PLANNING COMMITTEE

AGENDA

Meeting to be held in
The Ballroom,
Retford Town Hall, DN22 6DB
on Wednesday, 4th December 2019
at 6.30 p.m.

(Please note time and venue)

Please turn mobile telephones to silent during meetings.
In case of emergency, Members/officers can be contacted
on the Council's mobile telephone: 07940 001 705.

In accordance with the Openness of Local Government Bodies Regulations 2014,
audio/visual recording and photography at Council meetings is permitted
in accordance with the Council’s protocol ‘Filming of Public Meetings’.
PLANNING COMMITTEE

Membership 2019/20

Councillors H Brand, D Challinor, M Charlesworth, S J Fielding, G Freeman, G A N Oxby, D G Pidwell, M W Quigley MBE, M Richardson, N Sanders, L Schuller, B Tomlinson.

Substitute Members: None

Quorum: 3 Members

Lead Officer for this Meeting
John Krawczyk

Administrator for this Meeting
Julie Jones

NOTE FOR MEMBERS OF THE PUBLIC

(a) Please do not take photographs or make any recordings during the meeting without the prior agreement of the Chair.

(b) Letters attached to Committee reports reflect the views of the authors and not necessarily the views of the District Council.
AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS
   (a) Members
   (b) Officers

3. MINUTES OF MEETING HELD ON 6th NOVEMBER 2019 * (pages 5 - 10)

4. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 21st OCTOBER AND 18th NOVEMBER 2019 * (pages 11 - 28)

5. OUTSTANDING MINUTES LIST * (page 29)

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions
None

Other Decisions
6. REPORT(S) OF THE HEAD OF REGENERATION *
   (a) Public Interest Test:
       (Ms B Alderton-Sambrook, Head of Regeneration, has deemed that all Items on the Agenda are not confidential)
   (b) Appeal Decisions (pages 31 - 44)
   (c) Planning Applications and Associated Items (pages 45 - 87)
   (d) Proposed Article 4(1) Direction - Worksop Town Centre Houses in Multiple Occupation (pages 89 - 100)
   (e) Development Management Performance Report Quarter 2 2018-2019 (pages 101 - 105)

Exempt Information Items

The press and public are likely to be excluded from the meeting during the consideration of the following items in accordance with Section 100A(4) of the Local Government Act 1972.

SECTION B - ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions
None

Other Decisions
None.

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT
   * Report attached
NOTES:
1. The papers enclosed with this Agenda are available in large print if required.
2. Copies can be requested by contacting us on 01909 533252 or by e-mail: julie.jones@bassetlaw.gov.uk
minutes of the meeting held on Wednesday, 6th november 2019 at worksop town hall

present:

D G Pidwell (Chair)
H Brand, D Challinor, M Charlesworth, S Fielding, G Freeman, G A N Oxby, M W Quigley MBE, M Richardson, N Sanders, L Schuller and B Tomlinson.

Officers in attendance: B Alderton-Sambrook, D Jones, J Jones and S Wormald.

(Meeting commenced at 6.30pm.)

(The Chair welcomed all to the meeting and read out the Fire Evacuation Procedure. He also enquired as to whether any member of the public wished to film the meeting or any part thereof; this was not taken up.)

43. APOLOGIES FOR ABSENCE

There were no apologies for absence.

44. DECLARATIONS OF INTEREST

(a) Members

Councillor D Challinor raised a non-pecuniary interest in planning application 19/01059/OUT.

Councillor L Schuller raised a disclosable pecuniary interest in planning application 19/01059/OUT.

(b) Officers

There were no declarations of interest by officers.

45. MINUTES OF THE MEETING HELD ON 9th OCTOBER 2019

RESOLVED that the Minutes of the meeting held on 9th October 2019 be approved.

46. MINUTES OF PLANNING CONSULTATION GROUP MEETINGS HELD BETWEEN 9th SEPTEMBER AND 14th OCTOBER 2019

RESOLVED that the Minutes of the Planning Consultation Group meetings held between 9th September and 14th October 2019 be received.

47. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.
Other Decisions

48. REPORT(S) OF THE DIRECTOR OF REGENERATION AND NEIGHBOURHOODS

(a) Public Interest Test

The Head of Regeneration had deemed that all Items on the Agenda were of a non-confidential nature.

(b) Appeal decisions received

Members were presented with one appeal decision. Councillor D Pidwell commended officers for their good record of successfully defending appeals.

RESOLVED that the appeal decision be received.

(c) Planning Applications and Associated Items

(Councillor L Schuller left the meeting)

<table>
<thead>
<tr>
<th>Application No</th>
<th>Applicant</th>
<th>Proposal</th>
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<tbody>
<tr>
<td>19/01059/OUT</td>
<td>MLN (Land and Properties) Ltd</td>
<td>Outline application with some matters reserved (approval being sought for access) for residential development for up to 199 Dwellings (resubmission of 18/00903/OUT). Land rear of Grange Farm, Blyth Road, Harworth.</td>
</tr>
</tbody>
</table>

Members were advised that the application sought outline planning permission, including the means of access, for residential development for up to 199 dwellings. The appearance, landscaping, layout and scale would be considered at reserved matters stage. Slides were used to show the location and photographs of the site. The site had been the subject of a site visit prior to the meeting.

The site is an agricultural field to the south of the historic core of Harworth village. To the south of the site is a railway cutting, with Brunel Industrial Estate on the opposite side. The proposed site access is from the classified C65 Blyth Road that runs along the eastern boundary.

The site is within the setting of several Listed Buildings and the setting of several non-designated heritage assets along Main Street.

Members were informed that this application is a resubmission of planning application 18/00903/OUT which was refused permission at Planning Committee on 9th January 2019. The application will be the subject of a forthcoming informal hearing.

The relevant planning history and consultee responses were outlined in the report.

Members were advised what infrastructure contributions would be required to make this scheme acceptable in planning terms. The requirements were listed in the report.

Councillor Anita Smith spoke in objection to the application on behalf of Harworth Town Council, she commented that:

- The town council strongly objects to the proposed development.
- Residents recognise the need for growth and approve of the development of the colliery site as a driver for regeneration and ongoing investment in the town.
- Residents are frustrated at the number and size of applications being made for other sites within Harworth.
The development would contribute to the disappearance of greenfield land.
Allowing new developments could affect development on the colliery site.
The development would have an impact on school capacity.
There is a lack of infrastructure to cope with more housing development.
The proposed development is beyond the settlement boundary.
The development would cause traffic problems.
There is no route connecting with Styrup Road.

Councillor J Evans spoke in objection to the application as the Ward Member, she commented that:

- An identical application had previously been refused as it was not within the settlement boundary and did not address a housing shortfall.
- This development would have an impact on the redevelopment of Simpson Park.
- The redevelopment of the colliery site is being undermined by a saturation of other housing sites.
- A deluge of new housing sites would result in the loss of green spaces.
- Strategic Objective 3 in the Core Strategy advises development of brownfield sites in preference to greenfield.
- Improvement and redevelopment of education facilities is required.
- This development would cause infrastructure problems.
- There is no evidence of need for this proposal.

Joanne Neville spoke in objection to the application on behalf of The Harworth Group, she commented that:

- Approval of planning permission for this scheme would have an impact on the redevelopment of Simpson Park, which they have worked collaboratively with the Town Council to deliver.
- The Harworth Group will need to consider whether to continue to invest in Simpson Park if this application is given permission.
- The group relies on a pool of developers, but Barratt Homes has been removed from the developer list.
- It would appear that nothing has changed from the previous application.
- Planning balance is not in favour of approval due to the impact it would have on Simpson Park.

Richard Walters spoke in support of the application on behalf of the applicant, he commented that:

- The report sets out the planning balance and demonstrates that the tilted balance is engaged.
- Fifteen per cent of the site would be affordable housing.
- Contributions to public open space and school places would be made.
- Harworth Town Council were in favour of the original application.
- The proposed development is in a sustainable location and delivers a number of strong benefits.

Members raised questions/concerns regarding highway issues, school places, the site being outside the development boundary, safe routes to schools, potential harm on heritage assets, pressure on GP surgeries and the potential impact of the Harworth Group withdrawing from the Simpson Park site.

In response to questions raised, the Major Projects Manager clarified that the county conservation officer and district conservation officer had a difference of professional opinion in relation to potential harm on five listed buildings as detailed in the report. Nottinghamshire County Council education would be seeking contributions to expand Serlby Park Academy to provide additional primary school places. Highways have also assessed the scheme and have not raised any concerns.
RECOMMENDATION OF THE HEAD OF REGENERATION – Grant planning permission subject to the conditions as circulated in the report and the execution of a S106 agreement.

Voting for taking this course of action:

FOR: Councillors S Fielding, D G Pidwell, M W Quigley, M Richardson, N Sanders.
AGAINST: Councillors H Brand, D Challinor, M Charlesworth, G Freeman, G A N Oxby and B Tomlinson.
ABSTAIN: None.

COMMITTEE DECISION – Refuse planning permission for the reasons as follows:

- The development would be harmful to the heritage setting.
- Potential highway issues if the proposed link road is not provided.
- The site is outside of the development boundary.
- Approval of this development would impact on the redevelopment of Simpson Park.
- The site would put pressure on local infrastructure, such as health and education provision.

FURTHER RESOLVED that the final wording of the reasons for refusal be approved at the Planning Consultation Group.

(Councillor L Schuller re-joined the meeting)

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<tr>
<th>Application No</th>
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<tbody>
<tr>
<td>19/00866/VOC</td>
<td>Mulberry</td>
<td>Vary Conditions 3, 4, 9, 10, 12 and 13 of 15/00971/OUT to refer to updated application drawing package, including revised parameter plan, illustrative masterplan and site access plans - outline planning application for an employment park comprising of up to 235,000 sqm of B1(c), B2 and B8 uses and ancillary development (EIA development). Land at Sunny Nook Farm, Blyth Road, Harworth.</td>
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<tr>
<td>Commercial</td>
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<td>Developments</td>
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Members were advised that permission was being sought to vary conditions 3, 4, 9, 10, 12 & 13 of approved outline application 15/00971/OUT, granted on 14th March 2017, to allow for a different site layout with a smaller number of larger buildings over that previously approved. Slides were used to show the location of the site, the approved site layout and the proposed new site layout. Photographs of the site were also shown. The site had been subject of a site visit prior to the meeting.

The application site is approximately 81 hectares of predominantly agricultural land located 1.5 km to the south of Harworth Bircotes and 0.5 km north of junction 34 of the A1(M). The site is bounded by existing industrial land and Snape Lane to the north, the A614 Bawtry Road, isolated residential properties, Serby Hall and associated parkland and agricultural land to the east, Blyth Road and the former colliery to the west and residential development beyond the southern boundary.

The overall shape of the site is triangular and the site slopes from north to south and undulates over a number of field areas. There are no public rights of way across the site. Two buildings associated with Steer Bank Farm are located within the application site.

The relevant planning history and consultee responses were summarised in the report.
Members were advised of the contributions which would be expected from the developer to ensure that sustainable modes of travel are possible to and from this development and also a contribution towards upgrading the Tickhill/Blyth Road double mini roundabout in Harworth.

Councillor Jack Bowker spoke in objection to the application, he commented that:

- The proposed new building sizes won’t provide the types of employment that the council supports. The larger buildings will provide low paid warehouse contracts.
- The proposals would be detrimental to the local landscape.
- The roof heights of the proposed buildings need to be considered.

Douglas Oliver spoke in objection to the application on behalf of Serlby Hall, he commented that:

- The owners of Serlby Hall remain supportive of the original development, which placed smaller buildings to the north of the site to minimise any impact on the hall.
- The new proposals feature a significant increase in height and a different layout.
- The existing trees referred to in the report are deciduous, so would only screen the development in the summer.
- Large industrial buildings would have an impact on the arch and the hall.
- If the new layout and building sizes were approved, public money would be wasted on a judicial review.
- The owners of Serlby Hall would be happy for Planning Committee members to view the site from the hall.

Dan Mitchell spoke in support of the application on behalf of the applicant, he commented that:

- The amendment to the scheme reflects the market and has support from the Carlton Forest Group.
- A full visual assessment has been completed.
- There is no increase in floor space in the amended scheme.
- The scheme would provide skilled jobs, with apprenticeships and investment.

Members raised concerns/questions regarding highway issues, noise nuisance, impact on historical assets, opportunities for jobs and apprenticeships, sustainable travel options and the size and location of proposed buildings within the site.

In response to questions raised the Major Projects Manager advised that while the highways authority preferred the original plan to create a link road between Bawtry Road and Blyth Road, they still find the amended proposals acceptable. The new scheme provides pedestrian links through the site and the developer would be required to contribute £250,000 towards the public transport infrastructure and the creation of more bus stops.

In relation to noise nuisance, the Environmental Health Team had raised no objections, and conditions for the prevention of noise nuisance would be included if permission was granted.

Historic England had raised no objections and it was felt that the new scheme would cause no greater impact on Serlby Hall than the original plan. The colour and appearance of the buildings would be considered at reserved matters stage to further minimise any impact.

**RECOMMENDATION OF THE HEAD OF REGENERATION** – Grant planning permission subject to the conditions as circulated in the report and the execution of a S106 agreement.

**Key Decisions**

None.

**Other Decisions**
None.

49. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

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

(Meeting closed at 8.45pm).
PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday, 21st October 2019 at Worksop Town Hall

Present: Councillors H Brand, S Fielding, M W Quigley, N Sanders and L Schuller

Officers in attendance: A Watson and J Krawczyk.

(Meeting opened at 4.00pm.)

88. APOLOGIES

Apologies for absence were received from Councillor D G Pidwell.

89. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

90. PLANNING APPLICATIONS

<table>
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<tr>
<th>Application No</th>
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<tbody>
<tr>
<td>19/00876/OUT</td>
<td>Hybrid Application For Outline Planning Permission For The residential Development Of Approximately 650 New Homes (Approval Being Sort For Access), Public Open Space, Landscaping And Associated Infrastructure With Access Into The Site Included. Full Planning Application (Phase 1) Include Development of 161 Homes, Open Space, Landscaping And Associated Infrastructure. (Resubmission of P.A.17/01728/OUT)</td>
</tr>
</tbody>
</table>

Members were advised that the application had been presented to Planning Committee on 9th October 2019, where members Subsequently resolved to grant planning permission subject to a Section 106 Agreement to secure:

1. 15% Affordable Housing;
2. £2,314,204 Primary School contribution
3. £511,340 Highways mitigation (NCC)
4. £15,000 Travel Plan Monitoring fee
5. Off site highway works (DMBC)
6. Open Space/play area provision, management and maintenance
7. SuDs Drainage Management and maintenance

It is proposed to remove some of the conditions of original app, 8 – 28 outline as the need to connect to the adjoining development has now been included in the associated 106 agreement.

Condition 29 amended to include the reference to the drawing showing the off-site highway works.

Condition 32 be omitted as it’s the bus route and stops is already secured by condition 27.

Outcome following PCG – Delegate for officer decision.
Members were asked to consider outline planning application for 4 detached dwellings. A location map and drawings were tabled.

It was refused previously due to a flood risk. The applicant has had a flood risk assessment carried out and the outcome was that the site could be adequately drained and there is no flood risk to other occupiers.

1 objection has been received from a neighbour to the site, who’s concerns were

- The application is too dense for the area
- Adequate car parking on the site.

Parish Council have not raised any concerns.

BDC not concerned regarding car parking as there is sufficient parking for the development. The standards are 3 spaces for a 4 bedroom property. The application is for single garages and the size is 6.5 metres x 4 metres.

Notts County Council would not comment on a development of this size.

Initial officer recommendation – Grant planning permission

Outcome following PCG – Delegate to officer decision.

Members were asked to consider a planning application to change use of land North of Wiseton Stables. A location map and drawings of the pods were tabled.

Proposal to erect 2 glamping pods at the side of the lake for tourism.

8 letters of objections have been received regarding the following concerns:-

- Increase of vehicles and traffic
- Lack of facilities
- Lack of safety and security
- Noise detrimental to the residents.
- Reduction in resident’s privacy.

Previous application previously refused for 5 pods

A condition could be put in regarding toilets, would not be connected to the main drains.

Nearest dwelling is some distance away from the pods.

Each pod only caters for 2 people, and is low key.
The road provides access to the stables.

Could impose a condition regarding off street parking, making it limited to just serve the pods.

Initial officer recommendation – grant planning permission – refer to PCG

Outcome following PCG - Grant planning permission

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<tr>
<td>19/01123/VOC</td>
<td>Vary Condition 3 of P.A. 28/07/0016 to Allow All Year round (12 month) Operation of the Holiday Park. Manor House Caravan Park Including Land to North And South, Clayhough Lane, Church Laneham.</td>
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Members received an application to allow Manor House Caravan Park to open all year round. A plan was tabled.

Existing planning application was granted 2008, only for use March – October. There are two sites with 130 static caravans over both sites.

12 letters of objections have been received.
11 letters of support have been received
Parish Council is supportive of the application

There have been some strong objections

Initial Officer decision is to Refuse the application, following objections from the Environment Agency. This is due to flood zones 2 + 3, which is vulnerable to flooding. Applicant submitted flood risk plan, still does not satisfy the Environment Agency. Look to Refuse the application on the grounds of the Environment Agency.

Outcome following PCG – Refuse Planning permission

91. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.30pm.)
PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday, 28th October 2019 at Worksop Town Hall

Present: Councillors H Brand, S Fielding, D G Pidwell.

Officers in attendance: J Jones and J Krawczyk.

(Meeting opened at 4.00pm.)

84. APOLOGIES

Apologies for absence were received from Councillor M Quigley.

85. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

86. PLANNING APPLICATIONS

<table>
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<tbody>
<tr>
<td>19/01150/OUT</td>
<td>Variation of Condition 2 Approved Plan for Plot 1 to be Agreed to Allow a 'Garden Room' to be added at Ground Floor Level and Condition 7 - Removal of Reference to the Windows Needing to be Timber to Allow the use of John Fredericks Ultimate Heritage Windows in UPVC on P/A 18/00851/FUL</td>
</tr>
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</table>

Members were advised that planning permission had already been granted for four dwellings and shared garaging. This application was to vary condition 2 in relation to plot one to allow for the erection of a small orangery to the rear of the dwelling. The application also sought to vary condition 7 to accommodate amendment of the window types across the development to allow use of heritage type UPVC windows.

Two objections had been received from members of the public. The first was in relation to the flat roof of the orangery as it was felt that this was not in keeping with the style of the dwelling. The second was in relation to the windows and removal of the requirement for them to be timber.

Initial officer recommendation – Grant variation of conditions – refer to PCG.

Outcome following PCG – Delegate for officer decision.

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<tr>
<td>19/01086/HSE</td>
<td>Installation of Bi-folding Doors to Side Elevation</td>
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Members were informed that the application was in relation to a barn conversion, which was granted planning permission in 2012, and sought approval for the installation of bi-folding doors opening onto the garden of the property.

Three objections had been received from local residents which included the following concerns:

- Overlooking onto adjacent property.
• Impact on the character of the building.
• Previous enforcement issues in relation to roof lights and garage.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

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<tr>
<td>19/00945/RES</td>
<td>Reserved Matters Application for the Approval of Appearance, Landscaping, Layout and Scale Following the Outline Application 15/01611/RSB for Residential Development of 32 Dwellings</td>
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Members were asked to consider a reserved matters application for the approval of appearance, landscaping, layout and scale following the granting of outline planning permission (application 15/01611/RSB) for residential development of 32 dwellings. A location map, plan of the application site and drawings of proposed house styles were tabled. Members were advised that the site plan included 2-bedroom houses, 3-bedroom houses, 3-bedroom bungalows and 2-bedroom bungalows. Thirty five per cent of the site would be affordable housing, with a mix of social rent properties and affordable to buy.

The parish council and a local resident had objected to the proposals on the grounds that:

• The site is identified as a ‘green wedge’ in the Neighbourhood Plan.
• The site would cause drainage problems.
• The site would cause problems with on street parking on adjacent streets.
• The accessibility and density of the site are not satisfactory.
• There are limited facilities in the village.
• The proposals are out of character in relation to the rest of the village.
• The site would put extra pressure on school capacity.
• There are limited public transport links.

Initial officer recommendation – Grant reserved matters – refer to PCG.

Outcome following PCG – Delegate for officer decision, with added conditions for planting of native trees and provision of boundary treatments.

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<th>Application No</th>
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<tr>
<td>19/00902/FUL</td>
<td>Conversion of Stables into Three Dwellings</td>
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Members were informed that planning permission was being sought to convert stables into three dwellings at Wiseton Stables, Main Road, Wiseton. Drawings of the proposed conversion and photographs of the site were tabled.

Four objections had been received which included the following concerns:

• Potential impact on wildlife, for example, bats.
• Lack of detail on proposed materials.
• Granting planning permission would set a precedent.
• Granting planning permission would affect the historical aspect of the building.
• Potential noise and light pollution.
Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision, with added condition to carry out a bat survey.

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<th>Application No</th>
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<tbody>
<tr>
<td>19/00903/LBA</td>
<td>Listed building consent for Conversion of Stables into Three Dwellings</td>
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</table>

Members discussed the application for listed building consent in conjunction with the application for planning permission (19/00902/FUL) – see above.

Initial officer recommendation – Grant Listed Building Consent – refer to PCG.

Outcome following PCG – Delegate for officer decision, with added condition in relation to the materials to be used.

87. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 4.40pm.)
PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday, 11th November 2019 at Worksop Town Hall

Present: Councillors H Brand, S Fielding, D G Pidwell.

Officers in attendance: D Jones, J Jones and J Krawczyk.

(Meeting opened at 4.00pm.)

84. APOLOGIES

Apologies for absence were received from Councillor M Quigley.

85. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

86. PLANNING APPLICATIONS

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<tbody>
<tr>
<td>19/01059/OUT</td>
<td>Outline permission for 199 dwellings. Land rear of Grange Farm, Blyth Road, Harworth.</td>
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</table>

Members were advised that the application had been presented to Planning Committee on 6th November 2019 with an officer recommendation to grant planning permission subject to an S106 agreement. The Committee decision was to refuse planning permission on the grounds of:

- Harm to the heritage setting.
- Potential highway issues if the proposed link road is not provided.
- The site being outside of the development boundary.
- Impact on the redevelopment of Simpson Park.
- Pressure on local infrastructure, such as health and education provision.

It was agreed that the exact wording for refusal would be approved at the Planning Consultation Group.

The reasons for refusal were presented to Members as follows:

1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, National Planning Policy Framework paragraphs 184, 189, 192, 193 and 197, and Policy DM8 of the Bassetlaw Core Strategy aim to sustain and enhance the setting of listed buildings. The proposed development would have a significant detrimental impact on the setting of the listed buildings along Main Street to the north of the site.

2. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The proposed link road through to Styrrrup Road is not guaranteed to be delivered and therefore the proposed development would result in severe detrimental impact on the road network without the link road in place.
3. National Planning Policy Framework paragraph 127 f) indicates that new developments should create safe places to live that promote health and well-being, with a high standard of amenity for users. The proposed development would not contribute to the infrastructure and services for proposed residents, in particular placing additional pressure on the health and education provision, contrary to the above.

4. Bassetlaw Local Development Framework (BLDF) Policy CS1 limits development within defined settlements, of which Harworth is one, to land within the Development Boundaries. BLDF Policy CS4 supports the provision of new housing within the Development Boundary. Policies CS1 and CS4 are now out of date in seeking to focus development within the development boundaries of settlements within a specified hierarchy. Such an approach would help to ensure that the scale of new development is appropriate in relation to the size, function and future development opportunities of settlements within each tier of the hierarchy. This is consistent with National Planning Policy Framework paragraph 8 to deliver sustainable development. The proposed development would result in the loss of an agricultural field and constitute development outside the defined Development Boundary contrary to the above policies.

5. The proposed development would prejudice the delivery of the Harworth Colliery redevelopment scheme as allocated in Harworth and Bircotes Neighbourhood Plan Policy 6 and undermine the long term regeneration initiatives for Harworth Colliery, in line with National Planning Policy Framework paragraphs 117 and 118 to support brownfield development.

Initial officer recommendation – Agree wording of reasons for refusal – refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No  Proposal
19/01014/VOC  Variation of conditions 2 & 4 of application 17/01239/RSB. Land at Elmwood Lodge, Sundown Adventure Land, Rampton Road, Treswell.

Members were advised that planning permission was originally granted in 2017 for a touring caravan site and holiday accommodation in the form of 2-bed lodges, 1-bed lodges and 1-bed pods. This application sought to vary conditions of the original application to delete the touring caravan element and replace with additional holiday accommodation. This accommodation would comprise 52 x 2-bed lodges, 32 x 1-bed pods and 6 x 3-bed lodges. Amendments had also been made to bring the reception and store together into one building and the manager accommodation had been deleted. The manager accommodation would now be provided in one of the lodges. A location map and site plan were tabled.

Treswell and Cottam Parish Council have not objected to the application

Two objections had been received from local residents which included the following concerns:

- Noise nuisance and disturbance due to an increase in the number of lodges and siting the lodges closer to existing dwellings
- Traffic issues due to the access point.
- Large volumes of traffic passing existing properties.
- A new access should be provided to serve the development

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.
Application No  Proposal
19/00690/FUL  New village hall, 6 dwellings, car park and alterations to recreation ground. Former allotment sites and playing field, Creswell Road, Cuckney.

Members were advised that this application had been to the Planning Consultation Group on Monday 7th October 2019 and an amendment had now been received. The original proposal was for all six of the dwellings to be affordable homes, but this had now been amended to be four affordable homes and two market homes. A location map and drawings were tabled.

The site is included in the Neighbourhood Plan for erection of a village hall, car parking and in the region of four affordable dwellings.

No new objections had been received.

Initial officer recommendation – Grant subject to completion of a legal agreement – refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No  Proposal
19/01201/FUL  2 storey extension and create 6 self-contained units at Ledale, London Road, Retford.

Members were informed that the application sought to add a two storey extension to a large dwelling in a conservation area to create six self-contained units for adults with autism. The application had been refused previously on design grounds. A location map and drawings were tabled which showed the proposed extension to the right hand side and extending past the rear of the property.

Two objections had been received which included the following concerns:

- The extension seems as large as the original proposal.
- Highway safety issues in relation to vehicles entering/exiting the site and the nearby junction.
- Not enough on-site parking.
- Removal of hedges and trees to facilitate the driveway.
- Waste disposal arrangements.
- Lack of amenity and facilities nearby for adults with autism.

The Development Team Manager added that the property would be run by Autism East Midlands and details of the carer rota had been supplied. There would be eight formal car parking spaces and sufficient overspill parking. The entrance to the site would be widened to allow two cars to pass and visibility at the access point is good. Removal of trees/hedges would be minimal. A condition would be added in relation to bin storage and collection and this could be easily managed within the site.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No  Proposal
19/00974/FUL  Change of use to B & B and erect 2 holiday lets. West Drayton Farm, Old London Road, West Drayton.
Members were advised that this application sought to change the use of an existing Bed and Breakfast into self-contained holiday accommodation and erect two lodges. Planning permission had previously been refused due to the proposed lodges not reflecting the character of the site and a lack of evidence of the impact on wildlife. The amended application featured lodges which were much more traditional in appearance. A bat survey had also been completed which showed no bats present on the site. A location map and drawings were tabled.

Councillor Ogle requested the application be determined by the Planning Committee due to the strong level of opposition from the local community.

The Parish Council objected to the application on the grounds of

- Out of character with the village.
- Plans are too large for the plot.
- Over-intense use of land.
- Infrastructure of roads are not sufficient to support a development of this size.
- Noise and disturbance to surrounding occupiers.
- Parking is restricted on London road and vehicles are restricted as to where they can turn and traffic would increase significantly.

A total of 28 objections, including from a Residents Association, had been received which included the following concerns:

- Noise disturbance from the number of people staying at the site
- Highway safety.
- The development is out of character and excessively intense.
- If permission is granted, permission may then be sought to develop the remainder of the site.
- When permission was granted for the Bed and Breakfast, highways did not want any vehicular access into the site from Old London Road
- Parking within the site is inadequate and will lead to vehicles parking on the surrounding highways.

The Development Team Manager informed members that highways had assessed the site and felt that there was adequate parking and enough scope for overspill within the site.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

Application No 19/01113/FUL Proposal Erection of Two Storey Dwelling (Resubmission of 19/00686/FUL) at 120 High Street, Ordsall, Retford.

Members were informed that the application sought planning permission for a detached dwelling to replace three outbuildings on land at 120 High Street, Ordsall. Planning permission had previously been refused as the proposed dwelling was out of character with the area. Amendments had been made and the dwelling was now in keeping with the area, subject to materials being agreed. A location map and drawings were tabled.

Objections had been received from four neighbouring dwellings which included the following concerns:

- Overshadowing.
- Overlooking.
• Loss of amenity.
• Increase in vehicular movement which would be a detriment to highway safety.
• Potential problems with construction traffic blocking access.

Initial officer recommendation – Grant Planning Permission – refer to PCG.
Outcome following PCG – Delegate for officer decision.

87. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 5 pm.)
PLANNING CONSULTATION GROUP

Minutes of the meeting held on Monday, 18th November 2019 at Worksop Town Hall


Officers in attendance: D Jones, J Jones and J Krawczyk.

(Meeting opened at 4.00pm.)

88. APOLOGIES

Apologies for absence were received from Councillor M Quigley.

89. DECLARATIONS OF INTEREST

There were no Declarations of Interest.

90. PLANNING APPLICATIONS

<table>
<thead>
<tr>
<th>Application No</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>Construction, operation and decommissioning of a gas fired generating station (National Strategic Infrastructure Project to be determined by the Planning Inspectorate). Agreement of Statement of Common Ground and Local Area Report. West Burton C Power Station.</td>
</tr>
</tbody>
</table>

Members were informed that Bassetlaw District Council is the hosting authority for a National Strategic Infrastructure Project (NSIP) application for a gas fired power station at the West Burton Power Station. This places several requirements on the council which have to be completed within short timescales.

The case officer for the NSIP application is the Planning Inspectorate and the Secretary of State has appointed an examiner to oversee the project.

The council must prepare and submit a Local Area Impact Statement, which identifies how the scheme will impact on the district. There is also a requirement to agree a Statement of Common Ground with the applicant, which will allow the examiner to focus on areas where there is disagreement between any of the parties.

A number of other organisations are involved in the project, including Nottinghamshire County Council, Lincolnshire County Council, relevant parish councils, the Environment Agency and the Health and Safety Executive.

A location map, site plan and drawings of the proposed power station were tabled, which showed that the scale of the proposals is small in relation to the existing power station.

Councillor James Naish added that a collective response had been submitted from local residents, which listed six recommendations. Residents were keen for reassurance from EDF Energy that problems experienced previously would be addressed. Some amendments to the Local Area Impact Report were agreed to support the recommendations from local residents, these were:
• Request consideration to be given to using other transport options, such as rail and river to transport goods to and from the site.
• Request provision of a lorry holding site to prevent the use of a nearby layby for lorry waiting.
• Support the residents’ request for public open space to be provided.
• Request that EDF Energy carefully consider and respond to each request made by the local community.

Initial officer recommendation – Agree the Statement of Common Grounds and the Local Area Impact Statement – refer to PCG.

Outcome following PCG – Agree the Statement of Common Grounds and Issue the Local Area Impact Statement with agreed amendments.

<table>
<thead>
<tr>
<th>Application No</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/01228/HSE</td>
<td>Proposed single storey rear extension including dormer windows with detached garage and retain stone boundary wall. The Cottage, Greenway, Carlton In Lindrick.</td>
</tr>
</tbody>
</table>

Members were advised that planning permission was being sought to erect a single storey rear extension with dormer windows and a detached garage. The extension would be in stone to match the existing building. Photographs of the site and drawings of the proposed extension were tabled.

One objection had been received from a neighbouring property on the grounds of overlooking from windows.

The Development Team Manager informed members that the windows in question would be obscured and the existing boundary treatment would provide good screening to prevent any overlooking. No objections had been raised by the Conservation Team and there was a desire to see the property re-occupied. If granted permission, conditions would be added to ensure that the materials used are in keeping with the character of the building.

Initial officer recommendation – Grant Planning Permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.

<table>
<thead>
<tr>
<th>Application No</th>
<th>Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>19/01229/LBA</td>
<td>Listed building consent for proposed single storey rear extension including dormer windows with detached garage and retain stone boundary wall. The Cottage, Greenway, Carlton In Lindrick.</td>
</tr>
</tbody>
</table>

Members discussed the application for listed building consent in conjunction with the application for planning permission (19/01228/HSE) – see above.

Initial officer recommendation – Grant listed building consent – refer to PCG.

Outcome following PCG – Delegate for officer decision.

<table>
<thead>
<tr>
<th>Application No</th>
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</tr>
</thead>
<tbody>
<tr>
<td>19/01242/NMA</td>
<td>Non-material amendment of planning application 18/00750/FUL - for the approval of additional velux rooflights to gym and obscure glazed side window, replace garage doors to non-openable panels and widening of dropped kerb. Hawthorns Bungalow, Bawtry Road, Bircotes.</td>
</tr>
</tbody>
</table>
Members were informed that planning permission had been granted for extensions and alterations to the property in 2018. This application sought amendments to the permission, which were:

- Addition of a window at ground floor level and alterations to size of other windows.
- Change to dimensions of link corridor between the property and the garage.
- Reduction in the width of the rear extension.
- Replacing the garage doors with glazed panels.
- Addition of Velux rooflights.

Site plans and drawings of the proposals were tabled.

Two objections had been received from neighbouring properties which included the following concerns:

- The applicant appears to be running a business from the garage.
- Overlooking/overshadowing impacting upon the amenity of neighbouring occupiers.
- The property is too large and overbearing to neighbouring properties.

The Development Team Manager added that these were minor amendments to the existing planning permission and that the enforcement officer has visited the site on several occasions.

Initial officer recommendation – Grant permission for non-material amendment – refer to PCG.

Outcome following PCG – Delegate for officer decision.

<table>
<thead>
<tr>
<th>Application No</th>
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</tr>
</thead>
<tbody>
<tr>
<td>19/00844/FUL</td>
<td>Change of use of hairdressing salon into a dwelling and carry out alterations. The Barn, Main Road, Nether Langwith.</td>
</tr>
</tbody>
</table>

Members were advised that permission was being sought to change the use of a hairdressing salon into a dwelling and carry out alterations at The Barn, Main Road, Nether Langwith. The existing building is redundant and in disrepair. It is within a conservation area, but is not a listed building. The neighbouring property has a right of access through the site.

Permission had been refused previously as the proposal was to extend back over a stream. The new proposal was to erect a retaining wall with railings. The Council’s Drainage Engineer had been consulted and was satisfied that this would not increase the flood risk, but may actually reduce it as the retaining wall would prevent silt from the bank entering the watercourse.

The parish council and two neighbours had objected to the proposals on the grounds that:

- Permission had previously been refused.
- Noise and disturbance to neighbouring properties.
- Concerns over changes to the watercourse, including contamination and flood risk.
- Overlooking.
- Vehicular access arrangements.
- Car parking.

The Development Control Manager informed Members that Highways had been consulted and were satisfied that there was adequate space for access and egress from the site and the two proposed parking spaces.

Initial officer recommendation – Grant planning permission – refer to PCG.

Outcome following PCG – Delegate for officer decision.
91. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chair closed the meeting.

(The meeting closed at 5.20pm.)
Members please note that the updated positions are shown in bold type following each item. (DTM = Development Team Manager)

<table>
<thead>
<tr>
<th>Min. No.</th>
<th>Date</th>
<th>Subject</th>
<th>Decision</th>
<th>Officer Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>66(d)</td>
<td>09.01.19</td>
<td>Development Management Scheme of Delegation for Determining Planning Applications</td>
<td>The Scheme of Delegation is monitored with a report presented to Planning Committee in 12 months’ time.</td>
<td>DTM</td>
</tr>
</tbody>
</table>

Report to be presented to a future meeting
PLANNING COMMITTEE,

4 December 2019

INFORMATION REPORT

APPEAL DECISION RECEIVED

19/00086/COU Mrs S Kenworthy Appeal against the refusal of planning permission for the change of use of part of annexe to a separate dwelling house at 298 Carlton Road, Worksop.

DECISION: Appeal DISMISSED

The Inspector considered the main issues to be; whether the proposals would provide adequate living conditions for occupants of number 298 Carlton Road and future residents of the proposed development with particular reference to external amenity space, privacy, outlook, natural light, noise and disturbance; the effect of the proposed parking arrangements on highway and pedestrian safety; and whether the proposals would preserve or enhance the character or appearance of the Sunnyside Conservation Area.

The Inspector considered that the proposal would result in a poor standard of living conditions for future occupants with respect to natural light and outlook to a bedroom area. He also considered that it is unclear whether adequate off-street vehicle parking and manoeuvring could be provided for both occupants of 298 Carlton Road and future occupiers of the proposed dwelling, resulting in a likely detrimental effect on highway safety.

The Inspector concluded however, that the subdivision of the plot would not be of detriment to the character, appearance and significance of the Conservation Area.

INSPECTORS DECISION: Dismiss the appeal

OFFICER RECOMMENDATION: Refuse planning permission

FINALISED DECISION LEVEL: Delegated
Appeal Decision
Site visit made on 24 September 2019
by R E Walker BA Hons DipTP MRTPI
an Inspector appointed by the Secretary of State
Decision date: 16 October 2019

Appeal Ref: APP/A3010/W/19/3232718
298 Carlton Road, Worksop S81 7LW
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs S Kenworthy against the decision of Bassetlaw District Council.
- The application Ref 19/00086/COU, dated 24 January 2019, was refused by notice dated 9 April 2019.
- The development proposed is the change of use of part of annexe to a separate dwelling house.

Decision
1. The appeal is dismissed.

Procedural Matter
2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council’s decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council’s decision notice for completeness because the description on the decision notice better describes the development proposed.

Main Issues
3. The main issues are:
   - Whether the proposals would provide adequate living conditions for occupants of No 298 Carlton Road and future residents of the proposed development with particular reference to external amenity space, privacy, outlook, natural light, noise and disturbance;
   - The effect of the proposed parking arrangements on highway and pedestrian safety;
   - Whether the proposals would preserve or enhance the character or appearance of the Sunnyside Conservation Area.

Reasons

Living Conditions
Council, Bolsover District Council, Chesterfield Borough Council, North East Derbyshire District Council 2013 (SPD) provides guidance on the design of new homes including, amongst other things, having adequate light for habitable rooms and appropriate garden space.

5. The appeal building has an L-shaped plan form with all windows facing into the grounds of the host property. The main bedroom and open plan living/kitchen would have access to good natural light and an outlook facing into a small garden area. However, the design of the proposals would result in a bathroom and bedroom having no outlook, ventilation or natural light. With particular reference to the bedroom, the lack of natural light and an outlook would result in a poor standard of living conditions for the future occupants of this property.

6. The proposed dwelling would have a close relationship with No 298. Views toward the appeal property would be possible from the side and to a lesser extent the rear windows at No 298. However, any views would be angled and similar to many other properties in a residential area. As such, I am satisfied that there would not be unacceptable levels of privacy from the resulting layout.

7. Given the close relationship of the two buildings, the comings and goings of the occupants of both the appeal building and No 298 would likely be appreciated by the respective occupants. However, parking would be to the front of each building and the extent of external activity would not be dissimilar to a typical residential property.

8. The proposals would result in a reduced garden area for No 298. It would retain a front garden space which is likely to be used primarily for parking and a small rear garden containing a garden room. The proposed property would have a small garden area immediately adjacent to the living room providing space for a sitting area. A larger area would be provided to the front, which is shown as hardstanding, and although a detailed layout has not been provided this appears large enough to accommodate both parking and some amenity space.

9. I have no substantive evidence as to whether the proposed garden arrangements for either property would accord with table 4: minimum garden sizes/amenity spaces of the Council’s SPD. Nevertheless, given the size of the resulting gardens in relation to the size of the 2 properties, there would, in my view, be a reasonable level of useable garden space for each property.

10. Drawing my findings on this main issue together, I conclude that the proposed layout would result in a bedroom with no outlook or natural light which would result in unacceptable living conditions for future occupiers.

11. As such the proposals would conflict with the guidance within the SPD. Although the Council has referred to policy DM4 of the Bassetlaw District Local Development Framework Core Strategy & Development Management Policies Development Plan Document (DPD) adopted 2011 in its reason for refusal, I note that criterion (v), which is of most relevance to living conditions, does not specifically address outlook or natural light in terms of amenity. However, there would still be conflict with the requirements within section 12 and specifically paragraph 127 of the National Planning Policy Framework (the Framework) which seeks, amongst other things, to ensure good standards of living conditions for future occupants.
**Highway Safety**

12. The application form advises that 4 parking spaces would be provided but the proposed plans do not show a parking layout. The Heritage Impact Assessment submitted with the application says that it is believed there is enough space for manoeuvring to allow vehicles to exit in a forward gear. However, there is no substantive evidence to demonstrate that this is achievable. Even using the grassed area at No 298, this would appear to be difficult particularly if there were more than 1 car parked.

13. The Highway Authority did not object to the proposals or vehicles reversing on to the highway, if the number of parking spaces proposed could be achieved. However, there is no substantive evidence provided that this is achievable. Whilst the proposed frontage to the new dwelling would appear likely to have sufficient space, the remaining frontage at No 298 does appear constrained due to its depth and the proposed opening arc of the gate. This could result in awkward manoeuvres and potential conflicts with other highway and pedestrian users.

14. I recognise that the proposed dwelling may result in less vehicles trips than the former use of the site as a nursery. However, I have no substantive evidence of the scale of the nursery or vehicle movements generated. I did observe that not all buildings along Carlton Road have off street parking and some cars did park on-street during my site visit. However, my concerns relate to the specific parking arrangements proposed and in particular whether appropriate off-street parking and manoeuvring space can be achieved.

15. Based on the evidence before me, I cannot be sufficiently certain that 2 off-street parked vehicles can be accommodated for each of the properties with adequate space for manoeuvring. The proposals could therefore result in circumstances that would be prejudicial to highway and pedestrian safety. In respect of this main issue the proposals would conflict with Policy DM4 of the DPD which amongst other things seeks to ensure that developments are accessible and would not be detrimental to highway safety. The proposals would also conflict with the requirements of paragraph 127 of the Framework which, amongst other things seeks developments that create places that are safe, inclusive and accessible.

**Character and Appearance**

16. The appeal site is located within the Sunnyside Conservation Area (CA). No 298 has been identified as a positive building and an unlisted heritage asset within the Sunnyside CA Appraisal 2011. The building proposed to be converted has not been identified as a positive building within the CA appraisal. The CA includes the older parts of Sunnyside and some houses in Carlton Road, including the appeal site. It mainly consists of two-storey late Victorian and Edwardian family housing of detached, semi-detached and terraced design.

17. The character of the CA is predominantly one of narrow rectangular plots, containing properties positioned close to the highway, with small front gardens and larger rear gardens. At SU1 in the CA appraisal it says that proposals for the subdivision, reorientation or amalgamation of plots should not be supported. Although the proposals would not accord with SU1 of the CA appraisal, the appeal site is not a narrow plot and has a unique layout resulting from its previous use as a nursery.
18. The proposals would result in a new fence and entrance gates, and from the street it would be clear that there would be 2 separate properties. However, the existing front boundary treatment does restrict views into the site. As the appeal building is single storey and set back from No 298 the sense of space around the frontage would be retained. As such there would be no harm to the character and appearance of the area and the significance of the CA from the subdivision and new boundary treatment. Whilst it may not necessarily enhance, it would meet the statutory test of preserving the character of the Sunnyside CA. The impact would therefore be at worst neutral.

19. The proposals would therefore comply with policy DM4 of the DPD in respect of local character and distinctiveness and policy DM8. These policies are concerned with, amongst other things, the character and appearance of developments and, where relevant, developments within CA's. Furthermore, the proposals would comply with the requirements of paragraphs 124, 127, 192, 194 and 196 of the Framework in respect of the historic environment and the character and appearance of developments.

Other Matters

20. I recognise that the existing building is not used to its maximum potential and the change of use to a dwelling would therefore bring the building back into use. The net gain of a single dwelling by bringing this building back into an active use would only have modest benefits to the wider area. Subsequently I attach limited weight in this regard.

Conclusion

21. The proposals would provide adequate external amenity space and privacy for both future residents of the proposed dwelling and occupants of No 298. Furthermore, the extent of noise and disturbance from activity at either of these properties would not be harmful to living conditions. Moreover, the proposals would bring an unused building back into use and would not have a harmful effect on the character and appearance of the Sunnyside CA.

22. However, the lack of harm in the above respects and the limited weight I afford to the benefits of the proposed dwelling does not outweigh the harm I have identified to the living conditions of the future occupants of the proposed dwelling in terms of outlook and natural light. Moreover, based on the evidence before me I cannot be sufficiently certain that the proposals would not result in a harmful effect on highway and pedestrian safety.

23. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Robert Walker

INSPECTOR
APPEAL DECISION RECEIVED

19/00121/RSB  Mr AND Mrs Hutt  Appeal against the refusal of planning permission for the erection of a new dwelling and double garage and creation of a new access, including the demolition of an existing garage at Willow Croft, The Green, Beckingham.

DECISION:  Appeal DISMISSED

The Inspector considered the main issue to be the impact of the proposal on the character and appearance of the area.

The Inspector considered that the main pattern of development is predominantly buildings facing The Green and concluded that the proposed development would be of detriment to the character and appearance of the area.

INSPECTORS DECISION:  Dismiss the appeal

OFFICER RECOMMENDATION:  Refuse planning permission

FINALISED DECISION LEVEL:  Delegated
Appeal Decision

Site visit made on 12 August 2019

by Mr A Thickett BA(Hons) BTP Dip RSA MRTPi
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2019

Appeal Ref: APP/A3010/W/19/3229059
Willow Croft, The Green, Beckingham, Nottinghamshire, DN10 4NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Hutt against the decision of Bassetlaw District Council.
- The application Ref 19/00121/RSB, dated 25 January 2019, was refused by notice dated 12 April 2019.
- The development proposed is a new dwelling including a new double garage and a new access (and demolition of the existing garage).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the character and appearance of the area.

Reasons

3. Willow Croft sits in a substantial plot and the appellant proposes to construct a new dwelling in the rear garden. The existing garage to the east side of the house would be demolished to facilitate access and a new garage built on the other side of the existing house with a new drive.

4. There is variety in the dwellings around The Green and I do not consider that, in relation to its design, the proposed dwelling would look out of place. However, the pattern of development is predominantly buildings facing The Green. There are exceptions including two bungalows to the rear of Fair View but the Block Plan submitted with the appeal application shows that a building previously existed to the rear of Fair View.

5. The appellant cites the granting of planning permission in 2016 for the demolition of the existing bungalow and the erection of 4 detached houses on the site. However, I agree with the Council that one cannot compare a comprehensive redevelopment with the ad hoc insertion of a large new building in a back garden.

6. Although set well back from the street, the proposed 1.5 storey house and double garage would be substantial structures and would be visible from The Green. I consider that the proposed backland development would be at odds with the prevailing built form and that, as a result, it would have a detrimental impact on the character and appearance of the area. I conclude, therefore,
that the proposal conflicts with Policy DM4 of the Bassetlaw Core Strategy and Development Management DPD.

Other matters

7. The appellant does not dispute the Council’s assertion that the District has a 7.9 year housing land supply. The Council accepts that as its Core Strategy is more than 5 years old and has not been reviewed, its strategy in relation to settlements is out of step with the Framework. The Council considers that, as a consequence, the weight to be given to the settlement hierarchy in Policy CS1 is reduced and the titled balance engaged.

8. The National Planning Policy Framework advises that where the most relevant development plan policies are deemed to be out of date, planning permission should be granted for sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework.

9. The Core Strategy identifies Beckingham as a rural service centre (Policy CS1) suitable for limited growth (Policy CS8). These policies identify Beckingham as a sustainable location for new housing and weigh in favour of the appeal proposal. However, the design and development principles set in Policy DM4 accord with the Framework’s aim of achieving well designed places. I have concluded that the proposal conflicts with this policy. Further, notwithstanding that Beckingham is recognised as a sustainable location for new housing, I agree with the Council that the benefits of building one house here, both in relation to the supply of housing and to the local economy are demonstrably outweighed by the harm described above.

Conclusion

10. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Anthony Thickett

Inspector
PLANNING COMMITTEE,

4 December 2019

INFORMATION REPORT

APPEAL DECISION RECEIVED

19/00203/FUL  Mr P Singh  Appeal against the refusal of planning permission for the installation of two dormer windows in the front elevation of the building and one dormer window to the rear at 64, Newcastle Avenue, Worksop.

DECISION:  Appeal DISMISSED by the Inspector.

The Inspector considered the main issue to be whether the front dormer windows preserve or enhance the character and appearance of the Worksop Conservation Area and the setting of the Worksop Castle Scheduled Ancient Monument.

The Inspector considered that the height and width of the dormers and close siting results in a significant degree of visual massing on the roof slope which is at odds with the general character and appearance of roof extensions in the locality.

The Inspector concluded that the structures fail to reflect the appearance of other traditional structures in the area, resulting in a poor form of development which detracts from both the character and appearance of the building and the historic and architectural interests of the wider Conservation Area. The Inspector concluded that the dormers have a neutral effect on the Scheduled Ancient Monument and would not prejudice either the significance of the asset or the experience of it.

INSPECTORS DECISION:  Dismiss the appeal

OFFICER RECOMMENDATION:  Refuse planning permission

FINALISED DECISION LEVEL:       Delegated
Appeal Decision
Site visit made on 20 August 2019

by Robert Hitchcock  BSc DipCD MRTP
an Inspector appointed by the Secretary of State
Decision date: 5th September 2019

Appeal Ref: APP/A3010/W/19/3230834
64 Newcastle Avenue, Worksop, Nottinghamshire S80 1LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr P Singh against the decision of Bassetlaw District Council.
- The application Ref 19/00203/FUL, dated 13 February 2019, was refused by notice dated 12 April 2019.
- The development proposed is two dormer windows to front and one dormer window to rear.

Decision
1. The appeal is dismissed.

Preliminary Matters
2. The description of development appearing on the Council’s decision notice is different from that on the application form. Although the revised description was agreed by the appellant, I have removed reference to the retention of the development as this is not, in itself, development.

3. Planning permission was previously granted for front and rear dormer windows to this property thereby establishing the principle of development. That development was not completed in accordance with the approved plans and the remaining dispute between the parties is limited to the effect of the front dormer windows only.

Main Issue
4. Whether the front dormer windows preserve or enhance the character or appearance of the Worksop Conservation Area (CA) and the setting of the Worksop Castle Scheduled Ancient Monument (SAM).

Reasons
The Worksop Conservation Area

5. No.64 lies within the ‘Millhouses’ sub-area of the wider CA. The area is characterised by close knit linear red-brick terraces and semi-detached dwellings from the late C19 and early C20 built alongside larger plots of community and commercial buildings. These buildings retain a high degree of uniformity deriving from common scale, materials and architectural elements including bays, banding courses and mouldings, detailed brick arches, stone elements and cornice details. Whilst various alterations to the terrace have
taken place over the years, the buildings retain a high degree of uniformity. The significance of the CA arises from the identifiable historic and architectural character of the phases of development linked to local commerce and infrastructure provision.

6. The individual front dormers have a slight vertical emphasis in the forward elevation provided by a high eaves line and gable pike above the window head. The dormers extend almost to the ridge of the main roof slope but are set back from the eaves line to give a height that is generally comparable to other original dormers present within this part of the CA. However, the design incorporates a greater proportion of framing to glazing and greater overall width. This is apparent in the deeper surround and window framing in comparison to those original examples.

7. The combination of the height and additional width results in the dormers having a greater bulk. This is exacerbated by their close siting, resulting in little clear space visible between the two. Together the dormers result in a significant degree of visual massing on the roof slope. This is at odds with the general character and appearance of roof extensions in the locality.

8. The dormer windows to the front are readily visible within the Newcastle Avenue street scene and form part of a closing vista looking north along Norfolk Street. The eye is drawn to this through a combination of the combined scale but also due to the expanse of bright cladding and the poor vertical alignment with the openings in the elevation below. This arrangement contrasts significantly with the isolated positions and alignments of the other dormer extensions; and fails to reflect the slenderness and finer construction and detailing of the traditional forms. The lack of coherence with the original architectural style and scale results in a poor form of development that detracts from both the character and appearance of the building and the historic and architectural interests of the wider CA.

9. The appellant draws comparisons to the other wide dormer windows that were observable in the locality. However, these tend to be flat-roofed and isolated such that the described combination of factors identified above does not arise to the same extent. Indeed, it is possible that many of these pre-dated the designation of the CA as a heritage asset.

10. There are examples of non-traditional development forms and materials exist here which has eroded some of the quality of the original architecture in the immediate vicinity. The appellant suggests that this is the context in which the development should be assessed. However, the significance of the CA lies in the characteristic architecture reflecting the town’s historic phases of development. Notwithstanding that the building is identified in the Worksop Conservation Area appraisal as having a neutral impact on the character, appearance and significance of the CA and presents some poorly designed roof additions, this does not relinquish the development from the duty imposed under s 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) or the relevant Local Plan policy tests.

11. For the reasons identified above, the development fails to preserve the character or appearance of the CA and results in a negative effect on the historic and architectural interest of the designated heritage asset. It is therefore in conflict with Policy DM8 of the Bassetlaw Core Strategy and Development Management Policies Development Plan Document.
Worksop Castle Scheduled Ancient Monument

12. As to the impact on the setting of the SAM; the significance of this asset lies in its historic interest and potential archaeology. The SAM is some distance to the south and located in well-defined and self-contained grounds that result in a significant degree of visual disconnect between it and the surrounding area. The main aspect of its interpretation is that of the land-forming and the historic lay of the surrounding land. Neither this, nor any archaeological interest, is affected by the development. Furthermore, in the context of the enclosure and substantially urbanised setting of the SAM, the significance of the dormers with respect to the setting and significance of the SAM is negligible. The dormers have a neutral effect that would not prejudice either the significance of the asset or the experience of it.

Conclusion

13. Notwithstanding the conclusion with respect to the effect of the development on the Worksop Castle Scheduled Ancient Monument, this does not outweigh the harm identified to the character and appearance of the Worksop Conservation Area. I therefore conclude the appeal should be dismissed.

R Hitchcock
Inspector
<table>
<thead>
<tr>
<th>Sheet No.</th>
<th>Ref No.</th>
<th>Applicant</th>
<th>Location and Proposal</th>
<th>Recom. Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>19/00818/FUL</td>
<td>J G Pears Property Ltd</td>
<td>Former High Marnham Power Station, Power Station Access Fledborough Road, High Marnham</td>
<td>Grant</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Erect Storage Building (Class B8) with Associated Weigh Bridge</td>
<td></td>
</tr>
</tbody>
</table>
ITEM SUBJECT OF A SITE VISIT

Item No: a1

<table>
<thead>
<tr>
<th>Application Ref.</th>
<th>19/00818/FUL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application Type</td>
<td>Full PlanningPermission</td>
</tr>
<tr>
<td>Site Address</td>
<td>Former High Marnham Power Station Power Station, Access Fledborough Road, High Marnham, Newark.</td>
</tr>
<tr>
<td>Proposal</td>
<td>Erect Storage Building (Class B8) with Associated Weigh Bridge</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Dylan Jones</td>
</tr>
<tr>
<td>Recommendation</td>
<td>GTD - Grant</td>
</tr>
<tr>
<td>Web Link:</td>
<td>Link to Planning Documents</td>
</tr>
</tbody>
</table>

THE APPLICATION

SITE CONTEXT

The application site lies in the south eastern part of the district to the west of the River Trent. The settlements of High Marnham and Low Marnham lie due south of the site with the settlement of Newton on Trent being to the south west. The village of South Clifton lies directly to the east of the site on the Newark & Sherwood side of the river Trent. To the north, there are sporadic dwellings set in open agricultural land before the village of Ragnall is reached with the village of Dunham being slightly further north.

The application site itself once contained the High Marnham Power Station which was a sister power station to the Cottam and West Burton Power Stations further north along the Trent. The High Marnham Power Station was a Coal fired power station which contained five 110m high cooling towers, two 150m high chimney stacks and other ground infrastructure associated with electricity generation. The site was opened in 1962 and closed 45 years later in 2003 with the site being cleared after the demolition of the cooling towers in 2012.

The road access into the site from Fledborough Road and the road through the site to where the power station used to stand, still remains as does a number of hardstandings which once contained the buildings now demolished. The electricity substation which formed part of the power station still exists and is in use, and lies in the south west corner of the site. As the site is no longer maintained, the landscaping and vegetation on site has grown substantially in comparison to when it was in operation as a power station and this has helped to screen what remains on site from the surrounding area.

PROPOSAL

It is proposed to erect an industrial building (B8 use) on site for the storage of finished animal meal product (processed animal proteins) before it is sent off to be sold.

The building is proposed on an existing hardstanding on the northern part of the former High Marnham Power Station site and will be accessed from Fledborough Road using the existing access point and tarmacked internal road which once served the power station. This is shown in the plan below:
The building proposed is a functional looking portal framed industrial type building which will be 14.5m in height to the top of its ridge and will provide 3660m² of storage area. Internally, the building will be separated into two storage areas and will be accessed from the northwest via two roller shutter doors. A weigh bridge is proposed directly in front of the building to weigh lorries arriving on site. The building and the weighbridge are shown in the plan below:

The building will be used in connection with the applicant’s main business which is located a short distance away from this site at Low Marnham, and is required to replace the existing storage building that they use in Blyton, Lincolnshire (between Gainsborough and Scunthorpe on the A159).
In their supporting statement, the applicant indicates that the finished animal meal travels from their existing site at Low Marnham up to Blyton for storage until it is required for distribution to the applicant’s customers. However, due to regulations relating to the type of product handled, it has to be returned to their Low Marnham HQ site for an inspection before it can be sent out. This amounts to a 64 mile round trip and it is understood that 10 trips are carried out per day every day, which amounts to 4480 miles travelled over a 7 day working week. The application site is approximately 2 miles away from the applicant’s existing headquarters in Low Marnham and the same amount of journeys would amount to approximately 280 miles of travel during the working week which is significantly less than the current arrangement.

To avoid confusion with the operations that are carried out at the applicant’s Low Marnham HQ site, they have clarified how the proposed site will operate. As stated above, the building will be used solely for the storage of finished animal meal. The finished meal will travel in a covered lorry from their headquarters site in Low Marnham either pre-packed into large bags or in loose bulk. The bags will then be unloaded using forklift trucks inside the building, or if the product is loose, it will be directly tipped from the HGV onto the floor of the building for storage. When the product is required, there will be a mobile conveyor belt inside the building to move the product around for bagging which will take place inside the building. Once bagged, the product is then shipped back to their headquarters in Low Marnham via a covered lorry to be inspected to meet the requirements of the prevailing legislation on such products before being distributed to the applicant’s customers from their Low Marnham HQ site. The applicant has indicated that they would wish to be able to operate the site on a 24 hour basis as they currently do at Blyton, and they also confirm that the process described above is identical to that which currently occurs at their storage unit in Blyton.

DEVELOPMENT PLAN AND OTHER MATERIAL CONSIDERATIONS

Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
The following paragraphs of the framework are applicable to this development:

Para 7 – Achieving sustainable development
Para 8 – Three strands to sustainable development
Para 10 – Presumption in favour of sustainable development
Para 11 – Decision making
Para 12 – Development plan as the starting point for decision making
Para 33 – Strategic policies in development plans should be reviewed every 5 years.
Para 38 – Decision making should be done in a positive way.
Para 55 – Planning conditions to be kept to a minimum and to meet the tests.
Para 80 – Planning decisions should help to create conditions in which businesses can invest, expand and adapt.
Para 82 – Planning decisions should recognise the specific location requirements of different market sectors.
Para 83 – Supporting a prosperous rural economy.
Para 84 – Recognising that businesses in rural locations may be in locations beyond settlements and in locations not well served by public transport.
Para 108 – 110 – Highway safety
Para 111 – Developments and travel plans.
Para 124 – Good design is a key aspect of sustainable development.
Para 127 – Development should reflect local characteristics.
Para 130 – Poor design should be refused permission.
Para 155 – Inappropriate development at risk of flooding should be avoided by directing development to parcels of land at less risk of flooding.
Para 163 – New development must not increase the risk of flooding elsewhere.
Para 165 – Major developments should incorporate sustainable urban drainage systems unless there is evidence that this would be inappropriate.
Para 170 – Decisions should contribute to protecting and enhancing the natural and local environment.
Para 175 – Habitats and biodiversity.
Para 178 – Planning and pollution
Para 180 - Development and its effect on health.
Para 183 – Planning decisions should be processed solely on whether development is acceptable in land use terms rather than the control of processes or emissions.

BASSETLAW DISTRICT COUNCIL – LOCAL DEVELOPMENT FRAMEWORK

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

- CS1 - Settlement hierarchy
- CS9 – All other settlements
- DM1 – Economic development in the countryside
- DM3 – General development in the countryside
- DM4 - Design & character
- DM7 – Securing economic development
- DM12 - Flood risk, sewage and drainage
NEIGHBOURHOOD PLAN (INCLUDING STATUS AND RELEVANT POLICIES)

High Marnham is not a designated Neighbourhood Plan Area and as such there isn’t an adopted Neighbourhood Plan in place to consider as part of this scheme.

RELEVANT PLANNING HISTORY

There is a significant amount of planning history for this site, but the majority of it relates to the former power station use made of the site and it predates its demolition in 2012.

The last application for this site dates from 2017 and is as follows:

Proposed electricity transformer and associated works at the switchyard to enable connection of the new electricity link to the JG Pears Site, Low Marnham – Approved on 15 March 2017.

SUMMARY OF CONSULTATION RESPONSES

BDC Environmental Health Officer –

Noise – Initially requested that a condition be imposed to restrict the operating hours of the site to 8am to 6pm on a Monday to Friday and 8am to 1pm on a Saturday and not at all on a Sunday, Bank or Public Holiday. However, on visiting the applicant’s existing site in Blyton to understand how the site will operate and how this links back to the operating hours of the applicant’s HQ site in Low Marnham, they have confirmed that the use is not considered to be noisy and that the previously suggested condition is considered to be unnecessary. A condition is suggested to control the hours of construction of this proposal as works to sink foundations into the ground etc. could potentially be noisy and if not controlled, they could impact on the living conditions of the surrounding occupiers.

Smell – Does not raise any objections to this scheme on this ground. However, due to the amount of objections that have been received from local residents on this ground, the EH team sought more information from the applicant in terms of how the site operated. Two EH officers visited the applicant’s site in Blyton and was satisfied that the operation of that site did not result in the emission of a level of smell that would result in it being a statutory nuisance. Discussions also took place with the equivalent EH officer in West Lindsey District Council over the operation of the Pears site in Blyton and it was confirmed that no odour issues had occurred over the last 6 year monitoring period for that site. As the proposal will be operated in the same manner as the Blyton site, no objections are raised to this scheme on odour grounds and no additional measures are required to make this scheme acceptable.

Contaminated land – Due to the former use made of the application site, it is suggested that a condition should be imposed to deal with the potential land contamination identified on site.

NCC Highways – Raise no objections to this scheme as the building will be used in connection with the applicant’s existing premises at Low Marnham and will result in the reduction of the length of HGV trips on the local road network. Advises that a planning condition should be imposed to make sure that the site is operated in accordance with that contained in the applicant’s submitted Transport Assessment.

NCC LLFA – Does not wish to make any specific comments on this scheme.
NCC Planning Policy –

Minerals – The site lies in the minerals safeguarding and consultation area for sand and gravel. Whilst the site is brownfield, the applicant should not treat any minerals resource that is removed as a waste material.

Waste – There are no existing waste sites within the vicinity of the site that would be impacted by this development.

Environment Agency – Comments that this development will not require an environmental permit from the Environment Agency to operate. Advises that they do not have any objections to this proposal subject to the imposition of conditions dealing with drainage and land contamination which could arise from the former use made of the site as a power station.

LCC Archaeology – Following a request for additional information from the applicant, it has been determined that as the site was previously developed and that the proposed portal framed building is on existing hardstanding without large scale foundations, there is limited scope for the site to impact on archaeology buried at depth in the area. Therefore advise that no further archaeological input is required with this proposal.

Nottinghamshire Wildlife Trust – The Wildlife Trust requested additional information from the applicant during the consultation phase for this application to allow the impact of the scheme on ecology in the area to be satisfactorily considered and also to ensure that the scheme delivered a nett increase in biodiversity enhancements as required by the NPPF. Following the submission of an ecological appraisal survey from the applicant, they are satisfied with the recommendations proposed. Agrees with the recommendation of the submitted ecology report that a Construction Environment Management Plan will be required to identify measures during the construction phase of the scheme to minimise its impact on biodiversity and a bat friendly lighting scheme is required with this scheme. They comment that these can satisfactorily be achieved via suitable planning conditions.

Trent Valley Internal Drainage Board – Advises that there are a number of board maintained watercourses in close proximity to this site. They do not raise any objections to this scheme.

Neighbouring Authority Responses

Newark & Sherwood District Council – Does not raise any objections to this scheme but acknowledges the objections submitted by local residents and the parish councils on odour grounds. Advises that if these are determined to be issues by BDC, they will need to be mitigated against to meet the requirements of the NPPF and to protect local residents.

West Lindsey District Council – Has no observations to make in relation to this scheme.
Parish Council Responses

Dunham on Trent with Ragnall, Darlton and Fledborough Parish Council – Raise objections to this scheme on the following grounds:

<table>
<thead>
<tr>
<th>Grounds of objection</th>
<th>Description of impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Access/Traffic</td>
<td>Details of the deliveries in are given, but no details of the deliveries out from the site.</td>
</tr>
<tr>
<td></td>
<td>The Parish would like confirmation that all traffic north and south will initially be travelling south.</td>
</tr>
<tr>
<td></td>
<td>No details of the vehicle sizes are given in the application.</td>
</tr>
<tr>
<td></td>
<td>No details are given of how vehicles will travel west/east from the site.</td>
</tr>
<tr>
<td></td>
<td>The statement in the transport assessment is incorrect and the amount of vehicle movements between 2019 and 2012 is more than quoted (36 as opposed to 26).</td>
</tr>
<tr>
<td></td>
<td>The traffic counts carried out are not representative of the movements on the local narrow road network especially as the site could operate 24/7.</td>
</tr>
<tr>
<td></td>
<td>There is no mention in the documentation as to why vehicles have to go back and forth between the proposed site and their existing Low Marnham site.</td>
</tr>
<tr>
<td></td>
<td>Why does this site need to be in operation 24/7 as the main J G Pears site in Low Marnham is not operational on that basis and neither was the power station that used to occupy this site.</td>
</tr>
<tr>
<td></td>
<td>A travel plan has not been submitted to support this application. The parish want clarity on the routes taken by vehicles to and from this site.</td>
</tr>
<tr>
<td></td>
<td>Require a flow chart of the cycle for the storage, quality control and distribution of the product to fully understand the process and the potential impact.</td>
</tr>
<tr>
<td></td>
<td>Would request that if permission is given that it is limited to B8 storage only and that distribution from the site will not be permitted.</td>
</tr>
<tr>
<td>Noise/Smell/Pollution</td>
<td>A 24/7 operation will have an impact in terms of light pollution.</td>
</tr>
<tr>
<td></td>
<td>No information is provided to explain how the meal is to be moved within the building. Surely some plant will be required?</td>
</tr>
<tr>
<td></td>
<td>There is surface water risk with this site as it’s in flood zone 1.</td>
</tr>
<tr>
<td></td>
<td>The ground condition assessment is not sufficient to identify any remains. This should be resolved before the application is determined.</td>
</tr>
<tr>
<td></td>
<td>It is not clear despite the submission of additional information by the applicant as to why this site has to operate on a 24/7 basis.</td>
</tr>
<tr>
<td>Planning History/Related Decisions</td>
<td>It is not clear as to what pre-planning advice was offered to the applicant with this case. Was this the current case officer?</td>
</tr>
<tr>
<td>----------------------------------</td>
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<tr>
<td></td>
<td>The site operated on restricted hours previously and it would seem appropriate for this use to do so also.</td>
</tr>
<tr>
<td></td>
<td>There has been piecemeal development on the site by J G Pears over the years with the last application being for a biomass heat and power plant in 2013. Makes reference to the comments made by the Planning Inspector dealing with that case where he indicates that it would cause harm to the setting of the surrounding rural area.</td>
</tr>
<tr>
<td></td>
<td>The current site produces bone meal and there is evidence that there is odour associated with that activity which has been reported to the Environment Agency.</td>
</tr>
<tr>
<td>Design and Visual Impact</td>
<td>There are no height dimensions on the drawing, but it looks to be very high. Also no visuals of it have been produced.</td>
</tr>
<tr>
<td></td>
<td>The height and scale of the building is too excessive for its intended use.</td>
</tr>
<tr>
<td>Ecology/Landscape</td>
<td>There are a number of good trees within the site which may hide the building. However, there is no clear indication of the exact location of the building on the plan and whether it will result in the loss of land that has returned to landscape.</td>
</tr>
<tr>
<td>Cumulative impact</td>
<td>This cumulatively with other J G Pears development in the locality will result in a further nuisance to the local community being created.</td>
</tr>
<tr>
<td></td>
<td>Using the proposed building will result in additional space in the existing building which will increase capacity and that will increase vehicle movement on the local road network.</td>
</tr>
<tr>
<td></td>
<td>The odour emanating from the proposed site combined with the existing site will be unacceptable for the residents living in the local area.</td>
</tr>
<tr>
<td></td>
<td>Reference is made to the Inspector’s report in relation to the appeal that occurred in 2013 in relation to the CHP plant at Low Marnham.</td>
</tr>
<tr>
<td>Other</td>
<td>The processes that will occur on site are not clearly explained in the application. More details are required.</td>
</tr>
</tbody>
</table>

Normanton on Trent with Marnham Parish Council - Object to this development as there are serious failings in the operation of the existing Pears plant, operating procedures and ability to react to fault conditions on site which could lead to odour release. Until they can demonstrate that they can solve all of the above, then no new development should be permitted for Pears. The development of this site would also overstretch the resources of the Environment Agency over and above all of the efforts that they are having to put in to monitor their existing site. Also consider that it would be questionable to allow J G Pears to have two sources of potential odour within a few miles of each other.
North Clifton Parish Council (within the district of Newark and Sherwood) – Comment that whilst this planning application is outside of their parish, they wish to object to it on the following grounds:

- The existing Pears site causes offensive smells and there is no mention in this application of how any smell is to be monitored or controlled.
- There is also no mention as to whether the product will be loose, in containers or bagged.
- There is concern that the vehicle movement figures in the application aren’t accurate and that if the J G Pears plant works at full capacity, there will be significantly more vehicles on the road than that quoted.
- There is no mention of plant within the building; surely some is required in connection with the suggested use.
- Working hours on site should be restricted to 7am to 6pm which is similar to the operation of the power station.
- Compared to any other buildings in the area, the proposal is huge. It will be seen from several miles away from this site and is not in keeping with its surroundings.

South Clifton Parish Council (within the district of Newark and Sherwood) -

Object to the scheme on the following grounds:

<table>
<thead>
<tr>
<th>Grounds of objection</th>
<th>Description of impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smell</td>
<td>The new storage facility will be storing bone meal which has an unpleasant smell which will impact on the village. The village is already affected by the existing J G Pears site and this proposed one is closer so the impact will be greater. Nothing in the documentation indicates how the product will be stored or the strength of the smell.</td>
</tr>
<tr>
<td>Noise</td>
<td>The building is large and no plant is shown within it. How is the bone meal to be moved? Any noise from a 24/7 operation such as that proposed would be harmful to the village.</td>
</tr>
<tr>
<td>Light Pollution</td>
<td>The 24/7 operation of the site will bring with it lighting and this will impact on the dark skies that South Clifton enjoys, particularly during the winter months.</td>
</tr>
<tr>
<td>Increased traffic</td>
<td>Whilst this scheme may impact more on the villages on the other side of the Trent, there is no mention of any east to west vehicle movements from this proposal.</td>
</tr>
<tr>
<td>Visual impact</td>
<td>The parcel of land where the proposed building is to go appears as a field belonging to a farm unit from South Clifton. The size of the proposed building would dwarf anything in the area and it would stand out as a sore thumb. Whilst the site used to have the power station on it, since its demolition, the land has gradually returned to nature.</td>
</tr>
<tr>
<td>Future development</td>
<td>This application lies on a small parcel of land within a huge complex owned by J G Pears. Raise concerns that the granting of this application may set a precedent for the future development of all of this site.</td>
</tr>
</tbody>
</table>
Sutton on Trent Parish Council (within the district of Newark and Sherwood) – Wish to object to this scheme as opening up the old power station site to such development will set a precedent for further development on this site which will lead to additional lorries using the totally unsuitable local road network and this will have a seriously detrimental impact on Sutton-on-Trent.

**SUMMARY OF PUBLICITY**

This application was advertised by neighbour letter, site notice and press notice and 95 letters of objection have been received raising the following points:

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Highways</strong></td>
<td>The roads haven’t been built to accommodate more heavy traffic and they are in a poor condition due to the amount of lorries that are currently on the network.</td>
</tr>
<tr>
<td></td>
<td>There are several 90º bends to get to and from the site and as such the local roads are unsuitable for the large vehicles that J G Pears uses.</td>
</tr>
<tr>
<td></td>
<td>The applicant is already in breach of his planning conditions relating to operating hours at his site.</td>
</tr>
<tr>
<td></td>
<td>Additional vehicles as part of this scheme will cause additional pollution particularly NOx and particulates which is unacceptable. This contravenes the Government’s ‘Air Quality Plans’.</td>
</tr>
<tr>
<td></td>
<td>Additional lorries on the road network will cause highway safety issues and may impact on pedestrian safety particularly in the villages that they pass through.</td>
</tr>
<tr>
<td></td>
<td>A condition on the application should insist that all vehicles accessing and leaving the site should use the A57 and the A1 only.</td>
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<tr>
<td></td>
<td>Disagree that this scheme will reduce lorry movements; it will increase capacity at the applicant’s existing storage site and create more vehicles on the road network.</td>
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<tr>
<td></td>
<td>The applicant’s traffic data is flawed as it concentrated on movements south only and the surveys were done on the quietest day of the week.</td>
</tr>
<tr>
<td></td>
<td>There are no details of the routes that the lorries will take to access or exit this site.</td>
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<tr>
<td></td>
<td>The County Highway Authority has ignored the fact that the local road network is very narrow in places and that two lorries struggle to pass each other safely in their consultation response to this scheme.</td>
</tr>
<tr>
<td></td>
<td>Fear that additional lorries on the road will cause accidents and am particularly concerned that lorries could crash into houses in certain locations. Also, the vibration from the lorries passing is akin to an earthquake happening.</td>
</tr>
</tbody>
</table>
The junction of the A1133 and the A57 has been the scene of a number of serious accidents with some of these having affected the North Clifton Primary School community.

The applicant’s transport assessment has not carried out any emissions testing. This is unacceptable.

The applicant has failed to follow the DEFRA advice on the UK’s plan for tackling Roadside Nitrogen Dioxide concentrations and about supporting the development and deployment of low emission commercial vehicles and refuelling infrastructure.

### Residential amenity

Noise from the passing lorries is unacceptable and this scheme will make it worse.

Pleased to note that the BDC Environmental Health team has requested a limit on the working hours proposed at this new building.

This odour generated from the J G Pears site can make you feel physically sick.

There will be machinery noise from this site 24/7 which will be harmful to the living conditions of the surrounding residents.

### Visual impact

Without a visual drawing, it’s impossible to say how the scheme will impact on the area.

Extending the current site would be overbearing in a rural and not industrial setting.

A building of this height will have a negative impact on the character and appearance of the surrounding open countryside.

Further chimneys in the landscape will be harmful to its visual amenity.

The existing J G Pears site at Low Marnham is lit up like a Christmas tree at night. This site will be the same and as such, the locals will forget what a dark sky looks like.

This building is of the scale that you find next to motorways and is not appropriate in a rural area.

The proposal will impact on the enjoyment of the cyclists using National Cycle route 647 which passes the site.

### Pollution

An increase in ambient lighting and noise will be harmful to the surrounding landscape and especially on the dark skies that the surrounding area enjoys.

Odour has been an issue from the existing J G Pears site. They have been a bad neighbour use previously and also having this site will exacerbate the problem and it already affects hundreds of people in the surrounding area.

This should not be a 24/7 operation as that will impact local residents in terms of noise and nuisance.
| Closing the doors will not mitigate against the noise of machinery and plant operating within the building. |
| The applicant admits that the proposal will cause odour, but no mitigation is proposed to resolve/control it. |
| Object to fertilizer being stored within the building. |
| The precautionary principle should not be used arbitrarily to consider this scheme. |
| The stench from passing lorries will be greater if this scheme is passed. The lorries have also dropped rotting carcases on the public highway which is completely unacceptable. |
| The J G Pears site is a problem site and is under special measures with the Environment Agency due to the unacceptable odour emissions generated from it. |
| To say that the finished product doesn’t smell is incorrect, it smells revolting. |
| The existing site which is equal distance to the village the other way is very noisy especially at night and this site will therefore make matters worse if approved. |
| The existing CCP Plant smells and this new facility will lead to more odour from the ash and bonemeal. |
| The smell from this site will have a negative impact on the operation of the Brownlow Pub in the village which serves food. |
| There are regular spills from lorries visiting the site. |
| J G Pears also has an odour effect on villages to the east of the Trent and this must be stopped. |
| BDC seems to be unable to control odour from the existing site. So this will exacerbate existing problems. |
| Other J G Pears sites in other parts of the country have similar development and it is noted from the press that these are causing serious odour issues and are affecting the local residents. |
| Effluent from the site is injected into the surrounding farmland which is unacceptable. |
| This vast building to store rotting food and waste is unacceptable. |
| The foul smell generated by this proposal will impact on the amount of time that children at the North Clifton Primary School can play outside and this would prevent the school from meeting education standards on outdoor play and physical education. |
| J G Pears have failed to keep their doors shut at their main plant. Therefore, odour will be a problem with this site as they are likely also to fail doing this here. |
| **Ecology** | This scheme should be refused permission on the perfectly reasonable grounds that J G Pears has breached its conditions and not resolved the odour issues with its existing plant. |
| **Other** | The site has regenerated since the power station was knocked down and this scheme will now negatively impact on ecology in the area. |
| | Why have they not detailed correctly what pre-application advice that they have received in relation to this site. |
| | Object as a B8 use may not be made of the building as the applicant suggests that bagging and distribution as well as storage will occur from this site. This is an industrial packing unit and not a B8 unit. |
| | The application as submitted is not detailed enough to allow it be assessed correctly. |
| | The County Architects have objected to this scheme as have the BDC Environmental Health Team. |
| | Will impact on the health of local residents and on disadvantaged people. |
| | The J G Pears site is very high on the Environment Agency’s list of ‘problem sites’. |
| | J G Pears do not listen to local views and have not sorted out the odour issues with their existing site. This will make matters worse. |
| | Whilst this scheme may generate new employment opportunities, it is considered that the harm to the local residents by approving it will be greater. |
| | The application pack contains old Google Earth images of the site which are not representative of what it looks like now. |
| | Previous applications for J G Pears have been approved by BDC against the wishes of the local community. Raise concerns that this will also be the case here. |
| | This land should be returned to farmland and not for any form of industrial development. |
| | Local residents can’t sell their houses due to the impact of the Pears site. |
| | The operation of the J G Pears site breaks Human Rights Legislation. |
| | The development will negatively impact on house prices in the area. |
| | The site is close to the Trent so it must be in a high flood risk area and locating the building there will be unacceptable in planning terms. |
| | The bad smell generated by this proposal will have a negative impact on the viability of the Christmas shop and the CL caravan site located at Newton on Trent. |
| | Why should this be allowed when local residents can’t get planning permission for single houses locally. |
The new Draft Bassetlaw Local Plan is promoting small scale development in the villages in this area and also puts significant weight on all development promoting healthy lifestyles.

Do not wish to see J G Pears expand any further as they have had a devastating impact already on the local community.

Pears mostly employs Eastern European workers at its site, so there are no job opportunities here for local people.

This proposal would be harmful to what Nottinghamshire County Council is trying to do in the local area with its ‘Visitor Economy Strategy’.

**CONSIDERATION OF PLANNING ISSUES**

**PRINCIPLE OF THE DEVELOPMENT**

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

Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply or its employment land supply.

The site lies in a countryside location to the north of the villages of Low and High Marnham on the site of the former High Marnham Power Station which was demolished in 2012. Policy CS1 states that settlements classified as ‘all other settlements’ in the Core Strategy are places that are unsuitable for growth. However, policy CS9 of the Core Strategy, which provides specific criteria on development in ‘all other settlements’ specifically states that rural employment opportunities will be supported where they will be of an appropriate scale and type to the settlement and the surrounding land uses provided the proposal complies with the requirements of policies DM1 to DM3 of the Core Strategy.

Paragraph 33 of the NPPF states that policies in development plans should be reviewed and where necessary updated every 5 years. The Bassetlaw Core Strategy dates from 2011 and its policies have not been reviewed in the last 5 years as the Council is working on a new local plan to replace it. In this situation, paragraph 213 of the NPPF states that policies in an adopted development plan do not become automatically out of date because they were published before the framework; policies must be considered having regards to their consistency with the framework. The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and it does not have any new employment allocations in it and as such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.

Whilst this scheme is contrary to the requirements of policy CS1 of the Core Strategy, part d) of paragraph 11 of the NPPF is engaged as policy CS1 is considered to carry limited weight in the decision making process and this scheme must be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.
In considering this scheme, the content of paragraph 117 of the NPPF is also applicable. Paragraph 117 states that decisions should promote an effective use of land by making as much use as possible of previously developed land. This site is previously developed as it contained the High Marnham Power Station complex on it between the years of 1962 and 2012 before it was demolished, and the redevelopment of this site would help to achieve this aim.

Having regards to the overall policy position as outlined above and the fact that the planning balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

**SUSTAINABILITY OF THE DEVELOPMENT**

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

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

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

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

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

The site lies within a countryside location and is intended to be used in connection with the existing J G Pears HQ complex at Low Marnham. The proposal will contribute to building a strong, responsive and competitive economy through the creation of temporary construction related jobs on site, the generation of 5 new jobs and the on-going contribution to the local economy by allowing an established local business to develop and streamline their rural based operations. This scheme will also generate Business Rates for Bassetlaw District Council which can potentially be reinvested into the local economy.

**DESIGN, LAYOUT & VISUAL AMENITY**

Section 12 of the NPPF refers to achieving well designed places. Specifically, paragraph 124 states that good design is a key aspect of sustainable development; it creates better places in which to live and work in and helps make development acceptable to local communities.
Paragraph 127 states that decisions should aim to ensure that development will function well and add to the overall quality of the area, establish a strong sense of place, create attractive and comfortable places to live, work and visit, optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Furthermore it provides that development should respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The NPPF goes on to state it is “proper to seek to promote or reinforce local distinctiveness” (para 127) and permission should be “refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 130).

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

There have been a significant amount of objections to this scheme from the residents of the surrounding area and also from a number of parish councils on both sides of the River Trent. A number of these relate to the impact of the size, form and location of the proposed building on the surrounding rural landscape. The proposed building will be a typical portal frame industrial building which is seen in a number of locations across the country. It will be 14.5m in height by 73.2m in length by 50m in width with the majority of it clad in light grey powder coated sheeting with the roof also being of powder coated sheeting in a muted light grey colour.
The building is to be located on the northern boundary of the site adjacent to the existing access road and a bank of trees as shown in the plan below:

The building itself will be difficult to see in the distance from Fledborough Road when looking east (see photo below), as it will be against the context of the surrounding trees and the numerous taller and more visually intrusive electricity pylons and cables that run through the site.

(Photo taken November 2019)
When looking south from the country road that runs to St Gregory's Church in Fledborough, (see photo below), the proposal will be screened by the existing tree cover on site and also seen in the context of the taller electricity pylons which crisscross the area (these are up to 55m high).

(Photo taken November 2019)
The same is the case from Hollgate Lane in the settlement of High Marnham (see photo below), looking north where the building will be glimpsed at a distance in the context of trees and electricity pylons, cables and the electricity substation that remains on the site.

(Photo taken November 2019)

On looking west from between the North Clifton Primary School and the village of South Clifton on Church Lane (see photo below), the building will be glimpsed through trees and hedging at a distance over the River Trent with the backdrop of the sky and the significant number of electricity pylons and cables that will run behind it.

(Photo taken November 2019)

Due to it being seen at a distance, the applicant has chosen to colour the building in a light grey colour so that it will blend in with the skyline behind it.
Having regards to the landscape features described above, together with the style, design and positioning of the proposed building, it would be difficult to justify a refusal of permission and successfully defend an appeal on the grounds that the building is harmful to the rural character and appearance of the surrounding locality under the requirements of paragraph 130 of the NPPF.

In considering this scheme, it is also important to consider the context of the site. Up until 2012, two 150m high chimneys and five 110m high cooling towers existed on this site all against the backdrop of the electricity pylons that continue to crisscross the site. The following views which are taken in the same location as the current photographs above would have been seen from the surrounding area:

![Looking east from Fledborough Road – photo taken in 2009](image)

![Looking south from the country road that runs to St Gregory’s Church in Fledborough - photo taken in 2009](image)
It is clear that the proposal will be of a completely different scale to that which once existed on this site and will not cause anywhere as near a level of harm to the visual appearance of the surrounding countryside as did the power station which was only demolished 7 years ago back in 2012.
The following objections have been received to this scheme on this topic. They are assessed as follows:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Without a visual drawing, it's impossible to say how the scheme will impact on the area.</td>
<td></td>
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<tr>
<td>2. There are no height dimensions on the drawing, but it looks to be very high. Also no visuals of it have been produced</td>
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<tr>
<td>3. The size of the proposed building would dwarf anything in the area and it would stand out as a sore thumb.</td>
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<tr>
<td>The applicant has not provided a mock-up photomontage of the site, but it is clear from the plans provided and visiting the site and also using Google Earth imagery that the proposal is of a size and colour and sited in a location where its impact will be minimal on the surrounding countryside. This is particularly having regards to the significant amounts of taller electricity pylons that will surround it and the existing trees that will help to act as a screen on site and in the wider landscape. Furthermore, the proposed building will not be adjacent to any other structure to dwarf. The detail of the height of the building is contained in the supporting documents and it can also be scaled off the site plan as it is a scaled drawing.</td>
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<tr>
<td>Extending the current site would be overbearing in a rural and not industrial setting.</td>
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<tr>
<td>By virtue of what was previously on this site and the fact that an electricity substation still exists on it, it can be argued that this parcel of land is more industrial rather than rural in character. Due to the distance between the site and the surrounding residential properties and having regards to other landscape features, it is not considered that the building will be overbearing and will have nowhere near an impact on the surroundings than the previous power station did.</td>
<td></td>
</tr>
<tr>
<td>1. A building of this height will have a negative impact on the character and appearance of the surrounding open countryside.</td>
<td></td>
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<tr>
<td>2. Compared to any other buildings in the area, the proposal is huge. It will be seen from several miles away from this site and is not in keeping with its surroundings.</td>
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<tr>
<td>3. The height and scale of the building is too excessive for its intended use.</td>
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<tr>
<td>1. See above.</td>
<td></td>
</tr>
<tr>
<td>2. See above.</td>
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<tr>
<td>3. The applicant has confirmed that the building needs to be of this height to allow HGVs to be able to access it and also for the conveyor and the forklift trucks to be able to work safely in the building.</td>
<td></td>
</tr>
<tr>
<td>The existing J G Pears site at Low Marnham is lit up like a Christmas tree at night. This site will be the same and as such, the locals will forget what a dark sky looks like.</td>
<td></td>
</tr>
<tr>
<td>The applicant has confirmed that lighting needs for the unit will be minimal. The Wildlife Trust has also requested via a planning condition that any such lighting</td>
<td></td>
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</tbody>
</table>
has to be bat friendly so as not to impact on the protected species which lives in this area. Therefore lighting levels will have to be low with the scheme to ensure it has a minimal impact on the surrounding occupiers, on protected species living in the area and on the dark skies above the site.

This building is of the scale that you find next to motorways and is not appropriate in a rural area.

This building is significantly smaller and lower in height than the buildings seen next to motorways including other industrial buildings recently consented by the Council in other more urban parts of the district which have been up to 25m in height.

The proposal will impact on the enjoyment of the cyclists using National Cycle route 647.

The sustrans cycle route runs to the north of the site. Views are possible into the site but this will be at a distance and through various trees which once formed the landscaping for the former power station. Again, it is considered that the impact of the proposal will be minimal as it will be glimpsed at various points from the path and it will cause a significantly lesser impact on the users of the path than the coal spoil heap and the power station buildings which used to be visible here before 2012.

Having regard to the above, it is considered that the proposal complies with the requirements of paragraphs 124 and 127 of the NPPF and the requirement of policy DM4 of the Core Strategy in that it will provide a form of development that will function well by responding to the surroundings and the proposal cannot be constituted to be poor design in terms of the suggested layout and the height of the building and as such the requirements of paragraph 130 of the NPPF do not apply.

**POLLUTION MATTERS INCLUDING IMPACT ON RESIDENTIAL AMENITY**

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 127 of the NPPF.

The requirements of paragraph 170e of the NPPF is also applicable as it states that new development must be prevented from generating unacceptable levels of soil, air, water or noise pollution. Paragraph 180 is similar in its requirements to paragraph 170e in that it states that in considering new development consideration must be given to the likely effects of any pollution on health, living conditions and the natural environment and also the wider impact to the surrounding area that the development may bring.
It states that development can be supported where it will mitigate or reduce to a minimum potential adverse impacts resulting from noise from the development to avoid giving rise to significant adverse effects on health and quality of life. The proposal must also limit the amount of pollution from artificial lighting so as not to impact on local amenity or on areas of intrinsically dark landscapes.

A significant amount of objections have been received to this scheme citing smell, noise and light pollution as being the main issues. The majority of the objections as received state that the existing J G Pears operation at Low Marnham regularly emits unacceptable level of odour that carries on the prevailing wind and affects a large area surrounding the plant. Some of the objections then indicate that as this will be a related proposal, it will also cause odour issues.

It must be clarified that the existing J G Pears building (referred to as their HQ in this report) in Low Marnham is an existing and established operation and is not part of this application. The operations that are carried out in the HQ building are monitored by the Environment Agency under environmental regulations and it is known that there have been incidents of unacceptable odour releases which have affected local residents over the years. However, the processes carried out in the HQ building are different to what is being applied for through this planning application and the issues raised with the HQ building cannot be considered to be material in the determination of this separate planning application.

The applicant has clarified that the proposed building at High Marnham will be used to store finished product which is processed animal proteins before it is sold and distributed to other organisations to be made into pet food products. The applicant currently uses an old aircraft hangar that it owns on the edge of the old Blyton Airfield site just outside the village of Blyton which is to the north of Gainsborough in the West Lindsey District of Lincolnshire. Finished product from the HQ site at Low Marnham is currently transported up to Blyton where it is tipped onto the ground of the storage warehouse until it is required. Once it is required, it is scooped into bags using equipment in the building and then transported back to the Low Marnham HQ where due to prevailing legislation on feed products, it has to be quality checked before it is distributed from the HQ site to the applicants’ customers for further processing to make pet food products. The applicant wishes to transfer this exact same process to the proposed site at High Marnham to save on travel time and costs.

Odour issues

Objections have been received on the grounds that the proposal will cause odour issues in the surrounding area. The Council’s Environmental Health Team has been consulted on this proposal and two officers from the team as well as the Planning case officer visited the applicant’s Blyton plant to assess the impact of the scheme. The Blyton site is closer to the village of Blyton than the High Marnham site is to the village of High Marnham or to South Clifton and other than having the main doors closed, there are no special measures in place to control odour. The produce that was stored in the Blyton building is the same as would be at High Marnham and it is finished processed animal proteins. It is a dry product and has a similar smell to that which would be experienced by opening a bag of dry dog food. The EH Officers found that there was no smell outside the building at Blyton and only a faint whiff of the ‘dry dog food’ type smell was observed when the doors were opened to allow access into the building.

Having observed this, the EH officers contacted their equivalents at West Lindsey District Council to ascertain if there had been any reported incidents of smell nuisance arising from this building, and they confirmed that over a 6 year monitoring period, no complaints had been received.
Therefore the Bassetlaw EH officers have confirmed from what they have seen that they are satisfied that the proposal at High Marnham will not cause a statutory odour nuisance and they have not objected to this scheme. Therefore it meets the requirements for odour as referred to in paragraphs 170e and 178 of the NPPF.

The case officer has also discussed this proposal with the pollution control arm of the Environment Agency. They have advised that due to the fact that finished product is to be stored at High Marnham, they will not be the monitoring authority; this will be the EH Team at Bassetlaw District Council. They advised that they monitor the operations at the applicant’s Low Marnham HQ site due to the processes that are carried out which involves processing raw animal product. Therefore, the EA has not raised any objections to this scheme on odour pollution control grounds

**Vehicle pollution**

The application as submitted is clear in that its intention is to reduce HGV travel times and amount of miles travelled which will be of benefit to the applicant. Mention has been made by the objectors to this scheme that the proposal will result in increased HGV trips and that this will result in the generation of unacceptable levels of pollution over and above that which is currently occurring on local roads and within local villages.

Mention has been made by one of the objectors that the government’s clean air objectives are not being met by this scheme. Paragraph 181 is applicable to this as it states that decisions should also comply with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones.

It must be clarified that the HGVs referred to by the objectors relate to the existing consented use made by the applicant at his Low Markham HQ. These vehicles are already on the road network and cannot be controlled as part of this planning application. The HGVs which would be associated with this development are also already on the highway network, albeit travelling to Blyton at present from Low Marnham, rather than travelling from Low Marnham to High Marnham as will be the case if this is approved. Therefore, this scheme will not increase HGV generated pollution; the converse will be the case as less road use will be generated if this building is approved. It is noted that there are no Air Quality Zones or Clean Air Zones between Low and High Marnham as the land here is open countryside and such pollution control designations are unnecessary. Therefore, the use of HGV vehicles along this part of highway will not conflict with clean air objectives or the requirements of paragraph 181 of the NPPF.

**Noise pollution**

The applicant has indicated in his submission that he wants the operation to be open 24/7 to match that which already exists at Blyton and also at their Low Marnham HQ site. Objectors to the scheme are concerned that noise will travel from the building out to the surrounding area from reversing HGVs and the processes carried on in the premises. Concerns have been raised that there are no plans as part of this scheme to limit the hours of operation or to soundproof or provide noise mitigation measures as part of the proposal and as such, it will have a detrimental impact on the living conditions of the nearest residents to the site.

The BDC EH team initially requested that the hours of operation on the site should be limited, but on inspection of the identical operation at Blyton and having taken account of the fact that the Blyton building is closer to the village of Blyton and that no complaints had been received by the EH team at West Lindsey District Council, they concluded that the operations on site would not generate an unacceptable level of noise pollution and as such the hours condition would not be reasonable to impose.
It was also considered that it would be unnecessary to sound proof the building as the operations within it will not generate an unacceptable level of noise (as referred to in para. 170e of the NPPF) and the only measures that would be required to limit noise would be the imposition of a condition requiring the entry doors to the site to be closed at all times when not needed for access and egress purposes.

Having regards to the above, it is not considered that the proposal will have a significant and demonstrable effect on the living conditions of the residents of the surrounding area in line with the requirements of paragraphs 170e and 178 of the NPPF.

**Light pollution**

Objections have been received to this scheme on the grounds that the external lights used for the operation of the premises will cause light pollution which will impact on the living conditions of the nearest occupiers and impact on the dark rural sky that surrounds the site.

No specific details have been provided with the application of how the site will be illuminated, but it is understood through conversations with the applicant's agent that for the operation proposed, only minimal lighting will be required to the frontage of the building. Furthermore as part of the consultation period for this scheme, the Nottinghamshire Wildlife Trust identified that low output bat friendly external lighting would only be permissible as part of this scheme. As such, it is considered that the requirement in the NPPF to mitigate against light pollution and to retain dark skies can be satisfactorily achieved by the inclusion of a suitably worded planning condition which can be imposed on the permission and enforced by the Council if this was ever necessary.

**Contaminated land**

Paragraph 178 states that planning decisions should take account of the ground conditions which may affect the development which arise from the former use of the land.

The land that is part of this application is existing hard surfaced land which once was part of the former power station that occupied the site. The Council's EH team has been consulted on this scheme in relation to land contamination and they are satisfied that the works proposed to build the structure will be minimal and that any pollution currently under the ground in the site can be investigated and remediated if necessary through the use of a suitable worded planning condition. This view is also shared by the Environment Agency. Therefore, this would meet the requirements of paragraph 178 of the NPPF.

Below are other matters raised by the objectors to this scheme that are not specifically addressed above. Where the comments relate to the applicant's existing HQ operation at Low Marnham, this is made clear as these matters cannot be considered as part of this application.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Assessment</th>
<th>Relates to this proposal?</th>
</tr>
</thead>
<tbody>
<tr>
<td>No information is provided to explain how the meal is to be moved within the building. Surely some plant will be required?</td>
<td>The applicant has explained the process in the supporting documentation with the application. The finished product will be moved around the site using a conveyor which will be filled using a small machine which has a scoop on it.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>The ground condition assessment is not sufficient to identify any remains. This should be resolved before the application is determined.</strong></td>
<td><strong>This relates to the land which the building is proposed to be erected on and is covered by the assessment of land contamination above.</strong></td>
<td><strong>Yes</strong></td>
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</tr>
<tr>
<td><strong>Noise from the passing lorries is unacceptable and this scheme will make it worse.</strong></td>
<td><strong>There are no houses between the applicant’s HQ site in Low Marnham and the proposed site at High Marnham.</strong></td>
<td><strong>No – This relates to the existing operation of the applicant’s business and the existing lorries on the road network which arise from it. This cannot be considered to be material in the consideration of this proposal.</strong></td>
</tr>
<tr>
<td><strong>Odour has been an issue from the existing J G Pears site. They have been a bad neighbour use previously and also having this site will exacerbate the problem and it already affects hundreds of people in the surrounding area.</strong></td>
<td><strong>The existing J G Pears site is monitored by the Environment Agency and it is known that there have been historical complaints relating to its operation.</strong></td>
<td><strong>No – This relates to the existing operation of the applicant’s business at Low Marnham. This cannot be considered to be material in the consideration of this proposal.</strong></td>
</tr>
<tr>
<td><strong>There will be machinery noise from this site 24/7 which will be harmful to the living conditions of the surrounding residents.</strong></td>
<td><strong>The machinery used within the building will include a fork lift truck, and a conveyor to distribute the finished product in the building. HGVs will also visit the site and will access the building to unload internally. The operation of the site on a 24/7 basis having regards to its location in relation to the nearest properties will not cause an unacceptable level of noise. This has been confirmed by the EH Team at BDC.</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td><strong>Object to fertilizer being stored within the building.</strong></td>
<td><strong>This is not what is proposed to be stored at the building.</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td><strong>The precautionary principle should not be used arbitrarily to consider this scheme.</strong></td>
<td><strong>The precautionary principle is defined in law where there is a strong suspicion that a certain</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>Activity and Environmental Impact</td>
<td>Council's EH Team's Assessment</td>
<td>Notes</td>
</tr>
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</tr>
<tr>
<td>Activity may have environmentally harmful consequences, it is better to control that activity now rather than to wait for incontrovertible scientific evidence once it's built and in operation. This is the opinion of the objector only and is not backed up with any evidence or concerns from the Council's consultees that would provide a defendable reason for refusing this scheme.</td>
<td>The scheme has been assessed by the Council’s EH team and it is considered that the proposal will not have an unacceptable impact in terms of odour and as such, it is not anticipated that this proposal will impact on the operation of the Brownlow Pub.</td>
<td>Yes</td>
</tr>
<tr>
<td>The stench from passing lorries will be greater if this scheme is passed. The lorries have also dropped rotting carcases on the public highway which is completely unacceptable.</td>
<td>This building is for storage only and the processes carried out at the applicant's HQ premises aren't comparable to compare. Furthermore, this is speculation only.</td>
<td>Yes</td>
</tr>
<tr>
<td>The existing site which is equal distance to the village the other way is very noisy especially at night and this site will therefore make matters worse if approved.</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>The smell from this site will have a negative impact on the operation of the Brownlow Pub in the village which serves food.</td>
<td></td>
<td>No</td>
</tr>
<tr>
<td>BDC seems to be unable to control odour from the existing site. So this will exacerbate existing problems.</td>
<td>The existing J G Pears site at Low Marnham is regulated by the Environment Agency and not BDC.</td>
<td>No</td>
</tr>
<tr>
<td>Effluent from the site is injected into the surrounding farmland which is unacceptable.</td>
<td>Fertilizers used in agricultural processed can be made from blood and bone and can be used if chosen by any agricultural landowner. This practice is irrelevant in the consideration of this application.</td>
<td>Relates to neither.</td>
</tr>
</tbody>
</table>
The foul smell generated by this proposal will impact on the amount of time that children at the North Clifton Primary School can play outside and this would prevent the school from meeting education standards on outdoor play and physical education.

| **The North Clifton Primary school is directly to the east of the site across the River Trent. As stated previously, the operation of the proposed site has been considered by the Council’s EH team and it has been determined that odour levels will be low and not at a level that would cause an unreasonable impact on the operation of the school.** | **Yes.** |

| **This scheme should be refused permission on the perfectly reasonable grounds that J G Pears has breached its conditions and not resolved the odour issues with its existing plant.** | **The objector is referring to the applicant’s HQ site and the complaints that have been made to the Environment Agency over its operation. The HQ site is not part of this application and it would be unreasonable and un-defendable in planning terms to consider matters outside the remit of this application in making a decision on it.** | **No.** |

**HIGHWAYS MATTERS**

One of the reasons given by the applicant for progressing this scheme is the saving that they will make on the amount of time and distance travelled by the vehicles that they use to take the finished product to where it is stored. A significant amount of objections have been received to this scheme stating that the highway impact of the J G Pears operation on the local road network is unacceptable in terms of highway safety.

Paragraph 108 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council’s Core Strategy. Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The operation of the HGVs used by J G Pears in connection with his existing business operations at Low Marnham is not for consideration as part of this scheme. All this scheme specifically relates to is the replacement of 10 round HGV trips per day 7 days a week from Low Marnham to Blyton with 10 round trips from Low Marnham to High Marnham. The proposal will reduce the amount of miles travelled by HGVs on the local road network by 4200 miles per week which can only be to the benefit of pedestrian and highway safety and the proposal will not result in the creation of additional HGVs on the road network.

The County Highway Authority has been consulted on this scheme and they are supportive of it as they consider that it will cut down on road trips through the towns and villages that lead up to Blyton which will be of benefit to traffic flow and highway safety. To ensure that the use of the High Marnham site does not increase, the Highway Authority has requested the imposition of a planning condition to limit the use of the site to that described in the application pack i.e. 10 round trips 7 days of the week from Low to High Marnham.
The Highway Officer has also confirmed that he would not be supportive of an hours’ limitation on the operation of the site as that would condense the time that the applicant has to deliver and collect from the site and as such, this would cause more frequent trips on the local road network than if uncontrolled.

As some of the objections relate to the expansion of the J G Pears operation, a conversation was had with the Highway Officer of the possibility of the applicant carrying on using their Blyton site for storage as well as using the new site. The Highway Officer has confirmed that he would not object to this as the lorries travelling to Blyton are already on the Highway network and cannot be controlled, and the impact of both sites being in operation together would only be felt on the approximately 2 mile piece of highway between Low and High Marnham which is devoid of any features which would raise capacity or highway safety concerns. For the sake of clarity, this question has also been posed to the applicant and they have confirmed that they own the building at Blyton and it will be used if this proposal receives permission for the storage of plant and machinery which is currently stored at their Low Marnham HQ facility and it is not their intention to continue using this site for the storage of finished product.

Having regards to the above and the support given by the highway officer to the scheme, it is considered that the proposal meets the requirements of paragraph 108 of the NPPF and that it would be unreasonable and un-defendable at appeal to refuse the scheme in relation to the contents of paragraph 109 of the NPPF as this proposal will not have an unacceptable impact on highway safety, and would not result in a severe cumulative impacts on the local road network.

Below are other matter raised by the objectors to this scheme that are not specifically addressed above:

<table>
<thead>
<tr>
<th>Objection</th>
<th>Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details of the deliveries in are given, but no details of the deliveries out from the site.</td>
<td>This is clear in the application documentation. 10 trips from Low Marnham to this site and then back again to Low Marnham will occur every day, 7 days of the week.</td>
</tr>
<tr>
<td>The Parish would like confirmation that all traffic north and south will initially be travelling south</td>
<td>Traffic directly related to this development will only travel between Low and High Marnham. Other vehicle movements which are carried out as part of the other interests of J G Pears from their Low Marnham site cannot be considered or conditioned as part of this scheme.</td>
</tr>
<tr>
<td>The statement in the transport assessment is incorrect and the amount of vehicle movements between 2019 and 2012 is more than quoted (36 as opposed to 26). The traffic counts carried out are not representative of the movements on the local narrow road network especially as the site could operate 24/7.</td>
<td>This is the opinion of the objector. The T/A has been assessed by the NCC Highway Officer and he is satisfied with the contents of the T/A and he does not raise any objections to this scheme.</td>
</tr>
<tr>
<td>There is no mention in the documentation as to why vehicles have to go back and forth between the proposed site and their existing Low Marnham site.</td>
<td>They will go to High Marnham to store the finished product and they will go back to Low Marnham for a quality check which is required via legislation before being sold on</td>
</tr>
</tbody>
</table>
Why does this site need to be in operation 24/7 as the main J G Pears site in Low Marnham is not operational on that basis and neither was the power station that used to occupy this site.

The applicant has confirmed that its rendering plant at Low Marnham is in operation 24/7 and this site needs to be open to match so that produce can go for storage or recalled for inspection as required so as not to cause any delays in the production and delivery cycle.

A travel plan has not been submitted to support this application. The parish want clarity on the routes taken by vehicles to and from this site.

A Transport Assessment (T/A) was submitted with this application and not a Travel Plan. The T/A identifies the current route taken to the site at Blyton, but that would be replaced with HGVs travelling between Low Marnham and High Marnham on an approximately 2 mile stretch of highway.

Require a flow chart of the cycle for the storage, quality control and distribution of the product to fully understand the cycle and the potential impact.

What happens on site has been explained by the applicant and is in the documentation submitted.

Whilst this scheme may impact more on the villages on the other side of the Trent, there is no mention of any east to west vehicle movements from this proposal.

This scheme will only involve travel between Low and High Marnham and no other routes will be involved. Other lorries travelling from the J G Pears HQ site in connection with the operations that go on there are as existing and cannot be controlled.

The roads haven’t been built to accommodate more heavy traffic and they are in a poor condition due to the amount of lorries that are currently on the network.

Highway maintenance is the responsibility of Nottinghamshire County Council and the condition of the highway network is not for consideration with this application.

There are several 90º bends to get to and from the site and as such the local roads are unsuitable for the large vehicles that J G Pears uses.

No objections have been received to this scheme from the County Highway Authority and no reference to these bends have been made in the consultation response.

A condition on the application should insist that all vehicles accessing and leaving the site should use the A57 and the A1 only.

Vehicles used in connection with this proposal will not travel as far as the A57 or the A1, so this is not relevant.

The County Highway Authority has ignored the fact that the local road network is very narrow in places and that two lorries struggle to pass each other safely when they have written their consultation response to this scheme.

They have assessed the Transport Assessment and have knowledge of the local road network and have no objections to this scheme.

The junction of the A1133 and the A57 has been the scene of a number of serious accidents with some of these

This is regrettable, but vehicles used in connection with this proposal will not travel as far as the A57 or the A1, so this is not
Paragraph 110e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. The application documentation shows that 5 employees will be based on this site, and there is also the possibility in the future that HGVs may also adopt plug in hybrid technology as their power source. As such, it is considered reasonable to impose a condition on this scheme in line with the requirements of paragraph 110e of the NPPF to require the provision of charging facilities on site to meet any future electric vehicle charging needs.

**FLOODING/DRAINAGE**

The NPPF at paragraph 155 and policy DM12 of the Core Strategy makes it clear that development in areas at risk of flooding should be avoided by directing development away from the areas at the highest risk. An objection has been received to the scheme on the grounds that as the site is close to the River Trent that it must flood and that due to what is stored in the building, it should not be supported as this would cause a pollution risk.

The power station site lies in a flood zone 1 area which is land at the least risk of flooding where appropriate development would be supported. As such, no objections have been received from the Environment Agency to this proposal which addresses the concerns of the objector.

Paragraph 163 of the NPPF requires that proposals do not increase flood risk elsewhere and should be developed in line with a site specific flood risk assessment which incorporates a Sustainable Urban Drainage solution. The applicant has confirmed that it will be drained using a soakaway system. The County Lead Local Flood Authority and the Trent Valley Internal Drainage Board have been consulted on this scheme and neither organisation object to the scheme or the drainage method suggested by the applicant. The Environment Agency has however suggested that the exact details of the drainage for the site should be submitted for consideration and they have suggested that this can successfully be achieved via a planning condition. Therefore with the suggested condition, it is considered that this proposal complies with the requirements of paragraphs 155 and 163 of the NPPF and the requirements of policy DM12 of the Council’s Core Strategy.

**ECOLOGY/TREES**

The content of paragraph 175 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. Some harm to biodiversity is allowed, but it states that significant harm should be avoided, adequate mitigation should be provided or if this is not possible, the loss should be compensated for. If none of the above is possible, then permission should be refused.
Objections have been received in relation to this scheme stating that since the demolition of the power station in 2012, the site has gradually returned to nature and the development of this site would cause harm to biodiversity and in particular to protected species.

The photograph below shows where the new building will be constructed on site:

![Photograph](image)

It should be noted that this part is a small piece of the large former power station site and it is hard surfaced at present and devoid of any planting or habitat. The remainder of the site is not to be developed as part of this application and the fauna/flora that has colonised since the power station was removed can continue to do so there. None of the trees shown in the photograph which would have constituted the structural landscaping for the power station will be removed either.

However as there are natural features on site and in the surrounding area, the applicant has submitted an ecology report for consideration as part of this scheme. The Ecology report has been sent to the Nottinghamshire Wildlife Trust for consideration and they have commented that they are satisfied with its content. They have advised that they require conditions to be imposed on the application to ensure that it is constructed in line with the recommendation of the submitted ecology report to minimise its impact on any biodiversity found within the site. They also request that a separate condition is imposed requiring all external lighting for the scheme to be low level/low illuminance bat friendly lighting so that the local bat population aren’t unduly affected by the proposal.

Having regards to the above, this scheme is considered to comply with the requirements of paragraph 175 of the NPPF.

**OTHER ISSUES**

The following issues have been raised with this scheme which are not covered in the topics addressed above. Where the comments relate to the applicant’s existing HQ operation at Low Marnham, this is made clear as these matters cannot be considered as part of this application.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Assessment</th>
<th>Relates to this proposal?</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is not clear as to what pre-planning advice was offered to the applicant with this case. Was this the current case officer?</td>
<td>The applicant did not apply for pre-application advice with the Council. It is understood that high level conversations occurred between the senior management of BDC and the</td>
<td>Yes</td>
</tr>
</tbody>
</table>
applicant about the potential for the development of the power station site, but nothing specific in relation to the contents of this application. No, the current case officer was not part of the group referred to above.

| The site operated on restricted hours previously and it would seem appropriate for this use to do so also. | It is understood that parts of the J G Pears HG site at Low Marnham have hours restrictions applied to it, but not the rendering plant which produces the finished product that is proposed to be stored in the building. It is explained above under the noise heading as to why it is considered reasonable that this site can operate on a 24/7 basis. It is also understood that the power station which previously operated on this site also had hours restrictions applied to it. However, that was a significantly larger operation producing a very different product and the reasons for the imposition of the hours' restriction aren't comparable to that proposed here. | Indirectly |

Reference is made to the Inspector's report in relation to the appeal for the CHP plant that occurred in 2013 which outlined environmental issues with that proposal. | This is not relevant to this proposal as the Inspector was considering a specific scheme at the applicant's Low Marnham HQ site and the issues associated with that. | No. This is not a material consideration in the determination of this proposal. |

This application lies on a small parcel of land within a huge complex owned by J G Pears. Raise concerns that the granting of this application may set a precedent for the future development of all of this site. | J G Pears does own the whole power station site and may have future development aspirations for the site. However, this application must be considered on its own planning merits and cannot be considered on speculation. | No. This is not a material consideration in the determination of this proposal. |

Object as a B8 use may not be made of the building as the applicant suggests that bagging and distribution as well as storage will occur from this site. This is an industrial packing unit and not a B8 unit. | The B8 use class of the 1987 Town and Country Planning (Use Classes) order (as amended) describes B8 uses as storage and distribution. The applicant has described the process that is to occur on site and it constitutes storage with the packaging in the building of the | Yes |
<table>
<thead>
<tr>
<th>Statement</th>
<th>Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>goods for distribution back to Low Marnham as being an incidental use.</td>
<td>Yes</td>
</tr>
<tr>
<td>The above does not make this proposal a B2 general industrial type use.</td>
<td></td>
</tr>
<tr>
<td>The use made of the building is to be controlled by the conditions</td>
<td></td>
</tr>
<tr>
<td>suggested which should limit concerns about the building being used</td>
<td></td>
</tr>
<tr>
<td>as a production facility in the future.</td>
<td></td>
</tr>
<tr>
<td>The application as submitted is not detailed enough to allow it to be</td>
<td>Yes</td>
</tr>
<tr>
<td>assessed correctly.</td>
<td></td>
</tr>
<tr>
<td>The application provides sufficient information in line with national</td>
<td></td>
</tr>
<tr>
<td>requirements to allow it to be considered.</td>
<td></td>
</tr>
<tr>
<td>The County Architects have objected to this scheme as have the BDC</td>
<td>Yes</td>
</tr>
<tr>
<td>Environmental Health Team.</td>
<td></td>
</tr>
<tr>
<td>The County architects (if that post exists) have not commented on this</td>
<td></td>
</tr>
<tr>
<td>application. The BDC EH team is supportive of this case as explained</td>
<td></td>
</tr>
<tr>
<td>previously.</td>
<td></td>
</tr>
<tr>
<td>Will impact on the health of local residents and on disadvantaged people.</td>
<td>Yes</td>
</tr>
<tr>
<td>It has been established in the report that it will have a minimal impact</td>
<td></td>
</tr>
<tr>
<td>on the local area in terms of noise, nuisance, disturbance and odour</td>
<td></td>
</tr>
<tr>
<td>generation. Therefore, the scheme will not impact on the health of</td>
<td></td>
</tr>
<tr>
<td>local people or on disadvantaged individuals in the locality.</td>
<td></td>
</tr>
<tr>
<td>The J G Pears site is very high on the Environment Agency’s list of</td>
<td>No. This is not a material consideration in the determination of this</td>
</tr>
<tr>
<td>‘problem sites’.</td>
<td>proposal.</td>
</tr>
<tr>
<td>This refers to the operations at their Low Marnham HQ and is the opinion</td>
<td></td>
</tr>
<tr>
<td>of the objector and is unrelated to the proposal under consideration.</td>
<td></td>
</tr>
<tr>
<td>Whilst this scheme may generate new employment opportunities, it is</td>
<td>Yes</td>
</tr>
<tr>
<td>considered that the harm to the local residents by approving it will</td>
<td></td>
</tr>
<tr>
<td>be greater.</td>
<td></td>
</tr>
<tr>
<td>This is the opinion of the objector, but not backed up from the comments</td>
<td></td>
</tr>
<tr>
<td>made by the Council’s professional consultees who have considered the</td>
<td></td>
</tr>
<tr>
<td>scheme and raise no objections to it</td>
<td></td>
</tr>
<tr>
<td>The application pack contains old Google Earth images of the site which</td>
<td>Yes</td>
</tr>
<tr>
<td>are not representative of what it looks like now.</td>
<td></td>
</tr>
<tr>
<td>Unfortunately, the Google Earth imagery on the web dates from 2009 and</td>
<td></td>
</tr>
<tr>
<td>it is not representative of the actual landscape currently on site.</td>
<td></td>
</tr>
<tr>
<td>However, it is common knowledge that the power station was demolished</td>
<td></td>
</tr>
<tr>
<td>in 2012 and the site has been visited so that what is currently there</td>
<td></td>
</tr>
<tr>
<td>can be seen and assessed.</td>
<td></td>
</tr>
<tr>
<td>Statement</td>
<td>Response</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>This land should be returned to farmland and not for any form of industrial development.</td>
<td>This is the opinion of the objector and is not a material consideration in the determination of this scheme.</td>
</tr>
<tr>
<td>Local residents can't sell their houses due to the impact of the Pears site.</td>
<td>This is the opinion of the objector and is not a material consideration in the determination of this scheme.</td>
</tr>
<tr>
<td>The operation of the J G Pears site breaks Human Rights Legislation.</td>
<td>This comment relates to their existing operation at Low Marnham, but it has not been explained how this new proposal would break human rights legislation to allow it to be considered.</td>
</tr>
<tr>
<td>The development will negatively impact on house prices in the area.</td>
<td>This is the opinion of the objector and is not a material consideration in the determination of this scheme.</td>
</tr>
<tr>
<td>The bad smell generated by this proposal will have a negative impact on the viability of the Christmas shop and the CL caravan site located at Newton on Trent.</td>
<td>The scheme has been assessed by the Council’s EH team and it is considered that the proposal will not have an unacceptable impact in terms of odour and as such, it is not anticipated that this proposal will impact on visitor numbers to the Christmas shop and the CL caravan site located at Newton on Trent</td>
</tr>
<tr>
<td>Why this should be allowed when local residents can't get planning permission for single houses locally.</td>
<td>Planning policies relating to economic development in the countryside are different to these that apply to housing and a comparison such as this cannot be made and this is not a material consideration in the determination of this scheme.</td>
</tr>
<tr>
<td>The new Draft Bassetlaw Local Plan is promoting small scale development in the villages in this area and also puts significant weight on all development promoting healthy lifestyles.</td>
<td>This statement relates to how the council may deal with development proposals within the villages. Brownfield sites such as this may have their own development policies which will have different criteria and expectations for development. The new local plan is currently at an early stage and it is unknown at present what the Council’s expectations for development will be for this site. This is not a material consideration in the determination of this scheme.</td>
</tr>
</tbody>
</table>
Pears mostly employs Eastern European workers at its site, so there are no job opportunities here for local people.  

This is the opinion of the objector and is not a material consideration in the determination of this scheme.  

This proposal would be harmful to what Nottinghamshire County Council is trying to do in the local area with its ‘Visitor Economy Strategy’.

This is the opinion of the objector and it is not considered that this will be the case as the site will not cause an unacceptable level of impact on the surrounding area.

**CONCLUSION/PLANNING BALANCE**

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

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

<table>
<thead>
<tr>
<th>Benefit/Negative of the scheme</th>
<th>Weight given to the benefit/negative in decision making</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is outside of the designated development limits for High Marnham and is not allocated in the Core Strategy. It is contrary to the requirements of policies CS1 &amp; CS9 of the Bassetlaw Core Strategy.</td>
<td>The strategic policies in the Bassetlaw Core Strategy are considered to be out of date as they have not been reviewed in the last 5 years as required by paragraph 33 of the NPPF. Therefore, the fact that the site is outside the development limits for High Marnham carries limited weight in the determination of this application.</td>
</tr>
<tr>
<td>The proposal would result in the development and the reuse of a previously developed parcel of land.</td>
<td>The NPPF in paragraph 117 encourages development on Brownfield land. As this site once housed the High Marnham Power station complex and the road infrastructure and some hardstanding’s from it still remain on site, it is considered that its development in preference to a Greenfield site would meet the requirement of paragraph 117. This is considered to carry significant weight in the determination of this scheme</td>
</tr>
<tr>
<td>Creation of temporary construction related jobs on site.</td>
<td>Whilst this may only be a low level transient part of this scheme, it meets the requirements of the economic objectives outlined in paragraph 8 of the NPPF and as such it carries a medium level of weight in the determination of this case.</td>
</tr>
<tr>
<td>Ongoing contribution to the local economy in allowing an existing business to restructure to secure its future survival.</td>
<td>The NPPF supports local authorities in making decisions to help existing businesses to survive, develop and grow.</td>
</tr>
</tbody>
</table>
This scheme helps to meet that requirement and also the economic objectives outlined in paragraph 8 of the NPPF. This therefore carries significant weight in the determination of this application.

**Generation of Business Rate money for Bassetlaw District Council which can potentially be reinvested into the local economy**

The scheme brings with it payments to Bassetlaw Council that can be reinvested back into the local economy. This is considered to carry significant weight in the determination of this case.

**No consultee objections to this scheme.**

This carries significant weight in the determination of this application.

**Reduction in road miles travelled**

This scheme would result in 4200 HGV road miles being lost. This will benefit highway and pedestrian safety and also reduce vehicle emissions generated along the local highway network. This carries significant weight in the determination of this application.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these when considered cumulatively outweigh any identified harm and as such, the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme must be granted planning permission.

**RECOMMENDATION:**

**GRANT subject to the following conditions & reasons:**

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

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

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

   - Unnumbered red lined site location plan received on 18 June 2019
   - Site plan reference number 2018-2314-05 Rev A received on 18 June 2019
   - Elevation and floor plan drawing number 2018-2314-4 Rec C received on 03 July 2019

   Reason: For the avoidance of doubt.

3. The development hereby permitted shall operate in full accordance with the details as set out in the SCP Transport Assessment report dated June 2019 reference number GW/190166/TA/1.

   Reason: To minimise the impact of the development on the highway network and for the avoidance of doubt.
4. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

5. The Phase 1 Ground Condition Assessment Ref: 45972/3502/R001/RP/NH of May 2019 identified possible pollutant linkages on the site for human health, property (buildings) and groundwater. Although the level of risk is considered Low to Moderate it is possible that harm could arise to a designated receptor from an identified hazard. Therefore, if planning permission is to be granted on this application, I would request the following conditions are included.

A) Prior to development commencing, intrusive investigation (Phase 2 site and ground condition assessment) shall be undertaken at the site to confirm the nature and engineering properties of the near surface strata to inform foundation and infrastructure design for the site; confirm the presence, extent, content and depth of any Made Ground; and inform outline ground engineering and geotechnical development design. The investigation which should also include ground gas and ground water monitoring shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance. The report should fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters and should be submitted and agreed by the LPA.

B) Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the LPA.

C) A validation report for the site remediation shall be submitted to, and agreed in writing by the LPA before completion of the development or occupation of the premises (whichever comes first).

Reason: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. During the construction phase of the storage facility, all works and ancillary operations shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays, Bank Holidays and Public Holidays. Deliveries of construction goods to and from the site including the removal of plant, equipment, machinery and waste must only take place within the permitted hours detailed above. Personnel are allowed to arrive onsite at 0700 hours to prepare for the day's work but no noisy operations should start until 0800 hours.

Reason: To protect the living conditions of the nearest residential occupiers of the site during the construction phase of the scheme.

7. The scheme shall be c
onstructed and operated in line with the recommendations of the BSG Ecology report dated September 2019.

Reason: To minimise the harm caused by the development on ecology in the surrounding area in line with the requirements of paragraph 175 of the NPPF.

8. Prior to the completion of the construction of the exterior of the building hereby approved, a detailed bat friendly lighting scheme for the building and the other land outlined in red on the application plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting, shall be erected in full accordance with that approved and shall be maintained and retained as approved for the lifetime of the development.

Reason: To minimise the impact of this scheme on the living conditions of the nearest local residents, to prevent harm to bats in the vicinity and to limit the impact of this scheme on the dark skies in the locality.

9. The building hereby approved shall only be used for the storage and associated bagging of finished animal meal product.

Reason: To limit the development to that described in the approved scheme to protect the living conditions of the occupiers of the nearest residential properties.

10. All doors on the north western elevation of the building shall be shut at all times when not required to access or egress the building hereby approved.

Reason: To ensure that the storage and the bagging of the product is contained inside the building so as to minimise noise, dust and smell from travelling outside to affect the surrounding local community.

11. Prior to the commencement of works to construct the building on site, details of the provision made for Electric Vehicle (EV) and Ultra Low Emission Vehicle (ULEV) charging points to serve the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The EV and ULEV charge points shall be provided prior to the building being brought into use and shall be maintained and retained for the lifetime of the development, or until such a time as they may be made redundant by future advancements in vehicle fuelling technology.

Reason - To comply with the requirements of paragraph 110(e) of the NPPF which relates to the provision of infrastructure for EV and ULEV charging.
1. **Public Interest Test**

1.1 The author of this report, Karen Johnson, has determined that the report is not confidential.

2. **Purpose of the Report**

2.1 To seek authorisation from Planning Committee for the making of a non-immediate Article 4 Direction under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, to restrict permitted development rights for the change of use from Class C3 (dwelling houses) to Class C4 (Houses in Multiple Occupation) in respect of Worksop Central Area as outlined in red on the accompanying Direction map in Appendix A.

2.2 The report explains that the Article 4(1) Direction would remove the permitted development rights of the owners of buildings within the boundary to carry out development comprising a change of use otherwise permitted by Schedule 2, Part 3, Class L (b) (from C3 to C4) of the 2015 Order (as amended). The owner of the properties affected, in addition to the Ministry for Housing, Communities and Local Government (MHCLG), Nottinghamshire County Council and the local District/County Councillors, will be notified and consulted for their views as part of this process.

2.3 If the Article 4(1) Direction is made, the Direction will come into force only if confirmed after the 6-week consultation period but within 2 years from the date this draft Direction is made. Representations will be invited for a period of 6 weeks from the date of notification (see Appendix B for draft notice). After this period, a further report will need to be presented to Planning Committee, within 2 years from the date the initial Direction is made, in order to seek authorisation or otherwise for confirmation of the Article 4(1) Direction.

3. **Requirements for Article 4 Directions**
3.1 An Article 4 Direction (made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended) may be made by the Local Planning Authority where the authority is satisfied that it is expedient that development (as specified in the Direction), which would ordinarily be permitted by Schedule 2 of the Order, should not be carried out unless permission is granted pursuant to an express application. Such a Direction effectively withdraws the permitted development rights as set out in the Direction.

3.2 Schedule 3, Part 2, Paragraph 1(a), of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, states that Local Planning Authorities should consider making Article 4 Directions only in those circumstances where it considers: “that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area”.

3.3 The two main types of Article 4 Directions are ‘immediate’ Directions and ‘non-immediate’ Directions:

- **Immediate Directions** – can be made immediately without consultation, although they do require a final confirmation before a 6 month deadline. Immediate Directions only cover development permitted within Parts 1 to 4 and part 11 of Schedule 2 of the 2015 Order (as amended).

- **Non-immediate Directions** – can cover any of the types of development within the 2015 order (as amended), although require consultation before being confirmed by the Local Planning Authority.

4. **Development to which the Article 4(1) Direction is proposed to apply (Schedule 1)**

4.1 The Schedule of the Direction (a copy is attached as Appendix A) identifies the type of development that is covered by the Direction. This relates solely to the change of use of dwelling houses within the boundary (red on the attached map in Appendix A) to Houses in Multiple Occupation. The Schedule contains the following:

- **Schedule 2, Part 3 – Changes of Use**
  - Class L (b) – Development consisting of a change of use of a building from a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order 1987 (as amended), to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

5. **Reasons for an Immediate Article 4(1) Direction**

5.1 Houses in Multiple Occupation are private rented accommodation and the transient nature of this population can change the character of a neighbourhood, local services, shops and food and drink outlets, and also the amenities of local residents and businesses. Importantly, their development can result in the loss of family sized properties in Worksop.

5.2 In general, a building or part of a building occupied by 3 unrelated people or more can be classified as a House in Multiple Occupation if it consists of one or more units of living accommodation that is not a self-contained flat or flats. The living accommodation must be occupied by more than one household who share one or more of the basic amenities (toilet, washing facilities and cooking facilities).
5.3 Planning permission is not required to change the use of a dwelling house (Class C3) to a small HMO (Class C4) of 3 – 6 unrelated residents. Planning permission is required to change the use of a dwelling house (Class C3) to a large HMO accommodated by more than 6 unrelated people. Even where planning permission is not required, properties must comply with relevant building regulations relating to health and safety and accessibility. This means that the change of use of properties is relatively unmanaged and as a result parts of Central Worksop are experiencing an overconcentration of HMOs.

5.4 Central Worksop is a relatively small catchment. Including the Town Centre, bus station and railway station the area is highly accessible and can provide affordable accommodation for those moving to Worksop to work in the employment developments that continue to grow in and around the town.

5.5 But because the majority of properties in the area are Victorian or Edwardian semi-detached or detached properties; and/or medium to high density Victorian terraced streets, most are capable of conversion into smaller units. To date, at least 48 properties have been converted into HMOs in Central Worksop and are therefore no longer available as family accommodation. This is contrary to the successful operation of Core Strategy Policy DM4: Design and Character which seeks to protect and enhance the character of the built and historic environment, ensure new development is of a scale appropriate to the surrounding area and improve the range of houses in the area.

5.6 The ongoing unmanaged growth in HMOs and loss of larger dwellings can also adversely affect the ability of the following designations to provide sustainable communities and fulfil their role and functions:
   a) Worksop Conservation Area: all development should contribute to the special architectural and historic interest of the area’s character and appearance, and the wider street scene which it is desirable to preserve or enhance.
   b) Worksop Town Centre: new development must be appropriate to the town centre location, and maintain a reasonable level of customers and footfall to aid the prosperity of the centre overall.
   c) Worksop Central Regeneration Area: prioritised for significant renewal over the emerging Local Plan period to 2037. A good mix of quality housing that meets the needs of a wider range of residents, including families, is required to bring vibrancy and activity during the day and in the evening, essential to reinvigorate Central Worksop.

These aims are also reflected by national planning policy.

5.7 The degree of impact of a proposed HMO will depend on the location and nature of existing and resulting housing stock and the number of existing HMOs and other non-family dwellings in the area. Core Strategy Policy DM5: Housing Mix and Density seeks an appropriate mix of housing to meet local needs. Proposed HMOs should therefore not cause the loss of a viable use that it is considered important to meet the policy requirements of the Bassetlaw Core Strategy. The Article 4 Directive will ensure that HMO conversions are considered carefully so that where there is a high concentration of HMOs, conversion will be resisted unless it can be demonstrated that the conversion would not lead to, or worsen imbalanced communities, amenity concerns or loss of residential character.

5.8 In determining an imbalanced community, the Council has been guided by best practice in the “Evidence Gathering – Housing in Multiple Occupation and Possible
Planning Responses, Final Report” (CLG, September 2008). This recognises that other local authorities, such as Nottingham and Lincoln, have successfully used a threshold, to define an over concentration of HMOs in particular locations.

5.9 To ensure that overconcentration in Central Worksop is assessed and managed appropriately a two strand approach will be used at the neighbourhood and street level. The application of a percentage threshold within a defined buffer of a proposed development will ensure that the character and amenity of an area - in terms of loss of family sized homes and impact on residents and businesses - will not be adversely affected.

5.10 A blanket threshold will be applied: the percentage of HMOs within a 100m radius of the proposed development will be restricted to 10%. A threshold of 10% is considered an appropriate ceiling in Central Worksop to maintain and promote balanced communities. When the 100m buffer is applied to existing HMOs in this area, it shows that the percentage of HMOs reaches 10% in and around several locations including the Watson Road, Queen Street and Cheapside parts of the Central Area. This supports the proposed Article 4 boundary, the 10% threshold and justifies the inclusion of a 100m buffer as an appropriate tool to manage the development of future HMOs in the Central Worksop.

5.11 The 100m buffer crosses and bisects roads and also goes around street corners (see example below). A 100m buffer is considered reasonable in a compact urban area like Central Worksop where an additional HMO can change the character and amenity of a street significantly. Change of use that would result in a concentration higher than 10% within 100m of the proposed development will normally be resisted.

5.12 The impact of clusters of HMOs may also have a negative impact on the amenity of existing non HMO properties as a result of their location and over concentration. Converting or sub-dividing a house to a HMO results in more people living in the property and can bring about certain amenity issues which, unless properly managed, can lead to detrimental effects on the occupants, the neighbours and the physical environment of the neighbourhood.
5.13 For instance, additional residents within one property can lead to an increase in demand for parking, which may not be able to be accommodated on plot, and additional residents can also generate additional noise. In some cases the transient nature of the accommodation means that the local environment and streetscape can suffer deterioration in terms of bin storage or maintenance of properties which has an adverse impact on local character. All of these issues can adversely affect existing residents, particularly if an existing property is surrounded by HMO.

5.14 The Article 4 Direction will ensure that clusters of HMOs are not able to be formed on a particular street. Proposals that result in three adjacent HMOs, or a C3 (a) dwelling house being flanked on both sides by HMOs would be resisted (see example in diagram below), unless the proposed development is located between two existing HMOs.

5.15 In accordance with Schedule 3, Part 2, Paragraph 1(a), of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, it is considered that unrestricted change of use of dwelling houses into houses of multiple occupation would prejudice the proper planning of the area. This would also fail to comply with the Bassetlaw Core Strategy and the National Planning Policy Framework, as well as the emerging Draft Bassetlaw Local Plan. Its loss is also likely to cause a degree of local objection.

5.16 The making of Article 4(1) Directions is common practice across the country with respect to the restriction of permitted development for change of use rights from C3 to C4. These are especially common in inner urban areas where the loss of family size properties has caused harm to character and amenity for residents. Examples include those in Sheffield, Nottingham and Lincoln.

5.17 This directive does not apply to proposals comprising change of use from a C4 HMO (for 3-6 unrelated people) to a Sui Generis HMO (more than 6 unrelated people); or the intensification or enlargement of an existing Sui Generis HMO require planning permission. This is because the HMO already exists and the proposal will not result in a net increase in the number of HMOs within the defined area.
6. **Implications**

a) **For service users**

The number of changes of use of dwelling houses (under permitted development) within the affected area will be reduced, namely the change of use of single dwelling houses (class C3) to houses in multiple occupation (Class C4). However, any planning application made for development subject to the Article 4(1), i.e. changes from C3 to C4, is exempt from a planning fee.

b) **Strategic & Policy**

With regard to the proposed Article 4(1) Direction, the planning authority would have increased powers with which to control the proliferation of Houses in Multiple Occupation within the affected area. Over time, this will help to achieve key objectives of the Bassetlaw Core Strategy to protect and enhance the character of the built and historic environment by ensuring that new development is of a scale appropriate to the existing settlement and which also provides a qualitative improvement to the existing range of houses in the area, in line with the National Planning Policy Framework.

The Article 4(1) Direction will help to achieve broader planning objectives to promote the ongoing vitality and vibrancy of Worksop Town Centre as set out in the Bassetlaw Core Strategy, and the wider regeneration of the Worksop Central Area as defined by the emerging draft Bassetlaw Local Plan.

c) **Financial**

Printing costs will be met from existing budgets.

Planning Committee should be aware that the withdrawal of permitted development rights by an Article 4 Direction may give rise to a claim for compensation if a planning application submitted within 12 months of the date of the Direction coming into force is either refused, or if an application is granted subject to conditions that would otherwise not have been imposed. However, the grounds for compensation are somewhat limited, and relate only to either a) abortive expenditure (e.g. where contractors have already been paid), or b) where permission is refused where it would otherwise be permitted development, all within 12 months from the date the Direction is confirmed. For part b), the calculation for compensation is the value of the land with the permitted change to C4, minus the value of the land at present (C3), which normally equates to nil.

d) **Legal**

The making of an Article 4(1) Direction shall be a local land charge in accordance with the 2015 Order, as amended.

Schedule 3 (‘Procedures for Article 4 Directions’) of the Town and Country Planning (General Permitted Development Order) 2015, as amended, requires that the Local Planning Authority gives notice to the Secretary of State on the making of any Article 4(1) Direction. After being made, notice of the Direction shall also be made by local advertisement, by site display in no fewer than two
locations within the affected area and by serving the notice on the owner/occupier of every part of the land to which the direction relates.

e) Human Resources

The making of an Article 4(1) Direction is likely to result in a small increase in the number of planning applications received, and it is predicted that the workload for Development Management and Enforcement could also increase by a small amount as a result. The most significant impact will be upon the Development Management Team’s resources in terms of processing such applications.

f) Community Safety, Equalities, Environmental

The proposed Article 4(1) Direction may, over time, help to reduce the perception of crime and anti social behaviour within the affected area. The Direction will have no impact upon equal opportunities.

The Article 4(1) Direction will have a positive impact on the local character, streetscape and amenity of the area.

g) Key Decision

This is not considered to be a key decision.

7. Options, Risks and Reasons for Recommendations

7.1 Option 1: Approve the making of the non-immediate ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction as set out in this report. This will provide additional planning tools to enable the proper planning of the area, in restricting the proliferation of HMOs within the affected area. The Article 4(1) Direction will allow the Local Planning Authority to properly consider the proposed change of use from dwelling houses (Class C3) to Houses in Multiple Occupation (Class C4) against local and national planning policies.

7.2 Planning Committee should be aware that the withdrawal of permitted development rights by an Article 4 Direction may give rise to a claim for compensation if a planning application submitted within 12 months of the date of the Direction coming into force is either refused, or if an application is granted subject to conditions. However, the value of that compensation for the removal of ‘permitted development’ for this particular change of use is likely to be minimal or nil.

7.3 Option 2: Do not approve the making of the non-immediate ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction. Failure to make the Article 4(1) Direction carries a risk that the proliferation of HMOs in Worksop Central Area will continue to rise, undermining the proper planning of the area, with adverse impacts upon local character, amenity and may impact upon the regeneration of the wider area contrary to the aims and objectives of the Bassetlaw Core Strategy and emerging draft Bassetlaw Local Plan.

8. Recommendations

8.1 That Committee approve the making of the ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction.
8.2 That Committee confer delegated authority to the Head of Regeneration to implement the making of the ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction. *Please note that following the expiry of the consultation period and after consideration of public responses, a further report shall be brought to a future Planning Committee to authorise confirmation of the Article 4(1) Direction or otherwise.*
Appendix A – Draft ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction & Map

BASSETLAW DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH SECTION 1 OF SCHEDULE 3 APPLIES

BASSETLAW DISTRICT COUNCIL ‘WORKSOP CENTRAL AREA HOUSES IN MULTIPLE OCCUPATION’ ARTICLE 4(1) DIRECTION 5 DECEMBER 2019

WHEREAS the Council of the District of Bassetlaw (hereafter called the “the Council”) being the appropriate Local Planning Authority within the meaning of Article 4 and Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereinafter called “the order”), are satisfied that it is expedient that development of the descriptions set out in the Schedule below should not be carried out within the land shown edged red on the attached plan unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

AND WHEREAS the Council considers that development of the said descriptions set out in the Schedule below should not be carried out unless permission is granted by an application made under Part III of the Town & Country Planning Act 1990.

NOW THEREFORE the said Council in pursuance of the power conferred on them by Article 4(1) of the Order hereby direct that the permission granted by Article 3 of the said Order shall not apply to development on the said land of the descriptions set out in Schedule 1 below.

THIS DIRECTION is made under Article 4(1) of the said Order and shall not come into force unless it is confirmed by the Local Planning Authority. Such confirmation may take place not earlier than 16 January 2020 (being six weeks from the date of the Direction) and no later than two years from the service of all notices, in accordance with Paragraph 1(4) of the said Order. If confirmed, notices will be served as required under Paragraphs 1(11) and 1(12) of the said Order.
SCHEDULE
Development to which the Direction shall apply, specified by reference to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Schedule 2, Part 3 – Changes of Use

- Class L (b) – Development consisting of a change of use of a building from a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order 1987 (as amended), to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

Made under the Common Seal of the Council of the District of Bassetlaw.

EXECUTED as a DEED by affixing
the COMMON SEAL of BASSETLAW
DISTRICT COUNCIL

In the presence of:

............................................................................................................

(Solicitor to the Council)

Dated 5 December 2019
Worksop Central Area Houses in Multiple Occupation Article 4(1) Direction Map

Proposed Article 4 Boundary, Worksop
Appendix B – Draft Notice for ‘Worksop Central Area Houses in Multiple Occupation’ Article 4(1) Direction

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AS AMENDED)

NOTICE OF MAKING A DIRECTION UNDER ARTICLE 4(1) TO WHICH PART 1 OF SCHEDULE 3 APPLIES

BASSETLAW DISTRICT COUNCIL (WORKSOP CENTRAL AREA HOUSES IN MULTIPLE OCCUPATION) ARTICLE 4(1) DIRECTION – 5 DECEMBER 2019

The Article 4(1) Direction was made on the 5 December 2019, following approval from the Council’s Planning Committee on the 4 December 2019.

With reference to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, this Direction applies to the following types of development:

- **Schedule 2, Part 3 – Changes of Use**
  - Class L (b) – Development consisting of a change of use of a building from a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order 1987 (as amended), to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

The Direction would remove permitted development rights for the types of development listed above, effective from the date the Direction is confirmed. Planning Permission would therefore be required for any of the above types of development, once the Direction is in force. Confirmation of the Direction cannot be before the end of this consultation period (16 January 2020) and must be within 2 years from the date this Direction is made (i.e. on or before 5 December 2022).

Representations may be made concerning the Article 4(1) Direction between the 5 December 2019 and the 16 January 2020. If you wish to make representations, you may do so by email to thebassetlawplan@bassetlaw.gov.uk or by post to Planning Policy Team, Bassetlaw District Council, Queens Buildings, Potter Street, Worksop, Nottinghamshire, S80 2AH. Any representations must be made by 5.00pm on the 16 January 2020.

Should you require any further information, please refer to the ‘Draft Bassetlaw Local Plan’ section of our website or alternatively, call the Council’s Planning Policy Team on (01909) 533495.

**Beverley Alderton-Sambrook**  
Head of Regeneration (Bassetlaw District Council)

Date: 5 December 2019
1.0 Public Interest Test

1.1 The author of this report, John Krawczyk has determined that this report is not confidential.

2.0 Purpose of the Report

2.1 To provide Members with a quarterly performance report recorded for the Development Management function for the second quarter of 2019/2020.

3.0 Background and Discussions

3.1 Following agreement at Planning Committee in June 2014 that performance reporting would be presented to Members on a regular basis. This paper provides details of the planning application performance for Quarter 2 of 2019/20.

4.0 Matters for Consideration

4.1 Once a planning application has been validated, the Local Planning Authority should make a decision on the proposal as quickly as possible after the consultation period has ended. The statutory time limit is set nationally and applications should be determined in this time unless a longer period is agreed in writing by the applicant.

4.2 Statutory time limits are usually 13 weeks for applications for major development, and 8 weeks for all other types of development (unless an application is subject to Environmental Impact Assessment, in which case a 16-week time limit applies). These times can be agreed to be extended with the applicant and this must be confirmed in writing.

4.3 Amendments to the Town and Country Planning Act 1990 introduced another measure of performance for major applications. If Local Planning Authorities are not meeting the standards then they will be a designated planning authority, which means applicants can submit planning applications directly to Secretary of State. Two criteria are used for measuring the performance of Local Planning Authorities.
These are timeliness, how many applications can be determined within the statutory timescale and quality, how many of the planning application decisions are overturned at appeal.

4.4 Major applications are defined as those where 10 or more dwellings are to be constructed (or where the number is not given, the site area is more than 0.5ha), or where the commercial floorspace proposed is 1000sqm or the commercial site area is 1000sqm or more.

4.5 The local targets are 70% within time for Majors and 80% for other applications

### Quarter 2 Performance; Speed of Determination

<table>
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<th>Indicator</th>
<th>Achievement 2018/19</th>
<th>Local Target</th>
<th>2019/20 Q2</th>
<th>2019/20 YTD</th>
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<td>% of &quot;major&quot; applications determined in 13/16 weeks (or authorised extended period)</td>
<td>96.4%</td>
<td>70%</td>
<td>80% (16/20)</td>
<td>83.7% (31/37)</td>
</tr>
<tr>
<td>% of &quot;non-major&quot; applications determined in 8 weeks</td>
<td>96.5%</td>
<td>80%</td>
<td>96.6% (204/211)</td>
<td>95.4% (418/438)</td>
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4.6 The Quarter 2 application determination performance continues the theme of exceeding local or national targets for major applications with only 7 of 211 minor applications being determined out of time. This has resulted in both the majors and non-majors returns continuing the 2018/19 trend of very strong performance. Indeed, only 11 applications out of 231 were determined out of time in Quarter 2.

### Qualitative Measures - Appeals

4.7 During Quarter 2 of 2019/20 a total of 10 appeals were determined by the Planning Inspectorate. Out of these, 2 were allowed and 8 were dismissed by the Planning Inspectorate, equating to a successful performance of 80% of appeals being dismissed.

4.8 Cumulatively, the year as a whole for 2018/19 the rate of dismissed appeals was 73.5%. The second quarter appeals performance continues that of the previous year and achieves the 20% local target for appeals being allowed. Cumulatively for the year to date, 4 appeals have been allowed out of 17 which means 26% of appeals were allowed, slightly above the 20% target. However, it must be borne in mind that given the relatively low number of appeal decisions, any allowed will have a significant impact on the percentage returns. In addition to this, the current figure is far below the 40% allowed which is the national average of appeals allowed.

### Costs Appeals

4.9 There was 1 cost application to the Planning Inspectorate (PINS) during the second quarter of 2019/20 and this was partially allowed.

Whilst only two applications for costs have been made to the Inspectorate during the year to date, the relatively large number of cost applications during 18/19 suggest that
officers must be vigilant to not leave themselves open to an award of costs for unreasonable behaviour.

Quality of Decision Making

4.11 In the absence of updated thresholds set by the DCLG, it can be reported that overall 2 out of 231 decisions made in Quarter 2 were overturned or 0.86%. This compares favourably with the average 1.9% recorded in 2018/19 as an average of both non-major and major appeals.

4.12 Decisions must be based on the relevant planning policy and the Planning Inspectorate is now determining appeals based on a recent High Court Decision, which placed more importance on Paragraph 14 of the National Planning Policy Framework. The updated Framework contains this as paragraph 11 and this came into effect on 24th July 2018 (amended February 2019). This paragraph is provided below and needs to be considered in all decisions:

“Plans and decision should apply a presumption in favour of sustainable development,

For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
  ---the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
  — any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

The implication of this for decision making is that includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or where there are no up-to-date development plan policies, the ‘titled balance’ is engaged the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are ‘significantly and demonstrably’ outweighed by the adverse impacts of the development.

Planning Enforcement

4.13 Quarter 2 of 2019/20 continued to be a busy time for the Planning Enforcement Team. The Enforcement Team are responding to complaints much more quickly and are also working through historic non-urgent complaints that have increased due to long-term staff illness. The Development Team are continuing to assist with the management of ongoing cases with the most pressing and expedient matters being given priority. During quarter 2, 52 new enforcement cases were opened, 35 cases were closed and 3 Enforcement Notices were served comprising of 2 Enforcement Notices and a Section 215 Notice.
5.0 **Summary: How are we Performing?**

5.1 This report has shown that in the second quarter of 2019/20, the standard of performance has continued to far exceed the local and national targets for both Majors and Non Major applications.

5.2 Overall during Quarter 2 of 2019-20 20% of appeals were allowed, which is meets the local target of 20% and is well below the 40% national average.

5.4 Despite staffing pressures, the Planning Enforcement service has managed the caseload well and has had good results with formal enforcement action being taken in instances where it is has been considered expedient to do so. Furthermore, there is a high degree of resolution of alleged planning breaches through negotiation and retrospective planning applications rather than formal action.

6.0 **Implications**

   a) **For service users**
   Efficient and effective regular monitoring enables a consistent approach to ensuring a good quality of service delivery which benefits service users.

   b) **Strategic & Policy**
   The reporting of the Development Team performance meets with the Council Plan (2019-2023) priorities of increasing the supply of new homes and to work proactively with landowners to redevelop large scale sites. There are no strategic and policy implications arising from this report.

   c) **Financial**
   There are no financial implications arising from this report. Reference - 20/679

   d) **Legal**
   There are no financial implications arising from this report. Reference – 173/12/2019

   e) **Human Resources**
   There are no human resources implications arising from this report.

   f) **Community Safety, Equalities, Environmental**
   There are no Community Safety, Equalities or Environmental implications arising from this report.

   g) **GDPR implications**
   There are no data protection implications arising from this report.

   h) **Whether this is a key decision, and if so the reference number.**
   This is not a key decision.

7.0 **Options, Risks and Reasons for Recommendations**

7.1 To ensure that appropriate monitoring and performance management procedures are in place and that the Council continues with its focus on achieving high performance, facilitating development and providing good service to all who use the Planning Service.
8.0 **Recommendations**

8.1 That the report be received and the Committee notes the current performance data.

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<th>Background Papers</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Management returns to MHCLG</td>
<td>Planning Services</td>
</tr>
<tr>
<td>Previous Performance reporting</td>
<td>BDC Website / Planning Services</td>
</tr>
</tbody>
</table>

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1 Planning Inspectorate Appeal Statistics 2018