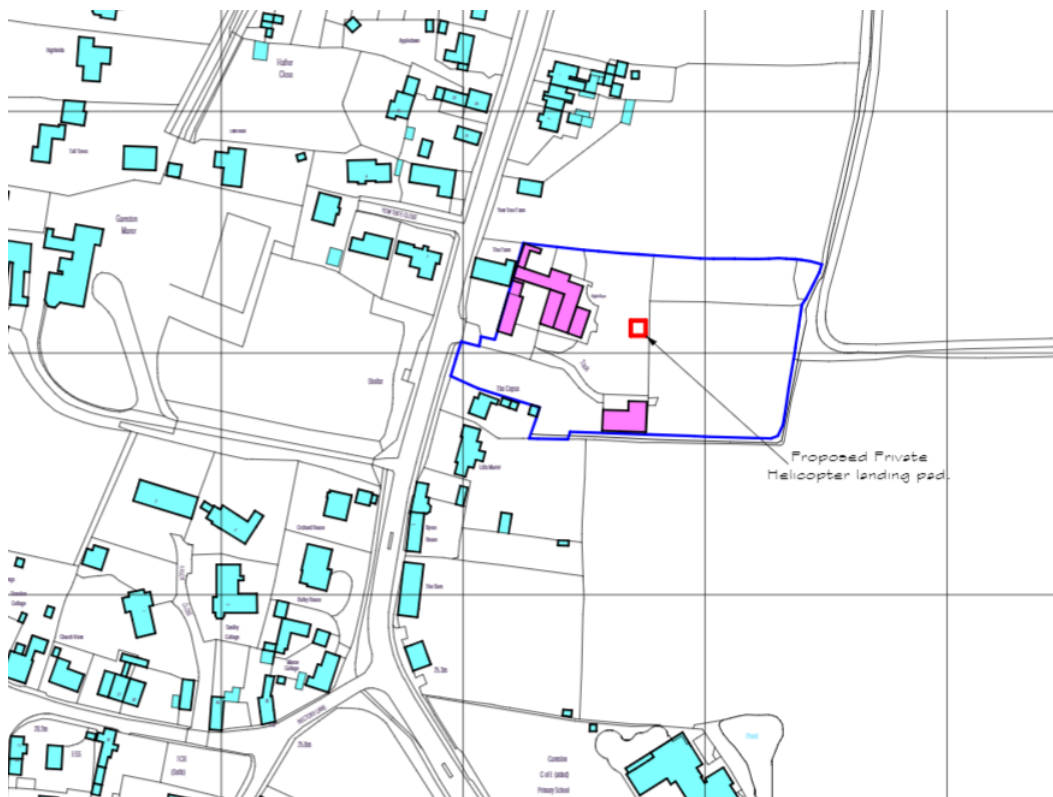
Item No: A1

<b>Application Ref.</b>	23/01313/CTP
<b>Application Type</b>	Certificate of Lawfulness - Proposed Development
<b>Site Address</b>	Apple Barn, Great North Road, Gamston.
<b>Proposal</b>	Lawful Development Certificate for the Creation of Hard Standing Area for the Landing and Take Off of a Personally Owned Helicopter.
<b>Case Officer</b>	John Krawczyk
<b>Recommendation</b>	Grant
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

**THE APPLICATION**

**SITE CONTEXT**

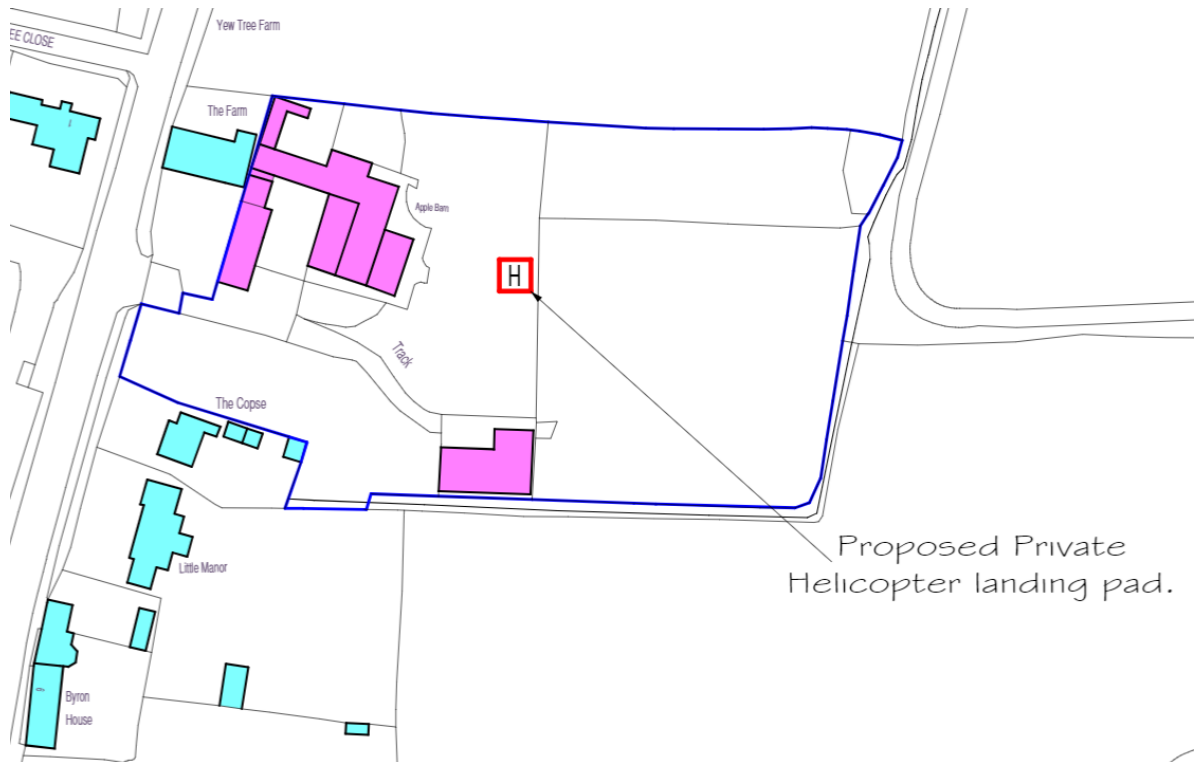
The application site comprises a parcel of land, laid to turf, equating to approximately 50sqm in area, situated approximately 16m to the east of the residential dwelling house, presently known as Apple Barn.



Apple Barn and the application site therein are located on the eastern side of Great North Road within the settlement of Gamston.

## PROPOSAL

This application seeks a Certificate of Lawfulness for Proposed Development comprising the provision of an area of hardstanding, equating to approximately 50sqm in area, for the landing and taking off of a helicopter.



## RELEVANT PLANNING HISTORY

23/00854/FUL - Removal of Existing Stable Block and Replace with a Temporary Building to Store Private Helicopter (Permission Sought for 24 Months, Existing Stable Base to be Re-Used for Storage Building)

## CONSULTATION & PUBLICITY

As stated under para. 008 of the Planning Practice Guidance Lawful Development Certificates:

*'There is no statutory requirement to consult third parties including parish councils or neighbours.'*

This application was not publicised, albeit the application is accessible to the public via the Bassetlaw District Council Public Access page. In response to which 20no public comments have been received, raising objections to the application. Those comments are summarised as follows:

- There are two other related applications, namely 23/00754/FUL and 23/00854/FUL;
- Granting consent for any of these applications would lead to a helicopter being able to operate 365 days a year from the site;
- Information submitted has been misleading and incorrect and should be regarded as invalid;
- The applications have exceeded the dates for determination;
- The other pending application should be considered alongside this application;
- Does not conform to the dimensions of a domestic helicopter landing site;
- Noise impact arising from use of helicopter;
- Health and safety risk posed to nearby school and dwellings;

- Development is not necessary given proximity to and availability of Gamston Airfield;
- The conservation area should be protected from inappropriate and damaging development;
- The onsite evidence contradicts claims that the site has been used as part of the garden for 30 years;
- Curtilage issues remain unproven;
- Inadequate evidence provided to support application;
- If the application is approved an application for a permanent hangar will follow.

Whilst the public comments are duly acknowledged, it is important to emphasise the following, as per paragraph 008 Planning Practice Guidance Lawful Development Certificates, which states:

*'Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.'*

In this instance it is acknowledged that the public comments refer to both the planning merits such as the perceived impact of the proposed operation; and, the lawfulness of the proposal.

### **APPLICABLE LEGISLATION AND GUIDANCE**

- Section 192 Town and Country Planning Act 1990 (as amended)
- Planning Practice Guidance Lawful Development Certificates (6 March 2014)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- Permitted development rights for householders Technical Guidance (September 2019)

### **MATTERS FOR CONSIDERATION**

As set out under para. 001(b) of Planning Practice Guidance Lawful Development Certificates, a Local Planning Authority can grant a certificate confirming that:

*'a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.'*

For the avoidance of any doubt, as stated under para. 009 of Planning Practice Guidance Lawful Development Certificates:

*'Planning merits are not relevant at any stage in this particular application or appeal process.'*

With the above in mind the matters for consideration are limited to whether the proposed operation (i.e. the provision of a hard surface incidental to the enjoyment of Apple Barn) would be lawful in planning terms.

### **ASSESSMENT**

Section 192 of the Town and Country Planning Act 1990 (as amended), sets out the basis upon which the proposed use of buildings or other land; or any operations proposed, may be lawful, stating, in part:

*'(1) If any person wishes to ascertain whether –*

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

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

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

Having regard to whether the proposed operation is lawful it is important to have regard to 1) the meaning of development; and, 2) compliance with the requirements of Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015.

For ease of reference these matters are addressed in turn below.

### **1) Meaning of Development – Section 55**

Having regard to the above it is important to note the meaning of development, as set out under section 55(1) of the Town and Country Planning Act 1990 (as amended), which states, in part:

*'development', means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.'*

It is considered reasonable to conclude that the provision of an area of hardstanding is a building operation and therefore amounts to 'development' to which Class F, as highlighted below, applies.

### **2) Incidental to the enjoyment of a dwelling house - Class F**

Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015 makes provision for hard surfaces incidental to the enjoyment of a dwellinghouse, stating:

*'Permitted development*

*F. Development consisting of—*

*(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or*

*(b) the replacement in whole or in part of such a surface.*

*Development not permitted*

*F.1 Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).*

*Conditions*

*F.2 Development is permitted by Class F subject to the condition that where—*

*(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and*

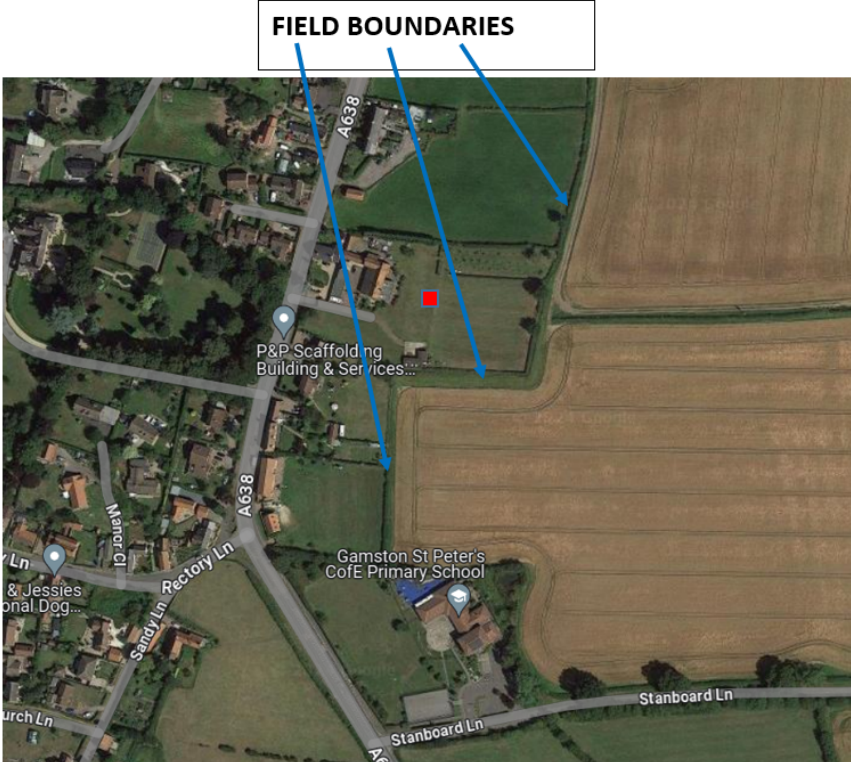
*(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,*

*either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.'*

Firstly, it is important to have regard to F(a) and the term '*within the curtilage of a dwellinghouse*'.

It must be acknowledged that there is no legal definition of curtilage. It is a matter of fact and degree. The term 'curtilage', it is normally defined as an area of land in relation to a building rather than a specific use of the land. It is considered that the land on which the building would be positioned is associated with the dwelling of Apple Barn.

In this instance the physical layout is such that the site of the proposed hard surface (highlighted red hatching below) is open to, adjacent to and in close proximity to the dwelling house; it appears in broad conformity with the easternmost extent of gardens to neighbouring residential dwellings and the school to the south, wherein the associated land use appears to extend up to the eastern field boundary (see extract of aerial image below); and, appears physically and visually distinct from the working agricultural landscape to the east, which is demarcated by the traditional field boundaries.



With regards to ownership and use of the land, it is understood that the applicant has been the owner/occupier of the land following the residential conversion of the redundant agricultural buildings, to which 'Apple Barn' now forms a part of, was permitted under the 1991 grant of planning permission (ref: 22/91/00007). The land to the east of the dwelling house to which the hard surface is proposed, comprises a parcel of land attached to the dwelling house, forming one enclosure with the dwelling house and containing, until very recently, a private stable block (to south of proposed hard surface) associated to the dwelling house.

The physical layout and association of the land with the dwelling Apple Barn is such that it is considered to form part of the curtilage of the dwelling house.

Returning to F(a) and the '*purpose incidental to the enjoyment of the dwelling house*'. In much the same way as the applicant may use a private car, driving to and from the dwelling house, for purposes incidental to the enjoyment of the dwelling house, the applicant may use their private helicopter in much the same way. Indeed, it must be noted, that irrespective of the provision of a hard surface, the taking off and landing of a private helicopter, incidental to the enjoyment of the dwelling house, may be undertaken without planning permission as it is associated to the authorised residential land use.

With the above in mind, section F(a) would apply in this instance, namely '*the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such*'.

Section F(b) is not applicable as the proposal does not relate to '*the replacement in whole or in part of such a surface*'.

Having regard to F.1 and where *development is not permitted* – permission to use Apple Barn as a dwellinghouse was **not** granted by way of a change of use under Class M, N, P or Q of Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such F.1 does not apply in this instance.

Turning to the *Conditions* set out under F.2.

The hard surface would not be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway. As such the use of porous materials, or to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse, is not applicable.

The proposal is therefore compliant with the requirements of Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015.

## **CONCLUSION**

The concerns expressed by the local community in regards to the perceived impact of the development are duly noted. However, the nature of this submission (i.e. seeking a Lawful Development Certificate) is such that the matters for consideration are limited solely to whether the proposed operation (i.e. the provision of a hard surface incidental to the enjoyment of Apple Barn) would be lawful.

As set out above, the proposed operation amounts to development, to which provision is made under Schedule 2 Part 1 Class F of The Town and Country Planning (General Permitted Development) (England) Order 2015. In turn, the proposal is compliant with the requirements of the above and is therefore deemed to be lawful.



**RECOMMENDATION:**

- 1) Grant Certificate of Lawful Development for the Creation of Hard Standing Area for the Landing and Take Off of a Personally Owned Helicopter

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Item No: A2

<b>Application Ref.</b>	23/00854/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Apple Barn, Great North Road, Gamston .
<b>Proposal</b>	Removal of Existing Stable Block and Replace with a Temporary Building to Store Private Helicopter (Permission Sought for 24 Months, Existing Stable Base to be Re-Used for Storage Building)
<b>Case Officer</b>	John Krawczyk
<b>Recommendation</b>	GTD - Grant
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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## **THE APPLICATION**

### **SITE CONTEXT**

Apple Barn and the application site therein are located on the eastern side of Great North Road within the settlement of Gamston.

Apple Barn is a mid-late 19th century barn range which was part of a wider farmstead, located along the eastern aspect of the Great North Road which runs through the village of Gamston. The site is located within the Gamston conservation area and is itself regarded as a building which positively contributes to the character and appearance of the conservation area. The site is within the setting of a range of other buildings which make a positive contribution to the Gamston conservation area.

### **PROPOSAL**

This application proposes the erection of a temporary store building which is to be sited on the location of a modern timber stable block that has been recently demolished.

The proposed building would have a pitched roof and would measure 14m in length, 7m in width and 6m in height to the ridge of the roof. The building would be finished externally with profiled metal sheeting of a dark green colour. The applicant has stated that the building would be used to store a helicopter that is in use as a private vehicle.

### **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 sections of the framework are applicable to this development:

Section 4 – Decision Making

Section 12 – Achieving well-designed and beautiful places

Section 15 – Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

### **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

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

- CS1 - Settlement hierarchy
- CS8 - Rural Service Centres
- DM4 - Design & Character
- DM8 – The Historic Environment
- DM9 c) – Landscape Character
- DM12 - Flood risk, sewage and drainage

### **RELEVANT PLANNING HISTORY**

23/01313/CTP - Lawful Development Certificate for the Creation of Hard Standing Area for the Landing and Take Off of a Personally Owned Helicopter.

## **SUMMARY OF CONSULTATION RESPONSES**

### **Bassetlaw District Council Conservation**

Conservation considers the proposed scheme to be one which at least preserves the character and appearance of the Gamston Conservation Area.

### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and 23 letters of objection have been received raising the following points:

- Noise and vibration generated by the helicopter would be detrimental to residential amenity
- There has not been any noise assessment provided with the application
- In appropriate development within an area that is largely residential and within a Conservation Area
- The report of Bassetlaw Conservation is unreliable as the building will be visible from the surrounding area
- The building is higher, larger and more intrusive than the stable block
- The building would be the size of a bungalow
- Potential light pollution that would be to the detriment of nearby residents
- There is more appropriate storage available at the nearby Gamston Airport
- It would be safer to store the helicopter at an airfield
- Danger to surrounding residents and school from helicopter movements
- It is not acceptable for one person to have a private facility that would have a detrimental impact upon education and safety
- Concerns regarding devaluation of properties
- There are no benefits to existing residents or the surrounding community
- It isn't clear whether the application proposes a temporary building or temporary storage
- No explanation as to why the permission applied for is temporary
- Did the stable block require planning permission, is it on agricultural land?
- Planning permission is required to fly a helicopter from land for more than 28 days per year
- Properties in Gamston have been compensated by the Coal Board for previous damage, no Coal Mining Risk Assessment has been submitted within the application
- The stable block has now been demolished without permission
- There was no testing of the roof of the stable block for asbestos

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Extensions and alterations to existing properties are generally considered to be acceptable in principle subject to compliance with relevant policies in the development plan and other material considerations. Policy DM4 of the Bassetlaw Core Strategy requires that policies for householder development are well designed, are in keeping with the character of the area and of an appropriate scale.

Policy DM8 states that proposed development affecting heritage assets, including alterations and extensions that are of an inappropriate scale, design or material, or which lead to the loss of important spaces, including infilling, will not be supported.

The main issues for consideration in the determination of this application are the impact of the proposal upon the character and appearance of the surrounding area, the impact upon heritage assets and the impact upon the residential amenity enjoyed by the occupiers of neighbouring dwellings.

## **USE**

Several objectors have raised concerns that the granting of planning permission for the storage building would have the effect of granting permission to fly a helicopter to and from the site in excess of 28 days per year as detailed with the guidance of the Civil Aviation Authority (CAA). The CAA's CAP 793 'Safe Operating Practices at Unlicensed Aerodromes states 'If the aerodrome is to be used for more than 28 days in a calendar year (and this might be expected for flying training operations) it is likely that specific planning permission will be required.'

This guidance relates to Class B of Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which permits the temporary use of land for 28 days within a calendar year without having to apply for planning permission. However, this application does not propose a change of use and seeks planning permission for a temporary building for a use incidental to the enjoyment of the existing dwelling house.

It has been established within Case Law that the stationing and use of a private helicopter within the curtilage of a dwellinghouse with a large curtilage may be an ancillary use to that of a dwelling house, and in these circumstances any building to house a helicopter could be permitted development provided the relevant criteria relating to size and positioning are met. This issue was raised in Brentwood 18/02/1993 where planning enforcement action was taken to remove a helicopter hanger. It was accepted that the site of the hanger was not within the curtilage of the appellant's dwelling, rather on adjacent paddock land. However, it was argued that if the offending building were moved to a position conclusively within the dwelling curtilage, where there was adequate room, it would be permitted development. The Planning Inspector was reminded of the DoE consultation paper on Temporary Uses of Land issued in August 1992 where it was stated that a helicopter taking off and landing from the garden of a house might be incidental to the enjoyment of that house. If that applied a hanger building with a maximum ridge height of 4m would be Part E permitted development.

Concerns have been raised regarding whether the stable block ever had planning permission and whether the proposed building is proposed to be positioned on agricultural land. The stable block had clearly be in situ for a period exceeding 4 years and would therefore have become lawful by virtue of Section 171B of the Town and Country Planning Act 1990. The land in question is not within agricultural use and is considered to be part of the residential curtilage of Apple Barn. Whilst there is no statutory definition of the term 'curtilage', it is normally defined as an area of land in relation to a building rather than a specific use of the land. It is considered that the land on which the building would be positioned is associated with the dwelling of Apple Barn.

The proposal to erect a temporary to store a helicopter for private use is therefore not considered to be a material change of use of the land and the building should be considered having regard to the material planning considerations described above.

## **DESIGN, LAYOUT & VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 131 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

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

Concern has been raised that the proposed building is much larger than the previous stable block and has an excessively industrial appearance and is the scale of a bungalow.

Policy DM9 c) states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment.

The site lies within Sherwood Policy Zone 55: Gamston where the landscape condition is considered to be good. In terms of built features the policy recommends;

- Conserve the sparsely settled and rural character of the landscape by concentrating new small scale development around Gamston and Eaton.
- Conserve the character and setting of Gamston, Eaton, White Houses and Markham Moor – new development should respect the scale, design and materials used traditionally in the settlements.
- Contain new development within existing field boundaries.
- Conserve the traditional architectural style of red brick construction.

The site lies to the east of Great North Road and the area is characterised by its semi-rural nature with the existing dwellings and buildings being loosely-knit and generally positioned in generous plots. Open countryside lies to the east of the site with an established farm further north. It is not considered that the building proposed would be harmful within this context and would be generally in keeping with the character of the surrounding area. The proposed building is functional in design and appearance and is considered to be comparable to a purpose-built agricultural building but of a much smaller scale. The building would be

positioned adjacent to an existing hedgerow that marks the boundary of the field to the south which would soften the impact of the building within the wider landscape setting.

It is considered that the development proposed would comply with the recommendations set out within the Bassetlaw Landscape Character Assessment and would therefore conserve the surrounding landscape character in compliance with Policies DM4 and DM9 and the guidance contained within the NPPF.

## **THE IMPACT UPON HERITAGE ASSETS**

As previously described, Apple Barn is a mid-late 19th century barn range which was part of a wider farmstead, located along the eastern aspect of the Great North Road which runs through the village of Gamston. The site is located within the Gamston conservation area (Designated: 31st January 1984) and is itself regarded as a building which positively contributes to the character and appearance of the conservation area. The site is within the setting of a range of other buildings which make a positive contribution to the Gamston conservation area.

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

Para 201 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised. Paragraph 205 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Several objections have been received raising concerns that the building proposed is not appropriate having regard to the setting of the Conservation Area and would result in harm to the setting of heritage assets. The Council's Conservation Team consider that the proposal at least preserves the character and appearance of the Gamston Conservation Area and have not raised any objections to the proposal.

There is little in the way intervisibility between the location of the proposed outbuilding and the adjacent public thoroughfare, due primarily to the substantial boundary treatments which border the site and the differential land levels between the site and Great North Road. The proposed building would also be set well back from the adjacent thoroughfare, which would



further reduce the outbuildings visual prominence within the context of the Gamston Conservation Area.

It is acknowledged that the proposed storage building has a somewhat industrial appearance, at least in comparison to the existing stable range. However, the form, design and materiality of the outbuilding are reminiscent of modern ancillary agricultural buildings, the type of which one would expect to find in rural agrarian settlements such as Gamston.

It is therefore considered that the proposed storage building would preserve the character of the surrounding Conservation Area and is therefore in accordance with Policy DM8 and the guidance contained within the NPPF.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF.

Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Concern has been raised regarding the impact of the proposal upon the residential amenity by occupiers of neighbouring dwellings, particularly in terms of noise and vibration that would be generated by any movements from the helicopter. Concern has also been raised that a noise assessment has not been submitted with the application. As previously described, the use of the building proposed would be incidental to the existing residential use of the site. Whilst it is relatively uncommon for an individual to use a helicopter as private vehicle the applicant is able to land and park the helicopter at the site without requiring planning permission and it would therefore be unreasonable to refuse planning permission on the grounds of noise and disturbance.

In terms of the physical impact of the building proposed, it is not considered that it would result in overshadowing or loss of light to the occupiers of nearby dwellings. The nearest dwelling 'The Copse' is positioned approximately 48m to the west of the proposed building and this distance of separation would ensure that the building proposed would not result in any overshadowing or loss of outlook to the occupiers of this dwelling.

Some concern has been raised regarding the impact of any additional lighting that may be installed to the building. Whilst no details of proposed lighting have been submitted it is considered that a condition requiring full details of any proposed lighting should be submitted and approved prior to its installation. This would ensure that neighbouring occupiers would not experience any detriment from inappropriate lighting on the building.

It is therefore considered that the proposal would have an acceptable impact upon the residential amenity enjoyed by nearby occupiers and is therefore in accordance with Policy DM4 and the guidance contained within the NPPF.

## **OTHER MATTERS**

Concern has been raised that the stable block has been demolished prior to planning permission being granted. Whilst the demolition of this building would have required planning permission by virtue of its size and being within a Conservation Area it is considered that it is not expedient to take enforcement action as the stable block did not have any historic interest and planning permission for its removal would likely receive a positive recommendation. Furthermore, the applicant provided information that the building was in a poor state of repair and was removed for safety reasons.

Concerns relating to the safety of the movement of the helicopter is noted but as this application does not propose a material change of use this is not considered to be a consideration material to the determination of this application. The pilot of the helicopter is required to have the appropriate licence to ensure the aircraft is used in a safe responsible manner.

Any concerns regarding the devaluation of property is not a material planning consideration. It is acknowledged that this proposal does not provide any benefits to the wider community but the application must be determined having regard to the material considerations relevant to the application.

Concern has been raised that Gamston has been affected by previous coal mining activities at Bevercotes Colliery with many properties being previously compensated and a Coal Mining Risk Report should have been submitted with the application. The site does not lie within a Development High Risk Area and therefore a risk assessment or the input of the Coal Authority is not required.

Queries have been raised regarding the fact the applicant has applied for a temporary planning permission for the building proposed. This is obviously a decision that has been taken by the applicant and this application has to be considered on its own merits.

## **CONCLUSION/PLANNING BALANCE**

It is proposed to erect a storage building for a private helicopter at Apple Barn, Great North Road, Gamston. The building would be positioned to the rear of the dwelling and would have a functional form, being finished with profiled metal sheeting of a dark green colour.

The proposal by virtue of the scale, design and appearance is not considered to be harmful to the landscape setting, would preserve the character of Gamston Conservation Area and is considered to not have an unacceptable impact upon the living conditions of the occupiers of neighbouring dwellings.

The scheme is considered to be in compliance with the requirements of Policies DM4, DM8 and DM9 c) of the Bassetlaw Core Strategy and the guidance contained within Parts 12, 15 and 16 of the NPPF and it is therefore recommended that planning permission is granted.

## **RECOMMENDATION:**

Grant planning permission subject to conditions

## **CONDITIONS/REASONS:**

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 7<sup>th</sup> March 2026 in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

Reason: The applicant has requested a temporary permission in this instance

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

- Site Location Plan, Drawing No. 23-01A, received 2<sup>nd</sup> October 2023
- Proposed Block Plan, Drawing No. 23-03A, received 2<sup>nd</sup> October 2023
- Building as Proposed, Drawing No. 23-04A, received 2<sup>nd</sup> October 2023

Reason: For the avoidance of doubt

3. The facing materials to be used in the development hereby permitted shall only be as stated in the application, unless otherwise agreed in writing with the Local Planning Authority before development commences. In that event, the development shall be carried out only in accordance with the agreed details.

Reason: To ensure the satisfactory appearance of the completed development.

4. Prior to any lighting being erected within the site, full details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the residential amenity of the occupiers of nearby dwellings.

5. The building to which this planning permission relates shall not be used for any purpose other than for purposes ancillary to the residential use of the existing dwelling Apple Barn, Great North Road, Gamston.

Reason: To ensure that the Local Planning Authority can properly consider the potential use of the building for any purpose in relation to the relevant planning considerations.

## NOTES

1. Bassetlaw District Council has an adopted Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at

[www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy](http://www.bassetlaw.gov.uk/everything-else/planning-building/community-infrastructure-levy)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres. If this is permission for a residential dwelling this minor exemption does not apply and development will be CIL Liable.

Item No: A3

<b>Application Ref.</b>	23/00946/OUT
<b>Application Type</b>	Outline Planning Permission
<b>Site Address</b>	Land North of Ollerton Road, Tuxford.
<b>Proposal</b>	Outline Application with Some Matters Reserved (Access) for Proposed Commercial Development of Existing Agricultural Land (Re submission of 22/00821/OUT)
<b>Case Officer</b>	James Mountain
<b>Recommendation</b>	Refuse
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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## **THE APPLICATION**

### **SITE CONTEXT**

The application site is a parcel of Grade 2 & 3a agricultural land which fronts onto the north side of Ollerton Road, Tuxford. The land in question is an agricultural field to the south-west of the established Walker Industrial Estate. The industrial estate falls outside of the Tuxford development boundary in the open countryside and is one of two major employment sites within the Tuxford Neighbourhood Plan area. The topography of the land descends to the north of the site and is elevated towards the west and south boundaries.

The site is adjacent to a football pitch and yard area to the east, which are under the applicants ownership. The industrial estate was also extended further east of the application site in 2018 which appears to be used for open storage and car parking.

### **PROPOSAL**

The application is a re-submission for outline planning permission to extend the industrial site following refusal at committee in January 2023.

The previous reasons for refusal were as follows:

- 1) *Policy DM1 of the Bassetlaw Local Development Framework states proposals for economic development in rural areas will be supported where they can demonstrate, amongst other criteria, that the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses*

*Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, that respects its wider surroundings in relation to forms, density and landscape character.*

*Policy DM9 of the Bassetlaw Local Development Framework states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.*

*Paragraph 130 of the NPPF also states that development should be sympathetic to local character including the surrounding built environment and landscape setting.*

*The site in question is identified in the Bassetlaw Landscape Character Assessment as Mid Nottinghamshire Farmlands. The landscape policy for this area seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.*

*The proposed development will be a sprawling industrial character which extends from the existing industrial estate from the north and will occupy a prominent position, eroding the visual break between the industrial site to the north and the highway. Consequently, the landscape character will be adversely impacted by the loss of this open field. It is not considered possible to adequately mitigate the impact with landscaping or design as the development will be highly visible due to its visibility from Ollerton Road. As such, the development would result in the loss of open, rural character which would result in unacceptable harm to the landscape and conflict with the recommendations in the Landscape Character Assessment.*

*Accordingly such development would conflict with the policies and guidance outlined above.*

- 2) *Paragraph 174(b) of the NPPF states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.*

*The proposal would result in the loss of 6.15 hectares of grade 2 agricultural land. There is considered to be insufficient evidence to justify the loss of agricultural land and the development would not be sensitive to the surrounding rural character. The proposal would therefore fail to accord with the guidance set out in paragraph 174(b) of the NPPF.*

The applicant has sought to reduce the site area for proposed expansion by pulling the development in from the southern and western boundaries. The plans submitted indicate the creation of a new hedge belt around the development, grading of the land to create banking and the creation of 3-4 commercial units with a floor area of approximately 4,500sqm. Open storage is proposed on the southern element of the site, however the site composition is subject to change at reserved matters stage. The proposed units would be for use classes B8 Storage and Distribution and E(g) which includes offices, research and development, or any industrial process. The access is proposed as part of the outline permission however all other matters (appearance, layout, scale and landscaping) will be determined at reserved matters

stage, should outline permission be granted. The retained land to the front and side of the site is indicated to remain in agricultural use. No clarification has been provided relating to the total number of new jobs that the expansion could provide.

The application is supported by:

- Planning statement
- Transport statement with travel plan
- Flood risk assessment
- Ecological assessment
- Agricultural land classification report and
- Landscape and visual impact assessment

Proposed site plan:

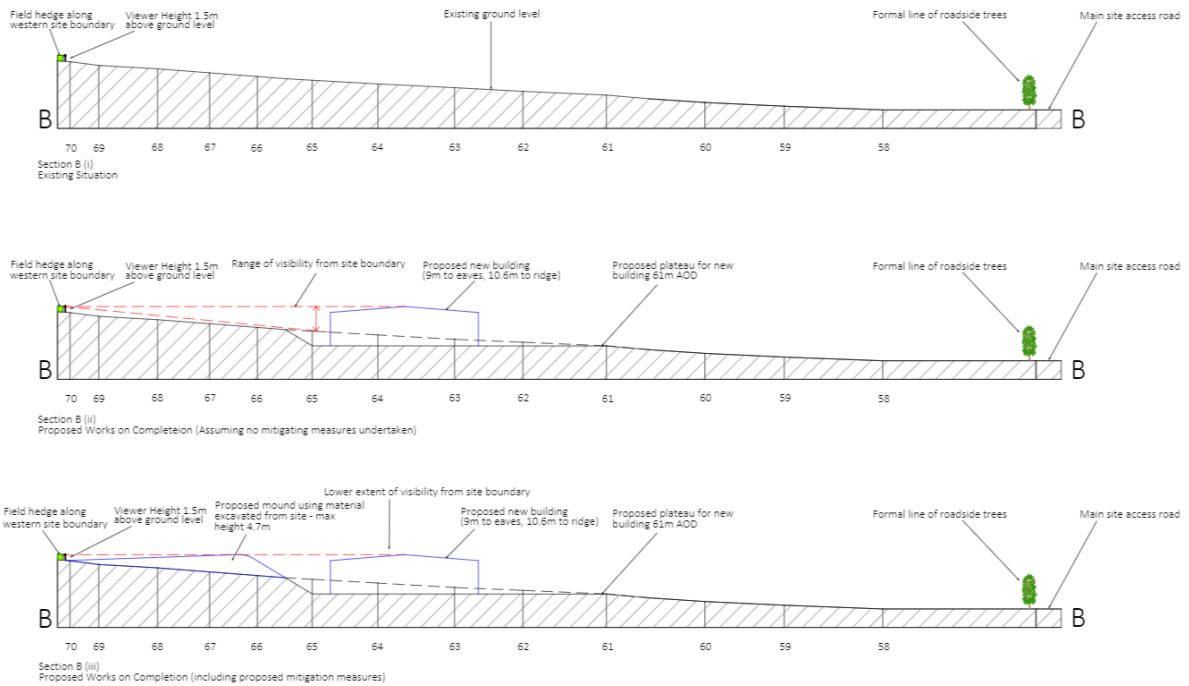


Refused site plan:



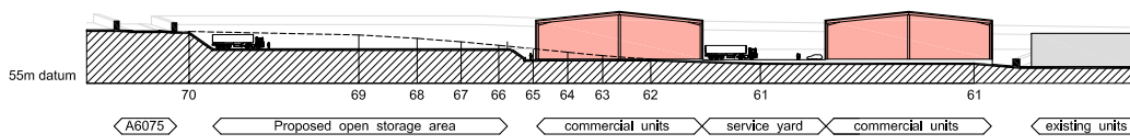
PROPOSED CHANGE OF USE, OLLERT

Proposed section from Ollerton Road:





Refused section from Ollerton Road:



**B - B**

## **DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS**

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

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

### **Environmental Impact Assessment Regulations 2011**

When applications are submitted for consideration the Local Planning Authority has a duty to determine whether they would constitute Environmental Impact Assessment (EIA) development. The Officer has completed a screening opinion for the proposed development.

The proposed use within a general industrial estate is considered to be Schedule 2 development as the site area exceeds 0.5ha. The indicative criteria for a development of this kind that requires an EIA is 20ha which is considerably larger than the application site area of 3.8ha. An EIA is therefore not required.

The screening opinion determined that the main environmental effects of this development are likely to relate to highways, ecology and environmental health considerations which can be assessed and mitigation proposed as part of the planning application. In terms of landscape whilst it is accepted that the development is large scale the landscape in this area is defined as being of relatively low value.

### **NATIONAL PLANNING POLICY FRAMEWORK**

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

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

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

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

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

Section 2 – Achieving sustainable development

Section 4 – Decision making

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9 – Promoting sustainable transport

Section 11 – Making effective use of land

Section 12 – Achieving well designed and beautiful places

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

Section 15 – Conserving and enhancing the natural environment

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

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

- CS1 - Settlement hierarchy
- CS6 - Tuxford
- DM1 – Economic Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

### **Bassetlaw Draft Local Plan 2020-2038 – Emerging Policy**

The Emerging Local Plan is awaiting the outcome of examination. As such, the policies in this plan are given limited weight in the decision making process. The relevant emerging policies are as follows:

ST1 – Bassetlaw Spatial Strategy

ST7 – Land for Economic Development

ST10 – Existing Employment Sites

ST11 – Rural Economic Growth and Economic Growth Outside Employment Areas

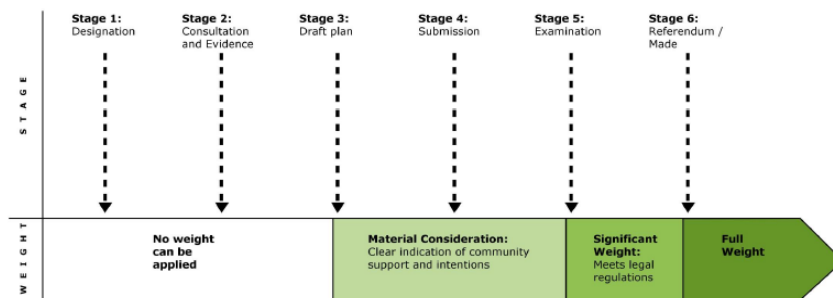
ST35 – Design quality Policy

- ST37 – Landscape Character
- ST40 – Biodiversity and Geodiversity Policy
- ST41 – Trees, Woodlands and Hedgerows Policy
- ST44 – Promoting healthy, active lifestyles
- 48 – Protecting amenity
- 49 – Contaminated and unstable land
- ST50 – Reducing carbon emissions, climate change, mitigation and adaption
- ST52 – Flood Risk and drainage
- ST53 – Protecting Water Quality
- ST55 – Promoting sustainable transport and active travel
- ST58 – Provision and Delivery of Infrastructure

**NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)**

The chart below shows the weight to be given to the Neighbourhood Plan set against the stage of the plan-making process. Tuxford is a made Neighbourhood Plan area and was adopted in 2016. It can therefore be accorded full weight. The relevant policies are:

- Policy 1: Sustainable Development
- Policy 2: Pre-application Community Consultation
- Policy 3: Design Principles for New Development
- Policy 13 – Land south of Breck Lane, Mattersey Thorpe



**OTHER RELEVANT GUIDANCE**

- Successful Places SPD
- Bassetlaw Residential Parking Standards
- Nottinghamshire County Council Highway Design Guide
- National Model Design Code
- National Planning Policy Guidance
- Manual for Streets
- Bassetlaw Employment Land Review

**RELEVANT PLANNING HISTORY**

There are a number of historic permissions associated with this site. The most recent was for development not dissimilar to that which is the subject of this application:

22/00821/OUT - Outline Application with Some Matters Reserved (Access) for Proposed Commercial Development of Existing Agricultural Land; refused at committee January 2023.

18/00469/FUL – Change of use to land east of the existing industrial estate (forming part of the wider Walker Industrial Estate) from agricultural land to open storage land – permission granted.

Finally on the site immediately west for the erection of a wind turbine in 2014. This was granted at appeal under reference 14/00010/S36.

## **SUMMARY OF CONSULTATION RESPONSES**

### **Nottinghamshire County Council Highway Development Management**

No objections; the development would be unlikely to have a severe impact at the junction subject to conditions.

### **Nottinghamshire County Council Planning Policy**

Their comments are summarised as follows:

- No objections from a minerals perspective.
- No objections from a waste perspective.
- Requests £100,000 towards bus service improvements.
- Request for provision of 2 bus stops outside of the site.
- Requests conditions in respect of free introductory bus pass provision as part of the travel plan.

### **Nottinghamshire County Council Lead Local Flood Agency (LLFA)**

No objections subject to conditions for submission of a detailed surface water drainage strategy.

### **Bassetlaw District Council Conservation**

No objections; the development will preserve the character of the Tuxford Conservation Area.

### **Bassetlaw District Council Environmental Health**

No comments received but comments made on previous application:

No objections; recommended conditions to safeguard air quality and to ensure the land is free from contamination.

### **Lincolnshire County Council Archaeology**

The site lies in an area of high archaeological potential associated with Neolithic activity. The proposal to develop the site for commercial buildings will have a significant negative effect on any surviving archaeological remains. Any grant of planning permission will require a condition for archaeological investigation and mitigation if remains are found.

### **Environment Agency**

The site is within FZ1 and therefore we have no fluvial flood risk concerns

### **Tuxford Town Council**

Support this planning application, with the following observation: consideration to reflect pre-existing and future plans of housing growth to bring employment opportunities and impact of additional HGV movements in the town centre and conservation area should be addressed.

### **Nottinghamshire Wildlife Trust**

No objections; the survey methodologies employed are to a satisfactory standard and we agree with the resulting conclusions and recommendations in relation to protected species and future mitigation.

### **Newark and Sherwood District Council**

No objections.

### **EDF Energy**

No response.

### **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice. 1 letter of support received:

#### **Councillor Rutherford:**

'I fully back the application as it will help create much needed jobs in Tuxford and future investment opportunities for Tuxford.

As Tuxford grows vastly we need more vital jobs for vast amount of school leavers and much needed new apprenticeships.

Since the demise of the coal industry and the closure of Doscoc's hundreds of jobs have been lost, Walkers have sought to bring new employment to the site.

The site is already well screened and additional planting will help reduce views and benefit wildlife.

The site was reviewed as part of the neighbourhood plan assessment and Walkers congratulated on the job that they are doing, particularly through re-use of existing buildings on the site and generating their own energy with the wind turbine.

The new units are needed by existing companies that have run out of space and we should be backing the development, particularly in the current economic climate when more jobs are needed.

## **CONSIDERATION OF PLANNING ISSUES**

### **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the NPPF is clear that the starting point when assessing the principle of development is the development plan. The Bassetlaw Development Plan comprises the Bassetlaw Core Strategy 2011 and the Tuxford Neighbourhood Plan which was made in 2016 and is currently undergoing review.

Policy CS1 of the Core Strategy shows that there is a settlement hierarchy in which development should be directed within the district. The site falls out of any settlement boundary as defined by Policy CS1. Policy DM1 is therefore engaged which considers economic development in the open countryside. Policy DM1 states that economic development in the countryside will be supported where certain criteria are met.

In relation to the supply of employment land, the NPPF requires Councils to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth. Policy CS9 regarding all other settlements states that proposals will be supported which deliver rural employment opportunities. Given there is not a Site Allocations DPD it is considered that there is currently no clear strategy for the delivery of economic development and growth within the District.

Policy DM1 states that standalone economic development in the countryside will be supported where they minimise their impact on the landscape, there are no other suitable sites, they are viable as a long-term business, are of an appropriate design, and will not exacerbate environmental or highway safety problems. Policy DM7 adds that support will be given to proposal which contribute to opportunities for growth of businesses which are indigenous to the locality. In this case, the proposed extension is deemed viable subject to other material considerations, as it would adjoin a well-established industrial park which has a range of businesses in continued operation.

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 225 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 does not have any new site allocations within it. The Core Strategy was written on the basis that it would be followed by a Site Allocations DPD which would allocate sites for development outside of the defined Development Boundaries. To that end policy CS1 clearly states that the restriction of development outside the Development Boundaries would be applied “until the adoption of the Site allocations DPD” whilst Footnote 1 states with regard to the Development Boundaries defined on the Proposals Map that “these are interim boundaries and will be revised during the development of the Site Allocations DPD”. The Site Allocations DPD was not progressed and therefore the Local Development Framework does not provide a continuous growth strategy for the district. It is considered that this approach is now out of step with that identified in the NPPF and the weight given to policy CS1, CS2 and by association Policy DM1 has to be reduced.

The Emerging Bassetlaw Local Plan does contain policies in regards to employment land, however at the time of writing the new plan is awaiting the outcome of examination so its policies cannot be given any significant weight.

Walkers Industrial Estate is referenced within the Tuxford Neighbourhood Plan, which is the most recently made development plan. However, it is more than 2 years old and does not include site allocations and so is given limited weight. Nevertheless, it is noted that Policy 1 of the Neighbourhood Plan states that development that leads to economic, social and environmental benefits is encouraged. The plan also regards the Walkers Industrial Estate as one of two primary employment sites within the area and encourages the sensitive expansion of the Ollerton Road Site provided any proposals are appropriate to surrounding uses and the rural setting of the site.

Whilst the proposal is consistent, in principle, with Policy DM1 and the Neighbourhood Plan, there is no site allocation DPD contained within the Core Strategy and accordingly part d) of paragraph 11 of the NPPF is engaged as policies CS1 and CS9 are considered to carry limited weight in the decision making process. This scheme must be considered under the tilted 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.

The following material considerations are relevant.

### **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.

Further commercial development in this location will make a positive contribution to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site and the on-going contribution to the local economy both in terms of employment and ongoing trade operations as result of the development. It also has the potential to provide new jobs within close proximity to Tuxford, minimising the need for people to travel if they were employed close to home. However, it is noted that due to the rural location of Ollerton Road some 1.5km from Tuxford village, travel to the site is likely to be predominantly reliant on private vehicles. This matter be explored in more depth later in this report.

The application proposes a range of B2, B8 and E(g) land uses (general industry; storage and distribution; offices, research and development or light industry). As there is no end user identified at outline planning stage, the composition of these uses has not been determined and so commentary on the sustainability of types of jobs and quantum of jobs that the development could provide are not available.

The Bassetlaw Housing and Economic Development Needs Assessment Addendum 2022 identifies an employment need for 2020-2038 of **196.7 hectares**. Between 2018-2020 3.5 hectares of land was developed at the General and Larger Unit Employment Sites. This leaves a residual employment need of 193.2ha for the plan period. At 31 March 2023, 40.3 hectares of employment land had been completed on the General and Larger Unit Employment Sites,, whilst 163.7hectares has planning permission for B Class employment. The existing supply therefore fully meets the employment need over the plan period and as such the weight given to the benefit of delivering further employment development is lessened within the planning balance.

It is noted that the 2022 Bassetlaw Land Availability Assessment (LAA) forms part of the evidence base of the emerging local plan. Whilst no significant weight is given to the plan, the LAA identifies that there is no additional capacity within the existing Walkers site.

In regard to environmental sustainability, it should also be acknowledged that permitting this development would remove a field of mixed Grade 2 and 3a ( best and most versatile) agricultural land and could also pose harm to any biodiversity which exists on the greenfield site. Any grant of permission would therefore need to ensure the development fully mitigates any impacts to the environment.



## **LANDSCAPE CHARACTER**

Paragraph 180b of the NPPF states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Core Strategy Policy DM1 requires that proposals for economic development in the countryside are located and designed to minimise their impact upon the character and appearance of the countryside. The proposal must be compatible with its location and setting.

The site is located within the Mid Nottinghamshire Farmlands Landscape Character Area. Landscape Policy Zone 11 notes that there are sparse clusters of commercial development outside of Tuxford. It also notes that the landscape condition is good and with fields delineated by well-maintained hedgerows. The landscape policy seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.

The proposed development site extends to approximately 3.7ha with the field as existing being approximately 6.75ha. The site is located within the countryside with the established industrial estate wrapping round the site to the north and east. The previous application indicated that the field in question is Grade 2 agricultural land, which is regarded as the best and most versatile agricultural land (BMV land). The current application has been supported by a land classification report which indicates that the site is actually made up of a mix of grade 2 (very good quality) 38% and 3a (good quality) 62%. The submitted planning statement indicates that the majority of the development site is not categorised as higher grade land and that the loss of a small area of agricultural land is outweighed by the benefits of supporting existing and new employment. Whilst acknowledging that the overall site area is smaller than that previously considered, based on the plan below it would appear that the proposed development site would result in most if not all of the existing grade 2 land being lost, with the land to remain in agricultural use being Grade 3a.



The NPPF notes that where development of agricultural land is necessary, areas of poorer quality of land should be preferred to those of higher quality. Case law has established that some limited loss of BMV land may be acceptable if there is a sufficient supply of agricultural land retained and if any loss of such land would deliver significant benefits which would outweigh the loss. This matter will be considered as part of the planning balance.

The applicant has sought to address previous concerns regarding the expansion of the industrial estate into open countryside by setting the development back from the road, introducing new planting and undertaking grading works in an attempt to reduce the visual impact of the development. It is unfortunate for the applicant that by setting the development back from the road they are also losing the higher quality agricultural land on the site.

The applicants landscape impact assessment considers that *'the impact during construction is identified as moderate adverse for road users. The impact on landscape character for most landscape factors on completion of the development would be beneficial due to the enhancement of the visual buffer between the industrial estate and the public road together with the change in character of the retained land along the western and southern boundaries'*.

The existing established industrial estate is set well back from the road and therefore somewhat concealed from landscape vantage points with only tops of the buildings partially visible as you travel along Ollerton Road. The extension to the commercial park granted under reference 18/00469/FUL brought development, closer to Ollerton Road, albeit set down at a lower level. The uses on this land appear to be limited to container storage and parking. Despite the lower level of the land, it is considered that this development is considered to have a negative impact on the landscape and so raises concerns regarding the further sprawl of industrial development towards Ollerton Road.

Notwithstanding the revisions undertaken and the submitted sections and landscape impact assessment, the proposed development of the site would it is considered still result in a degree of harm to the rural character of the site. Introduction of additional planting within the existing field, in addition to alterations to the topography of the field in an attempt to reduce visual impact are considered to result in an erosion of the existing rural character of the site in particular when travelling east along Ollerton Road towards Tuxford. Notwithstanding the supporting information received it is considered that any development on the field in question will stand prominently within the landscape character. Whilst noting the proposed retention of 60m of agricultural land to the front of the site, beyond that is proposed open storage which like the eastern element of the site could result in materials being stacked vertically which could be prominent and incongruous within the surrounding landscape. The development granted by 18/00469/FUL is highly visible despite landscaping and earthworks detailed during the application intended to screen the development. Whilst conditions could be imposed restricting the height of any external storage, this is not considered sufficient to overcome the visual harm arising from the loss of this agricultural field and its use for industrial expansion.

Overall it is considered that development of this parcel of land would result in industrial sprawl into a prominent field which has otherwise maintained an open agricultural character and the proposal is therefore contrary to Policy DM1, the aims of the Bassetlaw Landscape Character Appraisal and the guidance contained within the NPPF.

### **VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 135 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 139).

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

An indicative site plan has been submitted with the application which shows an arrangement of 3 buildings on the north western boundary and a further potential unit approximately centrally located. The site would be accessed from a new roadway which would split from the main access road into the industrial estate. The southern element of the site closest to Ollerton Road is indicated for open storage (similar to that permitted by 18/00469/FUL). However, it is reiterated that the design and access statement indicates that matters of scale, appearance

and layout are a reserved matter and therefore are subject to change should the outline application be granted.

As detailed above, the site area has been reduced from that previously considered with elements of agricultural land retained on the southern and western boundaries to mitigate visual impact. The applicant has attempted to mitigate the visual impact of development through proposed excavation and siting the buildings gable end on and locating the buildings on the northern boundary, however noting that layout is indicative only at this stage. Indicative sectional drawings have been submitted to support this which demonstrate that buildings would be a maximum of approximately 10.5 metres tall (though again this would be determined at reserved matters stage). Whilst the revisions made to the scale of the development are positive, officers remain concerned that the proposed introduction of new warehousing and commercial buildings would still result in detrimental visual impact. Notwithstanding the proposed lower land levels of the buildings seeking to mitigate their visibility, the introduction of new planting and banking in what is currently a visually prominent field when travelling along the elevated Ollerton Road is considered detrimental to visual amenity.

As such, the development of this site would undoubtedly change the appearance and character of this field. Whilst the submitted landscape impact assessment and planting plan details that landscaping would result in 'visual enhancement' of the visual buffer between the industrial estate and the road, it is not considered that the proposed change of agricultural land to industrial would be sympathetic to the character of the area. The proposal is therefore contrary to Policy DM4 and the guidance contained within the NPPF.

### **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF.

The application proposes industrial uses and storage and distribution. Whilst there may be potential for cumulative impacts to nearby settlements (which will be assessed within the highways commentary of this report), there are no residential dwellings within immediate vicinity other than sporadic farmsteads which are at least 500 metres in distance away from the proposed development. In consideration of the scale of development the likelihood of resulting air pollution exceeding legal limits is unlikely. Environmental Health have not responded to this application but raised no objection subject to conditions on the previous larger proposal. As such, the proposed impacts to residents in relation to matters such as odour, air pollution and noise, when compared with the existing industrial development, are considered to be negligible. In terms of impacts upon residential amenity it is considered the proposal would comply with Policy DM4 and the guidance contained within the NPPF.

### **HIGHWAYS MATTERS**

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 which states new development should not be to the detriment of highway safety. 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.

Paragraph 96 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 114 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 117 of the NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

## **TRAFFIC IMPACTS**

The proposal would be likely to generate additional vehicular movements associated with the movement of goods and employee travel to and from the site. It is reiterated that an end user has not been identified at this time however the use classes B2, B8 and E(g).

No objections have been raised by NCC Highways to the proposed development subject to further details being secured as part of the reserved matters submission and by conditions in relation to:

- The layout, surface treatment, drainage and marking of car parks, servicing, storage and manoeuvring areas
- A swept path analysis for articulated lorries
- Cycle parking and bin storage
- Flood lighting information
- Wheel washing
- Restriction on the proposed mix of uses
- External storage restriction

The neighbouring Authority, Newark and Sherwood District Council, were consulted as part of the application due to the potential direction of traffic flows toward their district and raised no objections.

Subject to the the above information being secured by condition it is concluded that the proposal would have a minor impact to the highway network and it is therefore considered the proposal is compliant with Policy DM4 and the guidance contained within the NPPF in this respect.

## **SUSTAINABILITY OF TRAVEL**

The site is approximately 1.5km from the village of Tuxford. Councillor Rutherford has expressed support for the expansion of the site as it will provide jobs in a rural location. The accessibility of employment must be considered. The site is not easily accessible by public transport and it is not possible to forecast where future employees would travel from.

However, it is noted that the Manual for Streets recommends that developments need to be properly connected with adjacent street networks because developments with poor links to the

surrounding area create enclaves which encourage movement to and from them by car rather than by other modes.

There is a pedestrian footway on the north side of Ollerton Road between Tuxford village and the existing Walkers employment site. This terminates at the junction of the Walkers estate. There is no footway beyond this point travelling west on Ollerton Road. The speed limit on this road increases to 50mph as it leaves the village of Tuxford towards the site. There is no street lighting along the existing footway on Ollerton Road.

The availability of public transport has been considered to a limited extent within the transport assessment and a travel plan has been submitted with the application. Nottinghamshire County Council Planning Authority have made an assessment of the likely requirements for public transport improvements and have recommended that a new two way bus stop be installed at the entrance of the industrial estate and bus service improvements should be required as part of any legal agreement.

Whilst the bus improvements proposed by the County Authority would improve the accessibility of the site by alternative means of transport, Officers remain concerned that the site is in a somewhat detached location from the built up area. The sustainability of this location for development has been maintained as a concern by the Highways Authority (though not to the extent it would necessitate an objection).

The sustainability of the development proposed in this regard has been an ongoing consideration for the Planning Officer which prompts consideration of paragraph 85 of the NPPF which states:

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

In consideration of the above policy context, as a matter of planning judgement it is acknowledged that whilst the Planning Officer regards that safe and sustainable access cannot be achieved by all and there will likely be heavy reliance on private cars; employment development in rural locations such as this are often not the most sustainable in these terms. If the application is granted, improvements would be secured for public transport and a travel plan could be sought by way of planning condition. This will be factored into the planning balance.

## **ECOLOGY/TREES**

The content of paragraph 186 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- a) If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- b) Development within or outside a SSSI which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact
- c) Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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

The Environment Act 2021 is set to introduce requirements to achieve a 10% gain to biodiversity in planning decisions which is expected to become a legal requirement in late 2023, though at the time of writing this is not yet in force nor is it contained within adopted planning policy. As such, the current position is that there should be no net loss in biodiversity. As landscaping is specified to be a reserved matter, details are not required at this stage. However, the impact to the natural environment as a result of any development must be considered at outline stage to determine whether there will be an adverse impact to biodiversity as it could prejudice the development potential of the site. As such, a baseline ecological value needs to be established. A biodiversity net gain report was therefore requested by the planning officer during the course of the application.

The site is a mix of grade 2 and grade 3a agricultural land which is indicated to have been cropped with cereals, which are not of high biodiversity value.

The ecological assessments submitted note that the site has favourable habitat conditions for nesting birds and foraging invertebrates. There is also evidence of activity from a protected species on site which cannot be named (in accordance with the Wildlife and Countryside Act 1981 as amended by the CRow Act 2000 and under the Conservation of Habitats and Species Regulations 2017.). As such, any development must mitigate and compensate the harm posed. If this cannot be demonstrated permission should be refused.

There is also loss posed to flora. Most notably, this would be a small loss of boundary hedgerow for the access and the larger, more notable loss of a portion of existing arable field. The ecology appraisal submitted is interpreted alongside the biodiversity net gain assessment. The ecologist has calculated the the development would result in a gain of 21% in relation to habitat units and 60% in relation to hedgerow units. This would indicate that a 10% gain to

biodiversity can be achieved on site, which is welcomed and precise details can be secured by condition.

It has been noted that The Goosemoor Dyke Local Wildlife Site (LWS) is 1km south of the proposed site which is a stream designated for its water beetle and water bug species. The ecological assessment acknowledges that there will be air and water pollution from the construction and operation of the proposed development would potentially have an adverse impact on this LWS. The Environment Agency have raised no concerns in relation to pollution and have indicated that any discharges from the site would be controlled via environmental permit. The likelihood of harm to this local wildlife site has been considered in relation to the topography of the site and wider surroundings and it is noted that surface water will discharge will run to the north-east of the site, whilst the site is 1km south of the site separated by the highway (Ollerton Road) and further agricultural land. As a matter of planning judgement it would appear that the proposed scale of development is unlikely to pose harm to the stream or species contained within it.

Further to the above, the assessments recommend a mitigation strategy which would compromise the following:

- Submission of a Construction Environment Management Plan and/or landscape and ecology management plan
- Tree and shrub planting
- Enhancement/widening of arable field margins with a grassland mix
- Lighting to be placed sensitively to minimise disturbance to biodiversity
- Conditions for site management during construction to minimise disturbance to onsite species
- Provide skylark plots in the neighbouring field for bird breeding
- Works to be carried out outside of bird breeding season

The Council's statutory consultee in respect of ecology Nottinghamshire Wildlife Trust has agreed that the methodologies and recommendations of the above assessments are satisfactory.

It is however noted that confirmation has not been given to state that the neighbouring landowner has agreed to the provision of skylark habitats on their land and so this cannot be secured as part of the planning permission at this time. Skylarks are on the red list of birds of conservation concern and so if permission was granted this should be sought by the applicant as part of the reserved matters submission.

Detailed landscaping is not proposed at the outline application stage but the application details further planned measures including retention of hedgerows and further growth of the hedgerow fronting Ollerton Road, landscaped embankments and general tree and shrub planting. It is noted that an attenuation pond will also be provided on site for the purposes of drainage but this will also likely deliver benefits to biodiversity.

Whilst the above enhancements are indicative and may be subject to some changes at reserved matters stage, submitted biodiversity net gain assessment indicates that a 10% net



gain can be achieved on site. This exceeds the current policy requirements and will accord with the mitigation hierarchy detailed in paragraph 186 of the NPPF.

### **ARCHAEOLOGY**

Para 209 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. Paragraph 211 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset. Policy DM8 of the Bassetlaw Core Strategy states that there will be a presumption against development that detrimentally affects the significance of a heritage asset.

The site is considered to potentially be of archaeological interest and further information was requested to be secured by condition on the previously refused scheme. The approach with this application remains the same with details to be submitted and agreed by condition should consent be recommended.

### **FLOODING/DRAINAGE**

The NPPF at paragraph 165 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 173 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution.

The site is wholly in flood zone 1 which is the area that is least vulnerable to flooding and the proposal is for a commercial development which is a 'less vulnerable' land use as defined by Planning Practice Guidance. A flood risk assessment has been undertaken as the site is more than 1 hectare in size which is deemed to be satisfactory.

The Environment Agency defers to the Local Lead Flood Authority (LLFA) for comment on the adequacy of the flooding and drainage strategy. The applicant has submitted further information during the course of the application at the request of the LLFA. No objection has been raised by the LLFA subject to a detailed surface water management plan being secured by condition to demonstrate that SuDS can be used as the primary means of surface water management on the site.

On the basis of the above, it is considered that the site can be adequately drained so as not to increase flood risk elsewhere and would be in accordance with Policy DM12 and the guidance contained within the NPPF.

### **CONTAMINATED LAND**

Paragraph 189 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

This site is undeveloped and has been used for agricultural purposes. Environmental Health have noted however that the site could have been used for contaminative uses previously and so have requested a condition for a risk assessment to be carried out and remediation measures (if contamination is identified) to ensure that the land is free from contamination when brought into use.

**PLANNING OBLIGATIONS**

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

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

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

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

- £100,000 for bus service provision
- Provision of bus stop infrastructure within proximity of the site
- Free introductory bus passes for employees
- Detailed BNG strategy to be submitted alongside the reserved matters submission

CIL is also payable for commercial developments in this location and would be chargeable at £15 per square metre in this location.

**CONCLUSION/PLANNING BALANCE**

As the Core Strategy strategic policies are considered to carry limited weight in decision making, the application has been assessed using the tilted balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

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

<b>Benefit/Negative of the scheme</b>	<b>Weight given to the benefit/negative in decision making</b>
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Delivery of additional employment land	The projected employment land supply until 2038 is 196.7ha. based on current monitoring, the Council can demonstrate that supply fully meets this anticipated need, there is therefore limited evidence to support that there is demand for additional employment land in the immediate term in this location. As such, the delivery of additional employment land is only given moderate positive weight in the planning balance.
Delivers new jobs, contributing to a prosperous rural economy	The provision of additional employment opportunities in Tuxford will meet the requirements of the economic objectives outlined in paragraph 8 of the NPPF. It could also contribute to a prosperous rural economy as promoted in paragraph 88 of the NPPF. This is given moderate positive weight in the planning balance.
May encourage additional investment into Tuxford	The creation of additional opportunities in Tuxford may encourage new businesses to locate within the area (though some may already operate within the district). This is assumed and is not supported by evidence and so it is given limited weight in the planning balance.
Impact to protected species and biodiversity on site	Protected species have been identified on site and there is habitat potential on site for other species. The Wildlife Trust is satisfied with the findings of the ecological assessment that the impact will be acceptable and can be mitigated against. As there will be adequate mitigation this is a neutral consideration in the planning balance.
Biodiversity Net Gain	The applicant has submitted an assessment demonstrating that 10% biodiversity net gain can be achieved on site to offset the harm of development. As this will go beyond mitigation to enhancement, this is given moderate positive weight.
Unlikely to impact Goosemoor Dyke LWS	There is a Local Wildlife Site approximately 1km south of the site but it is unlikely to be impacted by the proposed development. This is considered to be neutral in the planning balance.
Construction related jobs	There will be jobs created for the construction of buildings and infrastructure required on site. This may only be temporary in nature but it meets the requirements of the

	economic objectives outlined in paragraph 8 of the NPPF and as such it carries a limited positive level of weight in the determination of this case.
Infrastructure contributions (CIL and public transport improvements)	This meets the requirements of the social and environmental objectives as outlined in paragraph 8 of the NPPF however it is needed to mitigate the lack of accessibility of the site; this is considered to be neutral in the planning balance.
Residential Amenity	There will be a low level of impact on residential amenity as the site is physically detached from residential areas. Whilst there will be additional noise, traffic, potential smells and consequent impacts to air quality; the effect is not considered to be significantly harmful. This carries neutral weight in the planning balance.
Impact to landscape character	The development will change the character of an open agricultural field into an industrial site. Whilst mitigation as outlined has been proposed; reduction in site area compared to the 2023 application, inclusion of land grading and landscaping, the field occupies a prominent position from Ollerton Road. To permit sprawling industrial development into the open countryside setting is considered unacceptably harmful. This is given significant negative weight.
Loss of best and most versatile agricultural land (BMV land)	The development will cause the loss of approximately 1.4ha of Grade 2 Agricultural Land. This is given significant negative weight.
Excavation of land	There are no objections from the Minerals and Waste team. This is neutral in the planning balance.
There will be a low level of impact on traffic / highway safety	There will be some additional traffic flows generated by the development but the impact is deemed to be low. The Highway Authority has no objections to this proposal. This is neutral in the balance.
Risks associated with the existing wind turbine sited to the west	The day-to-day impact in terms of noise and shadow flicker is acceptable in consideration of employment use. However in the unlikely circumstance the turbine should fail, the development site could be within toppling distance. This could be mitigated at reserved matters stage through design and so is given limited negative weight.

Archaeology	The site is in an area with high archaeological value potential and investigation/mitigation would be required, however this would not preclude development. This is neutral in the balance.
Flooding and drainage	The LLFA has no objections to the proposal subject to conditions, this is neutral in the balance.
Contamination	The Environment Agency and Environmental Health Team have no objections to the proposal subject to conditions. This hangs neutral in the balance.

Having regards to the matters outlined above, the main benefit of the scheme would be to seek to allow existing businesses to expand/attract new businesses to potentially deliver additional jobs, which would support the rural economy and the potential additional investment which may be delivered in the area as a result of new businesses locating here. However, no identified need has been put forward for further employment land provision and any benefits must be weighed against the harm posed by development.

The primary concern in respect of this development is the change to the rural character of the land in question. The site comprises an open field, which is considered to positively contribute to the character of the open countryside and provides a break between the highway and the established industrial site to the north. Whilst the applicant has scaled back the development compared to that previously refused permission and sought to mitigate the visibility of the site through the reduction in land levels and landscaping, the adjacent highway sits at a higher level than the development site and as such it is likely that any development of the site will inevitably still be prominent within the landscape. When viewed cumulatively with the existing form of Walkers Industrial Estate, the landscape will it is considered be increasingly dominated by industrial uses which would be to the detriment of the otherwise rural character of this location.

There are other impacts from the development which have largely been mitigated. There is evidence of the presence of protected species on site, however the impact is not deemed to preclude development of the site subject to adequate mitigation and the applicant has submitted evidence to indicate improvements will be implemented. This is further supported by evidence that a 10% net gain to biodiversity can be achieved on site, which is above the current policy requirement of no net loss. This is welcomed, however this is given moderate positive weight as there will inevitably be some harm.

It is also noted that there is a limited safety risk associated with the small possibility that the adjacent wind turbine may fail. Whilst any increase in likely danger should be avoided, this is an outline application and the reserved matters does have capacity to provide a layout which would ensure a safe stand-off distance can be achieved.

It must be acknowledged that there are no objections to the development on the basis of highway safety but the location of the proposed development is not considered to be the most

sustainable. But, as stated in the report, the development will adjoin an existing operational industrial site and any permission will require contributions to improve bus service provisions to the site. As such, these improvements could be considered to permit less sustainable locations for employment related development in accordance with paragraph 85 of the NPPF. This is subject to development being sensitive to its surroundings which, in landscape terms, it is not considered to be.

Other matters stated weigh neutrally in the planning balance.

It is also important to consider whether the loss of best and most versatile land is justified. It has been acknowledged that the loss of some grade 2 land may be acceptable and in this instance there is a good supply of agricultural land retained in the parcels surrounding the site. However, the wider harm to the landscape weighs against the loss of best and most versatile agricultural land. There is also no significant evidence of need for additional employment land and as such, the justification does not outweigh the resulting loss of grade 2 agricultural land.

A full analysis of the proposal has been undertaken and based on planning material considerations it is concluded that the benefits identified are significantly and demonstrably outweighed by the harm to the landscape character and the loss of best and most versatile agricultural. Accordingly it is recommended that planning permission is refused.

## **RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION**

### **REASONS:**

1. Policy DM1 of the Bassetlaw Local Development Framework states proposals for economic development in rural areas will be supported where they can demonstrate, amongst other criteria, that the scale, design and form of the proposal, in terms of both buildings and operation, will be appropriate for its location and setting and be compatible with surrounding land uses

Policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for residential development that is of a high quality design, that respects its wider surroundings in relation to forms, density and landscape character.

Policy DM9 of the Bassetlaw Local Development Framework states new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment. Proposals will be expected to respond to the local recommendations made in the Assessment by conserving, restoring, reinforcing or creating landscape forms and features accordingly.

Paragraph 135 of the NPPF also states that development should be sympathetic to local character including the surrounding built environment and landscape setting.

The site in question is identified in the Bassetlaw Landscape Character Assessment as Mid Nottinghamshire Farmlands. The landscape policy for this area seeks to conserve pastoral farmland and reinforce field patterns and boundaries. It further states that new commercial buildings should be sensitively sited and designed.

The proposed development will be of sprawling industrial character which extends from the existing industrial estate from the north and will occupy a prominent position, further eroding the visual break between the industrial site to the north and the highway. Consequently, the landscape character will be adversely impacted by the majority loss of this open field. It is not considered possible to adequately mitigate the impact with landscaping or design and notwithstanding supporting information it is considered that the development will be highly visible from Ollerton Road. As such, the development would result in the loss of open, rural character which would result in unacceptable harm to the landscape and conflict with the recommendations in the Landscape Character Assessment.

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

2. Paragraph 180(b) of the NPPF states that planning policies and decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.

The proposal would result in the loss of approximately 1.4 hectares of grade 2 agricultural land. There is considered to be insufficient evidence to justify the loss of best and most versatile agricultural land and the development would not be sensitive to the surrounding rural character. The proposal would therefore fail to accord with the guidance set out in paragraph 180(b) of the NPPF.

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Item No: A4

<b>Application Ref.</b>	23/01444/FUL
<b>Application Type</b>	Full Planning Permission
<b>Site Address</b>	Land off Rayton Lane, Osberton, Worksop.
<b>Proposal</b>	Proposed Solar Farm to Produce up to 34MW of Renewable Energy
<b>Case Officer</b>	Amanda Broadhead
<b>Recommendation</b>	Grant permission subject to conditions
<b>Web Link:</b>	<a href="#">Link to Planning Documents</a>

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### **THE APPLICATION SITE**

The application site extends to approximately 47.8ha, comprising agricultural land located to the east of Worksop.

### **SITE CONTEXT**

The site encompasses a large field and part of a field to the north of Rayton Lane, and the majority of another field to the south of Rayton Lane. These fields form part of the Foljambe Estate. The site is intersected by a public bridleway that runs from east to west, and there are further bridleways to the north and east of the site.

To the northeast of the largest field is a large block of woodland known as Black Hill Clump. The site is bound to the west and east by further strips of woodland planting and to the north and south by agricultural land.

To the west of the site is the Kilton Forest Golf Course, separated from the site by woodland planting and a further field. Beyond this is edge of the town of Worksop. To the southwest of the site is a sewage treatment works, whilst to the southwest are the buildings associated with Rayton Farm, which includes the closest residential property to the site. Beyond these to the south and running roughly east to west are the River Rayton and the Chesterfield Canal. To the southwest is the Sheffield-Hull railway line.

The wider surrounding area is a mix of urban and rural. The built form of Worksop is located to the west and south, including industrial development to the south beyond the B6079 Retford Lane. Beyond the A57 to the south of the site is Clumber Park. To the north and east is predominantly agricultural land.

The application site is located within the Impact Risk Zone of Clumber Park Site of Special Scientific Interest (SSSI) located approximately 2.9 km south-east of the site.

The site comprises open countryside and parkland within the wider setting of the grade II\* listed Osberton Hall, the Osberton Hall & Scofton Hall Unregistered Park & Garden and a series of grade II structures and features situated within. The site is also within the close setting of Rayton Farm and the Chesterfield Canal, which are identified as non-designated heritage assets in accordance with approved criteria.

The site is located predominantly within Flood Zone 1, with a strip of Flood Zone 2 in the southern section of the site according to the EA Flood Map for Planning.

The application site extends to approximately 47.8ha and comprises of a large field and part of a field to the north of Rayton Lane, and the majority of another field to the south of Rayton Lane. Generally the sites are bounded by hedgerows and trees with gaps for access. The application sites slopes downhill in a southerly direction.

An agricultural land classification study has been undertaken which demonstrates that the site comprises of 58.3% grade 3a land, 37.9% grade 3b land, and 3.8% of non-agricultural land.

## **PROPOSAL**

The proposal comprises a solar farm with the potential of 34MW of electricity alongside with associated works including additional cabling and other technologies normally associated with solar farms in this includes inverters, transformers, fencing and CCTV.

The developer has included a planning statement that states that the solar farm would produce up to 34MW of renewable energy, capable of saving just over 14,000 tonnes of carbon dioxide emissions per annum, meeting the equivalent annual electricity needs of approximately 11,100 homes. This equates to 21% of all dwellings in Bassetlaw (52,710 dwellings as at 20201). The total area of Bassetlaw is 63,688 hectares meaning the proposed solar farm would cover 0.075% of the district, whilst providing energy for 21% of dwellings.

Within the parcels selected, it is proposed the panels would be arranged in rows facing south towards the sun. All panels have an anti-glare coating to minimise glint and glare as much as possible.

The rows of panels would be mounted on aluminium frames supported by upright poles driven into the ground to a depth of approximately 1m across the majority of the site. No piling and little excavation is required for their installation, with ground disturbance kept to a minimum. The panels would be angled south at approximately 15° in a fixed position to take advantage of as much sunlight as possible.

The strings of panels would be separated by a minimum of 3m to allow for ease of movement around the panels for maintenance and to prevent shadowing. The total height above ground of the panels/strings would be a maximum of 3m. Other equipment on site includes a customer substation, DNO cabin, spare parts cabin and a number of transformers at strategic positions around the site.

The site has been selected due to its proximity to the existing Worksop substation to the south of the site, where a grid connection for the proposed capacity has been secured by the applicants.

The site would be secured with a 2m high green mesh perimeter fence and for security reasons, pole mounted CCTV cameras would be provided around the site, each with a maximum height of 3m.

Access to the site would be taken from Rayton Lane which runs through the centre of the site. Construction vehicles would leave the B6079 Retford Road and use the private road which passes Rayton Farm before joining up with Rayton Lane. It is proposed that this route would continue to be used during operation of the solar farm when vehicle movements will be much less.

It is noted that Rayton Lane is also a public bridleway (47 Rayton Lane) and it is therefore proposed that traffic management measures would be required during the construction period.

The operational lifespan of the proposed solar farm is 40 years plus 6 months to account for construction and decommissioning. Additionally, on completion of the construction operations, ground cover would be reinstated and land under and surrounding the PV panels would be seeded with a low maintenance grassland mix.

Additional information has been submitted during the application; however, this has been as a result from technical consultee comments and has not changed the fundamental design of the proposal. On this basis the relevant technical consultees have been consulted.

## **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 sections of the framework are the main ones applicable to this development:

Section 2 – Achieving Sustainable Development

Section 6 – Building a Strong Competitive Economy

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

### **National Policy Statements**

EN-1 – Overarching National Policy Statement for Energy

EN-3 – National Policy Statement for Renewable Energy Infrastructure

## **BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK**

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

- CS1 - Settlement hierarchy
- CS2 - Worksop
- DM1 – Economic Development in the Countryside
- DM3 – General Development in the Countryside
- DM4 - Design & character
- DM7 – Securing Economic Development
- DM8 – The Historic Environment
- DM9 - Green Infrastructure; Biodiversity & Geodiversity; Landscape; Open Space & Sports Facilities
- DM10 – Renewable and Low Carbon Energy
- DM11 - Developer contributions and infrastructure provision
- DM12 - Flood risk, sewage and drainage
- DM13 - Sustainable transport

## **RELEVANT PLANNING HISTORY**

22/00562/SCR, Screening Opinion - Development of Solar Farm (Output Approx 34MW), Land To The North And South Of Rayton Farm Lane Worksop EIA not required decision issued 11<sup>th</sup> May 2022

Historically there has been applications submitted to consider proposals on Kilton Forest golf course, the Worksop Sewerage Treatment Works and Rayton Farm. This planning history is not considered relevant to the current planning proposal.

## **SUMMARY OF CONSULTATION RESPONSES**

### Chesterfield Canal Trust

No objection

### National Air Traffic Services Safeguarding

No objection

### Airport Safeguarding Ltd on behalf of Doncaster Council

No Objection

### Environment Agency

We have no objection to the application since the development is to be situated in Flood Zone 1.

### Fire Protection North - Nottinghamshire Fire & Rescue Service.

No objection – proposal does not include any buildings or Battery Energy Storage Systems (BESS).

### Network Rail

Consulted and no comments received

### Nottinghamshire County Council Local Lead Flood Authority

No objection

### Nottinghamshire County Council Planning Policy

Minerals – No objection

Waste – No Objection

### Transport and Travel Services

For public transport access the only consideration is in terms of the numbers of employees at construction. If there's a requirement for a Travel Plan, then a Sustainable Transport Statement should be included setting out the sustainable transport options for staff for the construction period. At this stage Transport and Travel Services have no other comments to make, and in context with the above we would not request any Planning Obligations/Planning Conditions

## Emergency Planning

Emergency Planning have reviewed the attached from an Emergency Planning perspective and Mark Clements as the Chair of the LRF Critical Infrastructure Group notes, that whilst he has no objection to the development there are 2 observations to offer:

The glint and glare assessment acknowledges the impact on the nearby railway and grades this as yellow, as there are periods of the day during March to October when this may impact on the railway. It is important that relevant engagement is undertaken with Network Rail to ensure that this impact does not adversely impact on the safe operation of the railway due to being a safety critical environment. Emergency Planning notes there is not any evidence in the documentation provided that this has been undertaken or that any additional mitigation is being provided in respect of this risk.

In both section 3.7 of the Planning Statement and Construction Access Plan reference is made to access from the B6079, however both documents fail to acknowledge the vehicle height restriction on the B6079 between the WSTW access road and the B6040 roundabout. Emergency Planning suggests that additional mitigation such as sign posting of construction traffic is required, to ensure that LGV construction traffic uses the B6079 route towards the A1 only.

### Nottinghamshire County Council Public Rights of Way Officer

Public Rights of Way (PROW) are the minor highway element of the public highway network and are afforded the same level of protection and control as the major highway network (i.e. all classes of roads including motorways).

They are a material condition in the planning process and due attention should be made to the treatment of them in the application for development. The Rights of Way section have strong reservations about the intention to utilise the bridleway for construction and access traffic. Should this application be granted then we note and would require as stated in the Design and Access statement that the use of the bridleway as the access route would be subject to conditions relating to this vehicle intensification – this would also need to include mitigation measures for the safety of the legitimate users of the right of way and for the surface of the right of way.

### Lincolnshire County Council Archaeological Adviser

Recommended that more evaluation works in the form of trenching is carried out prior to permission being granted. A pre-commencement condition can be added to planning permission to secure further survey work and a mitigation strategy.

### Natural England

No Objection with regards to significant adverse impacts on designated sites.

With regards to BMV of Agricultural Land Classification – The Local Planning Authority should consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

### Bassetlaw District Council Environmental Health

Extraction/ventilation – No comments

Noise – Construction condition required during construction and for the submission of a construction management plan

Lighting – No comments to make

### Bassetlaw District Council Tree Officer

No objection subject to conditions to securing an approved detailed landscaping plan

### Bassetlaw District Council Conservation

No objection subject to an acceptable landscaping scheme

### Bassetlaw District Council Ecology

No objection subject to securing the implementation, monitoring, and management of biodiversity net gain

## **SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and no representations received.

## **CONSIDERATION OF PLANNING ISSUES**

- Environmental Impact Assessment
- Principle of development
- Sustainability of development
- Highway Considerations
- Design, layout and visual amenity
- Residential amenity
- Biodiversity
- Loss of agricultural Land
- Heritage
- Flood risk
- Contamination
- Glint and Glare
- Decommissioning and reinstatement
- Other issues
- Conclusion

## **PRINCIPLE OF THE DEVELOPMENT**

Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.

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 225 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 countryside policies within the Core Strategy do not consider the type of development proposed by this application. The most important policy for the determination of this application is Policy DM10 and this is considered to be in line with the guidance contained within the NPPF and can therefore be attributed full weight.

Therefore, as this is the case, the planning balance test in paragraph 11(d) of the NPPF is not engaged in the consideration of the scheme.

Policy DM10 of the Bassetlaw Core Strategy states that the Council will be supportive of renewable energy schemes in principle provided that they are in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. There are a number of provisions that renewable energy proposals are required to meet in order to be fully compliant with this policy including safeguarding the natural and built environment, protecting agricultural land, tourism and recreational facilities, amenity/other technical considerations and the cumulative impact of the above factors. It is generally considered that the proposed development is in accordance with the requirements of this policy. However, there are material considerations that will be addressed in the relevant sections of this report and a balanced decision will be made at the end of this report.

In terms of National Policy, the NPPF and Energy Policy Statements demonstrate support for renewable energy schemes subject to a number of material considerations that are discussed below.

## **SUSTAINABILITY OF THE DEVELOPMENT**

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

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

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

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



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

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

Paragraph 163 of the NPPF does not currently require applicant's to demonstrate a need for new renewable energy development, recognising that even small additions are invaluable to reducing carbon emissions. Renewable energy as a whole still makes up a minority of the UK's energy mix and at the present time, relevant local and national policy is strongly in support of substantial increases in the provision of renewable energy.

### **VISUAL AMENITY including design and layout**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 126 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities. Paragraph 135 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore, it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is "proper to seek to promote or reinforce local distinctiveness" (para 135) and permission should be "refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions" (para 139).

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

Policy DM9 C) states that new development proposals in and adjoining the countryside will be expected to be designed so as to be sensitive to their landscape setting. They will be expected to enhance the distinctive qualities of the landscape character policy zone in which they would be situated, as identified in the Bassetlaw Landscape Character Assessment

The proposed design and layout of the proposal is fairly standard for this kind of development comprising of solar panels which would be 3m in height and angled south at approximately 15° in a fixed position to take advantage of as much sunlight as possible.

The rows of panels would be separated by a minimum of 3m to allow for ease of movement around the panels for maintenance and to prevent shadowing. Each panel is set within an aluminium frame. All panels have an anti-glare coating to minimise glint and glare as much as possible.

There are other ancillary buildings associated with the development such as substation, DNO cabin, spare parts cabin and a number of transformers at strategic positions around the site. The ancillary power station is 3.19m high but all other ancillary equipment does not exceed 3m in height. A 2.4 m high fencing mesh steel polymer coated perimeter fence is proposed along with 3 m high pole mounted CCTV around the site for security purposes.

It is considered that the design and layout of the proposal is functional and acceptable.

The site is located within two Sherwood Landscape Policy Zones where one of the policy is to conserve and create and the other is to create. One of the policy zones has a very good landscape condition and the landscape sensitivity is also defined as moderate and the other landscape condition is very poor and the landscape sensitivity is also defined as moderate.

The policy zones acknowledges that there are a few detracting features and these include a sewage works and large recent farm buildings

The combined recommendations in these policy zone are as follows:

- Conserve the sparsely settled rural character of the landscape by concentrating new development to the south west of the Policy Zone / northern fringe of Worksop.
- Promote measures for enhancing the ecological diversity of new and existing woodlands
- Replace post and wire boundaries with hedgerows
- Identify opportunities for new tree and woodland planting on suitable sites
- Protect the sparsely settled and undeveloped character of the landscape concentrating new development to the north-east of the Policy Zone
- Screen existing development on B6045
- Create areas of woodland to contain and create areas of woodland to contain and soften new development preferably in advance of development

Both policy areas extend far beyond the application site. A landscape and visual impact assessment has been submitted with the application and this has concluded that the effects on landscape character would be limited to a tract of landscape between Bassetlaw Showground and Bridleway BW7 in the north, Gravel Pit Wood to the east, Rayton Farm and Rayton Lane Sewage Works to the south and Kilton Forest Golf Course to the west. Initially, there would be an effect of Moderate/Minor significance on landscape character in this tract. Following the establishment of mitigation planting (assumed to be between 5 and 10 years) the scale of the effect on landscape character would reduce beyond the boundaries of the site itself. In the long term there would be an effect of Moderate/Minor significance on landscape character. The effects on landscape character would be adverse.

Moderate effects on visual amenity experienced along the PROW network would occur up to a maximum distance of 600m north of the site and would mostly reduce in both magnitude and significance as mitigation establishes.

Notwithstanding the fact that initially there would be a short section of Bridleway BW47 where there would be open views of the solar development in the north eastern field of the site, the effect on the visual amenity experienced along Bridleway BW47 as a whole, would initially be

moderate both in magnitude and significance. Following the establishment of mitigation planting, this would reduce to Moderate / Slight magnitude and Moderate / Minor significance. It is noted that there would be a minor change in the view from Rayton Farm Cottage. Existing views are likely to be filtered by intervening vegetation but where visible, features within the site would be viewed in the context of existing large-scale infrastructure with the Sewage Works.

Visual effects on Retford Road, a key transport route including the B6040 and B6079, would be of no greater than Minor significance.

The proposed development would not result in any effects on landscape designations or give rise to cumulative effects.

The report concludes that the landscape and visual effects would be very limited, and the landscape has the capacity to accommodate this Proposed Development.

Woodland largely screens the two parcels of arable land to the north of the application site and hedgerows form the field boundary. The third parcel of land is very well screened from the bridleway on the western boundary and the third parcel of land is read within the context of the sewage works to the south.

A landscape strategy has been submitted with the application and this confirms that the all the existing trees and hedgerows will be retained with the exception of the removal of 2 hedgerows that equate to 24 metres in total and these will be replaced and with a 1.3 km length hedgerow along.

The Tree Officer has been consulted on this proposal and does not object to the proposal subject to the approval of a detailed landscaping and planting plan and this be secured by condition. This will require the species and location of the additional trees to be planted.

The Solar Farm and associated infrastructure will be visible to users of the public bridlepath. The retention of the trees and woodland together with the proposed landscaping would help screen the development in regards to users of the bridleway and also users of the footpaths around the site. It has to be remembered that the proposal is to an extent temporary in nature and once the solar panels have exceeded their life span they will be removed. On this basis it is considered that whilst the proposal will have a slight adverse impact on the landscape this will be temporary in nature and would not warrant refusal of permission.

## **RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 135 of the NPPF and also Policy DM10 A) iv of the Bassetlaw Core Strategy.

The nearest residential properties to any part of the site include Rayton Farm and two properties to the south and south-west of the farm; Riverside Cottage and Rayton Farm Cottage. Due to the agricultural outbuildings and amenity planting at Rayton Farm, neither the property within the farm nor Riverside Cottage would have a clear view of the solar array located to the north-west and there would be no clear views to the west.

Rayton Farm Cottage is the nearest dwelling to the proposed development, located to the east of the solar array in the site's southern field. Existing views are likely to be filtered by intervening vegetation but where visible, features within the site would be viewed in the context of existing major infrastructure associated with the Sewage Works.

The most potentially significant impacts would be during the construction period which is expected to a maximum of 20 weeks.

No objection has been received from Bassetlaw District Council's Environmental Health Officer in respect to noise, lighting, extraction of ventilation subject to a condition to limit construction hours and a condition to secure a construction management plan. The installation of solar panels relative to other development projects is relatively non-intrusive and only requires a very small area underneath each panel to be actually developed so relative to other built development, the impact on residential amenity as a result of the development proposal is expected to not be significant. Construction traffic may also cause additional noise and disturbance during construction. This will be temporary and would not warrant refusal of permission. Conditions are recommended to control noise and disturbance during construction. A condition is recommended in this regard for both construction and operational periods also for lighting.

A noise impact assessment has been submitted with the application and this concluded that when the various elements that make up a solar development such as panels, inverters and substations and their noise outputs are assessed against sensitive receptors in the vicinity of the proposed development the impact would be low and therefore would have minimal impact on residential amenity.

A glint and glare assessment has been submitted with the application and concluded that the development will not have a material impact on ground based receptors, this is discussed in more detail further in the report.

Once the construction period is completed, the impact of the proposed development on residential amenity is expected to be negligible. The only visits to the site would be limited to occasional maintenance and security visits. It is therefore considered that the proposed development is in accordance with Policies DM4 and DM10 of the Bassetlaw Core Strategy and paragraph 135 of the NPPF with respect to residential amenity.

### **HIGHWAYS MATTERS**

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.

The agricultural fields adjacent the existing sewage works will be accessed via an existing purpose-built priority junction with dedicated right turn lane on Retford Road B6079. The B6079 is adopted public highway, but Rayton Lane leading to the site and sewage works and Rayton Farm is a private network of lanes.

The B6079 is a 50-mph speed limit road, so requires a 2.4m x 160m junction access visibility and the Highway Authority has commented that this is achievable.

The Highway Authority has advised that the B6079 has a 4.3m height restriction to the south west because of the overhead railway bridge for the Sheffield to Lincoln line. This is likely to cause issues with lorry routing and deliveries of abnormal loads during the 20-week construction phase. The Highway Authority would recommend temporary sign posting to route construction traffic away from this area and towards the eastern part of the highway network and this matter can be secured by a planning condition.

Over the 20 week period it is proposed that there would be 6 two-way (arrivals & departures) Heavy Commercial Vehicles (HCV) trips and 28 two-way staff/light goods vehicle (LCV) movements per day, (i.e., 3 HGV deliveries with 14 site employees).

All construction activity / employee parking and material storage is proposed to be contained by a temporary construction compound on private land and will not be detrimental to the safe operation of the public highway.

On completion of the Solar Farm it will require routine operational maintenance works, which is likely to generate between 10-20 standard light commercial vehicle trips per annum. It is not envisaged that the traffic associated with this phase of the development will materially change the existing situation and this amount of traffic is considered acceptable.

A construction management plan (CTMP) has been submitted and the Highway Authority has commented that strict monitoring and compliance of the CTMP is required

Worksop Bridleway 47 (Rayton Lane) intersects the application site. The construction vehicles arriving at the site are to arrive using the A1, Retford Road, Rayton Farm Lane and then Rayton Lane. Construction staff arriving by car or light commercial vehicles may arrive at the site via Rayton Spur then into to Rayton Lane.

The Public Rights of Way Officer has been consulted on the proposal and has raised strong reservations about the intention to utilise the bridleway for construction and access traffic. They have stated that should this application be granted then they require the use of the bridleway as the access route to be subject to conditions relating to this vehicle intensification – this would also need to include mitigation measures for the safety of the legitimate users of the right of way and for the surface of the right of way. Conditions are proposed

The construction period is due to last approximately 20 weeks and all construction workers are to park off the highway network. It is considered that traffic management measures would be required during the construction period and this could be secured by planning condition.

Once operational the development would be largely unmanned and would be expected to generate 10 to 20 two-way vehicle trips per annum to support site operations and maintenance activities. These trips would be made by car and in light goods vehicles.

The construction period would be temporary and it is considered that traffic management measures can be put in place to limit the impact to users of the bridleway.

The Highway Authority has no objection to the proposal subject to conditions. The advice of the Highway Authority and the Public Rights of way Officer is accepted. It is not considered that the proposed access arrangements would have a severe impact on the highway network.

## **BIODIVERSITY**

The Environment Act 2021 has introduced a requirement for development to deliver a 10% net gain to biodiversity. Mandatory Biodiversity Net Gain (BNG) came into force on 12 February 2024 for major developments, developers will need to show how 10% BNG can be achieved on site

The content of paragraph 186 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. It states that the following principles should be applied (in summary):

- If significant harm cannot be avoided adequately mitigated or compensated for permission should be refused.
- Development within or outside a Site of Special Scientific Interest (SSSI) which is likely to have an adverse impact on it should not normally be permitted. The only exception is where the benefits of location outweigh its impact.
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are exceptional reasons or compensation.
- Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

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

The application has been accompanied with a revised preliminary ecological appraisal with the application which assesses the ecological value of the site. The recommendations can be secured by condition and these are as follows:

Hedgerow removal shall be replaced as soon as practicable and compensation should be a minimum of 1.5 times the length of the lost hedgerow and on the same aspect to retain commuting features through the site. Woodland is to be retained and protected through out the development. It is recommended that landscaping planting is to be of a native species and species to be known to be value to the attraction of wildlife.

Amphibians, it is recommended that during the clearance phase of works any common amphibians encountered are to be moved by hand away from the construction activities.

Breeding birds, the site was assessed as having value for bird species and for ground nesting birds. Hedgerows are to be retained. If any vegetation requires removal it should be removed outside the breeding bird season (March to September inclusive).

This applies to the arable field and some improved grass land. If this is not possible a nesting bird check will be undertaken by an ecologist. Post development bird boxes could be installed through the development on retained trees.

Bats, the site was found to have a moderate value for commuting bats. Therefore it is recommended that a proposed lighting plan is submitted and considered by the local planning Authority. Bat boxes could be installed on the retained trees through the post construction period.

No badger setts were located during the survey though the habitat were identified as being suitable for the species. It is recommended that an updated walkover prior to development is carried out to identify any new badger setts. If a new badger sett is identified a precautionary working methods would be required. It is not anticipated that the proposed development would have a significant impact on badgers in the local area.

The site was found to be suitable for reptiles. The report contains a precautionary working method to be followed if any suitable reptile habitats are found.

During site clearance, an ecologist should be present to ensure no sheltering hedgehogs are impacted by the works. If hedgehogs are located they should be moved by hand to an area outside of construction

Brown Hare. A pre-commencement check is recommended for young hare is undertaken

The District Council's Principal Ecologist has been consulted on the preliminary ecological appraisal In addition to the above mitigation methods it is requested a further condition be added to secure the submission and approval of an updated badger survey report prior to development commencing. It has also been requested that the Local Planning Authority secures and approves a Lighting Scheme and a Construction Environmental Management Plan for Biodiversity. It is recommended that these matters are secured by condition.

The material consideration of biodiversity net gain must be assessed in this application and it is now a requirement for planning applications is to achieve at least 10% net gain.

The application has also been accompanied by a biodiversity management plan, biodiversity metric report and a proposed mitigation plan.

This masterplan proposes that the majority of existing landscape features would be retained and enhanced. Along the northern boundary of the site, existing hedgerows are to be retained and infilled as necessary, with trees planted inside the hedgerow line to create a woodland block. Additional hedgerow is proposed along Rayton Lane to provide additional screening. The existing woodland planting running along the western edge of the site, adjacent to the northern portion of the site and to the east sit outside of the site and would be retained in full. Habitat enhancement is proposed in the field margins and in the eastern portion of the site where a larger area for wildflower meadow has been set aside.

The biodiversity metric states that there would be a 57.08% gain in habitat units and a gain of 116.44% hedgerow units on-site as a result of development.

This would include approximately 1.3km of improvements to existing hedgerows comprising hedgerow infill planting and a hedgerow management programme, approximately 0.75km of new species rich hedgerow; approximately 0.5ha of new mixed species woodland; and approximately 11ha of new wildflower seeding.

The Council's Principal Ecologist has been consulted on the submitted biodiversity net gain documents and has commented that there is no objection to the scheme subject to the proposed biodiversity scheme being secured by a condition for implementation, monitoring and management. The biodiversity net gains are considered to be acceptable and a positive benefit to the scheme. A landscape and biodiversity management plan will be required to confirm the habitat creation, management and monitoring requirements over 30 years. It is considered that the proposal is consistent with current planning policy on biodiversity.

### **LOSS OF AGRICULTURAL LAND**

Another key consideration is the potential loss or damage of agricultural land. This requirement forms part of Policy DM10 of the Bassetlaw Core Strategy which states that the Council is supportive of renewable energy schemes that do not lead to the loss or damage of high-grade agricultural land. Paragraph 180 of the NPPF also gives weight to the preservation of what is described as best and most versatile (BMV) land which also includes Grade 3a agricultural land.

The applicant has submitted a Soils Resource Management Plan and Soils and Agricultural Land Classification document with the application. 27.7ha of the application site was categorised as being within the BMV agricultural Land (3a) and 18 hectares was categorised as being within category 3a.

Hand (Dutch) Auger borings and pit excavation have been used to assess subsoil structures soil from within the application site and the soil has been sent for external laboratory testing to support the soil classification.

The report concluded that there was poor structure across the subsoil profile and stones proved to be a challenge during the field work. The soil has a low organic content and generally low fertility and may have been maintained by inorganic fertilisers in the past. The soil structure had deteriorated and will continue to do so if the current practice continues. The report concludes that a method of reversing the trend of soil degradation and improving soil health is to leave the soil fallow for an extended period of time and this would be compatible with a solar power scheme where there is sympathetic management.

The threshold for consulting Natural England on the loss of best and most versatile agricultural land is 20 hectares and this has been reached in this proposal.

Natural England has no objection with regards to significant adverse impacts on designated sites. As the application would affect 27.7ha of BMV agricultural land (based on information from the Agricultural Land Classification Survey Report, 18th May 2023) they have commented that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land.



As such the Local Planning Authority should consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

The soil surveys have acknowledged that the current soil degradation could be reversed and soil health improved by resting arable farming activities on the site. The solar panels can accommodate grazing land so potentially the land will not be lost but could switch from arable land to grazing land.

The report concludes that a method of reversing the trend of soil degradation and improve soil health is to leave the soil fallow for an extended period of time and this would be compatible with a solar power scheme where there is sympathetic management.

The solar farm is anticipated to have a lifespan of 40 years and would see a temporary loss of agricultural use on this site. The proposal would result a development that would be fully reversible whilst providing an opportunity for the land to recover from arable farming. The land would be returned to an agricultural use so there would be no permanent loss of the best and most versatile land.

It is considered that the proposal is therefore consistent with Policy DM10 in respect of agricultural land.

### **FLOOD RISK**

The NPPF at paragraph 165 and Policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk.

Paragraph 173 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporate a Sustainable Urban Drainage solution. Should flooding events occur, the NPPF also requires that schemes demonstrate how the residual flooding impact would be dealt with.

The submitted flood risk assessment states that Environmental Agency's Flood Map for planning indicates that a small area in the southern site extents is located within Flood Zone 2. This flood risk is associated with the River Ryton which, at its closest point, is located approximately 70m from the southern extents of the site boundary.

The remainder of the application site lies in a flood zone 1 area as designated by the Environment Agency which is land at least risk of flooding from local rivers and this is where development is directed in the NPPF to minimise the risk of flooding.

A Flood Risk Assessment has been submitted with the application and when considering Flood Risk Vulnerability and Flood Zone 'Compatibility' the proposed development can be categorised as 'essential infrastructure' and is considered suitable for development within Flood Zones 1 and 2.

The flood risk assessment concludes that the risk of flooding is low risk or lower from flooding from all sources.

The Environment Agency has been consulted and states that the application site is located within Flood Zone 1 and has no objection to the proposal. The Environment Agency has provided advice on environmental enhancement/water management opportunities. The applicant has proposed a surface water management strategy which demonstrates that surface water run-off from the development can be managed in accordance with sustainable drainage principles to ensure no increase in runoff rates off site and no deterioration of the local water environment and a condition can be imposed to secure this scheme

The Lead local Flood Authority has raised no objections to the scheme. The proposal is considered to be acceptable in terms of flood risk.

### **CONTAMINATED LAND**

Paragraph 189 of the NPPF requires that in making decisions on schemes consideration is taken account of the ground conditions and any risks arising from contamination.

The Council's Environmental Health Officer has been consulted in this regard and has made no comments on contamination.

### **HERITAGE MATTERS**

The Council has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving their setting, character and appearance.

Paragraph 201 of the NPPF requires Councils to identify the significance of any heritage asset that may be affected by a proposal to ensure that harm to the asset is avoided or is minimised.

Paragraph 205 of the NPPF states that in considering the impact of development on the significance of heritage assets, great weight should be given to the assets conservation. Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

Paragraph 209 of the NPPF advises that Councils should consider the impact of a proposal on the significance of a non-designated heritage asset when making a decision. It states in paragraph 206 that harm caused by the loss of significance (such as through the demolition of the building) should only be allowed via clear and convincing justification.

Paragraph 211 of the NPPF is also particularly applicable where archaeology has been identified as a potential issue on site. This paragraph requires that applicants record to provide documentary evidence to advance the understanding of the significance of the heritage asset.

Policy DM8 of the Council's Core Strategy requires schemes that affect heritage assets to be of a scale, design, materials and siting and not have a negative effect on views towards the heritage asset.

The application site is within the wider setting of the grade II\* listed Osberton Hall and within the wider setting of the Osberton Hall and Scofton Hall unregistered Park and grade and a series of grade II structures and features situated within.

The site is within the close setting of Rayton Farm and the Chesterfield Canal, which are identified as non-designated heritage assets in accordance with approved criteria.

The District Council's Conservation Officer has commented that the proposed development would be unsightly and highly prominent from public vantage points within the wider landscape. The development would appear prominent from the public bridleway that intersects the site, the bridleways to the north and east of the site and a host of other public vantage points. However, the setting of the grade II\* listed Osberton Hall, the Osberton Hall & Scofton Hall Unregistered Park & Garden and a series of grade II structures and features situated within would remain largely preserved. This is predominantly due to the presence of a substantial row of trees to the east of the site, running from north to south. Subject to these trees remaining and further soft landscaping, it is not considered that a Conservation objection could be sustained. The proposed development would result in a harmful impact on the setting of Rayton Farm and the Chesterfield Canal, which are identified as non-designated heritage assets in accordance with approved criteria. However, it is likely that the public benefits would outweigh any harm.

Therefore the Conservation Officer raises no objection subject to a thorough assessment for level of screening and permanency of the screening offered by the proposed landscaping scheme and retention of the trees on the site.

The applicant has submitted archaeological documents for considerations as part of the application. During the consideration of this proposal, the Council's Archaeological Advisor requested that the applicant submit a further geophysical survey report and associated documents and these have been submitted.

The results have identified archaeological remains in those areas of the site that were surveyed. A large part of the site remains unsurveyed and therefore no conclusion as to site specific potential can be claimed by the applicant in those areas.

Initially the Council's Archaeological Advisor has requested that the results of the geophysical survey and unsurveyed area should now be tested with trial trenching so that the applicant can actually provide a solid evidential basis for assessing the development impact. This necessarily will need to be undertaken prior to determination and any further mitigation work required can be undertaken via an appropriate planning condition, if permission is granted.

The applicant has asked if these matters can be secured as a pre-commencement condition and the Council's Archaeological Advisor has commented that without this survey the development may have to be amended if further mitigation methods are required. However it has been agreed that pre-commencement conditions can be attached to secure the archaeological evaluation and the mitigation measures required in this instance

Therefore, it is considered that the proposed development does not conflict with Policy DM8 of the Bassetlaw Core Strategy, Part 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This would also meet the requirements of Policy DM10 A (i) which relates to preserving the character of the built environment).

### **GLINT AND GLARE**

A glint and glare assessment has been submitted with the application, this assesses the effect of the development on nearby receptors including residential properties, railways and airports.

The assessment identified a total of forty-two receptors identified for the study, including forty buildings and two routes (a road and rail route). The scoping exercise scoped out all but three of the observation points as well as the two route receptors due to existing mitigation strategies (tree rows, fences, buildings etc) already present for those receptors.

The assessment concludes that glare and glint is considered minimal-moderate for the proposed development overall. Although yellow magnitude glare and glint (where reflection can occur instantly with some disturbance to vision) is present for both the road and railway route receptors, due to vehicle movement is unlikely to cause significant impacts especially given reflective surfaces such as glass, metal and water bodies have similar reflectance to solar modules.

Yellow magnitude glare is present at the buildings identified within the sewage treatment facility observation points with the existing fence line not tall enough to mitigate against impacts (based on a height estimation of 1.5m).

The Glint and Glare assessment concluded the proposed development is likely to cause minimal (with instances of moderate) overall visual impact on a select few nearby receptors, although these are not considered sensitive in nature.

The Council's Environmental Health Team and Nottinghamshire County Council Highways has been consulted on the conclusion of the glint and glare assessment and raised no objections in this regard.

Nottinghamshire County Council Policy section commented that whilst there is no objection to the development they have made comments that the glint and glare assessment acknowledges the glint impact on the nearby railway and grades this as yellow magnitude, as there are periods of the day during March to October when this may impact on the railway. It is important that relevant engagement is undertaken with Network Rail to ensure that this impact does not adversely impact on the safe operation of the railway due to being a safety critical environment. The documentation provided does not include the provision of any additional mitigation in respect of this risk.

The Sheffield to Lincoln railway is located to the south-west of the application site, some 300 metres away from the application site. Network Rail were consulted on this proposal and have not made any comments.

In this case, it is considered appropriate to impose a condition that if a complaint is received from Network Rail, within 24 months of the completion and commencement of operations, relating to signal sighting safety or driver distraction then a scheme for remedial measures to address the concerns shall be submitted to address concerns within certain timescales.

It is concluded that the application has sufficiently demonstrated that the proposal will not have an adverse effect on receptors in terms of glint and glare subject to a planning condition.

### **DECOMMISSIONING AND REINSTATEMENT**

It is expected that after 40 years the solar farm will reach the end of its operational life. The decommissioning phase will include dismantling and removal of all materials and equipment that have been in situ that have been on site during the operational phase.

The decommissioning phase is expected to take 1-2 months and once all the equipment has been removed from the site the land will be restored to agricultural use.

### **OTHER ISSUES**

The applicant has offered a development fund of £10,000 per year to local projects but this is not a planning consideration and cannot be secured through the planning process.

### **CONCLUSION**

There is an urgent and compelling need for the generation of renewable energy in the UK. Solar energy forms a significant part of the contribution towards the UK becoming carbon net zero, with wind and solar providing the predominant contributor to the UK's electricity. This approach reflects wider Government policy and guidance which is designed to address the potential impacts of climate change, to ensure energy security, economic growth, and the reduction in using natural gas to heat properties.

Paragraph 163 of the NPPF states that when determining planning application for renewable and low carbon development, local planning authorities should approve an application if its impacts are (or can be made) acceptable.

The main policy for the determination of this application is Policy DM10 of the Bassetlaw Core Strategy 2011 and it is considered that the proposal is consistent with the requirements of this policy.

All material considerations relating to the proposal have been fully analysed in this report and there are no adverse impacts relating to the proposal that would significantly and demonstrably outweigh the benefits.

The recommendation is therefore to grant planning permission subject to conditions.

**RECOMMENDATION:**

Grant subject to conditions

**CONDITIONS/REASONS:**

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

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

2. The development hereby permitted shall be in accordance with details and specifications included on the submitted application form and shown on the following approved plans:

- Existing Block Plan of the site ESP02
- The Location Plan LP01
- LVA Figures:
  - Site Location Plan - figure 1
  - Site Context-Figure 2
  - Landscape character Figure 3
  - ZTV and Assess View Points - figure 4
- Agricultural Land Classification Survey dated 18th May 2023
- Arboricultural Impact Assessment dated June 2023
- Construction Traffic Management Plan dated June 2023
- Geophysical Survey Report dated May 2023
- Glint and Glare Study dated 6th June 2023
- Heritage Statement dated 6th June 2023
- Landscape and Visual Appraisal dated June 2023
- Noise impact Assessment dated 25th May 2023
- Soil Resource Management Plan dated 30th May 2023
- Statement of Community Involvement
- Transport Statement dated June 2023
- Hedge Removal Plans drawing number LTC 179-HRP1 and LTC 179-HRP2 received on 27th February 2024
- PV Array details Drawing Number HES 1003-200 Rev A
- DNO Details Drawing Number HES 1003-220
- Customer Substation Drawing Number HES 1003-221 Rev A
- Storage Container details Drawing Number HES 1003-222
- Power Station Details Drawing Number HES 1003-223 - Rev A
- Access Track Drawing Number HES 1003-230
- Fence and Gates Drawing Number HES 1003-231
- CCTV Mounting Details Drawing Number HES 1003-232
- Satellite Dish Mounting Details Drawing Number HES 1003-235
- Design and Access Statement dated 5th June 2023
- Flood Risk Assessment dated 8th May 2023
- Biodiversity Management Plan ref: 80-856-R3-3 dated January 2024

- Biodiversity Metric Calculation (revised) received on 16th January 2024
- Biodiversity Metric Report (revised) received on 16th January 2024
- SLR Consulting Ltd - Applicant's Rebuttal, Archaeology dated 15th January 2024
- Revised Planning Statement dated January 2024
- Revised Preliminary Ecological Assessment dated January 2024
- Landscape Mitigation Plan figure 5 drawing number 1003 received on 16th January 2024

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

3. The planning permission hereby granted shall be for a temporary period only to expire 40 years after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event. At the end of the 40 year period, the solar array and the ancillary equipment shall be removed from the site and the land restored in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority within 3 months of cessation of the use.

Reason: By virtue of its construction, appearance and method of energy generation, the solar array is not considered suitable as a permanent structure on the site and to ensure that the redundant solar panels are removed from the site before they become dilapidated or degraded to the detriment of the appearance of the area.

4. Construction work and ancillary operations, including deliveries to and removal of plant, equipment, machinery and waste from the site shall be carried out only between the following hours: 0800 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank or public holidays.

Reason: To safeguard the amenities of dwellings located closest to the boundaries of the application site

5. If, during the development, land contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further works shall be carried out until a method statement detailing a scheme for dealing with suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of paragraphs 189 and 190 of the NPPF.

6. The proposed landscaping as shown on approved landscaping plan drawing number 1003 shall be implemented in the first planting season following the first operation of the solar farm.

Reason: To ensure that the landscaping is in place to secure adequate visual amenity, biodiversity and safety from any proposed glint.

7. Any trees, hedges or shrubs that are removed, are dying, being severely damaged or become seriously diseased within the lifetime of the development shall be replaced in the following planting season by trees or shrubs of a size and species similar to those originally required to be planted.

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

8. No temporary lighting shall be used during the construction period. If this requirement changes details should be submitted and approved by the Local Planning Authority prior to the use of any lighting. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that there are no detrimental impacts on residential amenity or biodiversity

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

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

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

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

10. The archaeological site work must be undertaken only in full accordance with the approved written schemes referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

11. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The



post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

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

12. Within 24 months of the completion and commencement of operations of the development hereby approved (such a date as to be notified to the Local Planning Authority) in the event of any complaint to the Council from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Council details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure safety of the users of the railway.

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

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

14. The B6079 has a 4.3m height restriction to the south west because of the overhead railway bridge for the Sheffield to Lincoln line, this is located between the Worksop Sewage Treatment Works access road and the B6040 roundabout.

The applicant shall take all reasonable steps to instruct all vehicles entering and leaving the site above 3.5 tonnes gross vehicle weight to access and egress using the B6079 route towards the A1 only. These steps shall include the issuing of instructions to all drivers of such vehicles advising of the required route and the provision of turn left signage at the exit of the construction access throughout the construction period.

Reason: In the interest of highway safety.

15. 6 months prior to the solar farm being decommissioned a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority. The CTMP shall thereafter be implemented as approved.

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

16. Prior to any construction commencing on the site or works to the grid connection a Construction Traffic Management Plan (CTMP) covering vehicles exceeding 3.5 tonnes gross vehicle weight shall be submitted to and be approved by the Local Planning Authority and shall include provision for:

- the routing of vehicles to and from the site and grid connection corridor,
- the monitoring of the approved arrangements during the construction of the development and laying of the grid connection,
- ensuring that all drivers of vehicles under the control of the Applicant are made aware of the approved arrangements,
- disciplinary steps that will be exercised in the event of a default,
- the parking of site operatives and visitors,
- the loading and unloading of vans, lorries, and plant,
- the siting and storage of plant, materials, and waste, and
- a plan of the temporary access, parking, loading, and unloading areas, and their surface treatment

The first action on commencement of development, and prior to any further action (including site clearance, site stripping or site establishment) shall be the formation of; any temporary access arrangements; parking areas; and loading, unloading, and storage areas in accordance with the approved CTMP. The CTMP shall thereafter be implemented as approved.

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

17. The development shall be undertaken and managed strictly in accordance with the Biodiversity Management Plan ref: 80-856-R3-3 dated January 2024

Reason: To ensure the satisfactory overall appearance of the completed development and to help assimilate the new development into its surrounding and in the interests of biodiversity enhancement.

18. The development shall be carried out, managed and monitored as detailed within the Biodiversity Management Plan dated January 2024.

Reason: In the interest of biodiversity.

19. The development hereby permitted shall only be carried out by the recommendations included in Section 4 of the Revised Preliminary Ecological Appraisal dated 9th January 2024.

Reason: In the interests of biodiversity

20. A pre-construction check for badger setts should be undertaken prior to the development taking place by a suitably qualified ecologist. Appropriate measures should be implemented to minimize disturbance and the risk of harm to badgers. A full report detailing the findings and any mitigation should be submitted to and approved in writing prior to the commencement of development and the development should be undertaken in accordance with the approved details

Reason: In order to protect any badgers on the site.

21. The Bridleway shall remain open and free from obstruction or structures unless agreed in writing with the Local Planning Authority. In the event there is any damage to the surfacing of the bridleway a scheme for repairs shall be submitted to and agreed to the Local Planning Authority. The approved scheme shall be fully implemented.

Reason: To ensure that the proposed development complies with the guidance outlined in paragraph 104 of the NPPF.

22. The development hereby permitted shall be carried out in accordance with the details and recommendations detailed in the submitted Flood Risk Assessment dated 8th May 2023 and drawing numbers FRDA - 003, FRDA 004. The surface water drainage scheme shall be fully implemented prior to the approved solar farm becoming operational.

Reason: In the interests of surface water disposal and flooding.

23. The developer shall ensure that the surface water runoff from hardstanding and small buildings should be captured/drain within the site.

Reason: To comply with the requirements of paragraphs 165 and 173 of the NPPF.

24. The development shall be carried out in accordance with the Arboricultural Impact Assessment dated June 2023

Reason: To ensure that the trees/hedgerows are managed and protected satisfactorily in the interests of the appearance of the site and amenity of the area.

25. Before development commences a lighting strategy scheme shall be submitted and approved to ensure that there are no adverse impacts to bats and their commuting/foraging habits from lighting. The lighting strategy shall comply with the Institution of Lighting Professionals (ILP) Guidance Note 8 Bats and Artificial Lighting. All lighting shall be installed in accordance with the specifications and locations set out in the approved strategy. The approved lighting shall be retained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason: To ensure compliance with wildlife legislation and to safeguard Natural Environment and Rural Communities (NERC) Act 2006 priority species.

26. Before development commences a construction management plan shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include measures that will be taken to minimise construction noise during the construction phase of the project. The development shall only be carried out in accordance with the approved Construction Management Plan

Reason: To safeguard the amenity of residents living in the vicinity of the site

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