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**Monday, 25 March 2024**

**Chair: Councillor A Freeman  
Vice-Chair: Councillor D Moore**

**Members of the Committee:**

**Councillor A Amer  
Councillor C Brooks  
Councillor L Dales  
Councillor P Harris  
Councillor J Lee  
Councillor K Melton  
Councillor E Oldham**

**Councillor P Rainbow  
Councillor S Saddington  
Councillor M Shakeshaft  
Councillor M Spors  
Councillor L Tift  
Councillor T Wildgust**

<b>MEETING:</b>	<b>Planning Committee</b>
<b>DATE:</b>	<b>Thursday, 4 April 2024 at 4.00 pm</b>
<b>VENUE:</b>	<b>Civic Suite, Castle House, Great North Road, Newark, NG24 1BY</b>

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Catharine Saxton on [catharine.saxton@newark-sherwooddc.gov.uk](mailto:catharine.saxton@newark-sherwooddc.gov.uk).

**AGENDA**

7. 124 Mansfield Road, Clipstone, NG21 9AL - 24/00329/FUL

Page Nos.

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Report to Planning Committee 4 April 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
<b>Application Number</b>	24/00329/FUL		
<b>Proposal</b>	Demolish existing garage and erect an outbuilding to use as Hairdressing salon (resubmission)		
<b>Location</b>	124 Mansfield Road, Clipstone, NG21 9AL		
<b>Applicant</b>	Miss Rohan Calladine	<b>Agent</b>	N/A
<b>Registered</b>	15 <sup>th</sup> January 2024	<b>Target Date</b>	19 <sup>th</sup> April 2024
		<b>Extension of time</b>	N/A
<b>Web Link</b>	<a href="#">24/00329/FUL   Demolish existing garage and erect an outbuilding to use as Hairdressing salon (resubmission)   124 Mansfield Road Clipstone NG21 9AL (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	That planning permission be <u>APPROVED</u> , subject to the conditions set out in Section 10.0 of this report.		

**This application is before the Planning Committee for determination, due to the recommendation being contrary to the response from a statutory consultee.**

## 1.0 The Site

The site relates to an end of terrace house on Mansfield Road in Clipstone. The site forms a corner plot with a large drive and single garage to the front with a small lawned area at the corner. The dwelling is a two-storey red brick dwelling with a gate to the side with access to the side private garden. The boundary treatment to the front consists of an approx. 1.0m high wall with timber fencing to the side.

The site is just north-east of the Clipstone Local Centre, defined in the Allocations and Development Management DPD.

Clipstone Colliery Village was originally built in 1926 on the former site of Clipstone Army Camp by the Bolsover Colliery Company (established in 1889 to extract coal from land owned by the Duke of Portland). The early 20th century phase of the village is identified on the County Historic Environment Record (HER) as a feature of Local Interest.

The site is situated within flood zone 1 and is at very low risk of surface water flooding according to environment agency flood data maps.

## **2.0 Relevant Planning History**

**23/01652/FUL** – ‘Demolish existing garage. Erection of timber building for use as hairdressing salon’ (Refused 05.01.2024) Reason for Refusal:

*In the opinion of the Local Planning Authority, by reason of its prominent position, size, form and use of materials, the proposed building would result in an incongruous and obtrusive addition, unsympathetic to the character of the area and harmful to the visual amenities of the street scene. Additionally, the proposed building would be harmful to the special interest of non-designated heritage asset (Clipstone Colliery Village) and would erode its significance.*

*The proposal is therefore considered contrary to Core Policies 9 and 14 of the Newark and Sherwood Amended Core Strategy (Adopted 2019) and Policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the adopted Newark & Sherwood Allocations & Development Management DPD (adopted 2013). The proposal would also be contrary to the advice contained in the National Planning Policy Framework, a material planning consideration.*

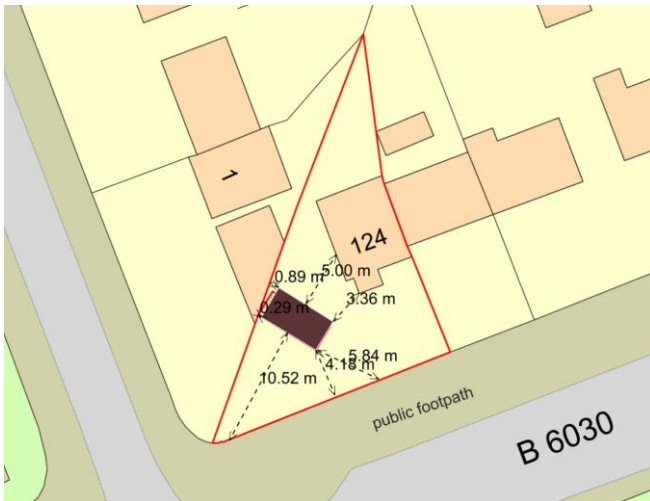
**6582330** - Erection of garage (Permitted 01.06.1982)

## **3.0 The Proposal**

The application seeks permission for the erection of a timber building for use as a hairdressing salon (following the demolition of the garage). The proposed building would measure approximately 5.6m in length by 2.8m width. The building would have a roof which has a slight slope from the front to the rear which would measure approximately 2.5m at the front and 2.4m at the rear at the highest points.

The salon would be situated to the southwest of the existing dwelling and part of the salon building would project forward of the host dwelling’s front elevation. The host dwelling is an end terrace within the Clipstone Colliery village which is an identified non-designated heritage asset due to its historic planned colliery village nature and red brick character. The host dwelling is red brick with a red slate roof.

The proposed salon would be a timber framed building with timber shiplap cladding on the northeast and northwest facing walls and brick slips on the southeast and southwest facing walls with an EPDM rubber roof. This application is a resubmission of a previous application for a similar building which was refused due a combination of the facing materials and increase in size of the building being harmful to the character of the area and non-designated heritage asset. Advice was provided to the applicant to be able to address the concerns previously raised.



#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 5 properties have been individually notified by letter.

Site visit undertaken on 21<sup>st</sup> December 2023.

#### **5.0 Planning Policy Framework**

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

##### **Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)**

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 6: Shaping our Employment Profile
- Core Policy 8: Retail & Town Centres
- Core Policy 9: Sustainable Design
- Core Policy 14: Historic Environment

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

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5: Design
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM11: Retail and Town Centre Uses
- Policy DM12: Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework
- Planning Practice Guidance
- Householder Development SPD 2014
- Newark and Sherwood Cycling and Residential car parking standards SPD 2021

The Draft Amended Allocations & Development Management DPD was submitted to the Secretary of State on the 18<sup>th</sup> January 2024. This is therefore at an advanced stage of preparation albeit the

DPD is yet to be examined. There are unresolved objections to amended versions of the above policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

## **6.0 Consultations**

*NB: Comments below are provided in summary - for comments in full please see the online planning file.*

### **(a) Statutory Consultations**

**NCC Highways Authority** — The application seeks consent under Use Class E (c) (iii) and proposes demolition of an existing garage and its replacement by a new structure, which a floor area of circa 16sqm for use as a hair salon. There is no proposal for changes to the existing site access or car parking arrangements. The application states that there are 4 no. off- street parking spaces on the site. There is no information in relation to the number of stations and any waiting area within the proposed salon. The block plan does not show the layout of the parking spaces.

The application site takes access from the classified B6030 Mansfield Road, Clipstone, close to its junction with Fourth Avenue. The site is served by a wide dropped kerb footway crossing which sits adjacent to a marked on-street parking bay on the northern side of the B6030.

The highways officer has measured the plan and the driveway frontage has capacity to accommodate 3 cars to park safely and conveniently in accordance with parking standards.

The salon would need to provide parking for at least one staff member, given that the application proposes an open Class E use, and any permission would not be personal to the applicant. Two customer parking spaces would be required (one waiting whilst one is being attended to.) This demand would take up 2 parking spaces, leading to either on-street parking or parking which could obstruct the footway along the site frontage.

Driveways onto classified roads such as the B6030. Fourth Avenue junction where an existing vehicle activated speed sign, indicating concerns in relation to traffic speeds, is present this impact will be detrimental to the highway safety on the classified B6030.

The highway authority therefore objects to the proposed development on highway safety grounds

### **(b) Town/Parish Council**

**Clipstone Parish Council** - No comment on this application

### **(c) Representations/Non-Statutory Consultation**

**Neighbour & Public consultations** – No comments or representations received.

## **7.0 Comments of the Business Manager – Planning Development**

The key issues are:

- Principle of Development

- Impact on Character and Heritage Assets
- Residential Amenity
- Highway Safety and Parking

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

### Principle of development

The proposal is for a new timber building to the side and front of the host dwelling in place of an existing garage for use as a Hair Salon. The submission suggests that the salon would be used between the hours of 9am and 6pm, 4 days a week and therefore is considered to be beyond the scope of being de-minimus and therefore an application is required.

The NPPF supports sustainable economic growth and places significant weight on the need to support economic growth through the planning system. Core Policy 6 requires the economy of the District to be strengthened and broadened and enabling employment levels to be maintained and increased by meeting requirements of business sectors. Both DM11 and CP8 seek to follow a sequential approach to the location of new town centre uses. The NPPG sets out how locational requirements should be considered in the sequential test, and this states that it should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations and that robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.

The site is within Clipstone which is defined as a Service Centre by Spatial Policy 1 of the Amended Core Strategy. It is clear from policy that even for a small-scale development such as this, the sequential test needs to be applied.

In this case the business element would be operated by the homeowner who is a sole trader, to provide an outbuilding at their home to work. They state that they would see one client at a time. The sequential test then is somewhat complicated in that there are potentially available units within the local centre of Clipstone from which the business could be operated. However, given that most units would prove too large for one person and given the intended small-scale nature of the proposed work (only just beyond a level which would ordinarily be considered ancillary to the use of the main dwelling), to conclude that renting/buying a shop unit in a more sequentially preferable location is considered unreasonable in this instance.

The principle of operating a small business to this degree from home is likely to be acceptable in this instance, subject to site specific matters. Furthermore, the applicant's home address where the salon would be sited is only approximately 100m away east from the defined local centre of Clipstone.

Consequently, in principle the proposal is therefore acceptable subject to a site-specific assessment.

### Impact on Character and Heritage

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment. Policies DM5 requires proposals to respect the character of the surrounding area and local distinctiveness.

Part 12 of the NPPF (Achieving Well Designed Spaces) paragraph 131 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 139 states permission should be refused for development that is not well designed, taking into account any local design standards or style guides in plans or supplementary planning documents.

As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Allocations and Development DPD) amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Section 16 advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

Clipstone Colliery Village was originally built in 1926 on the former site of Clipstone Army Camp by the Bolsover Colliery Company (established in 1889 to extract coal from land owned by the Duke of Portland). The early 20th century phase of the village is identified on the County Historic Environment Record (HER) as a feature of Local Interest. In accordance with Annex 2 of the NPPF, Local Interest features have the potential to be identified as heritage assets, albeit of a non-designated type. The layout and arrangement of buildings, and their homogenous red brick character, within the planned village contributes to the significance of the heritage asset.

The proposed building would measure 5.6m in length by 2.8m wide with a maximum height of 2.5m. This is larger than the existing garage currently sited in the same location proposed for the new building. However, whilst this would make for a more prominent building, the building would have red brick slips on the southeast and southwest elevations (which are the most prominent elevations to the public realm) to help the building respond better to the host dwelling and surrounding area. The proposed building is considered to be an improvement to the character of the frontage over the existing concrete prefabricated garage and to the wider area, which is a historic colliery village and as a whole is considered a non-designated heritage asset.

Overall, it is considered that the proposed development would therefore accord to the aims of Policies DM5 and DM9 of the A&DM DPD, as well as CP9 and CP14 of the Amended Core Strategy, the provisions of the NPPF.



### Impact on Residential Amenity

Policy DM5 of the ADMDPD states that proposals should ensure sufficient separation distances from neighbouring development so that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

The proposed structure is modest at approximately 15.68m<sup>2</sup> in footprint. There would only be 1 person (the applicant) working within the structure and the applicant has indicated they intend to see one client at a time between the hours of 9am-6pm Monday, Tuesday, Thursdays and Saturdays. The intensity of the business would be self-limiting by the structure's size. Access to the structure would be via the existing access which serves the dwelling and leads to a hard surfaced frontage. Given the scale of the business and proposed operating hours, it is unlikely to cause unacceptable levels of disturbance through comings and goings and some local clients would no doubt walk. However, it is considered appropriate that hours of use be controlled via condition to further protect the amenity of nearby residents.

With the above in mind the proposal is considered to accord with Policy DM5 of the as well as Paragraph 135 of the NPPF.

### Impact on Highway Safety

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

Nottinghamshire County Council as Highways Authority have been consulted on this resubmission and have raised concerns to the proposal on highway safety grounds. However, no such concerns were raised in respect of the very recent application refused (but on character grounds) in January 2024. At that time (03.01.2024) they commented as follows:

*"The proposals involve the demolition of the existing detached garage and the erection of a timber building with its footprint, measuring 5900mm x3304mm for use as a hair salon.*

*Given the diminutive size of the proposed salon, the nature of the business and the one employee specified, the number of clients visiting at any one time would be limited. At present the dwelling has three off-street parking spaces, which will be maintained. Whilst these spaces are for the domestic use of the dwelling, the parking demand of the proposed business would be minimal, and in consideration of the location and the existing provision, we would not consider this to have a significant impact on highway safety at this location. The Highway Authority therefore have no objection."*

Bearing in mind that the current application is for a slightly reduced footprint (5.6m x 2.8m rather than the previously proposed 5.9m x 3.3m) and that there have been no material changes in circumstance or policy, it is considered unreasonable to now resist the application on highway safety grounds especially when that did not form a reason for refusal previously.

The proposal would involve a small business from the residential home and would utilise the existing access. The existing concrete garage would be demolished and replaced with a timber frame building. The existing garage does not meet modern size requirements outlined within the Newark and Sherwood Cycling and Residential Parking SPD of 3.3m by 6.0m and therefore cannot be considered a useable parking space.

The site already has parking provision for at least 3 cars on the driveway which would not be impacted by the proposal and therefore existing parking would not be detrimentally affected. The applicant has advised that the frontage is big enough for 4-5 cars and having visited the site, I am of the view that the drive is large enough for at least 3 cars. The proposed salon building itself would not affect the number of parking spaces currently available on the drive.

In addition to the above, it is noted that there are two free of charge car parks within walking distance of the site and moreover on street parking bay is also located immediately outside of the dwelling.

#### Street-snippet courtesy of Google street-view



The Highways Authority has now indicated that a space for a staff member and two additional spaces should be provided for customers stating that this would leave no parking for the dwelling and therefore could result in the obstruction of the footway and parking on the highway. I note the concerns of the highways officer however the owner of the dwelling is a sole trader looking to run their hair dressing business from home therefore their own vehicle would already be present on the drive with two additional spaces available for parking. Given the size of the building itself would be self-limiting in the number of customers that can be seen at any one time, it is not considered that there would be highway safety concerns. On this occasion, it is therefore considered that the proposal is acceptable with regards to parking and highway safety.

### 8.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal,

Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

## **9.0 Conclusion**

In conclusion, it is considered that the principle of the development is acceptable. Whilst the building would be slightly larger than the existing garage outbuilding to be demolished and as a result would be slightly more prominent it would be constructed of materials that would be more sympathetic to the area and therefore would better reflect the local vernacular character and respond better to the non-designated heritage asset, where the layout and buildings' homogenous red brick character contributes to its significance. There has been no issues identified in respect of residential amenity. Whilst there has been an objection raised from the Highways Authority it is not considered that their comments are reasonable to warrant a refusal given their previous comments on an almost identical scheme just 3 months ago.

Subsequently the proposal is considered to comply with Core Policy 9 (Sustainable Design) and 14 (Historic Environment) of the Newark and Sherwood Amended Core Strategy 2019 and policies DM5 (Design) and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD 2013 and guidance within the NPPF. The proposal is therefore recommended for approval subject to conditions within Section 10.0 of this report.

## **10.0 Conditions**

### **01**

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

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

### **02**

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

Proposed Block Plan Received 23.02.2024.

Proposed Front Elevation With Cladding Received 15.02.2024.

Proposed Rear View With Brick Slips Received 15.02.2024.

Proposed Roof Plan Received 15.02.2024.

Proposed Side Elevation Received 15.02.2024.

Proposed Side Elevation With Brick Slips Received 15.02.2024.

Proposed Front Elevation Without Cladding Received 15.02.2024.

Proposed Rear Elevation Without Cladding Received 15.02.2024.

Proposed Side Elevation Without Cladding Received 15.02.2024.

Reason: So as to define this permission.

### **03**

Prior to first occupation of the development hereby permitted, the bricks slips to be used on the southeast and southwest elevations shall be applied to the building and shall be traditional red brick slips in accordance with the details submitted and saved to file on the 06<sup>th</sup> of March 2024.

Reason: In the interest of visual amenity and to ensure that the timescale for the application of the brick slips is reasonable.

#### **04**

The materials to be used in the construction of the windows, doors, northeast and northwest elevation cladding, and roof of the development hereby permitted shall be as stated in the application.

Reason: In the interests of visual amenity.

#### **05**

The use hereby permitted shall only operate between the hours of 9am to 6pm Monday to Saturday and at no other time.

Reason: In the interest of residential amenity.

#### **06**

The use hereby approved shall remain ancillary to, and undertaken solely by occupiers of, the host dwelling (124 Mansfield Road, Clipstone).

Reason: In the interest of highways safety and residential amenity and to limit the use of the building to one hairdresser so as to avoid impacts on parking and highway safety.

### Informatives

#### **01**

The application as submitted is acceptable. In granting permission without unnecessary delay, the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

#### **02**

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres.

#### **03**

You are advised that you may require building regulations approval in addition to the planning permission you have obtained. Any amendments to the permitted scheme that may be necessary to comply with the Building Regulations, must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly

considered.

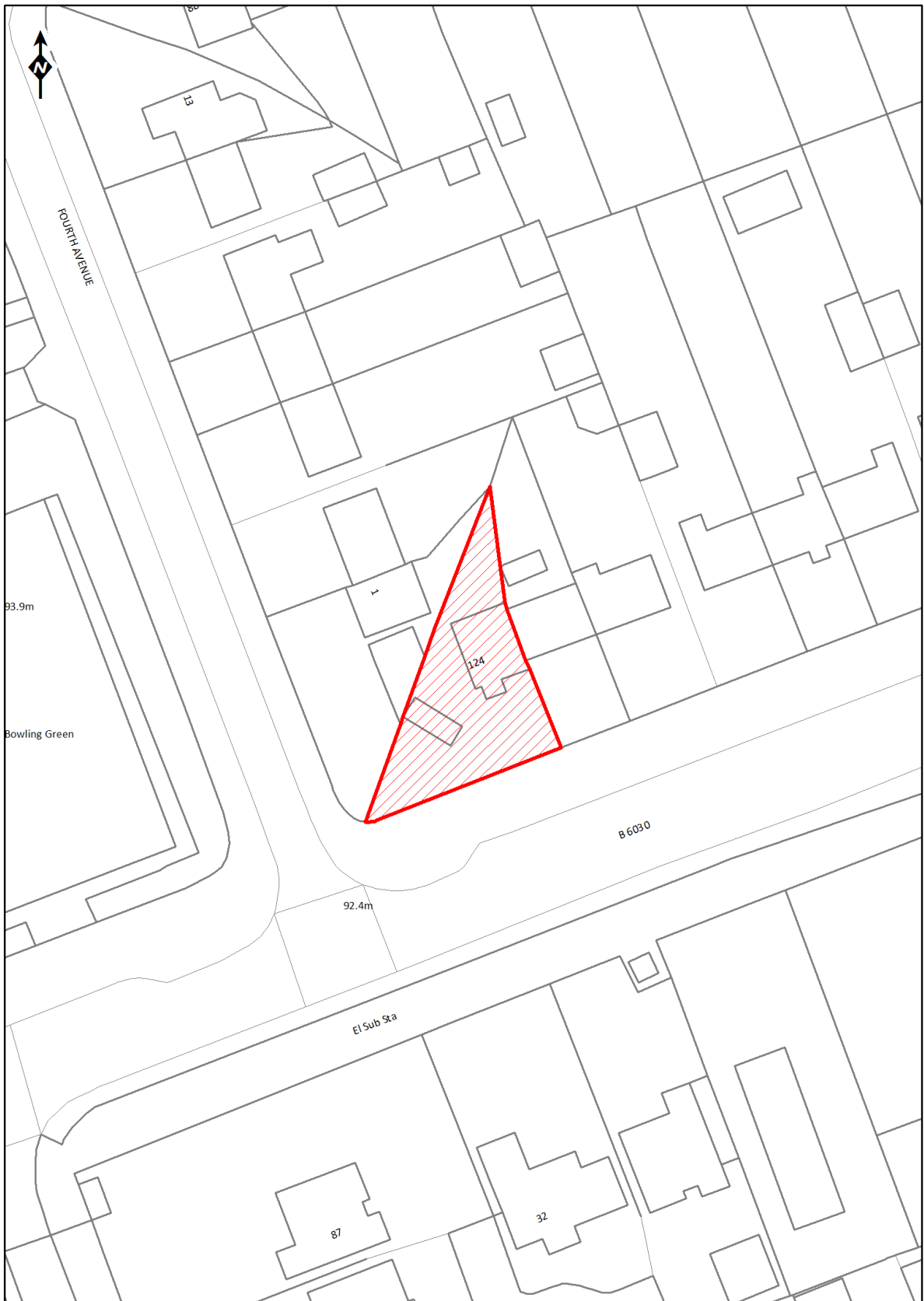
East Midlands Building Control operates as a local authority partnership that offers a building control service that you may wish to consider. You can contact them via email at [info@eastmidlandsbc.com](mailto:info@eastmidlandsbc.com) via phone on 0333 003 8132 or via the internet at [www.eastmidlandsbc.com](http://www.eastmidlandsbc.com).

#### BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file

Committee Plan - 24/00329/FUL



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