

Date: 28 September 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, 6th October 2015 at **4.00 pm**.

Yours faithfully,



A.W. Muter
Chief Executive

AGENDA

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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 G21 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, 8th September 2015 at 4.00pm.

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

Councillors: D.M. Batey, R.V. Blaney, Mrs C. Brooks, D. Clarke, R.A. Crowe, M. Dobson, N.B. Mison, P.J. Rainbow, Mrs S.E. Saddington, Mrs L.M.J. Tift, B. Wells, I. Walker and Y. Woodhead.

ALSO IN
ATTENDANCE: Councillor R.J. Jackson

56. APOLOGIES FOR ABSENCE

There were none.

57. MINUTES OF THE MEETING HELD ON 11TH AUGUST 2015

AGREED that the Minutes of the meeting held on 11th August 2015 be approved as a correct record and signed by the Chairman.

58. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members declared an interest in the items shown below:

<u>Member</u>	<u>Agenda Item</u>
Councillors Mrs C. Brooks	Agenda Item No. 7– Land South off Ollerton Road, Edwinstowe (15/00875/FULM). Personal Interest as she is Chairman of Edwinstowe Parish Council.
	Agenda Item No. 8 – Land adjacent to 11 and 13 Boy Lane, Edwinstowe (15/00652/FUL). Personal Interest, as she is a Director of Newark and Sherwood Homes.
Councillors D. Payne and G.P. Handley	Agenda Item No. 8 – Land adjacent to 11 and 13 Boy Lane, Edwinstowe (15/00652/FUL). Personal Interests, as they are both Directors of Newark and Sherwood Homes.
Councillor Mrs S.E. Saddington	Agenda Item No. 5 – Land North West Manor Farm, Ollerton Road, Little Carlton (14/02133/FUL). Personal Interest as the applicant is known to her.

Councillor I. Walker

Agenda Item No. 5 – Land North West Manor Farm, Ollerton Road, Little Carlton (14/02133/FUL). Personal Interest, as he is the Honorary Vice-President of Nottinghamshire Wildlife Trust.

Councillor B. Wells

Agenda Item No. 6 – Land adjacent Lodge Farm Bungalow, Potter Lane, Wellow (15/01086/FUL). Disclosable Pecuniary Interest, as he is the Church Warden.

59. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

60. ORDER OF BUSINESS

The Chairman changed the order of business on the agenda. Agenda Item 10 followed item 8, item 9 then followed, the agenda resumed its stated order thereafter.

The Committee was also informed of a late verbal update, regarding the former Potterdyke site in Newark, which would be taken as the last item of business.

61. LAND NORTH WEST MANOR FARM, OLLERTON ROAD, LITTLE CARLTON (14/02133/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a 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 102 metres. The proposal also sought consent for associated infrastructure consisting of an electricity substation and transformer cabinet.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Nottinghamshire Wildlife Trust and Neighbouring/Interested parties.

Members were also informed that two letters of support had been received subsequent to the production of the schedule of communication.

Members considered the application. The local ward Member informed the Committee that South Muskham Parish Council had decided not to attend the Committee meeting as they had objected in the past to all three existing wind turbines and felt that the Committee had not taken notice of their views. All surrounding Parish Councils had also submitted their objection to the application. Members noted the new Ministerial Guidance for wind turbines required them to listen to the eight Parish Councils which had raised objection. The Member therefore suggested that the application be refused on the grounds of cumulative effect; over intensification; detriment to the landscape and that the scheme lacks local community support.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused for the following reasons:

- (i) Cumulative effect;
- (ii) Over intensification;
- (iii) Detriment to the landscape; and
- (iv) Does not have local community support.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	For
D. Clarke	For
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
N. Mison	For
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

(Having declared a Disclosable Pecuniary Interest Councillor B. Wells left the meeting at this point).

62. LAND ADJACENT LODGE FARM BUNGALOW, POTTER LANE, WELLOW (15/01086/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the change of use of a paddock adjacent to Lodge Farm Bungalow to form an extended churchyard to serve St Swithins Church.

Members considered the application and commented on the forward thinking approach of the church council.

AGREED (unanimously) that full planning permission be granted subject to the conditions and reasons contained in the report.

63. LAND SOUTH OFF OLLERTON ROAD, EDWINSTOWE (15/00875/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission to construct 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.

The Chairman sought clarification from Members that they had all read the letter, which had been sent to them from the applicant's agent.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from Neighbouring/ Interested parties and the Agent.

Members considered the application and the local Member commented that the former colliery site, which was adjacent to this site, had been landscaped and redesigned with nature trails. The proposed application site would be visible from the top of the former colliery site and would not enhance the tourist area, which the site was within. Another Member commented that the land was lower than the road and ran parallel with the road and the proposed site also flooded. It was felt that the Nottinghamshire County Council landscape assessment was correct and the application should be refused.

AGREED (with 12 votes for and 3 votes against) that planning permission be refused for the reasons contained within the report.

64. LAND ADJACENT TO 11 AND 13 BOY LANE, EDWINSTOWE (15/00652/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought to create six 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.

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

AGREED (unanimously) that planning permission be granted subject to the conditions contained within the report.

65. LAND AT BRANDON CLOSE, BALDERTON (15/00657/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought to create eleven off street parking spaces on existing grass land within the close to improve current parking arrangements. There would be two blocks of four spaces and one block of three.

AGREED (unanimously) that full planning permission be granted subject to the conditions contained in the report.

66. CEDAR LODGE, BURGAGE CLOSE, SOUTHWELL (15/01055/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought 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 attached double garage.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Agent; Southwell Town Council; and Neighbour/Interested party.

Members considered the report and the following comments were raised. A Member commented that the planting scheme was good, the design of the house was complementary to the important site and the dormer window on the house broke up the roofline. Another Member commented that the house sat well on the plot, but would like to suggest native species for the landscaping. A further Member commented on the sloping nature of the site and the impact of the development on the neighbouring property 'Willows'. It was commented that the proposed landscaping may not address the impact on the 'Willows' and suggested that planting should include thick leafy foliage to reduce the impact of the development on the neighbouring property. The loft and storage space above the garage was also discussed and concerns were raised, as this space had been identified as storage space even though dormer windows were proposed for both areas. The report confirmed that CIL was chargeable on habitable space and not for storage space. It was therefore suggested that a condition be imposed for the first floor above the garage and the loft space within the house to be used for storage purposes only.

(Councillors Mrs C. Brooks and Mrs S.E. Saddington had left the meeting during the debate of the item and therefore took no part in the vote on their return).

AGREED (with 13 votes) that planning permission be approved subject to the following:

- (i) conditions contained within the report with the amendment to condition 6 as detailed in the schedule of communication and the inclusion of evergreen foliage within that condition in order to block the impact of the development on the neighbouring property 'Willows';
- (ii) amendment to condition 15 to include Schedule 2 part 40 of the GDPO; and
- (iii) a condition restricting the use of the first floor above the garage and the loft space within the house as storage space only.

67. 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 tearoom.

The application was deferred at the last meeting of the Planning Committee in order for Officers to advise how the operators and/or the goods to be sold could be controlled in the event that planning permission was granted. A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the Planning Case Officer, which detailed suggested conditions should the Committee be minded to approve.

Members considered the application and commented that rural businesses such as

this should be supported. There were no objections from the Parish Council and as the Authority was a large rural district, the application should be supported subject to the suggested Officer conditions as it was considered that it enhanced the area.

AGREED (with 13 votes for and 2 votes against) that contrary to Officer recommendation, planning permission be approved subject to the conditions contained in the schedule of communication.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
D. Batey	For
R.V. Blaney	Against
Mrs C. Brooks	For
D. Clarke	For
R.A. Crowe	For
Mrs M. Dobson	For
G.P. Handley	For
N. Mison	For
D.R. Payne	Against
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	For

68. FORMER GARAGE SITE, WOLFIT AVENUE, BALDERTON (15/01093/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought a retrospective application for the variation of Condition 2 attached to application 15/00180/FUL, four, one bedroom flats and associated external works and parking.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the Highways Authority and Severn Trent Water.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

69. 15 HUTCHINSON ROAD, NEWARK (15/01325/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the erection of a two-storey rear extension.

AGREED (unanimously) that full planning permission be granted subject to the conditions contained within the report.

70. APPEALS LODGED

NOTED that the report be noted.

71. APPEALS DETERMINED

NOTED that the report be noted.

72. LATE ITEM – POTTERDYKE DEVELOPMENT, NEWARK

The reason for the urgency of the report was to advise Members of the Planning Committee that an exempt report had been put into the public domain.

The Deputy Chief Executive provided a verbal update to the Committee regarding information that had been requested through a freedom of information request and subsequently released by the Council.

The Planning Committee held on the 8th November 2011 had received an exempt report, which had provided background information in relation to the Potterdyke development in Newark. A request was made by a member of the public under the Freedom of Information Act for this information. The Authority initially refused to disclose the information on the grounds of its commercial sensitivity. The member of the public had the right of review, which was undertaken internally by another Officer and which resulted in the decision not to release being reaffirmed. The member of the public then lodged an appeal to the Information Commissioner. If the Authority had still refused to disclose the information the case would have gone to a tribunal hearing. As the report was essentially a summary report relating to the Development Agreements in respect of the Potterdyke development it was decided, in consultation with the Chairman of the Planning Committee and Leader of the Council to disclose the report. Unfortunately part of the report was incorrect.

The report stated that there was an option to re-purchase the undeveloped parts of the Robin Hood Hotel, if the development was not completed by a specified deadline. This was not correct as the council only had the right to re-purchase those parcels of land which it had originally owned (essentially the former Potterdyke car park).

The Deputy Chief Executive apologised for the error contained within the report.

The Leader of the Council commented that the information provided at 8th November 2011 Planning Committee was for background information only and that the content of the report had not been a material planning consideration in determining the application at that time.

AGREED that the report of the Deputy Chief Executive be noted and the minute rectified to clarify that the Council does not have an option to repurchase the undeveloped parts of the former Robin Hood Hotel in the event that this part of the development is not completed within the timescales set out in the Development Agreement.

The meeting closed at 6.07pm.

Chairman

Application No:	14/02023/FULM	
Proposal:	Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way.	
Location:	Kilvington, Nottinghamshire, NG13 9PD	
Applicant:	Bailly RBS and S & K Chan SIPPS	
Registered:	09.01.2015	Target Date: 10.04.2015
	Revised target date agreed in principle	

Introduction

Members will recall that this item was deferred at the last Committee to allow further discussion to take place with the applicant regarding;

- 1) highways and transportation issues
- 2) the length of occupancy of the units on site and;
- 3) the siting / screening of the buildings on site

Whilst not part of the formal resolution to defer it is noted that a number of other matters were discussed at the Committee meeting. These included:

- 4) the reasons as to why this site specifically is being proposed
- 5) the need for 6-bedroom lodges and;
- 6) the lack of amenities (in particular a shop) on site

This updated report will first summarise consultation and third party responses received since the July Planning Committee. It will then take each of the above points in turn, explain what amendments have been made and make an assessment in the overall planning balance.

For the avoidance of doubt the original Committee report has been re-provided below. Any amendments, including minor amended in bold. The late items list from the previous Committee relating to this application is also appended at the end of this report. Any amendments to recommended conditions also in bold for clarity.

As with all committee reports, the total number of neighbour letters received by the LPA has been reported below. However, due to the number of re-consultations carried out during this application process, some households have submitted more than one letter. To clarify, letters of objection have been received from a total of 28 different households. This is not taking into account 4 letters of objection received with no address supplied.

Consultations received since July Planning Committee

Alverton and Kilvington Parish Meeting (AKPM) Correspondence 1;- Queries regarding traffic survey. The County Landscape team should have visited the site to assess it for themselves. The LVIA survey did not assess the impact of the development from the existing rights of way. At night, the watersports centre will be lit up. Dismayed that very few committee members appeared concerned at the vast scale of the development proposed and the obvious room to expand. Development does not need to be in this open countryside location. Planning is being sought on the back of the water sports centre, which in our view may be used as a venue for events such as lake-side weddings.

AKPM Correspondence 2;- Please could the applicant provide copies of the documents confirming that Railway Paths Limited has rights over the disused railway embankment. Without this, the statement that the rights of way across their land prevent them from adopting the single access solution which has been suggested seems unreliable.

AKPM Correspondence 3;- Queries capacity of C3. TA 46/97 is a standard by which plans for new rural trunk roads can be planned. TA 46/97 does not apply to existing roads but is commonly used as a tool to assess capacity. New rural road would not be likely to be built with features such as the S bend at Kilvington and the blind railway bridge at Kilvington. Likewise the two sharp ninety degree bends between Alverton and Orston. Clearly those features would reduce whatever capacity the C3 might have. It cannot sensibly be said that the capacity at the S bend is 13,000 vehicles a day and that therefore the C3 cannot be said to have that capacity.

With regards to amenity and traffic volume, planners are entitled to take account of amenity and to refuse an application on the ground that it would generate an excessive increase in traffic. The committee is entitled to consider the detriment in amenity terms caused by this proposal.

With regards to road safety, there really are a large number of accidents on the S bend and no-one seems to take any notice. And in all this, no-one has yet mentioned pedestrians. We have had three accidents within a period of 6 weeks. There is a very respectable argument that this stretch of road is such that it would be irresponsible to permit any increase in the traffic on the road. Logic dictates that if there is a given percentage in the volume of traffic then the percentage increase in the number of accidents will be greater. The applicants say they can mitigate the effects of the increase in traffic which they accept would result from their proposal. The Kilvington S bends already have a 30 mph limit, S bend warning signs at each end, reflective posts on the side of the road, an interactive warning sign for traffic going north, SLOW in the road markings at each end, warning chevrons at each end.

AKPM Correspondence 4;- Object. The numerous tweaks and amendments to the application have not addressed the main concerns of villagers. The scale of this development dwarfs Alverton and Kilvington, the justifications for the development in this open countryside location are flawed, the proposed structures are inappropriate and therefore create a negative visual impact, the development will negatively impact on amenity of local residents (including the impact of increased traffic and the safety of Kilvington S bends and the urbanisation of the rural surrounding), the application is not for a Natural Retreats venue (the applicants could sell the site to another owner / operator and the quality cannot be guaranteed).

Rushcliffe Borough Council;-

“As you will be aware from our previous correspondence dated the 6th July there is a concern from local residents and our local Ward Member regarding traffic implications generated by the proposed development. This is of course a relevant consideration and from the additional information submitted the applicant appears keen to take a proactive approach to resolving this matter. Whether the suggested traffic calming scheme proposed is appropriate in this instance is a matter for the County Council as Highways Authority to determine. We would support the suggestion that such measures are agreed with local parishes and the County Council and these are installed prior to the commencement of the development. The routing management plan for all construction traffic should be agreed to minimise potential disruption to nearby villages.

In relation to the suggested change to the occupancy time period for the accommodation and the proposed operating hours of the watersports centre these would appear appropriate in this location to ensure holiday usage only and to minimise the impact of any late night activity generated by the use of the centre.

From reviewing the Planning Committee report we note the technical comments received in relation to landscape, biodiversity and heritage impacts which were the other material considerations we drew to your attention previously. We do not wish to add any further comments in relation to these matters.”

Robert Jenrick MP (letter addressed to Chair of Planning Committee but Planning Department copied in);- This is a decision for the committee, however, he has received a large number of representations from his constituents. Concerns expressed include;- traffic, impact on community, increased industrialisation, visual impact, committee members did not seem to place much weight on the fact that local residents oppose the plans, the only part of the application that can justify this open Countryside location is the watersports centre – this could be considered separately to the rest of the scheme, Members did not challenge the claimed economic benefits of the development, there is complete darkness in the villages at night, impact on ecology.

Highway Authority; *“Traffic calming measures:*

I consider a suitable calming scheme can be delivered. It may not necessarily include the ‘gate’ features illustrated, but could include a combination of village signs, speed limit signs/road markings and ‘dragon’s teeth’ road markings (that offer a visual impression of the road narrowing). The nature of the C3 public highway and the limited width do not lend themselves to more extensive measures. The road is unsuitable for road humps or road narrowings which are normally associated with traffic calming since heavy goods vehicles and buses that can use this road legitimately need to be catered for. Precise details of a calming scheme will be subject to site conditions i.e. width of verge, sightlines, etc. Approval of a detailed scheme is sought by planning condition.

The offer of a construction lorry routing agreement/management plan is welcomed and an additional planning condition may be applied to cover this point.

Traffic numbers & Volume

I confirm that the C3 has capacity for up to 13,000 vehicles per day (but this is derived from Highway Agency document TA 46/97; and not TA 79/99).

Single Access Point

I do not consider the comment about the Highway Authority opposition to a single access point fully reflects our position, but in essence we have no objection to two accesses and the option to have a single access can introduce other areas of concern as described in the applicant's submission. Having an access either side of the double bends on the C3 and having internal linking tracks/paths potentially reduces the number of vehicles passing through the double bends. Also, if the single access point was chosen to be the southern one, all the water sports traffic that is primarily orientated towards Newark would have to pass through those double bends.

Other Matters

A suggestion has been informally made by Planning Committee members to make the water sports (northern) access the only access to the site with a 'left turn only' arrangement to avoid traffic going through Kilvington and Alverton. This idea is, unfortunately, neither practicable nor desirable.

For this to occur, one or both of the following would be needed:

- 1. A traffic regulation order banning the right turn movement. This is only as good as enforcement action taking place. In this remote location it is unlikely that Police resources would offer any significant impact.*
- 2. A physical barrier to the right turn. Given the extent of the public highway, it would be impracticable to design a junction that prevented the banned movement (this is particularly true if all other movements were to be allowed).*

Potentially a banned turn at this rural location could, in fact, have a detrimental effect on road safety. Anyone wishing to turn southwards would simply find a place to do a U-turn/3 point turn. The result being that the originally perceived problem would not be resolved and unsafe manoeuvres added.

Conclusion

In conclusion, I remain of the view that the proposal is acceptable subject to ... conditions."

"It is concluded that enhancements to the road signing (whilst not essential for approval to be given) could be justified and sought by condition.

If the applicant were willing to assist in addressing local resident safety concerns relating to these bends, then perhaps the following condition might be applied in addition to those previously suggested:

No part of the development hereby permitted shall commence until improvements to the signage on the C3 at the Kilvington double bends have been implemented in accordance with a scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority."

Highway Authority (in response AKPM Correspondence 1):- "When I receive TRICS traffic generation figures from developers I do not accept them on face value but I check them against my own independent interrogation of the TRICS database filtering the data as I see appropriate ... As Highway Authority, if we are to object to this application it has to be on either on the grounds of road safety, or for highway capacity reasons i.e. if congestion were to occur as a result of the development. Even if traffic significantly increases proportionally, this does not

mean that the development is necessarily unacceptable in highway terms since it may not result in congestion.”

Highway Authority (in response AKPM Correspondence 3);- Generally the statements regarding TA 46/97 are correct. However, TA 46/97 is an industry-standard document and is the best readily-available means of gauging highway link capacity. I would strongly make the point that regardless of any argument about this document’s use, it is safe to say that the additional generated traffic by the proposal will not create a capacity issue i.e. cause congestion. Whilst traffic may increase over the day, it will not be concentrated on the peak hours and is more likely to cause an ‘amenity’ issue rather than a ‘traffic’ one.

The actual peak hour two way flow on the C3 is 139 vehicles i.e. 1 every 26 seconds (Transport Assessment para. 3.3.2) This is a long way from the 1 every 4 seconds quoted above.

The additional traffic over a 12 hour period amounts to one new vehicle trip every 2 minutes. So, the question should be: Does one vehicle trip every 2 minutes justify a reason to refuse on amenity grounds? I would suggest not.

Any accident is regrettable and we do take our road safety responsibilities seriously. Almost any new development of any size that generates traffic has the potential to increase the risk of accidents on the public highway. The issue to consider is the level of risk and whether or not the proposed development will significantly increase the risk. In this case, the safety at the bends have been considered and a condition has been suggested regarding improvements to signage on the Kilvington double bends.

Highways Agency;- No objection

NCC Transport Planning;- *“No strategic transport planning observations.”*

NCC Ecology;- *“The applicant has liaised with myself (and Claire at NWT) during the development of these proposals, and as such, I can confirm that they accord with my recommendations about the location of the crossing point of the disused railway line, so that impacts on the habitat there, and the species it supports (primarily grizzled skipper) are minimised. Nevertheless, I would welcome a condition requiring the submission of a detailed design of this location, given the indicative nature of the submitted plans, to ensure that the crossing point is appropriately located.*

In terms of ecological impact, this is given brief consideration in the supporting text. Given the comments above, I am satisfied that the proposal will not give rise to any significant additional impact on the disused railway line, grizzled skippers or the wider LWS, and that efforts have been made to provide enhancements, including through the planting of a hedgerow along the access track (which will also have the benefit of screening the track from the lake to the north), and the seeding of ‘Area 4’ (which is currently an improved grassland field of low ecological value) with a wildflower seed mix.”

“I note that a number of areas are now earmarked for additional buffer planting, including one in the north-east of the site that overlaps with an area identified for the creation of wet scrapes. On the understanding that the areas are indicative, and will be subject to more detailed design through the production of a Landscape Management and Biodiversity Plan (to include precise location, layout and species mixes), I have no objections to the proposals in principle.”

Notts Wildlife Trust (NWT);- *“The changes to the Masterplan have been discussed by the applicant both with myself, and also Nick Crouch at NCC prior to formal submission. The Masterplan now shows an additional track to facilitate vehicular access within the site. Our main concerns were disturbance to the disused railway line and also an area of woodland. The option that the applicant has selected seems to minimise impact on existing woodland/scrub and also indicates some additional planting which could further enhance the overall site. The crossing point for the disused railway is indicated in the area discussed to minimise impact on existing trackside habitats. The precise details of the design of this area should be incorporated into a detailed landscape plan which could be secured through a planning condition.*

The applicant has given some consideration to the ecological impact of this amendment and offered additional mitigation in the form of screening, new hedgerow planting and seeding of Area 4. In general, we are therefore satisfied that the proposed revision would be unlikely to result in significant ecological impact.”

“We would have no problem with some additional planting for the site provided it is sited appropriately with native species used. We understand that the latest proposal map is largely indicative – a more detailed Landscape and Biodiversity Management Plan should be secured by way of condition to ensure that plantings are appropriate and in accordance with biodiversity objectives for the site.”

Natural England;- *“The advice provided in our previous response applies equally to this re-consultation although we made no objection to the original proposal.”*

NSDC Conservation;- *“I am pleased to hear that boundary landscaping can go up to 3m. I also see a plan submitted of indicative planting which shows a narrow additional belt to the east of the Watersports Centre. The combined effect may be to partially screen views of the Church from the footpath and potential Sustrans route, but it would also soften the juxtaposition of these two structures. I appreciate the landscaping plan is only indicative, but I think additional planting here would be beneficial.*

I also understand internal lighting of the Watersports Centre can be conditioned and can be limited past 9pm, which will help with light spill and in this respect with the night time setting of the church, which is any event is very limited owing to no floodlighting and limited evening use.

Overall these minor additions do not really change by earlier comments, but will help soften any views in which the Watersports Centre and listed church are seen together.”

Historic England;- No additional comments.

NSDC Economic Development;- Support proposal.

“The proposal offers employment and tourism opportunities in the form of high quality, high price holiday accommodation with flexible options for family groups which is something that is now often requested from visitors to the Tourist Information Centres. The proposal incorporates a quarry restoration plan and In terms of the district tourism offer, the location is ideal for people to explore the whole county and beyond whilst making use of local tourism related businesses. The demographic targeted by Natural Retreats will support many local businesses and the proposal supports the use of local products and services.

In the development stage there will be opportunities for local employment and skills with up to 225 people will be involved in this stage. In the operational stage there will be at least 15 new roles created with a range of opportunities for local employment.

The Local Economic Benefits as outlined on page 35 of the supporting statement seem realistic and clearly demonstrates a positive impact for local businesses. If people are staying in a location, average spend is around £150.00 per night, whereas day visit spend tends to be under £50.00 per day. Therefore providing opportunities for guests to stay in the district does enhance spend as well as providing opportunities to recommend new visitors to the district and generate a level of repeat business to the development.

In terms of inward investment, business growth, employability and skills, local procurement, work with schools and tourism which are crucial components of the Economic Development Strategy, the proposal is supported.

The proposal does fit with the Economic Growth strategy and our vision of Building a Shared Prosperity, particularly Objectives 2 and 3 below:

Objective 2: To develop appropriate place marketing to visitors and investors.

Objective 3: To plan and support Growth for our district.”

NSDC Environmental Health;- State no further comments.

NSDC Environmental Health Contaminated Land;- State no further comments.

NSDC Access Officer;- No further observations.

CLH Pipeline System;- The applicants should not undertake any work or activity without first contacting the CLH Pipeline System Operator for advice.

Internal Drainage Board;- State no further comments

Environment Agency;- No further comments

Severn Trent Water; No objection subject to drainage condition

Neighbours / Interested Parties

Since the July Planning Committee 6 letters of objection have been received from neighbours, including a local Councillor from a neighbouring authority and 1 letter of support. At the time of writing the updated report, the consultation period for neighbours to comment on amended plans was still open. Any further letters received by neighbours / interested parties will be reported as a late item.

Concerns are;-

Location

- No need for this large scale development in the Countryside
- No economic argument for the development in this remote location

- Unsympathetic urbanisation of an otherwise rural environment
- Demise of Nottinghamshire's smallest village.

Traffic

- When the site was quarried every single HGV lorry load of gypsum that left the site went out through the north entrance of the site and turned left to take the gypsum to the gypsum factory at Balderton.
- A planning application for an anaerobic digester at Flawborough was refused by Rushcliffe Borough Council (RBC) in April 2014. However, the applicants had already planted the crops for their AD plant, and are continuing to do so. One can only assume they intend to submit plans for another AD plant soon.
- There is a string of HGV lorries and tractors and trailers from Flawborough farms using the C3.
- The increase in traffic will be in a very concentrated time.
- Would like to see a single access point proposed.
- The internal road only enables residents to "drop off" at the watersports centre as the track does not link into the track serving the watersports centre and car park.

Visual impact

- Existing and new hedges should be a minimum of 2 metres in height and not 1 metre as the condition recommended to the July Planning Committee required
- Light pollution
- The development will dwarf and dominate the area
- It is unclear if the proposed designs of the lodges, watersports centre and hotel have been finalised – what assurances can be given for the applicants to replicate the designs shown on the application?

Impact on neighbours

- Noise pollution

Ecology

- Destruction of a habitat

Other

- Previous concerns not been alleviated
- Length of stay should be restricted
- It has been requested that RBC submit formal comments
- What guarantees are there that this development will be a Natural Retreats development.
- This proposal consists of separate non-related elements;- a water sports centre, 34 lodges, a 25 bedroom hotel, a 50 delegate conference suite. These elements are not ancillary to each other, they do not need each other and therefore their merits and justifications need to be considered individually given they are all being built in the open countryside - Please give due consideration to the justification for the hotel and conferencing suite in this location.

Reasons for support are;-

- The site has been a mess since quarrying ceased

- “I worked on the site for 14 years on and off as a plant operative, this included carting Gypsum off the site. I was interested to read a letter on the planning website which said that Gypsum always went left off the site to Newark. Lorries also carried Gypsum to the plasterboard factory in East Leake and Barrow and therefore travelled through Kilvington and Alverton.”

Assessment of Updated Information

Highways and transportation issues – Traffic Calming Measures

Members will recall that one of the reasons for the application being deferred at the July Planning Committee was for further discussions to take place with the applicant regarding highway and transportation issues.

A condition was recommended at the July Planning Committee regarding a “gateway” traffic calming scheme on the C3, as detailed below;-

“33

No part of the development hereby permitted shall be brought into use until a ‘gateway’ traffic calming scheme on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety.”

Members requested that further details be submitted as to what the “gateway” traffic calming scheme would involve.

In response to this request the applicants have submitted further details as to the proposed gateway traffic calming scheme. As recommended by the Highway Authority, the proposed traffic calming scheme will consist of “village signs” and “dragon’s teeth” road markings. Village signs are proposed to be situated to the north of the existing quarry entrance and to the south of the proposed new entrance and to the south of the S bend. These can be accompanied by speed signs to remind drivers of the speed limit and / or signs reminding drivers to drive carefully or reduce their speed. “Dragon’s Teeth” road markings give the illusion that the road is narrower than it actually is which encourages drivers to automatically reduce their speed. The applicants have agreed to implement these measures in full prior to development commencing.

The Highway Authority has formally commented that;-

“I consider a suitable calming scheme can be delivered. It may not necessarily include the ‘gate’ features illustrated, but could include a combination of village signs, speed limit signs/road markings and ‘dragon’s teeth’ road markings (that offer a visual impression of the road narrowing) ... Approval of a detailed scheme is sought by planning condition.”

It is considered that precise details of the traffic calming scheme can be dealt with by a planning condition, should planning permission be granted. However, condition 33 on the recommendation sheet has been amended to ensure that these do consist of village signs and road markings.

No part of the development hereby permitted shall be brought into use until a ‘gateway’ traffic calming scheme, to include village signs and appropriate road markings, on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety.”

Other methods of traffic calming were put forward by the applicants and considered by the Highway Authority. However, the Highway Authority has stated that *“The nature of the C3 public highway and the limited width do not lend themselves to more extensive measures. The road is unsuitable for road humps or road narrowings which are normally associated with traffic calming since heavy goods vehicles and buses that can use this road legitimately need to be catered for.”* As such, village signs and road markings were considered to be the most appropriate solutions.

In addition to the proposed traffic calming gateway scheme, the applicants have offered to improve road signage on the C3 at the Kilvington “S” bends. The Highway Authority has stated that whilst this is not essential for approval to be given, it could be justified and therefore could be sought by way of a planning condition. This condition is set out as condition 43 on the attached recommendation sheet.

Highways and transportation issues – Single Access Point

Officers have explored with the applicants using the northern access to the site as the single access point serving the development with a “no right turn when exiting the site” rule. This would, in theory, prevent traffic travelling from the site through the villages of Alverton and Kilvington. This would involve the creation of an internal access road to provide vehicular access to the lodges and the inn building from the northern access point. The applicants have looked into this request.

Concerns have been raised by the Highway Authority with regards to this suggestion. They states that;-

“This idea is, unfortunately, neither practicable nor desirable.

For this to occur, one or both of the following would be needed:

- 1. A traffic regulation order banning the right turn movement. This is only as good as enforcement action taking place. In this remote location it is unlikely that Police resources would offer any significant impact.*
- 2. A physical barrier to the right turn. Given the extent of the public highway, it would be impracticable to design a junction that prevented the banned movement (this is particularly true if all other movements were to be allowed).*

Potentially a banned turn at this rural location could, in fact, have a detrimental effect on road safety. Anyone wishing to turn southwards would simply find a place to do a U-turn/3 point

turn. The result being that the originally perceived problem would not be resolved and unsafe manoeuvres added.”

The Highway Authority has no objection to the two accesses originally proposed and this is detailed in the original committee report below. In addition, a single access point to the north of the site would also result in visitors travelling from the south having to travel through Kilvington to reach the northern access, instead of accessing the site through the southern entrance and avoiding the need to travel through the Kilvington S bends.

As such, I consider that using the northern access to the site as the single access point serving the development with a “no right turn when exiting the site” rule would be neither practicable nor desirable (thus failing the tests of reasonableness) and could have a detrimental impact on highway safety in the area.

The applicants have also responded to comments that during quarrying British Gypsum traffic all turned left out of the northern most site access towards Balderton and not right through the village of Kilvington. The applicants believe this was not the case and have been informed in writing by British Gypsum and some drivers that their site traffic exited southwards through Alverton as well as northwards. The applicant has submitted an email from British Gypsum Minerals and Estates Manager and a separate letter has also been received by a Newark resident who was a plant operative at Kilvington Quarry. The information gathered states that the gypsum extracted from Kilvington did mainly feed the Jericho Works to the north of the site (Balderton). However, supplies also went to other British Gypsum plants for plaster and some for cement rock using the southern route (through the villages of Alverton and Kilvington). In 2005 the company was granted planning permission by Leicestershire County Council for imports of up to 80,000 tpa to Barrow Works from Kilvington. Lorries also carried Gypsum to the plasterboard factory in East Leake travelling south through Kilvington and Alverton.

The applicants have, however, proposed an internal access track from the lodges and inn building towards the watersports centre. This is proposed to be located to the west of area 4. This location has been chosen to avoid the disused railway embankment which runs through the site. This is on the advice of ecology consultees as Grizzled Skippers have been recorded along this railway line. Grizzled skipper is a Section 41 NERC Species of Principal Importance and a Notts BAP Priority Species being at the northern end of its range in the country. It is likely that an access road over the disused railway line would have an impact on the habitats (and associated species) on either side. The applicants have also stated that the track is subject to perpetual rights for Sustrans and Railway Paths Ltd to create an extension to the National Cycle Track and to reinstate the railway track in an unimpeded fashion.

The proposed track is a cinder farm track, approximately 450 metres in length with regular passing places. The track will cross the disused railway line at the southern end of the track at the point of semi improved grassland and scrubby tree belt that was originally scheduled to be removed to create the pedestrian access to the railway bank and as a result will not have significant impact here. The track will then follow the perimeter of the field (marked area 4) with additional hedgerow planting to increase the buffer with the site boundary. A post and rail fence is proposed to separate the track from the pedestrian track and family area.

Concerns were raised by both the Planning Officer and a neighbouring resident that the submitted plans only showed a turning head at the end of the track and not a parking area. This meant that guests wanting to access the watersports centre by car would only be able to drop

off at the watersports centre. If guests wanted to access the watersports centre via car and also park at the watersports centre then they would still need to drive along the C3.

The applicant has taken on board these concerns and has confirmed that they are willing to construct a car parking area at the end of the track for a minimum of 6 cars (it is expected that the majority of guests will walk the short distance to the water sports centre from the accommodation on the internal network of pathways) as well as a footpath link between the proposed car parking area and the footpaths surrounding the watersports centre. Precise details of the car parking area and footpath link can be secured by way of a planning condition and this is shown as condition 46 on the attached recommendation sheet. It is considered that 6 no. spaces is likely to be sufficient, especially set against the fact that not all guests staying on the site will want to use the watersports facility, and certainly not all at the same time.

Neither NCC Ecology nor NWT have raised concerns with the proposal subject to a condition requiring the precise location of the crossing point of the disused railway line, so that impacts on the habitat there, and the species it supports (primarily grizzled skipper) are minimised. This is shown as condition 44 of the attached recommendation sheet.

The applicants have also proposed to provide buggies and bikes for guests to use when accessing the water sports centre. These can be ridden on the disused railway embankment.

It is expected that the majority of guests will walk the short distance to the water sports centre from the accommodation on the internal network of pathways. However, it is considered that the internal access track and parking area and provision of bikes and buggies should help to discourage those guests that do not wish to walk from driving along the C3 public highway to access the water sports building.

Conditions can be attached to the grant of any planning permission ensuring that the proposed track and car parking area is available for use prior to the site being open for guests. These are shown as conditions 45 and 46 on the attached recommendation sheet.

Highways and transportation issues – Traffic Numbers and Volume

Whilst not an issue specifically raised by the Committee, the applicants have responded to points raised by local residents in relation to the volume of traffic and as such further research and investigation has been carried out to determine the official capacity of the roads around the proposed site.

With regards to the capacity of the C3, the applicants state that;-

“We acknowledge that our proposals will increase the volume of traffic on the road from a present average 1,400 vehicles movements each day by 337 vehicle movements per day. This represents a 24% increase in the current level. However the highway’s stated capacity is around 13,000 vehicles per day (HA Technical Advice Notes TA79/99 and TA46/97) which demonstrates that the road network has significant additional capacity beyond the introduction of additional vehicle movements as a result of this proposal.”

The Highway Authority has confirmed that the capacity of the C3 is as stated by the applicants; that is up to 13,000 vehicles per day (but this is derived from Highway Agency document TA 46/97; and not TA 79/99).

The applicants have also re-iterated the findings of their Transport Assessment carried out as part of this application. This analyses the geographical location of the site, the location of major conurbations, the location of nearby towns, villages and attractions and available route options. It suggests that the vehicle movements would be split as follows;-

- “• *One third of the traffic will have an origin/destination to the west/southwest of the site and travel via the C3 south and A52*
- *One third of the traffic will have an origin/destination to the north/northwest of the site and travel via the C3 north and A1 north via Fernwood*
- *One third of the traffic will have an origin/destination to the east/south of the site and travel via the C3 north, Valley Lane and A1 south at Long Bennington.”*

They state that;-

“This analysis reduces the perceived impact of traffic created by the proposal as not all traffic will be travelling to/from the same location and of the 337 additional vehicle movements it is likely that two thirds of them will travel north on the C3 and one third south on the C3.”

The applicants have suggested measures that they believe will further mitigate the impact of the additional traffic. These include guest information where guests are contacted prior to their arrival to be informed of recommended routes and directions and brown tourist road signage which the applicants state they will apply for prior to the commencement of development on site.

The applicants have also offered for a condition to be attached to the grant of any planning permission for a construction lorry routing agreement/management plan to be submitted to and approved in writing by the LPA prior to development commencing. This is added as condition 42 on the attached recommendation sheet.

Length of occupancy

The application presented at the July Planning Committee included a proposed condition stating that;-

“21

The properties hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding 6 months in any calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.”

Some Committee members commented that six months occupancy is an exceptionally long permitted period for holiday use. This caused some question generally that the scheme could be a means to achieve permanent second homes in open countryside. A requirement was suggested of a maximum six-week stay per year for the holiday lodges if the application were to be approved.

The applicants have taken this concern on board and have confirmed in writing that they are happy to agree occupancy limited to the suggested six weeks maximum for any person or

persons in any calendar year. They state that their original suggestion of six months was made to accommodate the few requests previously experienced from home movers for extended stays with the proposed operator – Natural Retreats. However, a condition restricting the properties to not be occupied by the same person or persons for a total period exceeding 6 weeks in any calendar year will ensure that the properties will remain solely as holiday accommodation and not as permanent second homes.

Condition 21 on the attached recommendation sheet has been amended (in bold) accordingly.

Siting / screening of the buildings

Planning Committee Members raised concerns at the July meeting that the buildings on site would be visible from public areas. As such it was requested that the applicants explore whether additional screening could be incorporated into the scheme.

Members will be aware that the scheme presented to the July Planning Committee did already contain areas of existing and proposed landscaping. This is explained in detail in the “Visual Impact” section of the original committee report below.

The applicants have agreed to provide additional landscape buffering at the site. A revised block plan has been submitted suggesting indicative areas where additional landscaping could be planted. This plan shows additional buffers to be located along the boundaries of the site to supplement either existing planting or planting that was already being proposed as part of the application that was heard at the July Planning Committee. This is to help screen the site as a whole. The plan also includes additional and new buffers within the site to the rear of the lodges to further screen the buildings from the surrounding public highways. The applicant has stated that buffer zones can, in some places, be up to 10 metres of planting and can be 1 – 3 metres in height.

It is important to note that this plan shows indicative areas of planting only. Both NWT and NCC Ecology has raised no objection to the additional buffering proposals in principle, although they do state that the area identified for potential further buffering to the north-east of the site overlaps with an area identified for the creation of wet scrapes. In my opinion, this is the least important area of buffering from a visual point of view as it is not close to the proposed buildings.

Precise details of landscaping can be dealt with by way of a planning condition, should planning permission be granted. Condition 26 on the attached recommendation sheet requires full details of landscaping to be submitted to and approved in writing by the local planning authority prior to development commencing.

However, I am satisfied that the submitted plan provides a good indication that sufficient additional buffering can be achieved, particularly around the proposed built development, in order to further screen the development from the surrounding public highways.

Since the application was heard at the July Planning Committee, both the Parish Meeting and the neighbouring authority ward member have raised concerns with regards to conditions 6 and 7 on the original recommendation sheet attached to the July committee report. These conditions stated that;-

“06

The existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev S shall be retained at a minimum height of 1 metre for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

07

Notwithstanding the provisions of Condition 6 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev S shall be retained at a minimum height of 1 metre for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.”

Local residents raised concerns that requiring the boundary hedgerow to be maintained at a minimum of 1 metre in height was not sufficiently tall enough to provide adequate screening of the development. The applicants have taken on board these comments. This condition was originally worded by the case officer and not suggested by the applicants. The applicants have stated that in reality the hedgerow is likely to be maintained at a much taller height. They have therefore agreed to the conditions being re-worded so that the boundary hedgerow has to be a minimum of 3 metres in height.

In order to clarify to the Planning Committee the visual impact that the proposal will have on the surrounding public areas, photo montages of the site before and after the proposed development will be included in the Committee presentation as well as photos showing the existing screening at the site.

Reasons as to why this site specifically is being proposed

Some Members raised concerns at the July Planning Committee as to why this site specifically had been chosen for this development when there may be other sites within the district or outside of the District that are more suitable for this type of development. However, the application was not formally deferred for this reason.

For the reasons set out in both the original committee report and this updated report, I consider that this site is suitable for the development proposed as it complies with relevant national and local planning policy. Nowhere within planning policy does it state that a sequential test must be applied for this type of development (holiday use in the Countryside) to establish whether or not there are alternative sites available that are more suitable. Indeed, an use such as that proposed does, by its very nature, require a countryside location. As such, there is no policy background to refuse the application on these grounds.

The original committee report below concludes that there is both an identified tourism need in the area and that the need for a rural location for this particular development has been demonstrated. The applicant's agent has also submitted further information in response to this issue. They state that;-

The applicants have also clarified that they cannot establish the water sports use without the holiday use. They state that *"the proposed accommodation here is an enabling factor for the watersports centre. As a standalone operation it is unlikely that the watersports is viable but it is envisaged to supplement the attraction of the proposal to help stimulate visits."*

In any case, the application presented to Committee is not solely for a watersports centre but is for *"Development of 34 self-catering holiday units, a 25-bed Inn building, Watersports building, Storehouse and Outfitters along with a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. Re-routing a public right of way."* It is the full proposal that is being considered. For the reasons outlined in both the original and updated report, I consider that the proposal as a whole is acceptable in this location.

6-bedroom lodges

The application presented at the July Planning Committee included the provision of 3 no. 6-bedroom lodges. Some Members of the Planning Committee raised concerns with the provision of 6-bedroom lodges as they considered that they may attract groups such as stag or hen do's and not families.

The applicants have removed all of the 6-bedroom lodges from the scheme, replacing them with 4-bedroom lodges. This is shown on the revised plan, drawing no. 6397-L-01 Rev S, and condition 2 on the attached recommendation sheet has been amended to include this revised plan.

The applicants have, however, submitted a justification as to why the 6-bedroom properties were included in the first place. This was primarily to attract 3-generational family holidays and not large groups of friends.

In any case, condition 2 on the attached recommendation sheet ensures that if planning permission is granted, the development is carried out in accordance with the approved plans. This condition has been amended (in bold) to take account of the amended plans showing the removal of the 6-bedroom properties and their replacement with 4-bedroom properties.

Lack of amenities (shop) on site

Some Members at the July Planning Committee raised concerns that there was a lack of amenities at the site, in particular a shop to serve the guests at the site.

The applicants have clarified that it has always been the intention that the proposed inn building includes a "storehouse café" which would provide an element of food retail. This may not have come through clearly in the original submission. This is a concept that has been successful at some of the other existing Natural Retreats sites.

The applicants have stated that whilst they would much prefer to support an established local shop, in this instance there is no immediately local provision. Therefore, the applicants are

proposing a more formal shop offering into the proposal. A craft and enterprise space is also proposed. This is shown on drawing no S201 4002 - 401 and condition 2 on the attached recommendation sheet has been amended to include this revised plan.

Opening hours of water sports centre and internal lighting

Whilst not raised as an issue by the Planning Committee, concerns have been raised by the Parish Meeting with regards to condition 36 of the recommendation sheet. As part of the July Planning Committee report condition 36 stated that;-

“The water sports centre shall not be open to guests or members of the public outside of the following hours;-

07:00 – 23:00 Monday – Sunday

Reason: To minimise light pollution in the interests of visual amenity.”

The Parish Meeting raised concerns that opening until 23:00 hours may attract visitors not already at the site wanting to use the café area as a restaurant for an evening meal out. Concerns were raised that the restaurant could easily operate to customers not already using either the water sports centre or the Natural Retreats site. This would result in an intensification of the use of the site and potentially noise and disturbance later in the night.

The applicants have sought to address these concerns by agreeing to revised opening hours where the water sports building cannot be open to guests or members of the public beyond 21:00 hours. This would allow for users of the water sports lake to access the café after their water sports activity and would also allow for evening conferences. However, it is unlikely to make it viable to operate the building as an independent restaurant.

Condition 36 on the attached recommendation sheet has now been amended (in bold for clarity) to reflect this and now states;-

“The water sports centre shall not be open to guests or members of the public outside of the following hours;-

07:00 – 21:00 Monday – Sunday

Reason: To minimise light pollution in the interests of visual amenity and in the interests of residential amenity.”

The Parish Meeting has also raised concerns with regards to light pollution from the water sports centre. This is addressed in the original report below. However, closing at 9pm will help to reduce any perceived light pollution. In addition, the applicants have volunteered that sensitive, low level lighting can be used in the buildings on site. Condition 11 on the recommendation sheet presented to the July Planning Committee stated that;-

“No development shall be commenced in any phase, pursuant to condition 3, until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall

thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and in the interests of nature conservation.”

This has been amended (in bold) on the attached recommendation sheet to also include internal lighting.

Other issues raised by neighbours

The majority of neighbour comments have been addressed throughout this updated report.

A neighbour has queried what guarantees are in place that this development will remain a Natural Retreats (the proposed operator and agent) development. Members are advised that any planning permission runs with the land and not with a particular person/operator. However, it is considered that this specific development is acceptable in this location for the reasons outlined in both the original and updated committee reports. Regardless of who the operator is, the development would still have to be carried out in accordance with any specific approved plans. Any material amendments to the proposal would require a new planning application which would need to be assessed against planning policy. Even if the site were to be operated by another company, the plans submitted would still ensure that the development remains as a countryside retreat and it is likely that any new operator would have a similar ethos to Natural Retreats. It is considered that a condition ensuring that the site is only operated by Natural Retreats would not be lawful as it would not meet some of the tests outlined in National Planning Practice Guidance (necessary, enforceable, reasonable).

A neighbour has raised concerns that it is unclear if the proposed designs of the buildings on site have been finalised. If planning permission is approved then condition 2 on the attached recommendation sheet ties the permission down to the specific plans submitted (including elevation and floor plans for the buildings proposed). Any material alteration to approved plans would require a whole new planning application.

Conclusion

This item was deferred at the July Committee to allow further negotiations to improve;

- 1) highways and transportation issues
- 2) the length of occupancy of the units on site and;
- 3) the siting / screening of the buildings on site

Concerns were also raised by some Members of the Planning Committee regarding;

- 4) the reasons as to why this site specifically is being proposed
- 5) the need for 6-bedroom lodges and;
- 6) the lack of amenities (in particular a shop) on site

1) Details of proposed traffic calming measures have been submitted for the LPA to consider. The Highway Authority has raised no objections to these proposals in principle, although precise

details should be dealt with by way of a planning condition. Condition 33 on the recommendation sheet has been amended to ensure that the traffic calming measures consist of village signs and road markings.

The Highway Authority has raised concerns with using the northern access to the site as the single access point serving the development with a “no right turn when exiting the site” rule as this is neither practicable nor desirable and could have a detrimental impact on highway safety in the area.

The applicants have provided information contrary to third party comments that during quarrying British Gypsum traffic all turned left to Newark from the existing entrance and not right through the villages of Kilvington and Alverton.

An internal access track is proposed running from the inn building and lodges towards the water sports centre. It is considered that the proposed internal access track and associated car parking area as well as the provision of bikes and buggies should help to discourage those guests who do not wish to walk from driving along the C3 public highway to access the water sports building.

The applicants have provided information and the Highway Authority have confirmed that the stated capacity for the C3 is around 13,000 vehicles per day. This proposal will bring traffic on the C3 to 1737 movements per day which is well within the capacity.

2) The applicants have agreed that condition 21 on the attached recommendation sheet be amended so that the properties cannot be occupied by the same person or persons for a total period exceeding 6 weeks in any calendar year.

3) The applicants agreed to provide additional landscape buffering at the site. An indicative block plan has been submitted suggesting areas where additional landscaping could be planted. Precise details should be controlled by way of a planning condition.

The applicants have also agreed to amend conditions 6 and 7 on the attached recommendation sheet to ensure that the existing and proposed hedgerow along the eastern boundary of the site is maintained at a minimum of 3 metres in height.

4) It is considered that this site is suitable for the development proposed as it complies with relevant national and local planning policy. Nowhere within planning policy does it state that a sequential test must be applied for this type of development to establish whether or not there are alternative sites available that are more suitable.

The applicants have provided further information as to why this site has specifically been chosen. These include the fact that the ethos of Natural Retreats (the operator) cannot be delivered in an urban environment. The applicants have also stated that they cannot establish the water sports use without the holiday use. They state that “the proposed accommodation here is an enabling factor for the watersports centre. As a standalone operation it is unlikely that the watersports is viable but it is envisaged to supplement the attraction of the proposal to help stimulate visits.”

5) The applicants have removed all of the 6-bedroom lodges from the scheme, replacing them with 4-bedroom lodges.

6) The applicants have clarified that it has always been the intention that the proposed inn building includes a “storehouse café” which would provide an element of food retail. Amended plans have been submitted to show a more formal shop in the inn building.

7) In response to neighbour concerns, the applicant has agreed that condition 36 on the attached recommendation sheet be amended so that the water sports centre can only open until 21:00 hours. In response to neighbour concerns, condition 11 on the attached recommendation sheet has also been amended to include the control of internal lighting to reduce any perceived light pollution.

Change to recommendation

None.

The Site

The site is located within the open countryside close to the village of Kilvington. The site was previously mined for gypsum by open cast methods. Mining at this site ceased in 2006. The site is centred around a number of lakes. These lakes are of biological value and the site has been designated as a SINC (Site of Important Nature Conservation). Much of the land around the lakes has now been restored and is in use as agricultural land, woodland or grassland.

There are a number of public footpaths running through the site as well as a section of dismantled railway line which is now a noted wildlife corridor and has retained rights for use by Sustrans (Sustainable Transport.) Parts of the site (the lakes) are located within flood zone 3 with the areas immediately surrounding them within flood zones 2.

There are some existing buildings on the site, mostly centred around Glebe Farm. These include the farm house itself as well as various agricultural buildings, all of which are derelict. A further dwelling on the site Meadow Lea has now been demolished.

The Council’s Landscape Character Assessment identifies the area as lying within the South Nottinghamshire Farmlands Policy Zone 03 ‘Alverton Village Farmlands’.

The site abuts the district boundary with the borough of Rushcliffe but the entire site itself is located within the district of Newark and Sherwood.

There are some residential properties close to the site, including within the villages of Kilvington and Alverton. The listed church in Staunton on the Vale is visible from the site. The C3 (Newark Road / Alverton Road) classified road abuts the eastern boundary of the site. The site is currently served by seven existing entrances from the surrounding public highways.

Relevant Planning History

1682309 24.06.1982 Decision by County Council Approve. 500 tonne gypsum silo.

1679777 18.08.1982 Decision by County Council Approve. Extension of gypsum workings.

1682824 05.11.1982 Decision by County Council Approve. 200 tonne gypsum silo.

01/00452/CMM 15.10.2001 Decision by County Council Approve. Variation of condition 2 of permission CMA/970802 and condition 11 of permission CMA/991200 for phasing of extraction and relocation of fixed plant

01/01950/CMM 16.06.2003 Decision by County Council Approve. Extraction of Gypsum from beneath the railway line and restoration.

04/01210/CMM 27.05.2004 No Objection. Restoration details in respect of condition 52 of planning permission 01/00452/CMM.

05/02812/CMM 31.03.2009 Decision by County Council Approve. Variation of condition 3 of planning permission 01/01950/CMM for an extension of time.

05/02813/CMA 30.03.2009 Decision by County Council Approve. Variation of condition 3 of planning permission 01/00452 for an extension of time

10/01728/FUL 04.02.2011 Application Permitted. Demolition of existing vacant dwelling (authorised use) and erect replacement dwelling. (Resubmission) (Meadow Lea).

12/00057/FUL 20.03.2012 Application Permitted. Erection of a replacement dwelling. (Glebe Farm).

12/00852/CMA 23.01.2013 Decision by County Council Approve. Variation of condition 51 of planning permission 3/05/02813/CMA.

14/SCR/00045 01.10.2014 Environmental Impact Assessment (EIA) not required. Holiday units, inn building, water sports building, trails, footpaths and solar farm.

The Proposal

The proposal seeks full planning permission for a development of 34 self-catering holiday units, a 25-bed Inn building, watersports building, storehouse and outfitters, a commercial and educational unit, nature trails, cycle trails, pathways and family facilities. The application also involves the re-routing a public right of way. The proposed holiday use would be open all year round.

Inn Building

A 25 bedroom inn building is proposed to be built on the existing site of Glebe Farm. The buildings at Glebe Farm would be demolished to make way for the new inn building. The inn has a novel operational concept which allows bedrooms to be reconfigured in order to create flexible apartments of varying sizes. The maximum occupancy level of the inn building is 50 people. A small café is proposed at the inn development, which would be open to overnight guests as well as daytime visitors including local residents. A small swimming pool is planned, open to paying guests as well as for use by the local community. At the rear of the inn and in a separate building there is a small conference space which would accommodate up to 50 attendees.

The building is of a contemporary design. It has a curved roof giving a single storey scale when viewed from the roadside and is clearly two-storey within the site facing the lake. Materials proposed are timber cladding, large sections of glazing and a grass roof.

Lodges

34 holiday lodges are proposed to be situated around **the north, east and southern** sides of the largest lake (Lake 1).

The mix of beds is as follows:-

13 x 2 Beds

12 x 3 Beds

6 x 4 Beds

3 x 6 Beds

This gives a maximum occupancy level of 208 people.

The lodges are predominantly single storey, with some one-and-a-half storey lodges proposed. Materials proposed are timber cladding, glazing and grass roofs.

Water Sports Building

The water sports facility building is proposed to be situated at the southern end of the most eastern lake (Lake 2). It is proposed that Lake 2 will offer water-based activities. Facilities at the building include changing rooms, a boat and equipment store, changing rooms, a conference room and a café.

The building has been designed to cater for maximum user groups of up to 30. The building is to be of inclusive design with easy access to the first floor via an accessible ramp as well as providing an internal lift. Disabled changing rooms are also proposed.

Materials proposed are gabions, timber cladding, glazing and a grass roof.

Existing Lakes

The development is located around three existing lakes. The largest of the lakes (Lake 1) will be retained and enhanced to feature solely as a wildlife reserve. Lake 2 will be designated as a water sports lakes for non-motorised crafts (other than the necessary safety crafts). **Play areas and other family facilities are proposed around this lake.** Lake 3 **will be left largely undeveloped due to ecology surrounding this lake.**

Other Proposals

There would be areas of formal landscaping to help screen car parking and paths to access the units. Other areas would be left to regenerate further with sensitive planting schemes implemented to add to the screening and green infrastructure of the site. The area to the east of the site in particular will be largely undeveloped, in the interests of nature conservation.

It is proposed to divert part of Alverton and Kilvington public footpath FP3 from the route alongside the C3 to a line running in a more or less northerly direction to meet the lakeside footpath. Other public rights of way through the site will remain unaffected by the development. Private footways are also proposed within the development which will also be made available to local residents.

Departure/Public Advertisement Procedure

102 neighbours have been notified directly by letter. A site notice has been posted and an advertisement placed in the local press.

Relevant Planning Policies

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 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
Spatial Policy 9 – Selecting Appropriate Sites for Allocation
Core Policy 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations and Development Management Document 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

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

Other Material Considerations

National Planning Policy Framework
Planning Practice Guidance
Newark and Sherwood District Council Landscape Character Assessment

Consultations

Alverton and Kilvington Parish Meeting;- Object on the grounds of;-

1. The scale of proposed development will completely dominate the two small villages of Alverton and Kilvington and is therefore wholly inappropriate.

2. The proposed development is not in the main built-up area of the village, plus Kilvington and Alverton do not have local services, or provide suitable access.
3. The proposed development is a ribbon development and contravenes Government Planning Policy Statement 21 and N&SDC Spatial Policy 3.
4. The proposed development contravenes Spatial Policy 3 because it will have a detrimental impact on the character of the location and its landscape setting.
5. The development will have detrimental impacts on the amenity of local residents, thus impacting negatively on their lives (including highway safety).
6. The proposed Water Sports Centre contravenes Spatial Policy 9 and the National Planning Policy Framework, because of the detrimental impact the proposed development has on Heritage Assets.
7. The proposed built structures do not complement the existing built and landscape environment
8. The proposed development is detrimental to the extensive wildlife on the site and the commercial benefits do not outweigh the need to safeguard the ecology.
9. A tourist development of this size is inappropriate in this location and considered detrimental to the local community.
10. While the application claims to address a supposed problem of social isolation, it does not. Only we, the residents, can be the judge of whether such a problem exists and we say there is no such problem.

Additional comments to amended plans re-iterate previous objections, although they acknowledge the improved visibility at the watersports centre access point and the re-location of the inn car park away from Walnut Cottage.

Staunton Parish Meeting;- Object. If the following changes were made then the Parish Council is likely to withdraw its objection;- The proposed overnight capacity of the holiday village should be reduced by at least 25 percent, the dangerous double bends on the highway at Kilvington need to be straightened out or otherwise improved, a 30mph speed limit should be imposed between Staunton and Kilvington, the proposed water sports centre must remain for non-powered water sports.

Flawborough Parish Meeting;- Object on the grounds of;- impact on quality of life of nearby residents particularly from night time lighting and noise, extra traffic particularly taking onto account the dangerous bend, impact of construction and operation on the nature reserve, the numbers staying in the holiday park would double the number of the inhabitants of Kilvington, Alverton and Flawborough.

Long Bennington Parish Council;- Raise concerns over increased traffic through their village. If approved, they would like a condition for access routes not to be published to go through Long Bennington.

NSDC Conservation;- The proposal has not been submitted with any heritage impact assessment. However, given the low overall height of the proposals I think the impacts are likely to be restricted to the closest settlements. I am content that my own understanding of the assets in this area, combined with my understanding of the nature of the impact, will in this case suffice and I

do not think we need to request any additional information (in response to English Heritage comments). To conclude, the likely impact of this proposal upon the setting of heritage assets is likely to be limited. Key to this will be low overall height, a good pallet of natural materials, the avoidance of large areas of reflective materials and increased green landscaping on the east of the application site.

A detailed assessment of heritage assets by settlement is contained within the main body of the report.

NSDC Environmental Health Noise;- No major concerns provided that the proposed water sports are non-powered vessels (other than the necessary safety craft).

NSDC Environmental Health Contamination;- Use standard contamination condition. If a biomass burner is included then the applicant is required to complete a standard form and return it to Environmental health to assess the potential environmental impacts.

NSDC Equalities Officer;- Provides comments regarding inclusive access.

NCC Highways;- No objection subject to conditions (conditions are detailed in the recommendation section as conditions 28 to 33 inclusive). Satisfied with the parking provision figures. Visibility splays are in accordance with agreed standards. Satisfied with the traffic generation figures presented - this is mainly because there is likely to be little effect on peak hour flows. Therefore, congestion/capacity issues are not a concern. Happy to consider a traffic calming 'gateway' and a scheme could be devised at a later stage subject to a condition (see Condition 33). A revised Travel Plan statement has been submitted and was approved by the County Council's Travel Planning team.

NCC Rights of Way/Countryside Access Team- The developer is proposing to divert part of Alverton and Kilvington FP3. This will require a diversion order made under the Town and Country Planning Act. The new route should be a minimum of 2 metres wide. A short section of Kilvington FP5 near Lake 3 will also need a minor diversion so that the Definitive Map and the path walked on the ground coincide. The developer is proposing a short additional public footpath to link from Alverton FP3 to Alverton Lane by the private car park which will be a useful addition to the network.

All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only. The footpaths at the moment have a natural surface which is sufficient of for the current level of use, but if it is considered that use will increase substantially I would not object to a natural stone surface being laid on relevant parts of the public paths.

NCC Planning;- No objection in terms of strategic planning policy, minerals and waste, strategic transport,

NCC wishes to draw the developers attention to the S106 agreement at the site and the aftercare requirements relating to the former gypsum mining at the site.

NCC Nature Conservation have now withdrawn their previous objection.

Environment Agency;- Originally raised concerns that in this area, they did not hold modelled flood levels, 20 year (functional) or 100 year outlines to help inform the application. Therefore, for the proposal to be made safe and to be set at an appropriate level, the applicant was required to

undertake further hydraulic investigation / modelling to ascertain the likely areas of inundation or to set the water sports centre on a high spot to help safeguard its future use, whilst allowing access for waterside activities.

Following the submission of further investigations, as detailed above, the EA withdrew their objection stating that the proposed lodges and inn buildings are located in Flood Zone 1, and the watersports building is located within Flood Zones 2 and 1 with part of the footprint set within an area identified as being at flood risk in a 1 in 100 year plus climate change event. The objection was withdrawn on the basis that a condition be imposed which is shown in the recommendation section as Condition 22.

NCC as Lead Flood Risk Authority – Make a number of detailed observations regarding flood risk from the development and the need to confirm and clarify how surface water would be managed on site. Further specific detail is required from an experienced & competent drainage designer of how surface water flows will be managed on the developed site including water attenuation discharges, the mitigation of any increase in flood risk arising from new development, detailed site levels designs for the site including a contour plan and a flood routing plan, detailed drainage layout including building drainage, all infiltration areas with supporting specification, calculations and construction details, attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms, full specification & general arrangement drawings for inlet/outlet structures and flow control structures. Later confirmed that these could be dealt with by way of a planning condition.

Highways England;- No objection. The proposed development is not expected to have a material impact on the closest strategic route, the A1.

Natural England;-

Wildlife and Countryside Act – No objection. This application is in close proximity to Muston Meadows, Orston Plaster Pits, Grantham Canal, Allington Meadows Sites of Special Scientific Interest (SSSIs). 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 site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Due to the distance of the application site from the SSSIs we consider it unlikely the SSSIs will be impacted.

The LPA should consider the other possible impacts resulting from this proposal on the following: local sites (biodiversity and geodiversity), local landscape character, local or national biodiversity priority habitats and species. We recommend the LPA seek further information from the appropriate bodies (which may include the local records centre, local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

Protected Species – Use Standing Advice.

Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision and therefore we are pleased that green infrastructure forms a strong focus of this scheme which aims to deliver biodiversity gains, landscape enhancement, recreation and sustainability benefits.

Landscape Character - In the Trent and Belvoir Vales NCA measures to enhance the woodland and hedgerow network through the planting of small woodlands, tree belts, hedgerow trees and new hedgerows are considered particularly beneficial to landscape character, habitat connectivity and a range of ecosystem services, including the regulation of soil erosion, water quality and flow.

Biodiversity Enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes.

Nottinghamshire Wildlife Trust;-

Comments on amended plans

“It is appreciated that the applicant has taken on board many of our comments in revising the overall Landscape Masterplan for the site. As requested, a larger proportion of the site would be left relatively undisturbed with planting generally complementing the existing situation on site. Provision of the ‘Habitat Retained, Created and Lost Approximate Areas’ plan enables a clearer assessment of the overall impact of the proposal in relation to existing site conditions.”

NWT provide comments / suggestions regarding the proposed species but consider that these can be secured by way of a planning condition. Provide advice regarding the importation of subsoil.

“Provision of a Biodiversity Management Plan for the site, detailing prescriptions for establishment and ongoing management and monitoring of new and retained habitats has been discussed with the applicant and we would wish to see this secured by way of condition.”

Notts Biological and Geological Records Centre;- Do not express opinions on planning matters.

Fisher German on behalf of the Government Pipelines and Storage System (GPSS);- Revised comments state that they wish to withdraw their previous objection due to consultation with the applicant’s agent who has satisfied their concerns about tree planting and restricted access to their client’s pipeline and assured them that they will co-operate with any requirements to gain consents under Section 16 of the Land Powers (Defence) Act 1958.

Heritage England- The former Kilvington quarry site is located immediately adjacent to the nationally important scheduled monument of Kilvington medieval settlement and part of an open field system, 400m south west of Staunton Hall (SM 29997; NHLE 1020647) and in proximity to a series of listed buildings, including the Grade II* listed Staunton Hall (NHLE 1302335) and the Grade II* listed Church of St Mary (NHLE 1045995) also in Staunton-in-the-Vale.

We note that the application does not include an assessment of the potential impact on any designated heritage assets. We therefore recommend that your authority ensures that you have received from the applicant sufficient information for you to understand the significance of the heritage assets that may be affected by the proposals and the contribution of their setting to that significance, since you will need to take this into account when considering the impact of the proposal on these heritage asset in order to avoid or minimise conflict between their conservation and any aspect of the proposal as part of your determination.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Nottinghamshire Ramblers;- Latest comments;-- *“I appreciate the way in which the Rights of Way have been redesigned around the site. I am also glad that the footpath running along the north of the site (Flawborough FP7 / Kilvington FP6) has been preserved as it links the village of Staunton at Riverside Cottages to the disused railway line. It is likely that Sus Trans will eventually wish to extend their cycle track southwards from its current finishing location at Cotham. East-west links to and from this track are important. We are prepared to support the extinguishment of Kilvington FP3 around the derelict farm.”*

Internal Drainage Board;- No objection following the submission of further information.

Severn Trent Water;- Recommend standard drainage condition (see condition no. 24).

Staunton Montessori School;- Our main concerns are around traffic and road traffic accidents involving children at the nearby school in Staunton, which has 170 children on roll. We are concerned that tourists will use the road through Staunton from the A1 to access the development. Also the double bends in Kilvington aren't suitable for increased traffic. If the traffic issues are solved we have no other objections.

Experience Nottinghamshire;- Support. The development offers a high quality sustainable tourism project that has the potential to provide wide reaching economic benefits for the visitor economy of Newark and Nottinghamshire. The proposal has a year round appeal which will work alongside other tourism initiatives to promote the area. The proposal enhances the self-catering accommodation offer in the south of Newark and Sherwood and as such is to be welcomed.

Country Land and Business Association (CLA);- Support the application. The CLA represents 32,000 members in England and Wales, and is the leading authority on the rural economy. This is a modern and sustainable tourism facility incorporating recreation facilities and a range of high quality tourist accommodation. Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire. The NPPF recognises the importance of tourism and leisure to the viability of the rural economy. Local Authorities are encouraged to support the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. The development of this site and the plans to diversify into the niche market of water sports and sustainable tourism provision will enable this business to make a vital contribution into the local economy.

Business Manager, National Civil War Museum;- The proposal of tourist accommodation within the local area is supported by us, subject to the statutory consultees views regarding questions over which we have no view. The development seeks to provide accommodation and a nature and leisure based series of activities which will encourage local and sub-regional visiting to tourist / leisure attractions such as ourselves. This has the potential to increase visitor numbers and for us to see a direct positive economic benefit.

Neighbours / Interested Parties;-

56 letters of objection have been received including from a local Councillor from a neighbouring authority, 4 letters of support (some with conditions) and 1 letter providing neutral comments.

Concerns raised are;-

Principle

- Large development in the Open Countryside
- Building on agricultural land
- Contrary to planning policy

Visual Amenity

- The scale of the development is too large and dwarfs the small villages of Alverton and Kilvington
- The proposed development changes the character of the landscape setting
- The development will connect the two villages and create ribbon development
- The proposed chalets are large, ugly and do not reflect the local rural architecture
- Significant infrastructure is required within the site
- Inappropriate siting of inn
- A small extension to a barn conversion was refused on design grounds in the nearby village, is this site different?

Residential Amenity

- Noise and disturbance
- Pollution and litter
- Light pollution – the nearby villages have no street lighting
- Loss of privacy
- Loss of view from properties, memorial garden and surrounding areas
- Alverton, Kilvington, Staunton and Flawborough are only small villages and an influx of so many people on the scale planned will have a serious impact on how residents live
- Residents have already had to put up with several years of mining and disruption
- The nearby villages have no local services to support this development
- The applicant speaks of rural isolation. The residents of Alverton and Kilvington do not feel isolated and enjoy the fact that the local villages currently have no / limited local facilities

Ecology

- The direct loss of wildlife habitat and human disturbance
- The original agreement as part of the restoration of the site was to preserve and protect wildlife.
- It has taken 10 years of restoration to attract wildlife back to the site.
- This proposal would discourage the large amount of birdlife and reptiles that visits the site.
- The existing wild flowers at the site are unlikely to survive the impacts from increased walkers / tourists
- With the right environmental management and protection this site could prove invaluable for local flora, fauna and wildlife
- The site is a designated biological SINC

Highway Safety

- The proposed development will generate excessive car traffic from out of area.

- This road is already hazardous with a number of blind bends and already used by a number of HGVs
- There is little to do on-site so visitors will go off site which will cause further traffic
- Understand that the nearby landfill site is nearing exhaustion and is now being capped. This is likely to result in traffic reduction through the village. This development will make traffic worse again.
- The development will attract traffic during weekends when the roads are currently quieter as the nearby businesses do not operate.
- Quality of current roads – collapsing edges and damaged surfaces. This is dangerous for bikes.
- Traffic calming measures should be put in place
- Have traffic assessments been carried out correctly?

Heritage

- The large, modern Water Sports Centre will have a negative visual impact on the heritage asset of Staunton Church

Public Rights of Way / Cycle Routes

- The development will impact on PRoW and Sustrans within the site
- The former railway track which passes through the site should be maintained as a potential cycling route from Newark to Bottesford. The developers should consider supporting the works required to upgrade the former railway line from the site to the end of the current cycle route at Cotham.

Site Operation

- The operator Natural Retreats actively sells property outright at some of its other sites. As this site is planned to be open 52 weeks a year if any/all of the properties were sold what is to stop it becoming a residential housing estate and the "Inn" becoming a block of flats?
- If the venture was to fail how difficult would it be to obtain a change of use and it becoming a housing estate/flats?

Application Process

- Insufficient details have been provided as regards the Camping Mini Gems and the Heating plant proposed under the old railway bridge. (These have now been removed from the scheme).
- It is unclear whether parts of the site are within Rushcliffe Borough Council.
- The application should not have been submitted in the lead up to Christmas when neighbouring objectors are otherwise occupied.

Other

- Concerns regarding economic viability of project. Do not want the development to be unfinished or downgraded.
- The plan of the Water Sports Centre show a substantial building with proportion and capacity totally disproportionate in size to the very small area of adjacent water. How is a club building of that size going to be economic with such a limited 'water sport' offer?
- The grazing of livestock undertaken by some local residents will not be compatible with the increased number of visitors in the area.

- Understood that as the site was reclaimed and possibly liable to substance that it could not be built on.
- It is only because of the applicant's neglect that the existing buildings on site are derelict.
- Lakes are extremely deep and unsafe for bathing
- It is important that a focus on enhancing the local community is adhered to by the operating company and developers and that restrictions on the long term size of this development are put in place at the beginning.
- Safety of family with an unaccountable transient population.
- Issues with sewage
- Lead to believe that once this site had been mined it would be a wildlife site and used by walkers
- Developers insist that as they have bought the land they will get permission for something at some time.
- The agent's response to some consultees is not appropriate
- Who will pay for all the extra demands of Newark and Sherwood District Council?
- The applicants may have been riding motor bikes at the site and shooting birds
- You have allowed 5 huge chicken sheds a few hundred metres from the village of Alverton, we agreed to a 60 acre solar farm on the outskirts of the village, you allow dangerously huge lorries to thunder past our doors. It feels as though you are intent on destroying the communities of Alverton and Kilvington and driving us all out. Please do not continue with this destruction of our way of life and our community.
- If allowed, do not dare put up Council Tax in the area

Reasons for support are;-

- The considerate development of this site and the ability of local residents to make use of the newly created facilities and pathways, will enhance the local area.
- The proposed development and facilities will enhance the area sympathetically with the wildlife ecosystems which have formed on the site.
- This development will aid the growth of the local economy creating work and increased customers for local businesses.
- The location of the inn avoids the blind bend issue of current farm access and prevents vehicles waiting / turning directly outside existing residential properties, with associated noise.
- The pre-application submission showed proposals for solar panels. Our objections were taken into account by the applicants and this field is now allocated to animal grazing, which is most acceptable.
- The proposed holiday-dwellings seem very in keeping with the surrounding countryside.
- Their family and their own quality of life will be enhanced by this development.

Other comments

- Would like the proposal to connect to the existing cycle network

Comments of the Business Manager, Development

Having regard to the provisions of all relevant planning policies, the nature of the proposed development and the consultation responses received, there are a range of issues which need to be considered in the determination of this application.

Principle of Development and Policy Context

The site is located outside of the main built-up areas of the villages of Alverton and Kilvington and as such is located within the open countryside. For clarity, I take the view that the criteria contained in Spatial Policy 3: Rural Areas (SP3) do not apply to this site because of its open countryside location. The only part of SP3 that is relevant is the end paragraph of the policy which 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 such as Agriculture and Forestry. Consideration will also be given to the re-use of rural buildings of architectural merit. The Allocations and Development Management DPD will set out policies to deal with such applications.”

Local planning policies DM8: Development in the Open Countryside (DM8) and Core Policy 7: Tourism Development (CP7) are the most relevant to this application.

At a national level, paragraph 28 of the NPPF states that local plans should;-

“support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.”

Criterion 12 of DM8 is specific to tourist accommodation in the open countryside and states that;-

“Tourist accommodation will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure. Accommodation that is related and proportionate to existing tourist attractions will also be supported.”

This proposal is not solely for tourist accommodation as it also involves watersports facilities centred around the existing lakes as well as a café, swimming pool and nature trails which will be open to the local community as well as over-night tourists. As such criteria 11 of DM8 (Visitor Based Tourism Development) and criteria 9 (Community and Leisure Facilities) are also somewhat relevant.

Criterion 11 of DM8 states that;-

“In accordance with the aims of Core Policy 7, attractions and facilities that can demonstrate the need for a rural location in order to meet identified need, constitute appropriate rural diversification or can support local employment, community services and infrastructure will be supported. Proposals for new tourist attractions and the expansion of existing attractions that are based upon site specific heritage or natural environment characteristics will also be supported.”

Criterion 9 of DM8 states that;-

“Community and recreational uses requiring land in the countryside will be supported on sites in close proximity to settlements. In accordance with Spatial Policy 8, proposals will be required to demonstrate they meet the needs of communities and in particular any deficiencies in current provision. Associated built development should be restrained to the minimum necessary to sustain the use.”

Core Policy 7 relates to tourism development in the District in general and is not specific to the open countryside. However, it does state that outside of town centres, development should meet identified tourism needs.

Therefore both national and local planning policy allows for tourism development in the open countryside where there is both an identified tourism need in the area and also where the need for a rural location can be demonstrated. This is discussed in more detail below.

Need

This section of the report will first look at whether there is an identified tourism need in this part of the district. It will then assess whether a rural location is needed for this development.

As part of the application submission, the applicant was asked to demonstrate that there is an identified tourism need in this part of the district. A detailed supporting statement has been submitted by the applicant taking tourism data from documents available on public websites such as Experience Nottinghamshire and Newark and Sherwood Tourist Information Centre.

Tourism contributes approximately £1.55 billion per annum to the county of Nottinghamshire with the district of Newark & Sherwood contributing a value of £206 million. The vast majority of this is provided by day visitors, which account for 90.4% of the volume of visitors to the area. There are only 113 providers of overnight accommodation countywide and according to 'Experience Nottinghamshire', Nottinghamshire's increase in overnight visitors is in contrast to the national trend, with national overnight stays down by - 2.42%.

According to 'Experience Nottinghamshire' each overnight visitor is worth nearly 5 times more than day visitors and the corporate and commercial overnight visits to the county, excluding Nottingham City, are worth 7 times more. The 20.33 million day visitors to Nottinghamshire (excluding Nottingham City) are worth £687m, an average of £33.79 per visitor, compared to the 2.12 million overnight visitors who are worth £335 million, an average of £157.58 per visitor.

Center Parcs (a similar type of tourism offer but on a much larger scale) accounts for a significant proportion of bed spaces representing a third of the beds available in the self-catering segment in the district. However, the location of Center Parcs and the vast majority of other tourist accommodation lead to a disproportionate concentration in the north of the county. South of Newark the provision of accommodation is sparse with a heavy reliance on B&Bs. Of the 74 holiday accommodation offerings provided by 'Newark & Sherwood Tourist Information Centre,' 8 establishments, which is only 11% of the overall provision can be found south of Newark with a heavier concentration to the north of the district and around the Sherwood Forest area.

In support of the arguments above, Experience Nottinghamshire has written a letter in support of the scheme which is summarised earlier in this report. The letter specifically states that, in their opinion, the proposal enhances the self-catering accommodation offer in the south of Newark and Sherwood and as such is to be welcomed.

I find this persuasive and in my view the information submitted demonstrates a need for increased tourist accommodation in the district, particularly in the areas south of Newark. I turn now to whether a rural location is needed for this development.

Information taken from Sport England's sports market segmentation tool demonstrates that there is an above national average demand for participation in watersports in Newark and Sherwood. The district of Newark & Sherwood is two hours from the nearest coastline. The applicant

considers that this makes Newark & Sherwood, and in particular Kilvington Lakes, a prime location for inland watersports as one of the few rural destinations within the county with the capacity to support such an activity. The participation rate for watersports activities such as this is at an all-time high with 3.5 million people. The non-motorised watersports of canoeing and kayaking have the largest participation with 1.5 million people. The applicant considers that an important part of this increase is the involvement of 'casual participants' who are more likely to try their hand at watersports whilst on a holiday break.

There is currently few watersport offerings in the district of Newark & Sherwood with a high concentration of tourism being drawn towards the National Watersports Centre near Nottingham City Centre and Center Parcs Sherwood Forest which has the restriction of only being open to guests.

Natural Retreats requires a rural waterbased setting situated around water for the purpose of implementing watersports in the area. Natural Retreats operates sites in areas of outstanding natural beauty which are based away from built up urban areas. This can only be achieved in an open countryside location. The development can only be sited in this specific location due to its dependency on the use of the lakes. For these, reasons it is considered that an open countryside location is required.

Appropriateness of Site and Sustainability Issues

The site has previously been developed as it was mined for gypsum by open cast methods. Mining at this site ceased in 2006 and the site has been restored. The site has recently been used for the grazing of some livestock.

The requirement for an open countryside location for this proposal has been demonstrated and is discussed above. It follows that this type of use does not lend itself to a town centre location and consequently the sequential approach to site selection is not appropriate. Indeed one of the core planning principles of the NPPF should '*promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)*'. In my view the proposal would meet the aims of this core principle and is appropriate in this location.

Having assessed the Agricultural Land Classification (ALC) map for the whole district I am mindful that the majority of the district is classed as being Grade 3 in terms of its quality of soil. This site is also classed as being Grade 3. It is acknowledged that this level of agricultural grading has the potential to allow for crops to grow, although no crops are currently being grown on site. However, the instances where the land is classed as lower quality (Grade 4 specifically, there appears to be no Grade 5 land within the District) is small in extent and restricted to the Trent Valley which is subject to constraints in terms of Flood Risk.

Some agricultural use will remain as part of the site and is proposed to remain for the grazing of livestock. It is possible that the agricultural land classification could have changed since the last land assessment and could be slightly higher. However, for the above reasons, I do not consider this to be sufficient reason to warrant a refusal. As such, the use of agricultural land for this development is considered to be acceptable.

It is acknowledged that given the rural location of the site would mean that visitors to the site would be mostly be reliant on the use of their cars to get to and from the site. Even if public transport was more widely assessable here, it would be unlikely to attract users given the nature

of the site and its intended offer. However the scale of the development is considered to be appropriate (impacts on highways are discussed later in this report) and the increased use of the private car is considered to be off-set by the wider advantages to the economy.

In conclusion I consider that the principle of this type of development of this scale in this location is acceptable and in line with policies DM8 and CP7 of the Development Plan and the NPPF a material consideration.

Visual Impact

This section of the report will consider the visual impact of the proposal including the impact on the open character of the countryside, the impact on landscape, scale and form, the design of the buildings and lighting.

Much of the site will be left undeveloped with areas of existing and proposed grassland, woodland, planting and paths as well as fields for the grazing of cattle and sheep. Other areas are proposed to be low density development such as board walks and play areas. The lakes are proposed to remain. Proposed buildings on site consist of 34 lodges, an inn building and a watersports building.

At the request of the County Council Landscape Officer a full Landscape and Visual Study was submitted by the applicant in support of this application. This draws on information from both the National Character Map of England and the Newark and Sherwood Landscape Character Assessment (LCA). The text below is a summary from the submitted study.

The LCA provides a detailed contextual appraisal of the landscape of the site and its setting. The landscape encompassing Kilvington and its setting is defined as being almost entirely within the South Nottinghamshire Farmlands Policy Zone 10 (Alverton Village Farmlands) (SNPZ10). The site lies adjacent to SNPZ08 (Cotham Village Farmlands) to the north and a very small portion of the west parts of the site overlap into SNPZ06 (Aslockton Village Farmlands) within the Rushcliffe's area to the west.

SNPZ10 identifies that sensitive restoration has been undertaken on the site including woodland planting. The landscape action for the Policy Zone is one of conservation, which reinforcement and new planting, careful development, and continued restoration of the site for nature conservation and recreation seeks to deliver.

SNPZ06 has some evidence of landscape fragmentation, a 'moderate' landscape condition, and character strength described as strong. The retention of existing habitats and implementation of landscape enhancements within the proposals on site seek to strengthen the character and landscape of the site, and meet the strategy for conservation and enhancement within the Policy Zone.

Views of the site are primarily focussed at short distance to the east along Newark / Alverton Road, and along footpaths within the site. Receptors comprise road users and a number of residents in close proximity to the site, as well as footpath users within the site. There will be limited visibility from properties within nearby settlements due to topography, intervening vegetation and buildings, and orientation. Views from the east will primarily focus on the hedgerow boundary in the foreground, with limited opportunities into the site around the main site access, proposed Inn building and at the Watersports centre entrance. The majority of existing views within and across the site from public rights of way will in general remain open in nature, where not already subject to planting.

Beyond the boundary, views towards the site are screened primarily by the level landform and successive vegetation. Views are confined to fleeting opportunities from relative higher ground where vegetation permits.

With the proposals including well-planned lodges and site buildings (such as the inn, conference facilities and the watersports centre), sensitive landscaping, comprehensive ecological mitigation and habitat creation, the proposals would be successfully assimilated into the existing landscape, and provide both landscape and ecological enhancements and reinforcement. The resultant landscape and visual effects will be contained and will include longer term benefits through the continued sensitive restoration and enhancement of the site, and the application of a long term ecological and landscape management regime.

The Landscape Officer has assessed this study and has commented that;-

“Whilst it is apparent that the water sports centre will be visible from the road for a short distance, the impact is not significant enough to warrant concern. The County Council does not, therefore, wish to raise any objections to the proposal from a landscape perspective.”

I turn now to the individual designs of the proposed buildings. The scale of the total lodge development is small in relation to the site as a whole. The total built area of all 34 lodges comprises 5,685m² which represents approximately 0.6% of the total area of the site. The height of each unit has been kept as low to the ground as possible and in the single curve type present in zones A and C are partially sunk into the ground. Where the siting and topography is more forgiving, the building design has been allowed to grow out of the landscape into a one and a half storey design with the earth at the rear of the building creating a single-storey effect. This not only acts as a screening aid, but also helps assimilate the building into the landscape further aided by the use of natural materials such as timber cladding and turf roofs.

It is considered that the design of both the inn building and the watersports building have been vastly improved through pre-application discussions. The existing farmhouse and farmbuildings at Glebe Farm are proposed to be demolished to make way for the inn building which is located in its place. The table below is taken from the applicant’s Design and Access Statement and shows that the proposed inn building is significantly smaller in footprint, volume and height than the buildings it is replacing.

	Existing buildings	Proposed inn	Difference in size Vs existing
Footprint	1,585 m ²	1,274 m ²	Reduced by 311m ²
Gross Volume	6,353 m ³	1,845 m ³	Reduced by 4,508 m ³
Ridge Height	36.12m AOD	33 m AOD	Lower by 3.12 m

The curved grass roof of the Inn building make it less prominent within the street-scene and it fits into the sloping site, making the building appear relatively small from the road side. Large areas of glazing also make the building appear more transparent and add design features. Natural

materials such as timber cladding and a grass roof help the building to blend into its countryside surroundings.

The total built area of the Watersports building is 840m² which represents approximately 0.1% of the total area of the site. The applicant states that the scale of the Watersports building is primarily derived from the demand for the appropriate amount of functional, serviceable space required for operating a successful facility of this kind. The facilities have been developed in accordance with advice from the Royal Yachting Association who recommend a combination of classrooms; wet and dry changing rooms; indoor and outdoor storage; eating and social areas. The material used on the ground floor will be natural stone gabion. In contrast, the upper floor has been designed to appear lightweight and transparent.

The Parish Meeting of Flawborough along with local residents have raised concerns regarding the visual impact of lighting from the development on the surrounding countryside. I have been informed that the villages of Alverton and Kilvington do not have street lighting.

These concerns were relayed to the applicant who has responded that a sensitive wayfinding lighting scheme with low level down lighting will be implemented along the pathways to minimise impact on the surrounding area and resident wildlife. I consider that full details of such a scheme could and should be controlled by way of a condition should planning permission be granted.

Concerns were also raised regarding artificial lighting being emitted from the buildings on site, some of which contain relatively large areas of glazing. However the majority of the lodges will not be prominent from public areas due to their siting, low level design and the existing and proposed landscaping at the site. The watersports centre will be visible from the road. However, due to its nature this will not remain open late into the limiting when the building will be lit. The applicant has agreed to a condition restricting the opening hours of this building and this is shown in condition 36 of the recommendation sheet.

It should be noted that the Environmental Health Officer has raised no objections to the lighting from a residential amenity / lighting glare point of view. However, I appreciate that the general thrust of the local residents / neighbour concerns regarding lighting relate more to the visual impact on the countryside rather than the impact on neighbouring amenity.

The Parish Meeting of Alverton and Kilvington and local residents alike have also raised concerns that the proposal will lead to a “ribbon development” effectively joining the two villages of Alverton and Kilvington together. They quote from Planning Policy Statement 21, Sustainable Development in the Countryside which stated that;-

“Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.”

However, no weight can be given to PPS21 as this has now been superseded by the NPPF. The NPPF contains no policies specifically regarding ribbon development. In any case, I disagree that the development would visually join the two villages together. The development is on the opposite side of the road to the existing development in Kilvington. Furthermore, the majority of the proposed buildings will not be prominent from public areas due to their siting, low level design and existing and proposed landscaping at the site. In addition, the site will remain mostly open with only a relatively small part of the site containing any buildings.

The proposal therefore accords with policies CP9, CP13 and DM5 of the Development Plan in this regard and the Landscape Character Appraisal and the NPPF, which are material considerations.

Heritage

Heritage England has raised no objection to the proposal and has advised that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. They advise that the Council should ensure that it has received from the applicant sufficient information to understand the significance of the heritage assets that may be affected by the proposals and the contribution of their setting to that significance, since the Authority will need to take this into account when considering the impact of the proposal on these heritage asset in order to avoid or minimise conflict.

In response to Heritage England's comments, the Council's Conservation Officer has stated that:-

"the proposal has not been submitted with any heritage impact assessment. However, given the low overall height of the proposals I think the impacts are likely to be restricted to the closest settlements. I am content that my own understanding of the assets in this area, combined with my understanding of the nature of the impact, will in this case suffice and I do not think we need to request any additional information."

This development has the potential to impact upon the setting of Listed Buildings at Staunton-in-the-Vale, Kilvington and Flawborough. In addition there is a Scheduled Ancient Monument between Kilvington and Staunton which is a medieval settlement and open field system.

There are a number of Grade II listed farms and former farms in this area. All have been assessed individually and it is considered that their orientation, position in a settlement and/or nature of the asset means that the proposed development is unlikely to have any meaningful impact upon their setting. The more landmark and higher status listed buildings command a wider setting and are more vulnerable to alteration within their setting. The Council's Conservation Officer has conducted a detailed assessment of the proposal by village below.

Staunton in the Vale

Staunton Hall is a Grade II listed country house dating back to the C16. This is an impressive building and forms a complex with the Grade II listed lodge, C17 former cottage and Grade II listed gate piers and urns. It also faces and has a close physical relationship with the Grade II* listed parish church (St Mary's) which dates back to the C14. The building is strongly orientated east to west, with the primary frontages enjoying a northern and southern aspect. The southern aspect may take in some of the development in its periphery, especially as both the Hall and church sit on higher land, which falls away to the west giving views towards the site. However, views of the development site from the grounds of the Hall are limited by small changes in topography as well as a tall garden wall and orchard to the west, which screens most of the site from the formal grounds. Possibly views may be afforded from upper windows. While there is a garden folly with a commanding view towards the application site this is actually a modern C20 structure.*

Staunton church also enjoys a relatively elevated position and does have views back down to the lakes. While the lakes are not specifically important to its setting, they contribute to the rural setting of this parish church. Keeping a sense of undeveloped greenery here will be important.

The proposed structures are very horizontal in their orientation so will not stand proud as new landmark structures. Effort has also been made to use green grass roofs and natural materials, like

the stone gabions of the watersports centre, which is the closest structure. It is considered that these designs, combined with the additional planting proposed, will largely screen these structures from view from both Staunton Hall and the church. Landscaping along the eastern boundary could be further increased, however, precise details of landscaping can be secured by way of a planning condition should planning permission be granted.

It is important that the new structures here avoid being highly reflective as this will draw attention to them despite their low scale. The watersports centre in particular has a large bank of glazing to the east, ie facing the Staunton Complex. This could be mitigated by low reflection glass which could be secured through a planning condition should planning permission be granted.

Overall it is considered that these new structures can be accommodated into this area without overly intensifying it and the overall effect will still be primarily rural and undeveloped, which is the positive contribution this land makes to the setting of the Staunton complex. The proposals will not create any new landmark structures and will be low lying and of natural materials. They will not compete with these structures in the landscape and can be accommodated in a landscape already dotted with modern structures.

Kilvington

Kilvington similarly has listed farmsteads but again their orientation and position relative to other structures means that their inter-visibility with the application site will be very limited.

Kilvington Church is a Victorian rebuild of an earlier church and is Grade II listed. It is surprisingly hard to spot, having a low tower and being set well back from the road. It is on higher land but the greenery around the graveyard again means that only highly reflective parts of the proposals are likely to be glimpsed from the church or its grounds. Given the mitigating factors listed above I do not think there will be any appreciable impact upon this heritage asset.

The Scheduled Ancient Monument at Kilvington is a former medieval settlement and part of an open field system, 400m south west of Staunton Hall. The SAM would retain its visual links to Kilvington and Staunton and as long as the proposed development remains predominantly horizontal and low impact in terms of use of natural materials etc, it is considered that the impact upon its setting will be quite limited.

Flawborough

This village is outside the district of Newark and Sherwood within the borough of Rushcliffe. No detailed comments have been provided by Rushcliffe Borough Council. However, this village contains a Grade II listed Victorian Church and a Grade II listed farmhouse, the setting of which could potentially be affected by the proposal. The farmhouse is separated from the proposal site by some distance, as well as being on the far side of the village, with intervening buildings and road. Therefore the likely impact is negligible. The church is similarly separated by distance and intervening buildings and again it is considered that the likely impact is negligible. According to Rushcliffe's website Flawborough is not a conservation area.

For the reasons given above, it is considered that the likely impact of this proposal upon the setting of heritage assets is likely to be limited and for the purposes of the NPPF amounts to 'less than substantial harm', which can be weighed against public benefits. Key to this will be low overall height, a good pallet of natural materials, the avoidance of large areas of reflective materials and increased green landscaping on the east of the application site all of which can be adequately controlled by conditions.

The proposal accords with policies CP14 and DM9 of the Development Plan and the NPPF, which is a material consideration.

Impact on Neighbouring Amenity

The application has attracted a significant amount of public interest and the impact of the proposal on the amenity of neighbouring residents, as well as residents in outlying villages, requires careful consideration.

Many residents have raised concerns that the surrounding villages are only small settlements and an influx of so many people of the scale planned will have a serious impact on how residents live. I do not consider that the application can be refused for this general reason relating to the sheer number of people close to the villages, particularly as the numbers of people will be dispersed over a large area. However, I do consider that the more specific impacts relating to the volume of people on the small villages require careful assessment.

With regards to noise and disturbance, the EHO has assessed this application but has raised no objection from a noise point of view stating:-

“No major concerns provided that the proposed water sports are non-powered vessels (other than the necessary safety craft).”

The applicant has confirmed that this is the case and I am satisfied that this can be controlled by way of a planning condition.

Turning now to loss of privacy; the distance between the nearest proposed building and the nearest existing residential properties is in excess of 40 metres. This is considered sufficient to not cause significant overlooking issues. Furthermore, the residential holiday units (both the lodges and within the inn) are screened from the site. The majority of existing residential buildings are separated from the site by the public highway. The Cottage is a non-associated residential building that immediately joins the site, with no intervening highway. However, the area of land that it is closest to is proposed to be used for grazing. This land was originally proposed to be used as a solar farm but the applicants amended this, I believe, following issues raised through pre-application community consultation.

Issues of lighting have been discussed in the visual impact section of this report. The applicant has stated that a sensitive wayfinding lighting scheme with low level down lighting will be implemented along the pathways to minimise impact on the surrounding area and resident wildlife. I consider that full details of such a scheme should be controlled by way of a condition should planning permission be granted. The EHO has not objected to the proposal on the grounds of lighting.

I do not see why litter should be a particular issue associated with the development and consider that this will be managed by the applicants as part of the day to day running of the site.

Loss of views is not a material planning consideration.

Some neighbours have commented that the nearby villages have no local services to support this development. Kilvington has a church but there does not appear to be other local facilities. If approved, the applicant and County Council will enter into a Section 278 agreement for the applicant to contribute towards improved public transport facilities within the area, which it is hoped would encourage those persons on holiday would utilise once at site. The County Council's

Partnership and Funding Officer has requested that a condition be attached to the grant of any planning permission stating that the works must take place prior to the site opening to guests and employees. Some new local services such as a café would also be provided on site.

The proposal therefore accords with policy DM5 of the development plan in this regard.

Landscaping and Ecology

The site was previously used to mine gypsum although the site has now been significantly restored. Kilvington Lakes is designated as a Local Wildlife Site (5/376), based on its botanical and ornithological interest; parts would also qualify separately due to the known presence of grizzled skipper. The site is therefore of at least county-level importance for its wildlife, and is now well-established as a prime birdwatching site in Nottinghamshire, supporting breeding, wintering and passage birds.

Natural England has raised no objection to the application. Both Nottinghamshire Wildlife Trust and the County Ecologist initially raised concerns with the application and sought amendments to the proposal. These amendments have now been received and both NWT and the County Ecologist are satisfied with the amendments, subject to conditions. These are discussed in further detail below.

Wildlife and Countryside Act

This application is in close proximity to Muston Meadows, Orston Plaster Pits, Grantham Canal and Allington Meadows Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified. Natural England has advised the LPA that this SSSI does not represent a constraint in determining this application and due to the distance of the application site from the SSSIs Natural England consider it unlikely the SSSIs will be impacted. I agree with this assessment.

Green Infrastructure

Natural England has commented that green infrastructure forms a strong focus of this scheme which aims to deliver biodiversity gains, landscape enhancement, recreation and sustainability benefits. Again I concur with this assessment.

Habitats

In the Trent and Belvoir Vales National Character Area (NCA) measures to enhance the woodland and hedgerow network through the planting of small woodlands, tree belts, hedgerow trees and new hedgerows are considered particularly beneficial to landscape character, habitat connectivity and a range of ecosystem services, including the regulation of soil erosion, water quality and flow.

Hedgerows – Further details with regards to the length of hedgerow to be lost and the length and location of replacement planting were initially requested by NWT. This has now been clarified and is considered acceptable.

Grassland – Further details on the grassland habitats, were initially requested by both NWT and the County Ecologist including details of the area of grassland to be directly affected by the built development (i.e. the footprint of the lodges and new paths, picnic areas etc.), the area which would be lost to ‘screening planting’, the area to be seeded as ‘amenity grass’ and the area retained and enhanced through seeding. Concerns were initially raised by NWT there were

relatively few areas of grassland within the masterplan which would be free from disturbance. The applicants have amended the proposals in response to this and parts of the site, including the area of existing grassland and woodland to the west of Lake 1 is to be left undisturbed. This is now considered to be acceptable.

Woodland - The plantation woodland areas on site, in particular the semi-mature area to the north, provide a diversity of habitat. These areas are proposed to be retained and enhanced as part of the development.

Open water - There are three main lakes on the site, identified as being Local BAP habitats and Habitats of Principal Importance (NERC Act 2006) and are considered to be of county importance. The lakes also form part of the LWS designation.

Lake 1 – It is noted that it is proposed to develop the lake margins through re-profiling and planting, to incorporate new islands and tern rafts and to further detail the proposed enhancements. Concerns were initially raised by NWT that the proposed lodges to the north and north east of Lake 1 would be in close proximity to the water's edge and also encroach onto the spit which protrudes into the lake. This is a potentially important feature for birds and NWT requested a larger buffer area implemented to the lodges. NWT also suggested that access to the area protruding into the west side of the lake could be restricted if the proposed path and camping pods were removed and that this would provide an undisturbed area of lakeside habitat. The revised scheme has now removed the development initially proposed to the west side of Lake 1, in line with these comments.

Lake 2 – Further details were initially requested by NWT regarding the use of this lake for watersports, including confirmation as to whether a motorised safety boat would be in operation and how the applicant proposes to ensure that breeding birds are not disturbed. This was clarified and is considered acceptable.

Lake 3 – This lake is proposed to be used for swimming from a beach at the southern end. Further details were requested by NWT of proposed measures to protect breeding birds. This was clarified and is considered acceptable.

Fauna

Badgers – No evidence of badger activity on site has been recorded during any of the survey work. However, as previous records of badger setts are known in proximity to the site, it is recommended that an updated ecological walkover survey is carried out prior to any development commencing. This requirement could be conditioned, should the application be approved.

Great crested newts – Habitat Suitability Index (HIS) assessments were carried out on all suitable waterbodies during 2013, with further detailed surveys of 4 ponds considered possibly containing suitable aquatic habitat for GCNs. NWT are satisfied with the survey methodology and note that no GCN were found, although smooth newt and toad were recorded. NWT consider that GCN do not pose a constraint to the development.

Bats – NWT is generally satisfied with the surveys submitted regarding bats, including methodology, building assessments, transect survey and static monitoring. Evidence of a minimum of eight species of bat using the site for foraging was recorded, however no evidence of bat roosts were discovered.

NWT initially raised concerns that it was not entirely clear whether the trees identified as TN1 and TN3 in the submitted report are to be affected by the development. NWT recommended that if they are impacted, then further emergence and re-entry survey work will be required during the active season for bats. The applicant has confirmed that one of these trees has already blown down and that the other one is dead. A visual inspection has been carried out on this tree and there are no signs of bats.

The use of low level lighting is supported from an ecology point of view. Low level directional lighting should avoid vegetated areas and wildlife corridors such as hedgerows to minimise impact on nocturnal species, including bats. Precise details of lighting can be dealt with by way of a planning condition should permission be granted.

An updated survey of the Glebe Farm buildings confirms no or negligible bat roosting opportunities. NWT is satisfied that further survey work is not required at this time. Should works not commence within 12 months, NWT recommend an updated survey prior to any demolition works. This can be dealt with by way of a planning condition. Demolition of the buildings will be constrained by the bird breeding season – works should not be carried out between 1st March and 31st August unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist and written evidence of this search has been provided to the LPA. Again, this could be dealt with by way of a planning condition.

Installation of bat boxes is proposed for woodland areas on reaching maturity. NWT initially recommended that there is an opportunity to make more immediate biodiversity enhancements through the incorporation of bat boxes/bricks/tubes into the design of the new buildings. This can be controlled by way of a planning condition.

Breeding birds - A total of 73 species of bird were recorded during the breeding bird surveys in 2013, with 41 species either protected, appearing on the RSPB BoCC as declining (red or amber lists), or identified as priority species for nature conservation under S41 of the NERC Act 2006. The site is considered to support a notable assemblage of birds during the breeding season, further supported by the results of the desktop study. Overall, the report notes that the site would qualify for avian SINC (now known as LWS) status on a number of criteria. The majority of habitats on site were considered to provide potential nesting and foraging opportunity for birds, in particular the grassland, lakes, hedgerows and scrub.

The submitted bird reports consider the potential impact of the development on breeding birds and proposes some mitigation in Sections 5.12-5.24. The report highlights the vulnerability of waders and wildfowl to disturbance impacts, both during construction and also operation of the development. NWT initially raised concerns that the current proposals do not go far enough in minimising disturbance through localising the siting of lodges, restricting access to parts of the site and retaining areas which will be free from recreational disturbance at all times. NWT initially suggested that further consideration be given to the proposed site layout, with potential revisions including, for example, further access restrictions and a decrease in the number of lodges around Lake 1, increased areas of undisturbed grassland and further creation and/or enhancement of Local BAP Priority Habitats such as wet grassland, calcareous grassland and neutral grassland. As stated previously, all proposed development (including camping pods and footpaths) to the west of Lake 1 has been removed from the proposals, leaving an area of undisturbed grassland and woodland. Additional planting is proposed between the lodges and the lake to minimise disturbance.

Two areas are proposed on the Masterplan for Little ringed plover and the Breeding Bird Report confirms that the area to the south of Lake 3 is considered perfectly suitable for this species. NWT initially raised concerns that the proposal for recreational activity in these areas would likely lead to disturbance of a Schedule 1 protected species and sought further comment on how this would be avoided. A clarification was sought and NWT are now happy with the proposed amendments.

Wintering birds - Four wintering bird surveys were carried out in 2013/14 to standard methodology, with 68 species recorded. 39 of these species are either protected, appear on the RSPB BoCC as declining (red or amber lists), or are identified as priority species for nature conservation under S41 of the NERC Act 2006. The report considers that, in combination with the desktop study data, the evidence shows that the site supports a wide range of wading bird and waterfowl species, some of which are classified as uncommon to rare as wintering species within Nottinghamshire. As for breeding birds, the report notes that the site would qualify for avian SINC (now known as LWS) status on a number of criteria based on wintering birds.

Some impact assessment of 11 species of birds considered potentially vulnerable is given in Table 7 of the submitted report and NWT generally concur that, subject to implementation of the proposed mitigation, residual impacts could be minimised. However, NWT initially raised concerns that the impact on skylark was not able to be mitigated. NWT requested further clarity on this matter and that the proposed mitigation for lapwing should also include increased areas of open, undisturbed grassland around the lake edges. A further 27 species were also considered possibly vulnerable to impacts associated with the site proposals and further information was requested, including an impact assessment of these species. Further clarification was submitted as well as amendments to remove the development from the east of Lake 1, as previously described.

Reptiles - Reptile survey work was carried out during 2013, with no evidence of reptiles discovered. The surveys did not encompass peak survey months of April and May, however the final survey was in the peak survey month of September and from the map provided, coverage of the key potential areas of the site appears to be fairly comprehensive. It is considered that impact on reptiles is considered unlikely, particularly given that the majority of potential habitat areas are to be retained.

Grizzled skipper - This butterfly is one of the key species for which the site is designated, being a Local BAP Priority Species for Nottinghamshire and a NERC Act 2006 Species of Principal Importance. It is encouraged that habitat creation and enhancements are proposed along the length of the disused railway line through the site. The County Ecologist initially raised concerns that the proposed trackway over the dis-used railway line was very wide, suggesting the removal of the majority of the semi-improved grassland on the trackbed. The revised masterplan now shows this to be much narrower in satisfaction of these concerns.

Riparian mammals - Suitable habitats for otter and water vole are identified as being restricted largely to the north of the site, in close proximity to the River Devon. Following further investigation works, no otters were found in this area, although some otter mess was found. As a precaution the position of a boardwalk in this area has been amended so that it is further away from potential otter habitat.

Timing of works

Both NWT and the County Ecologist have stated that disturbance is likely to occur at the site during the construction period but that impacts could potentially be reduced by undertaking

construction works at certain times of the year. The applicants have agreed to a condition requiring a phasing plan to be agreed prior to development commencing.

Biodiversity Management Plan

A Biodiversity Management Plan will be required to guide the ongoing management of retained and created habitats. This can be controlled by way of a planning condition.

Importation of subsoil

Reference is made in the Landscape Masterplan Document to the importation of subsoils onto areas where grass establishment has been slow. The use of subsoil is acceptable, provided that it could be ensured that such subsoils were sufficiently low nutrient and of an appropriate pH. To encourage the development of species-rich grassland, the status of available phosphorous in the soils will be critical, and phosphorous in the subsoils must be 'Low' (Index 0 or 1, <16mg/l); this would need to be controlled through a condition.

Summary

Standing advice has been applied to the proposals and the impacts are found to be acceptable. There are considered to be no significant adverse impacts that would warrant a reason for refusal and indeed the proposal offers some ecological enhancements to the site overall. To summarise, the initial concerns of all ecology consultees have been adequately addressed and neither Natural England, Nottinghamshire Wildlife Trust nor the County Ecologist have raised objections to any of the amended proposals subject to the attachment of planning conditions which are detailed in full in the recommendation sheet at the end of this report. I therefore conclude that the proposal accords with policies CP12 and DM7 of the Development Plan in this regard.

Highway Issues

Local Parish Meetings, a number of neighbouring residents as well as third party groups have raised concerns regarding highway safety (these are summarised earlier in the report). Both Highways England and NCC Highway Authority have been consulted on the proposal but have raised no objection, subject to conditions.

The Highway Authority is satisfied with the parking provision figures meaning that there should be no need for vehicles associated with the development to park outside of the site. 51 parking spaces are provided for the lodges and are located outside of each lodge. This is almost 1 space per 2 bedrooms. 47 parking spaces plus 10 overflow spaces have been provided for the inn building and associated development. This is 1 space per bedroom plus an additional 22 spaces to serve any conferences, the café and staff as well as 10 overflow spaces. Parking to serve the inn is located almost immediately to the south-west of the inn building. 35 car parking spaces are proposed to serve the watersports building as well as 4 mini bus parking spaces and 5 staff parking spaces. Parking to serve the watersports building is located almost immediately to the east of the watersports centre.

The visibility splays proposed are in accordance with agreed standards. In order to achieve the required visibility splays small areas of boundary hedgerow are proposed to be removed with re-planting proposed to the rear of the visibility splays. This is assessed earlier in this report as part of the landscape and ecology issues but is considered to be acceptable.

The Highway Authority is satisfied with the traffic generation figures presented. This is mainly because there is likely to be little effect on peak hour flows. Therefore, congestion and capacity issues are not a concern. The company do not operate set "change-over days" for guests arriving and departing and therefore traffic should be spread more evenly throughout the week. Watersports activities at the lake are spread throughout the day and therefore any traffic from day visitors should also be spread throughout the day.

The Highway Authority has recommended that a traffic calming "gateway" scheme on the C3 be secured by way of a planning condition and that no part of the development be brought into use until such a scheme has been implemented. Other conditions recommended by the Highway Authority are included in the recommendation sheet below.

A Travel Plan has also been submitted in support of the planning application. This includes measures such as alternative transport methods being promoted to guests such as walking, cycling and the use of public transport, the operation of site mini buses as well as car sharing facilities for staff.

A neighbouring parish council has asked for a condition to be attached to the grant of any planning permission that access routes not to be published to go through their village. However, the Highway Authority has not requested this be done for highway safety reasons. If approved traffic associated with the development would be able to use any of the nearby public highways.

For the reasons stated above, it is considered that the proposal will not have a significant detrimental impact on highway safety and that the proposal accords with the aims and objectives of Policies SP7, CP6, CP7, CP9 and DM5 of the Development Plan in this regard.

Rights of Way

The applicant is proposing to divert a public right of way, Kilvington Footpath 3. At present this runs along the south-east boundary of the site and around the Glebe Farm buildings. It is proposed to divert this footpath so that it runs from Alverton FP3 in a generally northern direction to link into an existing footpath to the north.

A short section of Kilvington Footpath 5, near Lake 3, has also been included in the diversion order so that the Definitive Map and the path walked on the ground coincide. No alterations will take place on site but the incorrect Definitive Map will be corrected.

The applicant has submitted a formal diversion order made under the Town and Country Planning Act which has been assessed by the Council's Solicitors. This will require signing prior to any development commencing on site. The applicant is aware of this and the Council's Solicitor has requested that this be included as an informative on any grant of planning permission. No development will be able to be carried out on site until the works required by the order have been completed in full.

Neither the NCC Rights of Way Officer (NCC ROW) nor the Ramblers Association have objected to these proposals. NCC ROW has stated that:-

"the new route should be a minimum of 2 metres wide. All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only. The footpaths at the moment have a natural surface which is sufficient for the current level of use, but if it is considered that use will increase substantially I would not object to a natural stone surface being laid on relevant parts of the public paths."

These details are included in the order.

Flood Risk and Drainage

When the application was originally submitted, the most up to date Environment Agency flood maps showed the southern part of the site to be located within flood zone 1 with parts of the north of the site being located in flood zones 2 and 3. However, the Environment Agency raised concerns that in this area, they did not hold modelled flood levels, 20 year (functional) or 100 year outlines to help inform the application. Therefore, for the proposal to be made safe and to be set at an appropriate level, the applicant was required to undertake further hydraulic investigation / modelling to ascertain the likely areas of inundation or to set the water sports centre on a high spot to help safeguard its future use, whilst allowing access for waterside activities.

The applicant carried out the further modelling works requested. To the north of the site, this now only shows the lake itself as being located in flood zone 3 with the majority of the watersports centre being located within flood zone 1, with the front part (closest to the lake) being located in flood zone 2.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test.' It is considered that the proposal meets the Sequential Test. As explained earlier in the report, the nature of the development is a tourist facility centred around watersports. By its nature, this has to be located around lakes. Due to their nature, lakes are located within flood zones. With regards to the buildings themselves, the majority of these are located within flood zone 1. All of the buildings that contain sleeping accommodation are located within flood zone 1. It is only the watersports centre that is partially located outside of flood zone 1, the front part of the watersports building, closest to the lake is located within flood zone 2.

The applicant has explained that the building has to be on the shores of the lake to fulfil its role as a watersports hub. Water-based recreation is classed as 'water-compatible development' in flood vulnerability terms. Taking these factors into account I therefore conclude that there are no other suitable sites within the district within flood zone 1 that would be suitable for this type of development and the proposal passes the Exception Test as required by the NPPF.

NCC as Lead Flood Risk Authority have provided representations (late in the application process) setting out that further work needs to be undertaken in order to ensure the site is safe and that third parties do not suffer as a result of the development. It has been agreed that the details are such that they can be subject to conditions and are not critical to the decision itself. The requirements for additional flood risk and surface water management are shown in condition 9.

In light of the further evidence, the Environment Agency has removed their previous objection to the proposals, subject to the inclusion of planning conditions regarding no raising of ground levels in flood zones 2 and 3, details of a surface water disposal system, an emergency plan during a flood event and finished floor levels. These conditions are shown in the recommendation section as condition 22. Subject to these being imposed the proposal would accord with policies CP9 and DM5 of the Development Plan and the NPPF which is a material consideration.

Archaeology

As stated in the heritage section of this report earlier, there is a Scheduled Ancient Monument in close proximity to the site. The County Council Archaeology team has been consulted on the

application with regards to the likelihood of physical archaeological remains extending beyond this point and into the application site, however, no formal comments have been received.

As a precaution, given the close proximity of the SAM, I recommend that a condition be added to the grant of any planning permission ensuring that a methodology for architectural works be agreed with the LPA prior to development commencing on site.

Economic and other benefits

The proposed development will bring a number of economic benefits to the surrounding area both during the construction phase and once operational.

The applicant's supporting statement sets out that during the construction phase contractors and sub-contractors will be drawn from Newark and Sherwood wherever possible and Nottinghamshire as required. Approximately 225 people will be involved in the development phase of this project.

Once operational, it is anticipated that the development will employ 15 full time members of staff. The applicants have stated that they will seek to employ locally, which would bring some localised benefits.

The development would also provide wider economic benefits locally. The Country Land and Business Association (CLA) support this application and provide the following figures;-

"Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire."

The development also offers education benefits. The applicant states that Natural Retreats and the owners would be able to offer the site as an amenity for school trips, research programmes and as an educational base for wildlife enthusiasts.

The applicant also believes that the development will improve community facilities, although I do note that there has been both local opposition and support to the proposal.

Residents in the local community will be granted access to key facilities within the proposed scheme. In addition to the use of the public footpaths around the site, the local community will be afforded access to the network of private cycle trails and footpaths along with the family areas to be created as part of the proposal. They will also have access to the gymnasium and swimming pool as well as the café and food and beverage offerings on site. These will be managed by way of a membership card system. The local communities will also be able to utilise the meeting and conference spaces proposed at reduced rates in addition to usage of the watersports facilities on the same basis.

There are to be two new bird hides as part of the proposal which will be operated in conjunction with local birdwatchers clubs.

Pipeline

The Government Pipelines and Storage System (GPSS) have confirmed that one of their pipelines used to run through the site but has now been diverted. The majority of the pipeline is now located outside of the site with a small part being located towards the north-west corner of the site. No built development is proposed in close proximity to this pipeline and, following consultation with the GPSS), the applicant has confirmed that there will be no tree planting which will impact on the pipeline or restrict access to it. The GPSS has no objection to this.

Operations

Local residents have raised concerns that the site may not operate as a holiday use but that the lodges may be used as primary residences. This is an important issue. As explained earlier in this report, planning policies allow for some tourist development in the open countryside. However, planning policies for new residential development in the open countryside are much stricter.

Planning conditions can be used to restrict the use of the new buildings to holiday accommodation only. This was discussed with the applicants who have agreed to conditions stating that the properties can only be occupied for holiday use only, that a register of occupiers is maintained which shall be made available to the LPA for inspection at any time and that the units cannot be the primary residence of any of the occupants. This means that no person can reside at the site for half of the year or more.

The applicant is reluctant to restrict the time period that a single guest can reside at the site for to less than 6 months. The applicant states that there are a number of reasons for this but overall any further restriction will impede the commercial viability of the proposed development and restrict the economic benefits this proposal will generate.

They state that Natural Retreats regularly have guests staying with them for extended periods of holiday ranging from a few weeks to a few months. This can be due to the amount of vacation time they have at their disposal or for reasons such as house move or renovations in their primary residences. They state that promoting holidays in settings such as Kilvington will allow Natural Retreats to promote the wider area and encourage guests to visit the region. Due to the large number of attractions in the area this can lead to extended stays for guests wanting to experience all of these features.

They state that a restriction in the duration a guest can stay on holiday sits directly against the underlying rationale for the creation of a high quality leisure destination and will also directly reduce the potential economic benefits the proposal is set to generate. This will be felt by all levels of the supply chain the proposal intends to utilize including being able to offer full time employment rather than just seasonal jobs.

I am satisfied that the conditions imposed will only allow units on the site to be used for holiday and short term uses and not for primary residences. I am satisfied that the condition requiring the applicants to maintain a register of occupiers which shall be made available to the LPA for inspection at any time means that the holiday use is easy to monitor and enforce against if needs be.

Other Issues

The site location plan shows some areas of land highlighted in blue. This land is not within the district of Newark and Sherwood but is in the borough of Rushcliffe. Amended plans have been

submitted to show that no physical development is proposed to take place in the land edged in blue which would fall under the jurisdiction of Rushcliffe Borough Council (RBC). RBC has been consulted on the application but has not sent a formal consultation response.

Nottinghamshire County Council has advised that the disused railway line that bisects the site was mined and restored under planning permission ref. 3/05/02812/CMM which was determined by NCC. This planning permission is subject to a Section 106 legal agreement securing the long term management of the re-created habitat for the Grizzled Skipper Butterfly for a period of 10 years following completion. The requirements of the Section 106 agreement remain until 2022. The applicants have been made aware of this and state that they will talk to NCC if planning permission is approved. NCC has not objected to the application and I do not consider that this warrants a reason for refusal as the grant of planning permission does not override any legal requirements at the site.

The majority of neighbour comments have been addressed throughout this report. Concerns have been raised regarding the economic viability of the project. The applicant was made aware of these comments and replied that they would not be investing in the site if they did not consider the proposal to be viable. There is no policy obligation for the developer to submit any viability figures. Concerns have also been raised regarding pollution. Whilst the proposal may emit some pollution, some sustainable measures are also incorporated such as grass roofs. A condition has also been requested by the EA and LFRA for the applicant to investigate the use of Sustainable Drainage Systems (SuDS) at the site.

Balancing Exercise and Conclusion

I consider that the principle of this type of development, of this scale and in this location is acceptable in terms of the policy context. The visual and landscape impacts are considered to be acceptable. The very limited harm to heritage assets has been assessed as being *less than substantial* and is able to be weighed in the balance with public benefits. I do not consider there would be any significant adverse impacts to residential amenity, ecology, highway or flood risk that cannot be resolved by way of condition.

It is noted that four local Parish Meetings/Councils and local residents alike have raised objections and concerns to the scheme. I also note that the applicant has sought to resolve some of these before submission and during the application process. Having assessed carefully the concerns raised, those concerns that are material planning considerations are not substantiated by any of the professional consultees and would not warrant reasons for refusal in my view.

The proposed development will bring a number of economic benefits to the surrounding area both during the construction phase and once operational including 225 people at construction phase and 15 posts once operational, bringing localised benefits. I give weight to the comments made by the Country Land and Business Association (CLA) who sum the benefits up succinctly:

“Tourism contributes around £1.55 billion per annum to the economy of Nottinghamshire; 206 million of which is contributed in the Newark and Sherwood District. The scheme will have a positive impact on biodiversity at the site as well as providing facilities for tourists and local residents. The development will create new employment opportunities. Working with other local businesses to supply local produce will give a guaranteed market estimated to be worth £107,220 per annum to local food suppliers. It is additionally calculated that other services sourced from businesses within the district including log suppliers, cleaning contractors, linen services and

additional third party activity providers together with the fifteen new employment posts will be worth in total £975,000 per annum to the local economy of Nottinghamshire.”

I find these summarised benefits, together with increased educational benefits, the introduction of new, modestly scaled community benefits (such as café, access to watersport facilities, recreational lake etc) persuasive and that any limited harm the development may bring about would be outweighed by the wider public benefits. Overall I consider that the proposal complies with relevant planning policy and is acceptable.

RECOMMENDATION

That planning permission is granted subject to the following conditions:

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;-

Amended site location plan 6397-L-03 Rev C

Amended Masterplan 6397-L-01 Rev V

Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-004 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans

Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-007 entitled 6 Bed Residence Proposed Plans

Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans

Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans

Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans

Drawing no. S2014002-012 entitled Changing Facilities Proposed Plans

Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans, **received 20/08/2015**

Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans

Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations

Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan

Photographs received 17.02.2015 showing existing buildings to be demolished

Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans

Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations

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 a Phasing Plan has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

04

No trees, shrubs or hedges within the site which are shown as being retained on the approved masterplan 6397-L-01 Rev S 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 nature conservation.

05

No development shall be commenced on any phase, pursuant to condition 3, until the trees and hedges shown to be retained in the approved masterplan 6397-L-01 Rev S 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 the outer extremity of the root protection area 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 crown spread 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 crown spread 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 existing hedge along the eastern boundary shown to be retained on drawing no. 6397-L-01 Rev S shall be retained at a minimum height of **3 metres** for the lifetime of the development unless otherwise agreed in writing by the local planning authority. Any trees or shrubs which die, are removed or are seriously damaged or diseased shall be replaced by trees or shrubs of a similar size and species to those replaced, or otherwise first approved in writing by the local planning authority.

Reason: In the interests of visual amenity.

07

Notwithstanding the provisions of Condition 6 above, the additional hedgerow planting to the eastern boundary, as shown on plan 6397-L-01 Rev S shall be retained at a minimum height of **3 metres** for the lifetime of the development. Any trees/shrubs within the hedgerow which, at any time, are removed or become seriously damaged or diseased shall be replaced in the current or next (whichever is the sooner) planting season (1st November to 31st March) with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and landscape character to ensure that appropriate screening is maintained.

08

No development shall be commenced in any phase, pursuant to condition 3, until details of the existing and proposed ground levels and finished floor levels of the site and approved buildings respectively have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

09

No development shall be commenced until the following drainage details have been submitted to and approved in writing by the LPA. Thereafter development must be carried out in accordance with the approved details;-

1. Detailed site levels designs for the site. This information should be accompanied by a contour plan and a flood routing plan. If possible, the site should be designed to retain all surface water flows within the site and route these to an attenuation pond.
2. Detailed drainage layout including building drainage. This is to include a fully referenced network plan with supporting calculations and documentary evidence of infiltration coefficients if used. The performance specification should follow the guidance within Sewers for Adoption 7th edition in terms of the criteria for pipe-full flows, surcharge and flooding.
3. All infiltration areas with supporting specification, calculations and construction details.

4. Attenuation pond / tank details including volumetric calculations, geotechnical and slope stability calculations as appropriate, specification of materials used to construct any berms.

5. Full specification and general arrangement drawings for inlet / outlet structures and flow control structures. The details should also include the access arrangements for clearing and maintenance including in times of flood / failure of the infrastructure.

Reason: To ensure satisfactory drainage at the site and reduce the risk of flooding.

10

Prior to the new Inn building hereby approved being first brought into use, all existing buildings at Glebe Farm shown on drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan and in the photographs received 17.02.2015 shall be demolished and removed from the site.

Reason: In the interests of visual and residential amenity.

11

No development shall be commenced in any phase, pursuant to condition 3, until details of any external **and internal** lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and in the interests of nature conservation.

12

No part of the proposed watersports building shall be commenced until precise details of low reflection glazing to be used on the watersports building have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

13

There shall be no motorised water sports vessels operating at the site other than one safety craft.

Reason: In the interests of residential amenity.

14

No development shall be commenced in any phase, pursuant to condition 3, until a full schedule of external facing materials for all buildings on site (samples shall be submitted upon request) 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.

Reason: In the interests of visual amenity.

15

No development shall be commenced until a Biodiversity Management Plan to guide the ongoing management of retained and created habitats at the site has been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

16

No development shall be commenced until details of any imported subsoil to the site have been submitted to and approved in writing by the local planning authority. This shall include precise areas where subsoil will be used as well as precise details of subsoil character. Subsoil specifications should be as follows: a pH of less than 6.5; a soil phosphorous concentration of below 25ppm (index 2 or below), and ideally below 15ppm (index 1 or below).

Reason: In the interests of maintaining and enhancing biodiversity.

17

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

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.

18

No development shall be commenced until a written methodology for archaeological works at the site has been submitted to and agreed in writing by the local planning authority. Thereafter works shall be carried out in accordance with the approved details.

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

19

Notwithstanding the provisions of Part C, Class C3 "Dwelling Houses" of the Schedule of the Town

and Country Planning (Use Classes) Order 2005, (or any order revoking or re-enacting that Order), the premises shall be used for the purpose of holiday accommodation only and for no other purpose, including any other purpose within Class C3 of the Order.

Reason: The development is located within the countryside where new residential development would not normally be permitted.

20

The site operator shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the local planning authority, at any time, and a copy of the register shall be supplied to the local planning authority at the end of each calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

21

The properties hereby permitted for use as holiday accommodation shall not be occupied by the same person or persons for a total period exceeding **6 weeks** in any calendar year.

Reason: To ensure that the accommodation is not occupied for residential purposes in a location where new residential development would not normally be permitted.

22

The development hereby permitted shall not be commenced until such time as a design scheme to address the flood risk matters listed below has been submitted to, and approved in writing by, the local planning authority.

1. Ensure no raising of ground levels in areas of Flood Zones 2 and 3.
2. Provide design details of an appropriate surface water disposal system, based on SuDS techniques.
3. Provide an appropriate access and egress emergency plan to ensure that all users of the facility can be safe during a flood event.
4. Ensure finished floor levels are set no lower than 17.50m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, 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.

Reasons:

1. To prevent any increase in flood risk by the prevention of loss of floodplain storage or blockage of flood flow routes.
2. To prevent flooding by ensuring the satisfactory disposal of surface water from the site.
3. To ensure the safety of all users of the facilities.
4. To reduce the risk of flooding to the proposed development and future users.

23

No development shall be commenced until details of how clean and foul water will be separated with details of how foul water will be treated if the effluent cannot go to a local Severn Trent Water via sewer. The approved details shall be implemented in full.

Reason: To ensure satisfactory drainage at the site.

24

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the LPA. 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.

25

The development hereby permitted shall not be open to guests or employees until a scheme for improvements to local bus stops has been submitted to and approved in writing by the local planning authority and thereafter implemented in full.

Reason: To promote sustainable travel.

26

Notwithstanding the approved plans, no development shall be commenced until full details of both hard and soft landscape works 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 nature conservation value of the site, including the use of locally native plant species.

an implementation and phasing programme.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

car parking layouts and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials;

minor artefacts and structures for example, furniture, play equipment, artwork, refuse or other storage units, signs, etc.)

Reason: In the interests of visual amenity and biodiversity.

27

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. 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.

28

No part of the development in any phase, pursuant to condition 3, shall be brought into use until all vehicular accesses from the public highway are surfaced in a hard bound material (not loose gravel) for a minimum of 10 metres behind the Highway boundary. The surfaced accesses shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

29

No part of the development in any phase, pursuant to condition 3, shall be commenced until details of the vehicular accesses have been submitted to and approved in writing by the LPA, showing widths, radii and construction detail and thereafter constructed in accordance with the approved details prior to the development being brought into use.

Reason: In the interests of highway safety.

30

No part of the development in any phase, pursuant to condition 3, shall be brought into use until visibility splays of 2.4m x 160m are provided in both directions at both vehicular accesses, with the exception of the splay to the south west of the northern access which can be 2.4m x 120m, in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

31

No part of the development hereby permitted shall be brought into use until the parking areas for each respective phase have been provided in accordance with the approved masterplan 6397-L-01 Rev S.

Reason: In order to reduce the possibility of the proposed development leading to on-street parking in the area to the detriment of other road users and highway safety.

32

No development shall be commenced until details of the measures to control access from the footpath onto the nearby shoreline and lake (particularly in relation to dogs) along the southern shore of Lake 1 have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details prior to the development being brought into use.

Reason: In the interests of maintaining and enhancing biodiversity.

33

No part of the development hereby permitted shall be brought into use until a 'gateway' traffic calming scheme, **to include village signs and appropriate road markings**, on the C3 has been implemented in accordance with a scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority.

Reason: In the interests of highway safety.

34

No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period unless otherwise agreed in writing by the local planning authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. measures to prevent the deposit of debris upon the adjacent public highway.

Reason: In the interests of residential amenity.

35

No construction work, including site clearance and delivery of materials, shall be carried out except between the hours of 7.30 -18.00 Monday to Friday and 08.30 - 13.00 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

36

The water sports centre shall not be open to guests or members of the public outside of the following hours;-

07:00 – **21:00** Monday – Sunday

Reason: To minimise light pollution in the interests of visual amenity **and in the interests of residential amenity.**

37

No development shall be commenced until precise details of new bat and bird boxes have been submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details prior to the site being occupied.

Reason: In the interests of maintaining and enhancing biodiversity.

38

No development shall be commenced until an updated badger ecological walkover survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the local planning authority. Thereafter development shall be commenced in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

39

No development comprising the demolition of the existing farm buildings at Glebe Farm shall be commenced until an updated bat survey, including mitigation measures where necessary, has been submitted to and agreed in writing by the local planning authority. Thereafter development shall be commenced in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity.

40

No demolition of the buildings or works to hedgerows shall be carried out during the bird breeding season (1st March to 31st August) unless a thorough check for breeding birds has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any demolition of buildings or works to hedgerows being carried out. If nests are found no demolition of building works or works to hedgerows shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

41

This permission relates to development on the site shown edged in red on the approved site location plan only.

Reason: To define the permission, for the avoidance of doubt.

42

No part of the development hereby approved shall be commenced unless and until a Construction Traffic Routeing Strategy has been submitted to and approved in writing by the LPA. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

43

No part of the development hereby permitted shall commence until improvements to the signage on the C3 at the Kilvington double bends have been implemented in accordance with a

scheme to be first submitted to and approved in writing by the LPA in liaison with the Highway Authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

44

No part of the development hereby approved shall be commenced until the precise location of the crossing point of the internal track shown on drawing no. 6397-L-01 Rev V and the disused railway line have been submitted to and agreed in writing by the LPA. Thereafter development shall be carried out in accordance with the approved details.

Reason: In the interests of ecology.

45

No part of the development hereby approved shall be open to overnight guests until the internal access track connecting the inn building and lodges shown on drawing no. 6397-L-01 Rev V has been constructed in accordance with the approved plans and is available for use.

Reason: In the interests of highway safety.

46

No part of the development hereby approved shall be commenced until precise details of a car parking area and footpath link at the end of the internal access track connecting the lodges and inn building to the watersports centre shown on drawing no. 6397-L-01 Rev V has been submitted to and agreed in writing by the LPA. The proposed parking area shall contain no less than 6 car parking spaces. Thereafter development of the car parking area and footpath link shall be carried out in accordance with the approved plans prior to the site being open to overnight guests.

Reason: In the interests of highway safety.

Informatives

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/

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

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).

03

With regards to condition 26 (landscaping), please note the following advice:-

- In the Woodland Mix W1 – General Mix; Core Mix and Woodland Mix W2 – Damp Soils/Lakeside; Core Mix, one of the species listed is beech (*Fagus sylvatica*), which is not native to this area; This should be removed
- In the Woodland Mix W1 – General Mix, Edge Mix, it is requested that hawthorn (*Crataegus monogyna*) is increased to 35%, hazel (*Corylus avellana*) reduced to 20%, and wild cherry (*Prunus avium*) reduced to 5%, to give a more naturalistic composition.
- In the Woodland Mix W2 – Damp Soils/Lakeside; Core Mix, it is requested that some of the larger growing species (namely alder, *Alnus glutinosa* and oak, *Quercus robur*) are avoided in lakeside locations.
- In the Woodland Mix W2 – Damp Soils/Lakeside; Edge Mix, it is requested that hawthorn (*Crataegus monogyna*) is used instead of wild cherry (*Prunus avium*).
- Depending on existing soil type, it may be possible to further enhance the meadow mixes proposed to increase the variety of habitat around the site.
- The shrub planting on the western bank of Lake 1 should be removed.

04

Prior to quarrying at the site, the Internal Drainage Board maintained a watercourse through the site. Whilst the watercourse is no longer in place, flows from Alverton still enter the site and discharge into the lakes. The applicant is advised that this drainage route must be protected and flows on the watercourse must be maintained in perpetuity.

05

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 you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

06

In order to implement this permission, some public footpaths requiring diverting. The applicant is aware that the works set out in the Public Footpath Diversion Order require implementing prior to any other development commencing on site.

07

With regards to condition 9 (drainage details), all calculations should be provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word / excel / autocad etc. All documents should be referenced with a unique identifier – drawing number, document number / revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

08

With regards to conditions 25 and 33, these will be secured with the Highway Authority through a Section 278 Legal Agreement.

09

With regards to condition 27, stock-proof fencing may be a solution.

10

All the public footpaths on site should be clearly signed so the public can distinguish them from the other paths intended for visitors only.

BACKGROUND PAPERS

Application case file.

For further information, please contact Claire Turton on 01636 655893

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

K Cole
Deputy Chief Executive

Appendix A Late items for Planning Committee 07/07/15 - 14/02023/FULM

6	Neighbour	29.06.2015	Views on proposal following amended plans remain the same as previously.	Noted
6	Flawborough Parish Meeting	29.06.2015	Refer to previous objection comments.	Noted
6	Agent	29.06.2015	Sent aerial photos of site in 1999 when site was being mined as well as one in 2011 when the site had been restored.	Noted
6	Access Officer	29.06.2015	Refer to previous comments	Noted
6	Notts Wildlife Trust	29.06.2015	No further comments on amended plans	Noted
6	Highways England	30.06.2015	No objection	Noted
6	Neighbour	01.07.2015	Views on proposal following amended plans remain the same as previously.	Noted
6	Chair, AKPM	02.07.2015	<p>Comments regarding draft Footpath Diversion order.</p> <p>"I have received comment that the stretch of existing public footpath shown in green in the attached map (See Appendix B below) is in fact significantly used. There has been no objection to the removal of the existing legal path which runs on the west side of the C3, but this stretch runs on the west side of the railway line and provides an access out on to the road. People who wish to rejoin the C3 in that area and walk to Alverton will use it in preference to joining the C3 at Kilvington. It avoids their having to walk over the old railway bridge which is narrow and dangerous for pedestrians. In fact the existing exit to the C3 from the footpath at Kilvington is now dangerous because the owners have ... allowed the</p>	<p>Once the Order is made, the Parish Council will be formally consulted for their comments.</p> <p>These comments were also sent to the applicant's agent with a view to them exploring whether they could address the concerns of the Parish Meeting.</p> <p>The making of this Order should not delay the application being determined as it is a separate process to the planning application process.</p>

			<p>hedges to become overgrown.</p> <p>Evidence on site shown that this stretch of path is frequently used. It is essentially a continuation of the path which runs along much of the old railway line.</p> <p>I would ask that you alter the proposals for footpaths in this respect.</p> <p>I raise this point without in any way derogating from the opposition which the Parish Meeting has to the overall proposal.”</p>	
6	Applicant’s Agent	02.07.2015	In response to the comments of the Chair of the AK Parish Meeting (see above). This section of the footpath will be added back into the proposed plan. The proposed plan will be submitted once it has been completed.	Noted. The Council’s Solicitor is checking the correct process for this. The making of this Order does not delay the application being determined as it is a separate process to the planning application process.
6	Case Officer			<p>The proposed ground floor plans for the inn building show a room to be used as either a gymnasium or swimming pool. If planning permission is approved a condition should be attached to agree the use of this space prior to the inn building being built.</p> <p>Additional Condition:</p> <p>No part of the development pursuant to the inn building shall be commenced until the precise use of the proposed gymnasium / swimming pool room has been submitted to and approved in writing by the LPA. Thereafter development shall be carried out in accordance with the approved details.</p>

				Reason: To define the permission, for the avoidance of doubt.
6	Applicant's Agent	03.07.2015	<p>We have reviewed the report to committee and found that there is a discrepancy in the reference and description to Lake 3. The initial plan had this designated as a family lake for swimming with beach and changing facilities. Following extensive consultation with the ecologists it was decided that all of the development be removed from around this lake and the land to the immediate south leaving it undisturbed for the benefit of flora and fauna. In addition we have introduced wet scrapes to benefit a number of bird species.</p> <p>The family features have been moved to the southern end of the watersports lake – concentrating activity to this lake and also removing the need for separate changing and toilet facilities instead utilising the those available in the watersports building.</p> <p>Having made the changes to the masterplan we then informed the ecologists (NWT & NCC) and also Kilvington and Alverton Parish in our response to you following their comments in May. This can be seen on the final masterplan that was submitted (attached)</p> <p>Also on page 110, the final line of the fourth paragraph references the east of Lake</p>	<p>Noted. Contrary to the information contained in the Committee Report, Lake 3 is no longer proposed to be used as a swimming lake / family area. This is on the advice of ecology consultees. The amended masterplan shows the previously proposed changing rooms building serving this lake to now be removed as well as the previously proposed play areas surrounding this lake to be relocated to Lake 2. Condition 2 on the attached recommendation sheet still cites the proposed changing room plans as forming part of the planning permission (if approved). This condition should be amended to remove this plan from the proposal.</p> <p>Amended Condition 2: The development hereby permitted shall not be carried out except in complete accordance with the following approved plans;-</p> <p>Amended site location plan 6397-L-03 Rev C Amended Masterplan 6397-L-01 Rev S Drawing no. S2014002-001 entitled 2 Bed Residence Proposed Plans Drawing no. S2014002-002 entitled 4 Bed Residence Proposed Plans Drawing no. S2014002-003 entitled 6 Bed Residence Proposed Plans Drawing no. S2014002-004</p>

			<p>1 – this should be the west of Lake 1.</p>	<p>entitled 2 Bed Residence Proposed Plans Drawing no. S2014002-005 entitled 3 Bed Residence Proposed Plans Drawing no. S2014002-006 entitled 4 Bed Residence Proposed Plans Drawing no. S2014002-007 entitled 6 Bed Residence Proposed Plans Drawing no. S2014002-008 entitled 2 Bed Residence Proposed Plans Drawing no. S2014002-009 entitled 3 Bed Residence Proposed Plans Drawing no. S2014002-010 entitled 4 Bed Residence Proposed Plans Drawing no. S2014002-401 entitled 25 Bed Inn Proposed Ground Floor Plans Drawing no. S2014002-402 entitled 25 Bed Inn Proposed First Floor Plans Drawing no. S2014002-403 entitled 25 Bed Inn Proposed Elevations Drawing no. S2014002-404 entitled 25 Bed Inn Proposed Block Plan Photographs received 17.02.2015 showing existing buildings to be demolished Drawing no. S2014002-501 entitled Water Sports Centre Proposed Floor Plans Drawing no. S2014002-502 entitled Water Sports Centre Proposed Elevations unless otherwise agree in writing by the local planning authority through the approval of a non-material amendment to the permission.</p>
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				Reason: So as to define this permission.
6	Chair, Alverton & Kilvington Parish Meeting	03/07/15	<p>Comments on amended plan;- “The differences between this plan and the most recent previous version appears to be that areas of the proposed development site which lie within Rushcliffe Borough have been excluded. I will call this the “Rushcliffe Land”. The applicants have known since at least January that parts of the site were not within Newark and Sherwood and could not therefore be the subject of a permission granted by NSDC. Despite this they have continued to submit plans in support of their application containing proposals which affect or draw support from the Rushcliffe Land.</p> <p>As the Rushcliffe Land areas would form part of the proposed development there would be a material change of use of that land from whatever is regarded as its current use to a holiday park. This would constitute development and require planning permission.</p> <p>Moreover, conditions in any permission granted by NSDC would not apply to the land in Rushcliffe. The significance of this can easily be demonstrated. The applicants claim the support of local wildlife etc bodies and claim to have mitigated harm to the environment arising from the sheer number of</p>	<p>All physical development is taking place within the red line shown on the submitted site location plan which is all within the district of Newark and Sherwood. This is clarified by condition 41 on the recommendation sheet. From the information submitted no development appears to be taking place, including a material change of use, on land within the borough of Rushcliffe. However, this is for Rushcliffe District Council to decide and seek a planning application if they so wish.</p> <p>Rushcliffe Borough Council has been formally consulted on this planning application five times throughout the application process. They were also consulted at the pre-application enquiry stage. Rushcliffe Borough Council is aware of the proposal as three different planning officers have informally telephoned / emailed the case officer regarding this application. However, no formal response has been received to the planning application.</p> <p>All statutory consultees are aware of the amended plans and have raised no objections to the proposal.</p>

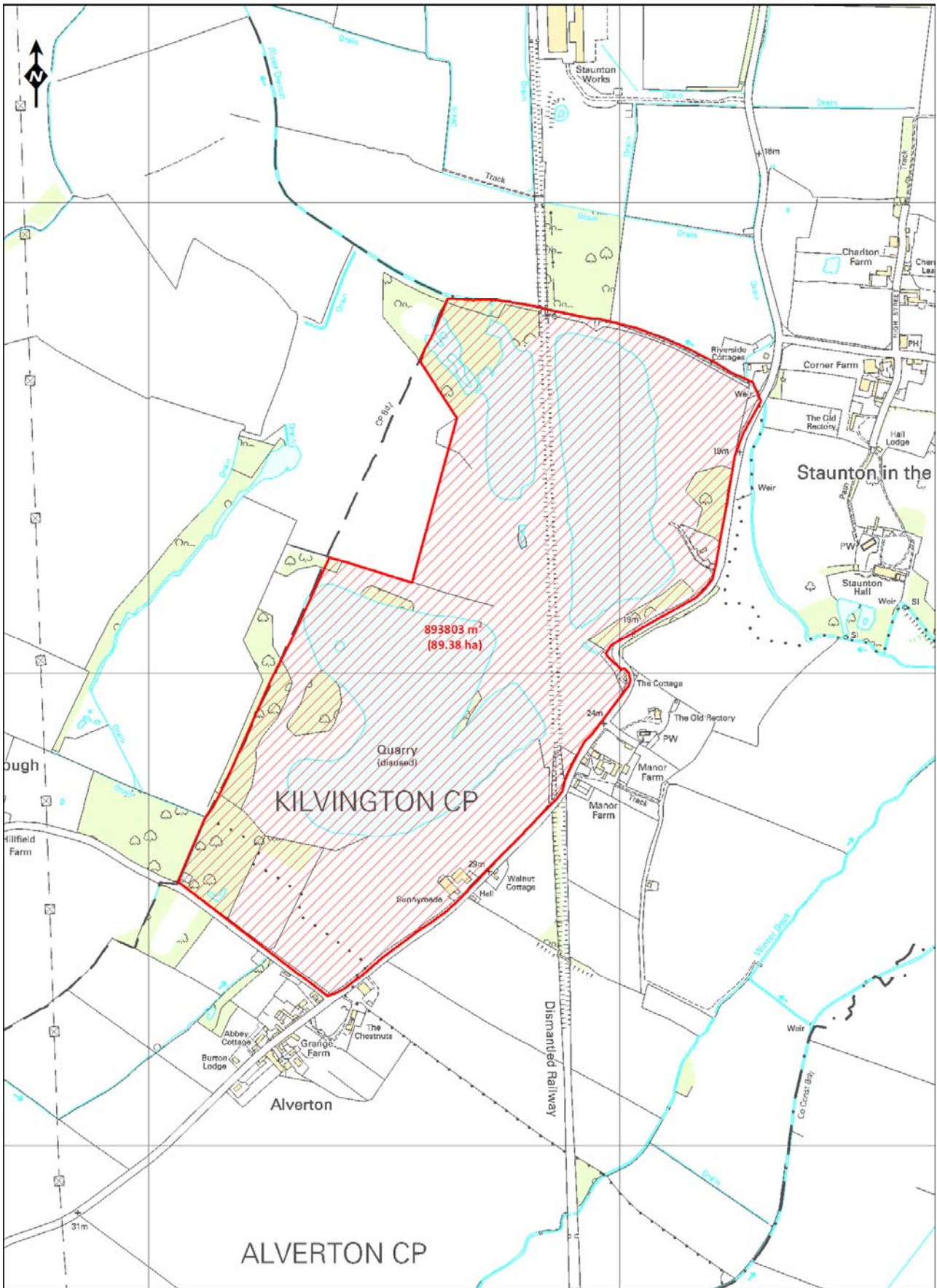
		<p>visitors. But any conditions or other measures would not be enforceable in respect of the Rushcliffe Land. I doubt if this was explained to anyone in all the consultations made. A concrete example is the proposed new permissive path shown on the amended master plan running along the north western boundary of the site from the south western tip of the development to a point just north of Area 3 shown on the plan. This is an essential path to “protect” wildlife. But it lies on the Rushcliffe Land. This is essentially an undesirable situation because parts of the development would not be controlled by conditions. It is also worth mentioning that this new plan, and in this respect it does not differ from earlier versions, throws into relief the scale of the lodges proposed. Just look for a moment at the size of the dwellings in Kilvington as shown in grey on the new plan. Look at the pair of semi-detached houses which are the nearest ones to the development. Then compare the footprint of those two houses with the lodges opposite marked 3B. The footprint of the 3B size lodges is larger than the footprint of the two semi-detached houses. The 6B lodges are even bigger. The same exercise can be done with other properties in Kilvington.</p>	
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			The Parish Meeting continues to maintain its opposition to this application.”	
6	National Planning Casework Unit (NPCU), Department for Communities and Local Government	03.07.2015	We have recently received a third party request asking the Secretary of State to consider this application against the call-in policy as set out in the Written Ministerial Statement of 26 October 2012. Verbally explained that they do not look at cases until the Council has come to a view. However, a decision should not be issued until the NPCU has considered this application against the call-in policy as set out in the Written Ministerial Statement of 26 October 2012.	Noted
6	Interested Party/Neighbour	06.07.2015	Provide comments on the proposed footpath diversion.	Noted
6	Services Manager at Rushcliffe Borough Council	06.07.2015	I understand that you have been trying to get hold of me regarding the consultation on Kilvington Lakes. I understand from your voicemail message that the application is due to be considered by your planning committee tomorrow (7 July 2015). We received the latest plans for this application on 26 June requesting comments by 3 July. I apologise that we have not been able to comment to date and confirm that the consultation has not been referred to our Development Control Committee for consideration, consultations of this nature are rarely	Noted. However it should be noted that RBC have been consulted 5 times (including at pre-application stage) and until now we have had no response.

			<p>referred to committee due to the timescales for response to the lead authority.</p> <p>I am aware from the adjacent ward member for the Thoroton area that there is concern from local residents, both sides of the boundary, regarding traffic generation. This is of course a relevant consideration and one that we would highlight as needing to be adequately addressed, although this is of course a matter we would defer to the County Council as the Highway Authority. Other factors which we would highlight as needing to be considered include landscape impacts, biodiversity, and heritage impacts etc.</p> <p>These comments do not constitute the formal response from Rushcliffe Borough Council and are merely officers initial views on the application. Should you still require a more formal response, please let me know. However, we would be unable to respond formally by tomorrow.</p>	
6	Applicant's Agent	06.07.2015	<p>We have read the further comments from Kilvington Parish Council in relation to the application at Kilvington (03.07.2015).</p> <p>With regards the comments in relation to Rushcliffe we have discussed this matter with yourselves and agreed that the application to Newark and Sherwood is for the development proposed within the district of</p>	Noted.

		<p>Newark and Sherwood only.</p> <p>We agreed that any development which was due to take place in neighbouring districts will of course be subject to an application and consent to the neighbouring districts. We have removed from the application the section of the plan which originally was shown to be in Rushcliffe.</p> <p>With regards the further matter in relation to the size of the dwellings – we believe that this has been comprehensively dealt with throughout the course of this planning application in liaison with the statutory consultees and their advice.</p>	
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Committee Plan - 14/02023/FULM



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Application No:	Newark and Sherwood District Council: 15/01596/NPA	
	South Kesteven District Council: S15/1764	
Proposal:	Erection of 25 year operation and subsequent de-commissioning of a wind farm consisting of 10 wind turbines (each up to 110m to the blade tip) and associated infrastructure, including underground cable connections	
Location:	Former RAF Fulbeck Airfield Stragglethorpe Lane Fulbeck Lincs	
Applicant:	Energiekontor UK Ltd	
Registered:	04.09.2015	Target Date: 25.09.2015 Agreed Extension: 07.10.2015

The Site

The application site falls within the county of Lincolnshire straddling the administrative boundaries of South Kesteven District Council (SKDC) and North Kesteven District Council (NKDC). The land under the control of the applicant covers some 260 ha; however the red line application site boundary is 33.2ha in extent. The site principally consists of the former airfield runways, tracks and structures of Fulbeck Airfield as well as agricultural land, plantation and a go-kart track.

The site is situated to the east of the administrative boundary of NSDC, approximately 3.5km (as the crow flies) from Barnby in the Willows; the nearest settlement within NSDC.

Relevant Planning History

Officers advised on the content of the scoping request for the application under delegated powers by letter dated 6th January 2014 (our reference 13/01804/NPA). It was agreed that the topics and assessment methodologies set out in the submitted scoping report appeared to be acceptable. Specific reference was made to potential impact on heritage impacts within NSDC and cumulative impacts taking account of the nearest turbines within our district.

The Proposal

Principally the proposal seeks full planning permission for **ten wind turbines** each up to 110m to blade tip and with a generating capacity of between 2.0MW to 2.5MW. Other associated infrastructure includes:

- Site access
- Site tracks

- Construction compound/storage area
- Crane hardstanding and outrigger pads
- Transformer housings
- High voltage and control cables
- Substation building
- New or upgraded water crossings

Consultations

On receipt of the Neighbouring Authority Notification, NSDC consulted internal conservation expertise (comments incorporated within the Comments of the Business Manager section below) and the following nearest Parish Councils:

- Barnby
- Balderton
- Fernwood
- Coddington
- Winthorpe

At the time of writing comments have only been received from the following:

Barnby in the Willows Parish Council: *Barnby in the Willows Parish Council strongly objects to the proposal for 10 industrial scale wind turbines at Fulbeck Airfield. Set amidst this wide open landscape, the turbines would have a very significant visual effect on the conservation area of Barnby, and form a direct backdrop to the Grade I listed, early C14 All Saints' Church and the Dovecote which is a scheduled ancient monument, protected by English Heritage. The value of being a designated conservation area would be completely undermined by an inescapable eyesore. The scale of the development is completely inappropriate for this rural landscape. It would be visible for miles around, and would become the dominant view for the many walkers who are attracted to the area as well as the residents of Barnby. Policies are shifting away from on-shore wind farms, but our village and landscape would remain blighted for many years to come.*

Fernwood Parish Council - *would like to support and agree with Fulbeck Parish Council and their objections.*

Having discussed the application with the case officer at SKDC it is understood that SKDC have also undertaken their own consultation with the above Parishes in our district and thus it may be that any forthcoming responses are sent directly to the decision maker.

Planning Policy Framework

NSDC have received the application as a consultation request and therefore it remains that SKDC will be the determining authority for the application. SKDC will assess the application against their adopted development plan. Notwithstanding this, it is accepted that the NPPF and its associated guidance, as well as national ministerial statements, will all form part of the material considerations to which SKDC will make their judgement against.

Comments of the Business Manager - Development

NSDC would make the following comments to the proposed development.

Principle of Development

Notwithstanding the general national policy presumption in favour of the delivery of renewable energy, NSDC advise that SKDC give appropriate weight to the Written Ministerial Statement (WMS) made by Greg Clark MP on 18th June 2015 and Department for Communities and Local Government's amended online guidance (PPG) on renewable and low carbon energy. It is noted that the current application was received by SKDC on 19th August 2014 after their publication dates and therefore the transitional arrangements outlined do not apply.

The WMS and PPG state that permission should only be granted if the 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. NSDC are not aware of any designation of the site as a suitable site for wind farm development in a local or neighbourhood plan.

NSDC has sought independent legal advice which confirms that the WMS and PPG should be afforded appropriate weight in the overall balance of acceptability. NSDC advise that the starting point must be an assessment of any scheme against the development plan. Having done so, SKDC must also take into account any other relevant material considerations. The MS and the PPG are relevant highly material considerations to be taken into account, as are the Council's own guidance documents.

Whilst we have received limited direct comments from the community within our District at this time, NSDC would strongly advise that SKDC take account of all community consultations responses received through their own consultation process.

Impact on Designated Heritage Assets within NSDC

Internal conservation expertise has offered the following comments on the proposal as submitted:

Preliminary

The proposal seeks permission to erect 10 turbines of a maximum height (to tip) of 110m on the former airfield site at RAF Fulbeck within South Kesteven District. By virtue of their scale, form, siting and movement, the proposal will likely affect the setting and significance of a number of designated heritage assets within the wider area, including assets within Newark & Sherwood District.

Legal and policy considerations

In determining this proposal, the local planning authority (LPA) must have special regard to the objective of preserving listed buildings, including their setting, in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This matter is of paramount concern

in the decision-making process, noting that the objective of preservation means to cause no harm. Paragraphs 131, 132, 134 and 137 of the NPPF are relevant in this context. Notes 2 (decision-taking) and 3 (setting of heritage assets) of the Historic Environment Good Practice Advice in Planning (GPA) is also applicable in this case.

Annex 2 of the NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. 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. Paragraph 131 of the NPPF requires LPAs to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132, furthermore, advises that significance of designated heritage assets can be harmed through development within its setting, and that because heritage assets are irreplaceable, any harm should require a clear and convincing justification.

The PPG reminds us that all heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset.

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. GPA Note 3 advises that consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Furthermore, it should be noted that developments which materially detract from an asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

In determining impact on the setting and significance of Scheduled Monuments (SM), guidance from Historic England advises that "whether any particular development within the setting of a scheduled monument will have an adverse impact on its significance is a matter of professional judgement. It will depend upon such variables as the nature, extent and design of the development proposed, the characteristics of the monument in question, its relationship to other monuments in

the vicinity, its current landscape setting and its contribution to our understanding and appreciation of the monument” (paragraph 46).

Assessment of proposal

There are a number of designated heritage assets nearby and within the immediate landscape which may be affected by the proposed turbine.

The most immediate and significant impact to Newark and Sherwood District is likely to be on heritage assets within Barnby in the Willows, which fall within the 5km study zone. The Grade I listed Church of All Saints at Barnby, for example, is located on the southeast side of the village and enjoys an open landscape aspect south and eastwards. The distance to the proposal site from the Church is approximately 3.6km and it is felt that the turbines will be prominent within this context. This is illustrated within Viewpoint 7 of the submitted ES Viewpoint Pack. We consider this impact to be harmful. The historic core of the village, including the Church, is also a Conservation Area (CA). Whilst the setting of the CA is predominantly delineated by the fields immediately surrounding the village, the scale of the turbines combined with their movement ensures that they will be a dominating landscape feature when seen from within and in close proximity to the CA (notably from the churchyard and adjoining public footpaths).

Within the wider study zone, there are a number of other significant heritage assets to consider:

- The Church of All Saints at Coddington is Grade II* listed. Likely to be a degree of impact when seen in glimpses from the wider setting of the church and Coddington CA. Due to the topography of Coddington (on slightly higher ground), the scheduled Civil War defences and moated site west of Balderton Lane at Coddington could be affected in longer views, although it is acknowledged that the distance between any material receptors and the proposal site is over 6km;*
- The imposing parish church of St Mary Magdalene Church is a prominent landscape feature of Newark, and consideration should be given to whether the proposal competes with the primacy of the church within the setting of the town (to which the spire is a landmark feature). The Church is Grade I listed and a focal building at the heart of the Newark CA (the CA covers the historic core of the town, notably the medieval townscape (as defined by the street layout from the castle to the market place) and includes a high density of significant historic buildings (there are 368 listed buildings within Newark, accounting for 27% of the District’s listings)). The spire of the Church of St Mary Magdalene, which is 77m to tip, is reputed to be the fifth tallest parish church spire in the country, and is visible from many miles away. The main structure comprises four significant architectural periods, with the last, the fifteenth century, being of strikingly high quality. The earliest evidence is of around 1180, in its crypt; there is a thirteenth-century west tower with fourteenth-century upper parts and spire, a thirteenth-century crossing, and fourteenth-century south aisle. There are two chantry chapels dating from about 1500. The church has medieval choir stalls and important fragments of medieval stained glass. In the seventeenth century the church*

tower served as a look-out point for the Newark garrison during the Civil War sieges and the spire still bears a cannon-ball hole;

- *Newark Castle (Grade I listed and SM) is a significant landmark within Newark. 360 degree panoramic views are possible from atop gatehouse, although the intervening urban context, combined with topography and other landscape features (notably large scale industrial structures within 5km), ensures that impact is not likely to be significant in this case. Cumulative impact is nevertheless important, noting that the castle landscape setting has already been compromised by turbines at Caunton and elsewhere;*
- *Church of St Giles (Balderton, Grade I). Unlikely to be impacted by proposal due to the urban setting of the church (in particular, the scale and form of development within Fernwood area). The church spire is an attractive landscape feature in a wider landscape context, however;*
- *Designated heritage assets at Hawton, Cotham, Staunton in the Vale, Elston/Syerston (notably Stoke Fields Battlefield), Winthorpe, Langford and Collingham- all within 15km. We recognise that the distances from material receptors in these locations are such that impact is not perceived to be substantial. Cumulative impact is relevant, noting the large scale approval at Hawton (3 turbines at 126.5m to tip) and ongoing appeal at Fox Covert (Cotham- 4 turbines at 130m to tip).*

Heritage assets potentially affected is not exclusive. However, given the relative distances away, Conservation has not identified any further significant heritage asset impacts other than those discussed above.

Please note that there are also a number of non-designated heritage assets within the County which may be affected (buildings of local interest, unregistered parks and gardens etc). In accordance with paragraph 135 of the NPPF, impact on these is a material consideration. However, there do not appear to be any notable impacts on assets of this type in Newark area in this case.

Impact on Landscape of NSDC

In March 2014 NSDC published a Landscape Capacity Study for Wind Energy Development (NS LCS) following public consultation. The study examines the sensitivity and capacity of our 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.'*

It is appreciated that this document does not form part of the adopted development plan for SKDC and therefore its contents could only ever be afforded limited weight. Equally it is appreciated that SKDC have their own defined Landscape Character Areas which the application will be assessed against. Nevertheless it is considered relevant to raise the conclusions of the document in terms of

the landscape sensitivity to wind turbine development at the boundary of NSDC closest to the proposed development.

The eastern boundary of NSDC includes two character types; East Nottinghamshire Sandlands and South Nottinghamshire Farmlands. The height of the proposed turbines would be classed by the assessment as Large (81 to 110m). Based on the capacity study the following conclusions are deemed relevant:

South Nottinghamshire Farmlands: Meadowlands

- The overall aim for this area is a landscape with wind energy, where turbines may influence landscape character, but do not define it.
- Moderate sensitivity to large turbines.

East Nottinghamshire Sandlands: Village Farmlands

- The overall aim for this area is a landscape with occasional wind energy, where individual developments may locally influence the landscape, but collectively they do not influence the overall experience of the area.
- High-moderate sensitivity to large turbines.

The approach of the applicant to take into account turbines consented and pending decision within NSDC is fully supported and indeed was raised at scoping stage for the proposal.

Conclusion

Whilst NSDC do not wish to formally object to the proposal submitted, it is requested that the above comments, specifically with reference to the necessity of attaching weight to the recent WMS and PPG, are taken into account in the decision making process.

RECOMMENDATION

That the above comments of the Business Manager are sent to SKDC as the formal consultation response of NSDC.

BACKGROUND PAPERS

Application case file.

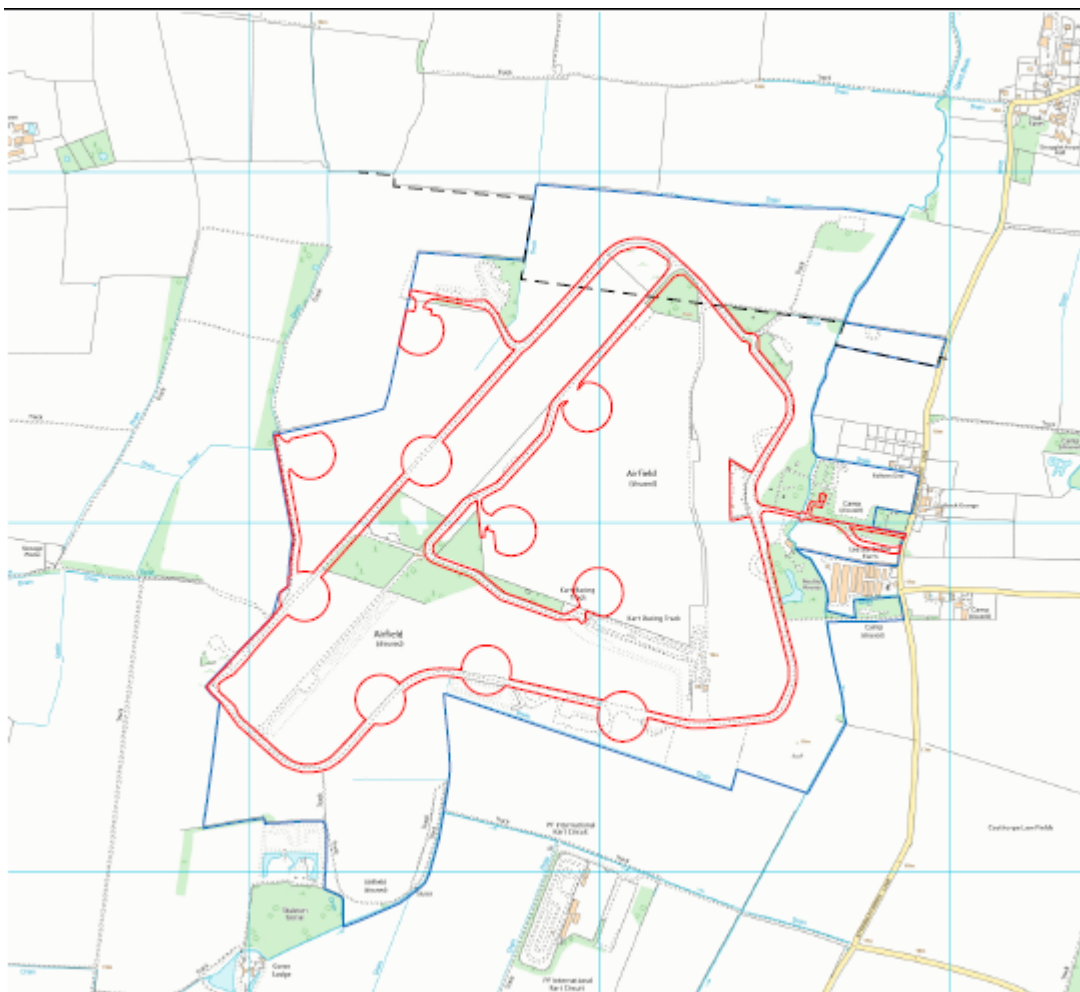
For further information, please contact Laura Gardner on ext 5907.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole

Deputy Chief Executive

Committee Plan - 15/01596/NPA



Application No:	15/00883/FUL	
Proposal:	Householder application for demolition of rear single storey extension and construction of new two storey extension and internal alterations	
Location:	The Old Post Office, 21 Main Street, Coddington, Nottinghamshire, NG24 2PN	
Applicant:	Mrs Jane Harvey-Davies	
Registered:	21.05.2015	Target Date: 16.07.2015

The Site

The application site is a rectangular plot comprising the residential curtilage of one of a traditional row of small vernacular cottages, built in a similar style, although in slightly different phases. The building is an attractive building of positive interest in the Conservation Area of Coddington. The rear of the buildings have been quite altered by various extensions including an existing extension on the host property of a single storey mono pitch spanning the width of the dwelling. The site is flanked by residential curtilages to the east and west, with the highway bounding the southern boundary and open land to the north featuring dense vegetation. There is a pedestrian access which serves the rear gardens of the properties.

Relevant Planning History

There is no formal planning history relating to the site.

The Proposal

The proposal seeks full planning permission to demolish the existing single storey rear extension and erect a two storey rear extension which would again span the width of the dwelling. The proposed extension would be approximately 5m in depth with a maximum height of approximately 4.7m. The extension employs a flat roof design and incorporates two sets of French doors and one window at ground floor. Five simply designed rectangular windows are proposed at first floor with three roof lights to the existing rear roof slope.

Departure/Public Advertisement Procedure

Occupiers of two 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)

Core Policy 9: Sustainable Design
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM6 – Householder Development
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Householder Development SPD Adopted November 2014
- Coddington – An Appraisal of the Character & Appearance of the Conservation Area March 2002

Consultations

Coddington Parish Council – Plans approved by a majority of 5:1 with 2 abstentions.

NSDC Conservation - The application site is one of a traditional row of small vernacular cottages, built in a similar style, although in slightly different phases. The building is an attractive building of positive interest in the Conservation Area of Coddington. To the rear the buildings have been quite altered by various extensions and the existing extension does not particularly enhance the host building, with the first floor windows being squashed greatly in proportion.

However, despite the altered nature of the rear of the property, I do not see this as justification for a very large flat roofed extension, which I would consider to be poor design and contrary to our Householder Extensions DPD. This would completely obscure and erode the traditional form and appearance of this cottage from the rear and set a totally unwanted precedence for other such extensions.

I appreciate that the extension is currently only visible, to my knowledge, from a private access to the rear, however a conservation area is considered in terms of its character and appearance and this kind of extension is completely out of character and would erode the charm of these buildings.

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

- The extension seems an odd design – the wooden cladding and flat roof are totally out of character with the adjacent properties and conservation area
- It will overshadow the neighbour's gardens
- It will be overbearing to its neighbour's and leave very little garden

- On the submitted plans, the top of the adjacent 2 storey gable appears to be significantly higher than the eaves level of the original cottage whereas the photographs with the Heritage Statement suggest that the top of the adjacent gable is in fact below the eaves level of the original cottage
- The proposal will impact light to neighbouring gardens
- The proposal will lead to overlooking affecting current neighbouring privacy

Comments of the Business Manager - Development

Principle of Development

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6. These criteria include the provision that the proposal should respect the character of the host dwelling and the surrounding area. The overall shape, size and position of an extension must not dominate the existing house or the character of the surrounding area. In addition, Policy DM6 makes reference to amenity impact requiring new development to result in no adverse impact on neighbouring amenity in terms of loss of privacy, light and overbearing impacts.

As the site lies within the Conservation Area for Coddington, 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 setting of the Conservation Area. All proposals concerning heritage assets will be expected to secure their continued protection or enhancement.

Impact on Character including in the context of the designated Conservation Area

The principal elevation of the host dwelling is readily interpreted as an attractive small cottage within the old village of Coddington. Together with the neighbouring cottages which form the Post Office Row to the north of Main Street, the building is considered to be of positive interest to the character of the Conservation Area. It is however fully appreciated that the rear elevation of the host dwelling (and indeed the rear elevation of other neighbouring properties) have been altered to a degree which can no longer be considered to enhance the character of the dwellings. Moreover, it is equally acknowledged that the rear elevations are not readily visible from the public realm.

The design of the proposal employs a two storey flat roof extension of a significant depth of 5m from the original rear elevation of the host dwelling (not accounting to the existing single storey extension which is to be removed). Given the two storey height of the proposed extension, there is no doubt that the extension as proposed would be a dominant feature to the interpretation of the rear elevation. In this regard it is my view that the extension could not be interpreted as a subservient addition to the rear of the property. It is fair to say, in some circumstances that the bulk of the proposal presented would itself lead to an application being strongly resisted in principle. However, in reaching a judgement on the acceptability of the proposed scale and bulk of

the extension I am particularly conscious of the context of the surrounding area in terms of other rear extensions which have been erected at the immediately adjacent properties. Notably, the western neighbour; 20 Post Office Row, has a two storey extension which abuts the shared boundary taking development beyond the building line of the host property. The rear elevation of the eastern neighbour also extends beyond the building line of the host property to a double storey height. The impact of the proposal would also be decreased acknowledging that the rear elevations of the properties are not readily visible to the public realm.

Notwithstanding the above, the proposal is still deemed unacceptable on the basis of the poor design presented. This has been raised with the applicant during the life of the application and amended schemes have been sketched although not formally presented for consideration on the basis that these are not financially viable for the applicant. Unfortunately I have attached little weight to this matter in the overall balance of the assessment acknowledging that, if approved, the built form of the proposal is likely to be a permanent feature within the designated Conservation Area.

The authority has adopted a Supplementary Planning Document (SPD) concerning householder development. This provides some guiding principles for the preferred design of householder extension although it is fully appreciated that these are not formal rules to design on the basis that each scheme will continue to be assessed on its own merits. The SPD explicitly states that:

'Flat roofs are considered less aesthetically pleasing and potentially harmful to character...' '...Flat roofs to a two-storey addition are almost always inappropriate and would be particularly discouraged unless there was again a low-level of prominence, though this may be more difficult to achieve with this scale and form of development.'

I accept the agent's argument that due to the location of the proposal within the site, the extension could indeed be considered to fall within the category of *'low-level of prominence.'* Indeed Members may wish to add additional weight to this factor in their assessment of the proposal. Nevertheless it is my view that when coupled with the siting of the dwelling within the designated Conservation Area, the proposed extension would be wholly inappropriate. To reiterate the comments of internal conservation expertise:

'...a Conservation Area is considered in terms of its character and appearance and this kind of extension is completely out of character and would erode the charm of these buildings.'

On this basis it is the officer view that the proposal cannot be considered to preserve or enhance the character of the designated Conservation Area contrary to the intentions of Core Policy 14 and Policy DM9 as well the criteria within Policy DM6.

Impact on Amenity

As previously suggested above, the context of the site will play a key factor in the assessment of the current proposal. Again, as implied above, in usual circumstances, a two storey extension spanning the width of the dwelling to a depth of approximately 5m would potentially be resisted in principle on neighbouring amenity grounds. To refer again to the Householder Development

SPD it is acknowledged that overbearing impacts are most likely to occur where two storey development is proposed in close proximity to or along shared boundaries.

However, given the presence of existing neighbouring development, the impact of the proposal is considered to be reduced to a degree which would not justify a separate reason for refusal on amenity grounds. Firstly, the proposed extension would extend no further northwards than the existing two storey extension of the western neighbour. The impact on their residential amenity will therefore be limited in terms of an overbearing impact. Initially I had concerns that the extension could lead to a loss of amenity through an overbearing impact to the eastern neighbour. This was discussed during a site visit in which it was confirmed that windows closest to the shared boundary serve a utility room and ground floor and a bathroom at first floor. On this basis I feel it would be difficult to advance an overbearing impact in terms of internal living accommodation. I appreciate that the neighbouring property would be subjected to approximately 2m of two storey height blank brick elevation within their rear garden however in some regards the impact of this can be easily assessed in the context of the relationship between the host property and the western neighbour. Having stood within the garden of the host property, whilst not ideal, I do not consider that the neighbouring western extension (of a similar impact to that proposed) is so detrimental to the amenity of the occupiers to the host dwelling that the current proposal could justify a resistance solely on an overbearing impact.

I note that the consultation responses received have also referred to a loss of light and loss of privacy amounting from the proposal. Due to the orientation of the properties in terms of sunlight movements I do not consider that the proposal would significantly affect light to neighbouring properties or rear amenity space. This is particularly the case when taking into account the use of the rooms which are closest to the shared boundary of the eastern property.

In terms of privacy impacts, I appreciate that the existing windows on the rear elevation of the host property are extremely modest in size at first floor. The proposal would therefore introduce a greater opportunity for overlooking through increased window openings both numerically and in size. Notwithstanding this, any line of sight from the windows would be oblique to neighbouring gardens and in terms of the eastern neighbouring, the space immediately rear of their property (arguably the space used most frequently for amenity provision) would be protected from overlooking due to the projection of the extension.

Other Matters

Policy DM6 requires consideration of the highways implications of householder developments. The property currently has no off street parking provision and this proposal would not alter this. Whilst I appreciate the proposal would increase the dwelling from a three bedroomed property to a four bedroomed property, the dwelling would still constitute a single residential unit and therefore the impact on the highways network is considered to be limited.

I acknowledge that one of the consultation responses raised an issue with how the plans had presented the adjacent property height. Having considered the plans on site, I am confident that the plans proposed are adequate to accurately interpret the proposal which is being considered.

Conclusion

The proposal before Members for consideration is a finely balanced one. It is fully appreciated that given the context and positioning of the extension, the proposal would not necessarily have a significant impact on the appearance of the Conservation Area as viewed from the public realm. Nevertheless, the policy requirement is for new development proposals to preserve or enhance the character of designated heritage assets. The design presented, in its current form with a two storey flat roof is deemed wholly inappropriate for the host dwelling. The extension proposed is completely out of character and would erode the charm of the building. This would be contrary to Core Policies 9 and 14 of the Core Strategy and Development Management Policies 6 and 9 as well as the intentions of the Householder Development DPD and the NPPF. The impact of the proposal on the designated Conservation Area is promoted as the sole reason for refusal albeit it is acknowledged that the design presented would also lead to impacts to neighbouring amenity which clearly weigh negatively in the overall balance of acceptability to the proposal.

RECOMMENDATION

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

01

A Conservation Area is considered in terms of its character and appearance with adopted planning policy requiring new development to, at the very least, preserve the character of the designated heritage asset. The design of the two storey extension presented is considered to be completely out of character to a degree that the charm of the host cottage would be eroded and consequently the character of the conservation area would not be preserved. The proposal is contrary to Core Policies 9 and 14 of the Core Strategy and Development Management Policies 6 and 9 as well as the intentions of the Householder Development DPD and the NPPF, all of which form material considerations in weighing the overall balance of acceptance to the proposal.

Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reasons for refusal. Whilst the applicant has engaged with the District Planning Authority during the life of the application our advice has been consistent from the outset. Alternative schemes which would be potentially acceptable to the authority

(subject to further thorough assessment) have been discussed however not advanced to a formally amended plans by the applicant.

BACKGROUND PAPERS

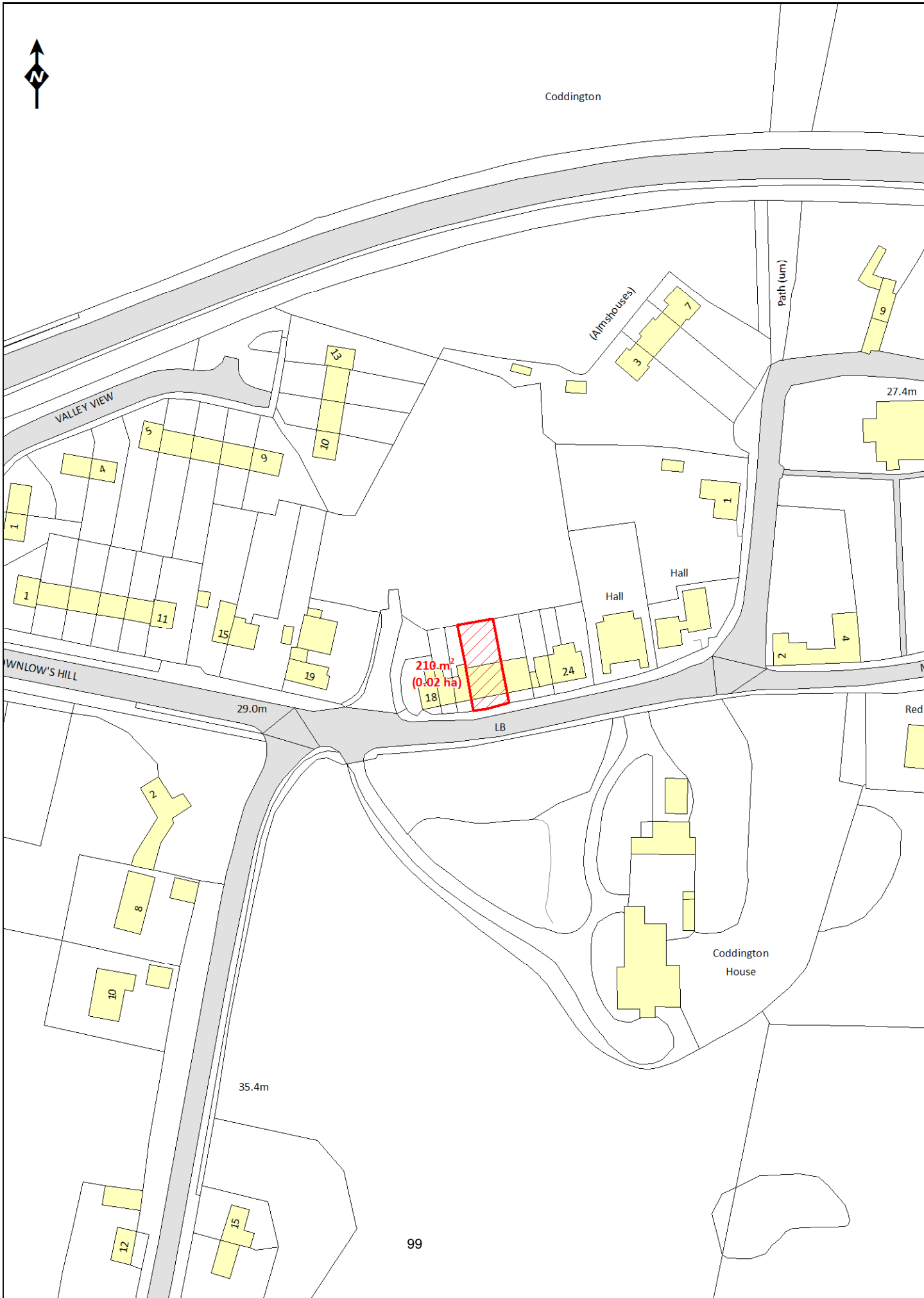
Application case file.

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.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/00883/FUL



Application No:	15/01268/FUL	
Proposal:	Proposed Replacement Dwelling	
Location:	Willowdene, 9 Beckingham Road, Coddington	
Applicant:	Mr & Mrs Phillips	
Registered:	29.07.2015	Target Date: 23.09.2015

The Site

The site is located on the northern side of Beckingham Road on the eastern fringes and outside the main built up area of the village of Coddington. The site is approximately 0.4 hectares and is currently occupied by a small two bedroom dormer bungalow of a red brick and grey tile construction and associated garage to the rear. The building is set back into the site and is landscaped with matures trees, hedgerow and shrubbery. However, the site is visible from the public realm. To the east the site is bordered by open countryside; to the north and west by public open space/playing fields leading to residential properties on Thorpe Close and the main built up area of Coddington. To the south and on the opposite side of Beckingham Road are two pairs of semi-detached properties. The site is accessed off Beckingham Road by a small access drive running parallel to the eastern boundary of the site.

Relevant Planning History

No relevant planning history. Pre-application advice has been provided raising concerns over the scale of the re-development proposals, though raising no objection in principle to a replacement dwelling.

The Proposal

The application comprises a replacement dwelling. The main element of the dwelling would have a footprint approximately 14.3 metres by 7 metres, height to the eaves of 4.3 metres, with a ridge height of 7.8 metres. This part of the dwelling would provide a sitting room, entrance hall, dining area, w.c. and cloaks, utility room and kitchen. To the front there would be a one and a half storey front projection with a footprint of approximately 7.5 metres by 5.4 metres, height to the eaves of 3.6 metres and a ridge height of 6.3 metres and would provide a double garage with office above. To the rear there would be a single and two storey wing with varying depths (to a maximum of 6 metres), a length of 17.7 metres. This element would provide a family area and swimming pool. On the first floor overall there would be a master bedroom with en-suite and dressing room, 3 double bedrooms, family bathroom, office with eaves storage and plant room.

The dwelling would be set back well into the site and would be located along the eastern boundary. The existing access would be retained and would lead onto a new driveway. A large proportion of trees and landscaping are to be removed to incorporate the dwelling and associated garden/amenity space.

The agent has submitted a supporting email stating that in their view the dwelling is not in the open countryside in the truest sense and is essentially the last dwelling in the village, that in terms of visual impact the existing poorly maintained property does more harm to the appearance of the area than the proposal, the applicants are originally from Coddington and their children attend the local school, the existing dwelling has been on the market 2 years which they argue demonstrates the size of the property is neither viable nor desirable to the existing housing stock and that given the size of the plot replacement with a dwelling of similar size would not improve the situation. On this basis the agent considers that while the proposals are substantial they are of an appropriate size and scale when viewed in the context of the site and the locality. They also note no neighbour objections have been raised and the proposal has received the support of the Parish.

Departure/Public Advertisement Procedure

11 neighbours notified by letter and a site notice posted.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Allocations and Development Plan Development Plan Document (DPD)

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Consultations

Coddington Parish Council – There were no objections to the plans for a new house on the Willowdene site. The only comments made were about the mature willow tree near the proposed swimming pool which has been left in place on the plans. Councillors would like the tree to remain, but are aware that it may not be possible or practical for the construction. It is assumed that amendments will be submitted if any of the trees shown on the plans do have to come down?

NCC Highways – The proposal is for a replacement dwelling, with no alterations proposed to the existing access. The application site is of sufficient size to accommodate the proposed dwelling and associated garage/parking. Therefore, there are no highway objections to this proposal.

Access Officer – It is recommended that the developer be advised to provide inclusive access and facilities for all, with particular reference to disabled people. To this end, BS 9266:2013 ‘Design of

accessible and adaptable general needs housing – Code of Practice’, Lifetimes Homes and Approved Document M contain useful guidance.

The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies etc. In particular, step-free access to and into the dwelling is important and a suitably surfaced traffic free accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary. It is preferable for all routes to be accessible, including access routes to garden areas and amenity spaces.

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed step-free level access to the proposals. A firm wide non-slip even pedestrian pathway route clear of vehicular traffic is recommended from the edge of the site and vehicular parking to the dwelling and that this is level and obstacle free. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed step-free approach, ramps, level flush thresholds, generous doorways, where individual door leafs afford recommended widths, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and designed to assist those whose reach is limited to use the dwelling together with suitable accessible WC and Sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

Neighbours/Interested Parties – One written representation stating agreement with the D&A Statement and supporting the replacement of the dilapidated building with a higher quality new build, support the traditional appearance and timber cladding to the proposed new building.

One representation stating no issue with the proposal of a replacement dwelling at Willowdene, feel the plans are in keeping with the area and are much preferable to the previous plan of 6 dwellings, do not think the applicant’s plans will cause any issues or major disruption locally.

One representation stating from a neighbouring property on Beckingham Road, (100 metres away), noting that the application property has been empty for over a year and they hope this application to turn this in to a family home is accepted.

Comments of the Business Manager - Development

Principle of Development

The primary considerations are the principle of the proposal, the impact on the character and appearance of the area in terms of visual and residential amenity and the impact on highway safety.

The principle of a dwelling has been established through the existing dwelling. Although it is not currently occupied the use has not been abandoned and the dwelling retains the lawful residential use. Policy DM8 supports replacement dwellings in principle, subject to certain criteria being met. As such no objection is raised in principle to the erection of a replacement dwelling, subject to the issues below being satisfactorily addressed.

Development in the Open Countryside

The site is situated on the eastern most fringes of Coddington village outside the main built up area. Policy DM8, in accordance with the requirements of Spatial Policy 3, states that away from the main built up areas of villages, in open countryside, development will be strictly controlled and limited. Such development includes new and replacement dwellings where planning permission will only be granted for replacement dwellings where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historical merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.

The existing dwelling is a modest 2 bedroom dormer bungalow and whilst having some charm is not considered to be of any significant architectural or historic merit. Whilst the property has not been occupied for approximately 2½ years it does have a lawful residential use. The proposed replacement dwelling is contemporary in design with a high proportion of openings and glazing and accommodation that includes 4 bedrooms, a large kitchen/diner/family room, sitting room, double garage, offices and large swimming pool.

The proposed ridge height only represents a 25cm increase to that of the replaced dwelling; however the proposed footprint would be significantly greater:

<u>Existing Dwelling</u>	<u>Proposed Dwelling</u>	<u>Increase</u>
Footprint (GIA) 107sqm	268sqm	+150%
Floor space (GIA) 197sqm (inc room in roof)	434sqm	+120%

It is considered this represents a major increase. This is accentuated by the significant increase in the first floor accommodation from a modest internal space to a first floor comprising four bedrooms, an office, bathroom and plant room. Overall, this is a substantial increase and cannot therefore be considered of a similar size, scale and siting to that being replaced.

The comments of the agent for this application are noted, however, having regard to the above it is considered that the proposed replacement dwellinghouse would be materially larger and disproportionate when compared to the building it would replace and by virtue of its size and scale the proposal would adversely affect the character and appearance of its surroundings. The site occupies a location considered to be countryside, having a rural setting although it is in close proximity to the village. The dwelling is read as a somewhat isolated structure within large grounds and although the dwelling would be set well into the site it would be clearly visible from the public realm along the highway. In this context the proposed replacement dwelling would have a significant impact on the character and appearance of the site and surroundings being considerably larger in terms of visual impact than the building to be replaced. It is not considered mitigating factors, such as the setback into the site and the proximity to the village, outweigh the visual harm. Furthermore the fact that the applicant's are local people and that the existing dwelling has been on the market for 2 years does not overcome the concerns about the size and scale of the proposal and that this would be inappropriate in an open countryside setting.

Therefore the proposal by its nature is considered to constitute inappropriate development and, as such, does not accord with the relevant policies of the Core Strategy or Allocations Development Management or principles of the NPPF.

Sustainability

Policy DM12 relates to the presumption in favour of sustainable development. This positive approach also reflects the presumption in favour of sustainable development in the NPPF. Although located outside the main built up area of Coddington village it is considered that the site is in relatively close proximity to the village and as such cannot be resisted on the grounds that strict criteria needs to be met. Based on the above the criteria of sustainability are considered to have been met.

Design

In accordance with the requirements of Core Policy 9, Policy DM5 relates to design. This requires development to be assessed against set criteria including access, parking, amenity, local character and landscaping. The proposal is for a contemporary designed dwelling. It would be set well into the site along the eastern boundary, with the existing access retained and improved and leading to a new driveway.

The proposed dwelling would be of a modern design, incorporating the use of gable roofs, extensive glazing and openings including dormer windows, rooflights, glazing features and large bi-folding/sliding doors. As the site is somewhat standalone it is not considered there is a prevailing style to development. As such no objection is raised to the design approach. However, this does not overcome the objection to the scale and size of the dwelling, which would not follow the parameters of the existing and would result in the erection of a large dwelling in the open countryside.

Impact on Residential Amenity

Policy DM5 seeks to protect residential amenity. The proposal is set within the plot, along the eastern boundary a considerable distance from neighbouring properties and is heavily screened on both the northern and western borders. Given the large extent of screen planting and degree of separation between the proposal and the closest neighbouring properties it is considered that it would have no adverse impacts on their amenities.

Taking into account the above considerations I am satisfied the proposal would not conflict with the residential amenity criteria under Policy DM5.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development, whilst Spatial Policy 7 relates to sustainable transport. Access is taken from the existing access of Beckingham Road. The Highway Authority raised no objection and it is considered the site could accommodate a suitable access and parking and turning for the proposed dwelling subject to the imposition of appropriate conditions. The proposal complies with the above policies.

Conclusion

On balance it is considered the replacement dwellinghouse of the size, scale, mass and bulk proposed would be materially larger than the one it replaces. Furthermore the visual appearance

of the dwelling, through the size and scale, would appear visually intrusive within this countryside location and out of keeping with the scale and size of the existing dwelling. As such the proposed replacement dwelling would constitute inappropriate development and cannot be supported.

RECOMMENDATION

Planning Permission be refused for the following reason:

Policy DM8 Development in the Countryside in the Newark & Sherwood Allocations and Development Management Development Plan Document (2013) seeks to ensure, in the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should be of a similar size and scale and siting to that to be replaced. Core Policy 9 and Policy DM5 require development to respect the local distinctiveness and character of the landscape and built form. The proposed dwelling would be significantly larger, introducing a large two storey dwelling to replace a modest bungalow. As a result the proposed dwelling would not be of a comparable size and scale to the existing and would have a significant harmful impact on the character and appearance of the site and rural locality by reason of size, scale and massing. Furthermore, the enlarged dwelling would not maintain the scale of the existing dwelling, thereby not contributing to the maintenance of a balanced rural housing stock. The proposal is therefore contrary to Core Policy 9 and Policies DM5 and DM8 in addition to the principles of the National Planning Policy Framework.

Informatives

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). Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted after this date. Thus any appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed. Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

02

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

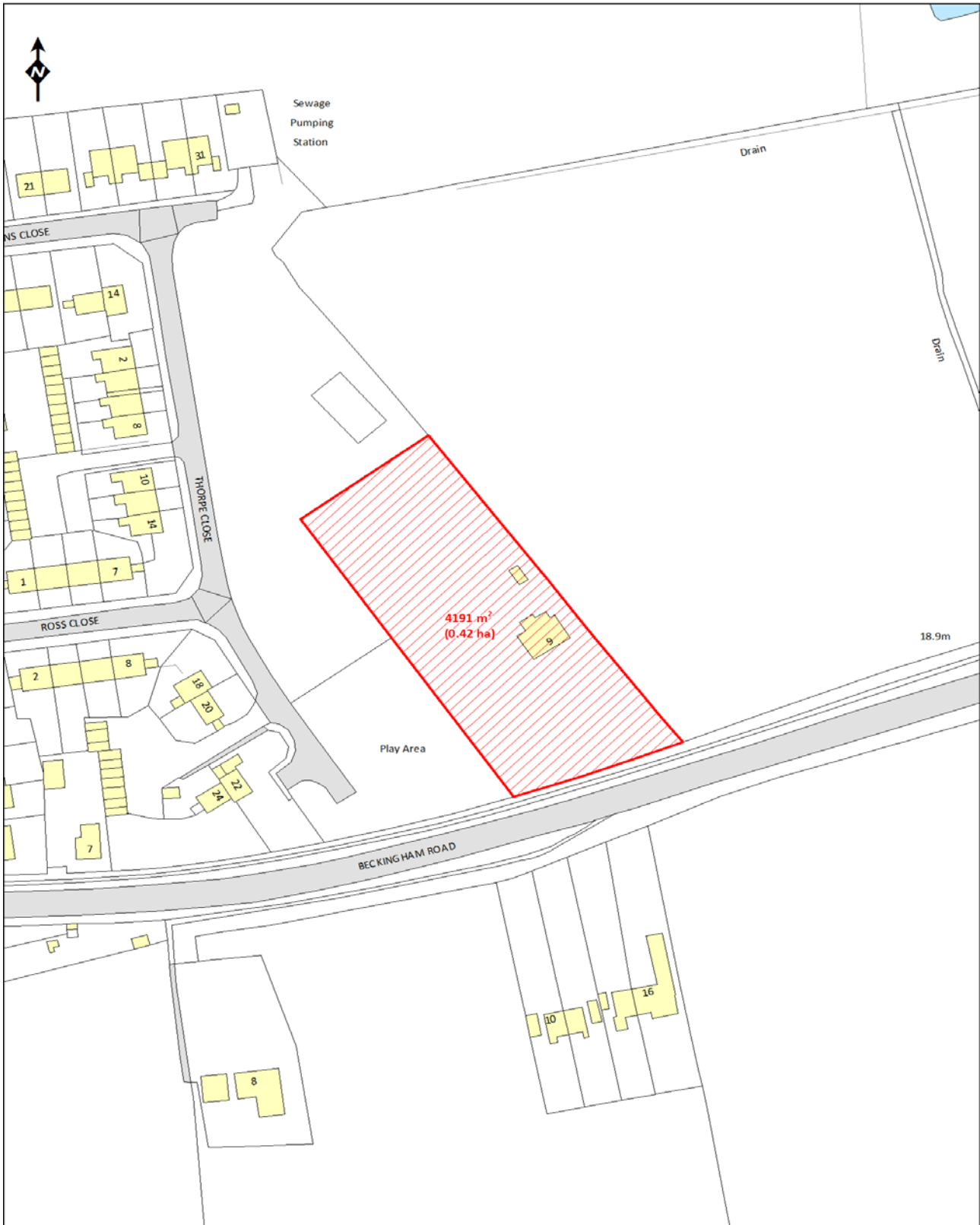
Application case file.

For further information, please contact Joe Mitson on ext 5793.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01268/FUL



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Application No:	15/01245/FUL	
Proposal:	Change of usage to D2 to allow for a fitness area and personal training centre to be set up	
Location:	Unit 15 Jessop Way Newark on Trent	
Applicant:	Mr M Brownhill	
Registered:	29/07/2015	Target Date: 23/09/2015

This application is presented to the Planning Committee for determination at the request of Cllr Roberts in line with the comments received from Newark Town Council

Description of Site and Surrounding Area

The site forms one of a collection of industrial units situated on Newark Industrial Estate which is situated to the north east of the centre of Newark and to the west of the nearby A1. The units are constructed of part brick part metal cladding with metal clad pitched roofs. To the front of the units is parking for approximately 4 vehicles for this unit and 3 for the unit to the south.

The adjacent buildings are used by a mix of businesses namely; a turbo manufacturer, a taxi office, an electrical contractors and a sign manufacturer and installer.

Description of Proposal

Full planning permission is sought for the change of use of the existing vacant industrial unit from Class B – Business/General Industry to Class D2 – Leisure to enable the applicant to use the unit as a CrossFit/personal training centre. No external alterations are proposed to the building with the exception of the installation of new signage.

It is proposed that the start-up business would have the following opening times 0700-2100 Monday to Thursday 0630-2000 Friday and 0900 – 1200 Saturday and Sunday. Four full time employees are proposed in addition to 3 part time one of which would be an apprentice/intern.

Site History

01/00173/FUL - Erection of 6 industrial units. Approved June 2001

Departure/Public Advertisement Procedure

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

Consultations

Newark Town Council – Object

Newark Town Council's Planning & Regeneration Committee raised Objection to this application for the following reasons:

- a. The unit is on an industrial estate, not a retail park.
- b. The change of use is inappropriate for an industrial estate.
- c. The area should be kept for industrial use and job creation and not used for recreational activities.

NSDC Planning Policy

RELEVANT POLICY BACKGROUND

NPPF

Requires LPA's to set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.

Development Plan

Core Strategy

Core Policy 6 – Shaping our Employment Profile

Allocations & Development Management DPD

Policy NUA/E/1 – Newark Urban Area – Newark Industrial Estate Policy Area.

Policy DM1 – Development within Settlements Central to delivering the Spatial Strategy.

Policy DM5 - Design

ASSESSMENT

The Development Plan reflects the requirements of the NPPF by setting out a clear economic vision, through CP6, and policies/allocations to deliver this in the form of NUA/E/1 and DM1.

The application site lies in an area where new employment development will be encouraged by Policy NUA/E/1. It states that development which is not of a B1/B2/B8 use will be expected to meet the requirements of Core Policy 6. As a D2 use, the proposal would therefore need to satisfy the requirements of criterion 4 of the policy which states:

The economy of Newark and Sherwood District will be strengthened and broadened to provide a diverse range of employment opportunities by:

- Retention and safeguarding of employment land and sites that can meet the needs of modern businesses, to ensure their continued use for employment purposes. Land and premises in the existing industrial estates and employment areas, and those allocated for employment development, will normally be safeguarded and continue to be developed for business purposes. Where proposals are submitted for economic development uses wider than the B Use Classes, regard will be had to the following:
 - The extent to which the proposals are responding to local needs for such development.
 - The lack of suitable, alternatives sites being available to meet the demand that exists.
 - The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes.
 - The need to protect and enhance the vitality and viability of town centres.
 - The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the district.

Addressing the criteria for consideration of non B uses in turn:

- There is no evidence of local need for this type of development either generally or in this location.
- There is no evidence of a lack of suitable alternative sites.
- If approved, the proposal could set a precedent for similar uses and thereby reducing the amount of employment land available.
- There would be no impact on the vitality and viability of the town centre.
- Setting a precedent for non-employment uses could eventually undermine the strategic role of the Newark Industrial Estate Policy Area.

The proposal states that there would be at least one employee present during the peak hours of the businesses operation and goes on to say that the business would look to create four full time and three part time posts once established. For a new start business staffing levels can obviously only be an estimate based on anticipated success and so have to be taken on face value. These figures seem reasonable for the scale of proposal and I expect would equate to the level of employment generated by a B class use.

CONCLUSION

Whilst the level of employment created would seem to be comparable with B use classes this does not override the conflict with the other key criteria identified above. As such, the proposal does not comply with the development plan as submitted and therefore strong material considerations would be required to determine it positively.

If such material considerations did warrant approval of the use, the proposal would also need to comply with the criteria of Policy DM5. In the event of an approval I would recommend removal of permitted change of use class in order to allow the Council to consider the impact of other non-employment uses

NSDC Access Officer –Observations.

NCC Highways – No objection

The information submitted indicates that up to 4 employees will be on site at one time, and one further employee working 10 hours per week. There are four parking spaces outside the unit with a further 6 visitor spaces available within the site. The applicant has indicated that each class will be restricted to 6 places per class.

In view of this, it would appear that sufficient parking is provided, therefore, there are no highway objections to this proposal.

Neighbours/Interested Parties – 7 letters of support have been received offering the following comments:

- There is no similar facility within a 13 mile radius of Newark
- The facility would be beneficial to the people of Newark, local sports teams, businesses and youths
- In a time when obesity is rife, is it a bad thing that Newark provides more incentives to provide a healthy lifestyle to the public?
- Would rather invest money in a local business than a branded chain facility

- Question how the council can approve a large amount of fast food restaurants that harm the vitality of Newark’s inhabitants but deny an independent start up trying to improve people’s lives
- The local community support small businesses and would look to support this one

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 7 – Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 9 – Sustainable Design

Newark and Sherwood District Council Development Management DPD (adopted July 2013)

Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5 Design

Policy DM12 Presumption in Favour of Sustainable Development

Policy NUA/E/1 – Newark Urban Area – Newark Industrial estate Policy Area

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG) 2014

Comments of the Business Manager - Development

Principle of Development

The NPPF supports sustainable economic growth. It also states that applications for alternative uses of employment land and buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. It also states that to deliver recreational facilities, planning decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities.

The Development Plan reflects the requirements of the NPPF by setting out a clear economic vision, through CP6, and policies/allocations to deliver this in the form of NUA/E/1 and DM1. The application site lies in an area where new employment development will be encouraged by Policy NUA/E/1. It states that development which is not of a B1/B2/B8 use will be expected to meet the requirements of Core Policy 6. Core Policy 6 of the Core Strategy seeks the retention of land and sites that can meet the needs of modern businesses. It also states that land and premises in existing industrial areas will normally be safeguarded and continue to be developed for business purposes. Where proposals are submitted for economic development uses, wider than B Use Classes, regard will be had to the following:

- The extent to which the proposals are responding to local needs for such development;

- The lack of suitable, alternative sites being available to meet the demand that exists;
- The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes;
- The need to protect and enhance the vitality and viability of town centres; and
- The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District.

The site was the subject of pre-application discussion where the policy constraints of the proposed change of use were outlined to the applicant. As part of the submitted full application the applicant has provided a number of supporting documents to address the points above. For clarity I will cover these points individually.

The extent to which the proposals are responding to local needs for such development

The applicant has stated that the proposal is for a small CrossFit facility which is unlike an ordinary gym in that it is instructor led and works on a class based system unlike a gym where people can just turn up and use the facilities. The applicant has surveyed the surrounding area and at present there are no CrossFit facilities in Newark, with the nearest being situated in Nottingham, Lincoln and Mansfield. The applicant states there is a need for affordable and accessible fitness coaching with the growing of population numbers and the prevalence of obesity and diabetes. The facility would be accessible to adults, teens and children all being coached by an experienced trainer.

The applicant also states that there are no other facilities with ties & relationships with local sports teams and this is something they would look to establish to help enhance the performance of local clubs. An article discussing the proposed development was recently published in the Newark Advertiser (6/9/15) where support from members of the public was clearly shown for such a facility.

The lack of suitable, alternative sites being available to meet the demand that exists

The applicant has provided an overview of other premises they have considered and reasons for their unsuitability. Approximately 10 other sites in the Newark area have been considered.

The proposed development site on Jessops Way was last used for storage in November 2014 and has been empty since January 2015. According to the submitted information there have only been 2 viewings of the unit other than that by the applicant and the last viewing was in April. The applicant has stated that at the time of submitting the application there are 27 units available to rent in the Newark area with the majority being in close proximity to the development site. The applicant considers the development site to be highly suitable for the proposed development given the excellent highway links and within easy walking distance of both bus and rail networks. The unit would require no external alterations with the exception of the erection of signage and sufficient parking is available to the front of the unit.

The need to safeguard the integrity of neighbouring uses, including their continued use for employment purposes

The applicant has stated that at the time of submitting the application there are 27 units available to rent in the Newark area with the majority being in close proximity to the development site. As such it is stated that at present supply is currently exceeding demand. In addition it has been confirmed by colleagues in Planning Policy that in the Newark Area there is currently no shortage of land for employment.

The need to protect and enhance the vitality and viability of town centres;

The applicant considers that the proposed CrossFit centre would contribute to the viability of people's lives in addition to that of the Newark town centre. The applicant estimates that up to 50 people a day could attend the facility and as a result of their journey to the facility a percentage could carry on linked trips into the town centre for food or drink which will bring additional trade to other local businesses.

Furthermore, given that the existing unit has been empty since January 2015, the proposal is significantly more beneficial to the viability of the surrounding area than the currently empty unit.

It is stated that the ethos of the facility is to increase people's fitness, activity, strength and energy in everyday life which mirrors the definition of vitality.

The potential impact on the strategic role and function of the remaining employment land, in meeting the future needs of the District.

Colleagues in planning policy raised the concern that the proposal could set a precedent for non-employment uses which could eventually undermine the strategic role of the Newark Industrial Estate Policy Area. The applicant considers that this statement is misleading in that the proposed development would look to create a comparable number of positions to that of a unit in B use class. Whilst the figures provided in relation to employee figures are estimates, the applicant is confident that the business will be a success and having visited other similar establishments in surrounding locations they consider them to be thriving and profitable. As part of the proposed business plan the applicant anticipates there being 4 full time members of staff and 3 part time employees of which one of these would be a paid apprentice.

It is concluded by the applicant that the proposal would be meeting the strategic criteria of Core policy 6 for the reasons outlined above.

Conclusion on principle of development

Having discussed the application with colleagues in planning policy and having reviewed the details contained within Spatial Policy 2, it is clear that given the allocation of employment land within the Newark Area to be provided (150-157ha) that the proposed change of use of a site of less than 0.1ha would not have a significant bearing on the availability of land for employment use.

Based on the information submitted by the applicant in relation to the location of other CrossFit centres in the surrounding area it would appear that other local authorities have sought to support the establishment of such facilities on industrial estates. Whilst the decision making of other local authorities should not have a direct bearing on the outcome of this application it does demonstrate a consistency in approach between at least 5 other local authorities in the east midlands with the applicant stating that they have also visited similar centres in industrial site locations in other cities.

On balance I do not consider the proposed use would have any adverse impact on the vitality and viability of Newark and given the scale of the development, I consider it unlikely that the proposed change of use would adversely affect the strategic role and function of the surrounding employment land's future.

This change of use to a CrossFit centre would enable the growth of a business in addition to providing a new recreational facility which could benefit the community and local economy of Newark. These benefits are considered to outweigh the modest employment loss of the building.

Overall, I consider the proposed use to be broadly in accordance with the requirements of Core Policy 6 and therefore the principle of development would be acceptable in this instance subject to an assessment of site specific issues set out below.

Impact on 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.

The applicant has demonstrated the availability of 4 parking spaces to the front of the unit and the presence of a further 6 visitor spaces immediately to the north of the unit. It is proposed that the class sizes be limited to 6 participants with a maximum of 4 members of staff on site at any one time. As such the Highways Officer raises no objection to the application and the proposal is considered to comply with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. The immediate area is an industrial estate and it is not considered that the proposed use would result in any adverse impact upon the amenity of nearby occupiers. Furthermore it is anticipated that the times of most activity at the centre would be outside of the normal business hours, notably before 9am and after 5pm. It is therefore not considered that the proposed change of use would have a detrimental impact on neighbouring amenity.

Conclusion

The proposed change of use of a vacant unit last used for storage to a CrossFit centre is considered to be acceptable. It is considered that the proposal would be unlikely to have any adverse impact on the vitality and viability of Newark and given the scale of the development, I consider it unlikely that the proposed change of use would adversely affect the strategic role and function of the surrounding employment land's future. The proposed development would support a start-up business which is looking to create employment opportunities by employing up to 7 employees including an apprentice. Furthermore it would provide a new recreational facility which could benefit the community and local economy of Newark. The centre would not result in any highway safety or amenity concerns and as such is considered to comply with core policy 6, spatial policy 7 and policy DM5 of the core strategy and development management DPD respectively.

Recommendation

Approve subject to the following 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 plan reference:

- Site Location Plan received 29/07/15
- Block Plan received 28/07/15

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 premises shall be used for a fitness area and personal training centre and for no other purpose, including any other use falling within class D2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the integrity of neighbouring uses within the employment site and to protect and enhance the vitality and viability of the Town Centre in accordance with the aims of Core Policy 6 of the Newark and Sherwood Core Strategy (2011).

BACKGROUND PAPERS

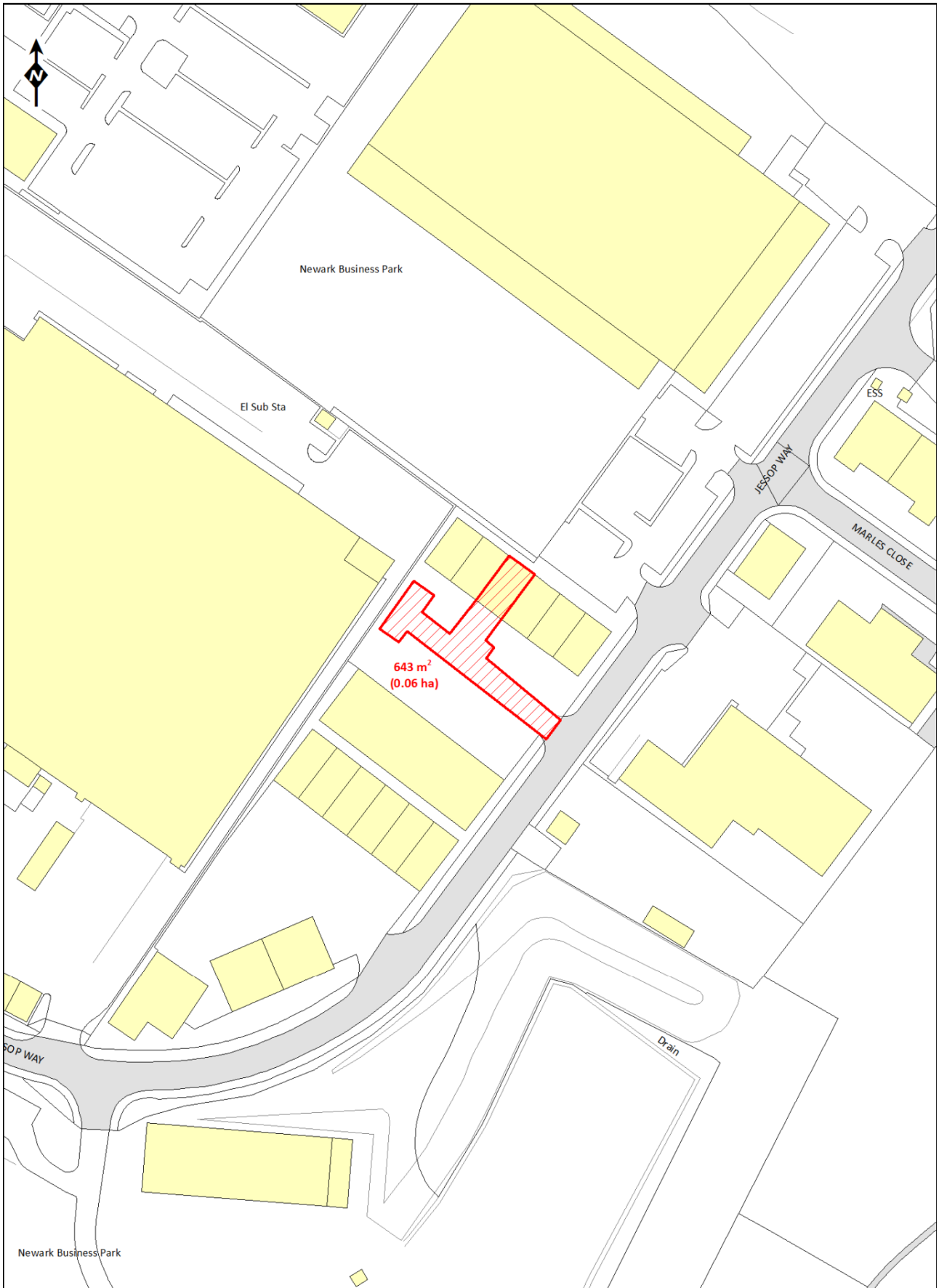
Application case file.

For further information, please contact James Mountain on ext 5841.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01245/FUL



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Application No:	15/00484/FUL	
Proposal:	Erection of a single 500kW wind turbine with a hub height of 50 metres and a tip height of 77 metres (Resubmission of 13/01504/FUL)	
Location:	Field Reference 8913 Off Brecks Lane, Elston, Nottinghamshire.	
Applicant:	Diocese Of Southwell and Nottingham.	
Registered:	19 March 2015	Target Date: 14 May 2015

The Site

The site is an arable field located within a predominantly flat landscape (15 metres above ordnance datum (AOD)) in open countryside surrounded by land in agricultural use. The site is accessed from an existing field entrance and farm track off Brecks Lane. The closest public right of way is a bridleway (Sibthorpe BOAT 8) which joins Brecks Lane 500 metres to the south of the site.

The site is located outside of any designated settlements but is surrounded by the small villages of Elston - 1.6 km to the north west, Sibthorpe - 1.5 km to the south west, Cotham - 2.1 km to the north east and Syerston - 3 km to the west. The topography rises to 25 metres AOD at Cotham and to 35 metres in Syerston. Several power lines with pylons cross the area generally from north to south. The nearest residential properties to the site are Devon Farm, approximately 618 metres north east of the site, Elston Grange, approximately 628 metres south east of the site and Firs Farm, approximately 915 metres to the south of the site.

The applicant has advised that the application site was selected from an initial review of circa 100 parcels of land, from which 24 sites were identified as having potential to accommodate a turbine. The application site was selected following an assessment of constraints such as public rights of way, roads, buildings, areas of woodland, watercourses, power lines and other local plan considerations. The site selection also took into account the nearest grid connection and site access requirements.

There site has no national or regional landscape or heritage designations, however there are three scheduled ancient monuments, 25 listed buildings and one conservation area within a 3.0 kilometre radius of the site.

Relevant Planning History

13/SCR/00001 – An application for a Screening Opinion was received by the Council on 30 January 2013 in relation to the erection of a wind turbine at Field Reference 8913 Off Brecks Lane, Elston. On the 14 March 2013 the Council confirmed that an Environmental Impact Assessment was not required.

13/01504/FUL – A planning application was received by the Council on the 21 October 2013 and

validated on 15 May 2014 for the erection of a single 500KW wind turbine with a hub height of 75 metres and a height to tip of 102 metres plus ancillary equipment and access. The application was withdrawn by the applicant on 12 January 2015 following advice from officers that the application would be recommended for refusal.

The Proposal

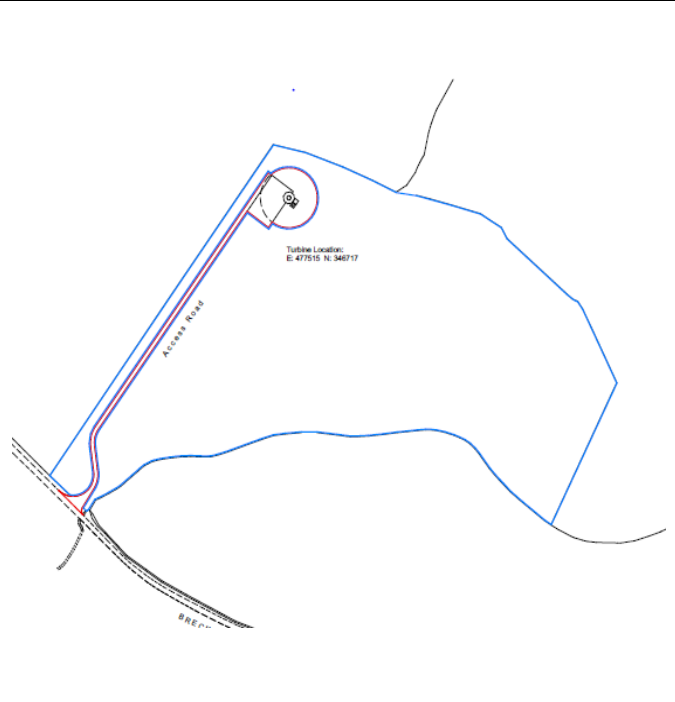

The application seeks full planning permission for a single 500kW three bladed wind turbine measuring 77 metres in height to blade tip and 50 metres in height to hub and with a rotor diameter of 54 metres. The turbine tower would be 3.6 metres in diameter at its base and 1.92 metres in diameter at the nacelle. The applicant predicts that the turbine would produce 1742MW hours of electricity per annum.

The development would involve the construction of concrete foundations, a transformer, substation, associated cabling, an access track to the site and a temporary site working area. The access track would be located off Brecks Lane and would utilise an existing field entrance. The turbine would be assembled on site and lifted into position by cranes. The field would remain in arable agricultural use following the construction of the turbine.

Planning permission is sought for 25 years from the first generation of electricity on site, after which the turbine would be removed and the site restored. The applicant states that the turbine would provide the Diocese of Southwell and Nottingham with some control over energy supply security and would reduce energy costs by providing a significant amount of their existing energy usage from a renewable source.

This application is a resubmission of a previous application (ref: 13/01504/FUL) withdrawn by the applicant following advice from the council that the application would be refused (see planning history above). The amendments to the scheme involve a reduction in the height of the turbine, repositioning of the turbine on the site and repositioning the site access off Brecks Lane. Details of both schemes are provided below:

Previous Application (13/01504/FUL)		Current Application (15/00484/FUL)	
Hub height:	75 metres	Hub height:	50 metres
Height to blade tip:	102 metres	Height to blade tip:	77 metres
Site Area:	0.403 hectares / 4030 sq/m	Site Area:	0.43 hectares / 4341 sq/m
Turbine location:	E: 477515 N: 346717	Turbine location:	E: 477528 N: 346691

Previous Application (13/01504/FUL)	Current Application (15/00484/FUL)
 <p>The diagram shows a site plan with a blue boundary. A red line labeled 'ACCESS ROAD' leads to a turbine location marked with a circle and crosshair. The coordinates are E 477515 N 348717. A 'BRECK' is indicated at the bottom left.</p>	 <p>The diagram shows a similar site plan to the previous one, but with a different turbine location marked with a circle and crosshair. The coordinates are E 477526 N 348691. The 'ACCESS ROAD' and 'BRECK' labels are also present.</p>

The Planning Application has been submitted with the following supporting documents:

- Planning Statement
- Heritage Impact Assessment
- Landscape and Visual Impact Assessment
- Ecological Walkover, Bird and Bat Survey Report
- Flood Risk Assessment
- Noise Assessment
- Transport Note

During the assessment of the application, an updated ecological walkover survey of the site, an updated heritage impact assessment and an addendum to the noise assessment have been submitted.

Public Advertisement Procedure

Letters were sent to 104 neighbouring properties and a site notice and press advert posted.

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 DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

Supplementary Planning Documents

- Newark and Sherwood Landscape Character Assessment SPD (adopted December 2013)
- Newark and Sherwood Wind Energy SPD (adopted March 2014) & supporting Landscape Capacity Study for Wind Energy Development (March 2014)

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance (NPPG) 2014

Consultations

Elston Parish Council – objection

On the **8 May 2015** Elston Parish Council raised objections to the application. The concerns raised by the Parish Council are summarised as follows:

The Planning Application and Procedural Matters

- The application should not be considered as a ‘resubmission’ of the previous application but should be a ‘fresh’ new planning application with payment of a planning application fee. This is due to changes to the red line application site boundary, namely the revised site access, position of the turbine and grid reference. In addition, the revised application was received by the council in excess of 12 months from the date when the previous application was lodged.
- The application relies on the EIA Screening Opinion carried out in relation to the former withdrawn application.
- The applicant did not undertake sufficient pre-application engagement with local communities and has therefore failed to meet the requirements of Statutory Instrument 2013 No.2932.
- It is unclear whether the applicant undertook pre-application consultation with the Local Planning Authority as endorsed by the National Planning Policy Framework (NPPF).
- It is unclear from the submission what works would be carried out under the land, for example the amount of soil that would be excavated and depths associated in forming the turbine foundations, undertakings for ancillary equipment and the access road.

Main Concerns and Issues

Landscape and Visual Impacts: –

- The proposal would result in a structure of huge scale, totally at odds with the size of other structures in the landscape and when operational and rotating would span a significant area and have an extremely large and dominating overall massing in the landscape. The applicant's viewpoints 1, 2 & 3 demonstrate that the turbine would be significantly higher and vastly more prominent than any existing structure in the landscape.
- Since the earlier application was withdrawn two appeals have been refused in the nearby village of Orston. In both instances two different Inspectors identified that the development would have landscape impacts.
- The turbine would appear over-dominant in views from many vantage points and rights of way. It would be a step too far and would add visual harm to the flat and open landscape character. For these reasons along with the adverse landscape and visual impact it would have on the countryside this proposal should be refused.

Cumulative Impact: –

- The turbine would have an adverse cumulative impact – there are 15 other wind turbine developments, totaling 17 individual wind turbines which are either operational, consented or proposed within 15km of the application site.

Heritage, Cultural and Archaeology: –

- The applicant is relying on the same Heritage Impact Assessment prepared for the previous application; no further work has been carried out to reflect the changes made to the scheme.
- Since the earlier application was withdrawn two appeals for single wind turbines of up to 74 metres in height have been refused in the nearby village of Orston. In both instances two different Inspectors identified that the development would have detrimental effects on the significance and setting of heritage assets.
- We remain unconvinced that a wind turbine of any size in a location in this sensitive, flat and open, rural landscape can be accommodated without substantial harm to designated heritage assets.
- The proposal should be refused on the basis of insufficient information being submitted to enable the council to make a fully considered adequately assessed and well balanced decision on the impact on the Elston Conservation Area and wider heritage assets.

Noise: –

- The applicant's noise assessment dated February 2015 relies on noise measurements collated in April 2013. It should not be assumed that there has not been a change in local circumstances in the vicinity of the survey sites.
- The precise location where the survey equipment was installed is unclear. The occupiers of Devon Farm noted that the equipment was installed in close proximity to an electric transformer unit which produced a certain amount of noise disturbance. The precise location of the other 'satellite locations' is also unclear. The validity of the ambient noise levels collected is therefore questioned.

Highways: –

- The Parish Council remain extremely concerned that HGV's and oversize HGV's would damage verges, kerbs and other wider land as the oversized vehicles traverse the highway network through the village of Elston along Top Street and Mill Road.

Ecology: –

- The ecological survey relies on work carried out in 2012 and 2013. Given the considerable period of time that has passed since the previous surveys were carried out it should not be

assumed that there has not been a change in circumstances in the vicinity of the site. The ecological report is based on excessively out dated data and the application should be rejected on the basis of insufficient information. The development may have negative and detrimental impacts on the ecology known to frequent the locality.

Residential Amenity: –

- The turbine would be prominent and intrusive in the outlook from principal rooms in Devon Farm and from its associated amenity space. The lives of the occupiers would become dominated by the presence of the wind turbine which would have an unacceptably, overbearing impact on living conditions at the property.
- The turbine would impinge on views from Elston Grange and properties at Meadow Farm and Grange Farm and would have a detrimental impact on the living conditions of the occupiers of these properties.
- The applicant has not submitted any analytical evidence to demonstrate and support their assertion that no properties will be affected by shadow flicker.
- The proposal would result in an incongruous and dominating structure which will have an overwhelming impact on the lives of people who live in the surrounding rural environment. It will be adversely detrimental to their residential amenity.

Foundations: –

- Concerns are raised in terms of the amount and depth of excavation required for the foundations. A number of boreholes exist in proximity to the proposed development which are all less than 30m deep. It is unclear whether the proposed development may impact on ground water resources.

Grid Connection: –

- The applicant claims that the site is close to good grid access, however no further details are provided. It is understood that grid connection would be obtained by connecting to the sub-station close to Elston School and cables would be run under Brecks Lane, Mill Road and Top Street. This will cause significant disruption to the highway network.

Alleged Community Benefits: –

- The applicant has advised that the development would result in the creation of an annual grant made available to the local parishes of Elston, Sibthorpe, Cotham and Shelton; however a wider understanding of how this would be formulated is not disclosed.

Conclusions

We have serious concerns with regard to this new application submission. We urge the Council to carefully consider the issues identified above and satisfy itself that the genuine concerns of local people and the environmental considerations are adequately weighed in the balance.

We are of the firm view that the impacts do not outweigh any benefits that this scheme might bring. On the basis of the evidence submitted by the applicant we are unconvinced that all material considerations have been sufficiently, appropriately and adequately assessed which leaves the decision maker unable to proceed to formulate a sound decision. For these reasons we consider the application should be refused.

On the **13 July 2015**, following the publication of a Ministerial Statement on the 18 June 2015, subsequent updated National Planning Practice Guidance, and the Government's Briefing Paper

on the 23rd June 2015 entitled 'Planning for onshore wind' Elston Parish Council submitted further comments which are summarised as follows:

- The proposal does not comply with the new policy considerations to be applied to wind energy development as set out in the Ministerial Statement and should therefore not be granted planning permission, i.e. the development is not in an area identified as suitable for wind energy development in a local or neighbourhood plan and the development does not address the planning impacts identified by the local community and therefore does not have their backing.

On the **27 August 2015**, following the submission of an updated heritage impact assessment, Elston Parish Council submitted further comments which are summarised as follows:

- The updated heritage impact assessment uses the same approach as the document originally submitted and therefore does not comply with Historic England Good Practice Advice 3: The Setting of Heritage Assets (July 2015).
- The updated assessment does not consider the impact on the Grade I St Mary's Church at Bottlesford and the Grade I listed St Peter's Church at Redmile.
- The conclusions in the assessment are questionable because they are the same for all assets irrespective of their different character, location and level of importance. The conclusions in relation to the heritage assets in the village of Elston, Sibthorpe Dovecote, Church of St Michael Cotham, Elston Chapel, Elston Conservation Area and Windmill are questioned.
- If the planning appeal for the development of four wind turbines at Field 8884 Cotham Road Howton is allowed and the turbines erected, there would be potential for a significant cumulative impact on heritage assets in the vicinity. The updated assessment does not consider cumulative impact.

Syerston Parish Council – objection

On the **10 April 2015** Syerston Parish Council commented as follows:

The Parish of Syerston writes formally to object to the proposed wind turbine installation on land off Brecks Lane, Elston. A 50/77m structure, at that site, is unacceptable in its scale and impact. It will damage the visual amenity and local hospitality businesses including pubs, restaurants and B&Bs will suffer long term effects as another of their attractive features is compromised. Its proximity to dwellings and listed buildings (inc. Grade II*) will adversely affect the health of its near neighbours and the historical context of the setting. Its industrial size and supporting infrastructure will put at risk valuable local wildlife habitats which will further damage the rural context of Elston and its neighbouring villages. The District Council should be guided by local opinion. Central Government support for on-shore wind turbines has evaporated and the principle of "localism" must be considered a legitimate Planning objection.

Newark & Sherwood District Council Conservation – no objection.

On the **16 April 2015** the District Council's Conservation Team raised no objection to the application. Their comments are summarised as follows:

Preliminary

Conservation has previously commented on this proposal, raising concerns about the impact of a 102m turbine on heritage assets within the vicinity. The applicant has since had constructive dialogue with the Council to explore ways in which the scheme could be amended to reduce/mitigate harm to the historic environment. The resubmitted scheme is a reflection of those discussions.

Assessment of proposal

The submitted Heritage Impact Assessment provides a comprehensive summary of all heritage assets within 3km, as well as nationally significant designations beyond the study zone, including East Stoke Battlefield. The overriding impression is that the development will have some moderately harmful impacts on a number of heritage assets, notably the scheduled monuments and high grade listed buildings in closest proximity. In particular, it is felt that there will be some detrimental impact on the setting and significance of the group comprising the Grade I Church of St Peter, the 14th century pigeoncote and various scheduled earthworks at Sibthorpe. I also have some concerns about impact on the significant Grade I listed Elston Chapel given its rural landscape setting, and on the wider landscape setting of East Stoke Battlefield.

However, further to the discussions undertaken by the applicant with the Council, I am satisfied that the resubmitted scheme has significantly reduced the scale of harm previously identified. The reduction in height of the turbine, for example, will ensure that the turbine is not as prominent. The distance to and from material receptors combined with intervening green infrastructure, helps to reduce visual impact furthermore. Overall, the scale of harm identified, including cumulative impact, is less than substantial for the purposes of paragraph 134 of the NPPF.

Nevertheless, as set out under Section 66 of the Act, harm to the setting of listed buildings of any magnitude is contrary to the objective of preservation. In this case, the decision-maker would need to be satisfied that the development had a clear and convincing justification, and that the public benefits accrued through renewable energy production outweighed the level of harm.

Historic England – initial objection (now confirmed for the LPA to determine)

On the **13 April 2015** Historic England objected to the application, their comments are summarised as follows:

The submitted Heritage Impact Assessment does not appear to have been revised to reflect the reduced height of the turbine and focuses on a 3 km radius. Your authority will need to be satisfied this is a large enough area to fully assess the impact of the turbine of the significance of the identified designated and non-designated heritage assets – which from part of their significance from their setting. We previously identified the potential impact of the turbine on (and not exclusive to)

- Sibthorpe scheduled medieval village including the dovecote and Grade I Listed Church of St Peter
- The Vale of Belvoir – Grade 1 St Mary’s Bottesford and Grade 1 St Peter’s Church at Redmile
- The Grade I Listed Elston Chapel

We remain very concerned by the conclusions of the heritage impact assessment which appear contradictory to the assessment itself and do not follow the approach taken and recommended within our published and endorsed guidance – Good Practice Advice 3: Setting and Views (this has superseded The Setting of Heritage Assets 2011). Whilst photographs are provided indicating where the turbine might be seen, the photographs present one snap shot of a specific view which does not capture the extent of impact and experience of the turbine when appreciating the wider setting of the heritage assets. The presence of a large turbine is acknowledged by the assessment as a distracting modern, prominent feature in the landscape and in some areas will heighten the cumulative impact of existing pylons. Part of the experiencing of visiting, and appreciating the heritage within Sibthorpe in its landscape context is found in the views to and from the heritage assets – and their appreciation as a group. Here the turbine will be viewed in juxtaposition and over will have a harmful impact on the experience and appreciation of these assets in their agricultural, landscape setting.

The assessment acknowledges that the turbine will be viewed and experienced from the Grade I listed Elston Chapel as a dominant structure, detracting from the importance of the chapel...and would be obvious in the vista as experienced from the door of the chapel, with the movement of the blades possibly experienced from inside the chapel via the large east and south facing windows. The view towards and out of the East window is a critical and highly significant view within a church and as potentially with St Peter's, Sibthorpe, the experience of a turbine in this view, is considered harmful to significance. Again the assessment concludes that impact would be slight – which we believe is confusing and unhelpful. The chapel is of immense evidential value as a remnant of the early medieval village, lying detached in a small enclosed field on the NE corner of the village. We agree with the assessment that part of the experience of visiting the chapel is as if returning to the late medieval/early post-medieval period as the immediate surroundings remain largely unchanged within its rural setting. We disagree that impact will be slight and would define impact as harmful to the significance of the grade I listed chapel.

The assessment does not consider impact on the Vale of Belvoir – Grade I St Mary's Bottlesford and Grade I St Peter's Church at Redmile. We also draw attention to other heritage assets including the registered site of the Battle of Stoke Field which lies 3.4km from the proposed turbine.

Historic England Position and Recommendation

We are very concerned by the conclusions within the submitted heritage assessment and the lack of robust assessment within a 5km radius. We believe this remains relevant despite the reduction in height of the proposed turbine. On the basis of the submitted information we believe the proposals will result in harm to a number of designated heritage assets, including those specifically mentioned within this letter. We recognize there are a number of other designated heritage assets which will also be affected by this proposal.

Whilst this harm may be identified as less than substantial, it is nonetheless harm, and it will be for your authority to balance all planning considerations in determining whether this application can be deemed sustainable under the NPPF and can be justified under paragraphs 131, 132, 134 and 137 of the NPPF. We do not believe that degree of harm has been fully assessed nor justified, and therefore we do not support this planning application.

*Following the submission of an updated Heritage Impact Assessment, Historic England provided further comments on **2 September 2015** as follows:*

The Heritage Impact Assessment reflects the revised turbine height and remains focused on a 3km radius.

Sibthorpe medieval settlement - whilst the assessment has been revised to address the reduced height of the turbine, stating in general that there will be a reduction in the impact significance, we believe the presence of the turbine when experiencing and appreciating the scheduled area, will still create a distracting modern intrusion into the landscape - and in some areas is likely to heighten the cumulative impact of existing pylons. Whilst the assessment states that the reduced height equates to reduced impact - we believe the significance of these designated heritage assets including their aesthetic value as historic, prominent structures within this open landscape will be harmed by the presence of the turbine.

Elston Chapel - the revised assessment of impact on the Grade I listed Elston Chapel states that the 77m height will result in negligible visual impact and the turbine would no longer be visible on the skyline from the chapel apart from partial seasonal intervisibility. It will be for your authority to determine whether the reduced height is sufficient to mitigate the harm caused to the significance of the chapel, in part derived from its rural, unchanged setting.

The assessment does not consider impact on the Vale of Belvoir - Grade I St Mary's Bottesford and Grade I St. Peter's Church at Redmile. We also draw attention to other heritage assets including the registered site of the Battle of Stoke Field which lies 3.4km from the proposed turbine.

We have provided advice in line with the 1990 Planning (Listed Buildings and Conservation Areas) Act, the NPPF, the Planning Practice Guidance and the Good Practice Advice - drawing particular attention to 3; Setting and Views. (2015) Based on the information submitted, we believe the proposal will result in harm to a number of designated heritage assets, including those specifically mentioned within this letter. We recognise there are a number of other designated heritage assets which will also be affected by this proposal.

Whilst this harm may be identified as less than substantial, it is nonetheless harmful, and it will be for your authority to balance all planning considerations, giving the special regard required by statute and policy requirements within the NPPF, in determining whether this application can be deemed sustainable and can be justified under paragraphs 131, 132, 134 and 137 of the NPPF.

Nottinghamshire County Council Archaeologist – no objection subject to conditions.

The County Council Archaeologist initially objected to the application, however has since agreed that a planning condition would overcome their initial concerns. The County Council Archaeologist initially provided comments on the **12 May 2015**, subsequently updated on the **26 May 2015**. Their comments are summarised as follows:

- The application site is in an area from which a wealth of archaeological sites are known, although none are currently known within the application site itself. Nevertheless, the location of the site and the distribution of known archaeological sites around it suggest that there is reasonable potential for this site to contain archaeological remains.
- The applicants should supply additional information on the archaeological potential. On this geology geophysical investigation might provide only limited results, but it is nevertheless worth testing as being the most cost effective way of identifying buried remains.
- I am happy to accept a condition in these circumstances, and would suggest that the work involved involves controlled supervision of the topsoil strip by a professional archaeologist

(strip with a toothless bucket), and appropriate sampling and recording of any archaeological features uncovered.

Newark and Sherwood District Council Environmental Health (Noise) – no objection subject to conditions.

On the **30 April 2015** the Environmental Health (Noise) team commented as follows:

In respect of noise, the predicted levels are low and would appear to comply with both ETSU and my suggested lower night time levels. Were you minded to approve you may wish to condition along the predicted levels set out in the noise report. In addition, a condition along the lines of, on receipt of a complaint the applicant should carry out a full assessment and undertake remedial action all to the approval of the Local Planning Authority.

In respect of shadow flicker, it is not highlighted as a potential problem. But again were you minded to approve the application a condition requiring a full investigation and remedial works on receipt of a complaint be carried out all to the approval of the Local Planning Authority, would seem wise.

Nottinghamshire County Council Highways – no objection subject to conditions.

On the **29 April 2015** the County Council Highways team raised no objections to the application, their comments are summarised as follows:

- The applicant has submitted a Transport Note, including swept path analysis, relating to the delivery vehicles during the installation phase. The proposed route is A46, onto Lodge Lane, through Elston village, leading onto Brecks Lane.
- The visibility from the proposed access is less than normally required and to achieve the 2m x 135m splay, as shown on dwg No. LTP/1899/Appendix 2, the existing hedge will require cutting back. From the plans submitted, this hedge is not shown as being within the applicant's control, therefore, could the applicant confirm that they have permission from the land owner to provide maximum visibility?
- It is noted that on street parking occurs along the route and the applicant should bear this in mind to ensure this does not hinder the delivery vehicles of the turbine components.
- Subject to conditions to secure the installation of the visibility splays and the submission of a traffic management scheme prior to commencement, there are no highway objections to this application

Nottinghamshire Wildlife Trust – no objection subject to conditions

The Wildlife Trust initially raised concerns that the ecological information submitted with the application was out of date. Following the submission of an updated survey the Wildlife Trust raise no objections to the application. The comments of the Wildlife Trust area summarised as follows:

On the **10 April 2015** the Wildlife Trust commented:

- The ecological information submitted with this application is based on the same survey work carried out for the previous application. As the new, smaller turbine is proposed to be in the same location (and remains in excess of 50m from hedgerows) we concur that no additional ecological effects are likely compared to the previous proposal.

- However, as the surveys were carried out in 2012, we request a pre-commencement walkover survey be carried out to ensure that the ecology of the site has not changed in the intervening period. If the turbine development does not commence during 2015, you may feel it necessary to request a full set of updated surveys as the information currently submitted would then be over 3 years old.
- We would like to see the hedgerow and field margin enhancements, which were previously proposed, being incorporated into this new application. These comprised a change in management of the length of hedgerow to the west of the turbine to increase its biodiversity value, as well as creation of a 6m wide species rich field margin. Such biodiversity enhancements are encouraged under paragraph 118 of the NPPF.
- Should the application be granted, we request post-installation monitoring with the aim of providing information with which to better evaluate the risk of single turbines to both bats and birds.
- We request a condition to ensure that hedgerows, trees or shrubs are not removed within the bird breeding season, unless a competent ecologist has provided confirmation that no birds will be harmed and/or that appropriate measures are in place to protect nesting birds

Following the submission of an updated ecological walkover survey, the Wildlife Trust provided further comments on **15 May 2015** which are summarized below:

- We are pleased to see that an updated walkover survey has now been carried out as previously recommended and we are satisfied with the methodology employed and conclusions reached.
- The report finds that no changes have occurred which would increase the ecological impact of the proposal and no additional mitigation would be required.
- Our comments regarding hedgerow and field margin enhancements, post-installation monitoring and vegetation clearance (letter dated 10th April 2015) remain unchanged.
- We note that the mature crack willow (T4) has been felled since the original report. Whilst this may be outside the remit of the planning application, the 2013 SLR report stated that this tree was considered to have moderate bat roost potential. With this in mind, any works to the tree should have been informed by further detailed bat survey work to determine if a bat roost was present. If this further survey was not carried out before the tree was felled, there is a risk that an offence could have been committed.

Natural England – no objection

On the **14 April 2015** Natural England commented as follows:

Natural England previously commented on this proposal in letters dated 30 January 2014, 5 June 2014 and 29 October 2014. The advice in our previous responses applies equally to this application although we made no objection to the original proposal. The proposed application is unlikely to have significantly different impacts on the natural environment than the original proposal.

The comments received in respect of planning application 13/01504/FUL are summarised below:

- *Statutory nature conservation sites* - based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- *Protected Species* – we have not assessed this application and associated documents for impacts on protected species. The closest designated site (Orston Plaster Pits Site of Special

Scientific Interest) is within 10km of the proposal site and no protected landscapes will be affected. Refer to Standing Advice on protected species.

- *Local Sites* - if the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- *Biodiversity Enhancements* - this application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant.
- *Landscape enhancements* - this application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.
- We acknowledge the efforts made towards creating a bird sanctuary area near to the site. As this site does not have any national or international designation, we do not wish to comment.

Campaign to Protect Rural England (CPRE) – objection

On the **29 April 2015** the CPRE raised objections to the application, their comments are summarised as follows:

We would ask that all our comments on the previous application be considered again when assessing this later application. We refer to our letters dated 11 October and 21 August 2014.

We can find no reference in the Ecological Survey of the private bird sanctuary created at Devon Farm. Although certain non-statutory designated sites are listed in the report they do not include that at Devon Farm despite evidence submitted for the previous application that there is much information on the bird population, etc. in the records from several parties interested and working in this non-statutory area.

It is our opinion that the reduced height of the turbine will reduce its damage viewed from the distant landscape but will offer little benefit to the less distant and more local landscape due to its very flat nature. It remains a serious impact upon this part of Nottinghamshire.

Comments from the CPRE on the **11 October 2014** and **21 August 2014** in response the previous application are summarised as follows:

This application proposes the installation of a wind turbine close to a designated Conservation Area and a private - but no less significant - bird sanctuary.

Elston Conservation Area

- the proposed development will have significant adverse effects on the predominately flat landscape impacting on Elston Conservation Area, and,
- the total output from the turbine is insufficient to outweigh the environmental and social effects of the installation.

Bird Sanctuary

- the proposed turbine will have a severely adverse effect on the local bird/bat population and other airborne wild life and will diminish the environmental attraction of the area.

- the total output from the turbine is insufficient to outweigh the environmental and social effects of the installation

Nottinghamshire Ramblers – no objection

On the 16 **April 2015** Nottinghamshire Ramblers commented as follows:

From the narrow-based perspective of a walker on the local Right of Ways there would seem to be no valid reason to oppose this particular application. We would like the Council to be mindful, however, of the increasing concentration of wind turbines in the area which will cumulatively make for a less pleasant outdoor experience for walkers and which will also have deleterious effects upon local tourism.

Defence Infrastructure Organisation – no objection subject to conditions

On the **29 April 2015** the DIO commented as follows:

The Ministry of Defence (MOD) has no objection to the proposal.

The application is for 1 turbine at 77 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers’ or your pro-forma.

Turbine	100km Square letter	Easting	Northing
1	SK	77528	46691

In the interests of air safety the MOD request that the turbine is fitted with 25 candela omnidirectional red lighting or infrared lighting with an optimized flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

If planning permission is granted we would like to be advised of the following:

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of every turbine.

Civil Aviation Authority (CAA) – refer to standard advice

On the **14 April 2015** the CAA provided their standard advice.

Joint Radio Company (JRC) – no objection

On the **28 April 2015** commented as follows:

This proposal ‘cleared’ with respect to radio link infrastructure operated by Western Power Distribution (Midlands) and National Grid Gas Networks

JRC analyses proposals for wind farms on behalf of the UK Fuel & Power Industry. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly in the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal. Please note that due to the large number of adjacent radio links in this vicinity, which have been taken into account, clearance is given specifically for a location within the declared grid reference.

Environment Agency – no objection subject to conditions

On the **31 March 2015** the Environment Agency commented as follows:

I have no further comments to add to those returned in respect of planning application 13/01504/FUL.

The comments received on the **31 December 2014** in respect of planning application 13/01504/FUL are summarised as follows:

The proposed development will only meet the requirements of the National Planning Policy Framework if the mitigation measures detailed in the Flood Risk Assessment submitted with the application are implemented and secured by way of a planning condition.

Trent Valley Internal Drainage Board – no objection

On the **15 April 2015** the Internal Drainage Board commented as follows:

The Board has no objection to the proposals subject to the applicant satisfying the requirements detailed below.

The site is located within the Board's district and is served by the Board maintained Meadow Drain, an open watercourse of which the upstream end is located at the northern site boundary. The access track should be designed in such a way that does not impact on flows within the floodplain.

Representations

77 representations have been received, comprising 73 letters of objection, 2 letters of support and 2 observations. The objections are summarised as follows:

Objections – the proposed turbine would:

- spoil the landscape and result in visual intrusion and dominate the landscape.
- spoil the outlook from nearby villages and surrounding countryside.
- ruin an area of outstanding natural beauty, namely the Vale of Belvoir.
- impact on the setting of nearby listed buildings and conservation areas.
- increase the industrialisation of the landscape and rural setting.

- be too close to residential dwellings, pose health risks, result in excessive noise levels, visual disturbance due to rotating blades and light at night, loss of privacy, overshadowing and have an overbearing impact on nearby residential properties.
- be a threat to wildlife, bird and bat habitats. The walkover survey underestimates the amount of wildlife population in the area.
- impact on the tranquility of a nearby allotment site.
- result in too many turbines in the area.
- increase the risk of flooding by building on the flood plain.
- impact on the safety of aircraft using Syerston airfield.
- result in traffic disruption, noise, dirt, damage to roads, hedges and buildings during construction.
- impact on wireless broadband for Elston, current provision is inadequate and the turbine will disrupt the signal.
- have a detrimental effect on local jobs, tourism and the local economy - people will not want to visit the area with the wind turbines marring historic buildings and views of the countryside.
- effect nearby property prices.
- benefit a private individual with no benefit to the local community. The financial benefits offered by the applicant to four nearby parishes would be of minimal benefit.
- the applicant has not properly consulted with the local community.
- this application for a smaller wind turbine does not overcome the concerns previously raised by residents about the previous application for a larger turbine.
- not convinced of the efficiency of turbines as generators of electricity.
- the small amount of energy the turbine would produce would not justify the harm it would cause to the area.

Duty to consult

Members will be aware of the Statutory Instrument (SI) No.2932 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013, which sought to introduce a pre application consultation procedure for developers to consult with the local community for planning applications involving more than two turbines or turbines with a hub height of greater than 15 metres. The SI was enacted on 17th December 2013 and only effective for turbine applications submitted after this date. This application was submitted after this date and the applicant has submitted details of how they have complied with this. The applicant has advised that they sent a written description of the proposed turbine, a map to identify the proposed location of the turbine and contact details to send any comments to all known residents living within 1.5km of the turbine site. The document was also sent to the Parish Council's for the nearby villages of Elston, Cotham, Shelton and Sibthorpe, giving 21 days to respond with any comments.

In response to this consultation, the applicant has advised that the Clerks of the four Parish Council's responded to acknowledge receipt of the consultation but did not comment on the proposed turbine. Four responses were received from residents, three objections and one support.

One local resident expressed a strong objection to the turbine as it would be directly visible from the Doveocte, Grade I Listed church and houses in Sibthorpe. The resident also raised concerns about the effect on local wildlife, noise and flicker effects. In response, the applicant comments that the application is supported by reports, namely a heritage impact assessment, ecological,

noise and flicker surveys.

Another local resident raised concerns that the site has flooded several times in recent years which is a risk to the turbine. In response, the applicant advises that the application is supported by a flood risk assessment.

A further resident raised concerns due to noise, shadow flicker, ecology, heritage and transport. The resident also commented that the efficiency of turbines is highly exaggerated and raised concerns about the disruption from digging the cabling from the turbine to the grid point of connection on the edge of Elston.

One response in support of the development was received, including a suggestion that the turbine could incorporate a mobile telephone relay device as the telecommunications reception is very poor in nearby villages.

No formal guidance has been laid down by Central Government on how agents/applicants should consult with the 'community'. In this instance the Council considers the consultation undertaken to be a reasonable approach which complies with the relevant legislation.

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 (NPPG).

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 neighbourhood plan and following consultation it can be demonstrate 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, we should be 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 judgment with respect of community backing and whether this outweighs all other planning issues must be made. It is important to remember that the NPPG makes clear that whether a proposals has the backing of the community is a planning judgement of the local planning authority. Even following the LPA's legal advice decisions are being taken on appeal which offer comment on the weighting to the attached to the NPPG. This includes Secretary of State decisions

which are discussed below.

Having regard to the above, the application will firstly be appraised against the Development Plan.

Planning Policy Context

The United Kingdom is legally bound to ensure that 15% of our energy comes from renewable sources by 2020. The Climate Change Act also commits to reducing greenhouse gasses substantially (for example 26% below 1990 levels by 2020) and these targets are challenging. The UK Renewable Energy Strategy (2009) suggests more than 30% of electricity should be generated by 2020. In setting this target it is recognised that to deliver this it will be heavily dependent upon the exploitation of wind energy.

The National Planning Policy Framework (NPPF) advises that local planning authorities should design their policies to maximise renewable and low carbon energy development whilst ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. Applications that meet these conditions should be approved and the NPPF is clear that there is no requirement for the applicants to demonstrate the overall need for renewable energy.

The District Council's commitment to tackling climate change is set out in Core Policy 10. This states that the Council will encourage the provision of renewable and low carbon energy generation within new development. In support of Core Policy 10, Policy DM4 advises that planning permission will be granted for renewable energy generation development where its benefits are not outweighed by detrimental impacts.

In determining this application, it is necessary to balance the presumption in favour of wind turbines set out in the NPPF against any recognised positive or negative impacts as set out in the district council's planning policies alongside the views of the local community as highlighted in the ministerial statement and updated national planning practice guidance.

Environment Impact Assessment

A request for a Screening Opinion was submitted to the Council on 30 January 2013 in respect of the previous application for the erection of a wind turbine on the site with a hub height of 75 metres and a height to tip of 102 metres. This proposal was considered against The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It was concluded that the proposed wind turbine met the criteria and thresholds of Part (3)(i) of Schedule 2 of the 2011 Town and Country Environmental Impact Regulations insofar as it included a wind turbine that exceeds 15m in height.

The local planning authority applied the selection criteria set out by Schedule 3 of the Regulations and made reference to the guidance set out in Circular 02/99, which whilst defunct, is still a useful tool in such matters. Taking all matters into account, the local planning authority concluded that the previous proposal was unlikely to have complex or significant environmental affects and therefore a formal Environmental Statement was not required.

In respect of the current application, the local planning authority considers that a new screening opinion is not required given that the revised proposal is for a smaller wind turbine than previously proposed and the minor revisions to the site access and the location of the turbine on the site do not constitute a material change to the scheme.

Landscape and Visual Impacts (including Cumulative Impacts)

The impact upon the landscape is a key consideration for this scheme. At 77 metres to tip height, the turbine will be visible in the landscape to differing degrees depending upon the location from which it is viewed. In assessing this application, the significance of these impacts and the harm to the landscape has been carefully considered.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA) which provides an assessment of the visual impacts of the proposed turbine and includes photomontages from 10 viewpoints illustrating how the turbine will look. The LVIA considers the impact of the development on landscape features and character within a 5 kilometre radius from the site.

The Zone of Theoretical Visibility (ZTV), the extent of land where the turbine could theoretically be visible from, is extensive, predominantly to the north, south and east of the site. Views towards the proposed development were analysed up to 15 kilometres from the application site. However, the LVIA notes that the actual visibility would be limited by existing vegetation, built form and undulating topography.

It is considered that sufficient images have been submitted, that these are a fair representation and that the information is adequate to enable a proper and considered assessment of the impacts upon the landscape to be undertaken.

Landscape Setting

Landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape. It is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape (National Planning Practice Guidance (NPPG), Paragraph 023).

Core Policy 13 addresses issues of landscape character. The Council adopted a Landscape Character Assessment (LCA) 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 identifies a series of policy zones across the five landscape character types represented across the district.

The application site is located within the South Nottinghamshire Farmlands Character Area and specifically within the Elston Village Farmlands Policy Zone (SN PZ 07) as defined within the LCA. Within the South Nottinghamshire Farmlands Character Area there is a chapter referring to 'Renewable Energy' which acknowledges the need for sources of renewable energy such as wind turbines within planning policy and how they have *"the potential to change the landscape character of the South Nottinghamshire Farmlands, particularly in the more sparsely settled southern areas."* The LCA acknowledges that the power generation industry will continue to be a dominant feature of the region.

Policy Zone SN PZ 07: Elston Village is characterised by flat and open topography, predominantly intensive arable land use, some pastoral fields generally in vicinity of settlements. Views are interrupted by power lines and pylons running east to west through the area, and by the A46. The Policy Zone is described as having a moderate landscape condition, with a coherent pattern of elements composed of predominantly arable fields and isolated farms. There are some distracting

features including sewage works, industrial works, the A46, pylons and pylon lines. The landscape sensitivity is also defined as moderate. The landform is apparent with intermittent tree cover giving a generally moderate visibility value. Views are intermittent due to networks of generally mature hedgerows. The landscape actions are to 'conserve and create'. In particular, to conserve the historic landscape and its wider setting and what remains of the rural landscape.

Core Policy 13 indicates that development proposals should positively address the implications of the landscape policy zones in which the proposals lie and demonstrate that such development would contribute towards meeting the landscape conservation and enhancement aims for the area.

The Newark and Sherwood Landscape Capacity Study for Wind Energy Development (NS LCS) was published in March 2014. 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. The Landscape Capacity Study defines landscape sensitivity to wind turbines as '*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 in this application is described as medium typology (51 to 80m) and the South Nottinghamshire Farmlands Character Area is described as having a moderate to low sensitivity to medium sized turbines. The overall aim for this landscape character type is 'landscape with wind energy' where turbines may influence landscape character, but do not define it. This is due to the area's lower landscape sensitivity reflecting its partially man-modified condition. The capacity study identifies that there is capacity for wind turbines within this landscape character type.

It is noted that the LVIA submitted by the applicant has followed the methodology set out in the Guidelines for Landscape and Visual Impact Assessment Third Edition 2013 published by the Landscape Institute and the Institute of Environmental Management and Assessment. The LVIA provides an assessment of the proposed development from 10 viewpoints agreed in advance with the local planning authority. The assessment concludes that the landscape sensitivity of the application site and study area is 'medium' and there would be minor adverse and not significant effect upon the landscape character and features of the study area and specifically upon the key characteristics of the Elston Village Farmlands Policy Zone (SN PZ 07). The assessment also concludes that the turbine would have some influence on the very local landscape but would not significantly alter the character of the South Nottinghamshire Farmlands Character Area. In the methodology section of the LVIA a minor adverse impact is described as being 'an inconsiderable or small change in local landscape'.

As part of the assessment of the previous application for a larger wind turbine on the site, the local planning authority sought landscape advice from Nottinghamshire County Council in their capacity as appointed landscape consultants. Given that the current application is for a smaller turbine than previously proposed and that the County Council's comments are relatively recent (November 2014), further advice has not be sought from the County Council and it is considered that the previous comments remain valid and relevant.

When assessing the previous application for a taller turbine, the County Council's landscape advisor agreed with the conclusions of the applicant's assessment that the impacts from the

viewpoints assessed would not be significant. However, the advisor concluded that the development would have a minor-moderate adverse visual impact. A moderate adverse impact is defined as 'a noteworthy or medium change in visual conditions'. The County Council's landscape advisor also noted that a visual analysis of views from isolated farm properties would have identified additional adverse visual effects as these properties are closer to the application site than the viewpoints chosen. In addition viewpoints from the A46 may have identified additional adverse visual effects. However, the landscape advisor concluded that although significance of impact for these properties may be at least moderate adverse (due to proximity and sensitivity), the relatively low number would not result in a substantial revision to the overall conclusion of the assessment.

It is considered; taking into account, the advice provided by the County Council's landscape advisor in respect of the previously proposed larger turbine, the visual impacts of the proposed turbine would be no more than minor to moderate.

Cumulative Visual Impacts

National Planning Practice Guidance describes cumulative visual impacts as being 'the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts'.

There is currently one approved and operational turbine within 5km of the application site.

- 1 no. turbine - Fosse Road Farndon field reference 1852 - height 66.7 meters to tip - Planning Ref: 10/01605/FUL - 4.10km north west of the application site.

There are currently six approved and operational turbines within 5km - 15km of the application site.

- 1 no. turbine - Ollerton Road South Muskham field reference 1221 - height 102m to tip - planning ref: 12/01763/FUL - 11.73km north of the application site.
- 1 no. turbine - Ollerton Road Little Carlton field reference 1719 - height 102m to tip - planning ref: 11/00276/FUL - 11.95km north of the application site.
- 1 no. turbine - Pasture Farm, Allington Lane, Allington - height 34.2m to tip - planning ref: S12/0580 (South Kesteven) - 12.38km south east of the application site.
- 1 no turbine - Kirklington Road Hockerton Grid Reference SK 709574 - height 46.5 to tip - planning Ref: 07/01578/FUL - 12.63km north west of the application site.
- 1 no. turbine - New Holbeck Farm Radley Road Halam - height 71m to tip - planning ref: 10/01310/FUL - 13.45km north east of the application site.
- 1 no. turbine - Frinkley Farm House, Frinkley Lane, Hougham - height 66.7 to tip - planning ref: S10/1759 (South Kesteven) - 13.87km south east of the application site.

There are also five turbine developments permitted but not implemented within 15 km of the application site.

- 3 no. turbines - Cotham Road Hawton field reference 6597 - height 126.5m to tip - planning

ref: 11/01588/FUL - 4.10km north east of the application site.

- 1 no. turbine - Green Lane Marston - height 74m to tip - planning ref: S12/2411 (South Kesteven) - 11.95km south east of the application site.
- 1 no. turbine - Ollerton Road Caunton field reference 6423 - height 102m to tip - planning ref: 14/00442/FUL - 12.05km north of the application site.
- 1 no. turbine - Hill Farm Chapel Lane Epperstone - height 71m to tip - planning ref: 11/00435/FUL - 12.50km west of the application site.
- 1 no. turbine - Stoke Lane Stoke Bardolph - height 100 to tip 60m to hub - planning ref: 2012/1472 (Gedling) - 14.70km south west of the application site.

There are five turbine developments that are currently being assessed within 15km of the application site.

- 1 no. turbine - Land North West Of Manor Farm Ollerton Road Little Carlton - height 102m to tip - planning ref; 14/02133/FUL - 11.40km north of the application site.
- 1 no. turbine - Wolfeleyhill Lane Edingley field reference Number 8297 – height 77m to tip - planning ref: 14/00951/FUL - 14.60km north west of the application site.
- 1 no. turbine - Great North Road Newark - height 100m to tip - planning ref: 15/01228/FULM - 9.18 km north of the application site.
- 6 no. turbines - Sewstern Lane Long Bennington - height to tip 110m - planning ref: S15/0862 (South Kersteven) -7.0km south west of the application site.
- 1 no. turbine - Foxwood Lane Woodborough - height 50.09m to tip - planning ref: 2011/0523 (Gedling) - 10 km to the west of the application site.

There is one turbine development within 15km of the application site that is currently being assessed by the planning inspectorate following an appeal against refusal of planning permission

- 4 no. turbines – Cotham Road Hawton field reference 8884 – height 130 to tip, planning ref: 13/00889/FUL – 3km north of the application site.

An assessment of the cumulative impact of the development has been undertaken by the applicant using the 10 viewpoints. This assessment confirms that there is a small area where it is predicted that 13 wind developments would be seen in succession with the proposed development. Views containing the greatest number of turbine developments would be from the north and north east of the application site. The assessment concludes that the cumulative turbine developments would have an overall low, adverse, magnitude of impact. In the majority of views, the turbines would be seen as small features in an expansive landscape that contains a variety of features. In addition, the key characteristics of the Elston Village Farmlands Policy Zone (SN PZ 07) and South Nottinghamshire Farmlands character area) would not be significantly altered.

The County Council's landscape advisor considered the cumulative impact of the previous application for a larger wind turbine on the site and it is considered that their previous comments remain valid and relevant. The landscape advisor agreed with the applicant's assessment that there would be no significant effects (i.e. above moderate adverse). The proposed turbine would be seen within the expansive landscape that contains a variety of other vertical features such as electricity pylons, although turbines are significantly taller. It is noted that there would be additional cumulative visual effects from isolated properties to the south of the application site and from bridges on the A46 which have not been assessed by the applicant. However, the landscape advisor commented that although significance of impact for these receptors may be at least moderate adverse (due to proximity and sensitivity) this would not result in a substantial

revision to the overall conclusion of the assessment.

Landscape and Visual Impacts - Conclusion

Having considered the landscape and visual impact assessment submitted by the applicant and the comments of the County Councils landscape advisor on the previous application for a larger turbine, it is considered that the landscape character of area would not be adversely affected by the proposed development.

The impact on landscape character would be no more than minor/moderate adverse and this degree of impact, whilst noticeable, would be localised and not significant. It is considered that there is capacity within the landscape to accommodate the turbine without unduly impacting on the landscape character and visual characteristics of the South Nottinghamshire Farmlands Character Area and the Elston Village Policy Zone. With the wind turbine in place the classification of the landscape as being 'landscape with wind energy' would not be altered.

The turbine would be visible from the majority of viewpoints tested with the greatest impact being from nearby public footpaths, however, overall the visual impact would not be significant. When viewed cumulatively alongside other turbines there would be a limited adverse visual impact in the landscape. The turbine would be viewed as part of the network of electricity pylons that already exist without resulting in visual clutter across the skyline.

The concerns raised by local residents and Parish Councils have been considered in detail and recent appeal decisions for nearby turbines which raised issues of landscape and visual impacts reviewed. However, in conclusion it is considered that the proposed development would have an acceptable impact on the landscape character of the area and therefore complies with Core Policy 13 and the NPPF. In respect of landscape impacts the development is considered acceptable and would have no significant detrimental impacts (including cumulative impacts) that would justify a reason for refusal.

Heritage

The National Planning Policy Framework (NPPF) sets out national policy for dealing with heritage assets, which is reinforced by Core Policy 14 and Policy DM9 of the Development Plan. In particular, Core Policy 14 seeks to ensure the continued preservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment.

By virtue of their scale, form/appearance and movement, wind turbines are capable of affecting the historic environment. As set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), 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.

As outlined in paragraph 132 of the National Planning Policy Framework (NPPF), significance of designated heritage assets can be harmed or lost through development within their setting. Such harm or loss to significance requires clear and convincing justification. Whilst it is recognised that the potential benefits of wind energy are at the heart of sustainable development objectives, the

continued conservation of heritage assets is also an objective of sustainable development. Paragraphs 133 and 134 of the NPPF allow the decision-maker to weigh these competing aims. Furthermore, updated planning practice guidance on how heritage should be taken into account when assessing wind turbine applications states:

"As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of wind turbines on such assets. Depending on their scale, design and prominence a wind turbine within the setting of a heritage asset may cause substantial harm to the significance of the asset"

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. 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.

The applicant has submitted a heritage impact assessment which considers the impact of the development upon heritage assets within a 3.0km radius of the application site, in addition to nationally significant designations within 3.0km - 5.0km of the site. There are 29 designated heritage assets within a 3.0km radius of the application site, comprising three Scheduled Monuments (the earthworks of Sibthorpe medieval village, two moats and fishponds at Sibthorpe and the cropmark of a prehistoric timber circle at Stoke Fields farm Elston), 25 listed buildings - located within the villages of Elston, Syerston, Sibthorpe, Shelton and Cotham and the Elston Conservation Area. It is considered that 3.0km is a large enough area to fully assess the impact of the proposed turbine upon nearby heritage assets. It should be noted that the heritage impact assessment originally submitted with the application had not been updated to take account of the reduced height of the turbine proposed on the site. The applicant has since submitted a revised assessment.

The heritage impact assessment concludes that the development would have a 'slight' impact on the three scheduled ancient monuments within a 3.0km radius of the site, a 'slight' or 'neutral' impact on the 25 listed buildings and a 'slight' impact on the Elston Conservation Area.

The district council's conservation officer has advised that the development would have some detrimental impact on the setting and significance on the group comprising the Church of St Peter, the dovecote and scheduled earthworks at the Sibthorpe medieval settlement, Elston Chapel and on the wider landscape setting of East Stoke Battlefield. The importance of these assets has also been identified by Historic England.

The earthworks of the Sibthorpe medieval settlement are of high significance, reflected in their designation as a scheduled ancient monument, with the agricultural landscape providing both the

historic and existing backdrop to the site. The Church of St Peter is of high regional and local significance and as a Grade 1 listed building is also of national significance. The church is located on the south eastern edge of the village within a small enclosed graveyard. The 14th century dovecote stands less than 100 metres east of the Church and the church and dovecote can be seen from a distance in the landscape.

The applicant's heritage assessment concludes that, in the case of the scheduled monuments, the turbine would be visible just above the tree line from the middle of the earthworks and from the dovecote. In views towards the turbine from the edge of the earthworks the turbine would be visually dominant in the wider setting of the earthworks and dovecote with the movement of the blades visible from the earthworks when looking north towards the dovecote.

In the case of the Church of St Peter, the turbine would not be visible on the skyline. There may be some seasonal visibility but this is expected to be minimal and limited to what may be observed through the skeleton of the trees rather than over them. In the case of the dovecote, the rotating blades of the turbine are likely to be observed above the surrounding hedgerows and the turbine would be the visible on the horizon surrounding the dovecote

The Grade I Listed Elston Chapel is located in the north east corner of Elston village in a small enclosed field, approximately 2.0km north west of the proposed turbine. The applicant's heritage assessment concludes that the turbine would not be visible on the skyline from the chapel, but there may be some seasonal intervisibility between the chapel and the turbine site

The East Stoke Battlefield lies approximate 3.4km to the north east of the proposed turbine. The applicant's heritage impact assessment concludes that it will be possible to see the proposed turbine from the eastern side of the battlefield over the landscaping associated with the A46, however at such a distance the turbine would appear very small on the horizon.

The Council's Conservation Officer has concluded that the scale of harm identified, including cumulative impact, is less than substantial for the purposes the NPPF (paragraph 134). Historic England have also concluded that the proposed turbine would result in harm to a number of designated heritage assets and whilst this harm may be identified as less than substantial, it is nonetheless harmful.

In light of the above assessment it is essential to consider whether the development can be clearly justified and benefits accrued through renewable energy production can outweigh the level of harm to the heritage assets identified. Historic England have confirmed in their consultation replies that it is for the Authority to balance all planning considerations in determining whether this application can be deemed sustainable under the NPPF and can be justified under paragraphs 131, 132, 134 and 137 of the NPPF (albeit HE do add that they believe that degree of harm has been fully assessed nor justified, and therefore we do not support this planning application).

It is considered that, whilst the turbine would be visible in the setting of the identified heritage assets, this visibility would be the context of the existing agricultural landscape, hedgerows and electricity pylons. This existing context coupled with the distance between the proposed turbine and the heritage assets would mean that the impact of the turbine would be less than substantial to such a degree as to not warrant refusal of the application if taken against the clear energy benefits of the proposals.

Residential Amenity

Policy DM4 seeks to ensure that the benefits of renewable energy generation development are not outweighed by detrimental impacts on amenity, including noise pollution and shadow flicker.

Noise

There are two quite distinct types of noise associated with a wind turbine. The mechanical noise produced by the gear box, generator and other parts of the drive train and the aerodynamic noise produced by the passage of the blades through the air. The Government advises that 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) should be used when assessing noise from turbines. This describes a framework for the measurement of wind farm noise and gives indicative noise levels which aim to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable restrictions on wind farm development. The recommended noise limits proposed in ETSU R 97 are:

- Quiet daytime (weekday evenings 18:00-23:00, Saturday 13:00-18:00 and Sunday 07:00-18:00) 5dB(A) above background or in low noise environments 35-40dB(A) L90 10 min.
- Night-time (23:00- 07:00) the fixed limit of 43dB(A) L90.

The application is accompanied by a Noise Assessment which considers the impacts of the turbine on the nearest noise sensitive premises, residential properties between 618 metres and 1.68km from the site. The assessment notes that the existing ambient noise levels are fairly low with the dominant noise sources being typical for a rural environment, i.e. distant road traffic, occasional vehicles moving along Brecks Lane, birdsong and occasional distant agricultural machinery noise.

The assessment concludes that noise levels at the receptor properties would be within the derived limits for both daytime and night-time noise levels. Therefore the proposed wind turbine development complies with the recommendations of the ETSU-R-97.

The District Council's Environmental Health Officer has advised that the methodology used for the noise assessment is appropriate and concludes that the predicted levels of noise from the turbine are low and comply with both ETSU and lower night time levels suggested by the officer. It is therefore considered that the turbine would not have a detrimental impact on the amenity of the occupiers of nearby properties from a noise perspective. The District Council's Environmental Health Officer recommend that if minded to grant planning permission, conditions should be applied to ensure that noise from the turbine remains within the levels predicted in the noise report and that if a complaint in relation to noise is received the applicant should undertake a full assessment and remedial action as necessary and in agreement with the local planning authority.

Objections from local residents have been received in respect of potential noise impacts, including concerns about the findings of the applicant's noise assessment, the locations where the noise measurements were taken and the use of ETSU-R-97. In response the applicant has submitted an addendum to the noise assessment, including an analysis of the projected cumulative impact of other nearby turbines.

In respect of the use of ETSU-R-97, the National Planning Practice Guidance (paragraph 015) states that this standard should be used when assessing and rating noise from wind energy developments, as such ETSU-R-97 has been used to assess this application. With regard to the noise monitoring locations, the noise levels measured during the assessment were very low, as

outline above and it is considered that they accurately reflect the ambient noise levels in the area.

In respect of the cumulative impact, the addendum report has considered the cumulative impact of the proposed turbine at Elston, the consented Hawton wind farm and the proposed Fox Covert wind farm. The assessment concludes that the noise impact of the three wind turbine developments combined meets ETSU-R-97 noise criteria. The District Council's Environmental Health Officer has reviewed the addendum report and agrees with its findings.

In conclusion, subject to the recommended conditions, it is considered that the proposed development complies with Policy DM4, ETSU-R-97 and National Planning Policy Framework and Guidance in respect of noise impacts.

Shadow Flicker

Shadow flicker is an effect that 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. It only occurs inside buildings where the flicker appears through a narrow window opening. Shadow flicker can only affect properties within 130 degrees either side of north, relative to the turbine(s) as turbines do not cast long shadows on their southern side. This is most likely to occur within 10 rotor diameters of a wind turbine. In this case 10 rotor diameters equates to approximately 540 metres. There are no properties within 540 metres of the proposed turbine and therefore shadow flicker is not a concern with this application. However, it is recommended that, if minded to grant planning permission, a condition should be applied that sets out an agreed protocol should a complaint about shadow flicker be received.

In conclusion, subject to the recommended conditions, it is considered that the proposed development complies with Policy DM4, ETSU-R-97 and National Planning Policy Framework and Guidance in respect of shadow flicker.

Other Amenity Concerns

Nearby residents have also raised concerns that the turbine would be prominent and intrusive in the outlook from their properties; would have an overbearing impact on their living conditions; cause visual disturbance due to the rotating blades and the light on the turbine at night; and result in a loss of privacy.

It is acknowledged that the turbine would be visible from nearby properties and therefore the outlook from these properties would change to include the turbine on the skyline. However, it is considered that this change in outlook would not be so significant as to be detrimental to the amenity of the occupiers of nearby properties. The nearest neighbouring property is 618 metres from the proposed turbine which, taking account of the local topography and landscape, is considered to be a sufficient distance to ensure that the turbine would not have an overbearing impact on residents. This distance is also considered sufficient to ensure that the light attached to the turbine does not cause visual disturbance to residents at night.

With respect to loss of privacy, it is considered that the distance between the turbine and nearby residential properties is sufficient to ensure privacy is maintained during construction and operation when the turbine will be periodically visited for maintenance purposes.

It is noted that National Planning Policy Guidance (paragraph 008) advises that local planning authorities should not apply specific buffer zones or separation distances when assessing wind turbine developments. Instead local context including topography, the local environment and nearby land uses should be considered.

Highway Impacts

Access to the site for construction and maintenance would be via the existing field entrance off Brecks Lane. The majority of traffic movements associated with the development would occur during the construction phase. The proposed delivery route is understood to be via the A46, onto Lodge Lane, through Elston village, leading onto Brecks Lane. Some vegetation clearance will be required at the field entrance to deliver sufficient visibility splays. The applicant has advised in their submission that the vegetation to be cleared is located either within the extents of the publically adopted highway or within the ownership of the applicant.

The applicant has advised that once a haulier is appointed details such as convoys and escort vehicles associated with the delivery of the turbine can be confirmed. The applicant has advised that they are happy to provide a Construction Traffic Management Plan (CTMP) to ensure safe access to the site. This can provide details of the schedule/programme for delivery, the type and volume of traffic expected and measures to be undertaken to manage turbine deliveries and normal construction traffic.

Nottinghamshire County Council Highways have confirmed that they have no objections to the proposed access arrangements, subject to conditions to ensure that the required visibility splays are provided prior to construction and to require the submission of a Construction Traffic Management Plan (CTMP).

In light of the County Council's comments it is considered that the proposed development would not result in a hazard to highway safety. The proposed development complies with Spatial Policy 7 and Policy DM4 which seek to ensure that proposed development is appropriate in relation to the highway network and the safety, convenience and free flow of traffic is not adversely affected.

Ecology and Nature Conservation

The application site is an arable field with the surrounding landscape comprising predominantly agricultural fields bounded by hedgerows with very little woodland. An ecological survey, including a bat and bird survey was submitted with the application. A survey, undertaken in 2012 was submitted in support of the previous application for a taller turbine on the site. At the request of the Nottinghamshire Wildlife Trust, a further survey of the site was undertaken in May 2015.

The ecological surveys conclude that the site has very limited ecological value, ecology being restricted to field margins supporting semi-improved grassland, hedgerows and mature trees.

The bat survey recorded low levels of bat activity with the nearest significant roost understood to be 2km to the south east of the site. The assessment of the development has followed Natural England Technical Note TIN051 and based on the turbine specifications, the proposed development would meet the standards set out by Natural England in that the turbine would be sited at least 50 metres from the nearest habitat or potential bat roost. Therefore, it is concluded that the impact upon bats would not be significant.

The survey found that the site supports a modest number of birds, including a small number of species of conservation value. Some of these species may breed within the hedgerows on the site while others may use the site for foraging. The survey concluded that the turbine would not pose a collision risk to birds nor would it displace birds of conservation value. The impact of the turbine would therefore be negligible.

The Nottinghamshire Wildlife Trust has confirmed that they are content with the methodology employed and conclusions reached. In addition, the applicant has confirmed that they intend to deliver hedgerow and field margin enhancements as part of the development, including the management of the length of hedgerow to the west of the turbine to increase its biodiversity value and the creation of a 6 metre wide species rich field margin. These enhancements have been requested by the Wildlife Trust and are in line with the 'conserve and create' policy action for the Elston Village Policy Zone, which seeks to create new hedgerows and restore existing and create new field margins to enhance landscape character and biodiversity. It is recommended that these enhancements be secured via a condition if planning permission is granted.

Having considered the impacts on ecology, it is concluded that the development would not have a detrimental impact. The proposal therefore complies with Core Policy 12 and Policies DM4 and DM7 of the Development Plan which seek to conserve and enhance the biodiversity of the district and protect, promote and enhance green infrastructure.

Aviation Impacts, Telecommunication Links and Electromagnetic Interference

The Ministry of Defence (MOD), Civil Aviation Authority and Joint Radio Company have not raised any safeguarding concerns in respect of the proposed development. The MOD have requested the turbine is fitted with an aviation warning light to ensure the structure is visible, and this has now become standard practice amongst turbine installations. No mitigation is required for electromagnetic interference and the proposal is not considered to have any adverse impacts on telecommunications.

Flood Risk

The site is located in Flood Zone 3a as defined by the Environment Agency data maps. This means the site has a high probability of flooding with a 1 in 100 or greater annual probability of river flooding or a 1 in 200 or greater annual probability of flooding from the sea. Wind turbines are classified as 'essential infrastructure in Table 2 (Flood Risk Vulnerability Classification) of the National Planning Policy Guidance. Therefore, the proposed development is appropriate subject to passing the exception test and should be designed and constructed to remain operational and safe for users in times of flood. The exception test seeks to ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead.

The applicant's flood risk assessment concludes that the proposed development satisfies the exception test because it will provide wider sustainability benefits through the generation of renewable energy and the development can be made safe, without increasing flood risk elsewhere. The development would include measures to protect non water compatible components to ensure it would remain functional without damage in the event of a flood.

The base of the turbine would generate slightly increased water run-off compared with the undeveloped site. The concrete base would be constructed with a 50mm fall to the edges with a French drain constructed around its perimeter. This would provide buffer storage and allow

surface water to percolate into the ground. The crane hardstanding and access track would be constructed using crushed stone to mimic the existing drainage regime and discharge water to ground.

The Environment Agency has reviewed the application and raised no objection subject to conditions to ensure that the flood mitigation measures set out in the applicant's flood risk assessment are implemented as part of the development.

In conclusion, it is considered that the development would comply with Core Policy 9 and Policy DM5 which seek to ensure that new development pro-actively manages surface water including the use of sustainable drainage systems and would not increase flood risk elsewhere.

Climate Change

The turbine is expected to produce 1742MW hours of electricity per annum which is sufficient to power 411 homes. The turbine is estimated to save 913,853kg of CO₂ per annum equating to 22,846,330 kg (22,846 tonnes) over its 25 year lifespan. This is a positive environmental benefit that would be in accordance with the Council's commitment to helping to tackle climate change as set out in Core Policy 10, and the UK to reach the Climate Change Act 2008 carbon budget targets of reducing greenhouse gas emissions.

Other matters

The application should not be considered as a 'resubmission' of the previous application but should be a 'fresh' new planning application with payment of the planning application fee. The application is considered a 'resubmission' for the purposes of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The application is by the same applicant, it relates to the same site, i.e. the site address and the wider blue line boundary is the same, the application is for a development of the same character and description, the turbine is proposed in approximately the same location as previously proposed and the application was received as valid within 12 months of the previous application being received as valid.

It is unclear what works would be carried out under the land, for example the amount soil to be excavated and depths associated in forming the turbine foundations, undertakings for ancillary equipment and the access road. The applicant has advised that the form of the turbine foundations will depend on site geology and the turbine manufacturer's criteria, however they will be of concrete construction. Site survey work will be undertaken to determine what type of foundation will be suitable on site. An access track for construction traffic will be built off Brecks Lane.

Details of how the annual grant offered by the applicant to the local parishes of Elston, Sibthorpe, Cotham and Shelton would be formulated is not disclosed. The applicant has advised that the level of grant would be accrued on a quarterly basis at the average pro-rata amount per mega-watt of community benefit from wind farms. The parishes will be able to bid into the pot after one year of operation on a regular basis in each operational year up to 20 years. Further details will be agreed with the parish councils.

The devaluation of property, the efficiency of turbines, the level of profit for interested parties and any health risks associated with turbines are not a material planning considerations in this instance.

The planning balance

The above assessment has concluded that in overall terms the proposals are, on balance, in accordance with the Development Plan. It is acknowledged that there will be an impact on residential amenity and visual/landscape character but that this is not significant. It is equally acknowledged by Conservation colleagues that there will be some heritage harm which is less than substantial. Impact and harm must also be weighed against the benefits of the scheme, which are acknowledged as a significant material planning consideration. It is my submission that planning permission should ordinarily be granted. However one is also required to have regard to the changes to the NPPG and Ministerial Statement.

Since the publication of the NPPG and MS there have been several appeal decisions. Most recently there have been judgements by the Secretary of State in Peterborough (APP/J0540/V/14/2220136) and West Lindsey (APP/N2535/A/14/2217829). I am also aware of the Committee's recent decision to oppose a turbine on the grounds of a failure to demonstrate community backing.

It is perhaps useful to firstly identify the issue of volume/nature of objection, as opposed to content. I would draw Members attention to a paragraph within the West Lindsey case which states:

"It is noticeable that most objectors live in local villages and communities (though not all) and most supporters live in surrounding towns further away such as Gainsborough and Market Rasen (though not all). Whilst local views are a very important consideration, it is unusual for public views to override the relevant planning policies; and this application is considered on its planning merits." (Para 361, West Linsey decision). Whilst local views are thus noted (again in the Secretary of States conclusions) it is planning merits – or harm that is ultimately considered and the content of the objections from third parties.

In applying the planning balance the Secretary of State further commented...

"... the Secretary of State attaches substantial weight to the statement as the most recent expression of government planning policy for onshore wind development.....

In addition, having applied the transitional provision set out in the June 2015 WMS, the Secretary of State is not satisfied that the planning impacts identified by affected local communities have been addressed. There has been extensive involvement of the local population throughout the process (IR361), including the granting of Rule 6 status to VOCAT (IR2). In their responses to the Secretary of State's letter of 18 June 2015, the affected communities have repeated the concerns which they expressed previously about the planning impacts of the scheme. These include ***harm to the landscape, visual amenity and the setting of heritage assets (emphasis added)***, and it is clear from the IR that those planning impacts have not been addressed. This is demonstrated, in particular, by the Inspector's summary of the harm to the landscape character, visual amenity and setting of heritage assets at IR360. As those planning impacts as identified by the affected communities have not been addressed, the proposed scheme would not meet the transitional arrangements set out in the WMS of 18 June 2015; and the Secretary of State gives significant weight to this. "

The judgement is predicated on harm in three key areas. Upon reading the detail it is clear that harm

to landscape character and visual amenity is significant. Harm to heritage assets is less than substantial albeit in accordance albeit weight was also rightly attached to the statutory assumption of S66 of the LBCA.

It is my view that if significant planning harm is identified (such that it is contrary to the Development Plan), the NPPG and MS, together with, in this case, the views of the 73 objectors and the 2 no. parish Council objections (who have raised planning issues), would act to re-inforce the unacceptability of the scheme. However I have concluded above that on balance, that the level of harm is not such that there is conflict with the Development Plan (unlike the recent appeals described above). I am of the opinion on this basis that the NPPG and MS do not tip this balance to make the proposals unacceptable. I do not therefore recommend refusal.

RECOMMENDATION

Full planning permission be granted subject to the conditions and reasons 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 92 of the Town and Country Planning Act 1990.

02

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

Location Plan (un-numbered)

L-DIO-005-LP Rev D Location Plan

L-DIO-005-SLPP Rev C Site Layout Plan – PROPOSED

1000900 Rev 2 DIRECTWIND 54-HH 50

Ecological Walkover, Bird & Bat Survey Report by SLR, dated January 2015

Ecological Update Letter by SLR, dated 6 May 2015.

Heritage Impact Assessment by Pre-Construct Archaeological Services, dated July 2015

Landscape & Visual Impact Assessment by Influence, dated 25 February 2015

Flood Risk Assessment Version 1 by RM Associates, dated 1 January 2015

Noise Assessment by Acute Acoustics Ltd, dated 4 February 2015

Noise Assessment Addendum Report by Acute Acoustics, dated 1 September 2015

Planning Supporting Statement by J H Walker, dated March 2015-09-16

Transport Note by Local Transport Projects, dated January 2015

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

The turbine installed on site shall comprise a “EWT DirectWind 54 HH 50” wind turbine (as shown on drawing number 1000900 Rev 02) which shall be no 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 and the amenity of nearby residential occupiers in accordance with Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

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 and substation 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 in accordance with Core Policies 9, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

05

Prior to first operation of the development hereby permitted, a scheme shall be submitted and approved in writing by the local planning authority setting out the protocol for the assessment of shadow flicker and noise in the event of any complaint being received, including the remedial measures to be taken. Operation of the wind turbine shall be in accordance with the approved protocol.

Reason: In order to safeguard the amenities of residential properties in accordance with Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

06

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 provide a scheme for the investigation and alleviation of shadow flicker and/or noise in accordance with the protocol required by Condition 5. 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 in accordance with Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

07

The noise emitted from the wind turbine (when operational) subject to this consent shall be no greater than as detailed within the Noise Assessment by Acute Acoustics Ltd dated 4 February 2015 (Ref: 1509 Elston Wind Turbine) which forms part of this permission.

Reason: In order to safeguard the amenities of residential properties in accordance with Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

08

At least six weeks prior to the start of construction, the applicant/developer shall provide written confirmation of the following details to the Ministry of Defence (MOD), Civil Aviation Authority (CAA) and Local Planning Authority:

- i. Location of turbine (latitude and longitude)
- ii. Height of turbine (maximum height to blade tip)
- iii. Lighting status of the feature/structure
- iv. The estimated and actual dates of construction (when it will start and end)
- v. The maximum height of any construction equipment to be used

In the event that the anticipated date of completion of the 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 in accordance with Policy DM4 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

09

Prior to the commencement of the development (excluding works below ground) 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 and retained thereafter.

Reason: In the interests of air traffic safety in accordance with Policy DM4 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

10

Before development is commenced, precise details of the means of access 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 in accordance with Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

11

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 Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

12

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 Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

13

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: In the interests of the character and appearance of the surrounding area in accordance with Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

14

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 and the character and appearance of the surrounding area in accordance with Core Policies 9, 10, 13 and 14 of the Newark and Sherwood Core Strategy DPD (2011) and Policies DM4 and DM5 of the Allocations and Development Management DPD (2013) and the National Planning Policy Framework.

15

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 Newark and Sherwood Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD and the National Planning Policy Framework.

16

Prior to first operation of the development full details of the hedgerow and field margin enhancements proposed as part of this application 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 prior to first operation of the development.

Reason: To ensure that adequate provision is made for the enhancement of biodiversity on site in accordance with Core Policy 12 of the Newark and Sherwood Core Strategy and Policies DM4 and DM7 of the Allocations & Development Management DPD and the National Planning Policy Framework.

17

The development permitted shall be carried out in accordance with the Flood Risk Assessment Version 1, January 2015, prepared by RM Associates, specifically:

- i. All electrical equipment and switchgear shall be located with a minimum 300mm freeboard allowance above the 1 in 100 year plus climate change forecast modelled flood level, (15.30 mAOD)
- ii. The crane hard standing area and the access track are to be constructed using a permeable material to discharge surface water to ground and mimic existing drainage rates.
- iii. The crane area and access road shall not be raised above the natural ground level, and all spoil excavated from the site will be removed and transported away from the floodplain

Reason: To reduce the risk of flooding to the proposed development, prevent flooding by ensuring the satisfactory disposal of surface water from the site and prevent flooding elsewhere by ensuring that there is no reduction in floodplain capacity in accordance with Core Policy 9 of the Newark and Sherwood Core Strategy and Policy DM5 of the Allocations & Development Management DPD and the National Planning Policy Framework.

18

No part of the development hereby permitted shall commence until the maximum visibility splays are provided at the site access and evidence of the maintenance of the visibility splays is submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of obstructions, structures or erection 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 highway safety in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy and Policy DM4 of the Allocations & Development Management DPD and the National Planning Policy Framework.

19

No part of the development hereby approved shall commence unless and until a Construction Traffic Management Scheme has been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of highway safety in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy and Policy DM4 of the Allocations & Development Management DPD and the National Planning Policy Framework.

20

Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

Reason: In the interests of highway safety in accordance with Spatial Policy 7 of the Newark and Sherwood Core Strategy and Policy DM4 of the Allocations & Development Management DPD and the National Planning Policy Framework.

21

No part of the development hereby approved shall commence unless and until a scheme to assess the archaeological potential of the site, including controlled supervision of the topsoil strip by a professional archaeologist (strip with a toothless bucket), and appropriate sampling and recording of any archaeological features uncovered, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the development.

Reason: To record and advance understanding of heritage assets impacted on by the development in accordance with Core Policy 14 of the Newark and Sherwood Core Strategy the National Planning Policy Framework.

Notes to Applicant

01

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).

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 given that the development comprises a structure(s) and/or buildings that people only enter for the purpose of inspecting or maintaining fixed plant or machinery.

03

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.

04

The applicant should contact Mr. Malcolm Goodall, Nottinghamshire County Council Abnormal Loads Officer 0115 977 4490 for approval/advice before commencement of the works.

05

In order to carry out the off-site works required (construction of new access) you will be undertaking works in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact Dave Albans (01623) 520735 for details.

06

The applicant should contact Mr Heath Phillips, Principal Co-Ordination Officer (North), 01623 520739 for road space approval and approval of the traffic management scheme before commencement of the works.

07

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.

08

This proposal requires the construction of a new access onto Brecks Lane, suitable to enable two HGV's to pass each other safely. The applicant is required to contact Dave Albans (01623 520735) to details/advice regarding this matter.

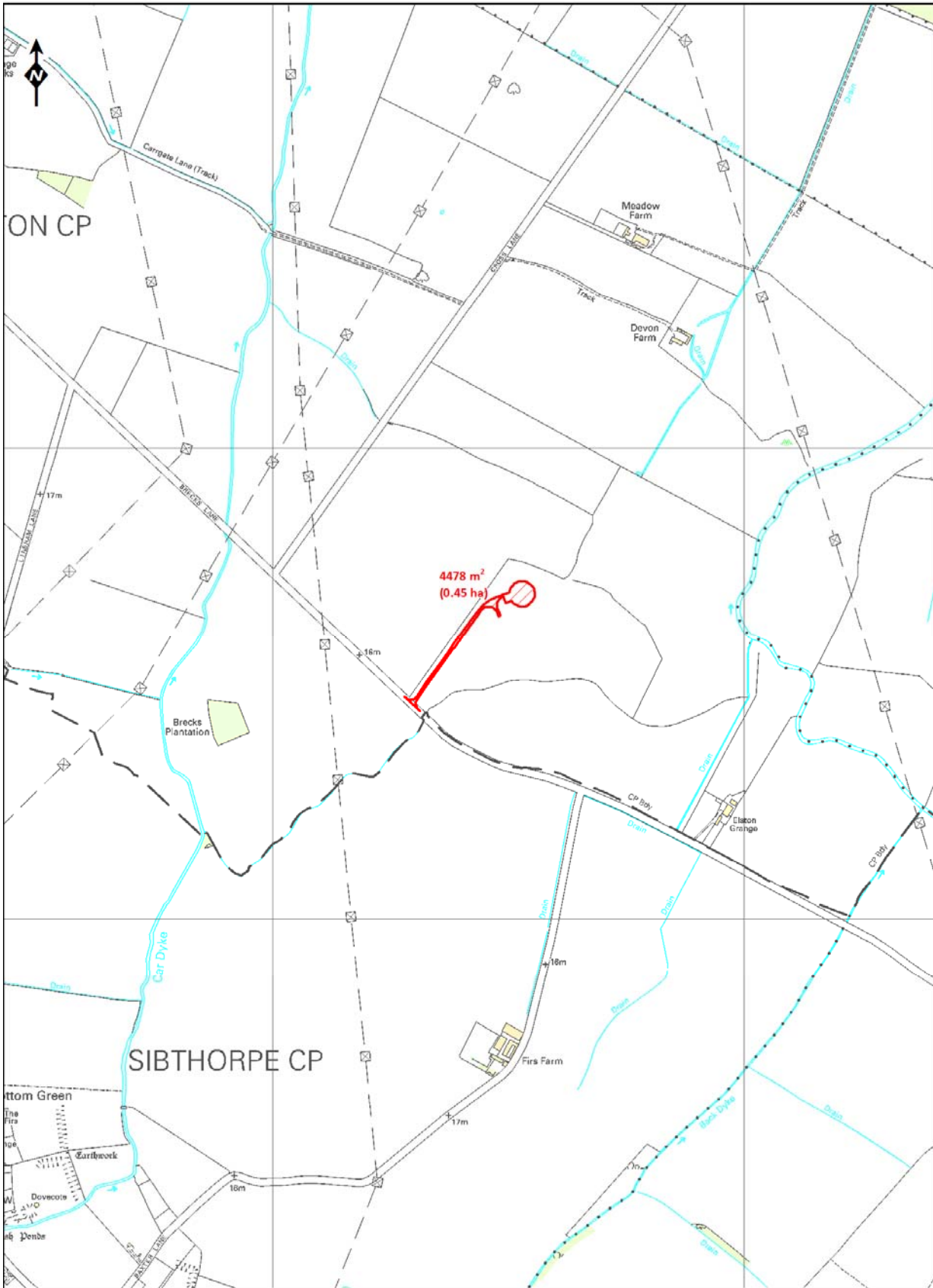
BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Tomlin on ext 5000.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

K.H. Cole
Deputy Chief Executive



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Application No:	15/01395/FUL	
Proposal:	Replacement of industrial units with a new detached four bedroom, two storey house with attached double garage.	
Location:	Brinkley Hall Farm, Fiskerton Road, Brinkley, Nottinghamshire, NG25 0TP	
Applicant:	Mr & Mrs Andrew Selby	
Registered:	12 August 2015	Target Date: 7 October 2015

The Site

The application site is situated in the open countryside at the edge of linear development along Fiskerton Road in Brinkley which has a sporadic form and no built up area. The site consists of an open yard area (hard surfaced) with two small block built buildings located to the periphery of the site. Access is gained from an adjacent farm access off Fiskerton Road.

Relevant Planning History

09/01148/FUL – Change of use to joinery workshop (Retrospective) – Approved 23.04.2010

93/51560/FUL – Erect an aerial tower and radio equipment cabin – Refused 12.08.1993

The Proposal

Planning permission is sought for the replacement of industrial units with a new detached four bedroom, two storey house with attached double garage.

The submitted design and access statement states that the combination of simple design together with renewable technologies will result in a zero carbon development. The development would include photovoltaic (PV) panels, a mechanical ventilation heat recovery system and rainwater harvesting to achieve energy efficiency.

The design of the dwelling includes sedum roofs to the single storey elements, facing brick work at ground floor level, wood cladding to the first floor and a metal roof to the main two storey element of the proposal.

Departure/Public Advertisement Procedure

Occupiers of six 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 3: Rural Areas
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Southwell Town Council – “STC Planning Committee met last night to consider the application 15/01395/FUL and agreed to support the application.”

Nottinghamshire Wildlife Trust – “From the documents provided, it appears that the proposed building would be located on an area of hardstanding and we would not anticipate ecological impacts in this area.

Two existing buildings would be demolished - these do not appear to offer bat roost potential, but we suggest that site workers are briefed on actions to take in the unlikely event that a bat is discovered:

Should any bat/s be found, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering reckless damage or disturbance to a bat roost.

It does not appear that major vegetation clearance would be required. Any minor clearance of shrubs should be undertaken outside of the bird breeding season (i.e. avoiding 1st March to 31st Sept inclusive)”

NCC Highways Authority – “This proposal is for the construction of a single dwelling with garaging as replacement for the industrial units. There are no alterations proposed to the access onto

Fiskerton Road and due to the previous use of the site there are no highway objections to this proposal.”

Nottinghamshire Ramblers Association – “I am responding on behalf of Nottinghamshire Ramblers. As long as this development does not encroach on Southwell Bridleway 8 during and after the construction process we would have no objection.”

Southwell Civic Society - The Southwell Civic Society Planning Committee met on 26th August 2015 and agreed that they have no objections to the following planning applications:- ... 12. Replacement of industrial units with a new detached four bedroom, two storey house with attached double garage. Brinkley Hall Farm Fiskerton Road Brinkley Nottinghamshire NG25 0TP Ref. No: 15/01395/FUL”

Environmental Health Contaminated Land – “This application is for construction of a residential dwelling on a former industrial site. There is the potential for contamination to be present as a result of this former industrial use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.”

Conservation Officer – Comments contained within the appraisal section in this report.

Two representations have been received from local residents/interested parties objecting to the proposal. The representations can be summarised as follows:

- Views from surrounding properties will be impacted upon impacting house values
- The lane access to the proposed dwelling is dangerous and already heavily trafficked causing noise disturbance and damage to the lane, further development will compound this
- A new dwelling will impact on local water & power services
- A new dwelling will destroy the community
- The eco home design will not be in keeping with the area and the noise and light pollution created will have an impact on neighbouring dwellings
- The new property will be higher than the existing buildings and the ground level is higher than surrounding land impacting on neighbouring privacy

One representation has been received from a local resident/interested party supporting the proposal based on the reuse of the brownfield site and the developments eco credentials.

Comments of the Business Manager - Development

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages.

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 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.

The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: ‘the exceptional quality or innovative nature of the design of the dwelling.’

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.’

This is reflected in local policy by Policy DM8 which contains the criteria for considering development in the open countryside and focuses on strictly controlling development to certain types. With reference to new dwellings, the policy stance is that, ‘planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.’

The proposed two dwelling is of a large scale amounting to approximately 342m² of floor space. The main two storey element of the building would have a pitched roof at approx. 8.6m in height. This part of the building is flanked by two single storey flat roof sections, one providing a double garage to the south west and a snug and utility room to the north east. I acknowledge that submitted design and access statement states that the development will be zero carbon including technology such as photovoltaic (PV) panels and rainwater harvesting to achieve energy efficiency. I also acknowledge that the design of the dwelling will include sedum roofs and a contemporary mix of external finishes.

Despite these design credentials, the proposal would not in my view bring the design of the dwelling into an exceptional quality or innovative design category. Utilisation of design features such as PV panels and rainwater harvesting whilst commendable are becoming more commonplace and I consider that these and the other elements of the design would not raise the standard of design to such an extent that it could be described as truly outstanding or innovative. On this basis the proposed new dwelling in the open countryside remains inappropriate by definition when considered under the above local and national planning policy context and the design of the proposal is not of an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal.

The proposal is therefore contrary to the NPPF and Policy DM8 of the Allocations and Development Management DPD.

Impact on Heritage Assets

Due to the proximity of a number of listed buildings the council’s conservation team have been consulted and their comments are as follows:

“Brinkley Hall Farmhouse and associated barns to the southwest are Grade II listed. The proposed dwelling will affect the setting of the listed farmstead.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority (LPA) to have special regard to the desirability of preserving listed buildings, including their setting. In this context, ‘preservation’ means to cause no harm and is a matter of

paramount concern in the decision-making process.

The National Planning Policy Framework (NPPF) makes it clear that new sustainable development should protect and enhance the historic environment (paragraph 7). LPAs should also look for opportunities to enhance or better reveal the significance of heritage assets when considering development within the setting of heritage assets (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.

In addition, the NPPF makes it clear that planning decisions should aim to ensure that new developments (paragraphs 58, 60 and 61):

- establish a strong sense of place;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- address the connections between people and places;
- integrate with the historic environment; and
- promote or reinforce local distinctiveness.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 64).

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 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. Setting is often more extensive than the curtilage of a heritage asset. 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, LPAs 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 on-going conservation.

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

Policies CP14 and DM9 of the Council's LDF DPDs seek to protect the historic environment and ensure that heritage assets are considered in a way that best sustains their significance. Overall, the key issues to consider in proposals for additions to heritage assets, including new development

within their setting, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The listed farmhouse and barns date to the late 18th century. The proposal site is located in proximity to the listed buildings, although the site is enclosed by trees and has a degree of annexation from the farmstead grouping.

The proposed design of the new house reflects the general scale of the farmhouse and barns, noting its rectilinear gabled form, but is otherwise of a very contemporary design with innovative energy efficiency features and modern materials.

On balance, it is felt that the innovative and contemporary design will cause no harm to the setting of the listed buildings. The separation of the plot and enclosure provided by trees and planting ensures that the proposal will not be unduly prominent to the listed buildings. Furthermore, it is acknowledged that the proposed design incorporates subtle references to the rural vernacular buildings whilst using modern, contemporary detailing and materials.

Subject to enhancing and managing the trees and planting bounding the site, and to the precise details of the external facing materials of the new house, Conservation has no objection to the proposed dwelling.”

I agree that that the proposed new dwelling will cause no harm to the setting of the listed buildings. I note the Conservation Officer refers to the proposal being of innovative and contemporary design but they are commenting in respect of the local vernacular and the relationship between a dwelling of contemporary design with the heritage asset. Whereas in considering whether there are special circumstances the consideration is whether the design is of exceptional quality helping to raise design standards more generally in rural areas.

I would therefore conclude that the proposal is of a design which would have an acceptable relationship with the Grade II Listed Brinkley Hall Farmhouse and associated barns resulting in no harm to the heritage asset and therefore complying with the aims of Core Policy 14 and Policy DM9. However this does not overcome the overriding concern that the proposal would be an inappropriate form of development in the open countryside and the design of the proposal is not such that it would constitute a special circumstance in this instance.

Other Matters

The proposed dwelling would be built approx. 45m away from the closest neighbouring residential dwellings. I have identified no detrimental impact to neighbouring amenity in terms of overbearing or loss of privacy. Given the distance from the nearest neighbours I am also satisfied that any noise or light from a new dwelling would be unlikely to be at a level which would have a significant impact on neighbouring amenity. The red line site is considered adequate in terms of providing amenity space. I am satisfied that the proposal therefore complies with Policy DM5 in this regard.

There is an existing vehicular access to the site. I do not consider that the traffic generation associated with a single bedroom dwelling house would have a significant impact which would amount to a detriment to highways safety and I note that Nottingham County Highways have raised no objections. I am satisfied therefore that the proposal raises no vehicular access or parking concerns when considered against Spatial Policy 7 and Policy DM5.

The potential impact on property values in the area is not a material planning consideration in the determination of this application.

If planning permission were to be forthcoming, the developer would need to arrange connections to the local water and power supply and the statutory undertakers would be responsible for any impact on neighbouring supplies.

Conclusion

Notwithstanding the considerations set out in relation to heritage assets and other matters raised, I consider that the proposed new dwelling would be inappropriate in this location and the design of the proposal is not of an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. There are no other material considerations in this instance which would constitute the special circumstances required to outweigh the presumption against inappropriate development in the open countryside.

The proposal is therefore contrary to the NPPF and Policy DM8 of the Allocations and Development Management DPD.

RECOMMENDATION

Full planning permission is refused for the following reason:

The NPPF states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. This is reflected in local policy by Policy DM8 which strictly controls and limits the types of development in the countryside. In the opinion of the District Council the proposed new dwelling would be an inappropriate form of development in the open countryside and the design of the proposal is not of such an exceptional quality or innovative nature sufficient to constitute the special circumstances required to outweigh the inappropriateness of the proposal. There are no other material considerations in this instance that would constitute the special circumstances required to outweigh the presumption against inappropriate development in the open countryside. The proposal is therefore contrary to Policy DM8 of the Allocations and Development Management DPD (2013) and the sustainability objectives of the NPPF.

BACKGROUND PAPERS

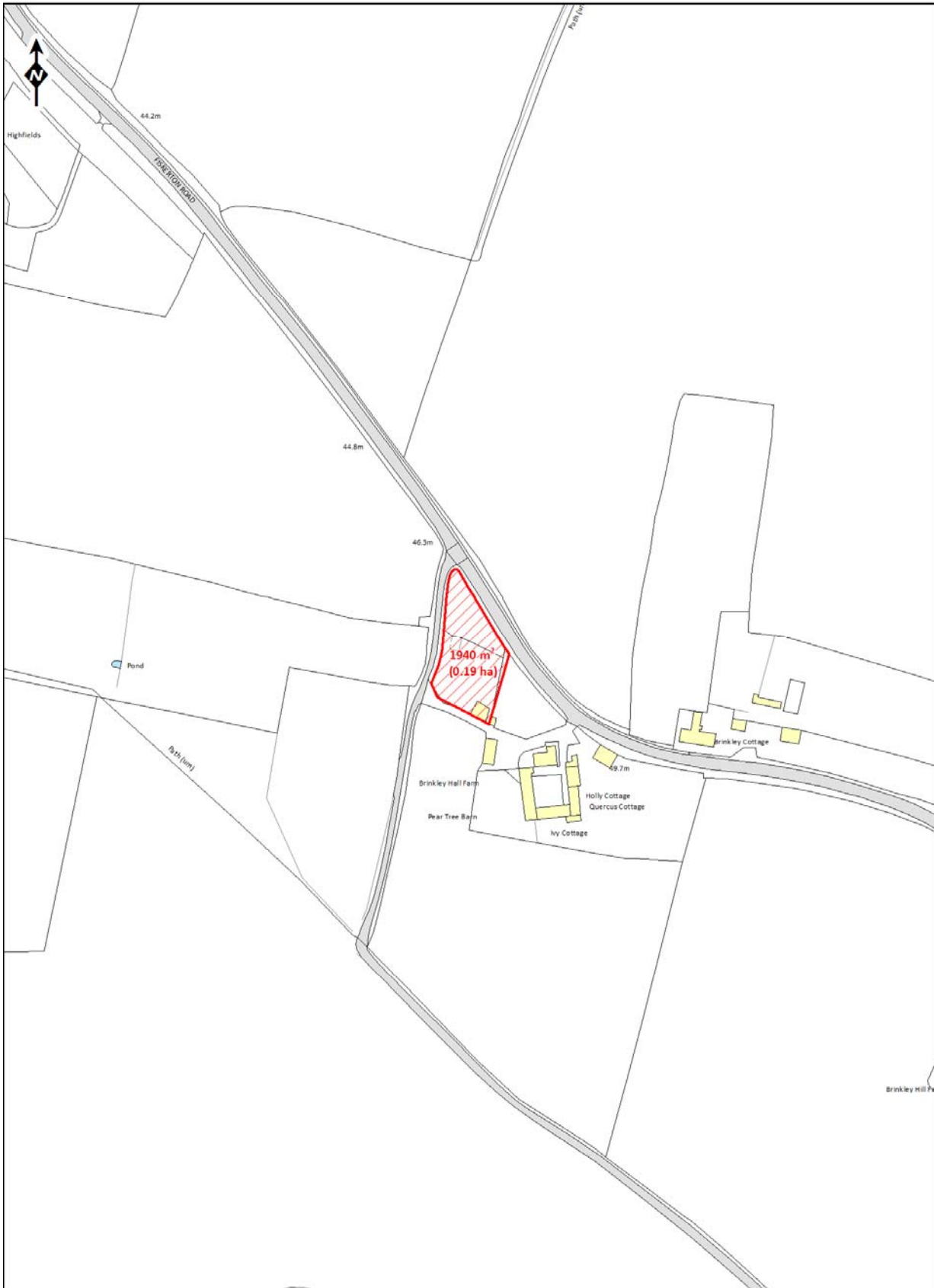
Application case file.

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.

K.H. Cole
Deputy Chief Executive

Committee Plan - 15/01395/FUL



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Application No:	15/01243/FUL	
Proposal:	Change of use from A1 (retail) to a gym falling within Class D2 (Assembly and Leisure)	
Location:	Unit 3, Robin Hood Walk, Newark	
Applicant:	M F Strawson Ltd	
Registered:	28.07.2015	Target Date: 22.09.2015

The Site

The application site comprises a vacant retail unit within the Beaumont Cross development situated off Lombard Street in Newark town centre. The property forms part of a row of retail units with the Asda store adjacent to the west and parking to the south. Unit 3 has a footprint of 252 square metres.

Relevant Planning History

There is a detailed history on the site with none specifically relevant to this application.

The Proposal

The application seeks a change of use from Class A1 (Retail) to a Gym falling within Class D2 (Assembly and Leisure).

Departure/Public Advertisement Procedure

Occupiers of twelve properties have been individually notified by letter, a site notice has also been displayed near to the site and the application has been advertised.

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 7 – Sustainable Transport
- Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
- Core Policy 6 – Shaping Our Employment Profile
- Core Policy 8 – Retail Hierarchy
- Core Policy 9 - Sustainable Design
- Core Policy 14 – Historic Environment
- Policy NAP1 – Newark Urban Area
- Policy NAP3 – Newark Urban Area

Allocations & Development Management DPD

Policy NUA/TC/1 – Newark Town Centre

Policy DM1 – Development Within Settlements Central to Delivering the Spatial Strategy

Policy DM5 – Design

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM11 – Retail and Town Centre Uses

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

Consultations

Newark Town Council – Raised an objection to this application on the grounds that the Retail Capacity Study that was carried out showed that Newark does not have enough large retail units and one of the reasons for the original permission was to provide large retail units. The Town Council oppose this application as it would result in a loss of a much needed large shopping unit.

Conservation Officer – The proposal site is located within Newark Conservation Area, and is proximal to 21 Lombard Street and the former Robin Hood Hotel, both of which are Grade II listed buildings. 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, land-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 retail unit, which is currently vacant, forms part of the wider Potterdyke redevelopment scheme (07/01460/FULM). The submitted details indicate that no alterations are proposed to the exterior of the building. In this context, the proposal will have no impact on the character and appearance of the CA or setting of the listed buildings.

If approved, a suitably worded informative note should be used to remind the applicant that any external alterations may require planning permission.

NCC Highways – This application is not expected to impact significantly on the public highway due to the town centre location of the unit. As such, there are no highway objections to this proposal.

Neighbours/Interested parties – One representation from a neighbour raising an objection to the change of use as more shops, not charity shops, are needed to attract people to Newark, already overrun by gyms in the area and have a new leisure centre being developed with new gym

facilities, only last month a gym closed down, do not need more gyms, concerned about parking as it is already difficult to park in Asda and spaces would be taken up in the car park for the gym.

Comments of the Business Manager - Development

In accordance with the constitution, the application is to be determined by the Committee as the application has been called in by a Ward Member.

Principle of Development

The proposal relates to the change of use of a retail unit to a gym. The unit occupies a location with the town centre and Spatial Policy 1 states this location is the main focus for employment and new services and facilities. Spatial Policy 2 states the town centre is the main focus for new leisure development and Policy Spatial Policy 8 seeks to encourage new leisure facilities. Core Policy 6 aims to provide a range of suitable sites to meet modern requirements of different business sectors and types. Core Policy 9 and Policy DM11 seek development to contribute to a mix of uses in the town centre. Policy NAP1 also supports the provision of leisure facilities in the town centre and Policy NAP3 aims to improve leisure facilities where they are accessible by public transport and cycling. Policy NUA/TC/1 also seeks to promote the town centre as the major focus for new and improved leisure facilities.

The proposal would result in the loss of a retail unit and the provision of a gym. The unit is within the town centre where both uses are considered acceptable in land use terms in principle. The site does not form part of the primary or secondary shopping frontage and the applicant has confirmed the unit has been vacant since completion of the development in 2011 with limited interest from retailers.

It is acknowledged the proposal would result in the loss of a large retail unit and the prevailing market conditions have contributed to the unit being empty since 2011. However, the unit has now been empty for a considerable time and other units remain available for retail uses in the overall development. The proposal would introduce a gym which falls within the definition of a main town centre use and would accord with the sequential town centre first approach detailed in national and local policy.

As such, on balance, it is considered the proposal can be supported. The objections received are noted; however although a large retail unit would be lost this needs to be balanced with the fact it has been vacant since 2011 and the proposal would provide an alternative town centre use. The benefits of the unit being occupied by an acceptable town centre use are, in this instance, considered to outweigh the loss of the retail unit.

The proposal is therefore considered acceptable in land use terms.

Impact on Visual Amenity/Heritage Assets

The NPPF states good design is a key aspect of sustainable development and Policy DM5 states that local distinctiveness should be reflected in new development. Core Policy 9 requires new development to achieve a high standard of design, appropriate to its context.

The proposed change of use would not result in any changes to the external elevations of the building and as such would maintain the character and appearance of the building and street scene.

The NPPF also seeks to protect heritage assets; this is reflected in Policies DM9 and Core Policy 14. Furthermore, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, the Local Planning Authority 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.

The Conservation Officer raises no objection to the proposal. The site is adjacent to listed buildings, to the north, and is within the Conservation Area. However, as the proposal does not relate to external alterations the change of use would not have any impact on the setting of the adjacent listed buildings or on the character or appearance of the Conservation Area. The proposal therefore complies with the above policies.

Impact on Residential Amenity

The NPPF seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 states development proposals should ensure there is no unacceptable reduction in amenity including overbearing impacts, loss of privacy upon neighbouring development and minimising the risk of crime or anti-social behaviour.

The proposed gym would be an acceptable town centre use in an area of concentrated retail and other town centre uses. It is considered the use would be compatible with these surrounding uses and occupiers of adjacent buildings. The use would be confined to within the building and hours of operation – Monday to Friday 0600 to 2200, Saturday 0600 to 2100 and Sunday 0900 to 1600 could be conditioned.

As such, the development is not considered to be detrimental to the amenity of neighbouring properties and the proposal complies with local and national policies.

Impact on Highway Safety

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

The proposal is for a change of use to a suitable town centre operation. It is not considered the proposed gym would generate significant additional levels of traffic over the approved retail use. The wider site has capacity to provide adequate parking for the gym and the site occupies a sustainable location, with easy access for pedestrians and good public transport links.

The Highway Authority raises no objection and the proposal is considered to be acceptable in terms of highway safety and complies with Spatial Policy 7 and Policy DM5.

Conclusion

The proposed gym is considered an acceptable town centre use and whilst the loss of a large retail unit is acknowledged it must also be considered that the unit has been vacant since 2011 and other retail units remain available. On balance the proposed change of use is supported and the use would have a limited impact on visual and residential amenity, would not affect the local

heritage assets and is acceptable in terms of highway safety. The proposal is therefore considered to be acceptable and to comply with local and national policies.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

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 plan reference: 1:500 Block Plan received 28th July 2015.

Reason: So as to define this permission.

03

Notwithstanding the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 the unit shall only be used as a gym and for no other uses falling within Class D2 of the Order without the formal permission of the Local Planning Authority.

Reason: To ensure the use of the unit remains compatible with the town centre uses and in the interests of residential amenity.

04

The gym shall only operate during the following times: Monday to Friday 0600 to 2200, Saturday 0600 to 2100 and Sunday 0900 to 1600.

Reason: In the interests of the amenity of neighbouring occupiers.

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 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/

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 does not result in an increase in the footprint of the building.

03

This permission relates solely to the change of use of the premises and does not permit any building or other operations. As the building is within a conservation area and adjacent to listed buildings, the local planning authority must have regard to the relevant provisions within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

BACKGROUND PAPERS

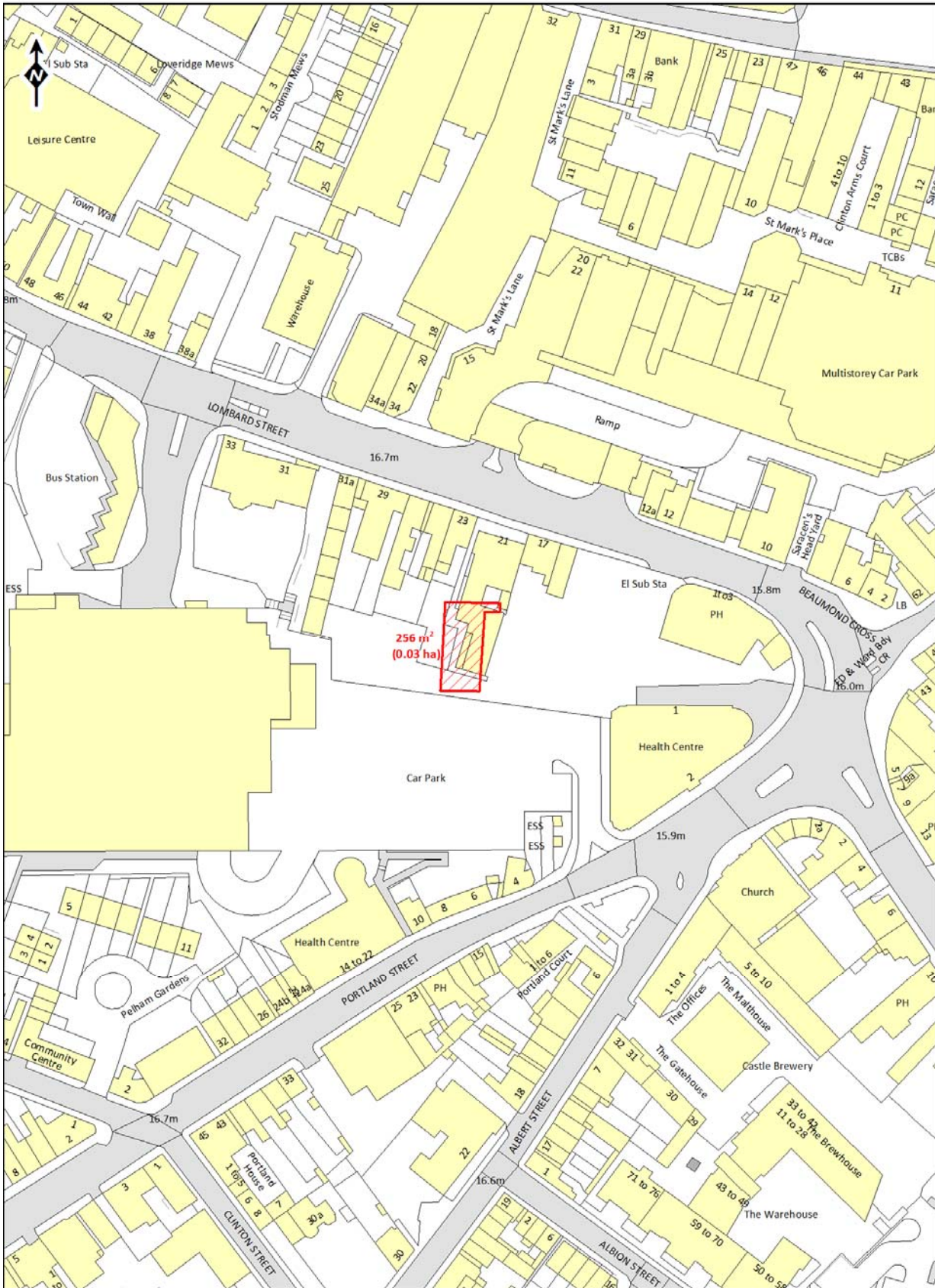
Application case file.

For further information, please contact Joe Mitson on ext 5793.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Kirsty Cole
Deputy Chief Executive

Committee Plan - 15/01243/FUL



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APPEALS A

APPEALS LODGED (received between 21 August 2015 to 21 September 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 our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Matt Lamb
Business Manager Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/15/3032641	14/02027/FUL	The Nook Main Street Weston Newark NG23 6ST	Demolish existing dwelling and construct a 4 bedroom dwelling with single garage to the rear	Written Representation
APP/B3030/D/15/3131720	15/00631/FUL	Orchard End Bishops Drive Southwell Nottinghamshire NG25 0JP	Householder Application for Proposed two storey extensions to the front, Side and rear, single storey rear extension, internal alterations and boundary wall	Householder Appeal
APP/B3030/W/15/3132552	15/00806/OUT	Scotfield 59 Great North Road Carlton On Trent Nottinghamshire NG23 6NL	Erection of 1 No. dwelling	Written Representation

APPENDIX B: APPEALS DETERMINED (between 21 August 2015 and 21 September 2015)

App No.	Address	Proposal	Decision	Decision date
14/01591/FUL	Northgate Retail Park North Gate Newark On Trent Nottinghamshire	Erection of two adjoining retail units to accomodate Costa Coffee and Subway	DISMISSED	26.08.2015
15/00068/FUL	Falcon Motors 2 Northern Road Newark On Trent Nottinghamshire NG24 2EU	Proposed change of use of part of site for siting of 5 No. shipping containers for self storage use	ALLOW	24.08.2015

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Matt Lamb
Business Manager Development

Appeal Decision

Site visit made on 11 August 2015

by Mike Hayden BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 August 2015

Appeal Ref: APP/B3030/W/15/3010686

**Falcon Motors, 2 Northern Road, Newark on Trent, Nottinghamshire
NG24 2ET**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Daniel Harrison against the decision of Newark & Sherwood District Council.
 - The application Ref 15/00068/FUL, dated 15 January 2015, was approved on 23 March 2015 and planning permission was granted subject to conditions.
 - The development permitted is proposed change of use of part of the site for siting of 5 no. shipping containers for self storage.
 - The condition in dispute is No 1 which states that: The shipping containers hereby permitted shall be removed and the land restored to its former condition on or before 23 March 2017.
 - The reason given for the condition is: The nature and visual appearance of development permitted makes the proposal unsuitable for a permanent permission and approval would be contrary to the proper planning policies for the area.
-

Decision

1. The appeal is allowed and the planning permission Ref 15/00068/FUL for proposed change of use of part of the site for siting of 5 no. shipping containers for self storage at Falcon Motors, 2 Northern Road, Newark on Trent, Nottinghamshire NG24 2ET granted on 23 March 2015 by Newark & Sherwood District Council, is varied by deleting condition no. 01 and substituting for it the following condition:

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

Main Issues

2. The main issue in this case is whether the condition is necessary and reasonable having regard to the effect of the proposed shipping containers on the character and appearance of the surrounding area.

Reasons

3. The appeal site is located within the Newark Industrial Estate. It is currently operated for the sale and hire of private cars and vans. The appellant wishes to provide self storage containers for hire.
4. The proposed containers would be positioned at the rear of the site between the company's vehicle workshop and a large brick built sewage station on the

- adjacent site to the south. Therefore, whilst the containers would be visible from the main estate road, Northern Road, they would be discretely positioned and not widely visible within the street scene.
5. The surrounding sites along Northern Road within the industrial estate comprise a range of industrial buildings, including brick built and metal clad units and portakabins. In addition there are large areas of open storage along the estate road for the sale of cars, vans and building supplies. In this context the storage of 5 shipping containers, at the scale and in the position proposed, would not cause harm to the overall character and appearance of the industrial estate.
 6. The estate is adjacent to a railway line and close to Newark Northgate station to the west. However, the appeal site is largely screened from views from passing trains and the station by mature trees and landscaping on adjacent land between the site and the railway line. Therefore, the proposed containers would not cause harm to the character and appearance of the wider area.
 7. I note the Council's concern about the temporary nature of shipping containers. However, the fact that they may not be a permanent building solution does not mean they would detract from the quality of the area if maintained in good condition, as would be necessary for any permanent building. I noted a number of other shipping containers stored along Northern Road, including two on the appeal site and several on a site further to the south referred to by the appellant. Although of simple design, these do not detract from the overall character and appearance of the area.
 8. The reason for the disputed condition states that a permanent permission for the containers would be contrary to the proper planning policies for the area. However, I note that the Council officer's report considers the proposals would comply with Policies DM5 and NUA/E/1 of the Newark and Sherwood Allocations and Development Management DPD (2013).
 9. The Council also refers to the design principles set out in the National Planning Policy Framework in support of a more permanent building solution. Paragraph 58 of the Framework seeks development that will function well and add to the overall quality of the area. I have already concluded that the design of the proposed containers would not cause harm to the character and appearance of the area. However, they would also add to the overall quality of the area by allowing the storage of equipment and materials out of sight within discretely positioned containers, thereby making a positive contribution to the management of the environment of the industrial estate.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed. I have varied the planning permission by deleting the disputed condition and, as suggested by the Council, substituting it with a condition limiting the life of the permission in accordance with the requirements of the Act.

M Hayden

INSPECTOR