

Date: 28 August 2015

Dear Sir/Madam,

**PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 8<sup>th</sup> September 2015 at **4.00 pm**.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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3. Declarations of Interest by Members and Officers	
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**PART 1 - ITEMS FOR DECISION**

5. Land North West Manor Farm, Ollerton Road, Little Carlton (14/02133/FUL) <b>(Site Visit: 9.15am – 9.25am)</b>	9 - 36
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7. Land South off Ollerton Road, Edwinstowe (15/00875/FULM) <b>(Site Visit: 10.00am – 10.10am)</b>	48 - 83

8.	Land adjacent to 11 and 13 Boy Lane, Edwinstowe (15/00652/FUL) <b>(Site Visit: 10.20am – 10.30am)</b>	84 - 89
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## **PART 2 – ITEMS FOR INFORMATION**

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## **PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS**

None

## **PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

### **NOTES:-**

A Briefing Meeting will be held in Room G23 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 11<sup>th</sup> August 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)  
Councillor G.P. Handley (Vice-Chairman)

Councillors: D.M. Batey, R.V. Blaney, R.A. Crowe, M. Dobson, P.J. Rainbow, I. Walker and Y. Woodhead.

42. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors: Mrs C. Brooks, N.B. Mison, Mrs S.E. Saddington, Mrs L.M.J. Tift and B. Wells.

43. MINUTES OF THE MEETING HELD ON 4<sup>TH</sup> AUGUST 2015

AGREED that the Minutes of the meeting held on 4<sup>th</sup> August 2015 be approved as a correct record and signed by the Chairman.

44. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members declared an interest in the item(s) shown below:

<u>Member</u>	<u>Agenda Item</u>
Councillors D.R. Payne and I. Walker	Agenda Item Nos. 6 & 7 – Land Adjacent to Cover Point, Halloughton (15/01023/FUL) and Cover Point, Southwell Road, Halloughton (15/00676/FUL). (Non-Disclosable Pecuniary Interest – Members of Trent Valley Drainage Board)
Councillor Mrs P. Rainbow	Agenda Item No. 5 – High Gables, Lower Kirklington Road, Southwell (15/00475/OUTM) (Disclosable Pecuniary Interest – Pre-determination and bias in relation to this application)

45. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

The Chairman of the Committee advised those present that Agenda Item Nos. 12–19 would be discussed as one but that the vote for each item would be taken individually.

*Councillor Mrs P. Rainbow withdrew from the meeting during the following item and did not take part in the debate or voting thereon.*

46. HIGH GABLES, LOWER KIRKLINGTON ROAD, SOUTHWELL (15/00475/OUTM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline planning permission for the erection of a maximum of 12 dwellings (8 market houses and 4 affordable houses) on 0.71 hectares of land to the north of Southwell within the defined built up part of the town. The application site contained High Gables, a 2 storey dwelling fronting Lower Kirklington Road and a field bound in the most part by hedgerows to the rear.

Councillor P. Storer, representing Southwell Town Council, with the permission of the Chairman, circulated to the Committee an extract of a map showing the housing allocation site So/Ho/5. Councillor Storer spoke against the application, reiterating the comments contained within the report. He also commented that the Southwell Neighbourhood Plan considered that financial contributions for an off-site open space area was unacceptable as it would not be suitable for younger children.

Members considered the application and raised a number of issues. It was noted that whilst there was a desire to look at the whole of the allocated development site there was a risk to waiting for a significant development to come forward with the whole site having an allocation of 60 no. dwellings. It was further noted that the siting of the mini-roundabout would make the second access to the development safer as traffic would be required to slow down.

Members noted that the application was for, at this stage, an outline permission with a maximum number of 12 dwellings. This figure could not be exceeded through reserved matters, rather it would require a separate application. A lower density would meet the policy requirement to ensure a character transition from the open countryside and would also set a material marker down for the wider allocation to similarly respect character. The application achieved the affordable housing requirement for the site. Part of the development was for the erection of bungalows and it was proposed that this be included as a condition should the application be approved. It was also proposed that the issues raised by the County Highways, referred to in the report, be included as part of a Section 106 Agreement.

AGREED (by 7 votes for with 1 against) that outline planning permission be granted subject to:

- (a) the conditions and reasons contained within the report with the inclusion of an additional condition to ensure that bungalows were predominately provided adjacent to Orchard Close in the interests of preventing overlooking; and
- (b) the signing and sealing of a Section 106 Planning Agreement to control the matters set out in the table contained within the Summary Developer Contributions section of the report together with the inclusion of the issues raised by County Highways.

47. LAND ADJACENT TO COVER POINT, HALLOUGHTON (15/01023/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the erection of a new dwelling with separate garage and associated works to trees.

During consideration of the application, a Member commented that there appeared to be a loss of mature trees and that the current access to the site was unsightly. Officers indicated that the removal of some trees was required to allow the development to progress and that the scheme required landscaping and boundary treatments to be discussed.

It was noted that there appeared to be a discrepancy between the plans for this application and that of the following one on the agenda. Officers confirmed that they would seek clarification on this issue.

AGREED (by 7 votes for with 1 abstention) that, subject to clarification of the boundaries between this application and the following one (15/00676/FUL) full planning permission be granted subject to:

- (a) the conditions and reasons contained within the report; and
- (b) the Lead Flood Risk Authority confirming that there are no insurmountable drainage matters and that any further requirements can be adequately dealt with by condition.

48. COVER POINT, SOUTHWELL ROAD, HALLOUGHTON (15/00676/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the demolition of an existing 3 bedroom 1970s property including double garage and outbuildings and the construction of a new 4 bedroom house with double garage.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Notts. Wildlife Trust.

During consideration of the application it was noted that the modern design of the construction had been granted on appeal.

AGREED (unanimously) that, subject to clarification of the boundaries between this application and the previous one (15/01023/FUL) full planning permission be granted subject to:

- (a) the conditions and reasons contained within the report; and
- (b) the Lead Flood Risk Authority confirming that there are no insurmountable drainage matters and that any further requirements can be adequately dealt with by condition.

49. EXISTING BUILDINGS TO THE REAR OF NOS. 1 & 2 CHURCH LANE, MORTON (15/00505/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought a change of use for existing buildings to form a separate dwelling.

During consideration of the application, it was noted that Fiskerton Parish Council had initially objected to the proposal but had subsequently submitted a comment of support.

AGREED (with 8 votes for with 1 abstention) that full planning permission be approved, subject to the conditions and reasons contained within the report.

50. YEARSLEY GROUP, BELLE EAU PARK, BILSTHORPE (15/01135/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought permission for the variation of conditions 2, 4, 6, 16-19, 23-25 and 29 attached to planning permission 14/01782/FULM – erection of a total of 26,200m<sup>2</sup> floorspace (GIA) for B8 use (storage and distribution) including 1,500m<sup>2</sup> ancillary office space (Use Class B1), the construction of a ground mounted solar farm totalling 2.2ha in size and associated works with the rationale being to allow amendments to the solar farm element of the Scheme.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from: Trent Valley Internal Drainage Board; NSDC – Environmental Health; Agent Drainage Consultants; and Environment Agency.

AGREED (unanimously) that full planning permission be approved, subject to the conditions and reason contained within the report and subject to the amendments as noted in the schedule of communication.

51. LAND AT 60 MAIN STREET, CODDINGTON, NEWARK (15/01038/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought permission for the erection of 3 no. dwellings.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Nottinghamshire County Council's Highways Officer.

The Business Manager – Development informed Members that this was an 'on-balance' application and, if approved and delivered in its entirety, would bring about genuine heritage enhancements through an improved setting for the Conservation Area. He also advised that, if approved, any 'watering down' of the quality of the scheme (including in design, fenestration and materials) would be resisted.

In consideration of the application it was proposed that an additional condition be included to restrict the commencement of the scheme until the access and turning point for the host and new properties was completed and this was to ensure that off-street parking was available.

AGREED (by 7 votes for with 2 against) that full planning permission be approved, subject to the conditions and reasons contained within the report and subject to the inclusion of an additional condition that would restrict the commencement of the scheme until the access and turning point for the host property was completed.

52. MAXEYS FARM SHOP, HOCKERTON ROAD, KIRKLINGTON (15/00745/FUL)

The Committee considered the report of the Deputy Chief Executive which sought permission for the extension to the existing farm shop and a tea room.

The Business Manager – Development advised Members that he had been made aware that they had received correspondence from the applicant and that contained within this was narrative that disputed the figures contained in the report. He commented that if the figures contained within the letter were used this would still represent an increase of 143% which Officers would maintain was still disproportionate. He added that Members would need to consider the additional employment opportunities, should the application be approved, but noted that this could not be conditioned.

In considering the application, Members commented that every effort must be made to support British Farmers.

Contrary to Officer recommendations it was proposed and seconded that the application be granted and that Officers impose suitable conditions.

A Member of the Committee commented that the proposed tea room would be substantially greater than the farm shop and that the figures contained within the letter did not equate. The proposal would result in a dramatic increase of the property in a rural setting and also increase the amount of traffic through the access which was off a public highway with a speed limit of 50mph.

In response, the Business Manager – Development advised that there appeared to be two key issues. In relation to the tea rooms, he advised that this could not be controlled with the use of planning conditions in terms of patronage. In relation to the farm shop, an open A1 use would be granted if no restrictions are promoted. The Business Manager suggested that Officers may need further time to consider whether a planning condition or Section 106 agreement could be utilised to restrict the operators and/or the goods to be sold.

In considering the above information, the proposer and seconder agreed to amend their proposal and proposed instead that the matter be deferred pending reconsideration at the following meeting.

AGREED (unanimously) that the application be deferred to 8<sup>th</sup> September 2015 Planning Committee to allow Officers to advise how the operators and/or the goods to be sold can be controlled.

53. (i) ST. MARKS PLACE SHOPPING CENTRE, ST. MARKS PLACE, NEWARK (15/00599/FUL)  
(ii) ST. MARKS PLACE SHOPPING CENTRE, ST. MARKS PLACE, NEWARK (15/00600/FUL)  
(iii) 40 & 41 MARKET PLACE, NEWARK (15/00601/LBC)  
(iv) 43 & 44 MARKET PLACE, NEWARK (15/00603/LBC)  
(v) 46 MARKET PLACE, NEWARK (15/00604/LBC)  
(vi) 47 MARKET PLACE, NEWARK (15/00605/LBC)  
(vii) 24 STODMAN STREET, NEWARK (15/00607/LBC)  
(viii) 31 STODMAND STREET, NEWARK (15/00608/LBC)

The Committee considered the above reports of the Deputy Chief Executive as one item. The applications sought approval for the following:

(15/00599/FUL) – A shopping centre rebrand with public realm improvements including new painted facades, signage, painting, lighting, planting and seating;

(15/00600/FUL) – New signage and advertisement lighboxes forming part of a rebrand of St. Marks Place.

(15/00601/LBC) – Re-paint of existing painted facades of 40 & 41 Market Place forming the access to Saracens Head Yard with new St. Marks Place branding and signage.

(15/00603/LBC) – Signage to façade forming access to Clinton Arms Yard.

(15/00604/LBC) – Re-paint of existing painted façade forming access to Eggleston's Yard with new St. Marks Place branding and signage.

(15/00605/LBC) – Re-paint of existing painted façades of 47 Market Place with new St. Marks Place branding and signage.

(15/00607/LBC) – Re-paint of existing painted façade with new St. Marks Place branding.

(15/00608/LBC) – Attachment of overhead steel/aluminium sign forming part of new St. Marks Place branding.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from Newark Town Council in relation to the applications (i) to (vii) as denoted above.

Circulated to Members and in addition to the report, were details of the design process and the proposed development. This provided a visual indication of how the scheme would look once completed. The Business Manager – Development assured Members that the colour scheme denoted in the papers had not yet been formally agreed.

Members commented that their concerns in relation to the proposed colour scheme had been allayed but sought assurance that the materials to be used, in particular at the location near to the Marks & Spencer establishment, would be such that they would be resistant to and deter graffiti.



AGREED (unanimously) in relation to the following that:

(15/00599/FUL) – full planning permission be approved, subject to the conditions and reasons contained within the report.

(15/00600/FUL) – advertisement consent be approved, subject to the conditions and reasons contained within the report.

(15/00601/LBC) – listed building consent be approved, subject to the conditions and reasons contained within the report.

(15/00603/LBC) – listed building consent be approved, subject to the conditions and reasons contained within the report.

(15/00604/LBC) – listed building consent be approved, subject to the conditions and reasons contained within the report.

(15/00605/LBC) – listed building consent be approved, subject to the conditions and reasons contained within the report.

(15/00607/LBC) – listed building consent be approved, subject to the conditions and reasons contained within the report.

(15/00608/LBC) - listed building consent be approved, subject to the conditions and reasons contained within the report.

54. LAND OFF WARSOP LANE, RAINWORTH (15/00522/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought a residential development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM.

This application was deferred at Planning Committee on 7<sup>th</sup> July 2015 with a request for further information relating to the extent of the landscaped buffers to the southern and western boundaries of the site and the likely density of future development on the remaining eastern half of the allocated land, which sat outside the application site. The report included further consultation responses received. The matter was again deferred at Planning Committee on 4<sup>th</sup> August 2015 with a request for Officers to further review the landscape buffer on Warsop Road with the developer.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the applicant.

An information pack was circulated to Members in addition to the report from the Planning Committee held on 4<sup>th</sup> August which sought to put forward key items of information in an attempt to assist Members with their consideration of the application.

Members agreed that the applicant's proposals in relation to the landscape buffer and open space schemes was welcomed as was their offer to plant larger and more mature trees within the buffer area.

AGREED (unanimously) that the residential development of 30 additional dwellings within the existing site boundary of Outline Permission 13/01256/OUTM be approved subject to:

- (a) the conditions and reasons as contained within the report; and
- (b) the completion of a S106 Agreement to secure the developer contributions set out in figure 2 in the Committee Report and requiring the spine roads shown on the wider approved plan (within the control of the applicant) to be completed in their entirety before any of the additional dwellings being considered under this application are first occupied.

55. LAND OFF WARSOP LANE, RAINWORTH (15/00523/RMAM)

The Committee considered the report of the Deputy Chief Executive, which sought approval for the reserved matters following outline approval Ref. 13/01256/OUTM for up to 130 dwellings with associated access.

This application was deferred at Planning Committee on 7<sup>th</sup> July 2015 with a request for further information relating to the extent of the landscaped buffers to the southern and western boundaries of the site and the likely density of future development on the remaining eastern half of the allocated land, which sits outside the application site. The report included further consultation responses received. The matter was again deferred at Planning Committee on 4<sup>th</sup> August 2015 with a request for Officers to further review the landscape buffer on Warsop Road with the developer.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the applicant.

Circulated to Members and in addition to the report from the Planning Committee held on 4<sup>th</sup> August, was an information pack provided by the applicant which sought to put forward key items of information in an attempt to assist Members with their consideration of the application.

Members agreed that the applicants proposals in relation to the landscape buffer and open space schemes was welcomed as was their offer to plant larger and more mature trees within the buffer area.

AGREED (unanimously) that the application for a residential development of up to 130 dwellings with associated access be approved subject to:

- (a) the planting of large more mature trees in the buffer zone; and
- (b) the conditions and reasons contained within the report.

The meeting closed at 6.30pm.

Chairman

<b>Application No:</b>	<b>14/02133/FUL</b>	
<b>Proposal:</b>	<b>Erection of a single 500kW wind turbine with a hub height of 75 metres, rotor diameter of 54 metres and a tip height of 102 metres.</b>	
<b>Location:</b>	<b>Land North West of Manor Farm Ollerton Road Little Carlton Nottinghamshire</b>	
<b>Applicant:</b>	<b>AGR Renewables</b>	
<b>Registered:</b>	<b>5<sup>th</sup> December 2014</b>	<b>Target Date: 27<sup>th</sup> March 2015</b>
	<b>An extension of time has been agreed in principle</b>	

The Site

This application relates to relatively low lying open agricultural arable field sited within the open countryside to the north west of Manor Farm and beyond Little Carlton. The land is bounded by with hedgerow field boundaries and the proposed turbine will be located towards the north western corner of the field.

Other than Little Carlton, the nearest settlements are Bathley approximately 950m to the north, North Muskham some 2.6km to the east and Kelham approximately 2km to the south.

The nearest residential properties are at Hillside Farm, Debdale Farm, Toll Bar and Valley View and those in Cauntton village.

There is an existing access to the site via Kelham Lane.

There are 3 existing operational turbines within 1km of the application site.

Relevant Planning History

Planning permission was granted in February 2012 for a temporary period of three years for the erection of a 70m tall monitoring mast supported by a large number of guy cables (28), spreading 38-45m from the base and anchored up to 45m up the mast's length. The mast has a very slight profile, of just 21.9cm diameter application ref. 11/01444/FUL.

The Proposal

Full planning permission is sought for the erection of single three bladed (maximum) 500kW wind turbine with a maximum hub height of 75 metres, rotor diameter of 54 metres and a tip height of 102metres.

The proposal also seeks consent for associated infrastructure consisting of an electricity sub station and transformer cabinet in a dark green colour (RAL no. 6004) which measures approximately 2.4m in width, 6.1m in length and a has an approximate maximum height of 2.9m.

The construction traffic would utilise the existing junction of Kelham Lane and the A616 Ollerton Road, turning up the existing access to the north west of Manor Farm. There is an existing access through the site which is proposed to be extended by some 270m in order to provide access to the proposed turbine and the associated infra structure.

The turbine is required as a direct socio-economic benefit to the existing farm. Any additional or surplus energy produced will be sold back to the grid and together with the Feed in Tariff payments, will give a guaranteed income to the farming business.

In addition to the normal requirements, the application is accompanied by the following submissions:

- An Environmental Statement which includes
- Noise Assessment and Acoustic Report
- Ecological Assessment Appraisal
- Transport and Access Statement
- Landscape and Visual Impact Assessment (LVIA) and Associated Appendices
- Cultural Heritage and Archaeology Statement
- A Planning Supporting Statement and Associated Appendices
- Shadow Flicker Assessment
- A Report of Community Engagement

The latter report above outlines that in line with the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2103 the applicant has undertaken community consultation for a period between 30<sup>th</sup> September -25<sup>th</sup> October 2013. A total of 212 residential and business premises within 2km of the site and 60 key stakeholders (which included county, district and parish councils) were consulted. The consultation process included leaflet drops, press releases, briefing documents, the creation of a website and a public exhibition. The document outlines that during and following the consultation period feedback was relatively low. Some support was received. Concerns raised related to visual impact, cumulative impact, the setting of precedent, the perceived lack of community benefit and impact on property values. In my opinion it is clear that the applicant has engaged in a wide community consultation with regard to the proposal.

#### Departure/Public Advertisement Procedure

Occupiers of 88 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

#### Planning Policy Framework

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

#### Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character  
Core Policy 14: Historic Environment

**Allocations & Development Management DPD (adopted July 2013)**

Policy DM4 – Renewable and Low Carbon Energy Generation  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8 – Development in the Open Countryside  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

**Other Material Planning Considerations**

National Planning Policy Framework 2012  
Planning Practice Guidance 2014  
Wind Energy SPD, adopted March 2014  
Newark and Sherwood Landscape Capacity Study for Wind Energy Development, March 2014

Consultations

**Caunton Parish Council-** Comments have been received which are outlined as follows:-

The height and size of the turbine will have an adverse and detrimental impact on the landscape. This impact will be exacerbated by the cumulative impact of the three turbines already approved for the area;

The height and size of the turbine will have an adverse and detrimental visual impact imposing substantially on the views of the area. This impact will be exacerbated by the cumulative impact of the three turbines already approved for the area;

The cumulative impact of four turbines will result in over intensification of this type of development;

There has been no meaningful consultation with the Caunton community;

It is understood from the previous application in the vicinity that the grid was only able to accommodate 2 turbines in the area. This fourth turbine would significantly exceed the grids capacity.

**Bathley Parish Council –** Comments have been received which are outlined as follows:-

Bathley Parish Council led by their views and the views of residents who have made their views verbally known to the councillors, have always rejected plans for wind turbines and their views have not changed having perused the plans for yet another one. The Parish Council reject in the strongest terms to this latest application for a wind turbine that is creeping ever nearer the rural village of Bathley

Their objection to the first wind turbine was based in part that a precedent was being set and concerns that the village outlook would eventually become swamped and ruined by these intrusive huge structures. It is now very clear their original concerns were well founded

Bathley is a rural village, a small community; picturesque and unspoiled. The current wind turbines are visible to many residents and the councillors are of the opinion that Bathley's outlook will soon be completely blighted. Another turbine will interrupt the country outlook even more and the councillors believe that it is unacceptable that Bathley is to be subject to yet another turbine.

The councillors would like to see a written statement showing the benefits for the local community from this application. To date they have received no investment to the local community or local energy consumers to 'soften the blow'. They believe this to be a purely financial application, with no acceptable evidence shown of actual need. Bathley PC have always stated that they believe the motivation behind this application is financial and feel outraged that an old traditional village is suffering while others financially benefit

It should be noted that the issue of noise must now be addressed before it becomes a major issue for the villagers – Bathley PC have huge concerns at how many more turbines in this area NSDC planning department will approve. The very real fear is that that Bathley like other local villages will be ruined if this and future applications are approved.

**Winthorpe with Langford Parish Councils** Comments have been received which are outlined as follows:-

a) There are already two wind turbines in the vicinity of Little Carlton that are very obvious, when walking along Holme Lane from Winthorpe to Holme, as they are from the flood bank pathway, again when walking from Winthorpe to Holme or in the opposite direction. These wind turbines stick up like two sore thumbs against what was a beautifully clear background. Now it is proposed by the applicant to make it three sore thumbs sticking into an otherwise clear background. This third wind turbine is proposed to be nearer still to the River Trent.

The Newark and Sherwood section of the Trent Valley is a flat plain with many attractive habitations, large and small, with generally few ugly structures marring the horizon but of recent years several large wind turbines have been allowed to be put up with heights to the tip of the blades exceeding 300 feet. When the wind turns the blades, each of which is 27 metres long, they become a very distracting feature, especially to car drivers and pedestrians, the movement of the blades, up in the air, and instinctively draws one's eye away from the road in the case of the car drivers and off the path in the case of the pedestrian. This distraction can cause accidents.

b) Apart from the potentially danger of distraction caused by wind turbines, the distraction to the local residents must be considered, not just from the visual effects but from the noise generated by these machines. When outside their residences the noise, although not great but which can be continuous over a long period, can be very disturbing to the residents, especially when the wind is blowing directly from the wind turbine to the residences.

c) Reading the information supplied by 'agr' update January 2015, relevant to this application, it states that the wind turbine would have an installed capacity of 500kw, enough to generate 1,222MWh and this is based on DECC's long term average capacity factor of 27.9%. Based on this information, this size of wind turbine, if generating at full power would only be generating for less than 30% of the year. In reality, the wind turbine will be generating at varying outputs, including no output, throughout the year. When it is generating at low outputs or zero output, other sources of electricity must be available to meet demand and over an average year (reference 'average capacity of 27.9%') that must be 72.1% of the year. From this it is obvious that another source of power generation, e.g. gas power station, must always be on hand and that is inefficient and uneconomical use public money generated through taxes, particularly the so called 'green tax'

which everyone using gas and electricity has to pay and that means virtually everyone in this country.

d) According to the information given in the 'spring' Report of Community Engagement, a briefing document was sent to a list of 'stakeholders' which included this Parish Council; this is no recall of this document being received. A Public Exhibition was held at South Muskham and Little Carlton Village Hall on the 9<sup>th</sup> October 2014 and again there was no notification of this event received by this Parish Council.

e) Also, in the 'spring' Report of Community Engagement, it mentions a community benefit fund with suggestions, if the proposal is accepted by NSDC, the possibility of providing funds to refurbish South Muskham Village Hall, to help with the upkeep of the cricket pavilion and help with the development funding of the North Muskham Rural Community Centre.. This raises the question that would funding, provided by a planning applicant, if the application's project is accepted, be interpreted as an inducement to the local communities to accept the project or is it just that the applicants are much more philanthropic these days?

f) It was understood by this Parish Council that the emphasis, with regard to the future of wind turbines, would be on off-shore installations, not on land based installations. This was reported as having been said by our Prime Minister, Mr. David Cameron. If this is correct then why has this application been considered?

g) the volume of paper sent out with this planning application, needed a good month to digest its contents and we thank you for extending the consultation period to permit this. Whilst reading through the paperwork, which was assumed submitted with the application, it soon became apparent that a great deal of it was duplicated in different articles; was this an inducement to those appraising the application to become discouraged and just give up and do something else?

This Parish Council strongly disagrees with and strongly objects to the installation of a wind turbine not just at Little Carlton but anywhere in the Nottinghamshire section of the River Trent Valley; with its low flat plain where they can be seen for many miles. Also, from the philanthropic attitude of the applicant, the subsidies given by the government are much too generous and should be reduced and given to other government departments such as the NHS, the transport Dept to improve our roads, etc.

**South Muskham Parish Council** - Comments have been received which are outlined as follows:-

AGREED by a majority vote that, having already rejected the previous three applications, this 4th wind turbine, in close proximity and at a site slightly closer to the two villages (of Little Carlton and Bathley) should also be REFUSED, not least on the grounds of increased intensification.

**NB.** The applicant AGR Renewables, had invited representatives of South Muskham/Little Carlton PC to a meeting in advance of the Parish Council meeting and had set out details for the provision of a Community Fund. Outline details of this offer included an annual payment of £2500, index linked to the RPI, for the life of the turbine(25 years) whether operating or not. This sum would be split between the two parishes of South Muskham/Little Carlton and Bathley. Importantly, whether or not the two Parishes and/or the Local Planning Authority voted against the erection of this fourth wind turbine, in the event of the application being successful (on appeal, if necessary),the applicant had advised that the offer of a Community Fund on the above terms would stand.

The Parish Council would like to request that this condition be attached in the event of the application being approved.

**North Muskham Parish Council** – Objections are raised with regards to the proposal being excessive and the cumulative impact.

**Holme Parish Council** - Comments have been received which are outlined as follows:-

The comments made by Caunton, Bathley, South Muskham with Little Carlton and North Muskham are fully supported

Particular concerns are raised about the visual impact on our small community, even though several miles away, which spoils our sky line.

However, in the event that approval is given, we support the need for a Section 106 planning condition to compensate those communities affected, although we believe that more work is needed to get this right for example, which communities would be eligible? How is "community" defined? Who has determined that £2500 is the appropriate amount? Is this for each community or to be shared? How will the fund be managed?

We strongly believe that Holme should be a beneficiary of any such fund in view of the visual intrusion.

**Newark Town Council** – no objections are raised.

**NCC Landscape** – The comments are summarised below:-

The landscape and visual impact assessment of the proposed development has been carried out to the appropriate methodology.

The direct physical impact of the proposed development on the landscape fabric of the existing site has not been quantified. However these are described as not being significant and the effect on the fabric of the landscape is described as **neutral**. I agree with these conclusions.

The proposed turbine would result in a localised change in character within 1km radius from the turbine where it would also be seen with 2 existing wind turbines at Dean Hall and Debdale Hill. There will be a **minor to moderate** adverse effect on the Mid Nottinghamshire Farmlands, *Village Farmlands with Ancient Woodlands* and the Trent Washlands *River Meadowlands*. Neither of these landscape types has been identified as experiencing a significant effect.

I agree with these conclusions. Significant effects upon character would not occur with these landscape types and change in character would be localised.

The applicant states that there is one viewpoint from where there would be significant visual effects which is Viewpoint 5 from Bathley Lane, Little Carlton. The level of the visual effect would be **moderate to major**. I agree with this view.

I consider that there is scope for mitigation against effects which would help to deliver some key actions for the Policy Zone **Manor Farm River Meadowlands** which should be provided by the applicant should planning permission be granted.

The CLVA does not give an overall level of cumulative effect on the landscape character of the Policy Zone. However it describes the effects as being similar but incrementally adverse to those identified in assessment of landscape effects where effects on **landscape character** would **not be significant** and the assessment of visual effects which stated that there would be **localised significant visual effects** which I agree with.



Some of the sequential impacts of the proposed turbine have been assessed by the applicant for the A616 and A1 but not for any Public Rights of Way within the study area. These are likely to be similar to the receptors from Viewpoint 1 and Viewpoint 10 except their susceptibility to change may be slightly increased as they are recreational receptors. The applicant states that the cumulative sequential visual effects of the turbine for both scenarios would not be significant and sequential effects would be infrequent and **negligible**. I agree with this conclusion.

The location of this proposed development close to these turbines in the adjacent Mid Nottinghamshire Farmlands LCT will mean that this development is seen from most viewpoints as part of a group of turbines. Taking into account the guidance within the Capacity Study, I conclude that there is some capacity to accommodate this wind turbine development.

In conclusion and on balance taking all the above points into account I conclude that the proposed development should be considered for approval due to:

- no overall significant landscape and visual effects being brought about by this development and it is situated away from the smaller scale river meadowland landscapes.
- that the proposed development will not result in a change in classification of the Landscape, from a '*landscape with occasional wind energy*' to the higher level of a '*landscape with wind energy*' (Newark and Sherwood Landscape capacity study for wind energy development, LUC March 2014)
- the current distribution of consented developments within 10km radius of the proposed site

Should planning permission be granted planting works for mitigation, to address impacts on landscape character, should be carried out on land within the applicant's ownership. This would help to deliver some key actions for the Policy Zone – Manor Farm River Meadowlands (TW PZ13).

**Historic England** - As this application potentially affects scheduled monuments, listed buildings and conservation areas the statutory requirement to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and the character and appearance of the conservation area (sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990) must be taken into account by your authority when making its decisions. Attention is drawn to National Planning and Historic England Policy and Guidance.

Historic England conclude that in this case within a 5km radius of the site, there are 20 grade I/II\* listed buildings, 26 SAMs and 7 conservation areas - within which there are many Grade I listed buildings. We would draw particular attention and requirement for further assessment of the impact on the significance of Grade I listed St Bartholomew's Church, Langford; Grade I St Giles Church, Hoolme, Grade I Winkburn Hall, Grade II\* Winthorpe Hall, and the SM civil war sconce at Muskham.

The assessment of heritage impacts provided in the supporting information including the archaeological desk-based assessment (AOC Archaeology) is, in our opinion, limited and we note the assessment is restricted to 3km which might not be sufficient to fully assess the wider impact. We would also remind your authority, the NPPF and our published guidance both indicate that setting extends to more than just visibility.

Notwithstanding this point, in the assessment of visual impact we advise that this should consider key viewpoints including any views towards heritage assets in which the turbine would be visible; views from designated heritage assets; views between contemporaneous or otherwise associated heritage assets; and views in which both the heritage asset and the wind turbine together with other previously consented and operational turbines would be visible. Heritage assets, such as for example churches with towers and spires, are often key visual receptors in any landscape and any impact upon them should be considered in depth.

The turbine may be seen from numerous locations and will impact on the experience of moving through the landscape and the character of this area. We advise your authority would need to consider if the significance of the heritage assets as a group, is also derived from any relationship with the rural landscape in assessing if the turbine will cause any harm. Such assessment should include potential issues with intervisibility between the scheduled monuments though there is the potential for impact on the intervisibility and landscape rural setting between a number of the surrounding villages with designated conservation areas. This will be exacerbated by the cumulative impact with the aforementioned existing and proposed turbine – which is of great concern.

We would therefore recommend that your authority ensures that you are satisfied that you have received sufficient information from which to understand the potential impact on the significance of all the heritage assets before determining the application [NPPF 128]. We do not believe this is the case.

It is essential that your Authority's Archaeological Adviser should be contacted for advice in relation to the potential impacts of this scheme on, mitigation of impact on, evaluation and treatment of undesignated archaeological remains and that you are guided by their recommendations.

**NSDC Conservation** – In this location there are currently 2 operational turbines (11/00276/FUL & 12/01763/FUL) and one additional recently approved turbine (14/00442/FUL). While I appreciate the location is not exactly the same the impacts on heritage assets in the wider landscape are very similar to those assessed for these previous applications, although there are increasing issues of cumulative impact to consider. Due to the scale of the turbine it is likely to have an impact on the setting, significance and experience of high grade designations within a 3km radius or more, particularly when seen in aspect with the 2 operational adjacent turbines and the additional recently approved turbine. However, the approval of the second turbine in this area (ref 12/01763/FUL) via appeal considered cumulative visual impact and in his report the Inspector concluded that a second turbine of similar scale in the context of this topographical area would not give rise to any adverse cumulative impact with other wind energy projects. I also find that the issue of cumulative impact has been considered in the supporting information and I broadly agree with their findings. I have considered the visual impacts on setting from various settlements:

*Kelham* - This turbine will be visible from the edge of the Conservation Area, as illustrated on Figure 6.10, viewpoint 7. However, while not tightly grouped in this vista with the other 2 (potentially 3) turbines it will still readily be seen in conjunction with these turbines and the net harm to the setting of the conservation area will be limited. A view point that has not been illustrated by any visual is the impact on Grade I listed Kelham Hall, when seen from the A617 travelling from Newark. Currently the two operational turbines are very visible in this vista and although there is a reasonable degree of separation distance they do still compete with the distinctive silhouette of Kelham Hall, causing some harm, albeit at less than substantial level, to the setting of this Grade I listed building. Looking at the map at Figure 6.1a the Manor Farm turbine will be quite tightly grouped with the two operational turbines and will be seen on the far

side of them (ie further away from Kelham Hall) and while it will be closer to the viewer it is on lower land. As such I anticipate a very limited level of new harm.

*Caunton* - Looking at Figure 6.12 Viewpoint 9, from the edge of Caunton, the montage shows that the Manor Farm turbine is at a lower height to the two operational turbines and is likely to be obscured by substantial wooded tree cover or at the very least just glimpsed. The impacts on Caunton Conservation Area and its Grade I listed church of St Andrew are likely to be very slight.

*Bathley* - There are a number of Grade II listed farmhouses at Bathley. However figure 6.13 Viewpoint 10 and Figure 6.4 Viewpoint 1 show that the two operational turbines have already affected such a change in the outlook that although the Manor Farm turbine will add to this *altered setting, it will not cause a substantial net harm above and beyond that already existing.*

*Little Carlton* - In views from Little Carlton, which take in the impact on the setting of the timber framed Grade II\* Listed building of 'The Gables', as well as two Scheduled Ancient Monuments in this area, figure 6.8 Viewpoint 5 gives some indication of the likely impact. The setting has already been altered by the two operational turbines and to a lesser extent by the potential third turbine. While the Manor Farm turbine is somewhat closer and larger, it is still read with this group of turbines and has little net harm.

*Norwell* - Figure 6.5 Viewpoint 2 is taken near to the graveyard of the Grade I listed church of St Lawrence. This image shows that the two operational turbines are partially seen, causing some harm to setting, but that the Manor Farm turbine will be significantly lower so as to lose the turbine behind substantial wooded tree growth. There is likely to be extremely limited impact upon the setting of the church and upon the conservation area.

*South Muskham and Winthorpe* - Figure 6.7 Viewpoint 4 shows that in potential views from South Muskham, principally its Grade I Church of St Wilfrid, the impact of the Manor Farm turbine will be limited, being quite tightly clustered with the operational and recently approved turbines, the Manor Farm turbine matching in height to the operational turbines. The cumulative impact will be very limited. There are no visuals for Winthorpe (Conservation Area, Winthorpe Hall Grade II\*, Grade II Church) however the effects will be similar to those for South Muskham but with further distance between to limit the impact.

*North Muskham, Holme, Langford and Brough* - There is no viewpoint provided from the cluster of heritage assets at Holme, Langford and Brough but figure 6.6 Viewpoint 3 North Muskham is informative. In this view the two operational turbines and the recently consented turbine are seen not tightly clustered but grouped together. The Manor Farm turbine will appear at approximately the same height and cumulatively adds little to the existing impact in terms of the setting of the Grade I listed St Wilfrid's Church of North Muskham. In views from Langford, Holme and Brough (Langford = Langford Hall Grade II\*, The Manor Grade II, St Batholomews Church Grade I and other Grade II assets, plus SAM. Holme = Church of St Giles Grade I, Holme Hall Grade II and other Grade II assets. Brough = Grade II church and SAM) the impact will be similar to that from North Muskham, the turbines being in a similar alignment and relative height, but with further distance intervening to help mitigate the impact. Again, the additional cumulative impact will be very limited. Plate 5 in the Cultural Heritage and Archaeology Assessment Appendix 8.1 does show an additional impact at Holme Church which I would consider to be less than substantial.

*Newark* - There are in addition a number of highly graded assets at Newark, and St Mary Magdalene Church has an extensive setting with an extremely prominent spire. However, the intervening distance, combined with the impact from the Sugar Beet Factory and the existing turbines here means I believe the impact from this Manor Farm turbine will be limited.

**Conclusions** In all but a view from Holme Church the Manor Farm turbine is seen alongside the two operational turbines here, and in some cases the potential third recently approved turbine. The grouping of these turbines varies according to angle but the Manor Farm turbine is always viewed in association with these turbines, or is tightly clustered. The two operational turbines have already impacted upon heritage assets in this wider area to a greater or lesser degree. In some views the cumulative impact is negligible, especially so as the turbine sits on lower land and is barely seen, on other views (most notably Bathley) the cumulative impact is more marked owing to the proximity to the turbine, but in any event is still seen in a now much altered landscape. I believe that any harm to the setting of heritage assets here by the Manor Farm turbine has to be seen in conjunction with the operational turbines and the net harm likely to be caused is well within the less than substantial harm category.

Additional comments have been received which address some of the issue raised by Historic England. These are outlined as follows:-

Winkburn Hall has not been considered as it is over 4km from the site and focus has been concentrated more specifically on structures within 3km. Given that this turbine is located on slightly lower ground further to the east (i.e. away from Winkburn Hall) than the approved turbines. Therefore its impact is considered likely to be less than the existing and approved turbines and so the cumulative impact is likely to be very limited.

The impact on the SAM at Muskham has not been considered which ideally should be considered by NCC Archeology. However, although there may be some cumulative impact this would be expected to be similar in impact to comments raised with regard to the listed assets in South Muskham.

**The Georgian Group** - No comments have been received

**Victorian Society** - No comments have been received

**Society for the Protection of Ancient Buildings** - No comments have been received

**Ancient Monument Society** - No comments have been received

**20<sup>th</sup> Century Society** - No comments have been received

**NSDC Environmental Health** – It is requested that a condition be attached should permission be granted, requiring that in the event of any complaint received with regards to noise or shadow flicker the applicant shall investigate the complaint and undertake all necessary works to the approval of the LPA.

**NCC Rights of Way** – No comments have been received.

**Ramblers Association** – No comments have been received.

**NCC Archeology** – No comments have been received

**Natural England** – No comments have been received.

**Nottinghamshire Wildlife Trust** – We are pleased to see that due consideration has been given to ecology and nature conservation for this proposal. We note that the majority of the survey work was undertaken some time ago in relation to a former proposal for a larger two-turbine scheme (i.e. SKM Enviro reports, based on survey work in 2010 and 2011). We note that some additional work has been undertaken to update the previous survey results (i.e. Avian Ecology reports, based

on survey work in 2012-2014). However, not all survey work has been updated (e.g. the desk study, summer / autumn bird surveys or bat surveys).

We are in general agreement with the survey methodologies used and the various evaluations and recommendations made. The main recommendations are re-iterated below (with additional comments / expansion / suggestions as appropriate). These stipulations should be **conditioned** with planning permission, should it be granted.

#### Bats:

The closest point of the turbine (i.e. rotor tip) must be sited at least 50m from hedgerows / trees, in accordance with NE guidance, as is planned.

A precautionary bat activity survey should be undertaken of the ash tree with 'good bat roost potential' identified at TN7 on Figure 7.1 (Avian Ecology, 2014). Although no bats were recorded roosting within this tree during the survey carried out by SKM Enviros in 2011, time has now passed such that the situation may have changed. The survey should be carried out by a suitably qualified ecologist during the bat active season (i.e. May to September). Should bats be found roosting within this tree, then an appropriate mitigation strategy will need to be designed.

#### Birds:

The closest point of the turbine (i.e. rotor tip) must be sited at least 50m from hedgerows / trees, in accordance with NE guidance, as is planned.

No vegetation clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works take place and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

#### Badgers:

A pre-construction check for badgers should be carried out by a suitably qualified ecologist to ensure that the situation has not changed since the walk-over survey.

Best practice measures for working near large mammals should be adhered to for the duration of the works e.g. capping off pipes and covering trenches overnight.

#### Amphibians:

It is understood that pond assessments of the two ponds within 500m of the site were carried out as part of the original walk-over survey (SKM Enviros, 2011). The report stated that the presence of great crested newts could not be ruled out without further survey work. We therefore request that further information be provided as to the potential impacts of the development on this European Protected Species. This information must be provided prior to the determination of this application. A mitigation strategy may be required as a result of this.

#### Hedgerows:

It is understood that a short length of hedgerow will need to be removed to facilitate the development. As compensation, hedgerow planting (of at least the same length as is impacted) should take place post-development. For example, this could include 'gapping up' of existing hedgerows or planting of an entirely new stretch. Species to be planted should be native and of local provenance and we would advocate a number of different species are used so as to increase

species richness and diversity. Suitable species include hawthorn (*Crataegus monogyna*), blackthorn (*Prunus spinosa*), field maple (*Acer campestre*), elder (*Sambucus nigra*) and hazel (*Corylus avellana*).

Other:

Environment Agency guidance (best practice measures) for working near water should be followed at all times.

We would encourage areas of rough grassland (e.g. hedgerow margins) to be created / maintained / enhanced for brown hares, a UK BAP Priority Species which is known to be present in the area.

Mitigation during decommissioning works will broadly follow those undertaken during the construction period and will follow a Decommissioning Management Plan (DMP).

In addition to the above, we would like to see a programme of post-installation monitoring. This should be put in place and be conducted by a suitably qualified ecologist. This is to provide information to better evaluate the risk of single turbines to bats and birds. We strongly recommend that a five year programme of post-installation monitoring is secured by way of an appropriately worded condition.

Further information has been requested with regards to Great Crested Newts. Any additional comments will be reported to Planning Committee.

**NCC Highway Authority** – Following the submission of Drawing. No. 1230-19-007 demonstrating the swept path of the largest vehicle from the A616 into the access road the proposal is considered to be acceptable to the Highway Authority. There are no works expected within the public highway as a result of this application. As such, there are no highway objections to this proposal. The applicant should be advised:-

The applicant must contact Malcolm Goodall, NCC Abnormal Loads Officer (0115) 9774490 for advice/approval before commencement of the development to ensure the safe manoeuvring of the largest delivery/construction vehicles.

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

The applicant must liaise with Highways England for advice/approval prior to commencement of the development as the delivery route includes the A1 road.

**National Police Air Services (NPAS)** – No comments have been received.

**MOD** – No objections are raised. Should permission be granted it is requested that the turbine is fitted with aviation safety lighting and that the MOD are advised prior to the commencement of construction the date construction starts and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

**NATS** – The proposed development has been examined by technical and operational safeguarding teams. A technical impact is anticipated, this has been deemed to be unacceptable. Following discussions between the agent and NATS this objection was subsequently withdrawn in writing on the 27<sup>th</sup> July 2015.

**CAA** – Offer standard advice including the Councils obligations to consult in accordance with ODPM/DfT Circular 1/2003 or Scottish Government Circular 2/2003, and in particular to consult with NATS and the Ministry of Defence as well as any aerodromes listed in Annex 3 of the above documents,

**Joint Radio Co Ltd (on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England) (06/03/2014)** – “JRC does not foresee any potential problems based on known interference scenarios and the data you have provided.”

**Caunton Airfield** – No comments have been received

**Council for British Airports** - No comments have been received

**East Midlands Airport** – No comments have been received

**Lincolnshire and Nottinghamshire Air Ambulance** – No comments have been received

**Derbyshire, Leicestershire and Rutland Air Ambulance** – No comments have been received

**Midlands Air Ambulance** – No comments have been received

**National Planning Caseworkers Unit** – No comments have been received

At the time of writing the report local residents in Little Carlton have been notified by letter. The consultation period does not expire until 15<sup>th</sup> September 2015. Up to date representations have been received from 2 interested parties both in support of the proposal in terms of renewable energy.

#### **Comments of the Business Manager/ Appraisal**

In considering this application the Council must be mindful of the Ministerial Statement issued in June 2015 with regards to proposed wind energy. There were alongside this immediate changes to the National Planning Policy Guidance.

The policy stance is now that planning permission should only be granted for *newly submitted applications* (emphasis added) if the application site is in an area identified as suitable in a local or neighbourhood plan and following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. However, where a valid planning application for a wind energy development has already been submitted to a local planning authority prior to the issuing of this statement and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing. Whether the proposal has the backing of the affected local community is a matter of planning judgment for the local planning authority. In this instance it is the transitional arrangements that apply. A Ministerial Statement and the changes to the NPPG are clearly both recent and significant material planning considerations. However, I am mindful of recent challenges to Ministerial Statements and policy changes, most notably with respect to affordable housing thresholds.

The Council has sought legal advice in order to ensure that decision making remains robust. In cases where there is conflict with a Development Plan (as may be expressed by a Statutory consultee or Officers for example the recent changes will, we are advised, reinforce the unacceptability of a scheme. However, where a scheme is in accordance with the Development

Plan a judgement with respect to community backing and whether this outweighs all other planning issue must be made. It is important to remember that the NPPG makes clear that whether a proposal has the backing of the community is a planning judgement for the LPA.

Having regard to the above I will firstly appraise the application against the Development Plan.

### **Renewable energy generation.**

The UK Government is committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets. These targets have been maintained under the coalition Government.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 'Renewable Energy' (PPS22) and Planning Policy Statement 5 'Planning for the Historic Environment' (PPS5). Although the thrust of the previous policy in these documents has been carried forward into the Framework, the wording is more condensed and there have been some changes in policy. The Noise Policy Statement for England (DEFRA - 2011) also remains in effect and is cross referenced in the Framework in a footnote to Paragraph 124.

A core principle of the NPPF is that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*. NPPF paragraph 94 states that, *'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change'* in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should *'recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'*; *'have a positive strategy to promote energy from renewable and low carbon sources'*; *'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts'*; and *'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'*.

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should in summary not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable.

In March 2014 the Department for Communities and Local Government (DCLG) launched its Planning Practice Guidance. This replaced a number of previous planning practice guidance documents including, of particular relevance to the consideration of this application, Planning practice guidance for renewable and low carbon energy (2013) and PPS 25: Development and Flood Risk Practice Guide (2009). The Guidance sets out that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new



jobs and businesses. In identifying suitable areas for renewable and low carbon energy local authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. In this respect the Guidance states that Cumulative landscape impacts and cumulative visual impacts are best considered separately.

The District Council's commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. The policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application, I therefore consider it is necessary to balance the strong policy presumption in favour of wind turbines against any recognised positive or negative effects.

### **Impact on Landscape Setting**

The LPA commissioned Independent Landscape Advice from NCC to assist the decision making process. Their comments are contained in full in the attached Appendix.

Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. The LCA provides an objective methodology for assessing the varied landscape within the district and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development (NS LCS) was published in March 2014 following public consultation. The study examines the sensitivity and capacity of the district's landscape to wind turbine development at a range of scales. It has been prepared to help inform planning application decisions for wind turbines, and will play a role in steering wind energy development to the most appropriate locations within the district boundary. Landscape sensitivity to wind turbines is defined as follows in the NS LCS: *'Sensitivity is the relative extent to which the character and quality of the landscape is susceptible to change as a result of wind energy development.'* The turbine proposed at Plot Farm is described as medium typology (51 to 80m) with a moderate sensitivity.

The Newark and Sherwood Wind Energy SPD adopted in 2014 sets out the policy framework for wind energy development and describes how within this context the acceptability of impacts will be assessed. It also describes how material considerations will be taken into account when determining applications for wind turbines. It states that the SPD should be read in conjunction with the Newark and Sherwood Wind Energy Capacity Study supporting document which is described below. For the purposes of preparing a landscape and visual impact assessment this and the landscape character assessment described above are the key references.

The proposed turbine is located within the Trent Washlands zone as identified in the LCA and more specifically within the Manor Farm River Meadowlands policy zone (TW PZ13). Within the Trent Washlands Policy Zone it is noted that there are two coal fired power stations located outside of the district but that the associated infrastructure such as cooling towers and pylons constitute the most dominant and visually intrusive landscape features within the Trent Valley corridor. The Staythorpe combined gas turbine power station is also recognised as being located within this policy zone and within the District.

Within this zone there is also a chapter referring to 'Renewable Energy' which acknowledges the need for renewable energy such as wind turbines within planning policy and how they have the "potential to change the landscape character of Trent Washlands and that the power generation industry will therefore continue to be a dominant feature of the region" (para 4.27).

Policy Zone TW PZ10: Manor Farm River Meadowlands is characterised by a large scale arable landscape, gently undulating to the west with a medium to large scale regular field pattern. Larger open fields exist to the north of Bathley with smaller field sizes to the south and some pasture adjacent to Bathley. Hedgerow trees are a common feature together with streams and ditches with riparian trees and vegetation. Isolated farms and nucleated villages exist within this policy zone.

The policy zone is described as having a good landscape condition. The landscape sensitivity is described as moderate and landscape sensitivity is identified as moderate with a policy action to conserve and restore.

The landscape advice received from Nottinghamshire County Council in their capacity as appointed consultants acknowledges the submitted landscape assessment and considers that the document has been carried out to the appropriate methodology and guidelines.

In summary the NCC advice concurs with the assessments and conclusions within the LVA deposited with the application. It is agreed that :-

- the direct physical impact of the proposed development on the landscape fabric of the existing site is significant and the effect on the fabric of the landscape is neutral.
- the proposal would result in a localised change in character within 1km radius from the turbine where it would also be seen with 2 existing wind turbines at Dean Hall and Debdale Hill and that there will be a minor to moderate adverse effect on the Mid Nottinghamshire Farmlands, *Village Farmlands with Ancient Woodlands* and the Trent Washlands *River Meadowlands*. However, significant effects upon character would not occur with these landscape types and change in character would be localised.
- from Viewpoint 5 from Bathley Lane, Little Carlton the level of the visual effect would be moderate to major.
- the effects would be similar but incrementally adverse to those identified in assessment of landscape effects where effects on landscape character would not be significant and the assessment of visual effects would be localised significant visual effects.
- the cumulative sequential visual effects of the turbine for would not be significant and sequential effects would be infrequent and negligible.
- the location of this proposed development close to these turbines in the adjacent Mid Nottinghamshire Farmlands LCT will mean that this development is seen from most viewpoints as part of a group of turbines.

Additionally the NCC advice adds that it is considered that there is some capacity to accommodate this wind turbine development and that there is scope for mitigation against effects which would help to deliver some key actions for the Policy Zone Manor Farm River Meadowlands and which should be provided by the applicant should planning permission be granted.

The NCC landscape consultants conclude that on balance the proposed development should be considered for approval due to there being no overall significant landscape and visual effects being

brought about by this development and it is situated away from the smaller scale river meadowland landscapes, that the proposed development will not result in a change in classification of the Landscape, from a '*landscape with occasional wind energy*' to the higher level of a '*landscape with wind energy*' (Newark and Sherwood Landscape capacity study for wind energy development, LUC March 2014) and taking account of the current distribution of consented developments within 10km radius of the proposed site.

I am mindful of the comments of the landscape consultants with regards to the proposed turbine. I note that they have subsequently concluded that, on balance, the proposed development should be considered for approval as it is considered that there would be no overall significant landscape or visual effects brought about by the proposal and that there is some capacity to accommodate such a wind turbine, together with some mitigation measures.

Having considered the proposal in relation to all matters relating to landscape together with the independent advice I consider that subject to conditions requiring landscape enhancement through mitigation planting the proposal would have an acceptable impact on the landscape character of the area in accordance with Core Policy 13.

### **Impact on Heritage Assets**

The site is not located partly or wholly within any World Heritage Site, Conservation Area or Area of Archaeological Importance. There are no Scheduled Ancient Monuments, Listed Buildings, Registered Parks and Gardens or Registered Battlefields on the site. Notwithstanding this, Core Policy 14 of the Core Strategy and NPPF paragraph 132 indicates that development may still be contrary to policy where it has a detrimental impact on the setting of heritage assets.

The NPPF sets out the policies for dealing with heritage assets, which is reinforced by Policies CP14 and DM9 of the Development Plan.

Core Policy 14 of the Core Strategy aims to secure, '*the continued preservation and enhancement of the character, appearance and setting of the district's heritage assets and historic environment, including Scheduled Monuments and other archaeological sites, Registered Historic Parks and Gardens, Listed Buildings and buildings of local historic importance, Conservation Areas and other cultural assets of significant value.*' This policy is supported by Policy DM9 of the Allocations & Development Management DPD.

The impact on the historic environment has been carefully considered in conjunction with our specialist Conservation Officer. NSDC conservation officer makes the following observations

The impacts on heritage assets in the wider landscape are very similar to those assessed for the previously approved turbines in this location, although there are also increasing issues of cumulative impact to consider. Conservation broadly agree with the assessment and conclusions of the supporting information deposited with the application with regards to cumulative impact.

Due to the scale of the turbine it is considered likely to have an impact on the setting, significance and experience of high grade designations within a 3km radius or more, particularly when seen in aspect with the 2 operational adjacent turbines and the additional recently approved turbine

Visual impacts have been considered on setting and assessed from:-

*Kelham* - The turbine will be visible from the edge of the Conservation Area. However, while not tightly grouped in this vista with the other 2 (potentially 3) turbines it will still readily be seen in conjunction with these turbines and the net harm to the setting of the conservation area will be limited. Although a view point that has not been illustrated by any visual is the impact on the

Grade I listed Kelham Hall, when seen from the A617 travelling from Newark. Currently the two operational turbines are very visible in this vista and although there is a reasonable degree of separation distance they do still compete with the distinctive silhouette of the Hall, causing some harm, albeit at less than substantial level. It is considered that the proposed turbine will be quite tightly grouped with the two operational turbines and will be seen on the far side of them, further away from Kelham Hall) and on lower land. It is therefore considered that the proposal would result in a very limited level of new harm.

*Caunton* – The Heritage Statement shows that the proposed turbine is at a lower height to the two operational turbines and is likely to be obscured by substantial wooded tree cover or at the very least just glimpsed. The impacts on Caunton Conservation Area and its Grade I listed church of St Andrew are therefore considered to be likely to be very slight.

*Bathley* - Although there are a number of Grade II listed farmhouses at Bathley it is demonstrated that the two operational turbines have already affected such a change in the outlook that although the proposed turbine would add to this altered setting, it is considered that it will not cause a substantial net harm above and beyond that already existing.

*Little Carlton* - The setting Grade II\* Listed building of 'The Gables', as well as two Scheduled Ancient Monuments in this area has already been altered by the two operational turbines and to a lesser extent by the potential third turbine. While the proposed turbine is somewhat closer and larger, it is still read with this group of turbines and has little net harm.

*Norwell*- Two operational turbines are partially seen, causing some harm to setting, but the Manor Farm turbine will be significantly lower so as to lose the turbine behind substantial wooded tree growth. It is considered that there is likely to be extremely limited impact upon the setting of the Grade I listed church and upon the conservation area.

*South Muskham and Winthorpe* - Figure 6.7 Viewpoint 4 shows that in potential views from South Muskham, principally its Grade I Church of St Wilfrid, the impact of the Manor Farm turbine will be limited, being quite tightly clustered with the operational and recently approved turbines, the Manor Farm turbine matching in height to the operational turbines. The cumulative impact will be very limited. There are no visuals for Winthorpe (Conservation Area, Winthorpe Hall Grade II\*, Grade II Church) however the effects will be similar to those for South Muskham but with further distance between to limit the impact.

North Muskham, Holme, Langford and Brough – It is noted that there is no viewpoint provided from the cluster of heritage assets at Holme, Langford and Brough but Viewpoint 3 - North Muskham is informative. This shows that the two operational turbines and the recently consented turbine are seen not tightly clustered but grouped together. The proposed turbine will appear at approximately the same height and cumulatively adds little to the existing impact in terms of the setting of the Grade I Church of North Muskham.

In views from Langford, Holme and Brough the impact of the proposed turbine on the areas Grade I, Grade II\* Grade II assets and the SAM will be similar to that from North Muskham, the turbines being in a similar alignment and relative height, but with further distance intervening to help mitigate the impact. Again, the additional cumulative impact will be very limited. Furthermore an additional impact at Holme Church is shown in the Cultural Heritage and Archaeology Assessment that which is considered to be less than substantial.

Newark- There are a number of highly graded assets at Newark, and St Mary Magdalene Church has an extensive setting with an extremely prominent spire. However, given the intervening

distance, combined with the impact from the Sugar Beet Factory and the existing turbines here it is considered that the impact from the proposed turbine will be limited.

Taking the above into account it is considered that in all but a view from Holme Church the proposed turbine is seen alongside the two operational turbines here, and in some cases the potential third recently approved turbine. Although the grouping of these turbines varies according to angle, the proposed turbine is always viewed in association with these turbines, or is tightly clustered. The two operational turbines have already impacted upon heritage assets in this wider area to a greater or lesser degree. In some views the cumulative impact is negligible, especially so as the turbine sits on lower land and is barely seen, on other views (most notably Bathley) the cumulative impact is more marked owing to the proximity to the turbine, but nevertheless is still seen in a now much changed landscape. It is considered that that any harm to the setting of heritage assets by the proposed turbine has to be assessed in conjunction with the operational turbines and the net harm likely to be caused is well within the less than substantial harm category.

The Conservation officer has concluded that the impact of the turbine on the character and appearance of the area is not likely to cause substantial harm to the significance of any specific or group of heritage assets within Newark and Sherwood District. As such, any adverse impacts identified should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF. The harm and can be weighed against any public benefit.

I am therefore satisfied that the impact of the turbine on the character and appearance of the area is not likely to cause substantial harm to the significance of any specific or group of heritage assets within Newark and Sherwood District. As such, any adverse impacts identified should be treated as less than substantial harm for the purposes of paragraph 134 of the NPPF. The harm and can be weighed against any public benefit.

### **Archaeology**

I note that no comments have been received from Nottinghamshire County Council Archeology. However, being mindful of the comments of Historic England with regards to archaeological remains, I am of the opinion that it would be necessary, should the Council be minded to grant permission, to attach a condition requiring that prior to the implementation of the permission and the carrying out of any excavations or earthworks, details of a scheme for archaeological mitigation shall be submitted to and approved in writing by the local planning authority in order to prevent harm to or loss of any archaeological evidence.

### **Impact on Amenity**

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development and Policy DM4 seeks to ensure no detrimental impact upon amenity, including noise pollution, shadow flicker and electro-magnetic interference.

#### *Noise*

NPPF paragraph 123 states that, *'Planning policies and decisions should aim to:*

*Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*

*Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*

*Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*

*Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

In respect of renewable energy and low carbon energy development, it is stated in a footnote to Paragraph 97 that *'in assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.'*

Planning Practice Guidance 2014 recently replaced The *'Planning Practice Guidance for Renewable and Low Carbon Energy'* (which in itself replaced the PPS22 Companion Guide) and advises that the report *'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'* should be used by local planning authorities when assessing and rating noise from wind energy development. Good practice guidance on noise assessments of wind farms has been prepared by the Institute Of Acoustics. The Department of Energy and Climate Change accept that it represents current industry good practice and endorses it as a supplement to ETSU-R-97.

An Acoustic Assessment has been submitted as part of the application which has been reviewed by the NSDC Environmental Health Officer prior to the submission of the application. The Assessment concludes that the cumulative noise emissions from the consented turbine and the proposed turbine fall within the fixed limits in line with the guidance contained in the ETSU-R-97.

Having taken the advice of the Environmental Health Officer, I am satisfied that provided the suggested conditions are attached requiring that in the event of a complaint about noise, that the applicant carry out a full investigation and undertake all necessary remedial works, then neighbouring amenity will be protected.

It is therefore considered that the proposed turbine would not have a detrimental impact in respect of noise and as such the proposals would accord with Policy DM4 in terms of impact on amenity, the NPPF and guidance outlined in ETSU-R-97.

#### Shadow Flicker

As stated in Planning Practice Guidance, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. It is also only properties located 130 degrees either side of north, relative to the turbines that can be affected at these latitudes in the UK. It has been accepted on previous planning applications considered and is stated within the Department for Energy and Climate Change document on submitted that only observers located within 10 times the rotor diameter of a wind turbine (in this case 540m) may be affected by shadow flicker.

The Shadow Flicker section of the Environmental Statement (10.1.11) concludes that shadow flicker is a very predictable phenomenon and is accepted, as outlined above, to not be of concern outside of 10 rotor metres of a wind turbine. Gove that there are no dwellings within this distance shadow flicker is not expected to cause any undue impact on amenity.

I therefore consider that any impact in terms of shadow flicker would be minimal and would not be so detrimental so as to warrant a refusal of permission on these grounds. Notwithstanding this

I consider that it would be reasonable to attach a condition to any planning consent requiring that a scheme for the investigation and alleviation of shadow flicker be submitted on receipt of a written request from the LPA following any complaint in this respect. With such mitigation protocol in place it is likely that any residual effects can be reduced to a satisfactory level that is not significant, protecting the amenity of nearby properties from the potential effects of shadow flicker.

### **Impact on Ecology**

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM4 seeks to ensure no detrimental impact upon the ecology of the local or wider area.

An Ecological Survey undertaken in 2010 and 2011 has been deposited with the application together with additional Extended Phase 1 Habitat Survey dated 2012 and Ornithology Surveys dated 2012-2013 undertaken by Avian Ecology have been deposited with the application.

I note the comments of the Wildlife Trust and consider that it would be reasonable should the Council be minded to approve the application, to attach the suggested conditions to secure the recommendations of the Surveys.

Taking account of the conclusions and recommendations of the Ecological Survey and being satisfied that in this instance the proposal would not result in any undue cumulative ecological impact. Overall, subject to the suggested conditions it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of Core Policy 12 and Policy DM12 of the DPD.

### **Highway Safety**

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note that the Highways Officer has raised no objection to the proposal.

Therefore overall, subject to conditions, it is not considered that the proposed development would have an adverse impact upon highway safety in accordance with Spatial Policy 7 of the Core Strategy and Policy DM4 of the DPD.

### **Decommissioning**

Conditions would be attached to any consent requiring a decommissioning and site restoration scheme to be submitted on expiration of any planning consent.

I am mindful that the NSLCS includes that NSDC will seek confirmation from applicants that they are agreeable to a bond being secured to ensure that suitable funds are available to carry out decommissioning and restoration works at the end of the life of a turbine. In this instance a bond has not been secured. I am mindful that the proposal relates to a single turbine with minimal works associated with the turbine, access and ancillary equipment. The cost of decommissioning and restoration of the land should therefore be comparably low. In this instance I therefore consider that the suggested condition with site restoration scheme would be commensurate to the scale of the proposal and consider it would be unreasonable to withhold consent solely on the absence of a bond.

## **Public Rights of Way**

I note that no comments have been received from the Rights of Way Officer. However, I am of the opinion that the proposed turbine would be a sufficient distance away from the nearest right of way so as not to present any safety hazards to the users of the nearest public rights of way. I consider it reasonable should the Council be minded to approve the application, to advise the applicant of their legal responsibilities with regards to closing the Public Right of Way during construction.

## **Community views**

Third party and Parish Council comments are detailed above. However given the recent guidance changes it is important to explicitly note views. In total there are 7 no. Parish Council objections, which to any reasonable observer would not demonstrate a community backing (certainly in the absence of other significant support). However the lack of a withdrawal of objection must be balanced against the views of professional consultees who have all confirm limited harm when the proposals are assessed against the Development Plan. In this particular case, given that the application was submitted prior to policy changes, given that in all other respects the planning impacts are acceptable, given the likelihood of challenge to the policy changes, and given the length of time the application has been subject to ongoing negotiation it is considered that planning permission should not be withheld.

## **Other Matters**

The majority of the concerns raised by both the Parish Councils and neighbouring residents have already been addressed, however the outstanding matters that were raised are answered below:.

I note the comments received with regards to the amount of documentation deposited with the application. The Council has an obligation to make available all relevant documentation deposited with an application to allow consultees full consideration of the proposal.

With regards to government subsidies, this is not a material planning consideration and as such would carry little weight in the determination of the application.

With regards to community benefit funds, I am of the opinion that this would not be a relevant to the planning merits of the proposal and would be a private matter between the developer and local parishes/villages.

I note the comments regarding consultation, any community engagement carried out prior to the submission of any application is a matter for the developer. The Parish Council was formally notified of the planning application by the District Council.

## **Conclusion**

I acknowledge the comments from NCC landscape above. I consider in the wider context the landscape character has capacity to accommodate the turbine without causing a significant, unacceptable or cumulative change to the character of the area. I have also had regard to the need to provide renewable resources which in my view carries considerable weight in this case.

There has been concern raised with regards the impact upon heritage assets. However this harm is considered to be limited and weighing all matters in the balance it is considered that the harm caused would not be of sufficient to justify a refusal of planning permission with energy output benefits outweighing the harm. Having concluded that the proposal complies with the Development Plan and that there are no planning reasons for refusal I must conclude that the



absence of community objections, even with the recent changes to the NPPG and Ministerial Statement are not, in this case, sufficient to recommend refusal. Therefore having taken into consideration all the comments raised during the application process, I consider the proposal to be acceptable and recommend approval of the application.

## **RECOMMENDATION**

**That Members resolve to approved full planning permission subject to:**

- 1) the conditions shown below and;**
- 2) subject to there being no additional material planning objections received from local residents that have not already been addressed above (to be reported by the Business Manager, Development to the Chair and Vice Chair prior to the issuing of any decision); and**
- 3) the ecological survey/report revealing that any impacts on greater crested newts can be mitigated and these are secured by condition(s)**

### **Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans:-

Statutory plan - Figure 1.2 dated November 2014

General Layout - Figure 1.3 dated November 2014

Swept Path Drawing - Drawing. No. 1230-19-007

unless otherwise agreed in writing by the Local Planning Authority through the approval of a non-material amendment to the permission.

Reason: For the avoidance of doubt and in order to define the permission.

03

Before the commencement of development precise details of the proposed wind turbine shall be submitted to and approved in writing by the Local Planning Authority. No part of the structure be larger than the maximum dimensions submitted as part of the application and no part of the structures shall carry any logo or lettering other than as required for health and safety reasons.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area.

04

No development shall be commenced until precise details of the location within the application site plus types and colours of materials to be used on the external elevations of the transformer cabinet have been submitted to and approved in writing by the Local Planning Authority. The development shall be in accordance with the approved details.

Reason: To ensure the development has a satisfactory appearance by virtue of the materials used.

05

Within 21 days from receipt of a written request of the Local Planning Authority, following a complaint to it alleging disturbance from shadow flicker and/or noise from the turbine at a dwelling that is lawfully occupied and lawfully existing at the time of this consent, the wind turbine operator shall at its expense provide a scheme for the investigation and alleviation of shadow flicker and/or noise in accordance with the protocol required by Condition 3. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be carried out in accordance with the scheme thereafter.

Reason: In order to safeguard the amenities of residential properties.

06

No development shall be commenced until the operator of the wind turbine has provided written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority:

- i) Proposed date of Commencement of Development
- ii) The maximum extension height of any construction equipment.

Within 14 days of the date on which electricity is first exported from the development, the operator of the wind turbine shall provide written confirmation of the following details to the Ministry of Defence (MOD), Civil Aviation Authority (CAA) and Local Planning Authority:

- i) Earliest possible date of completion of construction
- ii) The height above ground level of the highest potential obstacle
- iii) The position of that structure in latitude and longitude

In the event that the anticipated date of completion of construction varies from that which has been notified to the MOD and CAA, an update shall be provided in writing to both parties prior to construction extending beyond the date of which they have been notified.

Reason: In the interests of air traffic safety.

07

The noise emitted from the wind turbine subject to this consent shall be no greater than as detailed within the Noise Assessment by ion acoustics which forms part of this permission

Reason: In order to safeguard the amenities of residential properties.

08

Before development is commenced, precise details of the means of surfacing to the turbine including any temporary access to be laid during the construction period shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be completed in accordance with these details.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area

09

All electrical cabling between the turbine and the transformer station shall be located underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD

010

If the wind turbine hereby permitted ceases to operate for a continuous period of 12 months then a scheme for the decommissioning and removal of the wind turbine and ancillary external housing equipment shall be submitted within six months of the end of the cessation period to the Local Planning Authority for its written approval.

Reason: In the interests of the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

011

The planning permission hereby granted shall be for a temporary period only, to expire 25 years after the date of the commissioning of the development. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission in the interests of the character and appearance of the surrounding area in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

012

Not later than six months before the date on which the planning permission hereby granted expires, the wind turbine and external housing shall be dismantled and removed from the site and the land reinstated to its former condition in accordance with a scheme to be submitted to the Local Planning Authority for written approval prior to the commencement of the development. The scheme to be submitted shall include the dismantling and removal of the turbine and external housing above existing ground levels and the removal of the turbine base and foundations.

Reason: In the interests of visual amenity in accordance with the aims of the NPPF, Core Policies 9, 10 and 13 and Policies DM4 and DM5 of the DPD.

013

No hedge or shrub that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site in accordance with Core Policy 12 of the Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD.

014

No development shall be commenced until details of an aviation warning light to be fitted to highest practicable point (25 candela omni-directional red lighting or infrared lighting with an optimized flash pattern of 60 flashes per minute of 200ms to 500ms duration) of the turbine has been submitted to and approved in writing by the Local Planning Authority. The light shall thereafter be installed as approved.

Reason: In the interests of aviation safety and at the request of the MOD.

015

The development hereby approved shall be undertaken in complete accordance with the conclusions and recommendations contained within the Ecological Reports and Surveys carried out by SKM Environ dated 2011-2013 and Avian Ecology dated 2013 and 2014.

Reason: In the interests of maintaining and enhancing biodiversity.

016

No development shall be commenced until details of mitigation planting have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include;- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the landscape character of the site and shall include the use of locally native species.

Reason: In the interests of visual amenity and biodiversity.

### **Note to Applicant**

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)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 development type proposed is zero rated in this location.

03

NCC Rights of Way/Countryside Access Team advise that the developer must apply to temporarily close this public right of way for the duration of any construction works that are likely to cause a hazard to the users of Thorney Footpath No.7. Application for temporary closures of this kind must be made to this office at least 6 weeks in advance of the commencement date of the works and this will incur a cost to the applicant.

04

The applicant should be advised that in order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which is not within their control. In order to undertake the works they will need to enter into an agreement under Section 278 of the Act and should contact David Albans tel. 01623 520735 and or see part 6 of the [www.leics.gov.uk/index/6Csdg](http://www.leics.gov.uk/index/6Csdg).

05

The applicant is also advised to contact the Nottinghamshire County Council Abnormal Load Officer, Malcolm Goodhall, tel. 0115 977 4490 to agree routes.

06

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorized.

07

The applicant must liaise with Highways England for advice/approval prior to commencement of the development as the delivery route includes the A1 road.

#### BACKGROUND PAPERS

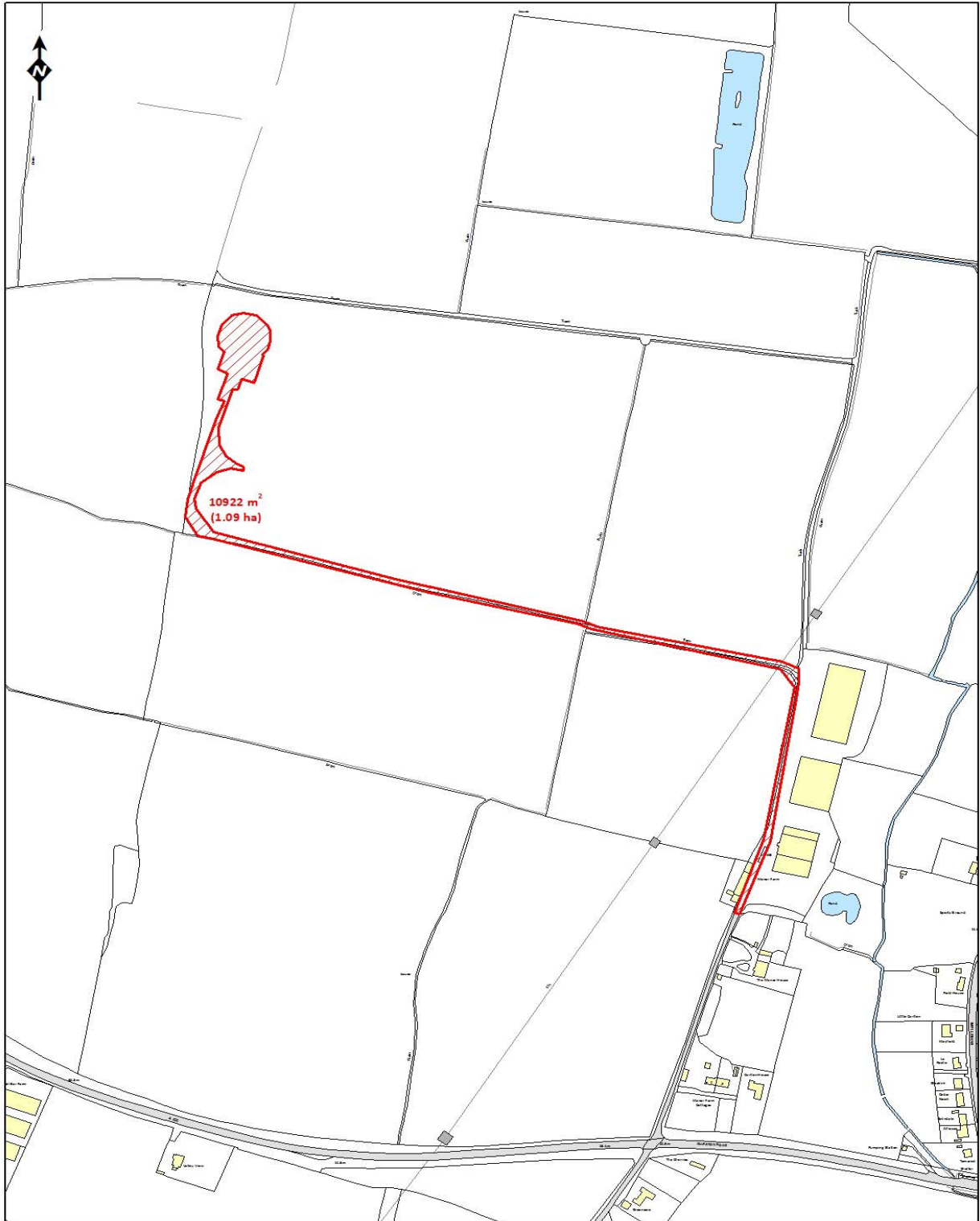
Application case file.

For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 14/02133/FUL



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<b>Application No:</b>	<b>15/01806/FUL</b>
<b>Proposal:</b>	<b>Change of use of paddock to church yard</b>
<b>Location:</b>	<b>Land adjacent to Lodge Farm Bungalow Potter Lane Wellow Nottinghamshire.</b>
<b>Applicant:</b>	<b>The Parochial Church Council St Swithins Church W</b>
<b>Registered:</b>	<b>23<sup>rd</sup> June 2015</b> <span style="float: right;"><b>Target Date: 18<sup>th</sup> August 2015</b></span>
<b>An extension of time has been agreed until 9<sup>th</sup> September 2015</b>	

**The Site**

This application relates to a rectangular area of land located on the north western side of Potter Lane, a narrow country lane, between Lodge Farm Bungalow and Saint Swithins Church within the village of Wellow. The site has previously been used as a paddock and is bounded by hedging and fencing to the boundary with Lodge Farm Barn, mature trees and vegetation to the boundary with the existing church yard and hedging and an access gate to the roadside boundary. St Swithins Church is a Grade II\* Listed Building. There is an existing church yard, including grave yard within the curtilage of the Church and a separate grave yard on the opposite side of Potter Lane to the east.

Residential properties exist to the north of the site and on the opposite side of Potter Lane. To the south west the immediately adjacent dwelling is a single storey property with detached garage abutting the boundary with the site.

**Relevant Planning History**

There is no relevant planning history.

**The Proposal**

Full planning permission is sought for the change of use of a paddock adjacent to Lodge Farm Bungalow to form an extended church yard to serve St Swithins Church.

Additional supporting information has been deposited on the 24<sup>th</sup> August 2015 which outlines the requirement for the proposed development.

**Departure/Public Advertisement Procedure**

Occupiers of 10 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

## Planning Policy Framework

### The Development Plan

*Newark and Sherwood Core Strategy Adopted March 2011*

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 9 – Sustainable Design
- Core Policy 6 – Shaping our Employment Profile
- NAP1 – Newark Urban Area

*Allocations and Development Management DPD Adopted July 2013*

- Policy DM1 – Development within Settlements Central to Delivering Spatial Strategy
- Policy DM5 – Design
- Policy DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### Consultations

**Wellow Parish Council** – Support the proposal.

**NCC Highways Authority** – This proposal will not have an impact on the public highway, therefore, there are no highway objections.

**NSDC Conservation Officer** - The Parish Church of St Swithin is Grade II\* listed and is a landmark building within the village. The church has medieval origins and is a significant building within the Wellow Conservation Area (CA). The church yard also includes chest tombs to the south of the chancel which are listed separately (Grade II), as is a significant tomb slab at the east end of the church dated 1651 (also Grade II). Lodge Farmhouse to the west of the proposal site is Grade II listed.

The proposal affects the setting of the Church of St Swithin, a Grade II\* listed building. In accordance with Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), the LPA must notify Historic England of the proposed development.

In addition, given the proximity of the proposal site to the existing churchyard, it is possible that there may be potential for archaeological interest within the site. County Archaeology should also be consulted.



## Legal and Policy Considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, the LPA must pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas in accordance with section 72 of the Act. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

### Assessment of proposal

The proposal seeks to change the use of an adjacent paddock (north of Lodge Farm Bungalow) into churchyard. It is assumed that this would potentially include inhumation. No changes are proposed to trees, surfacing or boundaries as part of this application.

The site appears to have been an orchard from the 19<sup>th</sup> century (see historic map extracts attached). The site otherwise contributes positively to the setting of the church.

There may also be potential for archaeological interest within the site.

From a historic building perspective, the proposal does not involve any physical alterations to the land which might otherwise impact upon the setting of the significant Parish Church. In this case, subject to proper consideration of any arising archaeological matters (in accordance with County advice), Conservation does not object to the change of use. It is recognised that changing the use of the land may have practical benefits for future burial capacity, but in any case, as an extended churchyard, will not fundamentally alter the setting of the listed church. Whilst orchard spaces are important features of our historic villages, using the land as churchyard would not necessarily

harm the contribution made by the site to the setting of the church or character and appearance of the CA in this case.

**NSDC Environmental Health** – No comments are raised.

**Historic England** - The proposal is for conversion of a paddock to a churchyard extension, the process of burial has the capacity to entirely remove whatever archaeological remains lie in the development area. This close set adjacent to the Grade II\* church of St Swithin and within the Scheduled earthwork enclosing the village has high archaeological potential. The application does not treat these issues and the associated likely harmful impacts upon the significance of the scheduled monument, listed building and conservation area through loss of associated archaeological remains. The proposed use is of course generally compatible with the setting of a church but the archaeological impacts need to be understood and mitigated in line with the National Planning Policy Framework and the 1990 Listed Buildings and Conservation Areas Act.

### Advice

The village of Wellow is believed (M. Barley in Edwards Ed. 1966 *Nottingham and its Region*) to have been founded by persons displaced from the estate of the nearby Cistercian Abbey of Rufford. The village appears to be planned with a large triangular green / market area and is set within a substantial earthwork itself designated as a Scheduled Monument on the basis of its national archaeological importance. The medieval Church of St Swithin is listed at grade II\* and the village is designated as a Conservation Area. The application area is presently a paddock and appears as open ground on the Ordnance Survey 1st edition in the late nineteenth century (whilst the subsequent Ordnance Survey mapping 2nd & 3rd editions indicate that for a period it accommodated an orchard). There is high potential for the application area to contain archaeological remains which elucidate the character and date of the occupation of the village and as such support our understanding of the significance of the scheduled monument, listed church and conservation area. Were development to proceed without appropriate archaeological assessment and mitigation measures the process of grave digging would result in the progressive loss of archaeological evidenced on site either without record or only on a piecemeal and unstructured basis. This would comprise harm to the significance of the designated heritage assets.

Paragraphs 128 and 129 of the National Planning Policy framework deal with appropriate information to inform a safe determination of a planning application and here there appears to be no assessment of heritage impacts provided. Impacts need to be weighed against public benefits giving special regard / special attention and overall great weight in connection with the designated heritage assets as set out in the 1990 Listed Buildings and Conservation areas act S66 and 72 and paragraphs 132 and 134 of the NPPF. Archaeological work needs to be understood in the context of paragraph 141 of the NPPF and setting issues can be framed with the benefit of Planning Good Practice Advice Note 3 - Setting of Heritage Assets.

We recommend that the application is only determined when your authority has sufficient information in respect of likely archaeological impacts to do so safely, and should it be minded to consent has set in place appropriate conditions to secure archaeological investigation and mitigation. The risk that remains of national importance may require preservation insitu should also be born in mind. In all respects therefore we refer you to the detailed advice of the County Council Archaeologist Ms Spence.

**NSDC Archaeology** – No comments have been received.

**Environment Agency** – No comments are raised. There is guidance on the Agency website for developments involving cemeteries.

**9 representations** have been received from local residents or other interested parties. The concerns raised are summarised as follows:-

#### Need for the development

The existing burial grounds are not full;

The land has recently been acquired by the Parochial Church Council. There is not a current need for its development as proposed. It is questioned why the land could not remain a paddock until there is a pressing need for such a development as that proposed.

There are 2 existing burial grounds accessed from Potter Lane, one of which has land to the rear which is earmarked as a future burial site. A fourth site would be disproportionate to the size of the village and would have an overbearing impact. Utilisation of existing land would provide more space for burials;

There is also a crematorium within one mile of the village;

#### Highway Safety

There is no indication of where the access to the site would be;

The current entrance opens directly onto Potter Lane at its narrowest point and is directly opposite drives of existing properties. On street parking would inevitably result in blocking the lane, in particular restricting access for emergency vehicles, delivery and farm vehicles and residents. Funeral corteges would have to process from the Church down Potter lane as there is no alternative access. Potter lane has no pavements (only narrow verges) and therefore mourners would be put at risk from moving traffic;

The proposal would generate additional traffic which would exacerbate existing highway safety issues, particularly when weddings or funerals are taking place.

The road is too narrow to cope with existing ceremonies and is already dangerous (photographic evidence has been provided)

#### Impact on the conservation area and wider area

The site is within the Conservation Area. It has been an orchard paddock since the 1870s which would be lost. It is also a valuable habitat site;

The orchard is a green open space and has an intrinsic value to the village, visitors and residents. It is tended in a traditional way by the introduction of sheep to keep the grass down without damage to the trees;

The proposal would result in the loss of green open space to the detriment of the environment in the village;

The Parochial Church Council currently has no effective management strategy or maintenance programme for maintaining the existing burial sites which results in over grown paths, graves etc. The proposed change of use would significantly add to the maintenance burden which would impact on the conservation area;

Will trees be retained;

Existing grass verges may be eroded away;

It is questioned as to whether the paddock could be used for parking and burial purposes?

### Comments of the Business Manager/ Appraisal

#### Principle of the development

The site lies within the open countryside where national and development plan policy seeks to strictly control new development. The Core Strategy outlines the spatial strategy for the District directing new development to the most sustainable settlements. Spatial Policy 3 states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. In accordance with the requirements of Spatial Policy 3, Policy DM8 lists the types of development which development in the open countryside will be limited to.

Spatial Policy 3 outlines that new development should be within the main built up areas of villages, should be appropriate to the proposed location and be small in scale, support, amongst other things the local community, should not generate excessive traffic from outside of the area or have a detrimental impact on the amenity of local people and should not have a detrimental impact on the character of the area.

I am mindful that the application site falls within the built up area of the village and immediately adjoins the existing church yard and St Swithins Church and that it would serve the local parish and communities. In my opinion the proposal is relatively small in scale and would be appropriate to the setting of the church and the wider village. A supporting statement has been submitted outlining the need for the development. This states that the proposed church yard would provide the local community with the necessary burial grounds to meet future needs. With regards to the burial site on the opposite side of the Potter Lane, the statement comments that by virtue of the undulation of the land and because there is a Dyke that runs along its eastern side which is an ancient monument and registered earthworks, there is very restricted space for burial purposes in this particular location.

Given the above, I therefore consider the principle of the proposal is acceptable subject to a site specific assessment of the impacts which in this case will relate to the character and appearance of the heritage assets, namely the Grade II\* Listed church and the Conservation Area together with the character of the village, neighbouring amenity and highway safety.

### Impact on Listed Building and Conservation Area

The National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 132). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137). Paragraph 132 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. Policy CP14 of the Council's Core Strategy and Policy DM9 of the Allocation and Development Management seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance.

I note the comments of Conservation and would concur that given that the proposal does not involve any physical alterations, as proposed the extended churchyard would not unduly affect the setting of the Grade II\* Listed Church. Moreover, a church yard in a village setting is not an alien feature and although the proposal would result in the loss of an orchard/paddock, there are no proposals to remove any trees or hedging and the use of the land as a church yard would not, in my opinion result in such a loss of open green space within the village to adversely affect the character and appearance of the conservation area nor the wider rural village setting. Notwithstanding this, should the Council be minded to approve the application, I consider that it would be reasonable to attach a condition restricting the scale of any monumental structures within the site to safeguard the openness of the land and the contribution it makes to the enhancement and preservation of the Conservation Area and Listed Building setting of the site.

Taking these considerations into account it is considered that the proposal therefore complies with the aims of the NPPF and Core Policy 14 and Policy DM9

### Archeology

I note that no comments have been received from Nottinghamshire County Council Archeology. However, being mindful of the comments of both the Conservation officer and those of Historic England with regards to there being high potential for the application area to contain archaeological remains, I am of the opinion that it would be necessary, should the Council be minded to grant permission, to attach a condition requiring that prior to the implementation of the permission and the carrying out of any excavations or earthworks, details of a scheme for archaeological mitigation shall be submitted to and approved in writing by the local planning authority in order to prevent harm to or loss of any archaeological evidence.

### Impact on Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity.

The application site is predominantly adjoined by residential properties and is relatively well screened by virtue of existing boundary treatments.

Taking account the nature of the use of church yards I do not consider that the proposal would result in such an increase in activity above that that currently exists to unduly impact upon the amenity of nearby residents and to justify refusal on these grounds.

Taking these considerations into account it is considered that the proposal therefore complies with the aims of the NPPF and Policy DM5.

### Highway Issues

Paragraph 58 of the NPPF states that planning decisions should aim to create safe accessible environments and places.

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I am mindful of the comments received with regards to highway issues. I am satisfied that the proposal would not result in any undue impact upon the public highway, taking account that the Highway Authority has raised no objections to the proposal.

With regards to parking and highway safety issues along Potter Lane, I do not consider that the proposal would result in such an increase in the number of ceremonies occurring at any one time or the amount of traffic or the level of vehicular activity than currently exists to justify refusal on these grounds.

There is an existing access serving the paddock onto Potter Lane. There are no proposals to alter this or create any new accesses onto the public highway.

Taking the above into account I consider that the proposal accords with the aims of the NPPF and Policies SP7 and DM5.

### Other matters

I note the comments with regards to the disproportionate nature of the proposal in relation to the size of the village. Being mindful of the size of the application site, the supporting information deposited as part of the application and taking account that churchyards are not unusual features within rural villages, I do not consider that the proposed development would result in a disproportionate addition to the church or the size of the village to unduly impact on the visual amenity or characteristics of the village in this instance.

With regards to the comment received in relation to loss of habitat, the proposal does not include any removal of trees or hedgerow. However, given the setting of the site and that it is bounded by mature hedgerow and that trees are present within the paddock, taking a precautionary approach a walk over protected species and desk top survey has been requested. This is awaited.

Assuming however that the survey once received indicates that either 1) there are no sign of protected species present on site, or 2) that the impact on protected species can be adequately mitigated and that conditions can be added to ensure that mitigation is achieved, I consider that the proposal would in that event accord with CP12 and DM7. It is recommended that subject to the submission of a survey/report prior to the determination of this application that can

adequately deal with protected species and measures to protect them, that it does not prevent Members from considering the scheme and coming to a resolution.

### Conclusion

It is not considered that the proposed development would have any adverse impact upon the character and appearance of the Grade II\* Listed Building, the conservation area or the visual amenity of the village. The proposal would not result in any adverse impact upon residential amenity. Subject to conditions I recommend that planning permission is granted.

### **RECOMMENDATION**

**That full planning permission is granted subject to the conditions and reasons shown below.**

### **Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the site location plan deposited on the 19th June 2015 unless otherwise agreed in writing by the local planning authority.

Reason: So as to define this permission.

03

No development shall take place within the application site until details of a scheme for archaeological mitigation has been submitted to and approved in writing by the local planning authority. This scheme should be drawn up and implemented by a professional archaeologist or archaeological organisation. The scheme shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory account is taken of the potential archaeological interest of the site.

04

Any monumental structures erected within the church yard hereby approved shall not exceed 1.2m in height.

Reason: In the interests of visual amenity and to safeguard the character of the Conservation Area and the setting of the Grade II\* Listed Building.

## **Note to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

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 development type proposed is zero rated in this location.

02

The application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Your attention is drawn to the Environment Agency guidance documents in relation to cemeteries 'Assessing the Groundwater Pollution Potential of Cemetery Developments' which can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290462/scho0404bgl-a-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290462/scho0404bgl-a-e-e.pdf) and Groundwater Protection, Principles and Practice (GP3) page 109 and 110 which is available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297347/LIT\\_7660\\_9a3742.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf).

## **BACKGROUND PAPERS**

Application case file. 15/01086/FUL

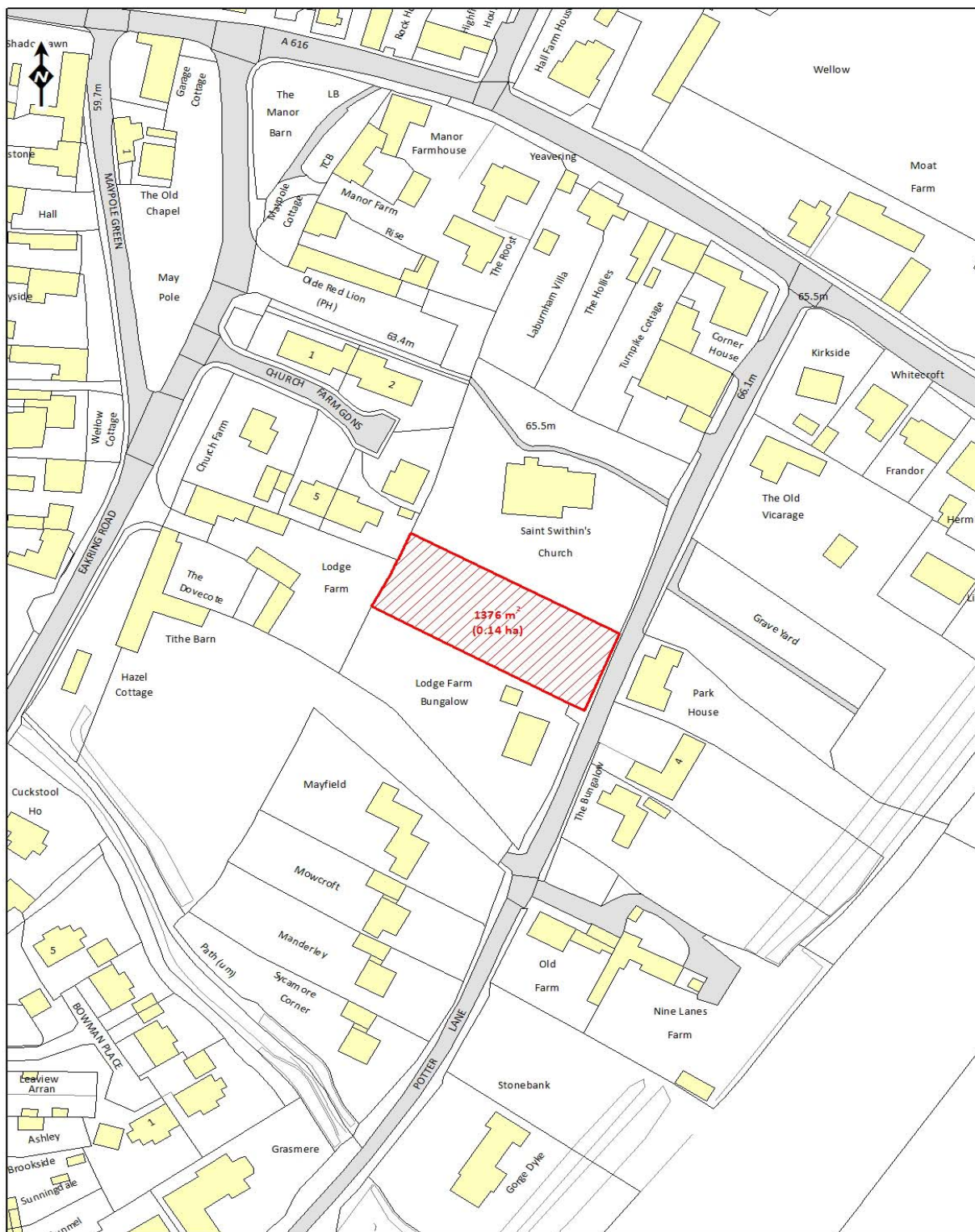
For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**



Committee Plan - 15/01086/FUL



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<b>Application No:</b>	<b>15/00875/FULM</b>	
<b>Proposal:</b>	<b>Construction of a 4.64MW Solar Farm, to include the installation of solar photovoltaic panels with transformer inverters, substations, security fence and gate and other associated infrastructure</b>	
<b>Location:</b>	<b>Land South Off Ollerton Road, Edwinstowe, Nottinghamshire, NG22 9DX</b>	
<b>Applicant:</b>	<b>Mr Alex Kebby-Jones</b>	
<b>Registered:</b>	<b>22.05.2015</b>	<b>Target Date: 21.08.2015</b> <b>Agreed Extension: 11.09.2015</b>

The Site

The application site is a rectangular plot approximately 9.86 hectares in extent to the south of the A6075; Ollerton Road roughly half way between the settlements of Edwinstowe to the west and Ollerton to the east. The site is approximately 750m west from the Saville Roundabout, the large strategic roundabout which connects the A6075, A614 and A616. The site falls within the administrative boundary of Edwinstowe Parish Council.

The site is situated within the open countryside. The majority of the site is classed as Flood Zone 2 and Flood Zone 3 according to the Environment Agency maps.

There are a number of SINCS in relative close proximity and the site lies on a juxtaposition of three local landscape character areas; Birklands Wooded Estatelands (SPZ25), River Maun Meadowlands with Plantations (SPZ15) and Budby (SPZ26) as defined by the Landscape Character Assessment that accompanies Core Policy 13 of the Development Plan.

The site comprises two separate fields with a private access road in between. The western field, being the larger of the two is currently in arable agricultural whilst the smaller eastern field comprises grassland.

The site is bounded by the aforementioned road network to the north and the River Maun immediately to the south. The river includes an informal strip of linear woodland along its banks beyond which lies a sewage treatment works. There are dispersed residential properties in the immediately vicinity, the nearest being on the opposite side of the A6075 broadly opposite the existing highways access to the site.

Relevant Planning History

14/SCR/00074 – The proposal was screened following a response received on 24<sup>th</sup> November 2014 (relating to a slightly larger site area of approximately 12 hectares). The response to the response concluded that the proposal would not be classed as EIA development.

The applicant has also sought pre-application advice on the proposal earlier this year.

### The Proposal

The application seeks full planning permission to construct a 4.64MW solar farm on approximately 9.86 ha of land adjacent to Ollerton Road in Edwinstowe. Electricity produced by the proposed development will be exported to the National Grid.

The development would comprise the infrastructure below as well as associated underground cabling and an access road. All existing hedgerows along the site boundaries are intended for retention.

<b>Building / Structure</b>	<b>No.</b>	<b>Maximum Height</b>	<b>Approximate Footprint</b>
<i>Solar Panels</i>	16,884	2.5m	
<i>Deer Fencing</i>		2.2m	
<i>LV Switch / Transformer</i>	3	2.4m	15m <sup>2</sup>
<i>DNO Intake Substation</i>	1	2.8m	8.6m <sup>2</sup>

Access to the site is currently via the established access track which was constructed to serve the sewage works to the south. The track is predominantly single width but also benefits from a bellmouth onto the A6075 which allows for two way movements of vehicles. The construction period for the solar farm is estimated to take approximately 10 weeks with activities taking place between 07:00 – 18:00 Monday to Friday and 07:30 – 17:00 on Saturdays will no working on Sundays. During the operational phase, vehicle movements are expected to amount to only 2 vehicles on two occasions per month.

At the end of its operational life the solar farm would be removed and the land returned to its former condition when the development is decommissioned. The planning statement qualifies that the solar panels are designed with an operational life of 39 years.

As well as the necessary application forms and elevation details, the application has been accompanied by the following supporting documents:

- Design and Access Statement
- Planning Statement
- Transport Statement
- Traffic Management Plan
- Landscape and Visual Impact Assessment (including accompanying drawings)
- Phase 1 Biodiversity Survey

- Biodiversity Management Plan
- Flood Risk Assessment
- Sequential Test Assessment
- Heritage Assessment
- Agricultural Land Classification and Soil Resources Report
- Solar Materials Report

#### Departure/Public Advertisement Procedure

Occupiers of eleven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press. The overall date for the expiry of comments was 15<sup>th</sup> July 2015.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 3: Rural Areas

Spatial Policy 6: Infrastructure for Growth

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

##### **Allocations & Development Management DPD**

Policy DM4 – Renewable and Low Carbon Energy Generation

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- UK Government Solar Strategy 2014
- Department of Energy and Climate Change letter dated 22<sup>nd</sup> April 2014

#### Consultations

**Edwinstowe Parish Council** – Support proposal.

**Ollerton Town Council** – Support the proposal.

**Cllr Peck** - I am concerned about the location of this application for these reasons:

The application is for a location in Edwinstowe, the gateway village to Sherwood Forest and will be close to the edge of the forest. The ancient Forest is internationally recognised, from an ecological point of view, but as a tourist destination, important to the economy of the District. There will be visual impact, not only because it is on the main road in to the forest, but will be very visible from the top of the Thoresby Colliery spoil heap, when the present plans to restore it are complete (the restoration, which has planning permission, has paths leading up to a viewing point at the top, where visitors will be able to view the whole of Sherwood Forest and beyond). There is also a huge solar farm under construction in the heart of the Forest on the Welbeck Colliery site and one at Bilsthorpe, so not only will there be visual impact from all three but this is an excessive concentration of solar farms.

**NCC Highways Authority** – There are expected to be approx. 76 deliveries as a result of this proposal, during the 11 week construction phase. There are to be 60 employees on site at one time.

The A6075 is a busy single carriageway road. The information submitted with the application indicates that visibility splays of 2.4m x 160m are available from the existing access, however, this is severely restricted to the east due to the overgrown hedge at the back of the highway verge. This will require cutting back and possible removal to achieve the required splay

The first paragraph of Point 4 (vehicle movements) states that HGVs will be required to reverse on to site with the use of a banksman. For clarification, no vehicles are permitted to reverse on the A6075.

The access into the site reduces in width to 3.8m approx. 10m into the site. Although a swept path analysis has been provided, there appears to be very little room for manoeuvring should two vehicles meet near the junction at the A6075. It is, therefore, recommended that the adjacent grass verge on the eastern side of the access near to the junction with the A6075 be temporarily hard surfaced to provide additional access width. This should be 250mm clean stone well compacted aggregate infill to act as a temporary surface during the construction phase. There are to be no abnormal loads to the site.

As such, there are no highway objections to this proposal subject to the following conditions being imposed:

1. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. SCP/15816/F01 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

2. The temporary access widening for construction/delivery vehicles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.

3. A traffic management signage scheme is to be submitted and approved in writing prior to any works commencing on site. Reason: In in the interests of highway safety.

Notes to applicant

The applicant must contact Heath Phillips, Principal Co-ordination Officer (North)

(01623) 520739 for approval of the traffic management signage scheme before commencement of any works.

**NCC Flood Team** – *Original Comments received as follows:*

- 1 The following comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to 3<sup>rd</sup> party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered as appropriate.
- 2 The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been done by DEFRA, Lead Local Flood Authorities, the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for Local Planning Authorities and Lead Local Flood Authorities.
- 3 Much of the site **is shown** within an area indicated on contemporary records as susceptible to fluvial flooding with an annual probability of occurring greater than 1% and the Flood Risk Assessment refers to parts of the site within FZ3b with an annual average probability of flooding greater than 4%. In this respect we would be concerned:
  - 3.1 The application of the sequential test within the NPPF does not appear to have been used in relation to this site.
  - 3.2 The location of the site within a frequent washland area would potentially increase the flooding risk to 3<sup>rd</sup> parties. Development should be steered away from areas susceptible to flooding unless there are no other sites available. We suggest that there would be other sites that may be available with a lower flood risk.
  - 3.3 In the event that the sequential test is considered and the site remains viable following this process, we consider that the exception test should be rigorously applied to this development as it would appear to have the potential to interfere with the flow of the River Maun during flood events and quite possibly increase the flood risk to properties upstream of and adjacent to the site.
  - 3.4 The FRA comments that the usual design of security fence would be inappropriate and that a deer fence would instead be used on this site. We are unsure whether this would be considered a realistic deterrent to trespassers on to the site especially considering the

location next to a busy road. We would be concerned that the use of a 'deer fence' would not provide enough protection to the site and may endanger trespassers. In addition to this we consider that the fence is very likely to collect debris during a flood event and this would impede the flow of water through the fence. The fence may collapse in such circumstances realising a surge of floodwater that could damage the site and 3<sup>rd</sup> party properties and may endanger people. We do not agree with the statement within the FRA that the fence would be suitable.

- 3.5 In addition to the fence creating a potential barrier to the flow of water we would be concerned that the stanchions supporting the solar panels may also impede the flows of water. Although relatively thin, there would be a very large number of these therefore the cumulative effect could be significant.

*Following confirmation that the application has been accompanied by a Sequential Test Assessment, the applicant has been in discussions with NCC in terms of the fence design in an attempt to overcome the above. The following revised comments have been received:*

The developer has provided the fence details and we have no objection.

**Environment Agency** – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) report reference RMA-C1448 prepared by RMA Environmental in May 2015 and the following mitigation measures detailed within the FRA:

1. An 8m wide unobstructed easement from the top of the River Maun embankment shall be maintained.
2. All water susceptible components shall be raised as high as practical.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason:

1. To allow any future maintenance activities to be undertaken.
2. To reduce the consequence of flooding in the event of a flood.

**Natural England** – Summarised comments as follows:

*Statutory Nature Conservation Sites*

This application is in close proximity to the Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI) and Birklands & Bilhaugh SSSI. The latter SSSI forms part of the Birklands & Bilhaugh Special Area of Conservation (SAC).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Birklands & Bilhaugh SAC has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on these sites' conservation objectives.<sup>1</sup>

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Birklands West & Ollerton Corner and Birklands & Bilhaugh SSSIs have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### *Protected Species*

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

#### *Consideration of the likely impacts from this development on breeding nightjar and woodlark within the Sherwood Forest Area*

We note the proposed development is located in the Sherwood Forest area in proximity to habitats identified as important for breeding nightjar and woodlark. Therefore we have enclosed Natural England's Advice Note (Revised March 2014) in respect of this matter which encourages Local Planning Authorities to follow a risk-based approach, ensuring that proposals are accompanied by robust assessments of the likely impacts arising from the proposals on breeding nightjar and woodlark and include measures to minimise any potential direct, indirect and cumulative impacts that are identified.

#### *Biodiversity / green infrastructure enhancement*

Solar park sites may offer opportunities to deliver biodiversity improvements or Green Infrastructure (GI) enhancement through the creation of new habitats or appropriate management of land surrounding the panels. Therefore we are pleased a Biodiversity Management Plan has been prepared which aims to maximise the benefits for local biodiversity.

Where possible the management of the site should aim to contribute to local biodiversity priorities identified through the local Biodiversity Action Plan whilst seeking to improve ecological connectivity, strengthen GI and enhance landscape character.

The Sherwood NCA (49) promotes the expansion of the iconic mosaic of woods, heaths and parklands. Therefore we recommend the proposed tree planting should include species such as English oak, Sessile oak, silver birch, rowan, hawthorn, holly.



The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

**Nottinghamshire Wildlife Trust** – Summarised as follows:

*Sherwood ppSPA and other ecologically sensitive sites*

We note that a desktop study has not been undertaken and that there is no mention of the site being within the Sherwood possible potential Special Protection Area (ppSPA), which meets the primary criterion for designation as an SPA, by virtue of the population of nightjar and woodlark exceeding 1% of the national total. Notwithstanding the issue of whether Newark and Sherwood District Council considers that the area qualifies as an SPA or not, it is essential that the Council must pay due attention to potential adverse effects on birds protected under Annex 1 of the Birds' Directive and undertake a "risk-based" assessment of any development, as advised by NE in their guidance note dated March 2014.

*Protected Species*

#### Badger

- During the Phase 1 Survey, an outlier badger sett was found on the north bank of the river, to the east of the site. We agree with the recommendations to only use light machinery within 30m of the sett, and for no machinery to be used with 20m.
- We would also advise that a badger survey of the site is undertaken by an ecologist immediately prior to works commencing, to ensure the situation is the same, and that additional outlier setts have not been created. If additional setts have been created, works should not commence until the advice of an ecologist is sought.
- If works with heavy machinery within 30m of a badger sett, or any works within 20m are required, a licence from Natural England will be required.

We agree with the recommendation in Section 3.1. of the Biodiversity Management Plan, in which the following is proposed; *"minimum 10 centimetre gap should be left at the base of the stock-proof security fencing, such that badgers and other mammals can form scrapes underneath the fence, allowing them to move freely across the Site, and utilise the foraging resource within the inside of the security fencing."* Whilst we agree with this, we would also advise for badger gates to be located within the security fence if possible to allow ease of access for the species.

We advise that the above are set within a condition.

## Birds

We strongly advise that installation of the panels do not commence during the bird breeding season (in accordance with BS42020 this is the 1<sup>st</sup> March to the 31<sup>st</sup> August inclusive, although ground nesting birds which are likely to be using the site such as skylarks will nest from mid-February). If this is unavoidable, then an ecologist will need to search the site for nesting birds immediately prior to works commencing. If nesting birds are present, work will have to be suspended and the nest(s) left undisturbed.

A potential kingfisher nest was recorded during the ecological survey. It was recommended within the Biodiversity Management Plan that there is an operational 30m buffer from the nest during the breeding season.

We advise that the above are set within a condition.

## Other Mitigation Measures

Other mitigation measures suggested within the Biodiversity Management Plan include the following. We advise that these are strictly followed/set within a condition:

- Retention and protection of trees/shrubs/vegetation in accordance with BS837:2012
- A river buffer zone of at least 10m. *No herbicides to be used within this buffer.*
- A buffer zone of 6m from the hedgerows.
- No works to commence during and after dusk/during dawn.

## *Further Information*

### Lighting

Security lighting may affect bats. We advise lighting is not used unless absolutely necessary. If lighting is necessary it must be minimised and directed away from hedges. A bat survey will be needed prior to determination if lighting is required or if any large trees are to be removed / lopped to inform any other mitigation required and indeed whether lighting would be allowable on site.

### Cables

Overhead and underground cables may adversely impact upon wildlife features of the site. The Biodiversity Management Plan does not mention cabling and we advise this is considered by the ecologist.

## *Creation, Retention and Aftercare of Habitats and Ecological Enhancements*

We welcome the proposed mitigation and ecological enhancements within the Biodiversity Management Plan. In brief, the proposed measures include the following:

- The creation of a wildflower meadow mix along the site margins, with a hedgerow mix under the solar panels.
- The planting of a new native hedgerow.
- Gapping up and enhancement of existing hedgerows.
- Installation of bird and bat boxes.
- Planting of native trees along the margins of the site.

The above measures should also be conditioned with planning permission, should it be granted.

We understand that the current proposed habitats and management are indicative. We would expect as a condition a more finalised plan of the habitats to be submitted, in order for suitable mitigation to be secured. As stated within section 6.1. of the Biodiversity Management Plan, we would also expect to see the following included within a condition:

“A review will be undertaken on an annual basis with a monitoring report to be submitted to the Local Planning Authority between 1st October and 31st December in Years 1; 2; 5; and every five years thereafter. This detailed report will cover all of the topics outlined in this strategy and will include:

- A checklist and summary of maintenance operations, as provided by the site operator;
- A review of performance/ rates of establishment etc.; and
- Details of any modifications needed to the original aftercare scheme, for example, due to differences between actual and anticipated establishment rates etc”.

In addition to the above, we would like to point out that the impact of solar PV farms on wildlife is not yet fully understood. We recommend an ecological monitoring programme is designed and implemented by the ecologist to monitor impacts upon any fauna, targeting species groups in response to latest research (for example, freshwater invertebrates potentially laying eggs on panels due to mistaking them for a waterbody). A full faunal monitoring programme would be unreasonable to request and difficult to design and implement, but we would encourage the applicant and ecologist to consider how to monitor faunal impacts appropriately.

**NSDC Environmental Health** – No comments to make.

**Nottinghamshire County Council** – Summarised as follows:

Nottinghamshire County Council (NCC) has been asked for strategic planning observations on the above mixed use outline planning application and this letter compiles responses from

Departments involved in providing comments and observations on such matters. These comments have been agreed with the Chairman of Environment and Sustainability Committee.

### County Council Planning Policy Context

#### *Minerals*

The proposed development does not lie within a Mineral Safeguarding and Consultation Area for surface coal, as defined in the Nottinghamshire Minerals Local Plan Preferred Approach (Policy DM13: Mineral Safeguarding and Consultation Areas). However, as the development is temporary in nature it is exempt from the provisions of the policy.

#### *Waste*

There are no waste safeguarding issues at this site. However, the proposal should seek the minimisation of waste and maximum use of recycled materials in its design, construction and implementation as per Policy WCS2 of the Nottinghamshire and Nottingham Replacements Waste Local Plan – Part 1: Waste Core Strategy.

### Strategic Planning Issues

#### Highways

The County Council have no strategic highway objections to the proposed development.

### Landscape and Visual Impact

#### *Existing Site*

The site lies to the south of Ollerton Road, on agricultural land situated between the road and the River Maun. The road is slightly elevated above the river valley, which is the dominant feature of the landscape to the south. Views across the valley to the low hills opposite, are largely unimpeded except for a low clipped hedge and occasional trees.

The development site straddles the boundary of three policy zones of the Greater Nottinghamshire Landscape Character Assessment, S15 - River Maun Meadowlands, S25 - Birklands Wooded Estatelands and S26 - Budby.

Newark and Sherwood's Core Policy (13) notes that NSDC expects:

*' development proposals (are) to positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting landscape Conservation and Enhancement Aims for the area'.*

#### *Application*

The application is accompanied by a thorough Landscape and Visual Impact Assessment (LVIA) which follows current methodology, (although at one point it advises the site falls under the

jurisdiction of North-East Derbyshire). The LVIA concludes that the development can be '*absorbed into the existing landscape framework*' with '*limited adverse effect on views and landscape character*'. The Design and Access Statement notes (Para. 6.7) that '*the design is functional, sympathetic and in keeping with the surrounding context*'. The impact of the development on visual amenity is assessed as of moderate adverse effect for motorists and the two nearby residences.

The Landscape strategy for the development comprises additional hedgerow tree planting along the northern boundary of the site, and proposed hedging (and occasional tree) along the access road and other site boundaries. There is limited additional tree planting in the western corner of the site.

The flood assessment notes that some 75% of the site area lies within Flood Zones 2 or 3, and that within areas at risk of flooding, panels and sensitive equipment are to be raised 1m above ground level; the extent of this is not shown on either the block layout or the landscape strategy plan. Anesco's Solar Farm Materials report notes that the height of a standard solar panel is 2.5m; in the areas liable to flooding, which in the eastern portion of the site is up to the northern (road) boundary, presumably this will be 3.5m.

### *Landscape Character*

Two of the relevant policy zones have policy actions of 'Conserve and Reinforce' (S15 and S25), and one has a policy action of 'Conserve' (S26). (Although the northern portion of the development site falls within the southern extents of zones S25 and S26, it could be argued that the road forms a natural boundary between zones S25-26 and S15, rather than the arbitrary line through the fields, and that the landscape features of the site fit more appropriately in S15).

Policy Zone S15 - River Maun Meadowlands, notes that the generally undeveloped land within the river corridor is a characteristic feature of the Sherwood Landscape Character Area. It also notes that recent development has had a negative impact on the valley. Key policy actions include:

- Conserve and reinforce the pastoral character of the river valley
- Conserve and reinforce river channel diversity and marginal riverside vegetation
- Conserve the sparsely settled character of the river corridor by avoiding development within the floodplain
- Reinforce sense of place of built environment by using materials and design that reflect the local character of the area

Whilst it is recognised that the panels are temporal, and the underlying land is not permanently affected, for the operational period the introduction of ranks of 2.5 - 3.5 m high solar panels into meadowland is highly incongruous. It is difficult to understand how this can be described as '*sympathetic to existing landscape character*', or '*in keeping with context*' as noted in the Design and Access Statement, and it is suggested that the nature of the development is actually at odds with the given policy actions for the area.

The land is gently undulating and the near hills form the horizon; the fields and woodland abutting the road are pre-eminent in the landscape and although there is local industrial, energy and transport infrastructure, their overall impact is limited. As the policy zone text states, there '*are few detracting features*' and the landscape remains '*visually unified*'. Additional development within the floodplain is specifically discouraged in the policy actions; the undeveloped land of the valley is specifically identified as being a key landscape characteristic of the area. Consequently the County Council disagree with the statement that the existing industrial character of the landscape supports the argument for this development (LVIA Para 4.8).

Insofar as part of the development site lies within other policy zones, their recommendations are also reviewed. Policy Zone S25 recommends conserving '*the integrity and remote rural character of the landscape*' and Policy Zone S26 notes that there is a '*coherent pattern of elements with few detracting features*'. Although on the margins of the core Sherwood Forest area, the simplicity of the gently rolling topography, shallow river valleys and broad views is integral to the local distinctiveness of the wider area.

The development proposes additional planting (largely hedging) along the site boundaries; this will take some years before it establishes an effective screen for the fencing (2.2m high) and panels (up to 3.5m high), especially where the panels and fencing are only some 6m from the road boundary. Even at maturity, the effect will be filtered views rather than screening. It is also the County Councils view that the openness of the landscape south of the Bilhaugh-Birklands heathland is something that contributes greatly to the sense of place; a belt of planting to obscure the view (even if this were what is proposed) would detract from the local landscape rather than enhance it.

Given the nature of the development and the local importance of protecting the floodplain, as stated in the policy sheets, the County Council consider the magnitude of change to be medium-high adverse. The policy sheets note that sensitivity to change is moderate, as views are contained to some extent by topography and intermittent vegetation. The overall effect of the development on landscape character is thus assessed at moderate-high adverse, rather than the limited effect quoted in the LVIA.

### *Visual Amenity*

The County Council agree with the conclusions of the LVIA with respect to visual amenity; there will be a moderate adverse effect for motorists and nearby residences, but the proposed hedge works will reduce this impact over time, giving filtered views. It is recognised that the area is sparsely populated and the nearest PROW is not particularly affected. However, replacement of open views across the valley with a vegetation screen, as noted above, may not be seen as advantageous.

### *Conclusion*

On balance the County Council are unable to support the application; the effect of the development can only be mitigated by screening which diminishes one of the key aspects of the

local landscape character, namely the open views across the river valley and its inherently rural (albeit post-industrial) nature.

The existing landscape framework cannot absorb this development without compromise and given the relatively high status afforded to the locality the county landscape assessments, it is considered this site to be inappropriate for the development. The County Council consider the development does not demonstrate a positive contribution to conservation and enhancement aims as required by NSDC's Core Policies.

### Ecology

#### *Site context and surveys*

No nationally designated nature conservation sites would be directly affected by the proposals, and any indirect impacts on such sites appear unlikely. However, the site lies in close proximity to part of the Birklands West and Ollerton Corner SSSI (immediately to the north of the eastern part of the development site) and is within its Impact Risk Zone; however, it is apparent from pre-application consultation that Natural England do not consider that the proposals will give rise to a significant impact on the features for which the SSSI is designated.

Similarly, no locally designated nature conservation sites would be directly affected by the proposals, but the Birklands and Bilhaugh Local Wildlife Site is immediately to the north of the eastern part of the development site). Any indirect impacts on this site appear unlikely.

In addition, consideration has been given to possible impacts on the 'prospective' Sherwood SPA, with a conclusion that the proposal will not impact upon the local breeding populations of nightjar and woodlark in any way.

The planning application is supported by an Extended Phase 1 Habitat Survey, dated May 2015. This indicates that the application site is dominated by arable farmland and improved grassland of low nature conservation value. Small areas of poor semiimproved and semiimproved grassland and stretches of boundary hedgerow are also present, along with several mature trees associated with the River Maun, which forms the southern boundary of the site. Generally, the site was found to have limited potential for protected species, but an outlier badger sett was located, and the site is likely to support a range of farmland bird species.

#### *Mitigation and enhancement*

Mitigation measures are detailed in a Biodiversity Management Plan, to include standoffs around the badger sett, a kingfisher nest, along the River Maun and next to boundary hedgerows. Implementation of the Biodiversity Management Plan should be secured through a **condition**.

In addition, a standard **condition** should be used to control works during the bird nesting season (which runs from March to August inclusive).

Solar farms provide the potential to deliver biodiversity enhancements. To this end, the Biodiversity

Management Plan details a number of enhancement measures, which are all welcomed and supported.

### Heritage

Whilst the proposed site of the solar farm does not have any site to site inter visibility with the nearby Grade II Listed Farmhouse (Carr Brecks Farm) The Landscape and Visual Impact Assessment (LVIA) indicates that from Old Rufford Road there are distant views in which the two sites can be seen together. In this respect the County Council feel that there is a level of harm to the setting of the Designated Asset through the introduction of incongruous modern development within the wider agricultural landscape of the farmhouse.

In terms of the NPPF the County Council feel this would be considered to constitute 'less than substantial harm' and would recommend that the LPA weight this harm against the benefits of the proposal as directed by NPPF 134. Black Hills Farm to the west of the site is identified on Sanderson's Map of 1835 and is recorded on Nottinghamshire's HER as being of Local Interest. It should be treated as a non-designated heritage asset with direct visibility over the proposed site. The setting of this building should also be given consideration in the decision making as directed by NPPF 135.

### Overall Conclusions

The County Council have no strategic highway objections to the proposed development.

In relation to Landscape and Visual Impact, the County Council are unable to support the application; the effect of the development can only be mitigated by screening which diminishes one of the key aspects of the local landscape character, namely the open views across the river valley and its inherently rural (albeit post-industrial) nature.

The existing landscape framework cannot absorb this development without compromise and given the relatively high status afforded to the locality the county landscape assessments, it is considered this site to be inappropriate for the development. The County Council consider the development does not demonstrate a positive contribution to conservation and enhancement aims as required by NSDC's Core Policies.

In terms of Ecology the County Council do not wish to raise any objections to the proposed development. However, if planning permission were to be granted it is suggested that In addition, a standard condition should be used to control works during the bird nesting season (which runs from March to August inclusive).

From a Heritage perspective, County Council feel that there is a level of harm to the setting of the Designated Asset through the introduction of incongruous modern development within the wider agricultural landscape of the farmhouse. In addition the County Council feels this would be considered to constitute 'less than substantial harm' and would recommend that the LPA weight this harm against the benefits of the proposal as directed by NPPF 134.



*Since the above comments have been received, the agent has been in further correspondence with the landscape officer at county council with numerous responses from both parties. These discussions are summarised in the appropriate section of the report below, however for completeness the latest comments from county council landscape team (received on 24<sup>th</sup> August 2015) are as follows:*

In respect of landscape character, I remain of the opinion that the site and immediate locality needs protection from further development as indicated in the landscape character Policy Sheet Actions. Admittedly there are detracting influences in the landscape, but they are well concealed and in the case of the colliery, no longer operational. To use the existing level of detracting influences as an argument for more development, seems misguided. The landscape is already compromised to an extent, but I am concerned that further approvals for piecemeal non-rural use would inevitably lead to increased degradation of the open space between Ollerton and Edwinstowe. The closure of the colliery provides an opportunity to reduce pressure for inappropriate development and to accentuate more positive attributes of the landscape.

The sections do show that the western section of the development site is concealed from the road by the existing hedgeline and as the field is lower than the road, the arrays will not impede views. However, to the east, there is either no hedge at all or the hedgeline is patchy. There are clear open views in both directions, across and along the valley. Planting up a new hedgeline or allowing existing vegetation to grow will screen the array, but the hedgeline will have to be 2-3 metres high to screen the array, and I am not sure this is appropriate. On balance, Nottinghamshire County Council opposes the application.

**Historic England** – Summarised as follows:

We note the desk based assessment produced by Cotswold Archaeology. In this case within a 5km radius there are 9 Grade I/II\*listed, 7 SAMs, the Grade I registered PAG within Thoresby Estate, and 4 conservation areas including Ollerton within which is Ollerton Hall on the HAR register.

It is for your authority to determine whether sufficient information has been submitted including potential impact on the experience of moving through the landscape and character of this area, not just from static views. While Historic England broadly supports renewable energy we are aware that such developments can be challenging to the historic environment.

In general terms, Historic England advises that a number of considerations will need to be taken into account when proposals of this nature are being assessed. This includes consideration of the impact of ancillary infrastructure, such as tracks and buildings associated with grid connections, as well as the photovoltaic panels themselves:

- The potential impact upon the landscape, especially if a site falls within an area of historic landscape;
- Direct impacts on historic/archaeological fabric (buildings, sites or areas), whether statutorily protected or not;

- Other impacts, particularly the *setting* of listed buildings, scheduled monuments, registered parks and gardens, conservation areas etc, including long views and any specific designed views and vistas within historic designed landscapes. All grades of listed buildings should be identified. In some cases, intervisibility between historic sites may be a significant issue; The potential for buried archaeological remains;
- Effects on landscape amenity from public and private land;
- Cumulative impacts

Thus in determining the planning application, your authority should seek further advice from both your archaeological adviser, and your conservation officers and take account of the desirability of sustaining and enhancing the significance of heritage assets (paragraph 131, NPPF).

### *Recommendation*

In line with the NPPF, in determining the application for planning permission your local authority must weigh any harm caused to the heritage assets against any public benefits deriving from the proposed scheme, and must consider whether sufficient information and clear and convincing justification has been provided - paragraphs 128, 129, 131, 132 and 134 refer.

### **NSDC Conservation** – Summarised as follows:

Although there are no identified heritage assets within the proposal site, by virtue of its form, scale and appearance, the proposal is capable of affecting the historic environment. Carr Brecks Farmhouse, which is Grade II listed, is situated approximately 200m to the south of the proposal site. In addition, the western boundary of Ollerton Conservation Area (CA) is within 500m of the proposal site. In this context, the key heritage issues appear to be:

- i) Whether the proposal preserves the setting of Carr Brecks Farm, a Grade II listed building;
- ii) What impact the proposed development has on the setting of Ollerton CA, notably on approach to the CA from Edwinstowe;
- iii) Impact on any other heritage assets.

Having reviewed the submitted plans and details, Conservation has the following observations:

- Carr Brecks Farm is a 19<sup>th</sup> century farmhouse, being of 2 storeys in brick with a hipped slate roof and stone dressings. The farmstead is on higher ground over-looking the proposal site. Given the relatively short distance away and the extent of the modern solar PVs across a wide aspect to the north of the farmhouse, it is possible that the development may have some adverse impact on significance. Having visited the site, it is clear that intervening topography and landscaping will ensure that direct intervisibility is limited, and that the development is unlikely to be unduly prominent to the farmhouse when seen from

the south (I have also considered the impact of modern portal structures within the vicinity).

However, it should be noted that the rural landscape setting of the farmstead is an important element of significance. Paragraph 13 of the 'Conserving and enhancing the historic environment' section within the PPG reminds us: "Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation." In this context, I consider that there may be some minor adverse impact on the wider setting of the listed farmhouse.

- The CA is not inter-visible with the proposed PV farm, and there do not appear to be any detrimental impacts on any material receptors both within the CA, or in proximity. Whilst the proposal site will no doubt influence the experience of the traveller on approach to Ollerton from Edwinstowe, this impact is not harmful. I have considered the importance of Ollerton Hall in this context, as well as the impact of the modern roundabout and commercial development at the confluence of arterial roads at Ollerton at the northwest edge of the CA;
- The proposal is not likely to have any material impacts on any other heritage assets within the wider area.

Overall, the scheme will not give rise to any significant adverse impacts on the historic built environment. For the reasons set out above, there may be some moderate detrimental impact on the wider agricultural setting of Carr Brecks Farm. For the purposes of the NPPF, this is less than substantial harm. However, please note that this adverse impact is moderate, and it is accepted that reinforcement of landscaping at the southern end of the proposal site could reduce this adverse impact further. In any case, the decision-maker is entitled to consider the perceived public benefits of renewable energy production (at this scale) against the harm identified above.

If approved, the local planning authority should consider using planning conditions to ensure that redundant solar panels, mounting assemblies and associated structures are removed when no

longer in use and the land is restored to an appropriate use. In addition, the Council should consider optimal mitigation approaches in terms of limiting unnecessary visual clutter, leaving surfaces natural wherever possible and ensuring that the appearance of the deer fence and structures on site blend in with their surroundings as far as is practicable.

**NSDC Contaminated Land** – No Observations from a contaminated land perspective.

**NATs** - The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

**Civil Aviation Authority** - No comments to make on this application.

**Defence Infrastructure Organisation** – No safeguarding objections.

**Representations have been received from 3 local residents/interested parties which can be summarised as follows:**

- No approach was made for public consultation with neighbours prior to planning
- Proposal will cause harm to the setting of the undesignated heritage asset of Black Hills Farm Cottage
- The heritage impact statement does not mention Grade I listed Ollerton Hall
- Visually overbearing and loss of privacy for neighbouring properties
- Noise, disturbance and nuisance to the detriment of neighbouring residential amenity
- The layout and siting is inappropriate and unsympathetic to the appearance and character of the local environment
- The site forms a migratory route for various deer species into nearby woodland
- Loss of value to property
- Loss of countryside / agricultural land
- Loss of privacy
- Inconvenience
- Traffic concerns on busy road
- Disruption to wildlife
- Loss of Views
- Height of the boundary fence
- Location of site entrance
- Disruption of daily life during the build.

#### Comments of the Business Manager

#### Principle of Development

The proposed solar farm is a renewable energy development. Increasing the amount of energy from renewable and low carbon technologies is a key principle of the aforementioned planning policies with the UK Government being committed to meeting binding targets set by the EU Renewable Energy Directive (15% by 2020). The Government, in 2009, published its Renewable

Energy Strategy which in turn envisages an energy mix from renewables required to meet its own prescribed targets.

It is acknowledged that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.

The National Planning Policy Framework (NPPF) came into effect on 27 March 2012. The Framework replaced a series of national policy statements, circulars and guidance including Planning Policy Statement 22 'Renewable Energy' (PPS22).

A core principle of the NPPF is that planning should, *'Support the transition to a low carbon future in a changing climate ...and encourage the use of renewable resources.'* The NPPF policy on renewable and low carbon energy is set out in section 10 of the document. NPPF paragraph 93 indicates that, *'Planning plays a key role in helping to shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the effects of climate change, and supporting the delivery of renewable energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*.

NPPF paragraph 94 states that, *'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change'* in line with the objectives and provisions of the Climate Change Act 2008.

NPPF paragraph 97 includes that Local Planning Authorities should *'recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'*; *'have a positive strategy to promote energy from renewable and low carbon sources'*; *'design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily'*; and *'consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources'*.

NPPF paragraph 98 concerning the determination of planning applications includes provisions that Local Planning Authorities should, in summary, not require applicants to demonstrate the overall need for renewable energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application (unless material considerations indicate otherwise) if its impacts are (or can be made) acceptable. The commitment to the delivery of renewable and low carbon energy projects has been supported by additional Planning Practice Guidance published in March 2014. The guidance specifically outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms.

The District Council's commitment to climate change is set out by Core Strategy Core Policy 10 and Policy DM4 of the Allocations & Development Management DPD. These policies indicate that the District Council will encourage the provision of renewable and low carbon energy generation within new development and recognises that the support for renewable and low carbon development is key to meeting the challenge of climate change.

In determining this application it is necessary to balance any recognised positive or negative effects against the strong presumption in favour of promoting renewable energy provision and the views of the local community. The wider environmental and economic benefits of the proposal are a material consideration to be given significant weight in this decision.

The proposal relates to development within the open countryside which is strictly controlled by Policy DM8 of the Allocations and Development Management Document. This policy outlines the types of development which may be acceptable in countryside locations. This proposal for energy generation, more akin to an industrial use, would not fall comfortably within any of these development types. However it is acknowledged that the land take required for developments of this nature are more readily available in rural locations.

#### Loss of Agricultural Land/Alternative Sites

As identified, the recently published Planning Practice Guidance (March 2014) outlines a number of factors which local planning authorities will need to consider in the assessment of large scale ground-mounted solar farms. The stance of the Guidance is to encourage the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land. Paragraph 13 goes on to qualify that where a proposal involves greenfield land, which members will be aware is relevant to the current proposal, the local planning authority will need to consider whether the proposed use of agricultural land has shown to be necessary and where it has, that poorer quality land has been used in preference to higher quality land, and that the proposal allows for continued agricultural use.

In terms of the requirement to show that the use of agricultural land is necessary, I would concur with paragraph 6.54 of the Planning Statement that this does not amount to the need to apply a formal Sequential Test (as would be expected for other development types such as retail for example). Notwithstanding this, the application has been accompanied by such a document which considers the potential use of alternative sites. This is in relation to flood risk (discussed later within the appraisal) as well as quality of agricultural land and other factors such as grid connection.

The Sequential Test Assessment is a comprehensive document which details a four stage methodology of assessment as below:

- Stage 1 – Establishing the Search Area
  - Availability of a Suitable Grid Connection
  - Distance to a Suitable Grid Connection
- Stage 2 – Sift Criteria
  - This involves assessing constraints of sites such as Heritage and Ecology designations, Agricultural Land Classifications and Flood Zones
- Stage 3 – Access / Site Size

- Suitability of Site Access and Local Highway Network
- Minimum Site Size and Site Availability
- Stage 4 – Real World Analysis
  - This involves assessment of likely viability and actual availability

As confirmed at paragraph 4.7, at the pre-application stage it was agreed that the starting point for defining a search area should be the entire District of Newark and Sherwood. Figure 5.1 focuses on a 2km buffer zone from the primary substations in Ollerton, Bilsthorpe and Thorseby. This is due to the investigations to grid connection which show these points to be the only available sites with a suitable grid connection for the proposed development. It is this area which has been continued to stage 2 of the assessment. Following this process, 40 sites were identified within the established search area which comprised areas of land that would be provisionally suitable to accommodate the proposed development. However, once the application of the minimum site size and accessibility criteria had been undertaken only 15 sites (including the application site) remained. The Assessment goes on to discuss the remaining sites in detail concluding (for various reasons such as land ownership reluctance or costs associated with cabling over railway lines) that no other sites are available or deliverable.

The Applicant has shown clear endeavors to investigate other reasonable sites and although the majority of unsuitability appears to relate to matters of land ownership it is conceded that this is beyond the applicants control.

The original application was accompanied by an Agricultural Land Classification and Soil Resources Report dated March 2015. This details the methodology undertaken to review the soil of the site which included eleven soil profiles and one observation pit to examine subsoil structures. Assessment of quality has been carried out according to the Agricultural Land Classification guidelines for England and Wales. The report concludes that the soil of the eastern field is subgrade 3a of good quality and the western field is subgrade 3b of moderate quality. The Planning Statement goes on to qualify that the study area comprises 69% subgrade 3b and 31% subgrade 3a.

The NNPF defines ‘Best and most versatile agricultural land as being land in Grades 1, 2 and 3a of the Agricultural Land Classification’ and at paragraph 112 requires that where significant development is demonstrated to be necessary LPAs should seek to use areas of poorer quality land rather than areas of higher quality.

The potential conflict with this element of the Development Plan was discussed with the applicant during the life of the application. On this basis, a revised Agricultural Land Classification and Soil Resources Report dated July 2015 was received. This later reports (although undertaking no further survey data) concludes that because the original classifications did not take account of the flood risks of the site their conclusions were incorrect and in fact the entire site should be classified as Grade 3b using the advice within the *Agricultural Land Classification of England and Wales, Revised guidelines and criteria for grading the quality of agricultural land* (1988).

This revised document has been subject to significant scrutiny and further discussions with the agent. Initially, and in line with discussions with county council as the LLFA, it was queried whether it was appropriate to class the site as being subject to 'frequent' flood events (defined by the 1988 guidelines as more than one event in 3 years). The frequency of flooding to which the site is subjected to has implications in terms of how the quality of agricultural land is classified (using the 1988 guidelines). However, the agent has submitted further work confirming that the revised ALC assessment was based on a technical assessment of the soil and that in reaching a conclusion for agricultural land classification, it is necessary to overlay flood data against the soil assessments (something which was not done for the original March 2015 ALC report). Evidence has also been submitted by the land owner which states that *'On average the land floods at least every 2 years and the flood waters tend to remain on the land for between 4 and 7 days.'*

On balance, without evidence to the contrary I feel it would be difficult to dispute the revised agricultural classification of the land and therefore it is conceded that the proposal does not amount to the loss of the best and most versatile agricultural land. Nevertheless, there is still clearly a differing level of land quality across the site overall noting that the eastern field initially showed soil characteristics associated with good quality agricultural land. The LPA has therefore posed the question to the agent as to why this area of the site could not be discounted from the proposal. In response to this the agent has submitted a viability document which reports that the scheme would not be viable (notably due to identical grid connection costs) on the basis of a smaller site.

Clearly if a proposal which would lose the best and most versatile agricultural land was before Members, then this would be a significant material consideration and must, by its very nature, lead to planning harm. However, through the submission of additional evidence throughout the life of the application, the agent has presented a persuasive case to demonstrate that this is not the case for the current proposal given the failure of the original submission to have regard not only to the quality of the soil tests on the ground but also to the likelihood of flooding events.

I remain cautious to conclude that there would be no alternative sites within the District which would allow for the renewable energy benefits presented at a site with lesser flood risk and lesser quality agricultural grading, however without firm evidence to defend this point (and taking into account the evidence that has been presented on behalf of the applicant) I feel that it would be difficult to sustain and defend a reason for refusal on this basis. Thus on balance, the proposal is considered to have adequately addressed the considerations for large scale solar farms outlined by the NPPG.

### Impact on Flood Risk

The majority of the site is classed as being of high risk (Flood Zone 3) of flooding by the Environment Agency maps. This was raised as an issue during the pre-application advice stage and subsequent discussions have taken place between the councils pre-application response and the submission of the full planning application. There has been some uncertainty in terms of whether renewable energy projects should be considered as essential infrastructure which would be appropriate in Flood Zone 3.



PPS25 and Para. 4.39 of the Technical Guidance were explicit in their advice that renewable projects (wind turbines) within Flood Zones 2 and 3 were exempt from the Sequential Test and therefore only needed to apply the Exception Test. The NPPF is silent on the application of the sequential test specifically in relation to renewable energy schemes within Flood Zones 2 and 3 and implies that all development will be subject to the Sequential Test and if necessary the exemption test (para.100-102). The PPG offers no additional commentary on renewable projects within flood zones.

The Council has sought advice directly from Department for Communities and Local Government (DCLG) on the matter. DCLG confirmed in their response:

*'The Overarching National Policy Statement for Energy Infrastructure makes clear that the Sequential Test for avoiding flood risk should be applied to site selection for energy projects and the sequential approach applied at site level to minimise flood risk.'*

*'As a general principle of the flood risk policy (paragraphs 100-101 of the NPPF), the sequential test for steering development to areas with a lower probability of flooding should be applied to all new developments, except as provided in paragraph 104 of the NPPF and as noted in the planning practice guidance.'*

The above response was passed to the agent dealing with the application and as noted above the application has been accompanied by a Sequential Test Assessment. Given the nature of the development I do not consider the sequential test should be applied with the same strictness which it would be to more vulnerable developments such as housing schemes. Whilst I acknowledge that in these cases matters of land ownership would have limited bearing to whether development is suitable in flood risk terms, in relation to renewable energy developments I feel it would be difficult to refuse the development purely on the basis of the sequential test in terms of flooding.

The application therefore falls to the application of the exception test. Paragraph 102 of the NPPF confirms that in order for the exception test to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community which outweigh flood risk and a site specific flood risk assessment (FRA) must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

The application has been accompanied by a FRA undertaken by rma environmental planning consultancy and dated May 2015. The assessment concludes that in Section 5 that:

*'Approximately 60% of the site would be inundated in the 1 in 25 year fluvial event. The 1 in 100 year, 1 in 100 year (plus climate change) and 1 in 1000 year event are shown to inundate progressively more of the site, with the latter flooding approximately 75 % of the area.'*

*'Flood depths vary considerably across the site, with flood depths of between 0 – 1.5 m expected in the 1 in 100 year across the westernmost field (refer to Figure 3.2). Based on the topography and*

*flood level data provided by the EA, flood depths in the eastern field are likely to be significantly greater, with maximum depths of 2.5 m expected in the east of the field.*

*Given the nature of the development, it is considered impractical to reduce flood risk elsewhere; however, through the inclusion of the following mitigation measures, there would be no increase in flood risk elsewhere as a result of the development.'*

The FRA has also considered drainage of the site confirming that the proposed development would increase the percentage impermeable surface area at ground level by significantly less than 0.1%. The site will be maintained with a grassed surface.

*'It has been estimated that there is a negligible increase in surface water runoff rates and volumes as a result of the proposed development. Therefore, no mitigation measures with regard to surface water runoff are considered necessary.'*

Members will note the consultation response from the Environment Agency which raises no objection to the application subject to the inclusion of a condition requiring an 8m wide unobstructed easement from the top of the River Maun embankment and that all water susceptible components shall be raised as high as practical.

Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) initially raised concern that the security fence could cause an issue in terms of blocking debris at times of flood. I agree that this is a valid point and have sought verbal confirmation from NCC as to whether this would amount to a reason to resist the application. Since their original comments, NCC have been in further discussions with the applicant and have now confirmed that they are satisfied with the fencing design and would not raise an objection to the proposal on this basis. . I acknowledge additional concern was raised in terms of the same issue of debris blockage from the cumulative impact of the solar supports, however, I consider that this is a lower risk impact given the slender nature of the supports.

I am mindful that previous solar farm applications that have been approved in the District have included flood mitigation measures in terms of swales to mitigate site run off. I have queried with NCC whether they consider this to be necessary however it has been confirmed that given that the site is susceptible to fluvial flooding this would be less of an issue. I note the conclusions of the FRA that the proposed development would increase the percentage impermeable surface area at ground level by significantly less than 0.1%.

#### Impact on Visual Amenity and Landscape Character

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved and created.

The site is located on a juxtaposition of three local landscape character areas; Birklands Wooded Estatelands (SPZ25), River Maun Meadowlands with Plantations (SPZ15) and Budby (SPZ26) as defined by the Landscape Character Assessment that accompanies Core Policy 13 of the Development Plan. Land within most of the site has a defined landscape condition as good with moderate sensitivity. A small part of the site to the north-east lies within Sherwood Policy Zone 26 which has a very good landscape condition with sensitivity to change described as high.

The application has been accompanied by a Landscape and Visual Assessment (LVIA) with the aim of assessing the landscape characteristics of the site and its surroundings and to consider the landscape and visual quality of the site, its function in the landscape and its standing within the wider landscape. This has been accompanied by numerous plans and appendices including photomontages from several viewpoints. The LVIA summarises in Chapter 8 to state that:

*'In terms of landscape and visual effects, it is considered that the Proposed Solar Farm can be absorbed into the existing landscape framework with limited adverse effects on views and landscape character.'*

It is conceded within the LVIA that the highest degree of visual change will result in a moderate adverse impact for motorists along the A6075 and the residents of the two properties (Cockglode and Woodside Cottage) immediately north of the site. Elsewhere, it is concluded that visual receptors will experience, at worst, minor adverse effects upon completion.

In terms of landscape effects, the LVIA concludes that the proposal will amount to a minor adverse impact during the operational life of the scheme. It is stated that the introduction of landscape enhancements (trees, grassland and wildflower meadow and gap filling of hedgerows) will preserve and enhance the existing character.

The proposal and indeed the associated LVIA have been reviewed by NCC landscape team and their original comments are listed above in the consultation section of the report. Following receipt of these comments, the agent acting on behalf of the applicant has submitted numerous responses to colleagues at county council in an attempt to overcome the identified concerns. NCC have provided follow up responses to each document. These are all available to view in full on the electronic file for the application but the overall stance of the discussions is appraised below.

Dealing firstly with visual amenity:

*The County Council agree with the conclusions of the LVIA with respect to visual amenity; there will be a moderate adverse effect for motorists and nearby residences, but the proposed hedge works will reduce this impact over time, giving filtered views. It is recognised that the area is sparsely populated and the nearest PROW is not particularly affected.*

NCC in more recent correspondence has confirmed that the submission of additional sections through the fields (to demonstrate how the panels will impede or otherwise on views across the valley) would be beneficial. The agent has helpfully submitted these during the life of the application. The Landscape Officer at NCC has conceded that assessment of visual amenity is difficult to qualify for the whole site given the variations in the land levels across the site. Whilst

the western section of the site would be largely screened by the existing roadside hedge, the eastern section on the other hand currently affords clear open views from the road along the valley. Although it would be within the gift of the authority to impose conditions requiring further planting and landscape mitigation, it is my view this in itself would contradict the open nature of the site and eradicate the views across the river valley which, as discussed below, are fundamental to the landscape character of the area.

Moving then to assess matters of landscape character, I have reviewed the submitted LVIA, the comments of NCC and subsequent correspondence between the agent and NCC in detail. Firstly, I would disagree with the implication in the agents first follow up letter that NCC have moved ‘the landscape character boundaries’ in their assessment. I am content that NCC have considered all three policy zones which the application crosses. I appreciate that they have focused on the policy actions of S15 but I concur with their judgement that the landscape features of the site fit more appropriately within the characteristics of policy zone S15.

*‘Policy Zone S15 - River Maun Meadowlands, notes that the generally undeveloped land within the river corridor is a characteristic feature of the Sherwood Landscape Character Area. It also notes that recent development has had a negative impact on the valley. Key policy actions include:*

- *Conserve and reinforce the pastoral character of the river valley*
- *Conserve and reinforce river channel diversity and marginal riverside vegetation*
- *Conserve the sparsely settled character of the river corridor by avoiding development within the floodplain*
- *Reinforce sense of place of built environment by using materials and design that reflect the local character of the area’*

I appreciate the surrounding context of the site including Thorseby Colliery approximately 200m to the north west of the site and a sewage works immediately to the south of the River Maun, to the south of the site. The stance of the agents follow up letters to NCC is that the landscape character guidance identifies the policy zone as having a ‘few detracting features’ but that many of these features have a direct relationship and inter-visibility with the site. The implication is that because these features already exist, the landscape can accommodate the proposed development. However, it is my view that the presence of these elements does not automatically justify that additional development will be acceptable. The policy sheet for S15 specifically states that *‘recent isolated developments has generally had a negative impact on the valley.’* Moreover, *‘the generally undeveloped land within the river corridor are characteristic features of Sherwood Landscape Character Area.’*

Even with the mitigation planting proposed (notwithstanding that it would take a number of years to establish) I agree with NCC that the effect will be filtered views rather than screening and would in itself be at odds with overall landscape enhancement aims.

*'It is also the County Councils view that the openness of the landscape south of the Bilhaugh-Birklands heathland is something that contributes greatly to the sense of place; a belt of planting to obscure the view (even if this were what is proposed) would detract from the local landscape rather than enhance it.'*

*'Given the nature of the development and the local importance of protecting the floodplain, as stated in the policy sheets, the County Council consider the magnitude of change to be medium-high adverse. The policy sheets note that sensitivity to change is moderate, as views are contained to some extent by topography and intermittent vegetation. The overall effect of the development on landscape character is thus assessed at moderate-high adverse, rather than the limited effect quoted in the LVIA'*

I would concur with the above assessment and do not consider that the proposal meets the requirements of CP13 of the Core Strategy in terms of positively addressing the implications of the landscape policy zones. I am conscious of the agents argument that the proposed landscaping scheme would promote the restoration of arable land beneath the solar panels to meadows and would provide the opportunity for woodland management of the river corridor. Nevertheless I do not consider that this would be sufficient to overcome the objection to development in the river corridor in principle, particularly given that the benefits of land restoration beneath the panels would be difficult to appreciate during the operational life of the solar farm.

*'The key characteristic is the largely open aspect across and along the valley, on the flood plain of the Maun.'*

*'The openness of the undeveloped river flood plain forms a distinctive feature, and the Policy Action recommendations underline that it is considered vulnerable and development should be avoided to conserve and reinforce landscape character.'*

*'To add more development to the valley floor, even if temporary, will further degrade a landscape that is already compromised to an extent, and might pave the way for more valley floor development, in time leading to the more extensive urbanisation of the open space between Edwinstowe and Ollerton.'*

It is my view that this would in itself lead to harm to the landscape character of the site which would be contrary to the intentions of the Development Plan. The implication from NCC Landscape Officers that this development would potentially set a precedent for further development only further exemplifies this harm.

The comments listed above received by Cllr Peck in terms of the potential impact of the scheme on tourism in the area (in particular views from the Colliery spoil heap which may in the future be restored) are legitimate concerns. It is a valid point that increased tourism in the area has the potential to increase the potential receptors to the development. This matter has also been addressed in correspondence from NCC Landscape Officers:

*'NSDC's Green Infrastructure Diagram shows the road is designated a strategic route between Edwinstowe and Ollerton (Figure 3), the development site is only 1700m from what will be the*

*focal point of the proposed Sherwood Forest Regional Park, and the Core Strategy also notes that tourism is to be encouraged in and around Edwinstowe and Ollerton.'*

*'The construction of the new Sherwood Forest Visitor Centre on the northern fringes of Edwinstowe demonstrates the local commitment to developing a tourism base, and an expectation that visitor numbers will increase; Ollerton Road is one of the key gateways to Edwinstowe for visitors from the south and east.'*

Nevertheless, given the uncertainty associated with exactly how the proposal would affect tourism, I am not convinced that the impact on tourism would be so significant to warrant refusal on its own grounds.

Concern was also raised in terms of potential for cumulative impact. However, given the low lying nature of the development and the distance to other solar farms, I do not consider this to be a likely potential impact which would in itself be harmful to the landscape character or visual amenity of the area.

I do not envisage a revised scheme that could overcome the aforementioned impacts to landscape character given the implications that additional screening would implicitly have on the enhancement aims for the area. The proposal is therefore contrary to CP13 and Policy DM5 of the DPD. Colleagues at NCC have confirmed that should the applicant use their right to appeal any refusal on landscape grounds, they would be willing to defend their position on behalf of the LPA.

#### Impact on Heritage Assets

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its

setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional guidance on development affecting the setting of heritage assets is contained within The Historic Environment Good Practice Advice (HEGPA) in Planning Note 3: The Setting of Heritage Assets.

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs is also relevant. In addition to the above, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Although there are no identified heritage assets within the proposal site, by virtue of its form, scale and appearance, the proposal is capable of affecting the historic environment. Carr Brecks Farmhouse, which is Grade II listed, is situated approximately 200m to the south of the proposal site. In addition, the western boundary of Ollerton Conservation Area (CA) is within 500m of the proposal site.

I have noted the consultation comments received which raise concern that the Heritage Desk Based Assessment has not considered the setting of Grade I listed Ollerton Hall and concede this to be the case. However, whilst Ollerton Hall has not been explicitly mentioned the report states that with the exception of Carr Brecks Farmhouse, none of the *'designated heritage assets in the study area (including those within the Ollerton Conservation Area) share any intervisibility with the Site, nor any intimate historic landscape association'*. I am therefore satisfied that the Assessment is sufficient in scope to adequately assess the application and indeed internal conservation colleagues have specifically made reference to the context of Ollerton Hall in their comments. Whilst listed in full in the above consultation section of the report, the concluding paragraph is considered worthy of repetition in this element of the appraisal:

*'Overall, the scheme will not give rise to any significant adverse impacts on the historic built environment. For the reasons set out above, there may be some moderate detrimental impact on the wider agricultural setting of Carr Brecks Farm. For the purposes of the NPPF, this is less than substantial harm. However, please note that this adverse impact is moderate, and it is accepted that reinforcement of landscaping at the southern end of the proposal site could reduce this adverse impact further. In any case, the decision-maker is entitled to consider the perceived public benefits of renewable energy production (at this scale) against the harm identified above.'*

Taking these comments into account I am satisfied that the proposal, by virtue of the modest height of the panels and infrastructure, the topography of the site and the distances to the nearest heritage assets, would not have any detrimental impact on any heritage or historic assets.

It is my view that if Members were to otherwise accept the development taking into account the wider planning balance then it would be difficult to sustain a reason for refusal based purely on heritage grounds.

### Impact on Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximizes the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application site is in close proximity to the Birklands West & Ollerton Corner Site of Special Scientific Interest (SSSI) and Birklands & Bilhaugh SSSI. The latter SSSI forms part of the Birklands & Bilhaugh Special Area of Conservation (SAC). Local designations in close proximity to the site include a site of interest in nature conservation on the opposite side of Ollerton Road. The site is also within the Sherwood possible potential Special Protection Area (ppSPA).

A Phase 1 Habitat Survey Report has been produced by SLR Consulting which surveyed the site mapping habitats and features with potential to support protected and conservation priority fauna. The survey identified the following key features:

- A single badger sett was located on the northern bank of the River Maun
- Records of five bat roosts within a 2km radius of the site were returned with the closest being a single roost at the River Maun Bridge in Edwinstowe dating from 1995
- Five trees on the site were assessed as having low potential to support roosting bats
- A probable kingfisher nest was identified on the southern bank of a section of the river

The report goes on to outline mitigation measures including the following:

- Incorporate a buffer of at least 30m from the badger sett
- Incorporate a 10m buffer around the watercourse as a corridor for commuting and foraging bats
- Construction works should ideally take place outside of the main bird breeding season
- Incorporate a 30m buffer zone around the kingfisher nest

It is acknowledged that the proposed development has the potential to provide opportunities for ecological improvement and enhancing biodiversity. Measures promoted include the introduction of botanically diverse 'meadow grasslands', new tree planting and installation of bird and bat boxes. A Biodiversity Management Plan has been submitted to support the application.

Matters of ecology have been subject to scrutiny by relevant consultees including Natural England, NCC Ecology and Nottinghamshire Wildlife Trust (NWT), with their comments listed above in the consultation section of the report. I note that NWT have suggested in their comments that the



applicant has failed to acknowledge the site as being within the ppSPA however I would disagree with this as this matter has been addressed within the supporting documentation for the application concluding that:

*'Overall, it is considered that the proposed development will not impact upon the local breeding nightjar and woodlark population, in any way.'*

Other than the above, the consultation responses raise no issues with the proposal as submitted subject to the inclusion of conditions should the application be granted. NWT have suggested that a condition should be attached requesting a more finalized plan of the habitats in order for suitable mitigation to be secured. I have also taken account of the comments of interested parties in terms of ecology, specifically the suggestion that the site is used as a migration path for deers. This has not been specifically identified through the undertaken ecology surveys however it is my view that given the buffer zones promoted above, the development would not impede movement of larger species in principle.

Overall subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

#### Impact on Amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

I am mindful that the application site falls within the open countryside with surrounding residential development being sparse in nature, however, as noted above there are residential properties immediately opposite the site to the north of Ollerton Road. I also note that matters of residential amenity have been raised as a concern during the consultation process. These concerns relate to numerous matters including loss of privacy and an overbearing impact. Given the nature of the development I find there to be no detrimental impact to privacy, the site would be visited twice a month and the activities that these visits would warrant are not considered harmful to neighbouring privacy. I also do not consider that the limited height of the development (maximum height of 2.8m for the DNO Intake Substation) would result in an overbearing impact taking account of the separation distances afforded by Ollerton Road.

However, moderate adverse impact on visual amenity for two properties (Cockglode and Woodside Cottage) has been identified through the aforementioned LVIA. This impact would be partially mitigated by additional screening but the overall land take of the development results in a likelihood of at least some adverse impact during the whole operational phase of the development.

The Planning Statement has addressed matters of noise pollution confirming that, following the construction phase, the solar arrays operate silently with no moving parts. Any noise from the associated plant and equipment is minor and limited to day light hours.

Given the low level nature of the development and the limited output in terms of noise emissions, it is considered that it would be difficult to refuse the application solely on the grounds of a detrimental impact to residential amenity. However, the moderate adverse effect on visual amenity (in other words a material change to the existing view for affected residents) is a consideration which has limited weight albeit any weight attracted to it must weigh negatively in the overall balance for the proposal.

### Impact on Highways Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which are appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

The access to the site is as existing and currently serves the Sewage works immediately to the south of the site. . The track is predominantly single width but also benefits from a bellmouth onto the A6075 which allows for two way movements of vehicles. The construction period for the solar farm is estimated to take approximately 10 weeks with activities taking place between 07:00 – 18:00 Monday to Friday and 07:30 – 17:00 on Saturdays will no working on Sundays. During the operational phase, vehicle movements are expected to amount to only 2 vehicles on two occasions per month.

The County Highways Officer raises no objection to the proposal subject to conditions which could be imposed if Members are minded to approve the application. I accept that there will be an impact on the highways network during construction but am of the view that this would only be for a temporary period and would not be so significant and to justify refusal on these grounds. A Traffic Management Plan has been submitted to accompany the application. I am satisfied that the proposal would not amount to a detrimental impact on highway or railway safety in accordance with Spatial Policy 7 and Policy DM5 of the DPD.

### Other Matters

I have taken account of the other concerns that have been raised during consultation and not previously addressed in the above appraisal. Property values are not a material planning consideration that can be taken into account in the determination of the application. Despite statements that consultation with the neighbouring community prior to the submission of the application was inadequate, the Planning Statement at paragraph 1.18 details engagement undertaken with Edwinstowe Parish Council earlier in the year. In any case, there is no statutory requirement for public consultation on solar farm development in the same way as there is for wind development.

Policy DM5 of the DPD requires consideration of matters of crime and disorder stating that appropriate mitigation should be included as part of development proposals. The proposal includes the provision of security fencing surrounding the perimeter of the development. I would be concerned about the visual impact that higher fencing and any lighting measures would have

on the openness of the countryside. No details of any proposed lighting have been submitted and would be unlikely to be required. Overall, I consider that the security measures proposed by this application are adequate and take into account the requirements of Section 17 of the Crime and Disorder Act.

### Balancing Act and Conclusions

The benefits of the scheme in terms of the production of renewable energy are fully appreciated and do and should rightly weigh heavily in the balance of acceptance to the proposal. I also note the support from 2 Parish Councils (and the objection from ward Councillor Peck). However the proposal is deemed contrary to landscape planning policy in that it would fail to contribute towards meeting landscape conservation and enhancement aims for the policy zones within which the site is situated. The proposed solar farm would introduce built form to a site which is valued for its undeveloped nature. It is accepted that the comments of the Council's landscape experts at NCC are finely balanced. It is equally accepted that in applying a planning balance there is a need to weight this 'on balance' harm to landscape character against clear benefits of the scheme. It is equally the case that one must look at all other issues in the round. Whilst all other matters detailed above do not cause any unacceptable impacts such as in isolation to recommend refusal it is noted that despite a sequential test assessment considering alternative sites, the constraints of the site itself would mean that, if approved, there would be additional development in an area at high risk of flooding. Whilst the decision is a finely balanced one I am not ultimately persuaded that the renewable energy benefits for the scheme does not outweigh the harm identified.

The proposed solar farm would therefore be contrary to the National Planning Policy Framework and its associated Guidance, Core Policy 13 of the Core Strategy, and Policy DM4 and DM5 of the Allocations and Development Management Development Plan Document.

### RECOMMENDATION

**That full planning permission is refused for the reasons set out below.**

01

The District Council considers that the proposed solar farm would result in a moderate-high adverse impact on the landscape character of the area directly contradicting the landscape actions of the Newark and Sherwood Landscape Character Assessment. Moreover the proposal would amount to a moderate adverse effect to the visual amenity of motorists and residents of neighbouring properties which compounds the adverse impact of the development overall.

The environmental, economic or public benefits of the proposal are not considered to sufficiently outweigh the potential harm to the landscape character identified. The proposed solar farm would therefore be contrary to the National Planning Policy Framework, Core Policy 13 of the Core Strategy, and Policy DM4 and DM5 of the Allocations and Development Management Development Plan Document.

## Informative

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

## BACKGROUND PAPERS

Application case file.

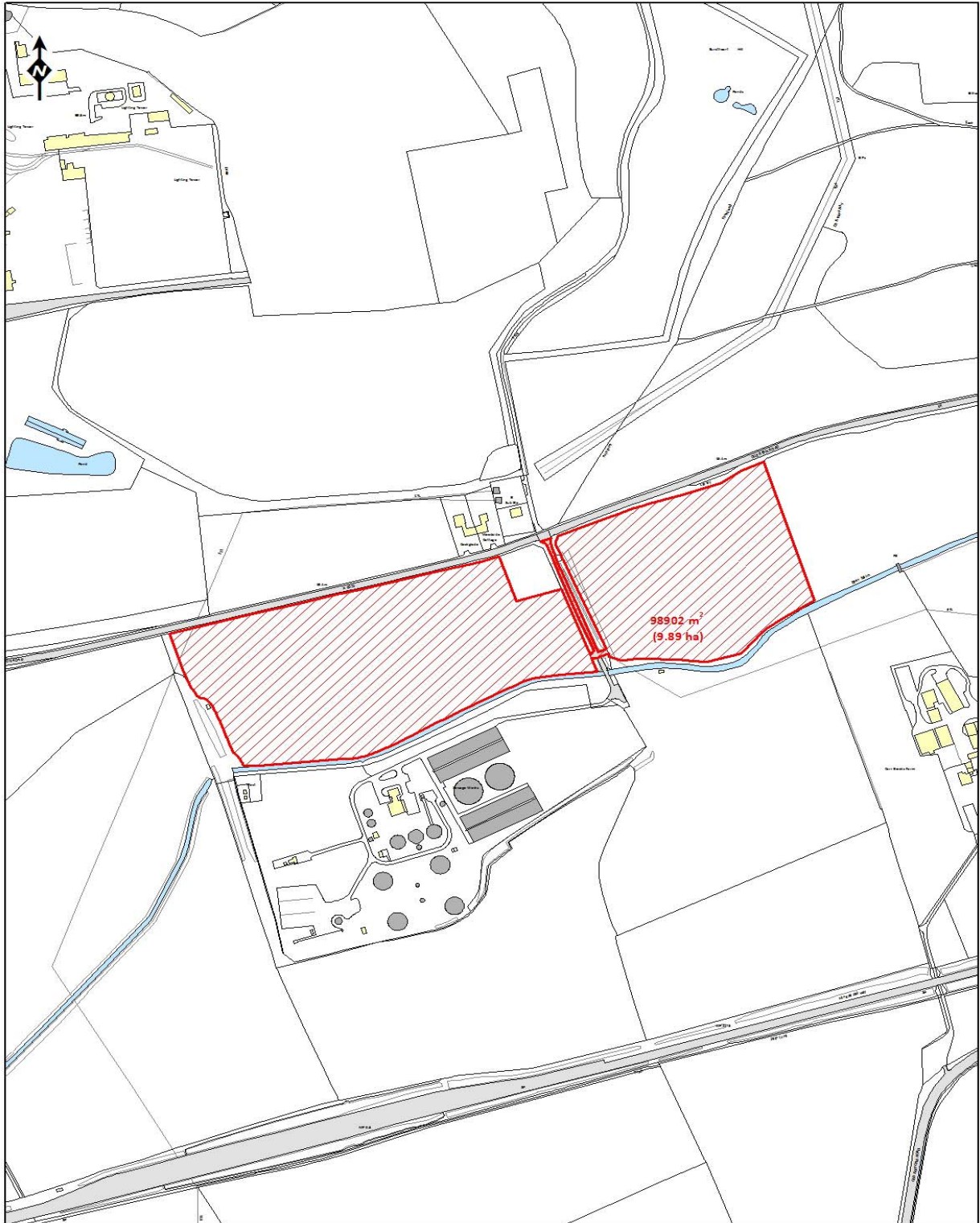
For further information, please contact Laura Gardner on ext 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**

**Deputy Chief Executive**

Committee Plan - 15/00875/FULM



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<b>Application No:</b>	<b>15/00652/FUL</b>	
<b>Proposal:</b>	<b>Formation of car parking spaces</b>	
<b>Location:</b>	<b>Land adjacent to 11 &amp; 13 Boy Lane, Edwinstowe Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr A Hayward – Newark &amp; Sherwood Homes Ltd</b>	
<b>Registered:</b>	<b>14.07.2015</b>	<b>Target Date: 08.09.2015</b>

**This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it owns the land in question.**

The Site

The site is situated to the south east of the residential centre of Edwinstowe with open agricultural fields situated immediately to the east of the site and an allotment immediately to the north. Housing on the street is a mix of single storey bungalows and 2 storey dwellings to the south. The properties situated on the close which forms the basis of this application are semi-detached bungalows which are maintained by Newark and Sherwood Homes (NaSH).

The street scene is typified by properties set back from the roadside with grassed areas fronting the pavement. There is no formal parking provided for the properties, with vehicles currently parking on the roadside grass verges.

The development site itself is not situated within a Flood Zone, however in accordance with the Environment Agency flood zone mapping the land to the north is.

Relevant Planning History

No relevant planning history

The Proposal

The proposal is to create 6 off street parking spaces on existing grass land on the western side of the close to improve current parking arrangements, with the land on the opposite side of the close also covered in tarmac but designated as an area for no parking to allow vehicles to manoeuvre and exit the parking bays on the opposite side of the close facing forward.

It is proposed that new dropped kerbs be introduced and the spaces finished with tarmac. The grass banking immediately to the north of the proposed parking area and tarmac area would be used as a soakaway to manage surface water.

## Departure/Public Advertisement Procedure

Occupiers of 8 neighbouring properties have been individually notified by letter.

## Relevant Planning Policies

### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Policies relevant to this application:

- Core Policy 9: Sustainable Design
- Spatial Policy 7: Sustainable Transport

#### **Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)**

Policies relevant to this application:

- Policy DM5: Design

Please Note: All policies listed above can be found in full on the Council's website.

## Other Material Considerations

National Planning Policy Framework (NPPF) 2012.

National Planning Practice Guidance (NPPG) 2014.

## Consultations

**Edwinstowe Parish Council** – Support proposal

**NCC Highways** – Objection

This application is for the provision of 6 car parking spaces within the existing grass verge. The grass verge opposite the parking bays is now shown as a tarmac surfaced area hatched in yellow. There is the concern that parking may occur in this area leading to insufficient manoeuvring space once vehicles are parked on both sides. As stated in my previous comments, it would be appropriate to widen the existing carriageway by reducing the grass verge opposite the bays by 2m to provide the 6m clearance required for the proposed parking bays. It should also be noted that the parking bays should have a minimum width of 2.4m – the bays shown on the plan appear to be less than this. Could the above issues be addressed, as the layout as shown is unsatisfactory and as such the Highway Authority would wish to raise objection.

**Neighbours/Interested Parties** – One letter received stating that historically there had been a garage on the proposed site.

## **Comments of Business Manager, Development**

### **Principle of Development**

Spatial Policy 7 (Sustainable Transport) of the Core Strategy aims to provide appropriate and effective parking provision, both on and off-site and aims to avoid highway improvements which harm the environment and character of the area.

### **Impact upon Highway Safety**

Nottinghamshire County Council Highways Authority have raised an objection to the proposed parking bays; however it is anticipated that a revised plan shall be submitted to overcome the objections raised. Having discussed the comments received with the applicant, it has been clarified that the proposed bays are the requisite width of 2.5m. The revised plan to be submitted shall show the highway being widened by 2m opposite the proposed bays to facilitate vehicles manoeuvring into and out of the bays and to achieve the clearance required by the Highways Authority.

Subject to the submission of a revised plan demonstrating the widening of the road opposite the proposed parking bays in the interests of highway safety and the applicant entering into a Section 278 legal agreement in order to be able to undertake the required works within the highway I am of the opinion that the current objections from the Highways Authority can be overcome. Any additional comment received by either the applicant or the Highways Authority will be reported to Members as a late item.

Subject to the above revisions, it is considered that the proposed development would improve highway safety by reducing the number of vehicles that park on the roadside, thus facilitating greater access and manoeuvrability within the close.

### **Impact upon the Character of the Area**

The proposed parking bays would be situated on existing grass land to the east of No. 13 Boy Lane with the land on the opposite side of the road proposed to also be hard surfaced. It is considered that whilst the replacement of grass with tarmac would detract slightly from the current greenness of the close, the loss would be small in the context of the overall greenspace of the close as a whole and the benefits arising from the improved parking layout are considered to outweigh this loss.

It is not considered that the proposed parking bays would significantly detract from the character of the surrounding area.

### **Impact upon Amenity**

Consideration has been had to the perceived impact on neighbouring amenity resulting through the construction of the proposed parking bays. The properties situated to the east and west of the proposed parking bays and hard standing both have well defined boundary hedges. Furthermore, from visiting the site it is clear that they are used to vehicles parking within proximity to their boundaries. As such the proposed introduction of vehicular parking bays on land which cars already park is not considered to significantly detract from the amenity of the surrounding area.



## Conclusion

I am satisfied that the proposed creation of 6 parking bays would not detrimentally impact upon the character of the area nor neighbouring amenity and subject to the submission of a revised plan to address concerns raised by the Highways Authority would improve the current parking arrangement within the close to the benefit of highway safety. As such the proposal is considered to accord with policy SP7 of the core strategy and DM5 of the Newark and Sherwood DPD. Subject to conditions, I recommend that planning permission is granted.

## **RECOMMENDATION**

### **Approve, subject to the following:**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Proposed resurfacing works Dwg No 05A received 14/07/15

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

## **Notes to Applicant**

01

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

02

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

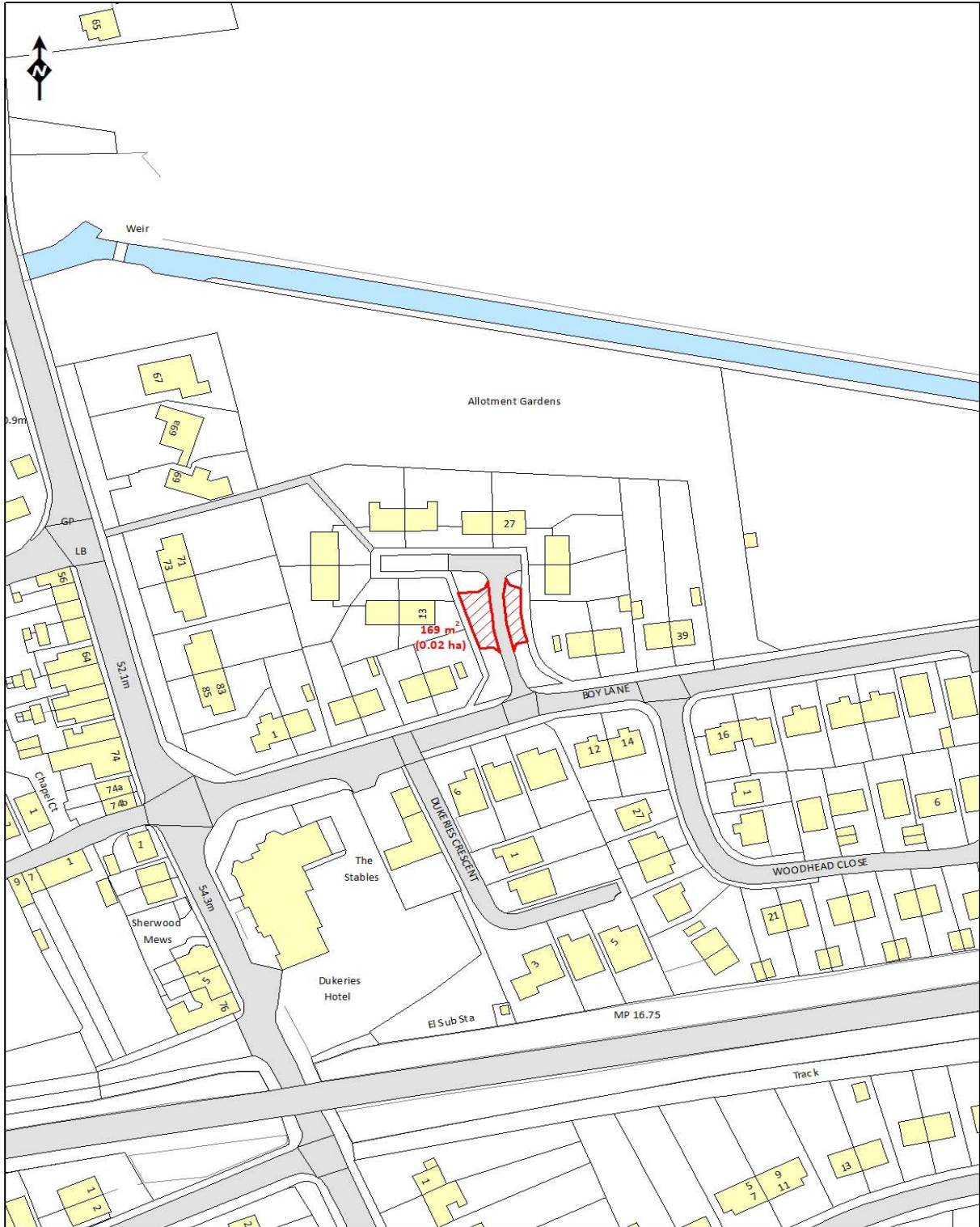
#### **BACKGROUND PAPERS**

Application case file.

For further information, please contact James Mountain on 01636 655841.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**



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<b>Application No:</b>	<b>15/01055/FUL</b>	
<b>Proposal:</b>	<b>Demolition of an existing bungalow, garage and pool structure and the erection of a replacement two storey dwelling with relocated access point to Burgage Lane (re-submission of 15/00567/FUL)</b>	
<b>Location:</b>	<b>Cedar Lodge, Burgage Lane, Southwell, Nottinghamshire, NG25 0ER</b>	
<b>Applicant:</b>	<b>Mr M Le Masurier</b>	
<b>Registered:</b>	<b>30 June 2015</b>	<b>Target Date: 25 August 2015</b>

The Site

Burgage Lane is a residential road characterised by large plots which accommodate dwellings of various sizes, design and ages and forms part of the Conservation Area for Southwell. The site itself is 0.37 hectares in area, lies to the north of Burgage Lane and is occupied by a c1960s/70s bungalow, a detached double garage and covered swimming pool. The topography of the site is such that the land rises from the north, south and east so that the dwelling sits at a higher level than the road and the dwellings to the east and north. Another dwelling lies to the west which is set at a higher level than Cedar Lodge. The site is well-screened by established vegetation and as such you only catch glimpses of the bungalow as you travel west up the lane. There is a lime tree close to the Burgage Lane frontage that is protected by a Tree Preservation Order.

The properties surrounding the site are two storey in height, all situated with large residential plots with the main buildings located away from the boundary with Cedar Lodge; the distances between Cedar Lodge and the neighbouring dwellings varies between 42m and 63m with the distance between the existing bungalow and its site boundaries (at the closest points) being approximately 8m to the west, 14m to the north and 28m to the east.

Relevant Planning History

The site has been subject to a previous planning application in 2015 for a replacement dwelling, planning reference **15/00567/FUL**, however this application was withdrawn by the applicant following concerns raised by the Conservation Officer in terms of scale and massing. The roof ridge was 1.7m higher on this application compared to the current submission.

The site has also sought several tree works applications, which have been granted. Other historic planning applications are detailed below,

**02/01568/FUL** - Erection of a swimming pool enclosure (permitted 09.09.2002)

**5680211** - Alterations and extensions (permitted 15.04.1980)

**56791259** - Double garage (permitted 18.12.1979).

## The Proposal

The current proposal seeks full planning permission for the demolition of the existing bungalow, garage and swimming pool and the erection of a two-storey dwelling to form a five bedroom property with integral double garage.

The new building measures a maximum of approximately 28m wide by a maximum of 20 metres wide (excluding the one and a half storey garage and workshop projection). The main two-storey ridge measures approximately 10.5m high with the chimneys measuring 1.8m above that.

The proposal is arts and crafts style in design, broadly rectangular in shape with single storey additions to the northern, southern and western elevations. It is proposed that the dwelling will be of brick and stone construction with natural pantile or slate to the roof. There is an external terrace approximately 4.5m deep that runs along the length of the eastern elevation that ranges in height above existing ground levels from 1m to the south up to 2m to the north due to changes in existing ground levels.

The application also seeks to create a new access to the property off Burgage Lane with a gated entrance, blocking up the existing access. Landscaping is also proposed for the site which includes the addition of several new trees, hedgerows and other planting; additional planting is now proposed following concerns raised by the Conservation Officer and Case Officer. Amended plans received now reflect the new planting and tree retention.

## Departure/Public Advertisement Procedure

Occupiers of 21 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press which was published on 9<sup>th</sup> July 2015. Following additional information and amendments received from the applicant, neighbouring properties were re-consulted.

## Planning Policy Framework

### **The Development Plan**

#### *Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

SoAP1: Role and Setting of Southwell

#### *Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Protecting and Enhancing the Historic Environment

### *Other Material Planning Considerations*

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Southwell Conservation Area Appraisal 2005

Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment

### Consultations

**Southwell Town Council** – Object to the proposal for the following reasons,

*STC Planning Committee discussed Planning Application 15/01055/FUL Cedar Lodge, Burgage Lane, Southwell this evening and found that there was a lack of information available to the committee, in particular the recent discussion between the applicant and Amy Schofield and the NSDC Case Officer. The applicant brought to the committee additional information relating to these discussions, and as a result, STC Planning Committee felt that they must object to the application on a technical level as they were not able to give a considered view until the information was evidenced by NSDC.*

*The Committee would like to reconsider the application once this information has been evidenced.*

**NSDC Conservation Officer** – Following additional information and amendments to the proposal, no objection (full comments below).

**NCC Highways Authority** – No objections are raised to the proposal, subject to conditions.

**NCC Flood Team (Lead Local Flood Risk Authority)** – No comments have been received to date.

**NSDC Access and Equalities Officer** – Observations are made in relation to Building Regulations.

**Trent Valley Internal Drainage Board** – The Board recommends that the suitability of new or existing soakways is ascertained in accordance with BRE Digest 365 and the satisfaction of the Local Authority prior to planning permission being granted.

**Severn Trent Water** – No objection to the proposal.

**Nottinghamshire Wildlife Trust** – Recommend the LPA requests that an emergence survey is carried out in accordance with best practice guidelines (Hundt, 2012). This should be undertaken before the application is determined to ensure that all material considerations have been fully considered (full comments below).

**Southwell Civic Society** – *We have no objection to the demolition of the existing house and swimming pool.*

*This is a large site and will accommodate a large house. However we feel an opportunity has been lost to construct a twenty first century building. Contemporary Arts and Crafts is not an architectural style that exists in Southwell except for the Bishops Manor and a couple of smaller houses.*

*We note that in the Design and Access Statement the windows are described to be “lightly stained oak”. We trust that they are to be hardwood and that the description does not refer to a Upvc colour. If this were to be the case then we would object.*

*Burgage Lane cannot be described as a suburban street and is in essence a rural road. We object to so many trees, especially on the boundary, being removed.*

*We are concerned that Southwell may once again lose a bungalow for which there is an identified need in the town.*

**Environment Agency** – No comments received to date.

**Anglian Water** – No comment to make.

**NCC Archaeology** – No comments received to date.

**Ramblers Association** – No objection to the proposal.

**Neighbours/Interested Parties** – Representations have been received from 9 local residents/interested parties, 6 raising objection and 3 supporting the proposal. Details of the letters are summarised below,

Support-

- The proposal involves the construction of a large dwelling however it is felt the plot should be large enough to accommodate it if the screening plan is followed and it will retain a similar open nature as the adjacent properties.
- Agreed with conservation officer.

Objection-

- The proposed property will be far more dominant than the existing bungalow and appears to be out of keeping with the other properties in the area. If the ridge and chimney heights were reduced, this would make this proposal more acceptable;
- In relation to the photomontages on the website, a letter stated that the applicant has overstated *‘the height of the existing bungalow. According to Drawing E02 submitted with the application the existing ridge height is 36.47 metres NOT 37.00 metres as shown on the montages. The result is that the ridge height of the existing bungalow is shown through the first floor windows when it is in fact below them’*. The photomontages is also thought to make the point about the imposing nature of the building upon the conservation area;
- The sloping nature of the site results in the east elevation being overly raised and gives rise to the terrace being approximately 1.5 metres above the ground level. It has been raised that the new dwelling would sit 5m higher than the adjacent dwelling, Willows. Subject to these this concern being addressed the proposal would be acceptable;
- The mass of the proposed building is inappropriate to the topography and setting;
- The reductions in height of the roof ridge and the chimney stack from the previous application are not sufficient to make the proposed dwelling a suitable replacement for the bungalow;

- Floorspace calculations do not give weight to the new building being all under pitched roofs as opposed to the bungalow which includes the swimming pool area and flat roof garage nor does not make clear whether the attic space is included;
- Inaccuracies in the design and access statement have been outlined, including that the properties close to the site are mainly two storey; it is suggested by the letter that some properties are bungalows;
- Potential damage to a protected lime tree as a result of the new driveway;
- Impact upon the street scene and damage to the setting of the Southwell Conservation Area including that loss of trees would result in increased visibility of the site from the Southwell Minster;
- Loss of amenity and privacy.

In addition to the above, a local resident also suggest that if approval is given, there should be a restriction that construction traffic should be limited to off-peak times and Burgage Lane road surface kept clean from mud and construction debris.

#### Comments of the Business Manager, Development

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

#### Principle of Development

The application relates to a replacement dwelling within the defined built up area of Southwell and as such the principle of development is considered to be acceptable as a sustainable location. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

Additionally, the site lies within the Conservation Area for Southwell. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area.

#### Impact upon the Character and Appearance of the Conservation Area

Burgage Lane is relatively quiet road, characterised by spacious residential plots with a range of building types, ages and styles and is littered with mature trees and hedgerows both along the roads and within the grounds of the properties. The existing bungalow on site is not considered to be of historical merit and therefore its loss is not thought to be harmful to the character of the Conservation Area. The plot here is large enough to have a two storey property of reasonable footprint and still retain adequate spacing and green landscaping. However, given the slope of the land, views of the proposal from the east and south could be quite significant.

Views of the existing bungalow are limited from the public realm owing to the low height of the building and the large quantity of green landscaping along the boundaries. However, despite this



current building being extremely low impact, it would not necessarily be out of character for a replacement dwelling to be two-storey or visible from the road. Examples of two-storey dwellings can be seen as you travel along Burgage Lane, including those adjacent to Cedar Lodge, some of which are clearly visible from the public highway.

The proposed new build structure leans towards the Arts and Crafts in style and whilst Southwell does not have a strong Arts and Crafts phase, there are examples, such as the Bishops Palace. There is no clear overall style to dwellings along Burgage Lane that should be replicated by the replacement dwelling and as such the principle of the design is thought to be acceptable and represents a positive contribution to the character and appearance of the Conservation Area compared to the existing development on the site.

As the consultation responses above have shown, the main concerns with the proposal relate mostly to the overall scale and mass of the proposal, along with proposed landscaping along the boundaries. I am mindful that the proposed dwelling will be larger than the existing bungalow, partly owing to the additional storey but I also note that in some places the bungalow is almost two-storey in height owing to the difference in ground levels. I am further aware of the topography of the site which slopes away from the dwelling and as such the properties to the east and north of Burgage Lane are set at a lower level which has the potential to exacerbate the scale and mass of any structure on this site in comparison. Initial concerns were raised by Conservation Officer, which are detailed below,

*The previous application was withdrawn without modification and I had concerns about the overall size of this proposal. I did receive a sketch revision which I gave informal pre-application advice to, in which I said I was broadly on board with the reduction in height. However, I have now had the opportunity to examine the formal new plans in full and compare them again to the site and I still have concerns about the overall height and bulk of the building and how this will impact upon the character and appearance of the conservation area.*

*Nine metres tall is a large two storey development and in excess, I believe, of the other two storey structures in this area of Burgage Lane. This height of the new house also has to be also considered against the change in land levels here - whereby the land rises as one progresses up the hill of Burgage Lane, and Burgage Lane is also a holloway putting users several meters lower than the potential building platform. The two main views of the proposed new house remain from this lower land, being at the foot of the plot near the entrance to The Willows, and from the driveway access to this new build itself. While the property will be set back some distance from the road, the combined increase in height, on top of the lower level of the road, will make a potentially overly imposing structure. I would reiterate my earlier advice, which suggested bringing the overall height down by the use of dormers. I appreciate this would mean losing the second storey, although this is shown in elevation only and not in plan. Raking or eyebrow dormers were features often seen in the Arts and Crafts movement and could be successfully used here.*

*I also wonder if the increase in volume compared to the bungalow, even up to a more modest two storey development, needs to be tempered on the east facing elevation by breaking the bulk of the development up along its length. It is not an unattractive elevation, but it is of such a length and*

*mass, that the perception of greenery behind will be mostly lost. In addition the typical character of Burgess Lane, which is glances of houses, will be replaced here by a large stretch of solid development which could readily look incongruous. Again, the Arts and Crafts style is a very good design medium to break up form and bulk. There is also a change in levels across the plot north to south, which could be exploited more by either stepping the ridge down to the north end. It is also possible that a more fundamental reorientation of the building to a more east to west orientation could help if the ridge stepped down the plot with the gradients.*

*Landscaping will be crucial at this site, and while on plan the spread of a large beech (?) tree would appear to provide a lot of screening but the height of the crown means that it will actually provide much more limited screening than it might initially see. Screening along the boundaries will be very important and may need to be increased.*

*I still maintain that there is scope for a two storey structure here and that the building does not need to be obscured from view. It does however need to present a softer and less blocky appearance to the public realm, and I feel this can still be achieved in the Arts and Crafts style. The building needs to respond better with the change of levels associated with this plot and still come down in height further.*

These concerns were discussed between the applicant, Case Officer and Conservation Officer, particularly in relation to the proposal's dominance within the street scene which in part owed to the removal of vegetation. The applicant has since created photomontages and proposed additional planting which has somewhat appeased the officers' concerns; I accept that the proposal will be visible from the public realm, significantly more so than the existing bungalow, however as mentioned above, it is not thought necessary for the dwelling to be invisible and the additional planting along the eastern boundary will help screen the site from the wider public realm and the neighbouring dwelling to the east. The visuals also show the swathe of greenery behind the dwelling which will remain visible following construction. In addition, the dwelling is set back into the site, reducing the dominance of the dwelling over its surroundings. Following on from the additional information, the Conservation Officer also concurs with the assessment above, as detailed in the following comments,

*Thank you for forwarding the formal new photo montage and cross section details for Cedar Lodge, received 28th July 2015.*

*While I can't confess to understanding the justification for their accuracy (!) I am pleased that this note has been added.*

*These visuals confirm my view of the draft visuals, which I commented on 24th July 2015.*

*They show a house which is visible from the road, but which does not dominate views from the public realm and is broken up in bulk by soft landscaping and architectural form - which is always what I had hoped for this plot. The visual showing foliage in front of the building shows how existing landscaping would soften the appearance, in addition the latest site plan shows additional trees which would soften the views further. I am also minded to repeat that the view we are fixing*

*on is the most visible view, with the majority of views up and down Burgage Lane providing a much more glimpsed appearance.*

*The cross section is also very useful and shows how the combination of the road being in a holloway and high hedge would also effectively screen the building from view in many places. As per my earlier comments I am happy that when this building will be seen, it is an attractive building that will be visible.*

*I am content that the proposals would preserve the character and appearance of Southwell Conservation Area, specifically the character of Burgage Lane and its surrounds and as such have no objection to this application. However, I am willing to listen to and explore any further views of consultees that come forward following these visuals if you feel this would be productive.*

In addition to the issues above relating to design and the appearance of the Conservation Area, the trees and vegetation within the site create a significant part of the site's appearance. One of the trees (lime tree) close to the proposed entrance to the site is protected by a TPO. Concern relating to the protection of this tree has been raised by a local resident. The proposed driveway lies outside of the canopy of this tree and therefore it is unlikely that the roots will extend under the proposed driveway. However, in order to ensure that there is no damage to the tree as a result of the development, it is recommended that a condition for the tree's protection during construction is imposed upon any approval.

On the basis of the assessment above, I am of the view that the proposal, whilst a considerable scale, is considered to be acceptable in terms of design and unlikely to have a harmful impact upon the setting of the Conservation Area. Whilst I am mindful that the proposed dwelling will be large in scale, it is not out-of-keeping with the scale of other dwellings within the vicinity, both in terms of footprint and volume, nor is the design out of character for the area. Additionally, the dwelling will not significantly disrupt the green landscaping currently viewed within the site and with the additional planting proposed this will assist to minimise the changes in appearance along the road, particularly when the site is viewed from the east.

#### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The new property would be located approximately 25m (at its closest point) from the eastern boundary, approximately 12m from the northern boundary and 5m from the boundary to the west. It is noted that impact upon neighbouring properties has been raised as a concern by local residents.

Having considered the points raised, I consider that the distances to neighbouring properties together with the proposed and existing screening would ensure that there is sufficient distance to

meet the needs of privacy and to avoid adverse impacts such as overshadowing and having an oppressive presence. The orientation of the dwelling is such that whilst there are windows proposed on each elevation, they will not directly overlook the neighbouring dwellings, although I note there will be some overlooking of the neighbouring gardens. However, the gardens of the adjoining properties are substantial and as such I do not consider this overlooking likely to be detrimental to the amenities of these neighbours given the large area of private amenity space available to these occupiers.

An issue raised by the case officer related to overbearing issues upon the neighbour to the east given the change in land levels. A visit by the case officer to this dwelling in order to assess the proposal revealed that Cedar Lodge is visible from Willows' garden and rear ground floor window however it was not thought to be overbearing; it is worth noting that when stood to the rear of Cedar Lodge, Willows is not readily visible due to current boundary treatments. With this in mind, I take into consideration this assessment of the current situation regarding neighbour amenity and whilst I am mindful that the increased ridge height and massing of the proposed dwelling upon the existing bungalow will increase visibility from the neighbour's property, I also take account of the distances between the properties which, in my professional view, are sufficient to ensure that the proposal is not overbearing upon the neighbouring properties in this instance. Additional planting along the boundaries will also help to reduce the overall impact of the proposal upon the neighbouring properties.

I am appreciative towards the change in view for the neighbouring properties, however given the distances between the properties, along with the landscaping and acceptability of design, I take the view that the replacement dwelling is unlikely to have such adverse impact upon neighbour amenity to warrant refusal of planning permission in this case.

#### Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Vehicular access to the site is proposed to be relocated to the west of the existing access with the inclusion of gates set into the site. The Highway Authority has been consulted on the proposal and has raised no objections, subject to conditions which can be imposed on any approval of the application. For reference, the Highways Authority's comments were as follows,

*The proposed access as shown on the site plan is an acceptable width, with the gates set back into the site from the highway boundary. The site provides adequate parking and manoeuvring facilities.*

I therefore conclude that the proposal accords with SP7 and DM5 in this regard.

The comments made by a local resident in relation to construction traffic being limited to off-peak times and mud and debris being left on the Lane are noted. I have considered these matters and am of the view that it would not be reasonable or enforceable of the local planning authority to

restrict construction traffic to certain times and any mud and debris that may be left on the road can be controlled by the Highway Authority.

### Impact upon Ecology

As referenced earlier in this report, this application is a re-submission of a previous planning application. The Design and Access Statement submitted with the application makes reference to a protected species survey which was undertaken in January 2015. Comments originally received from Nottinghamshire Wildlife Trust referred to this survey and are detailed below,

*We note the above application includes demolition of a property. The Design and Access Statement makes reference to a protected species survey, however this document does not appear on the website. We have searched for the previous application reference 15/00567/FUL and found a Protected Species (Bat Scoping) Survey report (BJ Collins, January 2015).*

*The above report suggests that some features were noted which could be used by roosting bats, although emergence surveys were not possible due to the time of year. Section 5.1 of the report recommends that:*

*“If there is a delay between this survey and the proposed demolition that goes beyond April 2015, then a precautionary prestart emergence survey should be carried out as an alternative to the destructive search recommended above.”*

*Given the ‘low’ potential identified in the above report and that the application has yet to be determined, we recommend the LPA requests that an emergence survey is carried out in accordance with best practice guidelines (Hundt, 2012). This should be undertaken before the application is determined to ensure that all material considerations have been fully considered.*

*Paragraph 99 of Government Circular 1/2005 (which accompanied PPS9, but remains in force), states that:*

*‘It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.’*

Following these comments, the applicant has provided a bat emergence survey which has shown no presence of bats within the building or the site. As such, further comments from Nottinghamshire Wildlife state the following,

*Thank you for sending through this report. We are pleased to see that all of the necessary protected species survey work has been completed prior to determination, which is in accordance with planning policy guidance.*

*The survey did not record any bat emergence or evidence that bats are using the building for roosting and therefore bats are not considered a constraint to the application. Appendix 1 of the*

*letter from EMEC Ecology outlines the procedure to be followed in the unlikely event that bats are discovered during works.*

*Recommendations are also given to avoid impact on hedgehogs which are a UK BAP species – we support this methodology and inclusion of enhancement features, for example hedgehog box/es, within the new development.*

On the basis of the recommendations above, and providing the applicant proceeds with any development in accordance with the survey report, I am satisfied that the impact upon ecology is not likely to be harmful and therefore that the proposal would accord with CP12 and DM7.

#### Impact upon Drainage

Core Policy 9 expects development proposal to pro-actively manage surface water. Core Policy 10 requires new development to minimize its potential adverse impacts including the need to reduce the causes and impacts of climate change and flood risk. The site is not located within Flood Zones 2 or 3, however Southwell has experienced substantial flooding in recent years.

This development is small-scale in that it relates to a single dwelling and it is unlikely to result in a material increase in surface water flooding or drainage issues. Trent Valley Internal Drainage (TVIDB) Board provided comments in relation to the proposed soakaways for the site, however the applicant has since informed the LPA that it is intended to connect the dwelling to mains drainage, which TVIDB have no objection to; Severn Trent also raise no objection to the proposal. Additionally, the Lead Local Flood Authority has been consulted on the application and their comments are awaited. However it is not expected that their comments would be insurmountable and any additional works/information could be subject to conditions if necessary.

#### Conclusion

Based upon the assessment above, it is concluded that the principle of a replacement dwelling in this location is acceptable. As such, the main issues to consider relate to design, scale and massing and the impact on the Conservation Area and residential amenity and highway safety, along with ecology. It is considered that, following amendments, the proposal is acceptable in terms of its impacts and therefore accords with local and national policy. Therefore, subject to conditions, it is recommended to the Committee that the application be approved.

#### **RECOMMENDATION**

**That full planning permission is granted subject to the conditions shown below.**

#### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans,

- P01 Rev.A (received 15<sup>th</sup> June 2015)
- P02 Rev.A (received 15<sup>th</sup> June 2015)
- P03 (received 15<sup>th</sup> June 2015)
- P04 (received 15<sup>th</sup> June 2015)
- P05 (received 15<sup>th</sup> June 2015)
- P08 (received 15<sup>th</sup> June 2015)
- TED\_MLM715-001 (received 24<sup>th</sup> July 2015)
- 215-416-P09 Rev.C (received 28<sup>th</sup> July 2015)
- P07 (received 28<sup>th</sup> July 2015)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Bricks (detail of bonding to be agreed)
- Roofing tiles
- Stone

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars and their finishes

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Proposed entrance gates and piers

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

No development shall be commenced until the trees and hedges shown to be retained within 2052/2 Rev.G have been protected by the following measures:

- a) a chestnut pale or similar fence not less than 1.2 metres high shall be erected at either the outer extremity of the tree canopies or at a distance from any tree or hedge in accordance with details to be submitted to and approved in writing by the local planning authority;
- b) no development (including the erection of site huts) shall take place within the crownspread of any tree;
- c) no materials (including fuel and spoil) shall be stored within the crown spread of any tree;
- d) no services shall be routed under the crown spread of any tree
- e) no burning of materials shall take place within 10 metres of the crownspread of any tree.

The protection measures shall be retained during the development of the site, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

06

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges



which die, are removed, or become seriously damaged or diseased within five years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

08

Unless otherwise agreed in writing by the local planning authority, no machines shall be used and only hand digging shall be undertaken when excavating beneath the crown spread of any trees on site. Any roots exposed over 25mm diameter, shall be retained, undamaged and protected i.e. from unnecessary damage and drying out. All backfilling over exposed roots shall be of top soil or washed sand, carefully tamped by hand around and over all roots before continuing to backfill with other materials required for the finished treatment.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

09

No development shall be commenced until a schedule of works, including plans of all drainage, both foul and surface water, together with plans of all services, including gas, water, electricity, telephone and cable television, have been submitted to and approved in writing by the local planning authority where these services within, or beneath the crown spread of any tree on site. The works shall be carried out thereafter in accordance with the approved schedule unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that satisfactory provision is made for the continued health and retention of the trees in the interests of visual amenity and biodiversity.

010

No part of the development hereby permitted shall be brought into use until a vehicular verge crossing is available for use and constructed in accordance with a scheme to be first submitted to and approved by the Local Planning Authority in writing.

Reason: In the interests of highway safety.

011

The access shall be constructed and surfaced in a bound material in accordance with the approved plan and no other part of the development shall be commenced until the access has been completed in accordance with those plans.

Reason: In the interests of highway safety.

012

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

013

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of highway safety.

014

No removal of vegetation should take place between 1st March and 31st August inclusive (bird breeding season), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and agreed in writing by the local planning authority prior to the commencement of vegetation removal.

Reason: In the interests birds, their nests and eggs which are protected by the Wildlife and Countryside Act 1981 (as amended).

015

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location.

#### Notes to Applicant

01

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office (0115) 993 2758 to arrange for these works to be carried out.

The minor access reinstatement works referred to in Condition 13 above involves work on the highway and as such requires the consent of the County Council. Please contact (0115) 993 2758 to arrange for these works to be carried out.

03

If protected species are found to be onsite (such as great crested newts, reptiles, badgers) either prior to/during works, then work must cease immediately and the advice of an ecological consultant obtained. Any hedgehogs or amphibians (excluding great crested newts) found during works should be moved with a gloved hand to an area of suitable habitat away from works.

04

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

05

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### BACKGROUND PAPERS

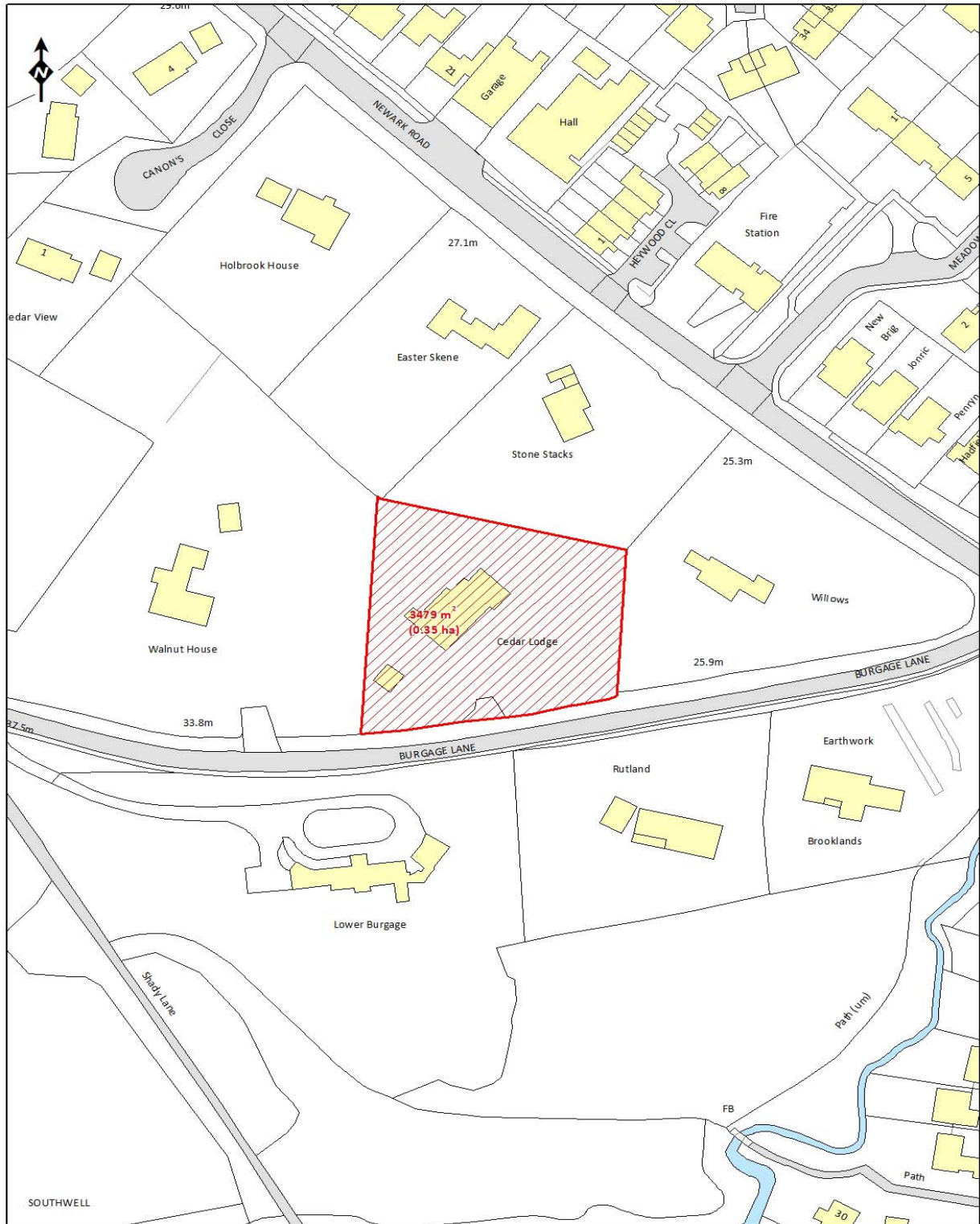
Application case file.

For further information, please contact Nicolla Ellis on ext. 5833.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 15/01055/FUL



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<b>Application No:</b>	<b>15/00657/FUL</b>	
<b>Proposal:</b>	<b>Car parking areas to be constructed on grass verges</b>	
<b>Location:</b>	<b>Land at Brandon Close, Balderton Newark NG24 3PF</b>	
<b>Applicant:</b>	<b>Mr A Hayward – Newark &amp; Sherwood Homes Ltd</b>	
<b>Registered:</b>	<b>24.04.2015</b>	<b>Target Date: 08.09.2015</b>

**This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it owns the land in question.**

The Site

The site is situated to the east of the residential centre of Balderton with the A1 in close proximity to the south of the site. Housing on the street is a mix of single storey bungalows and 2 storey flats which are maintained by Newark and Sherwood Homes (NaSH)

The street scene is typified by properties set back from the roadside with grassed areas fronting the pavement. There are also a number of roadside trees of varying species.

There is no formal parking provided for the properties, with vehicles parking on the roadside.

Relevant Planning History

No relevant planning history

The Proposal

The proposal is to create 11 off street parking spaces on existing grass land within the close to improve current parking arrangements. There would be two blocks of 4 spaces & one of 3.

It is proposed that new dropped kerbs be introduced and the spaces finished with tarmac and timber knee rail fencing to all boundaries.

Departure/Public Advertisement Procedure

Occupiers of 14 neighbouring properties have been individually notified by letter.

Relevant Planning Policies

**The Development Plan**

## **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Policies relevant to this application:

- Core Policy 9: Sustainable Design
- Spatial Policy 7: Sustainable Transport

## **Newark and Sherwood Allocations & Development Management DPD (adopted July 2013)**

Policies relevant to this application:

- Policy DM5: Design

Please Note: All policies listed above can be found in full on the Council's website.

### Other Material Considerations

National Planning Policy Framework (NPPF) 2012.

National Planning Practice Guidance (NPPG) 2014.

### Consultations

**Balderton Parish Council** - No comments received

**NCC Highways** - Amended block plan

The amended layout is acceptable to the Highway Authority. This proposal requires dropped vehicular footway crossings at 3 points along Brandon Close, therefore, there are no highway objections subject to the following:

No part of this proposal hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification. Reason: In the interests of highway safety.

**Neighbours/Interested Parties** – No letters of objection received

### Comments of Business Manager, Development

#### Principle of Development

Spatial Policy 7 (Sustainable Transport) of the Core Strategy aims to provide appropriate and effective parking provision, both on and off-site and aims to avoid highway improvements which harm the environment and character of the area.

#### Impact upon the Character of the Area

The proposed parking bays would be situated on existing grass land to the west of No. 1 Brandon Close, to the east of No. 4 and to the north of Martinthorpe House. Whilst the replacement of grass with tarmac would detract slightly from the current greenness of the close, the loss would be small in the context of the overall greenspace of the close as a whole and the benefits arising from

the improved parking layout are considered to outweigh this loss. The introduction of timber knee rail fencing on the boundaries of the parking bays will help soften the introduction of the proposed tarmac areas. It is recommended that a condition be attached should Members be minded to approve the application which seeks further detailing of this boundary treatment.

It is not considered that the proposed parking bays would significantly detract from the character of the surrounding area. The proposal is therefore compliant with Policy DM5.

#### Impact upon Amenity

Consideration has been had to the perceived impact on neighbouring amenity resulting through the construction of the proposed parking bays. The bays to the west of No. 1 Brandon Close have been moved 2.5m further to the west to provide a greater degree of separation from the west facing windows within the dwelling and the nearest bay.

I am mindful that there is no restricted access to the grassed areas proposed for the parking bays and as such the introduction of vehicular parking in areas currently readily accessible by the public is not considered to detract from the amenity of the surrounding area. Essentially, the space is not restricted for private amenity space for the adjacent properties in any case and therefore the change of use to the land for parking provision is not considered to introduce a materially worse amenity impact than the established open nature of the land. A parked car is not considered to amount to an overbearing impact which would warrant concern. As such the proposal is considered to the amenity criteria of Policy DM5.

#### Impact upon Highway Safety

Nottinghamshire County Council Highways Authority have raised no objection to the proposed parking areas subject to the imposition of a condition in relation to the construction of dropped kerbs being implemented. The proposal is considered to improve highway safety by reducing the number of vehicles that park on the roadside, thus facilitating greater access and manoeuvrability within the close.

#### Conclusion

I am satisfied that the proposed creation of 11 parking bays would not detrimentally impact upon the character of the area nor neighbouring amenity and would improve the current parking arrangement within the close to the benefit of highway safety. As such the proposal is considered to accord with policy SP7 of the core strategy and DM5 of the Newark and Sherwood DPD. Subject to conditions, I recommend that planning permission is granted.

#### **RECOMMENDATION**

##### **Approve, subject to the following:**

01

The development hereby permitted shall not begin later than three years from the date of this permission.



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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Proposed resurfacing works Dwg No 06A received 3/8/15

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of this proposal hereby permitted shall be brought into use until the dropped vehicular footway crossings are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

05

Notwithstanding the details on plan reference 06A (received 3<sup>rd</sup> August 2015) no development shall be commenced until details of the timber knee rail fencing for the boundaries and earth banking have been submitted to and approved in writing by the local planning authority. The details shall include height, design, finished floor levels and material finish where appropriate. The proposal should then be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

#### Notes to Applicant

01

The development makes it necessary to construct vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are therefore, required to contact the County Council's Highways Area Office tel: (0115) 993 2758 for these works to be carried out.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

#### BACKGROUND PAPERS

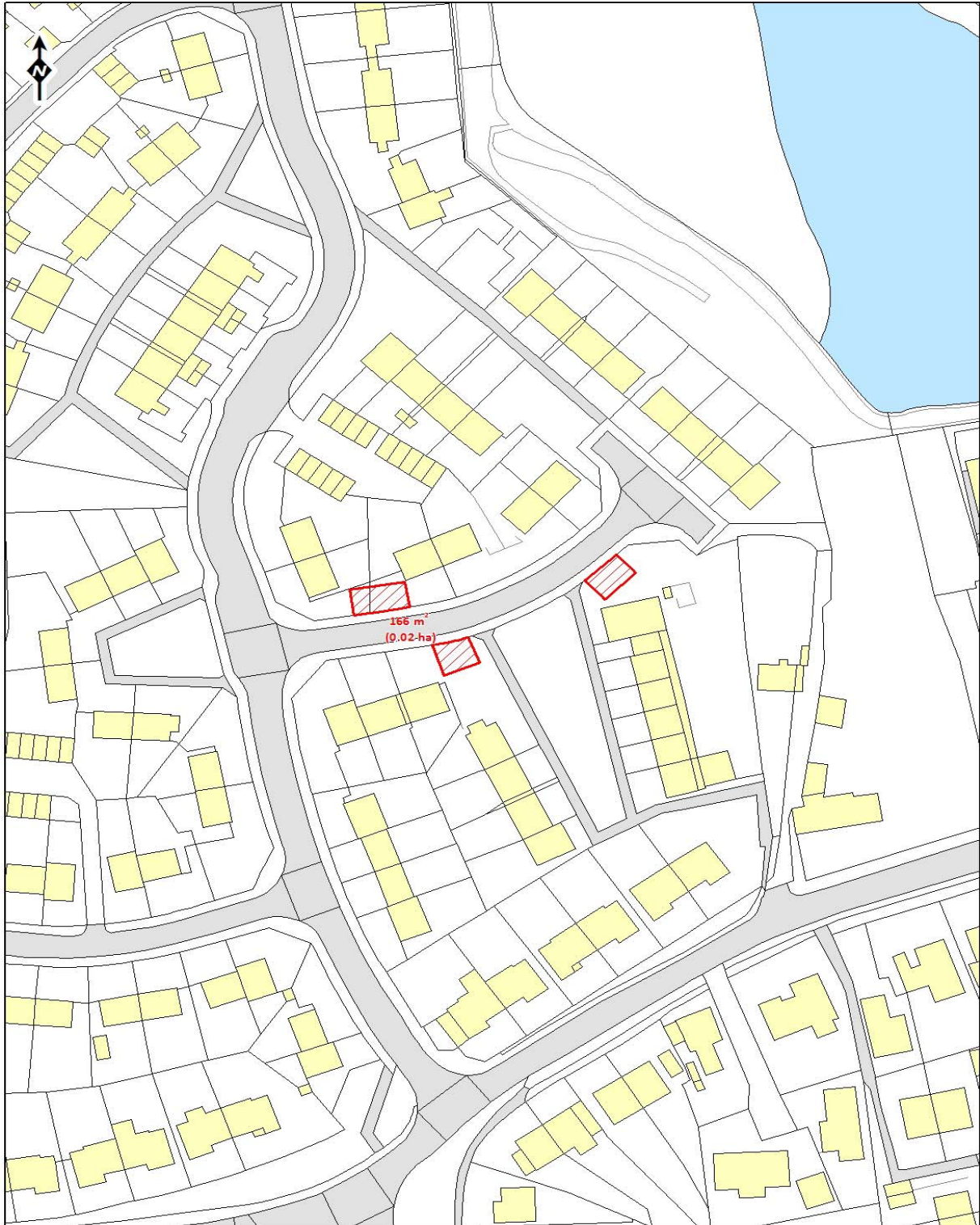
Application case file.

For further information, please contact James Mountain on 01636 655841.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 15/00657/FUL



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<b>Application No:</b>	<b>15/00745/FUL</b>	
<b>Proposal:</b>	<b>Extension to existing farm shop and a tea room</b>	
<b>Location:</b>	<b>Maxeys Farm Shop, Hockerton Road, Kirklington, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr And Mrs Keith And Katharine Maxey</b>	
<b>Registered:</b>	<b>12 May 2015</b>	<b>Target Date: 7 July 2015</b>

**Members will recall that this application was deferred at the last meeting in order for Officers to advise how the operators and/or the goods to be sold can be controlled in the event that planning permission is granted. Officers are still discussing matters with legal colleagues and so are unable to advise in time for the publication of the agenda. However, in the interests of avoiding unnecessary delay on a decision for the applicant the matter will be presented to the 8<sup>th</sup> September Committee and accompanied by a Late Items update report.**

The Site

The application site is situated within the countryside and is located on the south side of the A617, between Hockerton and Kirklington. The site itself is set lower than the adjacent road and comprises a wooden built farm shop and car parking area as approved (at appeal) under 08/01982/FUL. To the rear of, and attached to the farm shop is a green metallic extension that was approved under 12/00563/FUL. The site surrounding the farm shop is open land used for horticulture. The surrounding area around the site is comprised of agricultural land interspersed with scattered farms.

Relevant Planning History

12/00563/FUL – Butchery preparation room, storage room, changing facilities, office – Approved.

08/01982/FUL – Erection of a farm shop and associated parking. The application was refused by planning committee on the 10<sup>th</sup> December 2008 for the following reason:-

*“The proposal conflicts with Policies 1/1, 2/10 and 7/3 of the Nottinghamshire and Nottingham Joint Structure Plan and Policies FS1, NE6 and S14 of the Newark and Sherwood Local Plan and therefore would constitute an unsustainable form of development and an unwarranted visual intrusion within the countryside.”*

08/01982/FUL – Erection of a farm shop and associated parking – Application Withdrawn July 2008

The Proposal

Planning permission is sought for the extension of the existing farm shop and the addition of a tea

room incorporating a meeting room for business use. The proposed extensions will be predominantly L-shaped and have pitched roofs with maximum ridge heights of c7m. The proposed extension to the farm shop will have a floor area of 358m<sup>2</sup> and the tea room 265m<sup>2</sup>. External materials are proposed as being oak cladding, straw bales and lime render to the walls and Sandtoft Old English pantiles and shingle to the roof.

Some 30 additional car parking spaces are proposed to the north east of the existing car park.

Departure/Public Advertisement Procedure

Occupiers of three neighbouring properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

### **Planning Policy Framework**

#### **The Development Plan**

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 6: Shaping our Employment Profile

Core Policy 8: Retail Hierarchy

Core Policy 9: Sustainable Design

Core Policy 11: Rural Accessibility

Core Policy 12 Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

##### **Allocations & Development Management DPD**

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM8 – Development in the Open Countryside

Policy DM11 – Retail and Town Centre Uses

Policy DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Landscape Character Assessment 2013

##### **Consultations**

**Kirklington Parish Council** – “Kirklington Parish Council has no objection to this proposal.”

**Hockerton Parish Council** – “At a village meeting on 2 June 2015, plans were presented, a vote was taken and the outcome was one of unanimous support for this application.”

**NCC Highways Authority** – “Whilst the application site is of sufficient size to accommodate additional development, there is no site plan showing the layout of the parking facilities. The information submitted states that an additional 40 parking spaces are proposed, and as a meeting room, tea room and shop are proposed to be on site, the plan is required to ensure adequate parking provision for both staff and visitors. Could this matter be addressed.”

Subsequent comments have been received as follows:-

This proposal will result in a total of 57 car parking spaces being provided. An additional 10 full time and 8 part time staff are expected. There are no alterations proposed to the existing access onto the A617 road. As such, there are no highway objections subject to the following:

*No part of the development hereby permitted shall be brought into use until the car parking area has been constructed and made available in accordance with the details shown on drawing no. MFS/2015/01. Reason: In the interests of highway safety.*

**NCC Rights of Way Officer** – “The developer should be aware that Hockerton FP3 runs along the access road access track to the farm shop and Brickfield Farm, but it will not be directly affected by the proposed extension.”

**Nottinghamshire Ramblers Association** – “I am responding on behalf of Nottinghamshire Ramblers. As long as Hockerton Footpath 3 is unaffected by this development we have no objection.”

**Two representations have been received from local residents/interested parties supporting the proposal. The representations can be summarised as follows:**

- Support local growing business.
- As with any successful business there is the need to grow and develop and this planning application represents this natural progression.
- Existing business was judged to be the best small farm shop in the UK by FARMA (the national association of farm retailers).
- By expanding the business, the shop will be able to increase sales of produce from the farm and from the local area; it will also be able to increase job creation within the local area.
- The expansion is sizable in relation to the business but in relation to farm retail businesses it is within a realistic scale.
- It is worth noting, that many industry experts believe it not possible to make a viable business from less than 50 covers in a coffee shop.

**One representation has been received from a local resident/interested party objecting to the proposal. The representation can be summarised as follows:**

- No need in this part of the district for another eating facility as the area is already well served in this respect.
- Proposal will place further pressure on existing such businesses which could be damaging

to continued viability – e.g. Closure of The Spread Eagle Pub, in Hockerton.

- Concerns raised regarding having so much additional traffic to the site, off a very busy main road without significant highway alterations.

A 49 Page petition in support of the provision of a café/tea room on site has also been submitted. The Applicants design and access statement states that there are 1336 signatures of support.

## **Appraisal**

### **Principle of Development**

The proposal site is located outside of the centres and villages as defined by policy Spatial Policy 1 & Spatial Policy 2 of the Core Strategy and therefore falls to be considered against the sustainability criteria of policy Spatial Policy 3 relating to Rural Areas. Under this policy development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policy DM8 contains guidance on such applications which focuses on strictly controlling development in the open countryside to certain types of development of which there are 12. Rural diversification and employment use are considered applicable to this proposal.

It is considered that this proposal involves an increased level of rural diversification further developing and extending the existing farm shop on site. Policy DM8 states that proposals for rural diversification should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible. With this in mind it is important to consider the existing floor space of the original farm shop, its subsequent extension approved under 12/00563/FUL and the proposed new floor space that will be created by the proposed shop extension, tea room and associated facilities.

	<b>Original floorspace</b>	<b>Existing extension</b>	<b>Proposed extension</b>
<b>Floorspace in Metres Squared</b>	<b>140</b>	<b>90</b>	<b>688 (358 shop ext &amp; 265 Tea Room)</b>
<b>% increase over original</b>	-	<b>64.28%</b>	<b>491.42%</b>
<b>% increase over existing building</b>	-	-	<b>299.13%</b>

(Measurements are external)

The table above demonstrates that the original farm shop has already been extended by 64.28 % (approved under 12/00563/FUL) and I consider this to be at the limits of what is proportionate to the existing business with respect to both the increase in scale of the new building (purpose built for the original farm shop) and with regard to the nature of the business. This existing extension has increased the floor area of the building by more than 50%, providing floorspace for a butchery preparation room, storage room, changing facilities and office. These uses are considered to be ancillary to the farm shop supporting its function.

The proposed development would increase the size of the already extended building by nearly 300%. It is considered that this size increase is grossly disproportionate to the original floor space of the farm shop (being nearly 500% greater) and therefore not in accordance with Policy DM8 in

relation to rural diversification with regard to scale.

In considering the current proposal further in relation to rural diversification, I have considered some of the information submitted and assessed as part of the original planning application given that it refers to the nature of the business at that time, specifically the source of the goods that would be for sale in the farm shop. Some 37% of goods were to be sourced from beyond the associated agricultural holding on site. This was considered acceptable by the inspector who allowed the appeal, thus granting planning permission. The Information submitted by the applicant with this current application states that approx. 100 separate suppliers currently provided goods for the farm shop and the proposed extension would facilitate further off site suppliers in providing goods. I consider that the nature of the business is therefore likely to be disproportionately expanded beyond the originally approved farm shop due to an increase in retail floorspace of 358m<sup>2</sup> which would result in the farm shop being more than double its current size. The proposed tea room (which includes a meeting room for public meetings or private hire) will be an additional use on site. The supporting documentation states that produce from the farm shop will be used to produce items for sale in the tea room. I consider this to be a rather tenuous link between the two uses and not proportionate in nature to the existing business.

Under employment uses of policy DM8, proposals for proportionate expansion of existing businesses will be supported where an ongoing contribution to local employment can be demonstrated. I note that a number of full and part time jobs are proposed by the applicant. However, as discussed above, I do not consider that the proposed extension is proportionate with regard to its scale nor its nature.

Policy DM11 seeks to support retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11. Again I refer to the above paragraphs where it is considered that this proposal is not proportionate to its location and whilst the existing modest farm shop might serve local need, the proposed expansion would in my opinion be of a scale which goes significantly beyond this and would not promote rural sustainability which would be contrary to these policies.

Overall I consider that the proposal is not complimentary and proportionate to the existing business in nature and scale and would be unsustainable in this location. The proposal therefore fails to accord with policies DM8 and DM11 of the Allocations and Development Management DPD as well as Core Policy 11 and Spatial Policy 3 of the Core Strategy.

### **Visual Amenity**

A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The site falls within Policy Zone MN PZ 34 (Hockerton Village Farmlands) which defines the landscape condition as being good and landscape sensitivity as moderate.

The landscape is characterised by a gently very undulating rounded topography with medium distance views to frequently wooded skylines, although often enclosed by vegetation and some low intensity farming with permanent improved pasture and riparian vegetation following the lines of streams and drains.



The policy action for this area is 'Conserve and Reinforce' with specific actions in terms of built features being focused on conserving the rural character of the landscape by limiting any new development around the settlements of Edingley, Kirklington, Hockerton and Normanton, maintaining the use of vernacular materials, style and scale and promoting measures for conserving and reinforcing the traditional character of existing farm buildings.

Core Policy 9 of the N&SDC Core Strategy requires that all new development should achieve a high level of sustainable design and layout which is accessible to all and which is of an appropriate form and scale to its context complimenting the existing building and landscape environments. Criterion 4 of Policy DM5 of the Development Management and Allocations DPD considers local distinctiveness and character and requires that in line with Core Policy 13 of the Core Strategy, all development proposals should be considered against the assessments contained within the LCA.

The surrounding area has a very open character with the isolated pockets of development that do occur in the form of farm buildings being set back some distance from the road. The current farm shop is set back some 50m from the highway and is clearly visible. I consider that the formation of a much more substantial building closer to the highway (approx. 23m) with associated additional parking area would have a significantly detrimental urbanising effect on this part of the countryside which would not comply with the policy actions to conserve and reinforcing the rural character of the landscape identified within the LCA and would therefore fail to accord with Core Policy 9 and Core Policy 13 of the Core Strategy and policy DM5 of the Development Management and Allocations DPD.

### **Transport impacts**

Spatial Policy 7 of the N&SDC Core Strategy supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should amongst other criteria minimise the need for travel.

It is considered that the proposed extension of the farm shop and provision of a tea room will attract more car borne travel. The site is not well served by public transport and all visitors will use private cars to access the facilities provided. The proposed extension will expand the scale of the farm shop allowing for a larger range of products to be offered for sale. It is considered that this will result in a more attractive retail offer which will increase car borne trips and potentially larger purchases. This is considered to change the nature of the business which will develop beyond its relatively modest scale. The addition of a tea room and meeting room for hire will further increase car borne trips. Overall I find that the proposed extension to the activity and the level of traffic likely to be generated to the site is unsustainable in this location with regard to the aims of Spatial Policy 7 and the NPPF.

The existing site access will be retained and additional car parking is proposed adjacent to the existing provision. I note that the Nottinghamshire County Highways Authority have raised no objections to the proposal subject to a condition requiring that no part of the development shall be brought into use until the parking area has been constructed and made available in accordance with details shown on the site layout. Notwithstanding this the overriding concerns as to the impact on the character of the area and the sites unsustainable location remain as set out above.

## **Conclusion**

Overall I find the proposal would result in a disproportionate expansion of the existing farm shop in terms of its scale and the nature of the business. Due to this increase it is expected that there would be an increase in car borne traffic to a level which is unsustainable given the countryside location. The proposed development would also impact on the rural setting of the site by virtue of its scale and massing which would detract from the landscape character and openness of the surrounding countryside.

## **RECOMMENDATION**

**That full planning permission is refused for the following reason:**

01

The District Council considers that by virtue of its nature and scale the proposed development does not compliment and is significantly disproportionate to the existing business and as a result would be unsustainable and inappropriate in this location. The scale and form of the proposal would also have a harmful impact on the visual amenity and landscape character of the open countryside setting. The proposal is therefore contrary to the guidance in the National Planning Policy Framework (2012) and the aims of policies DM5, DM8 and DM11 of the Newark and Sherwood Allocations and Development Management DPD (2013) as well as Core Policies 9, 11 and 13 and Spatial Policy 3 of the Core Strategy.

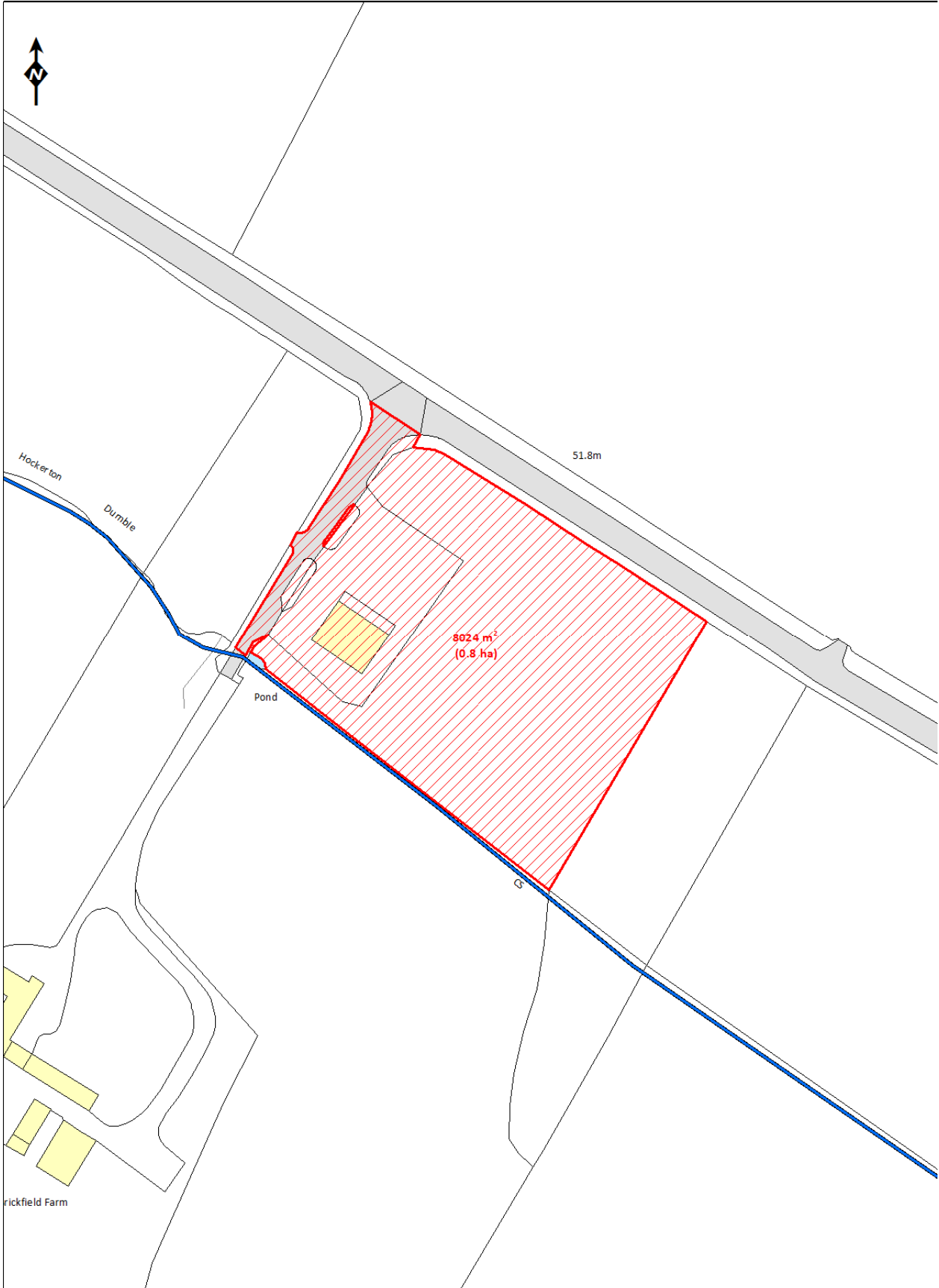
## **BACKGROUND PAPERS**

Application case file.

For further information, please contact Sukh Chohan on Ext 5828.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**



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<b>Application No:</b>	<b>15/01093/FUL</b>		
<b>Proposal:</b>	<b>Retrospective application for the variation of Condition 2 attached to application 15/00180/FUL; 4 No. 1 Bedroom Flats and associated external works and parking</b>		
<b>Location:</b>	<b>Former Garage Site, Wolfit Avenue, Balderton, Nottinghamshire</b>		
<b>Applicant:</b>	<b>Newark and Sherwood Homes</b>		
<b>Registered:</b>	<b>23.06.2015</b>	<b>Target Date:</b>	<b>18.08.2015</b>
<b>Ext of time requested until 9<sup>th</sup> September 2015</b>			

**This application is presented to the Planning Committee for determination in line with the Council's Constitution as the Council has an interest in the development in that it owns the land in question.**

The Site

The application site relates to a former garage court on Wolfit Avenue, Balderton. The site is adjoined by two-storey residential properties at no.54 and no.56 Wolfit Avenue. To the rear the site is adjoined by the East Coast Main Line. The neighbouring properties on Wolfit Avenue have no windows in the side gables facing the application site. The site is situated within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD.

Relevant Planning History

15/00180/FUL – Full planning permission was granted on 15<sup>th</sup> April 2015 for the erection of 4 No. 1 Bedroom Flats and associated external works and parking.

The Proposal

As detailed above planning permission has previously been granted for development of the site and pre-commencement conditions have been discharged. It transpires that a small triangular shaped piece of land previously shown as part of the application site is within the ownership of no.56 Wolfit Avenue. The piece of land in question is situated to the south west (front left hand) corner of the site.

This application therefore seeks to vary the plan details approved under Condition 2 of planning permission no.15/00180/FUL to remove this triangle of land from the site boundary, reposition the previously approved four parking spaces further east and to revise the boundary treatment details.

During the processing of this application, revised plans have been submitted amending the proposed boundary treatment to no.56 Wolfit Avenue. This includes retention of an existing 1.5m

high brick wall on the boundary following demolition of the garages and retention of the existing wall at the front to fully shield the existing pumping station. The remaining sides of the pumping station will have a 1.2m high hit and miss timber fence with a 1.2m wide padlocked gate. At the front of the triangular piece of land, a 1.0m high metal railing fence would be installed. To the side boundary with no.56 beyond the brick wall, the existing 1.8m high timber fence is to be retained with new panels where necessary.

Conditions on the previously approved application included a requirement for a heavy duty fence to the boundary with the railway to the rear. The submitted plan indicate a new 1.8m close boarded fence would be erected in front of the existing 1.8m concrete panel fence.

During consideration of this application, following discussions on site, the agent was asked to confirm whether they have considered a timber fence as an alternative to the proposed metal railings to the front side boundary with no.54 Wolfit Avenue. The agent has confirmed that they would prefer to keep the proposal as 1.0m high metal railings to this section of the front boundary but has amended the plan to provide a 1.8m high close boarded fence level with the front elevation with no.54 to allow the neighbour to fit their gate at this point and provide greater security.

A drainage plan has also been provided to update the previously approved details following the repositioning of the parking spaces.

The remaining details on the revised plans are as per the previously approved planning application and details approved under that permission in order to discharge conditions.

#### Departure/Public Advertisement Procedure

Occupiers of 4 neighbouring properties have been individually notified by letter.

Earliest decision date 11.08.2015

#### Planning Policy Framework

#### The Development Plan

#### **Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)**

- |                    |                                       |
|--------------------|---------------------------------------|
| • Spatial Policy 1 | Settlement Hierarchy                  |
| • Spatial Policy 2 | Spatial Distribution of Growth        |
| • Spatial Policy 6 | Infrastructure for Growth             |
| • Spatial Policy 7 | Sustainable Transport                 |
| • Core Policy 1    | Affordable Housing Provision          |
| • Core Policy 3    | Housing Mix, Type, and Density        |
| • Core Policy 9    | Sustainable Design                    |
| • Core Policy 10   | Climate Change                        |
| • Core Policy 12   | Biodiversity and Green Infrastructure |

#### **Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)**

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM3 Developer Contributions
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)
- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

### **Consultations**

**Balderton Parish Council** – Support the proposal

**Nottinghamshire County Council (Highways)** – No highway objections to this application subject to the conditions requiring all parking spaces to be surfaced in a hard bound material and thereafter maintained in such hard bound material for the life of the development, that no part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority’s specification and that no part of the development hereby permitted shall be occupied until the parking spaces are constructed with provision to prevent the unregulated discharge of surface water from the spaces to the public highway. An informative note should also be attached to any permission regarding the applicant making contact with the Highway Authority to discuss provision of the dropped vehicular crossing.

I have now received further comments from the Highway Authority on the drainage plan submitted which updates the previously approved drainage plan following the repositioning of the parking spaces and they have confirmed that the details submitted are acceptable in this regard.

**NSDC (Environmental Health)** – Confirmed no comments to make.

**NSDC (Environmental Services)** – No observations in relation to contaminated land for this latest application. Please refer to my previous comments sent under ref 15/00180/FUL dated 17/02/2015 in relation to contaminated land.

**Severn Trent Water Authority** – No objection subject to the inclusion of a note to the applicant advising that there is a public sewer in the site and Severn Trent Water’s consent is required to build close to, directly over or divert the public sewer.

**Network Rail** – No comments received.

**Trent Valley Internal Drainage Board** – Outside the Board’s District.

**Natural England** – Natural England currently has no comment to make on the variation of condition 2.

**Notts Wildlife Trust** – ‘No comments to make on the above, please refer to our previous comments under 15/00180/FUL and 15/00781/DISCON.’

**Neighbours/interested parties** – No written representations have been received.

### **Comments of the Business Manager, Development**

#### **Principle of Development**

The site is located within the built up area of Balderton and therefore within the Newark Urban Area as shown on the Proposals Maps in the Allocations and Development Management DPD. Under Spatial Policy 1 of the Core Strategy, the Newark Urban Area is identified as being the main location for new housing and employment and is considered to be a sustainable location for new development. Planning permission has previously been granted on the site for the residential development on the submitted plans. The principle of development has therefore been established and following commencement has been implemented. This application seeks to rectify an anomaly on the previously approved site boundary and therefore the main considerations are whether the consequent amendments to the parking and boundary treatments will have an acceptable relationship with the character of the area, the residential amenity of neighbouring properties and highway safety.

#### **Impact on character of the area**

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The amendment to the site boundary still affords some soft landscaping either side of the revised position of the car parking spaces and I am also satisfied that the proposed boundary treatments will have an acceptable relationship with the street scene.

I am satisfied that the amendments to the landscaping design are acceptable and the development will still sit well within the context of the adjoining dwellings and the wider residential setting. The proposal therefore complies with the aims of Core Policy 9 and Policy DM5.

#### **Impact on Residential Amenity**

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

I note the amendments to boundary treatments and position of parking spaces proposed. I am satisfied that the boundary treatments are appropriate to the residential setting and the parking spaces are still set away from neighbouring dwellings. I therefore consider that given the

remainder of the development is as previously approved, the proposals will not unduly impact upon neighbouring amenity of neighbours at nos.54 and 56 Wolfit Avenue.

Taking these considerations into account I am satisfied that on balance the proposed development will not unduly impact on neighbouring amenity and therefore meets the aims of Policy DM5.

### Highway Issues

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, no materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposed level of parking approved under the previous application is retained, i.e. 1 space per flat and this level of off-street parking remains appropriate for the development and therefore complies with Policy DM5. The Highway Authority has raised no concerns with regards to slight repositioning of the parking spaces further east along the frontage of the site on to Wolfit Avenue.

As with the previous planning permission, the conditions to cover the issues raised by the highway officer relating to surfacing and a dropped kerb being provided can be reapplied to any new planning permission. The requirement for parking spaces to be allocated 1 per flat to avoid disputes can also be retained.

On this basis, the proposals would comply with Spatial Policy 7 and Policy DM5.

### Other Matters

I am mindful that all remaining details required by pre-commencement condition on the site under planning permission no.15/00180/FUL have been discharged under that permission. I therefore consider that such conditions do not need to be reattached to any new permission under this Section 73 application. Instead conditions can refer to details approved under application no.15/00180/FUL.

With regards to Condition 12 of the previous planning consent, the bat report dated 26th June 2015 submitted to discharge that condition confirmed no mitigation was required and given how recent these details were confirmed I do not therefore propose that this condition be reapplied to any new planning permission.

### Conclusion

Taking the above considerations into account I would recommend that planning permission be granted.

### Recommendation

**Approve, subject to the following conditions**



## **Conditions**

01

The development hereby permitted shall be completed in complete accordance with the following approved plan references

- Proposed Block Plan – drawing no. 1826/2/P01C
- Proposed Site Plan – drawing no. 1826/2/PO4K
- Proposed Floor Plans – drawing no. 1826/2/P05E
- Proposed Elevations – drawing no. 1826/2/P06B
- Proposed Streetscene - drawing no. 1826/2/P07B
- Proposed drainage plan - drawing no.14358-6-240 Rev. D

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

02

The development shall be completed in the following materials previously approved under planning application no.15/00180/FUL unless otherwise agreed in writing by the local planning authority:

- Facing brick: Hanson Barwell Buff
- Bond: Stretcher bond with bucket handle joint
- Cladding: Marley Eternit Cedral Weatherboard – Colour:Grey Brown
- Roofing Tiles: Sandtoft Calderdale interlocking flat profile tiles Light Grey

Reason: In the interests of visual amenity in accordance with the aims of Core Policy 9 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

03

The approved scheme of boundary treatments shown on drawing no. 1826/2/PO4K shall be implemented prior to the occupation of the proposed flats and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity Core Policy 9 of the Core Strategy (2011) and Policy DM5 of the Allocations and Development Management DPD (2013).

04

The development shall be completed in accordance with the hard and soft landscape works approved under planning application no.15/00180/FUL and updated by the amended site plan drawing no. 1826/2/PO4K approved under this application. For the avoidance of doubt the approved landscaping details therefore comprise:

- Standard grey faced paving slabs to paths and patio areas (600mm x 600mm)
- Parking spaces will be in tarmac with kerb and line demarcation.
- Soft landscaping as per drawing GCA/BN01/AL/01 Rev A with native species added approved under application no.15/00180/FUL.
- Soft landscaping works including grass seeding is to be carried out towards the end of the build programme (currently anticipated to take place March / April 2016) and will be fully completed.
- Any amendments to the above indicated on drawing no.1826/2/PO4K

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implementation and phasing plan detailed under Condition 4 of this planning permission. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

No part of the development hereby permitted shall be occupied until all parking spaces shown on drawing no.1826/2/PO4K are surfaced in a hard bound material and clearly delineated with spaces allocated 1no. per flat. The parking spaces shall thereafter be clearly delineated, allocated 1no. space per flat and maintained in such hard bound for the life of the development and retained for the parking of vehicles at all times.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc) and to ensure appropriate parking is provided to serve the development in the interests of highway safety.

07

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing(s) is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

08

The provision to prevent the unregulated discharge of surface water to the public highway shall be carried out in accordance with the approved drainage plan (drawing no.14358-6-240 Rev. D) and shall be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

09

The development shall be carried out in accordance with the revised remediation strategy (Rev A dated 1st July 2015) approved under planning application no.2015/00180/FUL which details the proposed measures to import clean topsoil at the site. Provision of evidence that any imported material is suitable for use on the site shall be submitted to and approved in writing by the Local Planning Authority before the topsoil is laid on site and once approved the development shall only be completed with the approved topsoil.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to accord with the with the objectives of the NPPF and Newark and Sherwood Core Strategy Policies CP9 and NAP2A.

10

The development hereby permitted shall be completed in accordance with the drainage statement dated 23rd April 2015 approved under planning permission 15/00180/FUL and drainage layout showing details of surface and foul sewage drainage updated under this application (dwg no. 14358 6 240 Rev D) of this planning permission. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

11

The development shall be completed in accordance with the details submitted to discharge Condition 13 of planning permission 15/00180/FUL which confirmed that there are no plans to have temporary compounds in the rear site area nor are there any plans to use vibro-compaction machinery, provided a marked up version of drawing no.1826/2/PO4 Rev G showing the proposed scaffolding and distances and provided The Geotechnical and Geo-Environmental Investigation Report: Wolfit Avenue (Site B), Balderton b BSP Consulting dated 10th December 2014 which confirmed the use of traditional trench strip foundations to be suitable for 2 storey flats and that major excavation was not envisaged.

Reason: To ensure that the development does not result in interference with the integrity of Network Rail's property and structures.

12

Any windows serving the side elevation of the south east facing elevation of the building hereby approved including those on the approved plans shall be shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

13

The development hereby approved shall be completed in accordance with the details of nesting boxes and bat roosting boxes to be incorporated into the development as per the details submitted to discharge Condition 15 of planning permission 15/00180/FUL. The approved details are a 2FE Schwegler Wall Mounted Bat Shelter and a Sparrow Terrace 1SP Triple Nesting Aid and drawing no.1826/2/PO9 showing the bat and bird box locations. The nesting and bat roosting boxes shall be provided in accordance with these approved details before the development is first occupied.

Reason: In order to enhance biodiversity on the site in accordance with the aims of Core Policy 12 and the guidance at Paragraph 118 of the National Planning Policy Framework (2012).

14

The development hereby approved shall be completed in accordance with the details of the sealed double glazed units and wall mounted acoustic adjustable ventilators to be installed to the rear elevation of the proposed flats as approved under Condition 16 of planning permission 15/00180/FUL. The approved details are as show on Drawing no.1826/2/LO4A, details of Greenwood 2500EA Tickle Ventilator, Spectus Elite 70 PVC-U windows and Continuous Mechanical Extract Ventilation (MEV) as confirmed in the discharge of condition letter from the District Council to Geoff Carter Architects dated 6<sup>th</sup> August 2015.

Reason: In the interests of ensuring a suitable level of amenity is provided for occupiers of the proposed development in accordance with the aims of Policy DM5 of the Newark and Sherwood Allocations and Development Management DPD 2013.

### Informatives

01

The development makes it necessary to construct / alter a vehicular crossing(s) over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's [danielle.deakin@nottsc.gov.uk](mailto:danielle.deakin@nottsc.gov.uk) tel.0115 99 32609 to arrange for these works to be carried out.

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

CIL in accordance with the original planning permission ref.15/00180/FUL remains relevant.

03

You are also advised to give particular regard to Network Rail's advice provided with the decision notice for 15/00180/FUL in respect to safety during construction, security of the mutual boundary and any encroachment of the boundary during and post construction.

04

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### BACKGROUND PAPERS

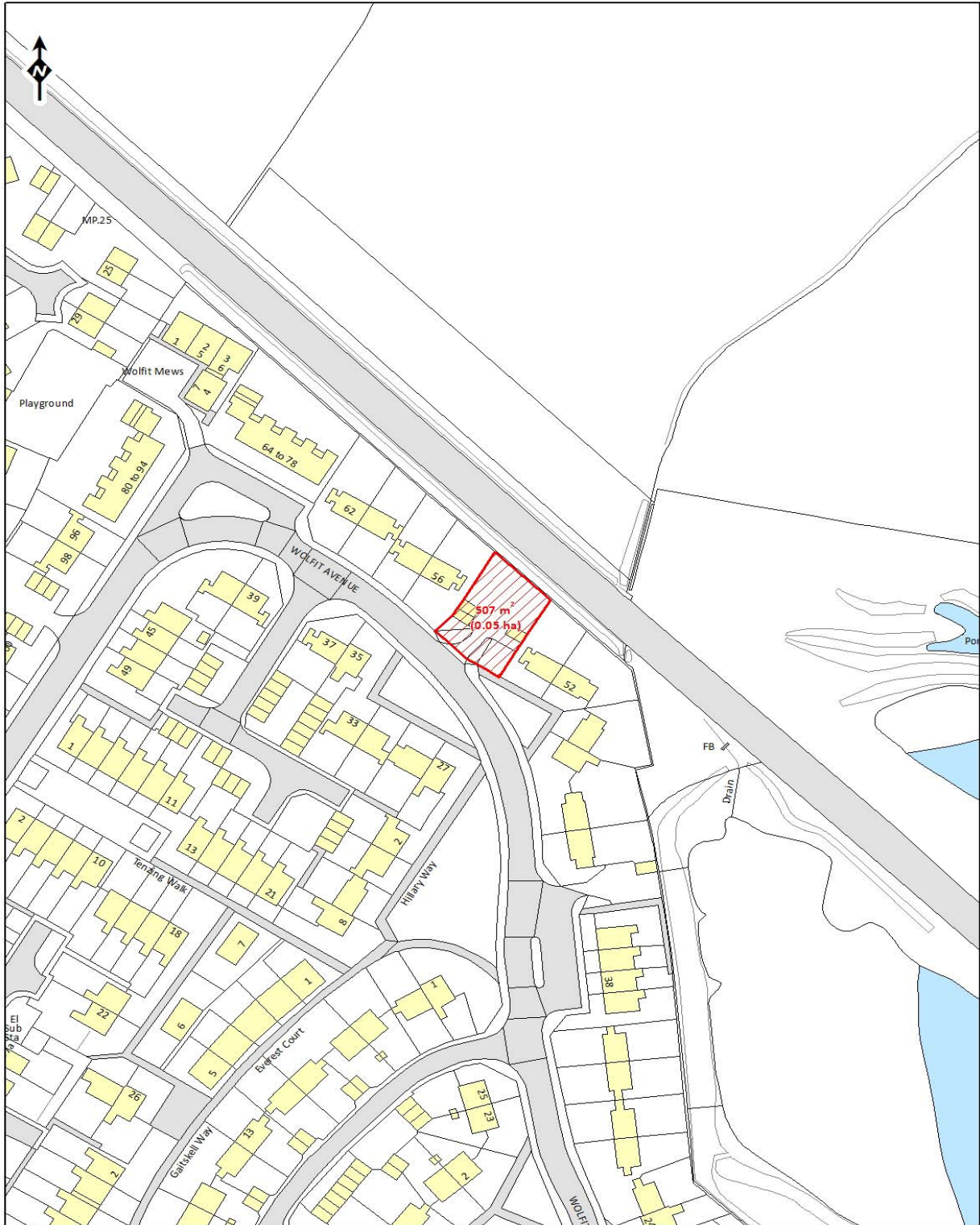
Application case file.  
Housing Market and Needs Assessment 2014

For further information, please contact Martin Russell on 01636 655837.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 15/01093/FUL



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<b>Application No:</b>	<b>15/01325/FUL</b>	
<b>Proposal:</b>	<b>Householder application for the erection of a two storey rear extension</b>	
<b>Location:</b>	<b>15 Hutchinson Road, Newark On Trent, Nottinghamshire, NG24 2GH</b>	
<b>Applicant:</b>	<b>Mr and Mrs L and M Robinson</b>	
<b>Registered:</b>	<b>29 July 2015</b>	<b>Target Date: 23 September 2015</b>

This application is being referred to Planning Committee for determination as the applicant is a member of staff within the Growth Directorate.

#### The Site

The site lies on the south side of Hutchinson Road and is occupied by a detached two-storey dwelling of modern construction. Neighbouring properties lie to the east, west and south and the boundaries with these are treated with fencing and vegetation, approximately 2m in height to the south (rear) and west, and approximately 1m in height to the east.

#### Relevant Planning History

No relevant planning history.

#### The Proposal

The current proposal seeks full planning permission for the erection of a two-storey rear extension measuring 2.35m in depth, 4.54m in width and 7.4m in ridge height. It is proposed that the extension will be constructed using materials to match those of the existing dwelling.

The application also proposes a new obscurely glazed window on the western elevation at first floor level to serve the bathroom.

#### Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

#### Planning Policy Framework

#### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Core Policy 9: Sustainable Design

*Allocations and Development Management DPD Adopted July 2013*

Policy DM5: Design

Policy DM6: Householder Development

*Other Material Planning Considerations*

National Planning Policy Framework 2012

Planning Practice Guidance 2014

Householder Development SPD (adopted November 2014)

### Consultations

**Newark Town Council** – No objection to the proposal

No other representations have been received to date.

### Comments of the Business Manager, Development

There are a number of matters that require consideration in the assessment of this application which are discussed in turn below.

### Principle of Development

The proposal relates to householder development which is accepted in principle by Policy DM6 of the DPD subject to an assessment against a number of site specific criteria including the impact of the proposal upon visual and residential amenity. In this instance, the design of the proposal in relation to the dwelling and the surrounding area as well as its impact upon neighbour amenity will be of particular relevance.

### Impact on the Visual Amenities of the Area

Hutchinson Road lies within the main built up area of Newark, outside of any designated area, and as such the principle of an extension to the dwelling is considered acceptable in accordance with Policy DM6, subject to design and scale.

The proposed rear extension will extend from the rear of an existing two-storey gable in order to create a larger third bedroom for the property. In terms of the length of the proposal, I am of the view that the increase in floorspace is proportionate to the dwelling and will not result in an overdevelopment of the plot.

Turning to the ridge height, whilst Policy DM6 of the DPD and the Householder Development SPD seek multiple storey extensions to sit subservient to the host dwelling (often through a design with



a lower ridge height), in this instance I am of the view that the proposed extension would appear incoherent with the main dwelling if the ridge were to be set lower, particularly as the small footprint of the extension along with the projection from a gable end would make the design difficult to achieve. As such, I am of the view that the design of the proposal is the most appropriate for the proposal and given that the design matches that of the host building, I consider it unlikely to have an undue impact upon the overall appearance of the dwelling or the surrounding area.

### Impact on Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. In accordance with Policy DM6, householder development is considered to be acceptable in principle providing any development does not adversely impact upon the amenities of neighbouring properties.

The proposed two-storey extension is located in relative close proximity to the neighbouring property to the east, although I note that the two properties sit at a slight angle to each other rather than along the same building line, providing opportunity for less impact upon neighbour amenity. Having assessed the proposal against the 45 degree guidelines in relation to light for the neighbouring properties, I am satisfied that the proposal is unlikely to result in a significant loss of light currently enjoyed by the neighbours, particularly with regards to their ground floor rear windows.

In terms of an overbearing impact upon neighbours, there will be a small increase of brickwork visible by the neighbour to the east. However, the angles of the dwellings either side of no.15 are such that much of the extension is unlikely to be readily visible from the rear windows of this neighbouring property, reducing the overbearing impact of the extension. For this reason, it is thought that on balance the proposal is unlikely to have an adverse impact by virtue of overbearing impact and as such complies with Policy DM6.

With regards to privacy, the proposal seeks to install windows on the ground and first floors of the extension to the rear elevation which will be at a level no higher than those of the existing dwelling and will face the same direction as the existing windows on the elevation in a typical back-to-back relationship as found on all the properties locally. As such, there will be limited visibility to the east and west of the dwelling from these windows, therefore limiting any impact upon neighbouring properties. I am mindful that the proposal seeks to install a new bathroom window, which will be obscurely glazed. The window would look directly onto the side wall of the neighbouring property and would provide little visibility onto the neighbour's garden from the angle at which it is set. As such, I am of the view that this window will have little detrimental impact upon privacy.

## Conclusion

Based upon the assessment above, it is concluded that the proposal is considered acceptable in terms of design and impact upon residential amenity in accordance with Policies DM5 and DM6 of the DPD, Core Policy 9 of the Core Strategy and the NPPF. Therefore, subject to conditions, it is recommended to the Committee that the application be approved.

## **RECOMMENDATION**

**That full planning permission is granted subject to the conditions shown below.**

### Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans,

- Site Location Plan (received 28<sup>th</sup> July 2015)
- Block Plans (received 28<sup>th</sup> July 2015)
- Proposed Revised Plans (received 28<sup>th</sup> July 2015)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

### Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1<sup>st</sup> December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

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 100 square metres.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on ext. 5833.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**  
**Deputy Chief Executive**

Committee Plan - 15/01325/FUL



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**APPEALS A**

**APPEALS LODGED (received between 21<sup>st</sup> July 2015 to 24<sup>th</sup> August 2015)**

**1.0** Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

**2.0 RECOMMENDATION**  
**That the report be noted.**

BACKGROUND PAPERS

Application case files.

For further information please contact on Technical Support Ext 5554 or [planning@nsdc.info](mailto:planning@nsdc.info).

Matt Lamb  
Business Manager Development

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/D/15/3121513	15/00897/FUL	2 The Avenue Gunthorpe Nottinghamshire NG14 7ET	Householder Application for Erection of New Double Garage	Householder Appeal
APP/B3030/W/15/3129074	14/01055/FUL	The Grange Gainsborough Road Langford Newark NG23 7RP	Erection of a single wind turbine (60m to hub; 86.5m to tip) plus ancillary development.	Written Representation

**APPENDIX B: APPEALS DETERMINED (decided between 21<sup>st</sup> July 2015 and 24<sup>th</sup> August 2015)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
14/01850/FUL	Westfield Cottage Gonalston Lane Hoveringham Nottinghamshire NG14 7JH	Householder Application for Single Storey Extension to form Kitchen/Dining Area	Appeal Dismissed	19.08.2015

**RECOMMENDATION**

**That the report be noted.**

**BACKGROUND PAPERS**

Application case files.

For further information please contact Technical Support on Ext 5554 or [planning@nsdc.info](mailto:planning@nsdc.info).

Matt Lamb  
Business Manager Development