



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Monday, 30 September 2019

**Chairman: Councillor R Blaney
Vice-Chairman: Councillor I Walker**

Members of the Committee:

**Councillor L Brazier
Councillor M Brock
Councillor M Brown
Councillor L Dales
Councillor Mrs M Dobson
Councillor L Goff
Councillor R Holloway**

**Councillor J Lee
Councillor Mrs P Rainbow
Councillor M Skinner
Councillor T Smith
Councillor K Walker
Councillor Mrs Y Woodhead**

MEETING: Planning Committee

DATE: Tuesday, 8 October 2019 at 4.00 pm

**VENUE: Civic Suite, Castle House, Great North Road,
Newark, Notts, NG24 1BY**

**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.

AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
4. Minutes of the meeting held on 10 September 2019	5 - 12
Part 1 - Items for Decision	
5. Manor Cottage, Beck Street, Thurgarton 19/01095/FUL	13 - 22
6. Kelham Hall Ltd, Kelham Hall, Main Road, Kelham (19/01307/S73M) (MAJOR)	23 - 49
7. Manor Farm, Moor Lane, East Stoke (19/01418/FUL) Site Visit: 11.00am – 11.10am	50 - 66
8. Ashleigh, Great North Road, South Muskham, Newark (19/00782/FUL) Site Visit: 10.10am – 10.20am	67 - 83
9. Garage Units Off Lansbury Road, Bilsthorpe (19/01526/FUL) Site Visit: 9.20am – 9.30am	84 - 95
10. Horstead, Station Road, Bleasby (19/01288/FUL)	96 - 112
11. Renaissance, Kirkby House, 29A Albert Street, Newark (19/01225/FUL) Site Visit: 11.15am	113 - 129
12. 2 Brackner Lane, Bilsthorpe (19/01287/FUL) Site Visit: 9.40am – 9.50am	130 - 140
13. Site Of Robin Hood Hotel, 1 - 3 Lombard Street, Newark (19/01575/S19LBC)	141 - 155
14. Land Adjacent 8 Harrisons Way, Newark (19/01118/FUL)	156 - 165
15. 9 Old Hall Gardens, Coddington, Newark (19/01315/FUL) Site Visit: 10.35am – 10.45am	166 - 175
16. The Buttermarket, Between 27 And 28 Middle Gate, Newark (19/01410/FUL)	176 - 193
17. The Buttermarket, Between 27 And 28 Middle Gate, Newark (19/01411/LBC)	194 - 206
18. Blidworth Community Leisure Centre, Blidworth (19/01489/FUL)	207 - 213

- | | | |
|-----|--|-----------|
| 19. | 7 Allenby Road, Southwell (19/01648/FUL) | 214 - 218 |
| 20. | Milestone, Saracens Head Hotel, Market Place, Southwell (14/00152/LBC) | 219 - 230 |

Part 2 - Items for Information

- | | | |
|-----|--------------------|-----------|
| 21. | Appeals Lodged | 231 - 233 |
| 22. | Appeals Determined | 234 - 242 |

Part 3 - Statistical and Performance Review Items

There are none

Part 4 - Exempt and Confidential Items

23. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

There are none.

NOTES:-

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

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 10 September 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brown, Councillor L Dales, Councillor Mrs M Dobson, Councillor L Goff, Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor K Walker and Councillor Mrs Y Woodhead

ALSO IN
ATTENDANCE:

APOLOGIES FOR Councillor M Brock (Committee Member)
ABSENCE:

78 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L Dales, J Lee and I Walker all declared personal interests as they were Council's appointed representatives on the Trent Valley Drainage Board.

Councillor M Skinner declared a personal interest in Agenda Item No. 5 – Land Opposite 26 and 44 Fosse Road, Farndon (18/02363/FULM), as the item had been considered by Newark Town Council Planning Committee which he was a Member; the application had been amended considerably from being considered by the Town Council.

Councillor K Walker declared a personal interest in Agenda Item No. 13 – Diversion of Southwell Footpath 69, as he was a Member of Nottinghamshire County Council.

79 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

80 MINUTES OF MEETING HELD ON 6 AUGUST 2019

AGREED that the minutes of the meeting held on 6 August 2019 be approved as a correct record and signed by the Chairman.

81 LAND OPPOSITE 26 TO 44 FOSSE ROAD, FARNDON (18/02362/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection, which sought the erection of a Mixed-Use Development comprising petrol filling station and associated retail unit and drive through, 1 no. A3 Café/Restaurant with ancillary drive through, 1 no. electric car charging station, 2 no. offices and 103 bed hotel with associated ancillary facilities, landscaping, flood attenuation lagoon, associated engineering operations (including

flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Highways England; Councillor Mrs Saddington; Neighbouring comments; SSA Planning on behalf of Farndon Parish Council; Nottinghamshire County Council Highways; and the Agent.

Councillor M Baker, Farndon Parish Council spoke against the application in accordance with the views of Farndon Parish Council, as contained within the report.

Councillor N Mison, local Ward Member for Farndon and Fernwood spoke against the application and commented that the economic benefits did not outweigh other issues including the open break which was against Council policy, impact on the surrounding area and Newark. There had been so many objections to the development which provided a gauge of public opinion. There were other fuel stations on the A46, in close proximity. This development would be against Council policy if approved.

Members considered the application and a Member commented that he had never seen as many objections against an application. Members felt that the economic benefits did not outweigh the open space and that the Committee needed to comply with their policy. The local community's comments should also be taken into consideration.

AGREED (unanimously) that planning permission be refused for the reasons contained within the report.

82 LAND OFF LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01363/FULM(MAJOR))

The Committee considered the report of the Business Manager – Planning Development relating to a scheme at appeal which sought a residential development for eighty dwellings.

An application for the above residential development was presented to the Planning Committee on 4 June 2019 for consideration. Members resolved to refuse the application contrary to officer recommendation for four reasons as detailed within the report. The applicant/appellant had now lodged an appeal and had submitted an amended plan to the Planning Inspectorate. This revised plan sought some changes and the report sought the views of the Planning Committee, who were the initial decision makers, on the proposed amendments to inform the appeal.

The amendments incorporated within the revised plan are as follows:

- Re-distribution/dispersal of affordable houses on site. This does not alter the layout or design of the site since the house types remain as previously submitted;
- Provision of 16 dwellings for occupation by householders with at least one

member over the age of 55 years only (50 % of which would be DDA – Building Regulations Part M compliant – Category 2: ‘Accessible and Adaptable Dwellings’ as set out within the documents submitted 16 July 2019), in lieu of the explicit provision of bungalows;

- Amendments to the dwelling mix (set out within the submitted table received 16 July 2019);
- There were no amendments to the relevant plots eliminating any triple vehicle tandem parking provision which remained contrary to NCC Highway advice; and
- No amendment had been made to ensure that the public open space was a focal point of the development which was a previous member concern.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Southwell Town Council and the Planning Case Officer. The Committee was informed of an error in the report from Newark and Sherwood District Council Planning Policy. The comment stated that the amended plan showed a decrease in the total number of bedrooms provided within the affordable housing units from ninety-nine to forty-four, which was incorrect. The amended plan in fact showed a decrease from fifty-one to forty-four.

Councillor D Martin, Southwell Town Council spoke against the erection of traffic lights to the entrance of the development, this was in accordance with the views of Southwell Town Council.

Members considered the application and felt that there was no need for traffic lights at this site, there were no other traffic lights on similar sites in Southwell and traffic lights at this location would be detrimental to the town.

AGREED (with 13 votes For and 1 Abstention) that:

Notwithstanding and without prejudice to the previous officer recommendation for approval:

- (a) in the event that the Inspector refuses to accept the amendments shown on the Revised Plan, the Council should defend all the existing reasons for refusal set out on the existing decision notice; and
- (b) in the event that the Inspector accepts the amendments on Revised Plan, then the Council should defend the existing reasons for refusal with the exception of Reason 3 and this should be reflected in the narrowing of the scope of Reason 4, but it should also be made clear as part of the appeal process that the view of Members is that the revised scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.

83 SOUTH COLLINGHAM NURSING HOME FLAT, NEWARK ROAD, COLLINGHAM (18/01639/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought an extension to create twenty four extra care apartments, nineteen two-bed and five one-bed, conservatory and relevant ancillary spaces following the demolition of existing single storey extension to the north and courtyard.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which informed the Committee that the neighbour comments, including eight letters of representation that had been mistakenly omitted from the report.

Members considered the application and the further assisted living was welcomed although concerns were raised regarding the twenty-three car parking spaces which was considered insufficient given the proposed twenty-four units. Some Members considered that the exit into the high street should have a speed limit of 30mph and County Highways should be contacted and asked to extend the current 30mph speed limit. An additional condition should be included to prevent any traffic through Dykes End, other than emergency vehicles. Car parking should not be allowed in front of the main windows to the building where residents would sit. Car parking for the development should be looked at again to find an improved scheme and conditioned.

AGREED (unanimously) that Full planning permission be approved subject to the conditions contained within the report and the following additional conditions:

- (i) A wider access with a filter;
- (ii) Emergency access only through Dykes End;
- (iii) Level of car parking appropriate to apartments for the Nursing Home and the extra care facility, to be determined in consultation with the Ward Members; and
- (iv) No construction traffic through Dykes End.

84 GLEBE FARM, FOSSE ROAD, BROUGH (17/01859/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought a retrospective application for the retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm

Members considered the application and felt that permission for a maximum of three years was sufficient. Members wanted it on record that they would be reluctant to grant further temporary permissions and felt that the applicant would need to be ready at the end of the 3 year temporary period with an application for a permanent dwelling. Concerns were raised regarding the storage of gas bottles between the two caravans and asked that the relevant Officer provide safety advice to the applicant.

AGREED (unanimously) that:

- (a) planning permission be approved for a maximum of three years, subject to the conditions and reasons contained within the report; and
- (b) the relevant Officer provide advice regarding the storage of gas bottles between the static caravans.

85 LAND AT MALKILN CLOSE, OLLERTON (19/00892/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought a development of thirty three affordable dwellings.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Archaeological advisor.

Members considered the application and one Member felt that the site was not suitable for the proposed development. Wellow Road was considered to be too busy and the additional vehicles associated with the development would increase the volume of traffic. There was no safe crossing on Wellow Road and the local school, GP and dentists were all full to capacity. Other Members considered the site ideal for much needed affordable housing for local people and would tidy the large derelict site.

AGREED (with 11 votes For, 2 Votes Against and 1 Abstention) that planning permission be approved subject to the conditions and reasons contained within the report and the additional condition relating to archaeology.

86 SHERWOOD HOUSE, DALE LANE, BLIDWORTH (15/01330/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought the demolition of an existing factory shop and the erection of six dwellings and all associated works.

Officers verbally reported that the agent had requested amendments to condition 4 and 16 set out within the report which officers considered to be acceptable.

Members considered the application and commented on their disappointment with the viability study regarding the demolition of the existing shop and felt that something could have been achieved with the existing building.

Councillor M Brown was not present for part of the presentation and did not take part in the vote.

AGREED (with 9 votes For and 4 votes Against) that full planning permission be approved subject to the conditions and reasons contained within the report subject to amendments to Conditions 4 and 16 as reported.

87 298 SOUTHWELL ROAD EAST, RAINWORTH (19/01243/FUL)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the demolition of existing buildings and construction of four new terraced town houses.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which informed Committee of an omission within the report in relation to policies Ra/DC/1 and DM11.

Members considered the application unacceptable.

AGREED (with 11 votes For and 3 Abstentions) that planning permission be refused for the reason contained within the report.

88 FORMER STABLES, ROLLESTON MILL, ROLLESTON (19/01022/FUL)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Emergency Planner; NCC Highways; and Agent.

Councillor T Hillary, Rolleston Parish Council spoke in support of the application in accordance with the views of Rolleston Parish Council, as contained within the report.

Members considered the application and commented on a previous granted application which included demolition of the new stables which had resulted in not being viable. The applicant had been invited to submit a viability report to be tested but had chosen not to do so. It was suggested that the item be deferred in order for the applicant to be invited again to submit a viability report and consider a more sympathetic application in consultation with the Conservation Officer.

AGREED (with 13 votes For and 1 vote Against) that planning permission be deferred.

89 LAND BETWEEN SHADY LANE AND POTWELL DYKE, LOWER BURGAGE, BURGAGE LANE, SOUTHWELL

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the diversion of Southwell footpath 69, land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell.

A schedule of communication was tabled at the meeting which detailed

correspondence received after the Agenda was published from the Planning Case Officer.

AGREED (with 12 votes For and 2 votes Abstentions) that Newark and Sherwood District Council continue to raise an objection to the proposed diversion for the reasons set out in the report.

90 THE PRINCE RUPERT, 46 STODMAN STREET, NEWARK (19/00903/FUL)

The application was withdrawn from the Agenda.

(Councillor M Brown left the meeting at this point).

91 LAND AT NORWELL ROAD, CAUNTON (19/01180/OUT)

The Committee considered the report of the Business Manager – Planning Development which sought the erection of two dwellings on land at Norwell Road, Caunton

Members considered the application acceptable.

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

92 FORMER PUBLIC CONVENIENCES, FOREST CORNER, EDWINSTOWE (19/01356/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought the conversion of a store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion. The application was an amendment to planning permission 15/01060/FUL to insert additional lower and upper windows to the south elevation and alter approved window on east elevation.

Members considered the application acceptable.

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

93 LAND TO FRONT OF 1-7 GLENFIELDS, SOUTHWELL (19/00004/TPO)

The Committee considered the report of the Business Manager – Planning Development which sought confirmation of Tree Preservation Order – TPO N368, for a group of four Whitebeam trees.

Members considered the Tree Preservation Order acceptable.

AGREED (unanimously) that the Tree Preservation Order be confirmed for the following reasons:

1. The trees on site appear to be in good health and structural condition and provide a mature setting for the locality;
2. Historically they provide some continuity of trees on the site of a former fruit farm; and
3. They also form a prominent feature within the estate and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints.

94 LAND OPPOSITE 1-10 THE RIDINGS, BULCOTE (19/00003/TPO)

The Committee considered the report of the Business Manager – Planning Development which sought confirmation of Tree Preservation Order – TPO N369.

It was reported that it had been established that a number of trees, but not all on the site, due to health and presence of cavities, warranted protection by Tree Preservation Order (TPO). Discussions had taken place with the applicant and representative from Nottinghamshire County Council where it was agreed to proceed with protection of those trees due to group amenity value. Appendix 2 to the report provided a plan showing the location and species of trees to be protected, including: 7No. Silver Birch; 3No. Oak; 3No. Willow; 2No. Field Maple; 3No. Cherry; 3No. Rowan; 1No. Whitebeam; 1No. Sycamore.

Members considered the Tree Preservation Order acceptable.

AGREED (unanimously) that the Tree Preservation Order be confirmed for the following reasons:

1. The trees on site appear to be in good health and structural condition and provide a mature setting for the locality;
2. They provide valuable screening of the site to neighbouring properties;
3. They also form a prominent feature within the site, and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints.

95 APPEALS LODGED

AGREED that the report be noted.

96 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.57 pm.

Chairman

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01095/FUL	
Proposal:	Householder application for removal of garden shed and seating structure, erection of a single storey summerhouse and a single storey outdoor bar (retrospective)	
Location:	Manor Cottage, Beck Street, Thurgarton, Nottinghamshire, NG14 7HB	
Applicant:	Mr I Roberts	
Agent:	Ms Julie Richards	
Registered:	24 th July 2019	Target Date: 18 th September 2019 Extension of time agreed in principle
Application file:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PSXIIULB04M00	

The application is reported to Committee at the request of Councillor Roger Jackson for Members to determine whether they consider the proposal to be harmful to the Thurgarton Conservation Area.

The Site

Manor Cottage is a two-storey 19th century dwelling located within the village of Thurgarton. Manor Cottage is within the Conservation Area and is identified as a building of local interest in the Conservation Area Appraisal (CAA). The CAA states that it is built in the Picturesque Cottage style, which is typical of many of the Priory Estate buildings in the area. The site is within Flood Zone 3 (at high risk of flooding) as defined by the Environment Agency maps.

Although the dwelling's principle elevation fronts on to Beck Street, the site is accessed via a driveway off Priory Park. Access is shared by way of an easement with the adjacent property on Priory Park. There is no access from Beck Street due to the presence of The Beck, a watercourse which runs along the front boundary of the site. Parking is provided to the rear of the property by way of an integral garage and associated hardstanding.

The dwelling is set back from Beck Street with large gardens to the front and sides. The site is adjacent to Priory Park on its side (east) aspect and there are dwellings to its rear (north) and side (west). Boundary treatments consist of hedges to the front, side (east) and rear. The garage also forms part of the boundary with the dwelling to the rear and to the side (west). The western

boundary is formed by the side wall of the existing extension, the neighbour's garage and a 2m high wooden fence.

Relevant Planning History

19/01621/FUL - Householder application for demolition of existing garage and erection of new two storey extension within footprint (pending consideration)

93830220 - Enlarge store to form garage (permitted 25.04.1983)

FUL/960876 - Two storey extension (permitted 27.09.1996)

The Proposal

The proposal seeks retrospective consent for the erection of a summerhouse and outdoor bar area.

The summerhouse is located to the east of the main dwelling, forward of the principal elevation of the dwelling and measures 3.6m in width, 2.4m in depth (excluding a canopy overhang) and a maximum of 2.4m in height with a mono-pitched roof. The summerhouse is painted blue/green with decking surrounding the building.

The outdoor bar is located to the west of the dwelling, running along the side boundary of the site. The bar measures 0.58m in width, 1.5m in depth and a maximum of 2.4m in height with a mono-pitch roof. This structure is also painted blue/green.

Submitted Documents

The following plans and documents accompany the application:

- Site location plan
- Proposed site plan
- Summerhouse elevations and floor plan
- Summerhouse block plan
- Bar elevations and floor plan
- Bar block plan
- Tree location plan
- Photographs x10
- Environment Agency standing advice form
- Heritage Statement (dated 24th July 2019)

Departure/Public Advertisement Procedure

8 neighbouring properties have been consulted by letter. A site notice has also been posted close to the site and an advert placed in the local press.

Relevant Planning Policies

The Development Plan

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New development

Policy 6: Historic and Natural Environment

Amended Newark and Sherwood Core Strategy DPD (adopted March 2019)

Policies relevant to this application:

Core Policy 9: Sustainable design

Core Policy 10: Climate Change

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

Policy DM5: Design

Policy DM9: Preserving and Enhancing the Historic Environment

Other Material Planning Considerations

National Planning Policy Framework 2019

Planning Practice Guidance 2014

Thurgarton Conversation Area Appraisal

NSDC Householder Development Supplementary Planning Document

Consultations

Thurgarton Parish Council – Support the proposal

NSDC Conservation Officer –

Site Analysis

Manor Cottage is located within Thurgarton Conservation Area. The building is a 19th century detached property located on the corner of Beck Street and Priory Park. The dwelling is identified as an unlisted building of local interest and is considered to be a non-designated heritage asset.

The site is also located in Thurgarton Conservation Area which was designated in 1983. The appraisal was reviewed in 2008.

Beck Street is specifically identified in the 'summary of special interest' of the conservation area. The appraisal identifies Beck Street as 'a very attractive Street where access is gained to the cottages on the north side of the Road by stone and brick bridges over the beck'

'The regularity of the row on Beck Street suggests an early date, and possibly a deliberate phase of planning along Beck Street. Also before Nottingham Road was re-routed, Beck Street was the road to Nottingham, and as such would have provided a suitable focus for settlement'

'The view to the east along Beck Street is picturesque and idyllic where the beck runs along the side of the road with the attractive traditional cottages behind. The scene has almost a "chocolate box" quality'

Due to the relative straight nature of Beck Street, there are clear views down the street, both east and west. This provide views of a leafy street of mostly detached properties set within large plots. These elements of the development form of Beck Street positively contribute to the character of the conservation area.

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local

character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

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

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as ‘the first consideration for a decision maker’. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Assessment of proposal

The application is for the retention of two small timber structures within the curtilage. The covered bar is located at the boundary, but close to the dwelling and the summerhouse is located along the eastern boundary away from the house.

The bar is the smaller of the two structures and is read in conjunction with the dwelling, therefore although visible it isn’t intrusive within views along Beck Street. The summerhouse is a larger structure and is very prominent above the hedgerow. The isolated structure is a prominent feature within views along Beck Street and is considered to harm the openness and views of Beck Street as identified in the conservation area appraisal.

Due to the location of the summerhouse it is considered that the proposal will harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.

No other comments have been received.

Comments of the Business Manager

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 16th May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the

determination of planning applications in Thurgarton. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The proposal relates to a householder development which is accepted in principle by Policy DM6 subject to an assessment against a number of site specific criteria including the impact of the proposal on visual amenity including the impact on the Conservation Area.

Policy CP14 of the Core Strategy requires continued preservation of the special character of Conservation Areas. Policy DM9 of the DPD requires local planning authorities to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Impact upon Character of Area

Policy 6 of the Thurgarton Neighbourhood Plan makes reference to preserving the 'picturesque qualities of Beck Street' and the views along the beck which runs alongside the highway. Core Policy 9 and Policy DM6 of the DPD require new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive.

In addition to the above, the site is located within Thurgarton Conservation Area. Proposals should therefore be sensitively designed so as to not harm the setting of these heritage assets in accordance with Section 16 of the NPPF along with Core Policy 14 of the Core Strategy and DM9 of the DPD.

The site is located on a prominent corner at the Beck Street and Priory Park junction and although the site is screened by hedgerows along the boundaries, structures within the site remain visible as you travel along both Beck Street and Priory Park. Whilst the dwelling is not listed, the Conservation Area Appraisal for Thurgarton identifies Manor Cottage as a positive building and therefore its contribution towards the setting of this designated heritage asset is given considerable weight in determining applications.

Summerhouse

The summerhouse would be located along the boundary at the corner of Beck Street and Priory Park although much of the boundary hedge would screen the summerhouse during the summer months, this is not guaranteed year-round and also could not be guaranteed for the lifetime of the development should the current or any future occupier remove the hedge or reduce its height (which could be carried out without the requirement of a planning application). In any event, the current height of the hedgerow is lower than the proposed height of the summerhouse and thus the structure would be partially viewed from the public realm.

As Members will note from the comments offered by the internal Conservation Officer, the summerhouse is considered to be very prominent above the hedgerow and a prominent feature within views along Beck Street and is considered to harm the openness and views of Beck Street as identified in the conservation area appraisal. I am minded to agree with this view given the visibility from the public realm and the importance of the views along Beck Street. Whilst the summerhouse is a relatively modest structure, it nonetheless would be a prominent addition due to its location and significant weight must be given to the impact upon the historic setting; in accordance with both local and national planning policy, proposals that harm heritage assets should be resisted unless there are clear public benefits that outweigh the harm. No justification for the location proposed has been provided by the applicant and therefore I am not persuaded that there is any public benefit of the scheme. I would conclude that the harm is less than substantial but in accordance with paragraph 196 of the NPPF, this does not mean that the development is acceptable without clear public benefit to the scheme.

It is therefore considered that the proposal will harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

For awareness, amendments to relocate the summerhouse to the rear of the plot have been suggested to the applicant (prior to the submission of the application and during the lifetime of the application) however the applicant has decided not to take up the comments received.

Outdoor Bar

The proposed outdoor bar would be located between the dwelling and the western side boundary of the site. Again, this would be visible from the public realm however due to its close proximity to the dwelling, this structure would not be overly dominant within the street scene, remaining well-related to the host dwelling. As such, it is not considered that this structure would have a detrimental impact upon the character and appearance of the Conservation Area, although this does not outweigh the harm identified above in respect of the summerhouse.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the extension of dwellings provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Turning first to the summer house, this would be located away from neighbouring properties and due to the single storey nature of the building, I would not expect this structure to have an adverse impact upon neighbouring properties.

In terms of the outdoor bar, I note that this is located along the shared boundary with Beck Cottage however given the overall height of the structure I would not expect this building to have any impact in terms of overshadowing or overbearing impacts. With regards to noise and privacy, the existing boundary fence would be sufficient to limit any overlooking upon the neighbouring property, and would offer some buffer in terms of limiting noise; I am mindful that the use of the structure for an outdoor bar is likely to encourage greater noise levels than perhaps a shed in this location, however as it would be solely for domestic use I would not expect the noise levels to be any greater than those resulting from a patio area and therefore would not warrant a reason for refusal in this instance.

Impact upon Flood Risk

The site is located within Flood Zone 3 of the Environment Agency Flood Maps. Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water.

The proposal is accompanied by the Environment Agency's standing advice form for minor developments which confirms that the proposals would not be set lower than existing levels and would incorporate flood proofing of the proposed development has been incorporated where appropriate. This is considered to be an acceptable approach from the LPA's perspective and is supported by the Environment Agency through their standing advice.

Planning Balance and Conclusion

The proposal seeks retrospective consent for the erection of a summerhouse and outdoor bar within the garden associated with Manor Cottage. Whilst both proposals are considered unlikely to have any adverse impact upon neighbour amenity or flood risk, the summerhouse is considered to have an overly dominant appearance within the street scene and therefore result in less than substantial harm to the character and appearance of Thurgarton Conservation Area. In accordance with paragraph 16 of the NPPF, proposals that would result in less than substantial harm must be weighed against the public benefits of the proposal; no justification for the summerhouse has been provided and therefore it cannot be concluded that there are merits of the scheme that would outweigh the harm.

The proposal is therefore considered to be contrary to the aims of Policy 6 of the Thurgarton Neighbourhood Plan, Core Policy 14 of the Amended Core Strategy, Policy DM9 of the Allocations and Development Management DPD and paragraph 196 of the NPPF. The application is therefore recommended for refusal to Members. As the application is retrospective, it is also recommended to Members that an Enforcement Notice for the summerhouse's removal is issued with the planning decision notice.

Recommendation

That full planning permission is refused for the following reason;

01

In the opinion of the District Council the proposed summerhouse would be located in an overly prominent position along the street scene at the junction of Beck Street and Priory Park. This siting would lead to less than substantial harm to the character and appearance of Thurgarton Conservation Area and there are no public benefits to the scheme that would outweigh this harm. The proposal therefore fails to accord with Policy 6 of the Thurgarton Neighbourhood Plan (May 2017), Core Policy 14 of the Amended Newark and Sherwood Core Strategy (March 2019), Policy DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (July 2013) in addition to Paragraph 196 of the NPPF (2019) and Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 which are material considerations.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Officers have also engaged with the applicant during the formal application process to overcome the issues raised, however amendments to the scheme have not been forthcoming.

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

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

Lisa Hughes

Business Manager – Planning Development

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01307/S73M (MAJOR)
Proposal:	Application to vary condition 2 attached to planning permission 17/01021/FULM to amend the approved plans as it is the intention to alter the proposed scheme to incorporate additional hotel bedroom suites and other minor changes
Location:	Kelham Hall Ltd Kelham Hall Main Road Kelham Nottinghamshire NG23 5QX
Applicant:	Kelham Hall Construction Ltd - Mr Jonathan Pass
Agent:	Guy St John Taylor Asssoc Arch Ltd - Mrs Cara De Angelis
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUFLWELBKCG00
Registered:	11.07.2019
Target Date:	10.10.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Averham, Kelham and Staythorpe Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

Kelham Hall is composed of two listed buildings, the Grade 1 building which is a mid C19 manor house built by Sir George Gilbert Scott and A. Salvin and the Grade II former monastic buildings built in 1927-9 by Charles Clayton Thompson. The former manor house is a red brick and slate structure with Gothic detailing. The architectural detailing here is quite ornate. The former monastic buildings are built of brick and concrete and are arranged around a courtyard. These buildings are built in the Arts and Crafts style and use typical features like tile detailing, overhanging eaves and leaded lights. In addition the monastic complex includes a chapel, constructed as a large dome. The Dome has stained glass decorative lancet windows.

The gardens primarily to the east of the Hall were designed by the prominent Victorian landscape architect William Andrews Nesfield in 1860 and sit within an earlier landscape. The site has a fascinating and complex history and in 1903 was taken over by the Sacred Mission to become a theological college with an additional wing and chapel added in 1928 by CC Thompson in the Byzantine style. The buildings were later adapted for office use and were occupied by the District Council between 1973 and September 2017.

The Hall and grounds are within the village of Kelham as well as the designated conservation area.

The main access to the site is from the A617 Newark to Mansfield Road. Owing to the proximity of the site to the River Trent, a large proportion of the eastern side of the wider site is within Flood Zones 2 and 3 according to the Environment Agency maps.

Relevant Planning History

There have been numerous planning and listed building consent applications in relation to the Hall in recent years. Some of these applications were in relation to the sale of the building by the District Council to Kelham Hall Ltd. The most relevant applications to the current application are set out below:

19/01504/LBC - Application relating to amendments to the approved conversion into Hotel (17/01022/LBC) to incorporate additional bedroom suites and other minor changes. All in accordance with the Section 73 Application to Vary a Condition relating to the approved planning permission 17/01021/FULM.

Application pending consideration.

19/01136/FUL - Retrospective application for temporary erection of an events marquee within the Dome Courtyard.

Application approved 15th August 2019.

19/00988/LBC - Revisions and Additional Works In Connection With The Conversion Into Hotel.

Application pending consideration.

17/02071/FULM - Application for temporary (5 year) permission in relation to improved security and campsite operation, comprising:

Planning Permission for a vehicle security gate to main entrance, estate fencing along driveway and front boundary;

Change of use of sports field for camping and caravanning operation comprising a maximum of 50 pitches;

Planning Permission for mains cabinet;

Retrospective Planning Permission for 8no. electricity distribution boxes;

Retrospective Planning Permission for WC block;

Retrospective Planning Permission for family shower block;

Retrospective Planning Permission for unisex shower block and Elsan Point;

Retrospective Planning Permission for security cameras mounted on 6.5m poles (3 No. in total)

Application approved by Committee October 2018.

17/01021/FULM and 17/01022/LBC - Conversion of Hall into Hotel and spa. Extensions to Hall to provide hotel restaurant, new Entrance Court to the Dome and an enclosed spa pool. Associated landscaping works to include new entrance gates, driveways, car parks, hotel frontages and the restoration of formal gardens.

Application approved by Committee October 2017.

17/02075/ADV - Advertisement Consent for new signage (9 No. in total) including illumination as necessary.

Application approved by Committee October 2018.

18/00947/LBC - 2 No. signs to be fixed on gateposts (one on each) adjacent to The Lodge at the northern boundary of the Kelham Hall site.

Application approved by Committee October 2018.

18/00954/LBC - Retrospective permission for an electricity distribution box located close to the southern boundary wall (read in conjunction with application ref: 17/02071/FULM).

Application withdrawn.

44840699 - USE GROUNDS FOR (A) CARAVAN AND CAMPING RALLIES AND (B) SHOWS

This permission was granted in September 1984 relating to the playing field as subject to the current application. It was however conditioned on the basis that, 'The permission shall be exercised by the Newark District Council only' and that 'The 5 and 7 day rallies shall be restricted to a maximum of 50 units at any one time and all units shall be located within the area cross hatched on the attached plan' (the playing field).

44871171 - VARIATION OF CONDITION FOR SEVEN NIGHT STAY CARAVAN RALLY FOR 250 UNITS

This application was approved in 1987 but related solely to 'one caravan rally for a maximum of 250 units to be held between 25th September, and 2nd October, 1988.'

The Proposal

The application has been submitted as a Section 73 application to vary condition 2 of the original permission which stated:

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

- *Proposed Site Masterplan - M2 Rev. H*
- *Proposed Basement Plan (Dome) - D-01 Rev. A*
- *Proposed Ground Floor Plan (Dome) - D-02 Rev A*
- *Proposed First Floor Plan (Dome) - D-03*
- *Proposed 2nd & 3rd Floor Plans & East Elevation (Dome) D-04*
- *Proposed Elevations (Dome) - D-05 Rev. A*
- *Proposed Section and Visuals (Dome) - D-06 Rev A*

- *Proposed Basement Plan (Gilbert Scott) - GS-01*
- *Proposed Ground Floor Plan (Gilbert Scott) - GS-02 Rev. B*
- *Proposed First Floor Plan (Gilbert Scott) - GS-03 Rev. B*
- *Proposed Second Floor Plan (Gilbert Scott) - GS-04 Rev. B*
- *Proposed Third Floor Plan (Gilbert Scott) - GS-05 Rev. A*
- *En-suite Pod Details (Gilbert Scott) - GS-10*
- *Proposed Floor Plans (Salvin Wing) - SW-01 Rev. C*
- *Proposed Floor Plans (Salvin Wing) - SW-02 Rev. C*
- *Proposed Elevations 1 (Salvin Wing) - SW-03 Rev. B*
- *Proposed Elevations 2 (Salvin Wing) - SW-04 Rev. B*
- *Proposed Ground Floor Plan (Thompson Wing) - TW-01 Rev. B*
- *Proposed First Floor Plan (Thompson Wing) - TW-02 Rev. B*
- *Proposed Second Floor Plan (Thompson Wing) - TW-03 Rev. B*
- *Proposed Elevations 1 (Thompson Wing) - TW-04 Rev. A*
- *Proposed Elevations 2 (Thompson Wing) - TW-05 Rev. A*
- *Proposed Elevations 3(Thompson Wing) - TW-07 Rev. A*
- *Proposed Gateway Arrangement - SE-01 Rev. A*
- *Handrail 2 - Details - 06 Rev. C*

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

Reason: So as to define this permission.

The rationale for the application is best described within a Planning Statement dated July 2019. Broadly speaking the application has been submitted to allow a substitution of plan references for changes to the internal arrangements of the building as approved. A number of the amendments require listed building consent and are therefore being dealt with through a separate listed building consent application reference 19/01504/LBC.

The revised plans demonstrate that the development would now deliver a total of 103 hotel bedrooms (as opposed to the original 71 bedrooms plus the 18 bedrooms for manager and staff accommodation which equated to 89). The space for the additional bedrooms would be achieved through no longer providing the staff and Mangers accommodation; rearranging the Thompson wing attic level (previously proposed as one large bridal suite); and replacing part of the hotel bar and lobby with three accessible suites on the ground floor of the Thompson Suite. Another notable internal change would be the change of room G32 to additional toilets (which has previously been approved as an office room). Externally, the plans show a new handrail to the external steps on the south elevation of the Dome.

The changes are shown on the following plan references received 10th July 2019 unless otherwise stated:

- Proposed Ground Floor Plan (Dome) - D-02 Rev B;
- Proposed Ground Floor Plan (Gilbert Scott) - GS-02 Rev. D (received 20th September 2019);
- Proposed First Floor Plan (Gilbert Scott) - GS-03 Rev. C;
- Proposed Second Floor Plan (Gilbert Scott) - GS-04 Rev. C;
- Proposed Third Floor Plan (Gilbert Scott) - GS-05 Rev. B
- Proposed Floor Plans (Salvin Wing) - SW-01 Rev. D;

- Proposed Floor Plans (Salvin Wing) - SW-02 Rev. D;
- Proposed Ground Floor Plan (Thompson Wing) - TW-01 Rev. D;
- Proposed First Floor Plan (Thompson Wing) - TW-02 Rev. D;
- Proposed Second Floor Plan (Thompson Wing) - TW-03 Rev. C;
- Proposed Elevations 1 (Thompson Wing) – TW-04 Rev. B;
- Proposed Elevations 2 (Thompson Wing) - TW-05 Rev. B.

Departure/Public Advertisement Procedure

Occupiers of 40 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
 Spatial Policy 3 – Rural Areas
 Spatial Policy 7 - Sustainable Transport
 Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities
 Core Policy 6 – Shaping our Employment Profile
 Core Policy 7 – Tourism Development
 Core Policy 9 -Sustainable Design
 Core Policy 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations
 DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- Historic England Good Practice Advice Notes (notably GPA2 and GPA3)
- Historic England Advice Notes (notably Note 2: making changes to heritage assets)

Consultations

Averham, Kelham and Staythorpe Parish Council – The Averham, Kelham and Staythorpe Parish Council objects to the latest planning application for amendments to the Kelham Planning and would comments as follows:

The latest application seeks to amend the overall number of bed spaces from 83, as stated in the Planning Statement document, to a total of 103. This is an increase in the order of 20% and should be considered as a material change and reviewed accordingly.

The additional bedroom spaces created on the third floor of the Thompson wing have limited headroom, as noted on the proposed drawing, and are less generously proportioned than rooms on the other floors. The additional bed spaces created are a departure from the original concept of "a luxury hotel" and only serve to dilute that original concept.

There are also concerns as to the capability of the existing services infrastructure to cope with the overall number of rooms now proposed.

The additional rooms also raise the issue of the amount of additional damage that will be caused to the structure and fabric of the building in order to supply suitable mechanical and electrical services to those rooms.

The latest drawing indicates a bar and hotel reception located in the Dome reception area. The PC have concerns that this will create problems in relation to noise breakout, frequency of traffic movements and traffic volumes in an area that is located very close to local residences which will occur throughout the day and more importantly at socially unacceptable hours of the day and night.

The latest set of amendments indicate the original layout for the hotel entrance located at the intersection of the Thompson and Gilbert Scott wings. However, the previous set of amendments submitted sought to change the layout to something simpler. The PC would seek clarity as to what is actually being proposed.

In relation to the above there is a concern that there is an attempt to re-locate the main entrance for the hotel from the intersection of the Thompson and Gilbert Scott wings over to an area within the Dome extension. This would be a major departure from the original intent detailed in the planning statement where the major focus for hotel guest arrivals was the Gilbert Scott/Thompson wing entrance arriving via the new access road alighting adjacent to the sunken garden area. Such a change would lead to the problems highlighted in the previous comment.

NSDC Conservation – The applications relate to amendments to the approved conversion of Kelham Hall into a Hotel (approved under 17/01022/LBC) to incorporate additional hotel bedroom suites and other minor changes, which are also covered, in planning terms, by the above Section 73 Application to vary a condition relating to the approved planning permission 17/01021/FULM.

To help streamline my report I include at the end, for completeness, the historical background to the site and the legislative background taken from earlier Kelham Hall consultation responses, but this does not need repeating in a committee report if it is already within your report elsewhere.

While the proposals look like the whole scheme is being applied for again, the principle of the previous approvals is accepted and I focus therefore only on the new or revised elements of the overall scheme (which for guidance the annotation for new elements are shown in a bubble on the plans). In summary these are:

1. Changing the use of some rooms from manager's/staff accommodation to additional bedrooms and other new hotel rooms created
2. Rearrangement of the attic of the Thomas Wing attic from one large Bridal Suite to a number of hotel rooms
3. 3 fully accessible suites on the ground floor of the Thompson Wing
4. Alteration to some ensuite layouts in already approved hotel bedrooms
5. Fire proofing
6. Additional WCs in the Gilbert Scott wing
7. Modification to balustrades to main stair and tower stairs
8. Modification of ramp within Carriage Court
9. New handrails to steps on south elevation of Dome
10. 2 new external soil and vent pipes in Gilbert Scott Wing

I note the removal of the proposal to alter the wallpaper in the Gilbert Scott Drawing Room, so this item no longer comprises part of the proposed works. We have received a revised plan for this on 19th Sept 2019.

Summary

I have no objection to these applications which are the result of productive on site meetings and negotiations.

In the main the proposals comprise minor alterations which do not alter the level of impact on significance.

In some cases the works proposed are actually improvements, by the removal of modern infill and the replacement of modern fire doors with more suitable solutions.

The alterations to create more hotel bedrooms has required more ensuites and I am satisfied that the plans have been carried out as sensitively as possible. There is one room in which there is more harm than previously approved, but balanced against the impact on the whole building, the net gain of hotel bedrooms, this being the only realistic solution that could be submitted here and other benefits in listed building terms brought about by this application, I think this is balanced in terms of harm and gain.

1. Changing the use of some rooms from manager's/staff accommodation to additional bedrooms

The change from Manager's Accommodation 1 to hotel bedrooms is within a modern wing and will have no impact on significance.

The alterations in the Salvin Wing to create more hotel bedrooms has generally been done with no net harm. The plans have changed with regards to rooms F66 and F67 and while the position of the ensuite is now somewhat awkward in F66 the general arrangement of F67 is now better than previously approved, so this generally balances out. There is some minor harm from the division of room F46 in the Salvin wing to create ensuites, but the fireplace would not be physically damaged and the adjacent, and larger room, would be preserved in terms of features and proportions. I agree with the Agent that there isn't really a better solution here. I accept that there is a public benefit to the provision of hotel rooms, in addition the Salvin Wing, while older, is remarkably plain in terms of architectural detail and no features are being lost, so the level of impact is low. Against the whole scheme I think this harm is limited and acceptable.

Other hotel bedrooms are being created by not removing the floor to create the open plan reception. This revised proposal is now a less intrusive plan and is supported. I have no objection to the room approved as a house keeping room being used for further hotel accommodation.

2. Rearrangement of the attic of the Thomas Wing attic from one large Bridal Suite to a number of hotel rooms

This has been carefully worked around the striking arrangement of exposed trusses and brick arches and is an acceptable layout which both preserves and better reveals (through strategic removal of inappropriate or modern partitions) the plan form and architectural features.

3. 3 fully accessible suites on the ground floor of the Thompson Wing

This changes the approved bar and lounge rooms into accessible bedrooms, the layout of which is acceptable.

4. Alteration to ensuite layout in already approved hotel bedrooms

The general principle of inserting ensuites has been agreed and a pod type arrangement has also been found to be generally effective. This modification now includes using this pod as a central feature and room divider in some larger rooms. This will give plenty of 'breathing space' around architectural features and is acceptable.

Elsewhere, specific requests about re-using doors have been incorporated.

One of the principal areas of alteration is within the Thompson wing and the latest revised (Rev D) proposed plans are the result of positive pre-application discussion and modification. The need to revise the scheme is accepted, in terms of drainage issues, and the proposed scheme represents a compromise of an arrangement to respect the various architectural features in the rooms and provide adequate level and quality of accommodation. In the end different arrangements had varying pros and cons and the scheme as now modified represents a good compromise I am happy with. While I accept door positions are moved, the age and complexity of the architecture in this wing is such that this can be accommodated without harm, while the features within the rooms are respected. The position of the new external S&VP on the Thompson wing look like fairly natural additions.

Overall I find the revised ensuite arrangement to be an acceptable alteration to the building to bring about an acceptable new use

5. Fire and sound proofing

I note their submission headers this as both fire *and* sound proofing, but talking to the Agent I understand the sound proofing measures are actually to be dealt with through DOC on the earlier application. In addition, some of the fire proofing methods also forms part of this DOC; as such I am concentrating only on the new elements submitted in this application.

In terms of fire protection a variety of mechanisms are suggested and I am content that these, overall, form the least intrusive ways of delivering fire compliance and I agree that, in this particular building, avoiding a sprinkler system would be for the best. The scheme includes fire

signage, fire alarm system and CCTV, for which I cannot readily find any information and will need to be dealt with by condition, being acceptable in principle, subject to details.

Perhaps the most controversial element to deliver fire compartmentation is the installation of new fire doors, and of those required the most sensitive are in the Gilbert Scott wing, which would see a new fire door inserted into decorative arched openings. This has been carefully looked at on site and the proposal would scribe around, but cause no physical damage to, the decorative masonry. The technique used here would be similar to that already approved for an upper floor separation around decorative capitals. The actual doors have been carefully designed to complement their specific surroundings and will, in themselves, be attractive. The position of a door within these arches is also a natural one, such an arrangement having been done by Gilbert Scott in other arches. The provision of new fire doors also brings about some improvements by the much appreciated replacement of existing but inappropriately designed fire doors.

The South Stair Screen will see significant modification by the erection of an inner screen behind the historic decorative screen. However, this will screen from view the staircase behind, which was in itself a revision to the original architectural intention of this area and which sits somewhat clumsily over other architectural detail. The decorative element of the historic screen will remain on view from the formal room and as such I do not think there will be any harm from this element.

Generally, details have been submitted but there is still a level of decorative detail not yet submitted for some of the doors, so this should be conditioned.

6. Additional WCs in the Gilbert Scott wing

These are to be created within a room which is part of the modified area of the building, originally earmarked to be a staircase, and then infilled, as such it has decorative elements but somewhat clumsily executed by this historic change of plans. I do not think the proposal to divide up this room into toilets will be harmful. It is necessary to under-draw this (non-decorative) ceiling and this is to be raked back to ensure the stone window surrounds are not visually compromised – this detail should be conditioned.

7. Modification to balustrades to main stair and tower stairs

The existing historic balustrades are proportioned such as there is a genuine topple hazard which needs to be addressed. In more recent times an additional railing system has been added to the main Gilbert Scott staircase which, while functional, is not visually successful and detracts from the current aesthetic charm. The proposed solutions are well conceived and based on real examples from the Gilbert Scott St Pancras Station. The solution is actually a fine mesh screen, which does not disrupt any of the strong vertical or horizontal elements of the existing railings, does not compete in terms of decorative detail and from a distance is quite permeable, reducing its impact. This new proposal will bring about an improvement to the current arrangement. We have got details of these so no conditions are needed, unless they wish to be able to vary the final detail slightly.

8. Modification of ramp within Carriage Court

The modification of this ramp involves retaining the ramp itself but removing the timber paneled screen and podium. These are not historic installations but were associated with the Council's

former use of this room, and are of no historic interest. There is no objection to this proposal but any final modifications required to 'tidy up' the existing ramp should be conditioned.

9. New handrails to steps on south elevation of Dome

As part of this proposal there has been a shortening of a modern bar, which has no impact on significance and better reveals the significance of this area.

In order to safely reuse the external steps from the Narthex of the Dome I am happy that simple hand rails are installed. These will not look out of character and will improve accessibility. Details have been submitted so no need to condition unless they want the ability to vary slightly.

10. 2 new external soil and vent pipes in Gilbert Scott Wing

I accept that the new SVPs are required and necessary. I also accept that there would be an unacceptable amount of architectural and aesthetic disruption to locate these internally. The external position has been carefully identified to group the new SVPs with existing pipes, to minimise the sense of additional clutter. It is felt best to mirror the existing arrangement of how the pipes go around or through the stone string courses, so that the new pipes 'hug' the profile of the building and match those already there. There is limited harm to actual fabric, but with every effort made to minimise the impact. Overall this is acceptable and will have a very limited impact on the overall significance. Some details still need to be confirmed so please do condition.

Conditions needed

- New S&VPs and any external alterations required to accommodate these
- Exact configuration or amendments to the ramp in the Carriage Court following removal of the timber screen and podium
- Decorative joinery details for new fire screen doors
- Details of the suspended ceiling for the new WCs in the Gilbert Scott wing
- Details of fire signage, fire alarm system and CCTV for the fire protection
- Joinery details of any new doors required for which we do not currently have joinery details, for example ensuite doors

Details agreed as part of this app but which they may need to vary

- New handrails to south elevation of Dome
- New handrails to internal staircases.
- Details of fire protection

Historic England – Thank you for your letter of 10 July 2019 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Newark Civic Trust – No comments received.

Notts Building Preservation Trust – No comments received.

Joint Community Joint Amenity Society - No comments received.

NSDC Archeological Advisor - The proposed amendments to this application do not alter out original advice.

NCC Highways Authority – No comments received.

NCC Flood – Thank you for inviting Nottinghamshire County Council as the Lead Local Flood Authority (LLFA) to comment on the above application, we have reviewed the application which you consulted us with on the 30 Jul 2019.

As a statutory consultee the LLFA should only be consulted on major developments with regards to surface water drainage.

Having considered the scale of this application the LLFA believes it is not required to respond to this application, as such, we will not be making any bespoke comments.

However as a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

One letter of representation has been received which repeats the Parish Council comments listed in full above.

Comments of the Business Manager

Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- (a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- (b) if the authority decides that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission.

The current application relates to the plan condition to show revised internal works to those approved. Although these works would not require planning permission (with listed building consent being sought separately) they would affect the extant permission in that they would amount to a hotel with a greater bedroom offer. This in turn may affect material planning considerations such as the heritage impact or the impact of the development on the highways network. Moreover, the extant permission was assessed on the basis of a balancing exercise between heritage harm and public benefit. This balancing exercise needs to be applied again in the context of the current submission to ensure that any potential additional harm is weighed appropriately against any potential additional benefits. There will be elements of the appraisal below which remain unchanged since the time of considering the extant permission and therefore the direct repetition of the 2017 Committee Report, where included, is shown through italicized text.

Impact on Heritage Assets

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

It is notable that heritage policy has evolved since the extant permission was granted through the publication of the 2019 NPPF and the adoption of the 2019 Amended Core Strategy. Nevertheless the overall thrust of the policy retains the intention to conserve and enhance the historic environment.

Noting that an extant permission exists on the site, it has already been accepted that the conversion to a hotel and spa facility would amount to a level of heritage harm. The key assessment here is whether the revised plans amount to more harm than the extant scheme. In reaching this judgement, I have taken on board the comments from the Conservation Officer (as listed in full above) repeated in part for completeness:

“I have no objection to these applications which are the result of productive on site meetings and negotiations.

In the main the proposals comprise minor alterations which do not alter the level of impact on significance.

In some cases the works proposed are actually improvements, by the removal of modern infill and the replacement of modern fire doors with more suitable solutions.”

Paragraph 196 of the NPPF 2019 states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

The end use of the hotel and spa facility has already been accepted and indeed the public benefits of this use were debated as part of the determination for the extant permission noting that the scheme offers the opportunity to support a rural community as well as contribute towards the tourism offer and subsequently nighttime economy within the District.

The revised plans demonstrate the provision of additional hotel bedrooms and suites in favour of large areas which were previously approved as staff accommodation. I have nothing to suggest that the inclusion of the staff accommodation would be fundamental to the success of the business (and indeed through this submission it appears that the contrary would be the case) and therefore do not object to their replacement in principle. The additional hotel offer will only serve to enhance the overall benefits of the end use (including through the provision of accessible suites at ground floor) and therefore the scheme as revised offers additional public benefits. Provided that these do not amount to harm in respect to other matters (as discussed in further detail below) then the benefits of the additional hotel rooms should be attributed positive weight in the heritage balance required by Paragraph 196.

Notwithstanding the above, it is also material to note that since the approval of the extant permission, the applicant has submitted further applications for permission of a temporary nature including a camping and caravanning use and the erection of a marquee. Whilst these have been approved (on a temporary basis) they were clearly not presented at the time of the original determination and have in themselves created greater heritage harm connected to the conversion of the building (by virtue of them being submitted to support the works approved and affecting the buildings listed setting).

Conservation colleagues have identified one room (F46) where the creation of an en-suite would impose additional harm against the extant permission. However, it is accepted that this is the only realistic solution for that room and equally that there are other additional benefits in heritage terms against the extant permission (for example room F67 where the proposed en-suite is actually better configured). The revised plans are now also less intrusive in terms of the extant scheme which would have created an open plan area in the reception.

Given that the overall net heritage harm is not worse than the extant position, and indeed that the additional hotel rooms would create an added public benefit, the heritage harm in this case would again (and indeed even more so than the extant position given the added tourism benefit) be outweighed by the public benefit. The revised plans are therefore considered acceptable in

heritage terms (subject to the revision of conditions where appropriate).

Impact on Highways

Spatial Policy 7 indicates that proposals should minimise the need for travel, through measures such as travel plans or the provision or enhancement of local services and facilities and provides that proposals should be appropriate for the highway network in terms the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 echoes this.

The proposal as revised would amount to an additional 32 hotel bedrooms being provided. This clearly has the potential to affect parking demand. The extant application was approved on the basis of evidence within a Parking Analysis received during the life of the previous application (13th September 2017).

This document applied an occupancy rate of 71% which amounted to a need for 56 parking spaces (based on 79 hotel rooms). The revised proposal would therefore presumably increase this requirement to 73 spaces. The staff requirement is stated as being 63 spaces and restaurant requirement would be 12 which in total would amount to a parking need of 148 spaces (notwithstanding a separate need for events which was discussed at length in the original submission but would remain unaffected by the changes to the internal arrangements sought here).

The approved 'main' car park would provide spaces for 160 vehicles which would allow for the increase in hotel rooms without detrimentally affecting parking provision. The proposal therefore remains compliant with Spatial Policy 7.

Impact on Flood Risk

Parts of the site are located within Flood Zones 2 and 3 according to the Environment Agency maps. Flood Zone 3 primarily affects the east of the site (immediately adjacent to the River Trent) whilst the extent of Flood Zone 2 affects the majority of the existing building as well as the northern extremes of the site where the main car park is situated.

Although the revised proposal would introduce a greater number of hotel rooms and suites, these would in part be a replacement of staff accommodation and therefore materially no different in flood risk terms. Given that the NPPF does not require the application of the Sequential or Exception Tests for change of use applications (paragraph 164) and that conditions in relation to drainage and the originally submitted FRA can (and will) still be imposed, I see no reason to resist the current Section 73 application on flood risk grounds.

Impact on Amenity

Policy DM5 requires a consideration of the development impact on neighbouring amenity which was debated at the time of the extant approval determination.

It is acknowledged that Kelham Hall is an established building at the edge of the village. Nevertheless there are residential properties in close proximity to the site which warrant consideration in respect of the additional amenity impacts that will be inevitably arise from the proposed development. Notably, the residents of Home Farm Close as well as the properties on

Blacksmith Lane both to the north of the development site. I note that a number of the comments received during the consultation of the application relate to potential amenity concerns.

Having carefully considered the overall context of the proposals I do not consider that the change of use proposed would create amenity impacts which would be significantly detrimental to neighbouring amenity. The formalisation of the use presented has been done so on the basis that the proposals will allow a more efficient operation of the end use. For example, at the present time, there is not necessarily the appropriate facilities to allow events to operate within the confines of the building and thus on occasion there may have been an increased disruption externally such as an overspill from the Dome area of the building. The comprehensive delivery of a hotel and spa facility presents the opportunity to better control and regularize the use of the building. I appreciate that there will inevitably be some level of disturbance through noise (notably vehicular movements within the site) but I do not anticipate that this will amount to a nuisance worthy of refusal or indeed warrant the submission of a noise report. In order for the end use to operate efficiently as a hotel and function suite, there will have to be a degree of internal control over the level of activities taking place in order to ensure the hotel remains an attractive facility for guests. With this in mind, and taking into account the separation distances between the residential curtilages and the existing building as well as the established existing use, I have not identified detrimental amenity impacts which would amount to the application being contrary to Policy DM5.

In the context of the entire scheme, it is not considered that the additional hotel rooms (again noting their replacement of staff accommodation in some cases) would be perceivable in neighbouring amenity terms.

The Parish Council comments listed in full above make reference to the hotel entrance changing through the current submission. For clarity, the originally approved plans have always included a separate reception area in the Dome extension proposed. The understanding is that this allows for a separate entrance for guests to attend events within the Dome. Given the extant position, the concerns raised by the Parish in respect to amenity impacts of this arrangement have already been debated and it would not be reasonable to resist the current application purely on this basis.

Planning Balance and Conclusion

The proposal relates to an existing permission to allow the conversion of Kelham Hall to a spa and hotel facility with associated functions. The changes largely relate to internal revisions which would create additional hotel accommodation which would increase the public benefit of the overall site offer. Having re-applied the balance required by paragraph 196 of the NPPF the public benefits would continue to outweigh any identified heritage harm and the development will ultimately bring the listed buildings into a long term viable use.

For ease of reference the conditions as originally imposed are listed in full below (in the recommendation section) with ~~striketrough~~ text used to represent parts of the condition no longer required and underlined text used to indicate new wording. The conditions have been reworded where details have been provided through the discharge of conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

The development hereby permitted shall not begin later than ~~three years from the date of this permission.~~ 20th October 2020.

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

02

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

- Proposed Site Masterplan - M2 Rev. H
- Proposed Basement Plan (Dome) - D-01 Rev. A
- Proposed Ground Floor Plan (Dome) - D-02 Rev ~~A~~B
- Proposed First Floor Plan (Dome) - D-03
- Proposed 2nd & 3rd Floor Plans & East Elevation (Dome) D-04
- Proposed Elevations (Dome) - D-05 Rev. A
- Proposed Section and Visuals (Dome) - D-06 Rev A
- Proposed Basement Plan (Gilbert Scott) - GS-01
- Proposed Ground Floor Plan (Gilbert Scott) - GS-02 Rev. ~~B~~D
- Proposed First Floor Plan (Gilbert Scott) - GS-03 Rev. ~~B~~C
- Proposed Second Floor Plan (Gilbert Scott) - GS-04 Rev. ~~B~~C
- Proposed Third Floor Plan (Gilbert Scott) - GS-05 Rev. ~~A~~B
- En-suite Pod Details (Gilbert Scott) - GS-10
- Proposed Floor Plans (Salvin Wing) - SW-01 Rev. ~~C~~D
- Proposed Floor Plans (Salvin Wing) - SW-02 Rev. ~~C~~D
- Proposed Elevations 1 (Salvin Wing) - SW-03 Rev. B
- Proposed Elevations 2 (Salvin Wing) - SW-04 Rev. B
- Proposed Ground Floor Plan (Thompson Wing) - TW-01 Rev. ~~B~~C
- Proposed First Floor Plan (Thompson Wing) - TW-02 Rev. ~~B~~C
- Proposed Second Floor Plan (Thompson Wing) - TW-03 Rev. ~~B~~C
- Proposed Elevations 1 (Thompson Wing) - TW-04 Rev. A
- Proposed Elevations 2 (Thompson Wing) - TW-05 Rev. ~~A~~B
- Proposed Elevations 3(Thompson Wing) - TW-07 Rev. A
- Proposed Gateway Arrangement - SE-01 Rev. A
- Handrail 2 - Details - 06 Rev. C;

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

Reason: So as to define this permission.

03

Prior to any upgrades associated with fire protection and sound insulation a full specification of works, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Reason: To preserve the special interest of the listed building.

04

~~Prior to the erection of any infill walls within Room F31 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of columns and capitals, including technical drawings if required, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.~~

The infill walls within room F31 shall be carried out in accordance with plan reference 'Detail – F31 First Floor Plan – As existing and proposed' drawing no. A5.03 Rev. A and Paraloid B72 Product Data Sheet' unless otherwise agreed in writing with the local planning authority.

Reason: To preserve the special interest of the listed building.

05

~~Prior to the fitting out of Room F42 and notwithstanding the details shown on drawing number GS-03 Rev. B (Gilbert Scott Wing: Proposed First Floor Plan), further details of the proposed treatment of the feature thought to be a dumb waiter, including technical drawings if required and a photographic record of its current appearance, shall be submitted and approved in writing by the LPA. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.~~

~~Reason: To preserve the special interest of the listed building.~~

06

05

No works shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars (for the avoidance of doubt including where openings are being blocked);
- Structural glazing including frame and glass;
- Treatment of window and door heads and cills;
- Treatment of the junction between any additional built form and the existing building;

- Configuration or re-configuration of any staircases and their associated features and joinery work;
- Treatment of any existing or proposed fireplaces;
- Configuration of any en-suite accommodation;
- Verges and eaves;
- Decorative string courses or brick work including bond;
- Gates, gate piers and flanking walls;
- Rainwater goods;
- Coping;
- Extractor vents;
- Flues;
- Meter boxes;
- Airbricks;
- Bat boxes (including integrated boxes);
- Soil and vent pipes;
- Decorative joinery details for any new doors;
- Details of suspended ceiling in the Gilbert Scott wing;
- Exact configuration of the ramp in the Carriage Court;

Reason: To preserve the special interest of the listed building.

~~07~~

06

No works shall be commenced in respect of the materials identified below until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.

Facing Materials;

Roofing Materials;

For the avoidance of doubt this includes, bricks; cladding; render; plinths; coping; roof and ridge tiles; finish of swimming pool structure and ply coverings.

Reason: To preserve the special interest of the listed building.

~~08~~

~~No works shall be commenced in respect of landscaping until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:~~

- ~~• a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;~~
- ~~• an implementation and phasing programme which for the avoidance of doubt shall include the reinstatement of the formal parterre;~~

- ~~existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;~~
- ~~details of planting pits including irrigation measures, tree staking and guards, and structural cells (as appropriate);~~
- ~~proposed finished ground levels or contours;~~
- ~~means of enclosure;~~
- ~~car parking layouts and materials;~~
- ~~other vehicle and pedestrian access and circulation areas;~~
- ~~hard surfacing materials;~~
- ~~minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.);~~
- ~~proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);~~
- ~~retained historic landscape features and proposals for restoration, where relevant.~~

~~Reason: In the interests of visual amenity and biodiversity and to preserve the setting of designated heritage assets.~~

09

07

All hard and soft landscape works shall be carried out in accordance with the following plans as agreed through the discharge of condition request reference 19/00945/DISCON in relation to application 17/01021/FULM including the approved implementation and phasing plan:

- Parterre Significance & Proposals for Restoration;
- Parterre Plant Schedule Rev A;
- Drawing A7.21A Parterre Proposed Plan;
- Drawing A7.22A Parterre Planting;
- Drawing A7.23 Rev A Parkland Restoration (received 16th August 2019);
- Drawing A7.24 Proposed Tree Pit Detail;
- Tree Schedule PARKLAND;
- Drawing A7.02 Masterplan Showing Phasing of External Works;
- A7.25 Existing Trees – Scheme For Protection;
- A7.26 Proposed Means of Enclosure;
- A7.12 New Drive & Overflow Carpark;
- A7.14 Proposed Gilbert Scott Frontage (page 1 of 2);
- A7.15 Proposed Gilbert Scott Frontage (page 2 of 2);
- A7.20 Proposed Landscaping to Dome Courtyard;
- Castor Bollard Luminaires Product Data Sheet;
- A7.27 Play Equipment;
- Mapmatic drawings: 1907 Rev1 Topo Survey (Sheets 1 & 2) showing existing above ground services;
- Collins Hall Green drawing: F553, showing existing drainage runs;
- Golpla Technical Brochure received 2nd September 2019;
- Golpla Demarcation Parking Bays and disabled demarcation received 2nd September 2019;
- Breedon Golden Amber Gravel received 2nd September 2019;
- A7.25 Existing Trees – Scheme For Protection;

The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the LPA.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

~~010~~

08

The reinstatement of the formal parterres shall be completed (in accordance with details that must be first agreed under condition **8 6**) during the first planting season following the occupation of the use hereby approved unless otherwise agreed in writing by the LPA.

Reason: In the interests of securing the heritage benefits identified as part of the overall planning balance.

~~011~~

09

The developer shall give the local planning authority 14 days notice prior to the occupation of the use hereby permitted and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To allow to make provisions to monitor conditions relating to the secured heritage benefits of the scheme. For the avoidance of doubt this includes the reinstated of the formal parterre.

~~012~~

010

No external works shall commence until a written scheme of Archaeological investigation (WSI) has been submitted to and approved by the LPA in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

~~013~~

011

No works shall be commenced in respect of re-pointing, until details of the extent of re-pointing have been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

~~014~~

012

No works shall be commenced in respect of pointing, until a sample panel showing the bond, mortar mix and pointing technique to be used for re-pointing and new pointing has been provided on site for inspection and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

~~015~~

013

No works shall be commenced in respect of any repairs other than strict like for like repair works until a methodology for undertaking repair work has been submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA. For the avoidance of doubt this shall include any works within the red line application site.

Reason: To preserve the special interest of the listed building and setting of designated heritage assets.

~~016~~

014

~~No works shall be commenced in respect of the infilling of the sunken garden, until details of a programme of recording has been submitted to and approved in writing by the local planning authority. The recording works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the LPA.~~

The development shall be carried out in line with the Written Scheme of Investigation: Archaeological Topographical Survey dated July 2018 in respect to the sunken garden.

Reason: To ensure that features of archaeological and historic landscape interest are properly examined and recorded.

~~017~~

015

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

~~018~~

016

The development shall be carried out in accordance with Section 5 of the bat survey report undertaken by RammSanderson dated August 2017 specifically the consideration of fauna suitable for bat habitat in any landscaping scheme; the installation of integrated bat boxes and the reduction of external lighting.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2014~~9~~).

~~019~~

017

The development shall be carried out in accordance with Section 6 of the Preliminary Ecological Appraisal and Bat Building Assessment undertaken by RammSanderson dated May 2017 specifically the enhancement recommendations within Section 6.5.

Reason: In order to protect biodiversity in the District in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2014~~9~~).

~~020~~

018

~~No part of the development shall be brought into use until bin storage facilities have been provided for the development in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shown on plan reference Drawing A5.21 Bin Storage Details shall be provided prior to the commencement of the use in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

~~021~~

019

~~No works shall be commenced in respect of the installation of external lighting until details of such lighting have been submitted to and approved in writing by the LPA. For the avoidance of doubt, this should include details of both freestanding lighting and lighting attached to the building and associated structures. The details shall include location, design, means of attachment where relevant, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shown on plan reference Bollard lighting proposed for both the Dome Courtyard and Gilbert Scott Frontage (ref. drawings A7.20, A7.14 and A7.15 respectively, all submitted for Condition 8(h)) shall ~~thereafter~~ be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.~~

Reason: In the interests of visual and residential amenity

~~022~~

~~No external works shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:~~

- ~~a. A plan showing details and positions of the ground protection areas.~~
- ~~b. Details and position of protection barriers.~~
- ~~c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.~~
- ~~d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).~~
- ~~e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.~~
- ~~f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.~~
- ~~g. Details of any scaffolding erection within the root protection areas~~
- ~~h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.~~

~~Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the conservation area and setting of the listed building.~~

~~023~~

020

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the conservation area and setting of the listed building.

~~024~~

021

The spa and hotel use hereby permitted shall not be operational until the parking areas are provided in accordance with the approved plan (Drawing M2 Rev. H). The parking areas shall not be used for any purpose other than parking of vehicles.

Reason: To ensure that adequate parking provision is made for the proposed development.

~~025~~

022

The spa and hotel use hereby permitted shall not be operational until a scheme of implementation in accordance with details as contained within the Travel Plan carried out by Aecom and dated August 2017 has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. For the avoidance of doubt the scheme shall include the details of appointment and job description of the Travel Plan Coordinator in line with Section 2.

Reason: In the interests of sustainable transport and to ensure the development takes the form agreed by the authority and thus results in a satisfactory form of development.

~~026~~

023

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and Proposed Masterplan, Revision 'G', dated 22/08/2017 and the following mitigation measures detailed within the FRA:

3. Finished floor levels for the Dome extension (existing) are set no lower than the existing levels.
4. Finished floor levels for the Dome extension (proposed) are set no lower than 12.70 metres above ordnance datum (mAOD) as described in Table 4, paragraph 3.1.2.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

027

024

The development hereby permitted shall not be occupied until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority in consultation with NCC Flood Team and Trent Valley Internal Drainage Board. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to minimise the risk of pollution.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

04

The applicant is advised that any advertisement may require advertisement consent.

05

The conditions set out above comprise part of the planning approval and must be fully complied with in each case. Failure to comply with the terms of these conditions or failure to comply with the approved plans could render your development unauthorised.

It is very important that work does not take place on site before the relevant conditions requiring the prior approval of plans or the completion of works prior to commencement, have been fully discharged by the Local Planning Authority.

If any of the conditions are unclear or you would like further information regarding our requirements, please do not hesitate to contact the case officer for your application.

BACKGROUND PAPERS

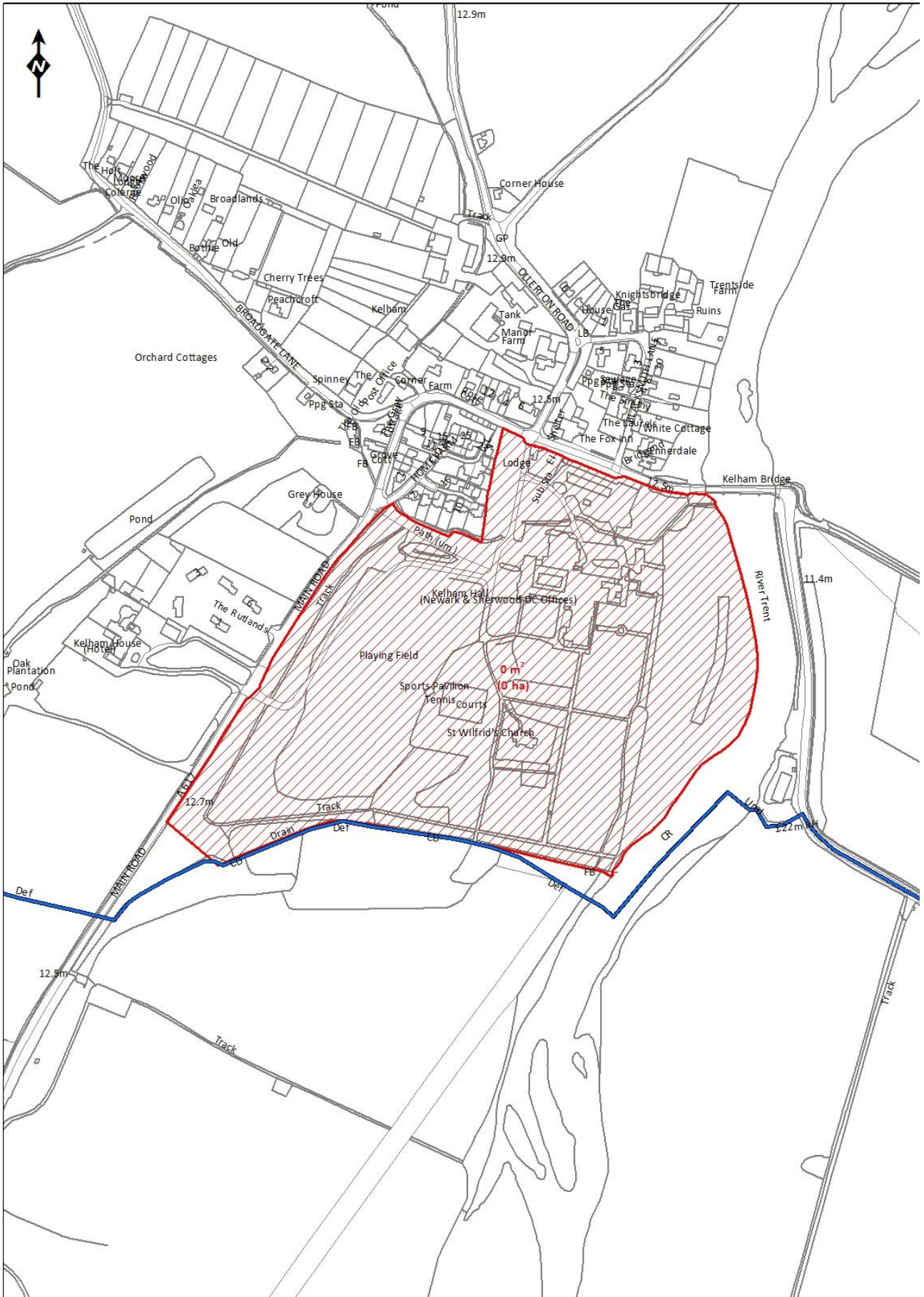
Application case file.

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

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

Lisa Hughes
Business Manager Planning Development

Committee Plan - 19/01307/S73M



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01418/FUL	
Proposal:	New single storey bungalow	
Location:	Manor Farm, Moor Lane, East Stoke, NG23 5QD	
Applicant:	Mr G Stevens	
Agent:	Mr T Luddy	
Registered:	1 August 2019	Target Date: 26 September 2019
		Extension of Time: 9 October 2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVGJZDLB08700	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as East Stoke Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site comprises a parcel of land approximately 0.09 hectares in area located within the garden area of Manor Farm. It is located on the south west side of Moor Lane which is located within the settlement of East Stoke and its Conservation Area. Manor Farmhouse is a two storey building contributing positively to the Conservation Area and sits side on to the road and its principle elevation faces the application site. An approximately 1 metre high brick wall forms the boundary between Manor Farm and Moor Lane. There are two separate vehicle accesses to the existing dwelling (one to the front and one to the rear) and a separate pedestrian access gate. Jays Bungalow is located to the north west of the application site. Open countryside is located to the south west of the application site.

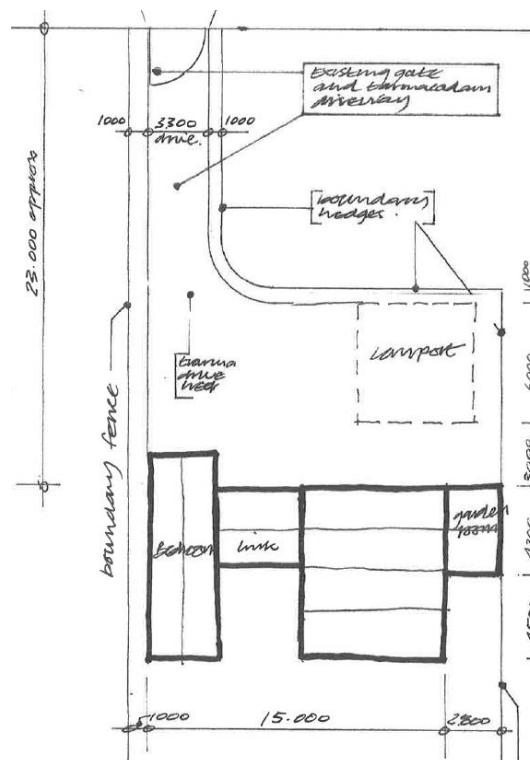
Relevant Planning History

17/01986/FUL Construction of new 2 bed bungalow and garage – refused by Planning Committee in accordance with the Officer recommendation 03.02.2018 for the following reason:

‘The application site is located within East Stoke and its Conservation Area. It is considered that the proposal as submitted would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments.

The proposal therefore fails to comply with the character criterion of Spatial Policy 3 (Rural Areas) of the Core Strategy (adopted 2011 and emerging 2017) as the proposal would result in a detrimental impact on the character of the location. In addition, the proposal would be contrary to Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Core Strategy and Policies DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations & Development Management DPD (adopted 2013). The proposal is not in accordance with the objective of preservation set out under section 72, part II of the 1990 Planning (Listed Building and Conservation Areas) Act, and does not comply with heritage guidance in the National Planning Policy Framework which is a material consideration’.

The application was subsequently dismissed at appeal on 30.01.2019. An extract of the refused proposed site plan is below:



15/01315/FUL Householder application for single storey and gable rendering and alteration to approved vehicular access to existing wall – permission 12.10.2015

15/00200/FUL Householder application for new pitched roof to replace flat roof. New vehicular entrance from Moor Lane and new driveway. Replace entrance door to house on Moor Lane with new window – permission 01.04.2015

0977737 Alterations and extensions to form family room – permission 14.10.1977

The Proposal

The application seeks full planning permission for the erection of a 2-bed bungalow. The dwelling would be single storey and have a linear form with gable ends measuring 18.3 metres by 4.8 metres by 2.4 metres to the eaves and 4.8 metres to the ridge. External materials would comprise reclaimed red facing bricks, a blue/black slate roof and timber or aluminium windows. The existing vehicular access with driveway, turning area and parking would be provided off Moor Lane. A rear and side garden area would also be provided.

The plans have been revised during the lifetime of the application to in line with comments received from the Conservation Officer (set out in detail on the Consultations section below) to include detailed design amendments, setting the dwelling deeper into the site in addition to moving the dwelling further away from the neighbouring dwelling and trees in order to address concerns raised by the Case Officer.

The following documents have been submitted with the application:

- Design and Access Statement
- 989-01 C Ground Floor Layout
- 989-02 C Proposed South and West Elevations
- 989-03 C Proposed North and East Elevations
- 989-04 B Revised Site Plan
- Site Location Plan (received 30.07.2019)
- Tree Survey Plan

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

A site notice was posted on 13.08.2019 a press notice was published 15.08.2019.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2019
National Planning Practice Guidance (NPPG)

Consultations

East Stoke Parish Council: Object. The council feel the proposed dwelling is not in keeping with the area concerned. There were four members present at the meeting and it was a unanimous vote to object.

NCC Highways: The proposal is for the construction of a new dwelling within the existing curtilage of Manor Farm. There is a vehicular access in place which will serve the proposed dwelling, therefore, there are no highway objections.

NSDC Tree Advisor: The proposal will result in the loss of 5 trees and little impact on retained if they are protected during construction activities. The trees to be removed are all small young mature specimens that could be replaced with some mitigation planting within the site. Therefore no objection subject to conditions.

NSDC Conservation Officer:

Comments received 24.09.2019:

The amended plans have moved the proposed building back 28 metres from the road, further than the original submission of 26.6 metres. The building has been reduced from 21.8 metres to 18.3 metres, allowing the trees to also be retained. Reducing the size of the building and moving it further from the Farmhouse and road reduces its visual impact.

However this is a sensitive location and a high quality design is expected to ensure it sits comfortably with the farmhouse and conservation area. A rooflight does not reflect the high quality expected. This should be removed. A simple window to the west elevation would be preferred. Conditions are recommended (set out in full in the Recommendation section below).

Comments received 18.09.2019:

The plans have been amended as suggested by the Conservation Officer. However, the location of the proposed dwelling has been amended moving the building north towards Manor Farmhouse. The amended location brings the building closer to the Farmhouse and therefore will impact the spaciousness of the garden. This does not address the objection raised by the conservation team in the previous scheme and raised by the inspector in the appeal decision. I understand this amended location is to retain mature trees to the south of the site. It is considered that the trees contribute to the character of the conservation area. Although the design is better and the location allows for the retention of some quality trees, the scale of the building means that it impacts the garden setting of Manor Farmhouse. Therefore, the proposal will harm to the character and appearance of the conservation area. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

Comments received 12.08.2019:

Site analysis - The proposal site is within the East Stoke conservation area (designated 17th March 1992) and Manor Farm is regarded as a building that contributes positively to the conservation area's character and appearance. The site is also in the setting of the East Stoke Registered Battlefield and East Stoke medieval settlement scheduled ancient monument. The site comprises an area of garden to the side of Manor Farm, an early-19th century farmhouse set in spacious

grounds. To the west of the site is a 1970s bungalow, of a standard design and considered to have a neutral impact on the conservation area's character and appearance.

Assessment of proposal - Planning permission was recently refused by way of 17/01986/FUL for a 2 bedroom bungalow on the site, primarily aligned parallel to the road and of a similar width to the plot, although set back 22m and adjacent the neighbouring bungalow. The subsequent appeal was dismissed. This new scheme would see a new single storey dwelling of a linear form, aligned perpendicular to the road and set further back into the site than previously proposed (now 26.6m back), behind the rear wall of the adjacent bungalow.

Principle of development - The appeal decision emphasises the importance of the large garden to the setting of Manor Farm and to the character and appearance of the conservation area overall. Paragraphs 8-11 of the appeal decision states:

"The grounds of Manor Farmhouse are larger than some other properties within the conservation area on Moor Lane. As seen on my site visit, the spaciousness of this garden provides a strong setting for the striking, symmetrical, three-bay frontage of the host farmhouse and is a distinctive element of the character of Moor Lane's streetscene and the conservation area.

The proposal is for a new bungalow with a double-depth, m-plan roof system and perpendicular wings. The width of the proposed dwelling would take up most of the width of the appeal plot and a substantial proportion of the depth of the host dwelling's front garden. I consider that the combination of the proposed dwelling's width, type, style and footprint would not blend in as a historic rural outbuilding, subservient to the host dwelling. Both individually and cumulatively, along with the late twentieth century bungalow on the neighbouring site, it would form an incongruous addition to the conservation area.

Whilst the proposed dwelling would be set back around 22m from the site entrance, from what I saw on my site visit, it would be prominent, viewed from Moor Lane.

...I consider that the proposed development would unduly intrude into and detract from the spaciousness of the plot and the setting of the host building."

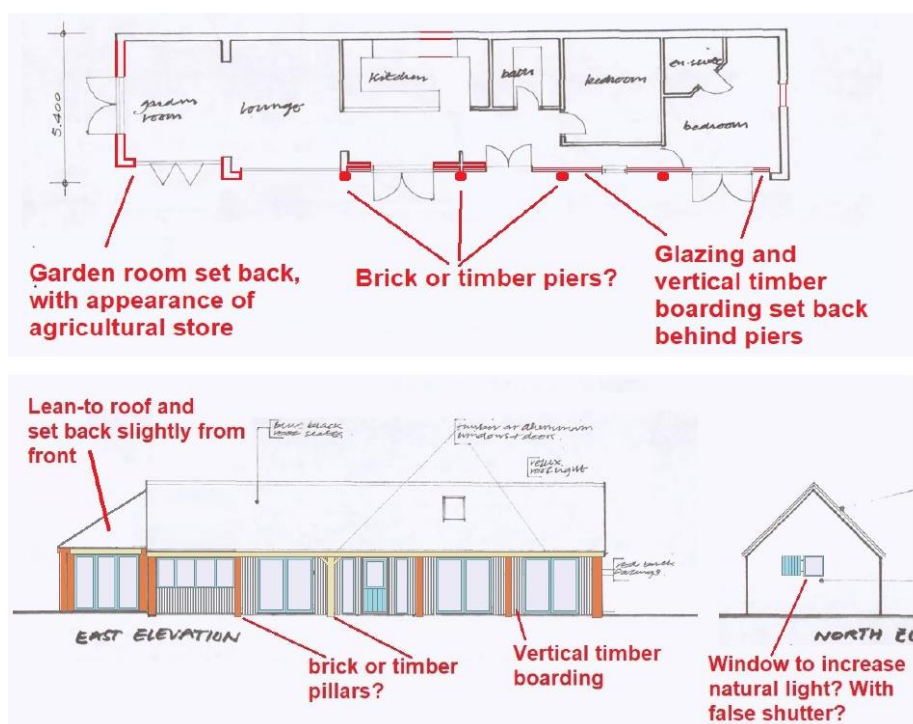
The inspector was of the view that the large side garden was an important aspect of the character of the conservation area, worthy of preservation from development, especially due to its contribution to the setting of the farmhouse. That view was based on only the front half of the site being visible from the road at the time, the rear area being hidden behind a group of trees which are located half way back into the site. However, it is evident that it was the siting, design and scale of the proposed dwelling, being substantially wide when viewed from the road, which was fundamental to the appeal being dismissed. The inspector did not state that the principle of any new building was unacceptable. Indeed, under permitted development, a substantial building together with means of enclosure up to 2m could be constructed in this area without requiring planning permission. Whilst the appeal decision was firm on the previous proposal, it did not confirm whether or not there was an alternative solution which could overcome those concerns.

It should be added that the access part of the scheme has already been completed, in accordance with a previous approval.

The proposed building would be set back more than 4m further into the site, in an area currently hidden from view behind trees. Whilst the scheme would likely result in some of those trees being removed, Conservation acknowledges that the openness of the side garden would not be overly affected when viewed from the road, as the development would primarily be focused on the

currently hidden area to the rear. Furthermore, a suitably worded condition could restrict the front part of the plot from new buildings, structures or means of enclosure which would interrupt this open character.

Proposed design - The principle of development aside, the proposed design is of a cart shed type structure, although with an external chimney stack and a flat roof element which would be very much domestic in appearance. This type of mixed-pastiche (or negative pastiche) approach is not normally supported in a heritage context as it neither reflects traditional architecture, nor contributes new or innovative design to the historic environment. This approach would fail to preserve the character and appearance of the conservation area. In terms of the design only, the proposal does have the general shape and appearance of a traditional cart shed, although with some domestic elements. It is possible to remodel this, to present a truer pastiche of a traditional cart shed, which would very much reflect traditional farm buildings in the wider conservation area. Sketches to illustrate this approach are included below:



Please note this is only an illustration relating to the design of the building, and does not relate to the overall principle (discussed previously).

Summary-Object. It is considered that by reason of its mixed pastiche design, the proposed dwelling would fail to reflect traditional architecture in the vicinity and would fail to preserve the character and appearance of the conservation area. The proposal is therefore considered contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy DM9 of the Allocations & Development Management DPD (July 2013), Core Policy 14 of the Amended Core Strategy (March 2019) and Paragraphs 184, 190, 192, 193, 194, 195 & 200 of the Revised NPPF.

Two letters of written representation has been received from local residents. Main issues raised include:

- View of trees and sky would be replaced with bricks and tiles;
- Building is too close to neighbouring property;
- Affect house values;

- A bungalow has previously been refused at appeal. All of its grounds lay inside a well-established Conservation Area.

Following re consultation with adjoining neighbouring dwellings, one further observation has been received stating that the built is still too close to the boundary and 4 metres away would be a better compromise.

Comments of the Business Manager

Principle of Residential Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Council can robustly demonstrate that it has a 5 year housing land supply and that for the purposes of decision making the Development Plan is up to date.

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration as set out below.

Location

The first criterion 'Location' states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs'. The policy further states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village'.

I consider the application site to be within the village and would result in the infilling of a small gap which would not result in the joining of outlying areas into the village. East Stoke has limited services and facilities itself other than a WI Hall and church. However, it is approximately 5 km from Newark and is served by regular bus routes including a regular bus route between Nottingham and Newark. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. It is not considered that the location of a dwelling in East Stoke would cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. I am also aware of the view of an Inspector in relation to an allowed appeal decision for the construction of a new dwelling in East Stoke (12/00387/FUL) who concluded that a new dwelling in East Stoke would achieve the principles of sustainable development. It is therefore considered that East Stoke is a sustainable location for a new dwelling.

Scale

New development should be appropriate to the proposed location and small in nature. This criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume.

Need

New housing can be considered acceptable where it helps to support community facilities and local services. I consider the proposed bungalow likely to support community services and facilities including the church, hall and the local bus services.

Impact

New development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

Character

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below (if applicable).

Impact on Visual Amenity including the Character and Appearance of the Conservation Area and the Setting of the Local Interest Building

The site is located within East Stoke Conservation Area. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Consideration should also be given to the setting of Manor Farm which is regarded as a non-designated heritage asset.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is supported by the NPPF which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The Conservation Officers' comments are set out in full in the 'Consultations' section above and they raise no objection to the revised plans received which address the concerns they raised including the revised siting of the buildings and the removal of the rooflight window.

It is noted that a dwelling on this site has previously been dismissed at appeal. However, it must be stressed that the proposed dwelling is significantly different from the previously refused dwelling. The refused dwelling had a double-depth, m-plan roof system and the main part of the dwelling measured 17.5m x 8.8m. It was not considered to make a positive contribution to the character of the Conservation Area due to its more complex design and layout which spanned a greater proportion of the site resulting in the loss of an important open space visible from the street scene of Moor Lane. The current proposal is more sensitive to its location and its more simplistic design taking the form of a subservient traditional outbuilding. Its narrow gable end measuring 5.4 metres wide facing the road (as opposed to 17.8 metres previously) combined with the significant set back of 28 metres from Moor Lane (as opposed to 22 metres previously) helps to reduce its prominence. As such, I consider the views of both the Officer and Inspector in recommending refusal/dismissing the application to have been addressed in this revised submission.

Subject to conditions, the proposal would preserve or enhance the character or appearance of the Conservation Area and the setting of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) in accordance with the character criteria of Spatial Policy 3 (Rural Areas) of the Core Strategy in addition Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations & Development Management DPD.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal would utilise an existing access off Moor Lane and on this basis, the Local Highway Authority raise no objection to the proposal. As such, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

Jays Bungalow is located immediately to the west of the application site and appears to be located at a slightly higher level than the application site (separated by a 1.8 metre high approx. close boarded fence) and has a rear conservatory. It contains an obscure glazed window in its side elevation which is visible from the application site. The side of the proposed bungalow would be located 1.5 metres away from the boundary and its frontage would be set back from the rear of J's bungalow by 3 metres approx. The 18.3 metre length of the bungalow would be adjacent to the 26 metre (approx.) long rear garden of Jays Bungalow. Due to the single storey nature of the bungalow proposed including low eaves height of 2.4 metres which slopes upwards away from the boundary, it is not considered that any adverse impact upon the amenity of the occupier of Jays Bungalow would result by virtue on any overlooking, loss of outlook or overbearing impacts.

In relation to Manor Farm, its front elevation would face towards the application site. There would be a separation of at least 22 metres from the front elevation of Manor Farm to the nearest window in the proposed dwelling which is considered to be an acceptable level of separation to ensure no adverse overlooking impacts. An acceptable level of private garden area for Manor House would be retained. Notwithstanding the issues raised in relation to character, careful

consideration would need to be given to proposed boundary treatment which can be dealt with via the imposition of a planning condition.

Two windows are proposed in the side elevation facing towards Jays Bungalow – one serving a bedroom and one serving an en-suite bathroom. They would be located almost entirely below the adjacent fenceline so that no overlooking issues would result. Whilst the level of outlook for the bedroom window would be constrained by this fenceline, it is not considered that this would be so detrimental to justify refusal of the application. Overall, I consider an adequate level of amenity would be afforded to the proposed dwelling itself, with sufficient private amenity space proposed.

Subject to conditions, it is not considered that that an unacceptable impact upon the amenity by virtue of overlooking, overshadowing and loss of privacy upon the occupiers of Jays Bungalow or Manor Farm would result in accordance with Policy DM5 of the DPD.

Impact on Trees

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

The proposal would result in the loss of 5 ornamental/fruit trees. Whilst this loss is regrettable, the Tree Officer raises no objection to their loss subject to compensatory tree planting. There are two larger trees located to the rear of the site which would be retained as part of the proposed development. Subject to conditions requiring a landscape scheme and tree protection measures, the proposal is considered to comply with the aims of Core Policy 12 and Policy DM5 in this respect.

Conclusion

The site is located within East Stoke and its Conservation Area where the principle of development can be considered acceptable when assessed against the criteria set out in Spatial Policy 3. The proposal is considered acceptable with regards to location, scale, need, impact and character. The proposal as submitted would preserve or enhance the character and appearance of the Conservation Area and the setting of surrounding heritage assets (including Manor Farm a non-designated heritage asset). The proposal would also be acceptable in terms of flood risk, impact on residential amenity and highway safety.

Subject to conditions, the proposal is considered to be in accordance with relevant local and national planning policy and is recommended for approval.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

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

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

02

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

- 989-01 C Ground Floor Layout
- 989-02 C Proposed South and West Elevations
- 989-03 C Proposed North and East Elevations
- 989-04 B Revised Site Plan
- Site Location Plan (received 30.07.2019)

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

Reason: So as to define this permission.

03

Notwithstanding the submitted details, no development shall be brought into use until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, the schedule should include new tree planting to compensate for the trees to be removed as a result of the proposed development.

any proposed walls, fences, gates or other means of enclosure

car parking layout and materials;

other vehicle and pedestrian access and circulation areas;

hard surfacing materials.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

04

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained.

05

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include (include pertinent sections)

- a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

06

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
 - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
 - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
 - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
 - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards
5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

Reason: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.

07

Any clearance works of vegetation (lopped, topped, felled or otherwise removed), shall not be undertaken during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: Additions etc. to the roof of a dwellinghouse.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development of building etc. incidental to the enjoyment of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Class G: The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

Class H: The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions preserve the character and appearance of the Conservation Area in accordance with Policy CP 14 of the Core Strategy and

Policies DM5 and DM9 of the Allocations and Development Plan Development Plan Document (DPD).

09

All external joinery including windows and doors shall be of a timber construction only which shall be retained for the lifetime of the development. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

10

In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

11

Before any window or door heads and cills are installed, details of their design, material and construction, in the form of scale drawings and material samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed heads and cills details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

12

Before any construction occurs above damp proof course (DPC), samples of all new brick and timber boarding to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed brick details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

13

Before any construction occurs above damp proof course (DPC), a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

14

Ventilation of the roof space shall not be provided via tile vents.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

15

No works shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Works shall thereafter be undertaken and retained in accordance with the approved details.

Verges and eaves

Rainwater goods

Soli vent pipes and extractors

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

In order to avoid impacts to nesting birds we also request that all demolition and tree/shrub removal work be undertaken outside of the bird-breeding season (March-September inclusive). If works are to be carried out during this time then a suitably qualified ecologist should be on site to

survey for nesting birds. As you will be aware all birds, their nests and eggs (except pest species) are protected by the Wildlife and Countryside Act 1981 (and as amended).

Background Papers

Application Case File

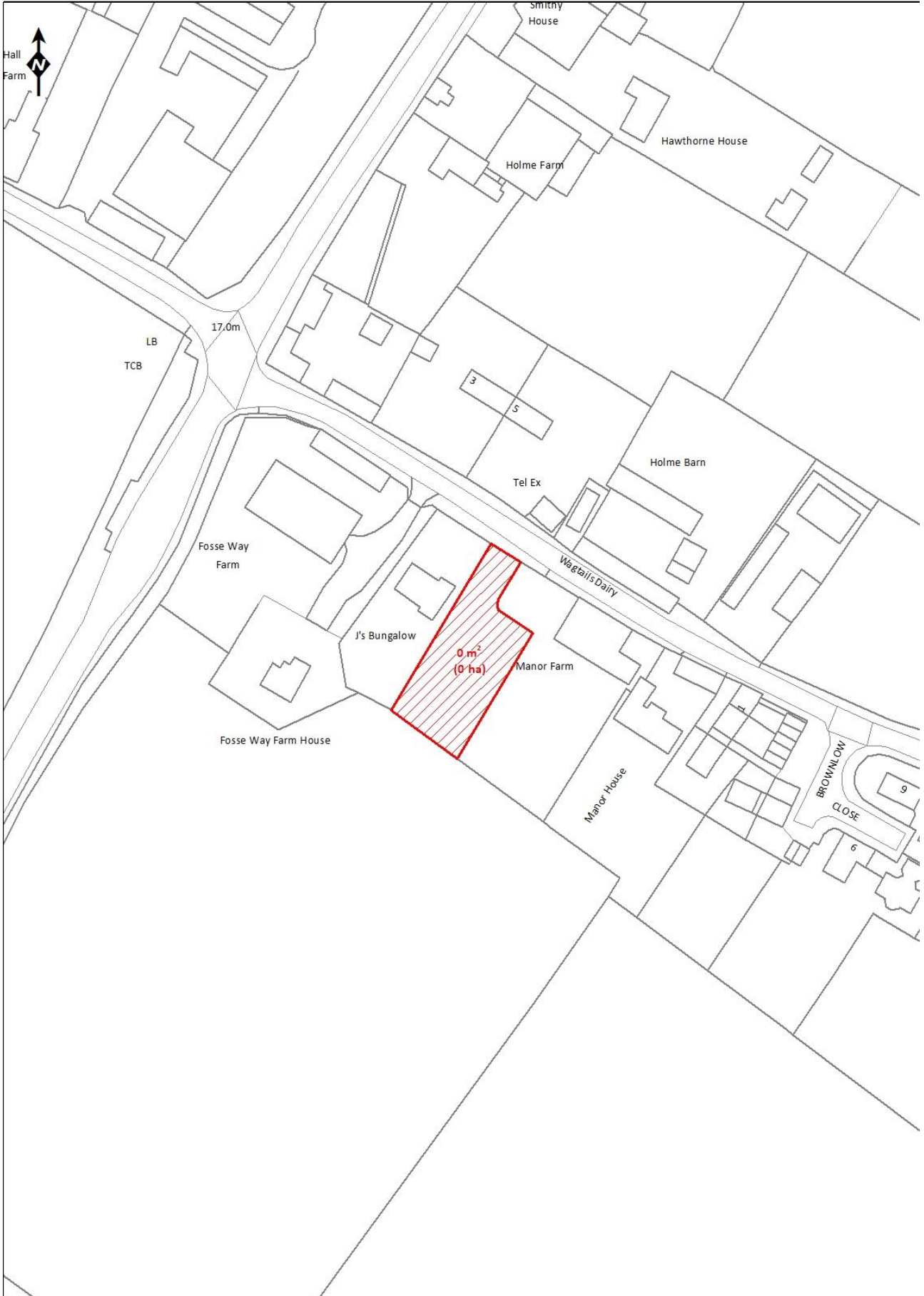
For further information, please contact Helen Marriott on ext 5793.

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

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 19/01418/FUL



PLANNING COMMITTEE – 8 OCTOBER 2019

Application No: 19/00782/FUL

Proposal: Proposed Erection of 3 Dwellings

Location: Ashleigh, Great North Road, South Muskham, Newark On Trent

Applicant: Mr J Winter

Agent: Hayward Architects Ltd - Mr Lee Ward

Registered: 25 April 2019 **Target Date:** 20 June 2019

Extension of Time Agreed Until Friday 11th October

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PQGUZPLBJ4B00>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as South Muskham & Little Carlton Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

This application relates to circa 0.35 hectares of land located to the east of the Great North Road within the settlement of South Muskham. The site currently comprises a vacant parcel of land enclosed by hedgerows. There are partial remains of a detached building that occupied the site which was set back from the highway with a small front garden and a large rear garden backing on to the rear gardens of two storey properties on Forge Close to the east. There is however an existing gated access set back from the highway.

The site is adjoined to the north by a two storey detached property (Antill House) which has ground and first floor windows facing the application site. To the south of the site there is a detached dwelling with paddock area to the rear (Holly Cottage). To the east it is bounded by two detached dwellings (two storey), one siding and one backing onto the site. Both have first floor windows overlooking the site (Forge Cottage and the Old Forge).

The part of the site to which this application relates falls within Flood Zone 2.

Relevant Planning History

16/01761/OUT – Erection of up to Three Dwellings (all matters reserved). Granted 7 November 2017.

18/02349/FUL – Proposed erection of 5 Dwellings. Withdrawn on 18 March 2019.

09/01776/OUT – an application seeking outline permission for demolition of existing bungalow and outbuildings and erect two new dwellings was withdrawn in March 2010

55811116 - Planning permission granted in January 1982 for the erection of a bungalow and double garage

55811172 – Planning permission granted in January 1982 for the temporary siting of a caravan during construction

5581624 – Planning permission granted in June 1981 for the erection of one dwelling
Planning permission was refused in 1983 for the siting of 2 residential caravans to the rear of the site. A subsequent appeal in 1984 was dismissed, although the Inspector allowed the siting of 1 caravan.

55840539 – Planning permission granted in July 1974 for the siting of a caravan.

55860860 – Planning permission granted in September 1986 for the erection of an extension to the existing dwelling and new garage.

An appeal was lodged with the Planning Inspectorate in January 1983 against an enforcement notice issued in respect of use of land within the site for the stationing of residential caravans which was dismissed.

The Proposal

Planning permission is sought for the erection of three dwellings with associated off road parking and private gardens.

The three dwellings would be served by a service road with access leading from Great North Road which would run between plots 1 and 2 ending with a turning head adjacent to plot three.

Plot 1 is positioned between the service road and the boundary with Antill House to the north, set back from Great North road by circa 21 metres. The dwelling is essentially two storey with a lowered front and rear eaves line. The front of the dwelling would have an elongated roof plane with a central two storey cross gabled pike central feature. The rear of the dwelling would have windows set into the lowered eaves and a single storey rear flat roof outrigger spanning the width of the property. The footprint of the dwelling measures 10.5 metres in width by 13.5 metres with a roof ridge projecting a height of 7.3 metres from ground level.

Plot 2 is a handed version of plot one and is positioned on the south side of the service road circa 16 metres set back from Great North Road.

Internally plots 1 and 2 are configured to provide an integral garage with ground living space and at first floor, four bedrooms.

Plot 3 is set further into the site measuring circa 26 metres from the rear building line of plot 1 and comprises a detached 'L' shaped bungalow measuring 14.5 metres in length by 9.4 metres in width. The bungalow would provide two bedrooms and living space with a detached garage to the south measuring 6.8 metres by 6 metres projecting 4.4 metres to the gabled roof ridge.

The dwellings and detached garage are proposed to be constructed with facing brick and concrete interlocking tiles.

Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter.

Planning Policy Framework

The Development Plan - Newark and Sherwood Amended Core Strategy DPD

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

The Development Plan - Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2019

Householder Development SPD

Planning Practice Guidance

South Muskham Housing Needs Survey, Midland Rural Housing, December 2012

Consultations

South Muskham and Little Carlton Parish Council – received 28 August 2019

Please find below and attached the objection from South Muskham and Little Carlton in regard to the latest revised plans for the proposed development at Ashleigh, Great North Road.

South Muskham and Little Carlton Parish Council is registering its strong objection to the revised details on this application. Grounds for the objection are as previously stated:

- Lack of local need identified
- Lack of amenities and facilities, therefore unsustainable development
- Highway safety – the Council supports the objection and comments raised by NCC Highways in this instance
- Flood Risk

In addition, the Council is gravely concerned that the plans show access to open space at the rear of the proposed development and that this may lead to a further application for development at some later stage. It is firmly believed that any further potential development at this site would only serve to enhance the grounds for objection stated above and on previous occasions.

The Parish Council is of the opinion that this application should be refused.

Councilor Sue Saddington – 28 August 2019

- I have just returned from holiday and note that the application for this site is out for consideration.
- I think this site is unsuitable for anything more than one property.
- The Old Great North Road is a very busy road, an access at this point for more than two vehicles to access and egress is very dangerous. I know, I have lived in North Muskham for over 60 years and travel along this road every day.
- I am unaware that a need for further properties in South Muskham has been identified; there are no amenities apart from a Church and village hall.
- Within the village there is flood risk, further development can only increase this risk.
- I believe the Parish Council have informed you of their objections, should you not be minded to refuse this application, I would like the application to be referred to Committee.

Trent Valley Drainage Board – received 28 May 2019

- The site is within the Trent Valley Drainage Board district, however, there are no Board maintained watercourse in close proximity to the application site;
- Recommend that surface water runoff rates to receiving watercourses must not be increased as a result of the development;
- The design, operation and future maintenance of the site drainage must be agreed with the Local Lead Flood Authority and LPA.

NCC LLFA – received 10 May 2019

- No comment as it falls outside of the remit of the LLFA, however, provided as a general guide that the development should not increase flood risk to existing properties or put the development at risk of flooding and SUDS should be considered where feasible.

NCC Highway Authority – received 22 August 2019

Further to comments dated 9 July 2019, a revised drawing 10B has been submitted to show how visibility splays of 2.4m x 90m distances can be achieved with a relocated access position.

The proposal is now acceptable and no objections are raised subject to conditions summarised below:

- The access is a bound material 5 metre back from the highway;
- Dropped kerb access is created;
- Existing point of access abandoned and permanently closed;
- Visibility splays provided in accordance with the revised site plan and kept free of obstruction at all times.

Environment Agency – received 8 May 2019

- Acknowledges the application site is located within Flood Zone 2 and recommends the application is determined in line with national flood risk standing advice.

LCC Archaeology – received 8 May 2019

- It is acknowledged the development site lies between several areas of probable prehistoric settlement/activity and the potential for disturbing archaeology during development is high.
- It is recommended that prior to any groundworks a condition is attached to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Representations

Representations have been received from one local resident which can be summarised as follows:

- The proposed layout is not substantially different to the previous application for five houses as it still leaves space to apply for 2 more houses at a later date;
- Plot 1 is too close to Antill House and will reduce the amount of light received into the property;
- Loss of privacy as a ground floor door faces a living room window; and,
- Concerns with the retention of the intervening deciduous hedgerow and how it provides an adequate boundary and alleviate a security risk for the properties.
- The latest amendment moves the entrance to the site adjacent to our boundary. The boundary is a deciduous hedgerow which provides very little cover in winter. The cars entering the site will shine headlights straight into our full height window of our living room taking away our privacy
- The road is already an accident blackspot and allowing the potential of another 5 households access to the road would be an unnecessary risk.
- If the only safe place for the entrance is adjacent to the neighbouring property the access road should be designed to follow the northern boundary and plot 1 should be moved to the southern side of the site with plot 2. A more solid boundary fence should be erected by the developer to shield us from the intrusion of light, noise and vehicle pollution.

Planning Consideration

The main issues for consideration in this application assessment are:

- The Principle of Development;
- Housing Mix and Density;
- Design and appearance;
- Impact on Amenity;
- Impact on Highway Safety;
- Flooding and Drainage;
- Impact on Ecology;
- Other Matters; and,
- Planning Balance and Conclusions.

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new

residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). South Muskham falls within the 'other village' category identified within the Core Strategy.

The assessment of the principle of development will now focus on the five criteria of SP3.

Location

The site falls on the eastern edge of the settlement. It is surrounded by residential properties to the north, south and east and bounded by the Great North Road to the west which forms a physical barrier with the open countryside. It is therefore considered the application site would be within the envelope of the village and complies with the locational criteria of SP3.

Notwithstanding the location criteria, SP3 requires consideration to be given to local services and accessibility to more sustainable settlements such as Newark Urban Area, Service Centres or Principal villages as identified within Policies SP1 and SP2. This is also reflected in paragraph 78 of the NPPF which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements development may support services in a nearby village.

The local services within South Muskham are limited to a church and a village hall. The nearest settlement with a good range of services to meet every day needs (including shop, post office school public house and village hall) is North Muskham, some 0.9km to the north west. There is a regular bus service to Newark, the nearest Service Centre and to North Muskham, albeit less regular at the weekend.

Taking the proximity of the local services into account it is considered the site is within a fairly sustainable location with access to facilities to serve day to day needs in nearby settlements. The proposed development given its quantum would, on balance, contribute to the enhancement and maintenance of the vitality of the rural community in line with the advice of paragraph 78 of the NPPF.

Scale

SP3 advocates that new development should be appropriate to its location and small scale in nature.

Two additional dwellings and the fact that a dwelling use to occupy the site would be considered to be numerically small scale within the settlement and as such it would be considered unlikely that such a scale would have a detrimental impact on the existing infrastructure within the village.

Need

New housing will be given favourable weight where it helps to support community facilities and local services. In the absence of a neighbourhood plan reflecting local housing need, it is recognised that for schemes of 3 or more dwellings should meet the mix and type requirements of Core Policy 3.

Core Policy 3 provides that housing should generally achieve densities of 30 dwellings per hectare, or more, and sets out that it should deliver housing need in the district which is family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

The proposed scheme comprising two four bedroom dwellings and one two bedroom bungalow would meet a local need by addressing the requirements of the Housing Needs Survey 2014 but also meets the broad aspirations of CP3 in terms of mix. Although the density of the scheme falls short of 30 dwellings per hectare it is considered the development is appropriate for its edge of the settlement and to allow the development to assimilate within its surroundings.

A Housing Needs Survey was undertaken by Midlands Rural Housing March in 2015. The study not only investigated the actual affordable housing need of the Parish, but also peoples' preferences for market rent level housing and open market housing. In addition, the survey ascertained residents' views with regard to living in the Parish and support for local needs housing to help sustain local communities. The study identified a need for 11 open market dwellings comprising:-

- 1 x 2 Bed house
- 2 x 3 Bed houses
- 2 x 4 bed houses
- 4 x 2 Bed bungalows
- 1 x 3 Bed bungalow
- 1 x 4 Bed bungalow

The submitted plans show that the proposal would comprise 2 no. four bed houses and 1 no. two bed roomed detached bungalow which would be considered to meet some of the need identified within the Housing Need Survey. Furthermore the proposed housing mix would also be in line with the mix identified within Core Strategy Policy CP3 where it advocates family housing of 3 beds or more and smaller housing of 2 bedrooms or more.

Impact

Taking into account the site benefits from an extant permission for three dwellings which replicate the number for this application it would be difficult to consider the proposal would generate an excessive level of traffic over and above to significantly harm the area. Although discussed in more detail further into this report it is considered the proposed development would not have an undue impact on the amenity of local people, infrastructure, including drainage, sewerage systems and the transport network.

Character

The Council has a Landscape Character Assessment Supplementary Planning Document (2013) (LCASPD). The application site is within the Trent Washlands Character Area and Policy Zone TW

PZ 11 Cromwell, North & South Muskham, Kelham, Averham, Staythorpe and Rolleston Village Farmlands of the LCASPD. The landscape actions detailed for the area includes 'to conserve the character and setting of village settlements'.

The proposed dwellings would introduce a form of development that assimilates with the surrounding land uses. Plots 1 and 2 would have a comparative height and overall size as the neighbouring detached houses that face Great North Road which are set back to respect the existing building line. The bungalow, set into the site and comprising a backland form of the development, would be similar, if not lower, height than the surrounding properties. There is adequate garden space afforded by the separation from the boundary which would not appear as a deviation from the existing character of the area.

Therefore, taking into account the criteria of SP3 it is considered the principle of the proposed development is acceptable.

Impact on Amenity

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

Effect on Antill House

Plot 1 would be sited close to the boundary and the side of Antill house. Notwithstanding the presence of the existing hedgerow, it is acknowledged the proposed dwelling would have an effect on the neighbouring property, especially the existing side windows.

It is noted plot 1 would project forward of Antill house's building line. However, given the sloping roof to the front of the property and the approximate 4 metre separation between the side walls it is considered the loss to the amount of sunlight and daylight would be within an acceptable tolerance. The rear of the proposed dwelling is in line with the rear of Antill house (notably the single storey outrigger) and thus the impact would be minimal.

In respect of the existing side windows they both serve habitable rooms of Antill House i.e. a lounge and a first floor bedroom. However, the two habitable rooms are also served by front and rear facing windows. As such the existing side windows are considered to be a secondary source of light and outlook to the habitable rooms. Given the habitable rooms are still principally served to the front and rear which maintain light and outlook, the subsequent loss of sunlight and daylight to the existing side windows would be difficult to sustain a refusal in this instance.

It is considered the intervening distance and offset position of plot 3 is acceptable and would not result in a significant loss of light or privacy.

With respect to the representations it is noted the passing of vehicles and intermittent light passing through the boundary hedge. However, any intrusive from vehicle headlights would be short lived given the short distance from the entrance to where the access road makes a turn through the central area (between plots one and two) to the turning head which is set sufficient

away from the boundary. As such it is considered the vehicle movement would not significantly impact the amenity of the Antill House to recommend refusal of the application.

Effect on Holly Cottage

It is noted that plot 2 would be close to the common boundary with the neighbouring property and that there are two openings proposed in the side elevation.

Taking into account the southern position of the neighbouring property to the application site it would be unlikely that a loss of sunlight would occur. Given the intervening distance it would also be unlikely that the proposed dwelling would detrimentally harm the amount of daylight received in the neighbouring property.

Whilst there are two openings in the side of plot 2, it is considered the ground floor door would not result in a significant loss of privacy. Although the first floor opening would inevitably increase the potential of overlooking, a planning condition to require the window opening to be obscured glazed and non-openable below 1.7 metres would alleviate a significant loss of privacy to the neighbouring property.

Effect on Forge Cottage and the Old Forge

Given the separation between plot 3 and the neighbouring properties it is considered unlikely the proposal would result in a loss of sunlight and daylight. Equally there is a sufficient mitigating distance to alleviate a loss of privacy to the neighbouring properties.

Impact on Highway Safety

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is noted that part of the reason for the Parish Council's objection and the representations relate to highway safety given the speed and amount of traffic using Great North Road. The applicant has been in discussion with the Highway Authority and has repositioned the site entrance to improve the visibility along Great North Road. This has now lifted the previous objection from the Highway Authority and as such would be extremely difficult to now resist the application on highway safety grounds. Therefore the conditions as suggested by the Highway Authority are considered sufficient mitigation to allow the proposal to be compliant with Spatial Policy 7 and the relevant aspects of Policy DM5.

Flooding and Drainage

The NPPF states within para 155 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

Core Policy 10 'Climate Change' requires that development be located to avoid the areas where there is the highest risk of flooding and to support an application a sequential approach to its

location should be applied detailed under DM5 'Design'. Having passed the sequential test the exceptional test should then be applied in line with the NPPF. Where an exception test is not required, proposals will still need to demonstrate that the safety of the development and future occupiers from flood risk can be provided for over the life of the development.

DM5 states that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk Flood Zones. Where, however, development is necessary within areas at risk of flooding it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

It is acknowledged that the proposed development would fail the sequential test if applied to the whole district as there are other areas which sequential could be developed which fall in Flood Zone 1. However, planning permission was approved in 2017, where it was considered that there was appropriate justification to apply the Sequential Test at a local level. In taking the local approach it was considered there were no sites which reasonably met the identified local housing need and as such the application met the sequential test.

Given the outline permission is extant it would be reasonable to take a similar approach for this application. Although there has been a change in the NPPF and the Core Strategy, the premise in respect of flood prevention remains essentially the same. The Exception Test is only strictly necessary to be applied once the Sequential Test has been passed. Nevertheless, the following discussion will assess the application against the requirements of the Exception Test given that the development would involve a more vulnerable use in Flood Zone 2.

A Detailed Flood Risk Assessment (FRA) has been submitted which states that the site falls sequentially within an area of least risk within the settlement and there are no reasonably available sites within the area which would be at lower risk of flooding. Furthermore, the site and its surroundings are defended from flooding by a bund located to the east and south of the settlement as confirmed by Environment Agency records.

It is noted that the Lead Local Flood Authority have made no comment other than suggested advisory note outlined in the Consultation section of this report. The Environment Agency has also offered no comments as the site is considered to be low risk. However, given the site's location in Flood Zone 2 the Environment Agency's Standing Advice applies.

This states that floor levels of vulnerable development should be a minimum of 300mm above ground level or 600mm above flood level whichever is higher. Where these floor levels cannot be achieved then additional flood resilience and resistance measures can be considered.

The FRA proposes to set internal floor levels to a level of at least 11.65m AOD and FFL's to be maintained to at least 150mm above surrounding finished ground level and external levels to be shaped to direct flow away from property entrances.

It is considered there are satisfactory levels within the site and the proposed dwellings can be achieved without compromising the character of the development or the impact on the wider setting. Should members be minded to grant planning permission the submission of details of appropriate levels and sections could be secured by condition to prevent flooding.

With regards to drainage the FRA acknowledges the site is in an area which is thought to be conducive to infiltration drainage. However, soakaway testing is yet to be undertaken to establish the most appropriate course of drainage. It is considered expedient to attach a condition requiring the submission and written approval of precise details of surface water and foul sewerage.

The Sequential test has been applied at a local level and this needs to be weighed in the planning balance. However the development can be made safe for its lifetime when the suggested conditions are imposed and thus the Exception test is considered to have been passed.

Impact on Ecology

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

It is noted the existing boundary hedge would be retained and it is considered the application site would hold low ecological value. In this instance it is considered an informative note is sufficient to advise the applicant of disturbance to any protected species or nesting birds is an offence under the Wildlife and Countryside Act and to seek professional advice should evidence be found.

Other Matters

The planning history of the site is noted. However, previous applications would have been assessed under planning policy and legislation which was current at that time and decisions made accordingly. The proposal before Members now has to be assessed against current and up to date circumstances, planning legislation and national and local planning policies.

It is noted that the site could be developed for a larger single storey property to enhance stock in the village. However, the application has to be determined on the submitted plans. With regard to setting a precedent, should further applications for development within the village be forthcoming these would have to be assessed against planning policy that is up to date at that time and on their own merits.

Conclusion

Taking the above into account it is considered that the principle of residential development at the site accords with the Development Plan and all other relevant material considerations. The proposal would deliver housing, albeit modest in terms of quantum as it would result in only 2 additional dwellings in the village and that it would meet a need for 2 and 3 bedroom housing identified within the 2015 Housing Needs Survey. It would be located in a reasonably sustainable location and would not harm the character and appearance of the application site or wider locality. Although the site falls within Flood Zone 2 given the existing flood defences that are in place the development can be made safe for its lifetime without resulting in flood risk to neighbouring properties or the wider settlement. Furthermore the development would not result in any undue impact on the amenity of the occupiers or users of adjoining properties and would not result in any significant harmful impact upon the highway.

Therefore taking all of the above considerations into account it is my view that the balance tips finely towards an approval in this particular instance.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

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

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

02

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

- Plot 1 – Ref. 01 - received 24 April 2019
- Plot 2 – Ref. 02 – received 24 April 2019
- Site Location Plan – Ref. 07 – received 24 April 2019
- Block Plan – Ref. 10 Rev B - received 16 August 2019
- Plot 3 – Ref. 11 – received 24 April 2019
- Double Garage (Plot 3) - Ref. 12 – received 24 April 2019

Reason - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

03

No above ground works shall take place until samples and full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity.

04

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Lumax Consulting (reference: LMX166/FRA/01/Rev A dated 31 October 2018) and the following mitigation measures it details:

- Finished floor levels to be lifted to a level of at least 11.65m AOD

- Finished floor levels to be maintained to at least 150mm above surrounding finished ground level and external levels to be shaped to direct flow away from property entrances.

Reason - To reduce the risk of flood risk to the proposed development and future occupants.

05

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iv) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, and shall be maintained and managed as such thereafter.

Reason - To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water.

06

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting.

Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason - In order to prevent any habitat disturbance to nesting birds.

07

Within three months of development commencing a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so

as to enhance the nature conservation value of the site, including the use of locally native plant species.

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours; and,
- car parking layouts and materials;

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason - To ensure appropriate landscaping of the site in the interests of visual amenity to enhance the character of the area and to provide biodiversity enhancements.

08

Within 3 months of development commencing details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any buildings hereby approved are first occupied and shall be retained as such thereafter.

Reason - To ensure a satisfactory relationship with the character of surrounding buildings and the surrounding area.

09

No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- (i) A phased programme and methodology of site investigation and recording to include:
 - a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
 - analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- (iii) provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) provision for archive deposition of the report, finds and records of the site investigation.
- (v) nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason - To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes.

10

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5 metres behind the highway boundary.

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

11

No part of the development hereby permitted shall be occupied until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason - To protect the structural integrity of the highway and to allow for future maintenance.

12

No part of the development hereby permitted shall be occupied until the existing site access has been permanently closed and this access crossing has been reinstated as verge/footway in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason - In the interests of highway safety.

13

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 10B are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason - In the interests of highway safety.

14

Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the first floor bathroom window shown on the north facing side elevation of plot 1 and the south facing side elevation of plot 2 shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason - To ensure that appropriate measures are put in place to limit the potential for overlooking between the development and adjacent properties in order to preserve the privacy of adjoining occupiers.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

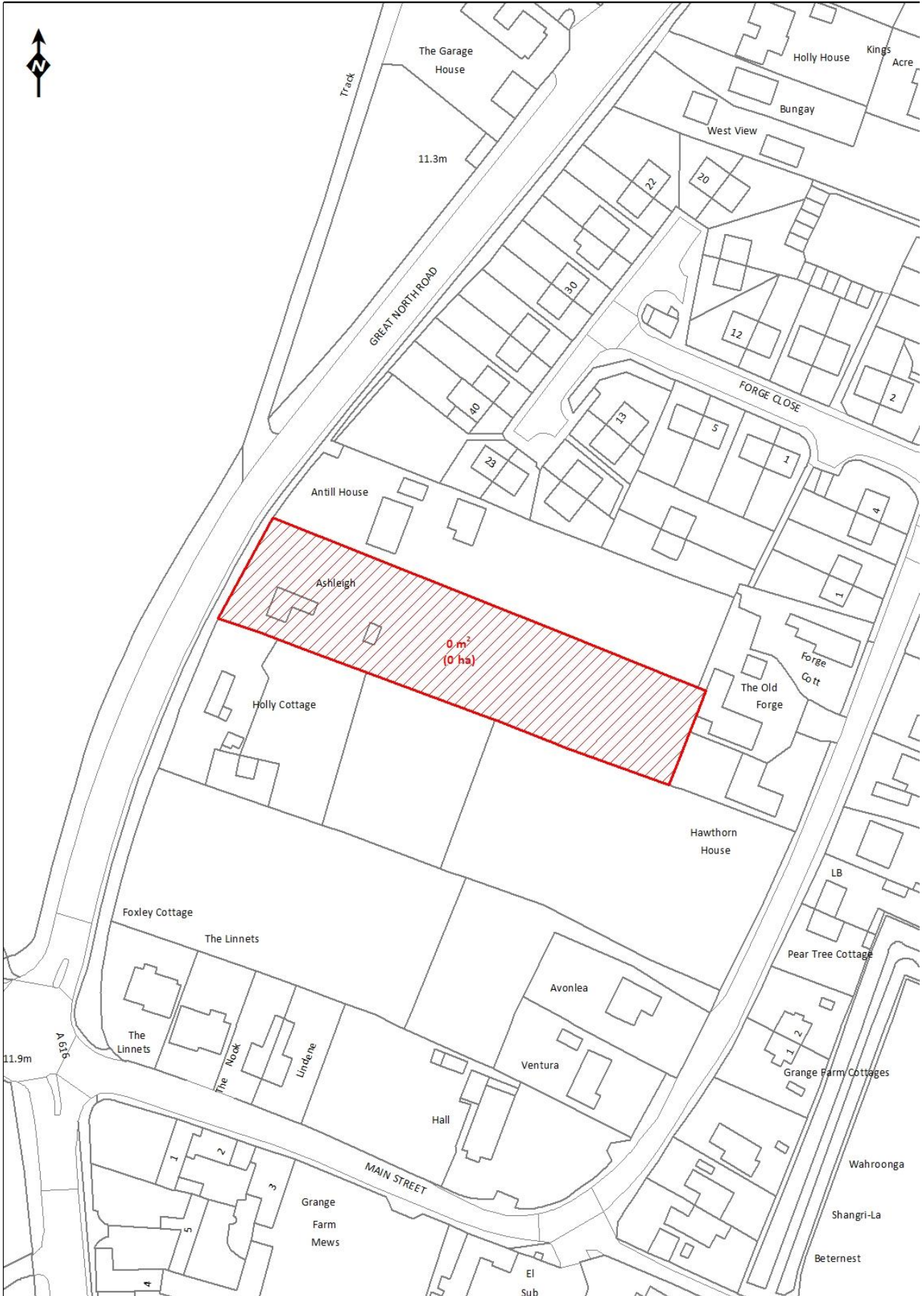
BACKGROUND PAPERS

Application case file.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/00782/FUL



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01526/FUL	
Proposal:	Demolition of the existing garage court and development of 1no. 2-bed dwelling	
Location:	Garage Units Off Lansbury Road Bilsthorpe	
Applicant:	Newark & Sherwood District Council	
Agent:	Vicky Heath - rg+p Ltd.	
Registered:	22.08.2019	Target Date: 17.10.2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PWC7A9LBKWT00	

This application is one of several schemes currently being considered by the Council for the residential development of land owned by the Council. The need for affordable housing remains high on the Council's agenda, as indeed it does nationally. The developments are being put forward as part of a five year building programme by Newark and Sherwood Homes (NSH) to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Under the Council's constitution, schemes submitted specifically as part of this 5 year affordable housing programme only need to be determined by the Planning Committee where the officer recommendation differs from that of the host Parish or Town Council which is the case here.

The Site

The application site is a broadly rectangular plot of land at the end of Lansbury Road within the village envelope of Bilsthorpe towards the northern boundary of the settlement. The site as existing accommodates a garage court of 12 garages arranged in two linear arrangements running broadly north to south. The eastern range comprises 5 garages with the western ranging occupying 7. There is also a garage in the neighbouring properties ownership adjacent to this range but outside of the application site (albeit the application site includes the right of access to this garage).

The site is surrounded by residential curtilages including semi-detached two storey dwellings on Lansbury Road and a more modern housing scheme to the east on Lumley Close. The latter development is separated from the site by a public right of way which runs through the mobile home park to the south west of the site through the disused railway line to the north of Lansbury Road.

Relevant Planning History

There is no planning history of relevance to the site.

The Proposal

The proposal seeks full planning permission for the demolition of the existing garage court (albeit with the retention of the walls which form the boundaries of the site). The site is then intended to deliver a single detached bungalow in the south western corner of the site orientated northwards with a small projecting gable on the principle elevation. The dwelling would deliver two bedrooms across an approximate footprint of 62m². The maximum pitch height would be approximately 5.69m. Materials proposed have been clarified during the life of the application to be red brick and slate grey roof tiles.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan - 41289-ID114-001B (received 18th September 2019);
- Proposed Site Layout Op5 - 41289-ID114-012D (received 18th September 2019);
- Proposed Boundary Treatment - 41289-ID114-013A (received 18th September 2019);
- Proposed Plans and Elevations Type C - 41289-ID114-014;
- Material Elevations - 41289-ID114-015 Rev. A received 12th September 2019;
- Proposed Drainage - NSH114-CHG-EX-XX-DR-C-0100 P2;
- Phase 2 Ground Investigation Report by collinshallgreen Ref ID114.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 – Affordable Housing Provision
Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2019

- Planning Practice Guidance (online resource)

Consultations

Bilsthorpe Parish Council – Objected to the application as the roads are too narrow, there will be parking issues for the cars that will no longer have a garage allocated, turning issues especially for larger vehicles i.e. refuse collections, there will be additional cars with the proposed build.

NSDC Environmental Health - I have now had the opportunity to review the submitted Phase I Desktop Study and Phase II Ground Investigation Reports, submitted by Collins Hall Green in support of the above development.

Following intrusive sampling, the phase II records that no elevated contamination has been identified. I can generally concur with this assessment however I note that clean material is to be imported to make up garden areas.

Any soils being brought onto site for use in gardens or soft landscaping areas will require validity testing to be carried out to ensure suitability. This shall be done in compliance with YALPAG Verification Requirements For Cover Systems (Ver 3.4) document and evidenced in a validation report submitted to the LPA for approval.

NCC Highways – This proposal is for the construction of a single dwelling served by the existing access, following demolition of the existing garages within the site. The application site is located at the western end of Lansbury Road.

The site layout plan, no. 41289/ID114/012D, demonstrates 3 current 'rights of access', including 1 which is to be relocated, within the application site. Although there is no turning head adjacent the site, there is an existing turning area near 21 Lansbury Road allowing vehicles to turn if required.

As the number of vehicles using the access will be reduced as a result of this proposal, the Highway Authority would not wish to raise objection.

Therefore, the following condition should be imposed:

No part of the development hereby permitted shall be brought into use until the parking/rights of access areas are provided in accordance with plan 41289/ID114/012D. The parking/rights of access areas shall not be used for any purpose other than the parking and access of vehicles.

Reason: In the interests of highway safety.

Ramblers Association - No comments received.

Representations have been received from 6 local residents/interested parties which can be summarised as follows:

- The garages were only recently refurbished;
- The street is already overcrowded with parking;
- The garage court is used as a turnover for vehicles including for emergency vehicles;
- The dwelling will add further cars to the street;

- People losing the garages will park on the street instead;
- The Council should offer people the right to buy the garages;
- Construction traffic will cause a disruption;
- The line on the boundary is incorrect to the neighbouring garage;
- Lansbury Road is a narrow road with only one point of access;
- The garages are used for parking and for visitors in front of garages;
- Bin lorries and deliveries use the space for turning;
- The NPPF is designed to mitigate the impact of any proposals for existing residents – Section 8: Promoting healthy and safe communities; Section 9: Promoting sustainable transport and Section 12: Achieving well-designed places;
- A lot of residents have children / grandchildren who play outside, the traffic from building work would not be safe;
- If approved plans may be altered to accommodate more dwellings;
- There are no alternative parking provisions for some properties using the garages;
- A lot of residents already have to illegally park to allow access and accommodate each other;
- Access for bin lorries and emergency vehicles will be restricted;
- The financial amount that is collectively paid in garage rent as opposed to the financial amount that will be paid in housing rent does not feel productive or necessary;
- The development will cause unnecessary stress and aggravation;

Comments of the Business Manager

Principle of Development

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District.

The site is within the village envelope for Bilsthorpe which is intended in the Spatial Strategy as a Principal Village expected to act a secondary focus for service provision in the Sherwood sub-area. The principle of residential development within the site is therefore acceptable in principle. The development is proposed as part of the Council's programme for the delivery of affordable homes. Any contribution towards affordable delivery, even for a single unit in this case, should be given positive weight in the overall planning balance.

Impact on Character

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The NPPF continues to state that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Lansbury Road is largely characterized by two storey semi-detached dwellings. The proposal for a detached bungalow would therefore be a departure from this established built form. However, the site is positioned at the end of the cul-de-sac occupies a setback positioning from the access which serves the driveway. In reality therefore, the proposal dwelling is unlikely to be visible in the street scene. Even in the vantage points where it would be appreciated, given the single storey nature of the proposal, it would in no way be interpreted as a prominent feature of the street scene.

There is a case to be made that the dwelling would create a backland plot ordinarily resisted by Policy DM5. However, it is not considered that this would be harmful in character terms noting that the application relates to a site already developed in built form (the existing garages). Moreover, the constraints of the site are self-governing in their size in that it would not set a precedent for further forms of backland development in the area.

In terms of the specific design of the dwelling, the bungalow proposed is of modest proportions with a footprint of 62m². The detailing is simple but the principle elevation has a small pitch projection which adds visual interest. Materials have been clarified during the life of the application to be red brick with a slate roof which will assimilate well with the site surroundings. I consider that the design sits comfortably within its context and accords with CP9 and DM5.

Impact on Amenity

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

The site is landlocked by residential curtilages and therefore there are a number of potentially sensitive receptors to the proposal. One of the closest relationships spatially would be with no. 60 Lansbury Road to the north of the site. The proposed bungalow would not align with the building line of the neighbouring property such that the principle elevation would be perpendicular to the neighbouring property with the outlook towards their rear garden. However, the proposed bungalow would be set back from the shared boundary creating a distance of approximately 14m and any outlook from the principle elevation (noting again the single storey nature of the development) to the neighbouring rear garden would be intervened by the neighbours garage and an existing close boarded fence to be retained. On this basis I do not consider that the proposed bungalow would impose a loss of privacy through overlooking or overbearing.

The dwelling would also share a close spatial relationship with the property to the east; no. 31 Lansbury Road. Again, the proposed unit would be set to the rear of the neighbouring elevation adjacent to their rear garden. However, again there is a set back from the shared boundary, this time creating a distance of approximately 16.5m between the two properties. The intention is for the boundary to retain the existing garage wall. There would also be a close boarded fence within the site which would create privacy for the proposed dwellings garden. On this basis the impact of the dwelling to no. 31 would be relatively imperceptible.

Dwellings to the west are separated by the public right of way. Moreover the side gable does not align with the rear elevation of any neighbouring properties such that the outlook from their rear elevations towards the bungalow will be at an oblique line of site.

The dwelling to the south, no. 4 Oak Rise has a relatively wide side garden which ensures a separation distance of over 18m from the side gable of the neighbouring plot to the rear elevation of the proposed bungalow. The bungalow would be relatively tight to the shared boundary such that the windows on the rear elevation would predominantly look towards the retained garage wall rather than the neighbouring garden beyond. I therefore have not identified any detrimental amenity impacts on neighbouring properties which would warrant concern.

Moving then to assess the amenity provision for the proposed occupier, the dwelling would be served by a small grassed amenity area to the side of the dwelling. The intention is for this to be enclosed by a 1.8m high fence. Whilst the constraints of the site mean that the garden is small, it would at least be a private area for the occupiers. The presence of two storey dwellings surrounding the site would mean that first floor windows may have a vantage into the garden but this would be from an oblique line of site and therefore is not considered harmful enough to resist the application.

Overall the proposed development is compliant with the relevant amenity criteria of Policy DM5. The effect on the amenity of the area in respect to on street parking (raised as a concern through the consultation process) will be discussed in the relevant section on highways impacts below.

Impact on Highways

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

The site forms a garage court comprising 12 garages. At the time of the site visit there was one covered car parked in front of one of the garages but no other cars in the forecourt. It is unclear how many of the garages are in regular use but it was noted that some of them appear to be used infrequently by the presence of weeds in front of the doors which would have been disturbed if a car was regularly going in and out of the garages. Data provided by the applicant confirms that 9 of the garages are leased to non-council tenants and the other 3 to council tenants. The majority of the postcodes are local with the exception of one outside of the District.

The loss of the garages and indeed the loss of the land for the ability of turning vehicles is one of the most significant concerns raised by both local residents and the Parish Council in their comments. It is fully appreciated that the loss of the garages is regrettable and equally it is acknowledged that they appear to be relatively recently refurbished and are in a generally good state of repair. However, the application has been submitted as part of the Councils programme for the delivery of affordable housing which remains a high priority. Having visited the site, the majority of the properties along Lansbury Road are served by driveways and / or garages which would allow for off-street parking. At the time of the site visit (pre-9am on a weekday) there was not a significant amount of on street parking in the area such that the loss of these garages is a cause for concern which would justify refusal in its own right. It is therefore not considered that the loss of the garages should be fatal to the scheme.

The site access would utilise the existing access used for the garage court and is therefore likely to represent a less intensive usage than the existing situation. The proposed dwelling would be served by two parking spaces and appropriate turning area. NCC Highways have been consulted on the proposal with their comments listed in full above but in short they concur that the number of vehicles using the access will likely be reduced and raise no objection subject to a condition

relating to the provision of the parking area indicated.

I consider that there would be no unacceptable impact on the highway network and that the parking would be satisfactory so that the proposal would accord with SP7 and DM5.

Flood Risk & Drainage

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out the approach to managing flood risk.

This application falls within Flood Zone 1 of the Environment Agency's maps which is at lowest risk of flooding. The site is also at very low risk from surface water flooding.

Surface water disposal is required to meet the requirements of the approved building regulations Part H: drainage and water disposal and the application needs to ensure that the disposal of surface water is appropriate and in line with the hierarchy approach, based on sustainable urban drainage principles. Drainage plans have been submitted showing discharge into the foul sewer and a combined sewer. No further conditions are considered to be necessary in terms of controlling drainage.

Other Matters

A neighbouring comment received during the life of the application made reference to the application detailing an incorrect boundary line. The agent has been asked to review this matter and in doing so has submitted revised plans showing a slightly altered red line site boundary which corroborates the neighbours comments and confirms the correct extent of the site.

The application submission includes a boundary plan which details the boundaries both within the site and the treatment for the boundaries surrounding the site. In some respects this refers to the retention of existing garage walls. Whilst this is considered potentially acceptable in principle, it is reasonable and necessary to attach a condition requiring further details to understand better how the garages will be demolished and the finish of the walls to be retained.

The site is close to a public right of way to the west of the site. However, the development would not affect the legibility or accessibility of the right of way and so there are no concerns in this respect.

The application has been accompanied by a Phase 2 Ground Investigation Report which has been reviewed by colleagues in Environmental Health. No elevated contamination has been identified to warrant concern and it is intended that the garden area will be imported with clean material. This will require testing prior to being brought on to the site which as suggested by the comments above could be secured by condition.

Overall Balance and Conclusion

Having regard to all material matters I have concluded that the loss of the garages from the site would not give rise to unacceptable knock on consequences such as on-street car parking and congestion that would warrant a reason for refusal. The dwelling would contribute towards the Council's delivery of affordable homes and I have concluded that the design is acceptable for its

context and that there are no amenity or highway issues subject to conditions. I therefore recommend approval subject to the following conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

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

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

02

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

- Site Location Plan - 41289-ID114-001B (received 18th September 2019);
- Proposed Site Layout Op5 - 41289-ID114-012D (received 18th September 2019);
- Proposed Boundary Treatment - 41289-ID114-013A (received 18th September 2019);
- Proposed Plans and Elevations Type C - 41289-ID114-014;
- Material Elevations - 41289-ID114-015 Rev. A;
- Proposed Drainage - NSH114-CHG-EX-XX-DR-C-0100 P2;

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

Reason: So as to define this approval.

03

The development shall be constructed of the material details submitted with the application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until the parking/rights of access areas are provided in accordance with plan 41289/ID114/012D. The parking/rights of access areas shall not be used for any purpose other than the parking and access of vehicles.

Reason: In the interests of highway safety.

05

No development shall take place until a Construction Methodology and Management Plan (CMMP) has been submitted to and approved in writing by, the local planning authority. The approved CMMP shall be adhered to throughout the construction period. The CMMP shall comprise the following:

- The methodology for the demolition of the garages; including details of temporary fencing to be erected and retained during the construction period;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- any measures to control the emission of noise, dust and dirt during construction;
- hours/days of proposed construction.

Reason: The site is surrounded by residential dwellings so this condition is necessary in the interests of residential amenity.

06

Prior to the occupation of the dwelling hereby approved, details of the treatment and finish of any retained garage walls shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

07

Prior to the importation of any soil material into the site, the imported material shall be tested in compliance with YALPAG Verification Requirements For Cover Systems (Ver 3.4) document as evidenced through a validation report to be submitted and agreed in writing with the local planning authority. The materials shall thereafter be brought onto the site in accordance with the approved details.

Reason: To prevent risk to human health.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

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

03

Should any works be required to be carried out within the public highway, they should be constructed to the satisfaction of the Highway Authority. You would, therefore, be required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

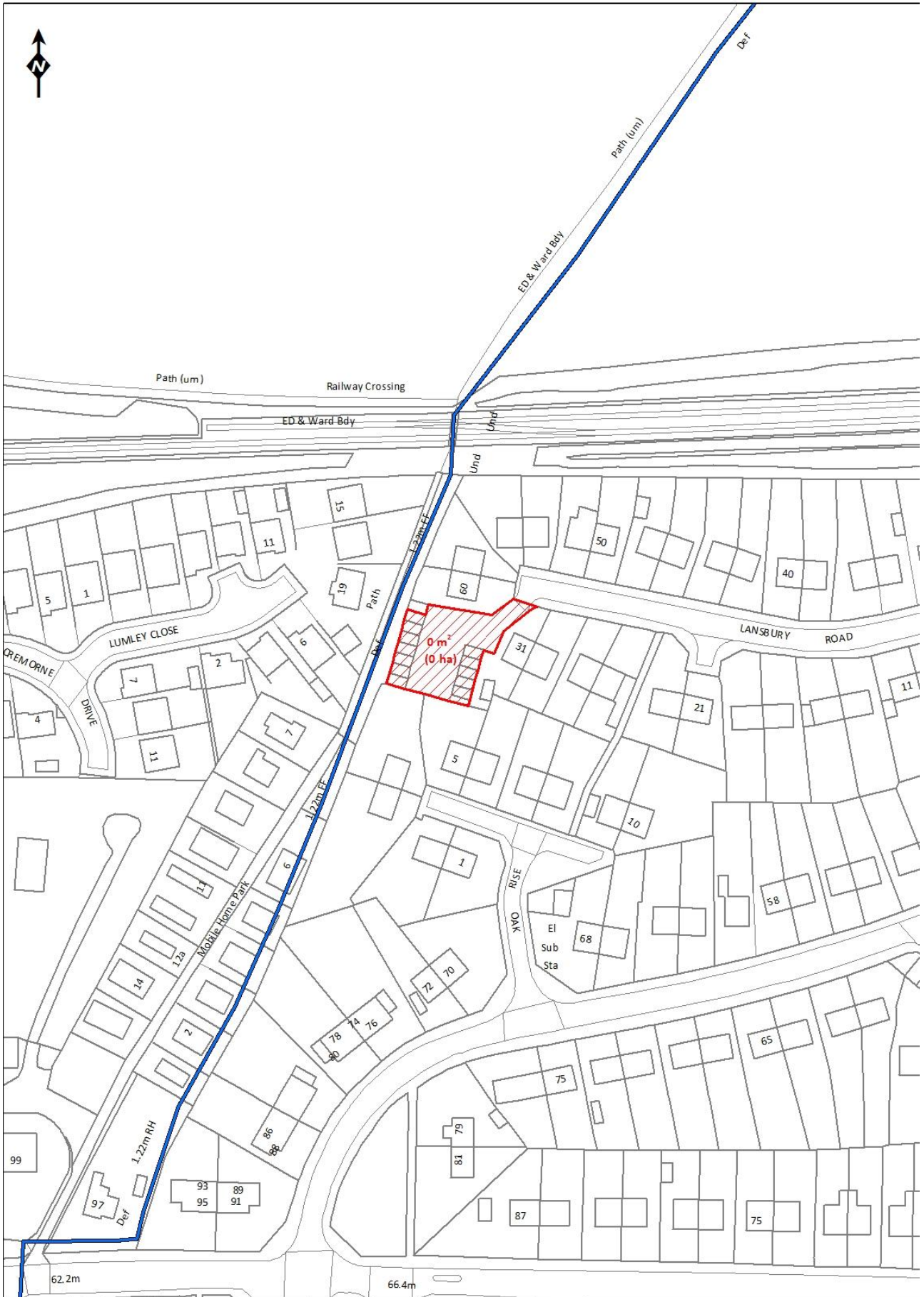
BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Planning Development



PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01288/FUL		
Proposal:	Replacement of existing house with new dwelling		
Location:	Horstead, Station Road, Bleasby, Nottinghamshire, NG14 7GH		
Applicant:	Mr & Mrs Bellamy		
Agent:	Trevor Muir Architects		
Registered:	9 th July 2019	Target Date:	3 rd September 2019
			Extension of time agreed in principle
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUBIKXLBKB000		

The application is reported to Committee as Bleasby Parish Council's view is contrary to the recommendation of the Officer.

The Site

The site lies within the main built up area of Bleasby and currently comprises a traditional two-storey dwelling which sits perpendicular to the highway with its gable end facing on to the road. The dwelling has traditional cottage proportions although has been largely altered over time through modern alterations and additions and is currently in need of significant repairs and the land surrounding it requiring maintenance. The plot is broadly rectangular, open to the front and eastern side with a boundary wall to the west and fencing to the north. Adjacent dwellings lie to the east and SW of the site.

The site is also located within Flood Zone 2 of the Environment Agency flood risk maps.

Relevant Planning History

No site history.

The Proposal

The proposal seeks consent for the demolition of the existing dwelling and the construction of a new dwelling.

The new dwelling would have a footprint of approximately 160m² being largely rectangular with a single storey projection to the principal elevation. The dwelling would comprise 3no. bedrooms with an integral double garage and store and would be constructed of brick, pantile and slate with

timber windows and timber or aluminium doors. The dwelling would have a ridge height of approximately 8.4m for the main dwelling and 4.7m for the garage.

To the rear of the dwelling would be a garden which would be bounded by an existing brick wall. The entrance to the site would be gated with a timber gate and brick piers measuring a maximum of 1.7m in height.

The application has been amended since its submission following concerns from the Officer regarding the garage's scale and positioning close to the highway. Amendments to address these concerns are reflected in the revised plans received on 27th August 2019.

For the avoidance of doubt, the proposed plans show a 'future garage' sited to the south of the dwelling. No details have been submitted in respect of this garage and therefore this element does not form part of this planning application.

Submitted Documents

The following plans and documents accompany the application:

- Site location plan
- Existing site plan and site section – 2265/1 Rev.B
- Existing floor plans and elevations – 2265/2
- Proposed site plan – 2265/3 Rev.C
- Proposed floor plans and sections – 2265/4 Rev.C
- Proposed elevations – 2265/5 Rev.C
- Proposed site elevations/sections – 2265/6 Rev.A
- Daytime Bat Survey dates June 2019
- Flood Risk Assessment
- Planning and Heritage Statement dated 2 July 2019

Departure/Public Advertisement Procedure

5 neighbouring properties have been consulted by letter.

Relevant Planning Policies

The Development Plan

Amended Newark and Sherwood Core Strategy DPD (adopted March 2019)

Policies relevant to this application:

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policies relevant to this application:

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM9: Preserving and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014

Consultations

Bleasby Parish Council – Bleasby Parish Council considered planning application 19/01288/FUL, Horstead, Station Road - Replacement of existing house with new dwelling at its meeting on 15th August 2019.

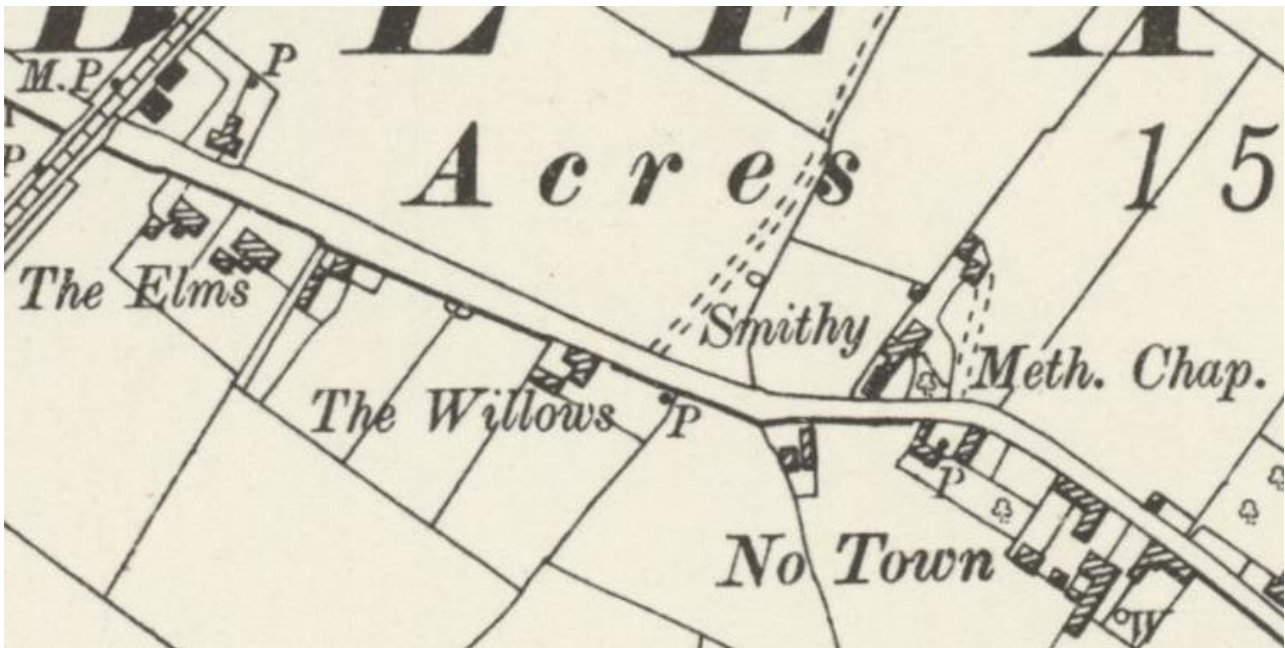
Council agreed that although the house is a thoughtful and sensitive design, they must Object due to lack of flood mitigation information and differing statements within the design statement, for example the new build being raised above existing heights.

Concerns were also raised that due to the prominent position of the site in the village the positioning of the house and garage frontage maybe more aesthetically aligned, the main view of the property from the end of the village will be the garage doors, and this is not in keeping.

NSDC Conservation Officer –

Site Analysis

The property is not located within Bleasby Conservation Area or near any listed buildings. However, the building does not have some historic interest due to a historic building of Bleasby. Historic maps shows that this building was one of the first developments in this part of the village, dating the building to the late 19th century.



OS Map 1900

The property reflects the local vernacular, however it has been extensively altered. However, the simple single pile cottage with two fireplaces and what appears to be a later bay to the south. Although the building has some historic interest, its architectural significance has been eroded due to these modern alterations. Significant alterations would be necessary to restore the building with its traditional detail. Unfortunately this area of Bleasby has been seen significant development since the end of the 19th century. The cottages agricultural context has been eroded.

Due to the loss of its traditional architectural detail and historic context the building is not considered to be a non-designated heritage asset. However, due to the historic interest that has been identified this building should be recorded prior to demolition.

NCC Highways – This proposal is for a replacement dwelling served by the existing vehicular access. This is acceptable to the Highway Authority in principle, however, the site plan, ref. 2265/3 Rev. B, includes brick piers, gates and a proposed hedge along the site frontage.

The gates are required to be set back 5m from the highway boundary (rear of footway), and not as shown on the site plan. Visibility splays of 2.4m x 43m are required from the site access and the proposed brick piers and hedge to the east may require alteration to ensure these can be provided.

Therefore, the following conditions should be included to any permission granted:

1. No part of the development hereby permitted shall be brought into use until the access driveway within the site is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

2. The gates at the access point shall be set back 5m from the highway boundary (rear of footway) and constructed in accordance with details which have been first submitted to and approved in

writing by the Local Planning Authority. The approved gates shall then be retained for the life of the development. **Reason:** In the interests of highway safety.

3. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. **Reason:** To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

Environment Agency – We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason(s):

From a flood risk perspective, the development falls within our flood risk standing advice (FRSA) which can be found on the Flood risk assessment: standing advice pages of the .gov.uk website. It is for the Local Planning Authority to ensure planning submissions adhere to this advice. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. The site is situated in flood zone 2.

If the proposal subsequently changes such that you feel it may pose a significant environmental risk then please do not to hesitate to contact us and we will review our position.

Trent Valley Internal Drainage Board – The site is within the Trent Valley Internal Drainage Board District.

The Board maintained Gate Burton Marsh, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert. The proposed garage will require consent

Consideration should also be given for access to the existing manhole chamber.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, with the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form is available on the website – www.wmc-idbs.org.uk/TVIDB

The Board's consent is required for any works that increase the flow or volume to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and

emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

If you require any further information please do not hesitate to contact the Board's Operation's Manager, Mat Everett.

Ramblers Association – No comments received

A letter from Bleasby Parish Council Chair has been received on behalf of Bleasby Flood Action Group:

The Clerk to the Parish Council has already submitted the Parish Council's comments on the above application which indicated that the Council reluctantly accepted the case for the demolition of Horstead, but regretted this as the cottage is such a prominent feature of the village main street both visually and scenically, catching the eye as far back as the level crossing 400 metres away, as well as being of historic interest.

In addition to these concerns, issues regarding flooding were also discussed at the meeting with representatives of Bleasby Flood Action Group, having submitted its comments to the Parish Council via me, as Chair, as follows:-

Bleasby Flood Action Group wishes to express its concerns respecting the potential impact of the proposed new development upon a key site of the parish's drainage system and the subsequent implications and potential consequences regarding the increased risk of flooding were this development to be approved as currently proposed.

- Historically the existing building (Horstead) has flooded in living memory. The adjacent meadowland known as Carlin's Field has acted as a dispersal area for water backing up the dyke from the parish's main western drain, (known as Holme Dyke), when the Trent levels are high. The situation is aggravated in winter when the water-table is high, the ground is saturated and rainfall is heavy. In periods of heavy rainfall and flood, water flowing out meets water flowing in with the obvious overspill consequences.
- The Environment Agency's maps for 1 in 100 years clearly shows the extent of the floodplain extending right up to the back garden of the property in question. When projected on the 20% climate change forecast, the Agency's equivalent map indicates a floodplain that extends completely over the property up to Bleasby's raised main street, known as Station Road. By the Environment Agency's own description, this is the "Functional Floodplain", requiring specific planning obligations as defined in gov.uk.

- The same drain has recently been incorporated into the above road's main drainage system, surface road water being taken into vents in the kerbstones and then carried along a channel within the line of the kerb and is finally directed into this same drain. This adds significantly to the volume of surface water entering the drain via the culvert, Should these vents become blocked, or even the culvert or drain itself, the water will drain off the road into the low-lying Horstead property and, potentially, into adjacent low-lying properties.
- Properties on the other side of the road to Horstead already have a problem with water accumulating in their gardens since the continuation of the drain on that side was filled in during the construction of the access to Oaktree Close.
- In the flood of 2007 many properties on the same side of Station Road as the Horstead property were flooded and affected by sewage backflow causing several homes having to be completely renovated with the occupants housed elsewhere for considerable periods.
- The Flood Risk Assessment carried out states in paragraph 4 that extensions are considered acceptable within Flood Zone 2 "as long as the ground floor level matches existing levels" and yet at paragraph 10 it is stated that it is proposed that the new building should have a new ground flood level of 16.30 which is above the 1 in 1000 year floodplain. This represents an increase of 0.64m (2 ft) above the stated ground floor level of 15.66 of the existing building thereby hindering the natural flow of surface water to the drain.
- Other factors affecting the possibility of increased flood risk include the increased area of hard surfacing and roofing surface which will increase the volume of surface water which has to be accommodated without increasing the existing "flow or volume of water" as is required by the TV Internal Drainage Board. A soakaway on low-lying ground with seasonal high water-table levels may not be able to meet these exacting requirements.

It is the view of Bleasby Flood Action Group that the planning requirements of both the Environment Agency and the Trent Valley Internal Drainage Board, and even the Central Government website information on such planning applications, whilst complex and conflicting in places, are not being adhered to in this application (which is unsurprising owing to the complexity) and that further clarification, consistency and assurance should be sought by the interested parties.

A letter has been received from Barbara Cast on behalf of Bleasby Local History Society:

As President of Bleasby Local History Society I would like to comment on the application for Horstead in Bleasby.

The cottage is early 19th century and, according to a Bleasby resident who was born there and still lives in the village, it was built with bricks unused in the building of the workhouse in Southwell which, if true, makes its date around 1824.

It has, however, been unsympathetically modernised and does not have much distinction except that, on entering Bleasby village from the railway line, it is a dominant feature of the main street.

If it is to be replaced with a modern building it is important that the dominant feature to be replaced is sympathetic to the streetscene. Looking at the plans it is obvious that a large and unattractive garage door will be a dominant feature. The roofline and frontage needs to replicate as far as possible the existing house's frontage.

Two letters have been received from local residents, one supporting the application, the other supporting the application but with concerns regarding overlooking from an ensuite window.

Comments of the Business Manager

Principle of Development

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Bleasby is identified as falling within the 'other village' category identified within the Core Strategy and has a limited range of services and facilities.

The application therefore falls to be assessed against Spatial Policy 3 (Rural Areas) in the first instance and Policy DM8 (Development in the Open Countryside) where this becomes necessary.

As SP3 villages do not have defined village envelopes, it is a critical consideration in the consideration of this application as to whether the application site is located in the village or in the open countryside. The site is located within the village core and therefore I am satisfied that the site lies within the village.

Spatial Policy 3 directs its guidance towards new development, rather than replacement however I am mindful of the requirements for development within rural areas, which include access to local services. Bleasby has a train station, primary school, church and public house and as such I would consider the site to be sustainable. Other requirements include impact, scale and character which are assessed below. Whilst replacement dwellings are not covered by Spatial Policy 3 explicitly, this type of development is accepted in principle even by more restrictive policies (such as Policy DM8) and weight is usually given to any visual amenity improvements brought about by redeveloping a site. It is as such considered that the principle of a replacement dwelling in this location is likely to be acceptable subject to the below considerations.

Impact upon Character of Area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The dwelling is identified on the on historical maps dating back to 1900 and therefore is considered likely to have some historical value. It is however accepted that the previous alterations to the dwelling have eroded any potential historic and architectural significance.

Further to this, Bleasby has been seen significant development since the end of the 19th century and as such, the cottage's agricultural context has been eroded.

I acknowledge that the building does hold some history for the village and local area however, due to the loss of its traditional architectural detail and historic context the building is not considered to be a non-designated heritage asset and therefore its demolition would not be considered harmful to any heritage asset. Notwithstanding this, due to the historic interest that has been identified the internal conservation officer has recommended that the building should be recorded prior to demolition.

Turning next to the design of the proposed dwelling, the scale of the building is reasonably significant, and much larger than the existing dwelling occupying the site. The area surrounding the site accommodates dwellings of various designs, ages and scales and as such I would not consider this part of Main Street to have a uniformed appearance; further to this, the dwellings are located at various distances from the highway and as such there is no dominant building line along the street.

I note the comments received in relation to this increased scale, however the site is large and the scale is not dissimilar to dwellings surrounding the site. As there is no uniformity to the character of the area, I am of the view that the site can accommodate a larger dwelling without appearing cramped or overbearing. The layout of the site would provide open space surrounding the dwelling that would break up the massing within the site. Amendments were however sought by the Officer to bring the built form away from the front boundary of the site, along with reducing the height and width of the integral garage in order to reduce the overall impact of the development within the street scene. The building line would now sit no further forward than the existing dwelling with a gable height perpendicular to the road that would be lower than the existing dwelling. Following these amendments, I am satisfied that the proposal would not have a detrimental impact upon the street scene.

In terms of the gates proposed to the site entrance, there are examples of gated entrances along the main road through Bleasby and as such the addition of gate piers and timber gate would not be an alien feature. The proposed gate and piers would be no greater than 1.7m in height which I do not consider to be overbearing upon the street scene, proposed dwelling or the wider character of the area. In addition to the gate, hedgerows are proposed along the site boundary which would soften the boundary with the highway which is welcomed.

Overall, I consider that the replacement dwelling complies with Spatial Policy 3 of the Amended Core Strategy, Policy DM5 of the DPD and the NPPF in terms of its design and impact upon the character of the area.

Impact upon Residential Amenity

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

The proposed dwelling would sit centrally within the plot, maintaining a distance of 20.8m from the main part of the Meadows to the south of the site, and almost 15m from the north-eastern

corner of this property's integral garage (with rooms above). In terms of the dwelling to the east, Carlins Field House, the gable-to-gable distance would be 10.4m and separated by the driveway serving this neighbouring property. Properties to the north of the site would be separated by the public highway. Given these respective distances, I am satisfied that a two storey dwelling, and associated single storey off-shoots, is unlikely to have an overbearing impact upon neighbouring dwellings or result in unacceptable levels of overshadowing.

In terms of overlooking, the above distances are sufficient in respect of overlooking upon The Meadows to the south. I note that the windows on the eastern elevation of The Meadows would create overlooking to the very southern end of the rear garden of Horstead, however there would be a separation distance of 14.2m between the first floor window on The Meadows and the site boundary which I consider to be on the cusp of acceptability. Moreover, the outlook towards the proposed rear garden of the dwelling would largely be at an oblique line of sight.

Turning next to Carlins Field House to the east, the two dwellings would sit side gable end to each other. The proposed side elevation facing this neighbour would have 3no. windows facing onto this neighbouring property serving a WC and utility room at ground floor and ensuite at first floor. The proposed dwelling would be located close to the site boundary and therefore given that these rooms are not habitable, I consider it reasonable to condition the windows to be non-opening under 1.7m in height and obscurely glazed to protect the amenities of this neighbouring property.

In terms of the properties across the highway, I note that a local resident has raised concern that windows would overlook the properties opposite the site whereas the existing dwelling does not. I acknowledge this change in outlook from the site and accept that the proposed dwelling would offer additional ability to overlook compared with the existing dwelling. However, the addition of windows to the principal elevation, overlooking the public highway, is a typical relationship experienced on a residential street and as such given that the properties are separated by the public highway I would not consider this relationship to warrant a reason for refusal.

Given the above, I am satisfied that the proposal would not have a detrimental impact upon residential amenity and thus accords with Policy DM5 of the DPD.

Impact upon Flood Risk

The site is located within Flood Zone 2 of the Environment Agency Flood Maps. Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The NPPF provides that development should be located in the least sensitive areas to flood risk through the application of the sequential test and exception test where necessary.

Paragraph 158 of the NPPF confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It goes on to state that development should not be permitted if there are reasonably available sites elsewhere at a lower risk of flooding.

In terms of the sequential test, the proposal would pass insofar as there are no sequentially preferable sites to replace a dwelling than within the site itself. Essentially the proposal would not increase the number of properties at risk of flooding.

The proposal is accompanied by a flood risk assessment which states that the finished floor levels in the proposed dwelling would be set above the 1 in 1000 year flood level and would be higher

than the floor levels of the existing dwelling. I note the concerns raised by the Parish Council and Flood Advisory Group with regards to flooding and appreciate their issues with regards to levels, however in accordance with the Environment Agency's standing advice (which they have advised is the appropriate guidance to follow with regards to replacement dwellings) the proposed floor levels would be set at 16.30mAOD which would be 440mm above the known 1 in 100 year flood level; the Environment Agency seek for floor levels to be a minimum of 300mm above this known flood level and therefore the development would meet the requirements of the standing advice. Further to this, the proposed levels would also a minimum of 200mm above the 1 in 1000 year flood level. I therefore do not consider it reasonable to object to the proposal on flood risk grounds given the proposal's compliance with the Environment Agency's guidance.

In addition to the above, Trent Valley Internal Drainage Board have commented on the proposal with regards to the proximity of the development to a culvert which lies within the site. The applicant has been made aware of the comments and has advised that they have had discussions with the IDB. Some of the comments refer to a future proposed garage which does not form part of this application and therefore are not taken into account as part of this assessment. The applicant is however aware of these comments.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The site would be served via the existing access from Main Street and would provide 2no. parking spaces within the integral garage as well as a large driveway for parking. The Highway Authority have assessed the application have raised no objection to the scheme, subject to details of the proposed gates, access surfacing and appropriate visibility splays. Subject to compliance with the conditions suggested, I am of the view that the proposal would not have a detrimental impact upon highway safety.

Impact upon Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM7 of the DPD states that significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development.

Due to the age and use of the building, it is considered suitable habitat for bats and birds. A protected species survey accompanies the application which concludes that there was no evidence of bat activity in the site area or building. Further to this, there was no presence of recent bird nests in the building but the ecologist has however advised that no works should take place in bird nesting season without a qualified ecologist on site as a precaution.

Planning Balance and Conclusion

The proposal seeks consent for the demolition of the existing dwelling and the construction of a new dwelling. The principle of the replacement is considered to be acceptable. The existing dwelling is shown on historic maps however both the dwelling and surrounding area have altered

significantly overtime and as such is not considered to be a non-designated heritage asset and therefore its demolition would not be harmful from a heritage perspective.

In terms of the building that will replace the existing dwelling, the proposed building is substantially larger in scale, although it would not be dissimilar in scale to other buildings within the vicinity and as such it is considered that the proposal would not have a harmful impact upon the character of the area, particularly as there is no uniformed street scene. The proposal has been amended to move the dwelling away from the front boundary of the site in order to reduce the overall dominance which is welcomed; further to this, the front boundary is proposed to be softened by hedgerow which would reduce the overall impact of the development.

With regards to residential amenity, the proposal is considered to be acceptable, with sufficient separation distances between properties subject to appropriate conditioning of windows on the eastern elevation to ensure the dwelling does not overlook the property to the east.

The Parish Council and Bleasby Flood Advisory Group have objected to the proposal primarily on flood risk grounds. It is acknowledged that the site lies within flood zone 2 however as the application is for a replacement dwelling, there is no more appropriate site for the dwelling to be located given that it is a site-specific application. The proposal would include floor levels that exceed the minimum set by the Environment Agency's flood risk standing advice and as such is considered acceptable from a flood risk perspective.

Furthermore, the proposal is considered to acceptable in terms of its impact upon highway safety and ecology.

It is therefore concluded that the proposal accords with local and national planning policy and as such is recommended for approval.

Community Infrastructure Levy

Bleasby lies within a CIL chargeable area. The current charge for residential development in Bleasby is £100/sqm which is chargeable to residential development. The proposal would have an increased floor area from the existing building and therefore this net additional increase would be the chargeable floor area in this instance. The calculation of the charge is detailed in the table below:

CIL Rate (charging area)	£70
Proposed Floorspace	208m ²
Existing Floorspace	95m ²
Chargeable Proposed Floorspace	113m ²
TPI at Date of Planning Permission	327
TPI at Date of Charging Schedule	327
CIL Charge	£11,300.00

Recommendation

That full planning permission is granted, subject to the following conditions;

Conditions

01

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

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

02

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

- Site location plan
- Proposed site plan – 2265/3 Rev.C
- Proposed floor plans and sections – 2265/4 Rev.C
- Proposed elevations – 2265/5 Rev.C
- Proposed site elevations/sections – 2265/6 Rev.A

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

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials and window/door frames (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

Development shall not commence until a programme of historic building recording and full recording report has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

05

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);
- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

07

The window openings on the eastern elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be

complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (or any order revoking, re-enacting or modifying that Order), no windows including dormer windows (other than those expressly authorised by this permission) shall be constructed on the eastern elevation of the development hereby permitted.

Reason: To safeguard against the overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

09

No part of the development hereby permitted shall be brought into use until the access driveway within the site is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

010

The gates at the access point shall be set back 5m from the highway boundary (rear of footway) and constructed in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority. The approved gates shall then be retained for the life of the development.

Reason: In the interests of highway safety.

011

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

012

The finished floor levels of the development hereby approved shall be no lower than 16.30m AOD as specified in the Flood Risk Assessment unless otherwise agreed with the local planning authority.

Reason: in the interest of flood risk.

Notes to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 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/

The proposed development has been assessed and it is the Council's view that **CIL IS PAYABLE** on the development hereby approved.

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01288/FUL



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01225/FUL
Proposal:	Demolish existing structures on the site and replace with 4 apartments and one separate dwelling
Location:	Renaissance, Kirkby House, 29A Albert Street, Newark On Trent, Nottinghamshire, NG24 4BJ
Applicant:	Ogon Homes Ltd - Mr Jason Templeman
Agent:	Guy St John Taylor Associates
Registered:	01.07.2019 Target Date: 26.08.2019
	Extension of Time Agreed Until: 11.10.2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PTTDWJLBK5N00

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Newark Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site is situated within the within the sub-regional centre of Newark and within the Newark Conservation Area, the site is on the east side of Albert Street and close to the junction with Clinton Street. The site is currently derelict and vacant and was previously used as three storage units. The buildings are currently in a state of disrepair. There are terraced residential dwellings to the left of the site, a house of multiple occupation to the right (no. 31) and an auction house opposite. The street is prominently residential with small commercial units scattered along the length of the street. The building is primarily situated within a residential area with a variety of styles of dwelling visible. There are currently 4 trees on the site which have recently received permission to be felled, application reference number 19/00883/TWCA.

Relevant Planning History

02/00301/CAC - Demolition of corrugated tin, glass outbuilding and the wood/pvc outbuilding to the rear of the shop – Permitted 23.04.2002

01791373 Two dwellings – Outline – permission 15.01.1980

The Proposal

Full planning permission is sought for the demolition of the existing buildings on the site and the erection of 4 no. 1 bed apartments and one two bedroom dwelling. The proposal has been

amended during the lifetime of the application from 6 units to 5 during discussions regarding the over intensification of the plot, the amenity impacts on the occupiers of no. 31 Albert Street and the amenity of the future occupiers of the former unit 6. The proposal includes the rear garden area of no.31 Albert Street which currently serves as the private amenity space for 4 no. apartments (albeit this area was not secured via condition to remain solely for these existing apartments). This proposal would see the amalgamation of this garden area with the rear garden area of the application site to serve the 5 new units and 4 existing apartments.

The proposed apartment block would appear as an infill terrace between no. 29 and 31 Albert Street. The building is proposed to be 11 m wide, 7.7 m deep, 7.5m to the ridge, 5.1 m to the eaves (each unit would be 5.8 m wide), between no. 31 Albert Street the ground floor would appear as a narrow garden wall element and would reduce at first floor to allow the side elevation to no. 31 to remain unaffected by the proposal.

The block would have a simple ridge roof with gable end chimneys and its front elevation has traditional architectural details which match the vernacular of the street scene. The apartments would comprise an open plan kitchen/dining/living room with a bedroom and shower room/bathroom.

On the NW principal elevation proposed materials are cited as red brick and pantiles, windows are proposed to be powder coated Aluminium sash windows with brick arched heads and a blank window at first floor. At ground floor the three doors are proposed, 1 each to enter into units 1 and 2 and the third central door to access the stairwell to units 3 and 4. The rear SE elevation is proposed to have render at ground floor and red facing brick to the first floor. The ground floor is proposed to have rear access doors.

The proposed two bed dwelling would be sited to the rear of the proposed apartment block; the dwelling would have an open plan kitchen/dining/living room area, two bedrooms and a bathroom and externally would comprise two elements:

- A flat roof element would adjoin the apartment block and follow the NE boundary line measuring 8.6 m long, 4.4 m wide, 3.1 m to flat roof height. The range would have a flat green roof and materials include render and timber cladding with two powder coated Aluminium casement windows on the SW elevation – the NE elevation is proposed to be blank. Two rooflights are proposed.
- A gabled element would adjoin onto the flat roof structure and follow the SE rear boundary of the site measuring 8.3 m long, 4.5 m wide, 4.6 m to the ridge and 2.9 m to the eaves. Materials include red brick and pantile and the range is proposed to have traditional architectural detail such as arched door headers, a timber door pinned back at the front door and a further blind door opening. One Aluminium casement door is proposed on the NE elevation facing into the communal amenity area and the SW elevation is proposed to have a set of patio doors with flanking sidelights – the SE elevation is proposed to be blank however two rooflights are proposed in this roof slope.

The dwelling would have a separate garden area c. 40m² surrounded by a c.1.3 m high brick wall

The land to the rear of the site and the rear of no. 31 Albert Street is proposed to comprise the private residential amenity space for all proposed and existing units measuring c.103m². The rear garden area would be landscaped to provide areas of grass, planters and paved areas. Bin storage would be provided in the SW corner of the site to the rear of the garden area to unit 5.

The application is accompanied by the following plans and supporting information:

- Revised Proposed Floor Plans and Elevations – Ref. 812.1016.6.3B
- Existing Floor Plans and Elevations - Ref. 812.1016.6.2
- Site Location Plan
- Design & Access Statement

Departure/Public Advertisement Procedure

Occupiers of 20 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Earliest decision date: 23.09.2019

Planning Policy Framework

The Development Plan

NSDC Amended Core Strategy Adopted 2019

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 14- Historic Environment
Area Policy NAP1 – Newark Urban Area

NSDC Allocations and Development Management DPD Adopted July 2013

Policy DM5 – Design
Policy DM9- Protecting and Promoting the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Newark Town Council – “Objection was raised to this application due to the lack of parking provision in the application.”

NCC Highways Authority – “This proposal is for residential dwellings with the site located on the edge of town centre, close to local amenities. There are no parking facilities available for the site; however, there are good public transport facilities in close proximity. In view of this, there are no highway objections to this proposal.”

NSDC Archaeology Advisor – “This site is within an area of Newark that could contain information regarding the development of Newark from the medieval period onwards. The nature of the deposits here may be deeply buried which means essentially that they are preserved in situ below the current development.

Given this I recommend that the site should be recorded during development, and this recording should be maintained during the grubbing up of any foundations.

Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'.

An outline of the required work produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details."

NSDC Conservation – “Site analysis

29A Albert Street is within the Newark on Trent Conservation Area, last designated February 1995. The site is within the setting of several Listed Buildings, including 7-11 and 13-17 Albert Street, and the former Castle Brewery Offices, all grade II.

The site contains a row of 3 single storey retail units, unused for a number of years. At the rear is a range of single storey structures. Both the retail units and the rear structures are considered to have a neutral impact on the character and appearance of the Conservation Area. Nearby are a range of 19th century buildings, including a large number of 2 storey terraces, mostly red brick with clay pantile or natural slate roofs.

Prior to the construction of these retail units in the 1940s/50s, this site contained the side garden to the adjacent 19th century villa.

Assessment of proposal

The scheme would see the present retail units and rear structures demolished. These would be replaced with 4 apartments at the front of the site (resembling a traditional pair of semi-detached dwellings of the same height as the existing terrace adjacent). To the rear, a further two residential units would be provided, one attached to the rear of the front building, and the other detached.

Loss of existing buildings

The existing retail units date to the 1940s/50s. They currently appear as an incongruous element in the streetscene, being single storey and with a flat roof, very much at odds with the prevailing 19th century character of this part of the street. The building appears to be in a poor condition and has been unused for a number of years. Whilst lower parts of the shopfront are of a historic design, they have been much altered and are somewhat plain. For these reasons, it is considered that their loss would have no impact on the character and appearance of the Conservation Area and on the setting of nearby Listed Buildings.

The rear buildings are hidden from view and are of a mid-20th century construction. They are also considered to have a neutral impact on the Conservation Area's character. With this in mind, there are no Conservation concerns with their removal.

Proposed 2 storey building

This would be of a traditional design, similar in form to 19th century terraces and semi-detached dwellings nearby. The building would be faced on Albert Street with red brick and pantiles to match the adjacent building. Aluminium sash windows would be used on the frontage, together with 6-panel doors (material unspecified). The rear of the building would be rendered and timber panelled. At the side would be a narrow flat-roofed element, appearing as a garden wall.

Overall, the design of the building when viewed from Albert Street would reflect well the traditional 19th century industrial and residential architecture of this part of the Conservation Area. The use of traditional brick arches, '1 over 1' sash windows, panelled doors and eaves corbelling, together with red bricks and pantiles, would also help produce a scheme that does not appear incongruous with its surroundings. The only element required is the addition of chimney stacks of an appropriate scale and design, fixed to the roof at each gable.

With regard to the rear elevations, whilst the use of render and timber panelling is not common, Conservation acknowledges that this part of the site is not prominent and in fact, only a small part would be visible from public vantage points. With the above in mind, Conservation considers that subject to the addition of chimney stacks*, the proposal would help to preserve the character of the Conservation Area and the setting of nearby Listed Buildings. Therefore, Conservation has no concerns, subject to the above amendment* and the conditions set out below.

Single storey dwellings

These would be of a single storey and the majority would not be visible from the surrounding roads.

It is acknowledged that the rear area currently has several buildings, and in floor area the new buildings would be similar. In addition, it is common to have linear buildings at the rear of villas, normally containing stables, coach houses, etc. Whilst Conservation accepts this might appear somewhat cramped in layout, that is an amenity matter and not unacceptable from a heritage point of view. With this in mind, Conservation has no concerns with this part of the scheme.

Required amendments

The addition of chimney stacks at each end of the 2 storey building.

Conditions

1. Scheme to accord with amended plans*;
2. Before the windows and doors hereby approved are installed, details of their material, design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:20 scale, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed details. Reason: Inadequate details of these matters have been submitted with the application and to

ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

3. In relation to the above condition, trickle vents shall not be inserted into the windows/doors hereby permitted. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

4. Before any construction occurs above damp proof course (DPC) level, samples or detailed specifications of the new facing bricks to be used in the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed brick details. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

5. Before any construction occurs above damp proof course (DPC) level, details of the brick bond to be used on the north west (Albert Street) facing elevation of the two storey building hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The completed development shall only be in accordance with the agreed brick bond. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

6. The roof of the two storey building hereby approved shall be finished in non-interlocking natural red clay pantiles only. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

7. Before the rainwater goods hereby permitted are installed, samples or detailed specifications of them (including the method of fixing) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed rainwater goods details. Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

8. Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority. Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights or solar panels shall be placed on the north west (Albert Street) facing roof slope of the two storey building hereby permitted, without the prior approval of the Local Planning Authority. Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

In reaching these views, Conservation has had regard to Sections 66(1) & 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy CP14 of the Amended Core Strategy (March 2019), Policy DM9 of the Allocations & Development Management DPD (July 2013), Section 16 of the Revised NPPF (Feb 2019) and guidance contained in the Newark on Trent Conservation Area Appraisal.”

NSDC Environmental Health – “I refer to the above planning application and have no objections in principle. I would be grateful if would condition the proposal as follows:

1. Ensure that noisy building work is only carried out between the following hours:
 - Monday to Friday, 8am to 6pm
 - Saturday, 8am to 1pm
 - At no time on a Sunday or Bank Holiday

In addition, the 'Best Practicable Means' (BPM) of controlling noise should be employed at all times.

2. Builders should avoid causing a nuisance to neighbouring properties or public areas from dust, and should therefore take adequate dust control. Such measure can include reducing dust at source, damping down and screening.
3. No burning of demolition waste must take place on site.”

Comments of the Business Manager

Principle of Development

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The Allocations & Development Management DPD was adopted in July 2013 and together with the Amended Core Strategy DPD (Adopted 2019), forms the Local Plan for Newark & Sherwood. The site lies within the defined urban area of Newark and Balderton, a ‘Sub - Regional Centre’ as defined by the Core Strategy settlement hierarchy where the principle of residential development is acceptable subject to site specific impacts. The proposal therefore accords with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle.

Given the above I am therefore satisfied that the principle of residential development in this location is acceptable. This is however subject to the impact upon the character of the local area, design and impacts upon amenity and highways safety. Given that the site is located within the Newark Conservation Area, regard must also be given to the distinctive character of the area and seek to preserve and enhance the Conservation Area.

I note that currently the site has a retail use class and this proposal would see the loss of this retail function; the site lies within the urban boundary of the sub-regional centre and within Newark Urban Area (NAP1). This policy discusses how Newark Town Centre is the focus for retail provision within the Newark Urban Area and the wider District and to ensure the vitality of the town centre NAP1 states that planning proposals should promote the re-use of vacant and underused shops and

secure the redevelopment of sites for appropriate main town centre uses. To help achieve the aims of this policy a town centre boundary and primary shopping areas has been defined as well as primary and secondary shopping frontages – the application site does not lie within any of these designated areas such that it is not considered inappropriate in this instance that a retail unit would be replaced with a residential unit as a result of this proposal.

Impact on Character & Appearance of the Conservation Area

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. 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).

Paragraph 200 of the National Planning Policy Guidance states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'.

Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The development proposes to demolish the existing buildings on the site and construct an infill terrace block between no. 29 and 21 Albert Street which would comprise four apartments in addition to the construction of a single dwelling in the rear courtyard area resulting in a mews development. The rear unit would be accessed via an existing gated access currently used by 31 Albert Street residents. This proposal has been revised from the original submission which saw two additional units to the rear of the proposed terrace infill; however this was omitted following negotiations surrounding over intensification and amenity impacts.

Chapter 11 of the NPPF refers to making effective use of land, advising that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). This chapter goes on to state how planning decisions should also promote and support the development of under-utilised land especially if this would help to meet identified needs for housing (para.118.d). Para. 119 explains how LPA's should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, such as the supply of affordable housing with para 120 reiterating that planning decisions "need to reflect changes in the demand for land".

This site currently comprises a vacant modern single storey retail unit fronting onto Albert Street which is currently in a poor state of repair. The units are predominantly timber paneled with columns dividing the units into three, there is through access into the rear yard of the site where a small flat roofed brick structure abuts 31 Albert St. A further range of brick outbuildings about the boundary to 29 Albert St – all are in a poor state of report and possess no historic or architectural merit that would warrant their preservation such that I have no objection to the buildings on the site, which ultimately given their current state and configuration do not contribute positively to the character of the area. I therefore consider the proposal would present an opportunity to enhance the site and wider area in replacing some disused and low value buildings with a terrace infill block.

Given the historic importance of the area the Conservation Officer has been consulted and their comments can be read in full above. They have concluded that the replacement two storey building along Albert Street is acceptable; the traditional design is complementary to the 19th century terraces and semi-detached properties nearby and will assimilate well within the streetscene, the architectural details reflect the character of the conservation area and the addition of chimneys fixed at either end of the gables, at the request of the Conservation Officer (CO), now results in an acceptable scheme that will enhance the current site and the character and appearance of the Conservation Area (CA).

Turning to the rear range proposed, the building would follow the side and rear boundaries of the site and would be rendered and timber paneled on one range and red brick on the rear return. This part of the proposal constitutes backland development although is not dissimilar to other forms of mews type of development seen in town centres. In accordance with Policy DM5, proposals that create backland development should only be approved where they would be in-keeping with the general character and existing density of the area and would not set a precedent for similar forms of development in the area. I am satisfied that the proposed development would reflect the tighter urban grain that is historically characteristic of this part of the CA and would not set a harmful precedent.

Aesthetically, the middle range appears more modern in design with a flat green roof proposed and render and timber paneling. The CO has noted that the use of these materials is not common in the CA however, this part of the site is not prominent and in any event I consider this range juxtaposes the more historic rear range that is proposed which would not result in a harmful impact on the character and appearance of the CA. The rear range represents a traditional dual pitched red brick and pantile range which would abut the rear boundary of the site, this has been designed sympathetically to the character of the area and utilises historic architectural detailing such as pinned back timber doors and a blind door opening which will give the impression of a former stable range that would have historically been a typical form of development in this location.

The CO has concluded that they support the proposal subject to precise joinery and materials conditions and therefore I consider that the proposal to demolish the existing low quality building on the site and construct a new terrace block comprising 4 no. apartments and one rear range will materially enhance the character of the area, the dwellings are of a suitable scale and density for the location and have been designed suitably so that they will not appear incongruous within the streetscene or have an undue impact on the character and appearance of the Conservation Area. The proposal therefore accords with the objective of preservation set out under sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as complying with heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Impact on Amenity

Policy DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Existing occupiers include the 4 apartments in no.31 Albert Street to the SW, occupiers of no. 29 to the NE and properties to the SE. I note that given the existing first floor window on the side elevation of no. 31 Albert Street (SW) the townhouse block is proposed to be stepped away at first floor to maintain light to this window. The first floor window would still inevitably be impacted through the proximity of the proposed two storey element to this window; however I note that the window serves a staircase and therefore the proposal would not unduly overshadow a main habitable room or result in an unacceptable amenity impact in this regard. To the rear I note that no. 31 has a number of windows in its rear elevation and it is proposed to construct two new structures as part of the application which wrap around the side and rear boundaries to the site. The proposed built form for the rear gabled range of unit 5 would terminate before side of no. 31 Albert Street such that I do not consider the built form would impact this dwelling through overbearing or overshadowing. I also note that the garden wall proposed to enclose unit 5's garden area is proposed to be low level. Windows are proposed in the NW elevation of this outshot which would be opposite the rear elevation of no. 31, however given the positioning there would be no direct overlooking as a result of the dwelling. This is an element of the proposal which was specifically negotiated out as part of the revised submission.

To the NE, no 29 Albert Street has no windows in its side elevation that would be impacted by this proposal and to the rear I note this neighbouring property has outbuildings that flank the SW common boundary such that the proposed rear outshot forming unit 5 would not result in any overbearing, overshadowing or overlooking issues. Similarly to the rear, residential properties are present on Castle Brewery Court. These dwellings are set approx. 13 m SE of the rear boundary of the application site and are separated across a communal car parking area, by virtue of separation and the single storey nature of the proposal the proposed gabled rear outshot along the rear SE boundary of the site will not result in any overbearing or overshadowing issues and given it is proposed to be blank there would be no overlooking impact either.

Turning now to consider the impact on the private amenity space of no. 31, I note that this property has 4 apartments and the proposal would see four further apartments share this communal space (noting that unit 5, the new dwelling has its own private 40m² of residential amenity space which is considered to be an appropriate size commensurate for the dwelling in a town centre location). The current rear amenity space of no. 31 and the application site is graveled and low quality; the proposal would see the landscaping of this rear area (which is c. 103m²) with areas of grass, paving and planting. The permission for the existing 4 apartments in no. 31 did not secure this existing amenity space solely for the use of the occupiers of these apartments and the intention is that this area would now be shared between the occupiers of no. 31 and the new units proposed as part of this application. I consider for a town centre environment, where there is access to recreational green space the provision of c. 103m² of private amenity space to effectively serve 9 apartments is sufficient and would not give rise to unacceptable amenity conditions.

The Environmental Health Officer has given comments regarding the impact of the demolition and construction on the site and has advised that they have no objection to the scheme provided that a time restriction is conditioned to prevent any noisy building works being conducted in

unsociable hours and that construction is managed to mitigate noise and any impact on neighbours. Subject to these conditions I therefore conclude that there would not be an unacceptable amenity impact on surrounding neighbouring properties as a result of this proposal.

Turning now to the impact upon the future occupiers of the scheme it is important to note that in order to prevent adverse amenity impacts the scheme has been revised to remove a 6th unit in the rear garden area of the site. The provision of adequate amenity space has been discussed in the section above and has concluded to be acceptable in this context. The units themselves proposed are considered to be appropriate for this town centre location and have no window arrangements proposed that would result in unacceptable overlooking issues – additional glazing has been incorporated into unit 5 to remedy concerns raised regarding the lack of outlook and natural lighting into this unit and the unit now includes a glazed front door and a number of rooflights which are considered to be acceptable in this instance and will result in a better amenity condition for the future occupiers of this unit.

With regard to noise and the close arrangement of the dwellings I note that the Environmental Health Officer has not commented in this regard and it is considered that the proposal would be no worse than the existing tight urban grain in this location and the existing interrelationship between properties.

I therefore conclude that the revised development would result in a satisfactory level of residential amenity for both the occupants of the proposed development and the occupants of the existing properties and therefore the application accords with DM5 of the ADMDPD.

Impact on Highway Safety

Spatial Policy 7 provides that developments should minimise the need for travel, provide safe convenient and attractive accesses for all including the elderly and disabled, provide appropriate and effective parking provision and ensure that the traffic generated does not exacerbate existing on-street parking problems nor materially increase other traffic problems. This is echoed in Policy DM5.

In this case no vehicular access or off-street car parking would be provided. Access would be pedestrian only via the building entrances off Albert Street and a passageway between no. 31 and 33 Albert Street. I note the Town Council have raised a concern regarding the traffic and parking impacts. However I also note that the County Council's Highways Authority raise no objection to this approach given its location on the edge of the town centre.

This scheme is not dissimilar to other mews development in the town and there is nothing in policy that requires that a vehicular access must be provided. Implicitly any occupiers or visitors would need to park in public car parks nearby or on-street. Albert Street itself is subject to parking restrictions (double yellow lines). Occupiers would be well aware of the parking position before occupying the proposed dwelling. Equally there are no requirements through the planning system to provide an emergency access to the site. The applicant has however agreed to include bicycle storage facilities within the site for the future occupants to promote the uses of sustainable transportation methods which is considered to be acceptable in this location.

Given the site is located close to the town centre, with adequate public transport and public car parks nearby it is deemed to be a sustainable development whereby the provision of off-street

parking is not essential to the scheme. For these reasons it is considered that the proposal would accord with SP7 and DM5 in terms of highway and parking impacts.

Conclusion

In conclusion, the proposal is considered to be acceptable in principle and would not harm the character or appearance of the Conservation Area. It would not have any significant adverse effects arising from the level of development on the site, would protect the amenity of existing and future occupants and provide a satisfactory standard of living for both, it would not result in and adverse highways impacts and would result in the creation of 5 units that would help to meet the district Council's housing 5 year land supply and the need for smaller houses in a highly sustainable location. For these reasons the proposal is considered to be in accordance with the Development Plan and therefore I recommend the application is approved.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Revised Proposed Floor Plans and Elevations – Ref. 812.1016.6.3B
- Site Location Plan

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

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of all external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt these details include (but are not limited to): bricks, pantiles, render, timber cladding, windows and doors, green roof, pinned back timber doors, coping stones. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Chimney(s)

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

In relation to condition 04, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

06

Before any construction occurs above damp proof course (DPC) level, details of the brick bond, mortar and pointing technique to be used in the construction of the buildings hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out only in accordance with the agreed details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

07

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be provided in accordance with a written scheme of investigation which shall first be submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

08

Demolition or construction works shall only take place within the following hours:

8am to 6pm Monday - Friday

8am to 1pm Saturdays

Not at any times on Sundays, Bank or Public Holidays

And in accordance with the 'Best Practicable Means' (BPM) of controlling noise unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity.

09

There shall be no burning of demolition waste on any part of the site.

Reason: In the interests of residential amenity.

10

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

proposed finished ground levels or contours;

means of enclosure;

pedestrian access and circulation areas;

hard surfacing materials;

proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

11

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

12

Notwithstanding those windows and doors permitted by way of this permission and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

13

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or and order revoking or re-enacting that order), no dormer windows, roof lights or solar panels shall be placed on the north west (Albert Street) facing roof slope of the two storey building hereby permitted, without the prior approval of the Local Planning Authority.

Reason: The site is prominently located within the Newark on Trent Conservation Area and in the setting of several Listed Buildings. The unsympathetic extension or alteration to the approved two storey building may cause harm to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

14

The bin storage facilities and communal grass/paved areas as shown on plan 'Revised Proposed Floor Plans and Elevations' Ref. 812.1016.6.3B shall be provided prior to the first occupation of the development hereby permitted in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate bin storage and private amenity space is provided for occupiers in the interests of residential and visual amenity.

15

No part of the development hereby permitted shall be occupied until bicycle storage facilities have been provided for the development in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bicycle storage facilities shall be provided prior to occupation of the development in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of promoting sustainable transportation methods.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

03

Construction workers should avoid causing a nuisance to neighbouring properties or public areas from dust, and should therefore take adequate dust control. Such measure can include reducing dust at source, damping down and screening.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager - Planning Development

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01287/FUL	
Proposal:	Demolition of an existing dwelling and outbuildings and erection of a replacement new 3 bed dwelling	
Location:	2 Brackner Lane, Bilsthorpe	
Applicant:	Mr & Mrs Arkley	
Agent:	Vale Planning Consultants – Mrs Helen Broadhurst	
Registered:	12 July 2019	Target Date: 6 September 2019
	Extension of Time Agreed Until 10 October 2019	
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUBIK9LBKAY00	

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the view of Bilsthorpe Parish Council differs to the professional officer recommendation.

The Site

The application site relates to a roughly rectangular residential curtilage, approximately 730 sq m in area that currently accommodates a modest 3-bed bungalow with gabled pitched roof and detached garage to the east. With a footprint of approx. 83 sq m and eaves height of 2.9m and ridge of 6.6m, the bungalow sits set back from the road by approx. 7m and has a rear garden measuring approx. 20m by 20m. The site is bounded by close boarded timber fencing approx. 1m in height. It is accessed from a narrow single-width, tarmac, private road leading from Brackner Lane, which serves two dwellings and terminates in a commercial premises that manufactures fire and acoustic doors for the construction industry.

Immediately to the west of the site is another modest dormer bungalow, of very similar size, design and siting on a similar sized plot and probably built at the same time as the bungalow within the application site. Other than this, the site is surrounded on all sides, by open fields, used for arable farming.

The site is situated to the south-east of the settlement of Bilsthorpe, to the south-west of the Belle Eau Park Industrial Estate and directly north of Hexgreave Park.

Relevant Planning History

The planning history reveals that the commercial premise at the end of Brackner Lane was once a hatchery and the two adjacent bungalows (No. 1 and 2 Brackner Lane) were built to house agricultural workers for that business.

FUL/941018 - Removal of agricultural tie as to the occupancy of the dwellinghouses, approved 09.11.1994

19/00217/FUL - Demolition of existing dwelling and out-buildings and erection of a replacement new 3 bed dwelling was refused under delegated authority on 30.04.2019 for the following reason:-

“In the opinion of the Local Planning Authority, the proposed replacement dwelling would, by virtue of the significant increase in built form, contrasting layout and position within the site in comparison to the existing dwelling and immediately neighbouring property result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling is not considered to be of a similar size or scale to that being replaced. As a consequence, the proposal would also result in a detrimental impact upon the amenity of its occupiers of the neighbouring property by virtue of a materially adverse overbearing impact. An increased perception of overlooking upon the occupiers, by virtue of the layout of the proposed dwelling which includes a long west facing elevation containing large windows at ground and first floor level that would dominate the neighbouring property would also occur. Overall, the development would be contrary to the guidance within Core Policy 9 and Core Policy 13 of the Amended Core Strategy and Policies DM5 and DM8 of the Allocations and Development Management DPD, in addition to the guidance contained within the NPPF which is a material planning consideration.”

The applicants have appealed against this decision which is currently going through due process at the Planning Inspectorate.

The Proposal

The proposal seeks planning permission for the demolition of all existing buildings on the site and the erection of a two-storey 3-bed dwelling and an attached flat roof garage. This re-submission seeks to address the previous reason for refusal by submitting a scheme with some adjustments albeit the general layout reflects the refused application.

The amendments can be summarized as follows:-

- The 2 storey element of the proposed dwelling has been reduced in height by approximately 0.4m;
- The overall footprint of the proposed dwelling has been reduced notably by reducing the width of the garage by approximately 0.7m;
- The windows have been altered at first floor level in the west elevation (facing the neighbour);
- Two windows serving a bathroom and en-suite have been re-sited from the west elevation to the gable ends.
- Three high level roof lights added to the west elevation.

The following description states the measurements for the current application and then the dimensions of the previous application in brackets.

The dwelling would be positioned approx. 2.5m (1.8m) from front of the site (side on to the road) and bounded by structured evergreen hedgerow planting and timber fencing on all boundaries. The proposed fencing would be 'low' level on all boundaries apart from the boundary adjacent to the neighbouring property where it would be 1.8m high close-boarded timber fence.

The proposed new dwelling has a footprint approx. 126.5 sq m (133sqm), which represents a 52% (60%) increase in comparison to the existing dwelling. It is two storey in height with a pitched roof above and a ridge height of approximately 7m (7.4m). The single storey flat roof garage positioned at the front of the dwelling would have a constant height of 2.9m (3.1m). The floor area of the existing dwelling measures 98.33sqm excluding the detached garage and the proposed dwelling measures 172.8 sqm (183sqm), which is an increase of 74.5m (84.7m) or an 75.8% (86%) increase over the existing.

The building has a simple rectangular form with a metal clad finish on the east facing elevation and the roof, with timber cladding on the front and rear facing gables as well as the west facing elevation. Large modern glazed openings are proposed on all of the elevations, although the western elevation facing the neighbour as at first floor level, has reduced the number of windows from 5 (serving bathroom, en-suite, stairs/landing, and dressing room) down to 2 windows (serving dressing room and stairs/landing) and three high level rooflights.

The proposed new dwelling accommodates a large integral garage, utility room and office within the single storey element at the front of the site. Beyond this, at ground floor level, the dwelling provides a hallway, snug, shower room and open plan kitchen, living and dining space. At first floor level, the accommodation offers a family bathroom and three bedrooms, with the main bedroom served by an en-suite and dressing room.

A combined Planning, Design and Access Statement has been submitted in support of the application.

The plans considered by this application comprise:-

- Site Location Plan (Drawing No: 001)
- Proposed Plans (Drawing No: 002b)
- Proposed Elevations (Drawing No: 003b)

Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

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

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Newark and Sherwood Landscape Character Assessment SPD

Consultations

Bilsthorpe Parish Council – Support the proposal.

One representation has been received from one local resident/interested party which can be summarised as follows:

- The proposed building is not of similar size, scale and siting as the original dwelling that is to be replaced, contrary to Policy DM8 – less than 30% of the existing bungalow's current footprint (as in physical position within the plot) will be used for the replacement dwelling;
- The proposed building has an over bearing impact on the neighbouring property, due to the re-orientation and its length beyond the rear elevation of the existing bungalows;
- The plot is not large enough to suitably accommodate the proposals being put forward;
- The proposed building will result in loss of amenities for the neighbouring property;
- The proximity of the proposed single storey element to the road (4.5m closer) will greatly reduce the visibility for vehicle exit for both the properties;
- The proposed building does not confirm to the design and style of any local buildings – either existing dwellings (brick and pantile) or any local agricultural buildings;
- Re-positioning of the access makes it closer to the neighbouring property resulting in vehicles engines and headlights becoming more intrusive;
- There have been some small changes made from the previous application, but it does not go far enough;
- The criticism of the design and architecture of the existing bungalow is unnecessary and belittling;
- The neighbouring bungalow does not have a higher ridge than the existing application bungalow;
- Whilst the proposed dwelling appears to have a more similar height of the existing bungalow, the length is still substantially longer than the existing;
- The footprint of the proposed is 42% bigger than the existing and so it not similar in size, scale or siting;

- The only window currently facing the neighbouring property to the west serves the old coal house at ground floor level (ie a non-habitable room) – the proposed dwelling shows the overall scale of the upper floor is growing significantly from one or two rooms in the narrow roofspace of the existing bungalow to a family bathroom, three bedrooms with master bedroom with ensuite and dressing room;
- If there was more than one car parked on the site, it would not be possible to turn on site and leave in a forward gear;
- The Planning and Design and Access Statement is misleading in that it refers to policies that should be applied to new dwellings not replacement dwellings and in any event the proposed dwelling is not of ‘exceptional quality or innovative nature of design;’
- Even if ‘great weight’ should be given to outstanding or innovative designs which promote high levels of sustainability – fine but not at the cost of contravening other planning regulations, including impact on residential amenity, being of similar size, scale and siting, demolishing a building that will create a carbon deficit that will take 100 years to pay back through improved sustainability of the replacement dwelling, etc;
- The supporting Statement argues the proposal will assist in raising the standards of design across this rural part of the District – should the local community be looking to demolish existing homes to live in dwellings that resemble agricultural/commercial buildings?
- When viewed from a distance the two houses plus the commercial unit will certainly look an unusual mix of buildings which is currently not the case;
- The increase in height, length and orientation will result in a greater visual impact when viewed from a distance from the east, west, south-west, south-east, north-east and north-west, but would not be visible from the south due to the hill but would have less of an impact from the north;
- It is wrong to include ancillary buildings (two green houses and a wooden shed) to calculate ‘existing’ footprint, but just seeks to justify the large increase in scale and footprint; there is nothing to stop the applicant erecting similar ancillary outbuildings without planning permission at some time in the future;
- The supporting Statement states that 117.5 sqm can be built under permitted development to the existing bungalow which appears overstated and importantly the Council would need to consult neighbours before building commences;
- It goes on to state that therefore if this GDPO approach was adopted, there could be little control by the applicant over the design – so therefore better approve the current proposal otherwise something worse could be built;
- Is it still proposed to use shipping containers in the development?
- The existing development along Brackner Lane is not sporadic – it is based on the history of the agriculture of the area – the original chicken hatchery at the end of the road had the two bungalows built for the managers of the hatchery and the larger house at the bottom of the road (Brackner House) was built for one of the more senior managers of the same poultry business. Not sporadic but reflective of the each manager’s position within the company; the proposed development would be much more sporadic.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making.

The site is situated within the Rural Areas, as defined by Spatial Policy 1 of the Core Strategy. As such Spatial Policy 3 of the Core Strategy applies. This policy states that development not in villages or settlements, in the open countryside, will be strictly controlled and restricted and then points towards the Allocations and Development Management DPD for policies to deal with such applications.

Development in the Open Countryside is then to be assessed under Policy DM8 which under subsection 3 refers specifically to new and replacement dwellings. The policy states that *“Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.”*

Planning permission will be granted where it can be demonstrated that the existing dwelling is in lawful residential use and is not of architectural or historic merit. In the interests of minimising visual impact on the countryside and maintaining a balanced rural housing stock, replacement dwellings should normally be of a similar size, scale and siting to that being replaced.”

The principle of a replacement dwelling in the open countryside is therefore acceptable subject to the criteria set out within this policy.

The existing bungalow (with its agricultural tie now removed) represents a lawful residential use of modern construction with no architectural or historic merit.

Size, Siting and Position

The existing footprint of the dwelling measures 83 sqm; the footprint of the proposed dwelling measures 126.5 sqm, an increase of 43.5 sqm or 52.4% over and above the existing. The floor area of the existing dwelling measures 98.33 sqm (excluding the detached garage) and the proposed dwelling measures 172.87 sqm, which is an increase of 74.5m or a 75.8% increase over and above the existing.

The increase in the ridge height from 6.6m to 7m is not considered to be significant, however this in addition to the increase in the eaves height from 2.9m to 4.7m, together with the increase in length from 10m to 14.5m would result in a substantial increase in the mass of built form at the site. In also considering the footprint and floor area increases highlighted above together with the context of the site, which is an average sized single domestic plot with the only neighbouring dwelling being a modestly proportioned bungalow, I am of the opinion that proposed development would result in a detrimental impact on the visual amenities of the site itself, which in turn would be harmful to the rural character of the surrounding open countryside. This is further exacerbated by the complete change in the orientation of the development on the site which no longer addresses the highway, but the neighbouring property. Whilst this change in orientation may be less of an issue if the site was isolated, the presence of the adjacent bungalow with its principal elevation addressing the road in a traditional way, results in an incongruous relationship between the existing and proposed.

The supporting Statement submitted with the application states that the existing bungalow can be extended under permitted development rights by a further 117.5 sqm. It is correct that a single storey (not exceeding 4m in height) rear extension potentially measuring 8m by 10m (80 sqm) could be applied for through a prior approval process, however, the impact on the neighbour's residential amenity would have to be taken into account which may result in the need for a planning application to be submitted. It is correct that a single storey (provided the height does not exceed 3m within 2m of any boundary) side extension (following the demolition of the existing garage) measuring 5m wide by 7.5m deep could be built without further re-course to the local planning authority. These facts need to be given some weight in the consideration of this application, however, this weight should be limited, on the basis that the applicant clearly does not have any intention of building such single storey extensions to the existing bungalow as a fall back position, notwithstanding the resulting 'poor' design that the Statement considers would be the outcome. In addition, the proposal currently presented by this application is materially different to what could be built under permitted development and does require planning permission and therefore the proposed size and scale and all other material considerations must be assessed not just aspects of design. It is also not considered appropriate to include the footprint of existing greenhouses and timber sheds within the calculations comparisons between existing and proposed.

Given the above, it is considered that the proposed replacement dwelling would not be of a similar size, scale or siting to that being replaced, contrary to the guidance within Policy DM8 and to the detriment of the visual amenity of the site and the character of the surrounding open countryside.

Impact on the character and appearance of the area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Core Policy 13 expects development proposals to positively address the implications of the Landscape Policy Zones in which the site lies and demonstrate that the development would contribute towards meeting Landscape Conservation and Enhancement Aims for the area. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 131 of the NPPF states "In determining applications, great weight should be given to outstanding or innovative designed which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings."

The Newark and Sherwood Landscape Character Assessment identifies the site as being within the Mid Nottinghamshire Farmlands MN PZ 27 Kirklington Village Farmlands where the Landscape Condition is defined as very poor, the Landscape Sensitivity is considered as moderate and Landscape Actions are identified as "Create" – ie create new hedgerows and enhance tree cover and planting to increase the sense of place and reduce visibility.

Both the increased level of built form on the site together with its change of orientation and positioning adjacent to eastern boundary of the site is considered to result in a greater detrimental effect on the rural character of the surrounding countryside which is predominantly open with short and medium distance views of the site from public roads and footpaths. Furthermore, whilst the proposed cladding may help to assimilate the structure into its rural setting (dependent on colour/finish), this is not sufficient to mitigate the harm identified by the proposed increased level of built form and orientation which would be harmful to the character

and appearance of the site relative to its immediate streetscene and rural context and therefore is considered to be contrary to Core Policy 9 and Policy DM5 of the Development Plan.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Furthermore, the NPPF in paragraph 127 seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

The proposed development would result in a new dwelling which would project beyond the rear elevation of the neighbouring bungalow at two storey level, which has the potential to result in some loss of early morning light to the neighbouring property. However, given the separation distance of 11m between the proposed dwelling and the common boundary I am of the opinion that the proposal is unlikely to result in any material overshadowing impact on neighbouring residential amenity.

In terms of any potential overlooking impact, I am mindful that the proposed long west facing elevation continues to retain two windows at first floor level and principal windows serving main habitable rooms at ground floor level. Whilst, I note that the windows at first floor level would serve secondary rooms, I am also mindful that there is a bedroom window serving the neighbouring property on the side elevation facing the application site at first floor level. In considering this relationship, I am of the opinion the proposed development would lead to an increased perception of overlooking on the amenities of this neighbouring property, both inside (bedroom) and outside (immediately to the rear of the property where a degree of privacy should be expected) due to the length of the west facing elevation and number of windows contained within it. Whilst it is acknowledged that the roof lights are high level and would be unlikely to result in any loss of privacy, and that the remaining first floor openings could be conditioned to be obscurely glazed to prevent direct overlooking, it is considered that the perception of being overlooked from these openings would still be harmful to neighbouring occupiers.

The proposed dwelling would appear overbearing and dominating when viewed from the neighbouring property and its associated rear garden which would undoubtedly result in an unacceptable sense of enclosure and intrusion that the current occupiers of the neighbouring property currently enjoy, contrary to the advice contained within Policy DM5 and the NPPF.

The moving of the vehicular access further towards the west of the site and its impact on neighbouring amenity has been noted and considered, however, given the limited use of this access and position of the neighbouring bungalow, it is considered that it would not result in harm sufficient to add to the reason for refusal of planning permission in this instance.

Highway Safety

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

Brackner Lane is a narrow private road which terminates with the commercial premises located approx. 40m to the north-west. As such the highway carries a limited volume of moving traffic. The existing dwelling has a vehicular access onto this lane. The proposed vehicular entrance/exit point is considered to be acceptable to serve the proposed dwelling and there would be ample

turning and parking amenity within the site. Therefore provided the height of the frontage boundary treatment is limited by condition to allow acceptable visibility when leaving the site, the proposal would not result in any unacceptable highway safety concerns.

Conclusion

This re-submitted application has resulted in some amendments to the dimensions and openings to the west elevation compared to the previously considered scheme. The principle of a replacement dwelling at the site is considered acceptable and there are no identified highway safety concerns. However, as with the previous application, the size, scale, siting and layout of the proposed dwelling would not be similar to that which it would replace, nor would the proposed development relate well to the neighbouring property or pay due respect to the character of the existing street scene. Moreover, the significant increase in the built form as well as its positioning/orientation within the site would result in a detrimental impact on the character and appearance of the site and wider surrounding open countryside, contrary to the aims of Core Policy 9 and Policy DM8.

Furthermore, the proposed development would lead to an unacceptable impact on the privacy of the neighbouring property by virtue of the long west facing side elevation which contains windows facing the neighbouring property, resulting in overlooking, both real and perceived as well as an overbearing and dominating impact, contrary to Policy DM5 and the NPPF. Accordingly, notwithstanding the change in the view of Bilsthorpe Parish Council, it is considered that this revised application remains unacceptable and a recommendation of refusal is therefore presented to Members.

RECOMMENDATION

That planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority, the proposed replacement dwelling would, by virtue of the significant increase in built form, contrasting layout and position within the site in comparison to the existing dwelling and immediately neighbouring property result in a material adverse impact on the character and appearance of the site and surrounding open countryside. The proposed dwelling is not considered to be of a similar size or scale to that being replaced. As a consequence, the proposal would also result in a detrimental impact upon the amenity of its occupiers of the neighbouring property by virtue of a materially adverse overbearing impact. An increased perception of overlooking upon the occupiers, by virtue of the layout of the proposed dwelling which includes a long west facing elevation containing large windows at ground and first floor level that would dominate the neighbouring property would also occur. Overall, the development would be contrary to the guidance within Core Policy 9 and Core Policy 13 of the Amended Core Strategy and Policies DM5 and DM8 of the Allocations and Development Management DPD, in addition to the guidance contained within the NPPF which is a material planning consideration.

Note to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

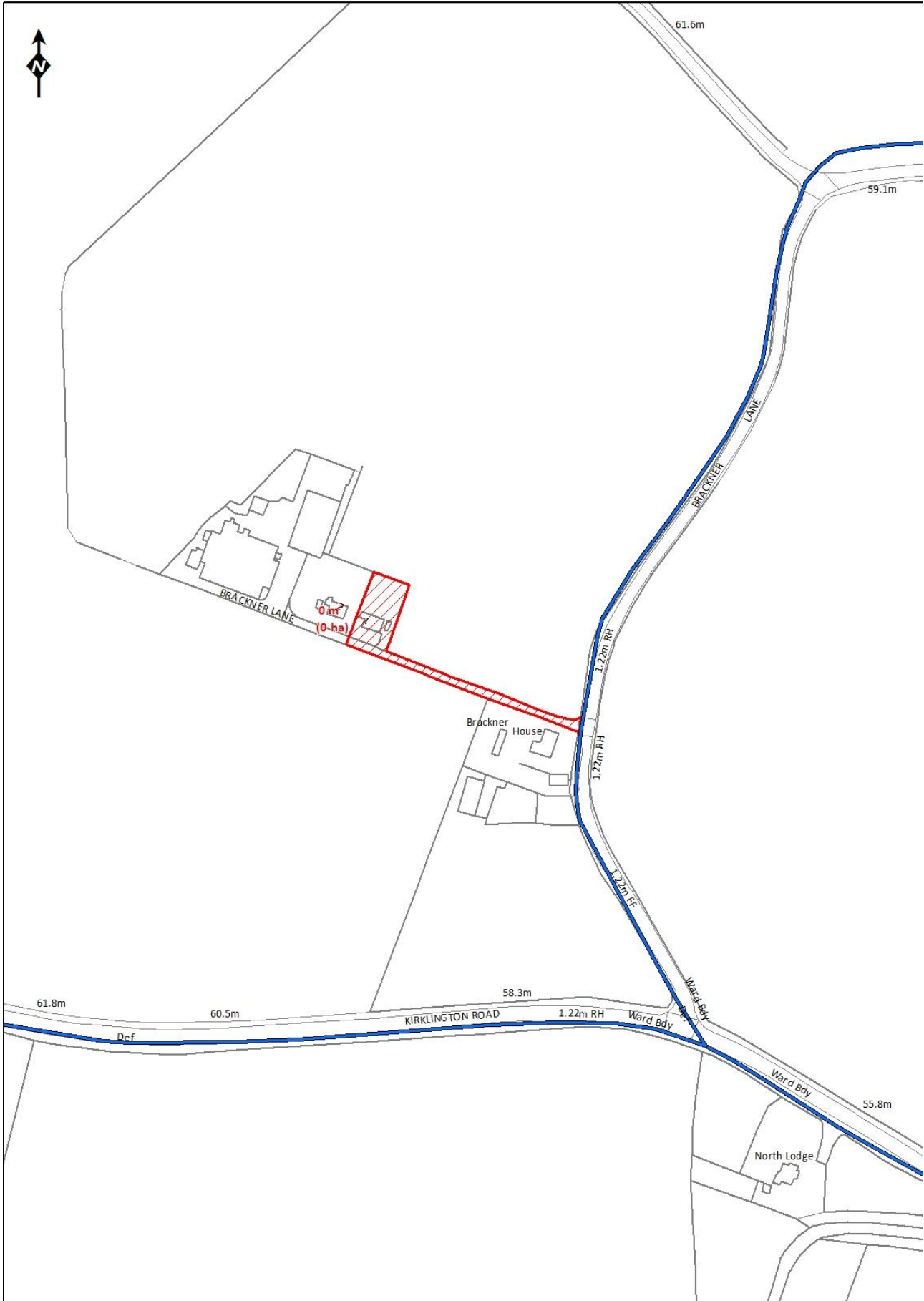
BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Lisa Hughes
Business Manager – Planning Development



PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01575/S19LBC
Proposal:	Application to vary conditions 2, 3, 4, 5, 6, 7, 8 and 9 to allow alterations to facade of retail Unit 3, minor internal alterations and update historic fabric to be retained in relation to planning permission 18/01021/LBC; Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses.
Location:	Site Of Robin Hood Hotel 1 - 3 Lombard Street Newark On Trent Nottinghamshire NG24 1XG
Applicant:	Mr Niel Strawson - MF Strawson
Agent:	Mr Mark Pickrell
Registered:	18.09.2019 Target Date: 13.11.2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage

This application is being before the Committee as the Council, as joint developer, has an interest in the land.

The Site

The site comprises three Grade II listed town houses known as the Robin Hood Hotel at Lombard Street. At the Beaumont Cross junction with Lombard Street, the site forms a key gateway to the town occupying a prominent position within the Newark Conservation Area and the Potterdyke redevelopment scheme.

The Robin Hood Hotel comprises 3 former houses and a public house last occupied as a hotel and shop, although the buildings have now been vacant since 1999. The building was listed in 1971 and its listing description (last amended in 1992) describes these houses as early and late 18th century, early and mid-19th century and late 19th century, with 20th century additions and alterations. For completeness the full listing description is repeated below:

“3 houses and public house, now an hotel and shop. Early C18, late C18, early and mid C19, with late C19 and early C20 additions and alterations. Colourwashed brick and render, with slate and concrete tile roofs. Early C18 central block has steep pitched slate roof with single ridge stack. Plinth, first floor band, gutter brackets, single coped gable. 2 storeys; 5 window

range of 12 pane sashes. Below, 4 plain sashes. Late C18 block to right has first floor band and dentillated eaves. 2 storeys; 3 window range of segment headed 12 pane sashes. Central early C19 Ionic stucco surround to moulded doorcase flanked by single segment headed plain sashes. To right again, late C19 addition, colourwashed brick with stone dressings. First floor band, eaves cornice and parapet, with side wall stack. Segment headed plain sashes, those to ground floor with keystones. 2 storeys. Angled corner with 3 windows on each floor. Right return has 8 windows, the 3 to left being smaller. To left, mid C18 block has incomplete first floor band, eaves band, cogged and dentillated eaves and single gable stack. 2 storeys; 3 window range of segment headed 12 pane sashes. To left, late C20 shopfront, and to right, a segment headed plain sash. To left again, mid C19 addition in 3 blocks. Stucco dressings, chamfered quoins, first floor band, 2 side wall stacks. 2 blocks to right have parapets. Single and 2 storeys. Right block has 2 small plain sashes and below, C20 shopfront. Single storey central block has a pair of carriage doors flanked to right by 2 plain sashes. Left block has moulded eaves and hipped roof with hipped clerestorey. 3 window range of C20 single pane windows. Below, C20 door to right. Interior refitted mid and late C20. Part of the building was formerly listed as 3 Lombard Street, PRN 619-0/3/108”.

Although the Robin Hood Hotel appears to have originally been three town houses, it is assumed that these were adapted into one by the point of the first historic reference to the Robin Hood Hotel as a public house in 1781. Survey plans from 1790 demonstrate service elements probably including stables, brewery and kitchens. In 1852, the site was sold as part of a lot which also included the Newark Theatre, and there is reference to the ‘Newark Club’ within the Robin Hood Inn Yard. By the 1870s, the site had been much expanded, and now included stables and extensive outbuildings. Late 19th century County Series maps show the site behind the buildings now known as the Robin Hood Hotel as comprising a brewery and two malthouses.

During the early 20th century, a distinct Edwardian phase can be understood following the removal of various 19th century additions and the creation of a new two-storey 11 bay wing that included extensive internal remodelling.

The Hotel was expanded further during the post-war period, with further extensions. The external masonry was also painted during this period. The Hotel closed in 1999 and has significantly deteriorated since then. The precise phasing and evolution and use of the building has been a matter of debate in the past, however the broader age, history and social interest of the building continues to justify the significance.

It is clear that there were extensive rear additions and service elements from the 19th and 20th century although most of these elements were removed during the recent Potterdyke redevelopment.

The building group is in parlous condition. Since closing in the late 1990s, the Robin Hood has suffered from neglect and lack of usage. Slipped tiles and damaged windows have been left unrepaired, with dilapidation increasing through internal rot, pigeon infestation, vandalism and in more recent years, severe water ingress from the two lantern lights at the rear. The consequence of the water ingress has rendered the two internal staircases unsafe.

Lombard Street forms the northern boundary of the site with Beaumont Cross and its associated traffic junction lying to the east, beyond which is Carter Gate. There are a number of other listed buildings nearby on Lombard Street.

Members will be aware that this site is linked to the wider redevelopment of the Town Centre. With the exception of this part of the site, the Potterdyke redevelopment scheme as it is widely referred to, comprises the Doctors Surgery at Lombard Street, the PCT building, ASDA supermarket, various retail units, the new bus station, and an as yet undeveloped residential element.

Relevant Planning History

Notwithstanding that the site is subject to a complex planning history, the most relevant to the current determination noting that it forms the extant position is as follows:

18/01020/FULM and 18/01021/LBC - Partial demolition of the former Robin Hood Hotel with retention of the façade, eastern gable and parts of the roof and internal fabric and integration with a new 66 No. bedroom Travelodge Hotel (Class C1) along with 3 No. units for flexible retail (Class A1), financial and professional services (Class A2), café/restaurant (Class A3) and leisure (Class D2) uses.

These applications were presented to Planning Committee on July 24th 2018 with an Officer recommendation to approve subject to conditions and an associated legal agreement to secure overnight parking arrangements. The decisions were issued on June 14th 2019 (the intervening time owing to the sealing of the legal agreement). Since this time, there has been associated discharge of condition requests and a non-material amendment to the full application which essentially has approved the changes sought through this current application (noting that the non-material amendment process does not exist for listed building consents). The works commenced on site on Monday 23rd September under the extant permissions.

The Proposal

This application has been submitted as a matter of procedure to regularise the ability to implement a listed building consent. In simple terms planning permission has already been granted for the works currently taking place. This includes a 'Non Material Amendment' NMA to substitute the originally approved plans with ones now being implemented on site. Such changes relate to amendments to the façade of Retail Unit 3 (to inset the front elevation, making floorspace smaller) and changes to the internal layout to take account of details agreed through discharge of conditions applications relating to the extent of historic fabric which can be retained. The external appearance of the upper floors, relating to the hotel and other commercial units are to remain largely as approved.

No ability exists in law to apply an NMA to a listed building consent. Consequently a number of conditions now need to be formally amended via this s19 process (when conditions are changed on a planning application Members would recognise this as a s73 change) to reflect what has been formally approved.

For the avoidance of doubt the application has been submitted on the basis of the following plans and documents:

- Covering letter dated 22nd August 2019;
- Proposed Site Layout Plan – COM_474 1012 Rev A;
- Proposed Ground Floor GA Plan – COM_474 1000 Rev H;
- Proposed First Floor GA Plan – COM_474 1001 Rev G;
- Proposed Second Floor GA Plan – COM_474 1002 Rev G;
- Proposed Third Floor GA Plan – COM_474 1003 Rev G;
- Proposed Roof Plan – COM_474 1004 Rev B;
- Proposed N & S Elevations – COM_474 2002 Rev C;
- Proposed W and Inner Elev. – COM_474 2003 Rev B;
- Historic Fabric to be retained – COM_474_1005 Rev D;
- Proposed FRHH GA Elevation – COM_474_2004 – Rev D.

Departure/Public Advertisement Procedure

Occupiers of 172 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

The consultation period for the application does not expire until 17th October 2019. Any comments received between agenda print and the meeting will be brought to Members with the schedule of communication presented to Members.

Planning Policy Framework

The Development Plan

Section 38(6) of the Planning and Compulsory purchase Act 2004 1990 does not apply to decisions on applications for Listed Building Consents, since in such cases there is no statutory requirement to have regard to the provisions of the Development Plan. LBC applications should be determined in accordance with the law (see, in particular, s.16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) and the relevant policies in the NPPF (in particular paragraphs 126-141). The objectives of the Development Plan and its policies may, though, be a material consideration in those decisions.

S.16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that the LPA may grant or refuse an application for listed building consent and, if they grant consent, may grant it subject to conditions. S.16(2) states that in considering whether to grant listed building consent for any works, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.66(1) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

S.72(1) states that in the exercise, with respect to any buildings or other land in a Conservation Area, of any of the provisions mentioned in subsection (2) (the planning acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Consultations

Newark Town Council – No comments received to date.

Historic England – No comments received to date.

NSDC Conservation – Verbal comments given. Conservation has confirmed that the revised retention plan has been extensively scrutinised in conjunction with Historic England, and that the revised plans are fully justified.

NSDC Archeological Advisor – No comments received to date.

Millgate Conservation Society – No comments received to date.

Nottinghamshire Building Preservation Trust – No comments received to date.

Newark Civic Trust – No comments received to date.

Georgian Group - No comments received to date.

Millgate Conservation Society – No comments received to date.

Victorian Society – No comments received to date.

Ancient Monuments Society – No comments received to date.

Council for British Archaeology – No comments received to date.

Society for the Protection of Ancient Buildings – No comments received to date.

20th Century Society - No comments received to date.

No letters of representation have been received at the time of agenda print.

Comments of the Business Manager

Section 19 of the Act allows the LPA to consider the variation of conditions originally imposed on a listed building consent without re-opening the entire question of whether consent should have been granted (much like Section 73 of the Act applying to planning decisions which Members will be more familiar). As with the Section 73 process (on planning permissions), the Section 19 decision notice should replicate the relevant conditions from the original listed building consent and, where these have been discharged, should be reworded to require compliance with the approved plans. The changes sought have already been accepted through discharge of condition application and a non-material amendment application to the full application but the Section 19 application is necessary to regularize the proposed works from a listed building consent perspective.

The covering letter submitted with the application outlines in detail what the proposed changes are and the rationale behind them. For the avoidance of doubt the Council has already approved what is proposed, with no objections from Historic England, via the planning permission process.

The detail is worthy of direct repetition here for completeness:

- *Relocation of electrical substation to be situated next to the Plant Room – efficiency of services (elevation facing Lombard Street is unaffected).*
- *Addition of internal bins stores for the retail units.*
- *Retail 3 shopfront (south elevation) to be recessed back in order to avoid new foundations impacting the existing concrete remedial ground works previously carried for ASDA car park.*
- *Amendment of main east staircase to include direction stair base to face towards the main exit on ground floor level, in order to comply with fire regulations due potential high number of building visitors.*
- *Existing building ground floor – the general arrangement is as before however it does include the removal of all existing walls, including the chimney breasts.*
- *Existing building first floor – the internal walls are to be removed as stated above for the ground floor level. The arrangement of the bedrooms and linen storeroom has been amended in order to comply with minimum travel distances for fire regulations.*
- *Lower flat roof, new roof access hatch has been added for maintenance access for the retail units. Window to east gable at second floor level has been made into a door for maintenance access.*
- *Upper floors (new build) - additional walls have been included within the corridors for compartmentalisation to comply with fire regulations.*
- *Upper floors (new build) – internal wall positions have been amended to adhere to Travelodge room requirements.*

The changes have been subjected to ongoing discussions with Historic England and internal Conservation expertise as part of the discharge of condition process which have already been agreed to allow works to commence. In respect to the removal of existing walls not previously envisaged this has been evidenced as necessary through updated structural reports and surveys since the original consent was approved.

The information submitted by the applicant to discharge the condition essentially outlines that the known position has changed since the production of the plan referred to in the condition - 'Historic Fabric to be retained' in plan ref. J1565 (08) 113 Rev. B'. The key positions of discussion are outlined below:

1) Roof Level – It is now known (as accepted by the advice of Historic England in their letter dated 26th July 2019 on the original file) that the roof timbers are in their majority modern fabric. It is therefore the LPA's submission that these would not fall within the remit of the condition insofar as they do not form historic fabric to which this condition refers.

2) Building C (first floor) – Again it is accepted that these walls are modern (as agreed by Historic England in their letter dated 26th July 2019 on the original file) and therefore in the same respect to the above are not subject to the requirements of the condition.

3) Building B (first and second floor walls and beams) – As part of the submitted information the application has demonstrated that the steel is delaminating and moreover that there are significant practical and safety issues which would prevent further investigation and ultimately retention. Although this was originally queried by Historic England, in their latest correspondence by email dated 12th September 2019 (on the original file), they have confirmed that the

justification regarding safety concerns is warranted and therefore their earlier objections have been removed. It is clear to the LPA that the ability to carry out further works would be a significant safety risk. As a reasonable authority it must be concluded that retention is not appropriate in this instance.

4) Ground floor (all buildings) - The submitted details show that the 'nibs' of the walls at ground floor are no longer capable of retention due to structural instability. Again this has been accepted by Historic England and internal Conservation Officers.

5) Basements – These are to be retained as originally envisaged and do not require further discussion as part of the discharge of condition request.

6) Gable End of Building A – The applicant has demonstrated that there is a requirement to move the building line of the gable end by approximately 140mm in the southwest corner, 60mm centrally (in the line of the chimney breast) and 30mm in the opposite corner. The alternative would be pile into the basements which would affect their retention. This is considered to be an acceptable solution.

The changes have been subject to lengthy discussions as referenced by the comments of internal Conservation colleagues listed in full above. Ultimately the revisions in comparison to the approved scheme are considered reasonably necessary and appropriate given the knowledge now afforded by the updated survey works.

Conclusion

The site has an extant consent for works to the listed building to allow the conversion to a Travelodge hotel with retail units and associated ancillary facilities. The current application regularises the position, fully reflective of the already negotiated position with Historic England.

Section 19 of the Act (again similarly to Section 73 which Members will be more familiar) allows the LPA to amend or vary the wording of conditions where appropriate. In respect to the time condition, this is no longer necessary given that works have commenced on site. Other conditions (notably the original condition no. 3, now condition no.2 has been re-worded to reflect discussions undertaken through a discharge of condition process. Changes made are reflected through ~~strike through~~ text for removal and underlined text for replacement / alternative wording.

RECOMMENDATION

That delegated authority is given to Officers to issue the decision subject to the conditions and reasons below following the expiry of the consultation period provided that no new material considerations are brought to light.

01

~~The works hereby permitted shall begin within a period of three years from the date of this consent.~~

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

02

The works hereby permitted shall not be carried out except in complete accordance with the following approved plans, reference:

- ~~Proposed Site Layout J1565 (08) 100 Rev. A~~
 - ~~Proposed Ground Floor Plan J1565 (08) 105 Rev. A~~
 - ~~Proposed Intermediate Floor Plan J1565 (08) 106 Rev. B~~
 - ~~Proposed First Floor Plan J1565 (08) 107~~
 - ~~Proposed Second Floor Plan J1565 (08) 108~~
 - ~~Proposed Roof Floor Plan J1565 (08) 109~~
 - ~~Proposed Elevations and Site Sections Sheet 1 J1565 (08) 110 Rev. B~~
 - ~~Proposed Elevations and Site Sections Sheet 2 J1565 (08) 111 Rev. B~~
 - ~~Proposed Typical Sections J1565 (08) 112~~
-
- Proposed Site Layout Plan – COM 474 1012 Rev A
 - Proposed Ground Floor GA Plan – COM 474 1000 Rev H
 - Proposed First Floor GA Plan – COM 474 1001 Rev G
 - Proposed Second Floor GA Plan – COM 474 1002 Rev G
 - Proposed Third Floor GA Plan – COM 474 1003 Rev G
 - Proposed Roof Plan – COM 474 1004 Rev B
 - Proposed N & S Elevations – COM 474 2002 Rev C
 - Proposed W and Inner Elev. – COM 474 2003 Rev B
 - Proposed FRHH GA Elevation – COM 474 2004 – Rev D

Reason: So as to define this permission.

03

02

~~Prior to commencement of development an updated 'Historic Fabric to be retained' plan and associated schedule of works, including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The updated 'Historic Fabric to be retained' plan shall retain at least the areas shown as 'Historic Fabric to be retained' in plan ref. J1565 (08) 113 Rev. B. The details shall include:~~

If during development, the areas for retention shown on plan reference Historic Fabric to be retained' COM 474 1005 Rev D are no longer capable of retention, then an updated schedule of works including structural engineering drawings and method statement shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England. The details shall include:

the areas of masonry to be demolished;
a method statement for ensuring the safety and stability of the building fabric identified to be retained throughout the phases of demolition and reconstruction;
the arrangements for temporary secure storage of salvage materials; the person or body specialising in this procedure appointed by the applicant; and a timetable for their reinstatement,

re-use or disposal; and a detailed methodology for the repair and renovation of the building fabric to be retained. Particular regard should be given to the following item(s): chimney-pieces; cast guttering and hopper-heads; windows containing historic window glass; historic timber beams, joists and rafters. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved drawings or without the prior approval in writing of the Local Planning Authority. Where appropriate, sound materials/features/fixtures forming part of the building shall be carefully taken down, protected and securely stored for later re-use. During the works, if hidden historic features are revealed they should be retained in-situ unless otherwise agreed in writing with the District Planning Authority. Works shall otherwise be halted in the relevant area of the building and the Local Planning Authority should be notified immediately. The agreed measures shall be carried out in full.

Reason: To ensure that the maximum level of historic fabric to the Listed Buildings is retained as envisaged through the application submission and to ensure that those areas shown as 'Historic Fabric to be retained' in plan ref. ~~J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D are retained in any event.

~~04~~

03

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' ~~J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D) details and samples including external finish of the materials identified below shall submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Facing materials

Bricks

Roofing tiles

Cladding

Render

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

~~05~~

04

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' ~~J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D) details in respect of the features identified below, including the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details.

External windows including roof windows and the feature glazing to the hotel entrance, doors and their immediate surroundings, including details of glazing and glazing bars;

Full technical drawings for all new shop fronts, along with further details on the parapet along Lombard Street;

Material finish of all external windows and doors;

Verges and eaves;

Rainwater goods;

Coping;

Extractor vents;

Flues;

Meter boxes;

Airbricks;

Soil and vent pipes.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

~~06~~

05

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' ~~J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D) a brick and render sample panel showing the brick bond, mortar specification, pointing technique, render specification, render finish and any architectural decoration shall be provided on site for inspection and subsequently agreed through written approval by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

~~07~~

06

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' ~~J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D) a programme of historic building recording in accordance with Historic England Level 4 shall be submitted to and approved by the District Planning Authority. The programme shall include details of where the completed report will be deposited. The report shall be completed in accordance

with the agreed methodology and submitted to the agreed parties within 3 months of works commencing.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building to be demolished.

~~08~~

07

~~The developer shall give the local planning authority 14 days notice prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' - J1565 (08) 113 Rev. B) of the start of~~ During the works, and access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other person or body nominated by the local planning authority, for the purpose of inspecting the works or recording the building by making measure drawings or taking photographs. Access shall be afforded during works and upon completion.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the areas of building to be demolished.

~~09~~

08

Prior to any works above slab level (including to areas shown as retained or potentially retained through plan reference Historic Fabric to be retained' ~~-J1565 (08) 113 Rev. B~~ COM 474 1005 Rev D) a scheme shall be submitted to and approved in writing by the Local Planning Authority which shows the interim treatment of the site prior to the redevelopment taking place. This shall include full details of any boundary treatments (height, design, location) and/or treatments of the ground area to include full details of the hard/soft landscaping. The scheme should also include timescales for the redevelopment of the site. Once approved the scheme shall be implemented on site as agreed.

Reason: In recognition of the site's location within the designated conservation area.

~~010~~

09

Prior to the installation of any external plant including mechanical extract or refrigeration units, a scheme detailing the precise specification in relation to noise output and any proposed means of mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed scheme shall be implemented prior to the plant or equipment being brought into use.

Reason: In the interests of protecting surrounding amenity.

~~011~~

010

Prior to any groundworks a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) shall be submitted to and approved in writing by the local planning authority. It is envisaged that this would involve monitoring of all groundworks, including the grubbing out of any existing foundations, with the ability to stop and fully record archaeological features. The development shall thereafter be carried out in accordance with the approved scheme unless otherwise agreed in writing by the local planning authority.

Reason: In recognition of the Listed Buildings affected and the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

Note to Applicant

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

Historic England has produced guidance entitled 'Understanding Historic Buildings A Guide to Good Recording Practice' outlining the levels of recording. This document is available on Historic England's website or by contacting the District Planning Authority.

03

This Listed Building Consent relates solely to the plans, drawings, notes and written details submitted with the application, or as subsequently amended in writing and referred to on this decision notice. Any variation of the works or additional works found to be necessary before work starts or while work is in progress [or required separately under the Building Regulations, by the County Fire Service or by environmental health legislation] may only be carried out subject to approval by the Local Planning Authority. Unauthorised modifications, alterations, or works not covered by this consent may render the applicant, owner(s), agent and/or contractors liable to enforcement action and/or prosecution.

04

You are reminded of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations for any advertisements requiring express consent that you may wish to display on these premises.

BACKGROUND PAPERS

Application case file.

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

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

Lisa Hughes
Business Manager – Growth and Regeneration

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01118/FUL		
Proposal:	One bedroomed bungalow		
Location:	Land Adjacent 8 Harrisons Way, Newark On Trent		
Applicant:	Mr Paul Harrison and Mr Mick Simpson		
Agent:	Mr Raymond Ashall MRTPI		
Registered:	20.06.2019	Target Date: 15.08.2019	Extension of Time: 09.10.2019
Link to Application Documents:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PT3H0NLB04M00		

This application is before the Planning Committee for determination as the professional officer recommendation of refusal is contrary to the Town Councils view of ‘no objection’.

The Site

The application site comprises a parcel of land approximately 0.02 hectares in area located to the south side of No 8 Harrisons Way within the main built up part of Newark. It comprises a roughly triangular shaped parcel of grassed land with a knee rail fence enclosing the east boundary of the site and a mixture of closed boarded fencing and brick walls on all other sides. Harrison’s Way is a residential development of 8 two-storey, semi-detached dwellings that sit in a cul-de-sac arrangement. To the south and west of the site are the rear gardens of terraced dwellings which front onto Sleaford Road.

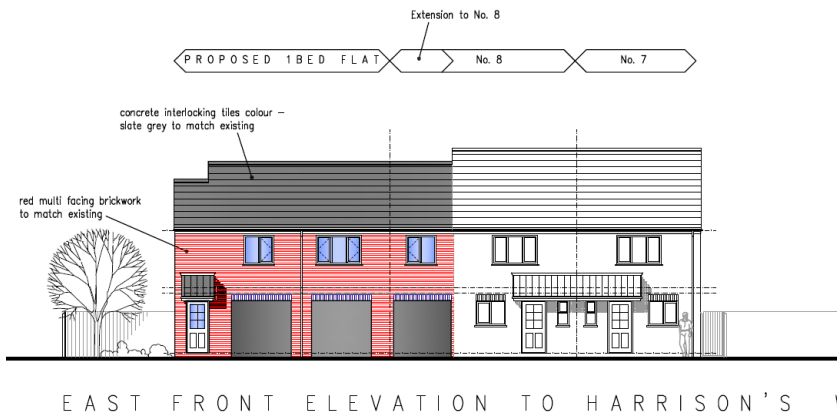
The site is located in Flood Zone 2.

Relevant Planning History

14/01794/FUL - Proposed 1 bed flat and extension to No 8 Harrisons Way with associated parking – refused 17.12.2019 by Planning Committee for the following reason:

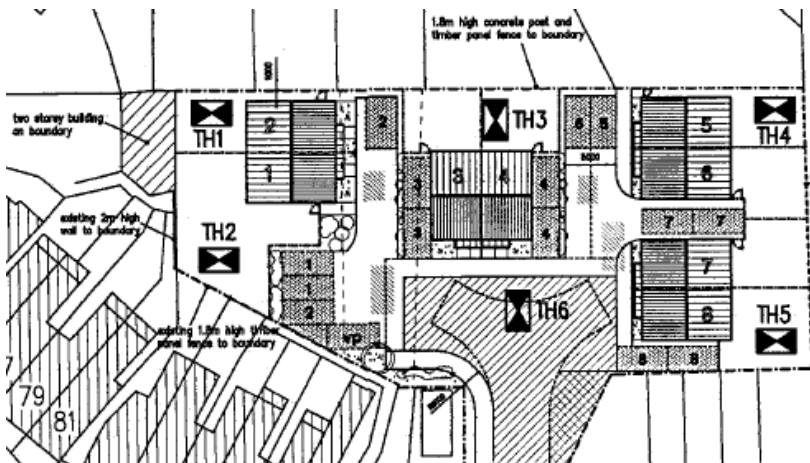
In the opinion of the Local Planning Authority, the proposed building by virtue of its design, scale and siting in such close proximity to neighbouring dwellings would represent an uncomfortable relationship that would give rise to an unacceptable overbearing and oppressive impact upon the amenity of adjacent properties. The proposal is therefore contrary to Core Policy 9 (Sustainable Design) of the Newark and Sherwood Core Strategy DPD, adopted March 2011. It is also contrary to the National Planning Policy Framework, a material consideration and contrary to DM5 (Design) of the Councils Development Management DPD.

An extract of the refused elevation is below:



12/01710/FUL – Erection of two storey building to form 2 self-contained bed-sits and associated parking – refused by Planning Committee 05.02.2013 due to the adverse impact on existing and future occupiers. The subsequent **appeal was dismissed** on 28.11.13.

10/00344/FUL - Demolition of the two existing commercial workshop buildings. Erection of eight semi-detached houses. Formation of 15 Car parking spaces and vehicle turning area - Approved 19th May 2010. An extract of the approved plan is below:



PH/2 Proposed Site Layout

The Proposal

The application seeks full planning permission for the erection of a 1-bed bungalow with open plan kitchen and living room. The bungalow would be 'L' shaped and measure 7.8 metres by 8.8 metres by 5.1 metres high. It would have a concrete interlocking pantiled roof and red facing brick walls. A single car parking space (which currently exists on site) would be allocated to this dwelling and forms part of the application site.

Surface and foul water from the proposed building would be connected to the existing combined sewer system.

The following documents have been submitted with the application:

- Design and Access Statement
- PHMS-01 Site Location Plan
- PHMS-02 Existing Block Plan

- PHMS-03 Proposed Block Plan
- PHMS-04 Proposed Plan and Elevations
- PHMS-05 Typical Site Elevations
- Flood Risk Assessment Sept 2019

Departure/Public Advertisement Procedure

Occupiers of 21 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (Adopted March 2019)

Spatial Policy 1	Settlement Hierarchy
Spatial Policy 2	Spatial Distribution of Growth
Spatial Policy 7	Sustainable Transport
Core Policy 3	Housing Mix, Type and Density
Core Policy 9	Sustainable Design
Core Policy 10	Climate Change
Core Policy 12	Biodiversity and Green Infrastructure
NAP1	Newark Urban Area

Allocations and Development Management DPD (Adopted July 2013)

Policy DM1	Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2	Development on Allocated Sites
Policy DM5	Design
Policy DM7	Biodiversity and Green Infrastructure
Policy DM12	Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2019
 National Planning Practice Guidance (NPPG) Online Resource
 Housing Market Needs Sub Area Report (2014)

Consultations

Newark Town Council: No objection was raised to this application provided there were no objections from neighbours.

Environment Agency:

Comments received 12.09.2019:

The site falls in Flood Zone 2 and as such FRSA can be applied.

Comments received 24.06.2019:

The application site is within Flood Zone 2 and can therefore be determined in line with our national flood risk standing advice (FRSA). We have no bespoke comments to make on this scale of application.

That being said - it's worth me highlighting that the application (in its current format) does not appear to meet the requirements of our FRSA. For clarity, the FRSA states that the finished floor levels (FFL) of any more vulnerable development should be set 600mm above the 1 in 100 year flood level including an allowance for climate change (30%). The supporting FRA has made no effort to even establish these depths. None the less, the FRSA does state that where FFL can't be raised to such a level, the FRA should instead propose to manage the flood risk by way of flood resilient construction measures (things like raising electrical sockets, dropping electric cables from the first floor or above, or waterproof plasterboard etc.). The FRA currently makes no reference to any such mitigation. I therefore recommend that you ask the applicant to review our FRSA and amend their FRA in line with it.

We do not consider the reasoning of 'the finished floor levels will be set the same as surrounding dwellings and therefore it's safe' to be adequate; new development offers a new opportunity to improve flood risk mitigation and should therefore be considered on its own merits.

NCC Highways:

Comments received 16.09.2019:

Thank you for making me aware of the planning history of this site. However, in view of the length of time elapsed since construction of the dwellings, and the fact that they have been occupied without any concern being raised by residents over the parking arrangements, I feel it would be unreasonable to raise objection over the loss of 1 visitor parking space.

Comments received 17.07.2019:

This proposal is for the construction of a one bedroomed bungalow on Harrisons Way, which is now public adopted highway. The existing parking space adjacent the site is to be utilised for this proposal and a dropped vehicular crossing is already in place. This application is acceptable to the Highway Authority; therefore, there are no highway objections.

One letter of written representation has been received from a local resident supporting the application.

Comments of the Business Manager

Principle of Residential Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan.

The Council can robustly demonstrate that it has a 5 year housing land supply and that for the purposes of decision making the Development Plan is up to date.

The proposal site is located in Newark, a Sub Regional Centre, allocated for development in the Core Strategy (adopted 2019) under Spatial Policy 1 and Spatial Policy 2. As such, the site is located in a sustainable location for new development. The principle of development is therefore considered acceptable subject to the consideration of site specific issues set out below.

Housing Need

Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need. In this case, the development would contribute to meeting a general market need for smaller dwellings within the District.

Impact on Visual Amenity

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

The NPPF supports development that makes efficient use of land, taking into account a number of factors including the identified need for different types of housing and the importance of securing well-designed, attractive and healthy places.

The site has the appearance of a gap site and whilst it does offer a break in built form, it is considered to have a negligible impact on the appearance of the area given its limited size and shape. From a visual perspective, I consider the site to be capable of accommodating an additional dwelling, particularly when taking into account the compact nature of the surrounding built form.

The adjacent plots are characterised by two storey semi-detached and terraced dwellings with gabled roofs. The proposed bungalow would represent a deviation in the typical house types in the area but given its modest proportions would not appear discordant in the street scene in accordance with Core Policy 9 and Policy DM5 of the DPD.

Impact on Living Conditions

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

The north facing side elevation of the proposed dwelling would contain no windows. The south facing side elevation of the proposed dwelling would contain a window serving a kitchen/living room, rear door and bathroom window. These openings would face towards a 1.8 metre high (approx.) close boarded fence which would be positioned 2.5 metres away from the kitchen/living

room which is regarded as a main habitable room. A reduced level of outlook would therefore be achieved from this window but given that the window represents a secondary window serving this room, with the main window located on the front elevation of the dwelling, it is considered that an acceptable level of living conditions for the future occupiers would still result.

The west facing rear elevation of the proposed dwelling would contain a bedroom window located 7 metres from the brick wall forming the rear boundary of the site. The nearest two storey element of the nearest neighbouring dwelling from this boundary would be located a further 7.5 metres away which is less than best practice separations distances that would normally require a separation distance of 11-12 metres between main habitable room windows and black elevations. However, given the oblique angles and the gap visible between buildings directly to the rear of the proposed dwelling, this separation distance is considered acceptable and it is not considered that an overbearing impact upon the future occupiers would result. An acceptable amount of private rear amenity space relative to the size of the proposed dwelling (at 40m² approx.) is also proposed.

Given the single storey nature of the proposed openings, it is considered that the proposed bungalow would not give rise to any new overbearing or loss of privacy impacts upon existing occupiers of adjacent dwellings.

Overall, it is not considered that any adverse impact on the living conditions of existing or future occupiers would result in accordance with Policy DM5. In reaching this view, I have had regard to the previous refusal of 2 storey extension and flat on this land (application no. 14/01794/FUL) and consider the single storey and modest proportions of the proposed dwelling now proposed overcomes the previous reasons of refusal.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport.

I note that the originally approved plan (10/00344/FUL) for the eight semi-detached houses on Harrisons Way shows the provision of 3 parking spaces and 1 visitors space on the application site to serve Plots 1 and 2 (Nos 7 and 8). The 3 parking spaces have never been implemented and a driveway has been constructed to the side of No 8 which means that Nos 7 and 8 have one off street parking space each (albeit they were meant to have 2). The visitor's space does appear to be in use and would be lost to the development now proposed. However, the Local Highway Authority raises no objection to the proposal which seeks to retain the existing visitor's parking space on site albeit for the future occupiers of the proposed dwelling.

In addition, I note that there is no enforcement history of any complaints with regards to parking provision in relation to the wider development on Harrisons Way. Whilst the development as implemented is in breach of the approved plans, there was no condition imposed on the consent to state that the spaces had to be provided prior to the occupation of the dwellings. This means that the breach is unlikely to be enforceable as it is not possible to force the completion of a development through enforcement. Given the level of on street parking available in the vicinity and comments of the Highways Officer, I do not consider the loss of the visitors space would warrant refusal of the application on these grounds.

Overall, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

Impact on Flooding

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. Para.163 of the NPPF states when determining planning applications the Local Planning Authority should ensure flood risk is not increased elsewhere. It further states that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant. This includes safe access and escape routes where required and that any residual risk can be safely managed and it gives priority to sustainable drainage systems.

The Environment Agency Flood Map identifies the site access would be situated in Flood Zone 2.

A Flood Risk Assessment (FRA) has been submitted with the application and proposes the following mitigation measure:

- Floor levels are proposed to be set at 11.90m AOD. This being 0.22m above the 1 in 1000-year flood, meaning the property would not be affected by flooding events.
- the site is covered by Environment Agency flood alert and warning systems, site occupants should be encouraged to sign up for these. A flood warning and evacuation plan should be created - a flood evacuation route for the site where the flood hazard is very low is east along Sleaford Road and then east up Beacon Hill Road.

Whilst this level of mitigation may be acceptable in the case, the NPPF is clear that the exception test should not be applied until the Sequential Test has been passed.

I note that the submitted FRA refers to the fact that a proposed dwelling in Flood Zone 2 is identified as more vulnerable development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG and is considered to be 'appropriate' development in that respect. However, the PPG is clear that more vulnerable development should first pass the sequential test before it is considered to be appropriate; the sequential test is applied to guide development first to Flood Zone 1, then only Zones 2 and 3 if no land within Flood Zone 1 is available.

A sequential test has not been carried out by the applicant to demonstrate there are no other suitable sites available for the development at lesser risk of flooding. At a district level there are other sites at a lower risk of flooding than the application site (i.e. located in Flood Zone 1) on which this dwelling could be developed. Even if the sequential test could be applied to a more localised level, there are still other sites within the Newark Urban Area at lower risk of flooding than the application site. I note the comments in the submitted FRA that 'it is not considered that other sites should be considered as sequentially more acceptable as the development opportunity is only applicable to this site and the Sequential Test is considered to be passed'. However, in my view this is not the correct application of the sequential test as Planning Practice Guidance is clear and states that a proposal is required to demonstrate that there are no reasonably available sites at lesser risk of flooding which has not been done in this case.

As such the proposal fails the sequential test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2019, a material consideration.

Conclusion

The site is located within Newark where the principle of development can be considered acceptable. The application is considered acceptable with regards to impact of visual and residential amenity and highway safety. However, the site is located in Flood Zone 2. Insufficient information has been provided in order to assess whether the proposed development would comply with the sequential test to demonstrate that there are no alternative sites which could accommodate the development at a lesser risk of flooding.

It is not considered that there any benefits to the proposal which would outweigh the flood risk harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

Policy DM5 of the Allocations & Development Management DPD states that the Council will steer new development away from areas at the highest risk of flooding and development proposals within Flood Zones 2 and 3 will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. The site is located in Flood Zone 2 which is an area considered to be at risk of flooding. The application as submitted does not outline the need for the proposed development to be located within Flood Zone 2 when there are sites at a lower risk of flooding located elsewhere within the District. The application therefore fails the sequential test. The proposal is contrary to Core Policy 9 and Core Policy 10 of the Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013). In addition, the proposal fails to comply with the aims of the National Planning Policy Framework 2019 and National Planning Practice Guidance, which are material considerations.

Note to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning

Authority has worked positively and proactively with the applicant to make some revisions to the proposal. However, the revisions received have not overcome the reason for refusal.

Background Papers

Application Case File

For further information, please contact Helen Marriott on ext 5793.

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

Lisa Hughes
Planning Manager – Planning Development

Committee Plan - 19/01118/FUL



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01315/FUL	
Proposal:	Householder application for proposed garage extension and room over with external alterations	
Location:	9 Old Hall Gardens, Coddington, Newark On Trent, Nottinghamshire, NG24 2QJ	
Applicant:	Mr & Mrs S Parks	
Agent:	Mayberry Developments - Mr Ricky Maynard	
Registered:	12.07.2019	Target Date: 06.09.2019 <i>Extension agreed to: 11.10.2019</i>
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PUH5CSLBKCZ00	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Cllr Lee has called the application before Members due to impact on the character of the area and neighbours.

The Site

The dwelling is set on a circular cul-de-sac approx. 32 m back from the boundary with the highway down an access track between properties no. 7 and 11 Old Hall Gardens – views of the property are achievable from the main highway, set against the backdrop of a number of trees. Surrounding dwellings are of a similar style however I note that some appear to have extended/alterd their principal elevations over time, the area is characterised by red brick and overall the remains a cohesive character to Old Hall Gardens. The hostdwelling has been significantly extended over time to the northern and southern sides of the principle elevation.

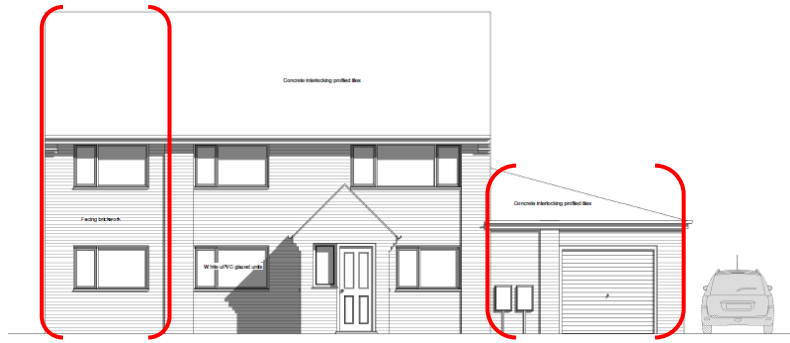
The host property is a modern dwelling outside of Coddington Conservation Area (CA) (c. 75m NE) and given the separation between this dwelling and the boundary of the CA; coupled with the intervening built form I do not consider it necessary to consider the impact on the setting of the CA. Nor do I consider it necessary to assess the impact on a collection of TPO trees to the north which are c. 18 m from the northern boundary and across the neighbouring plot.

Relevant Planning History

07910288 - SINGLE STOREY EXTENSION TO ENLARGE DINING ROOM & STUDY – Permitted 08.05.1991

0777186 - Garage and store room – Permitted 26.04.1977

04/00411/FUL - Proposed first floor extension and porch – Permitted 26.04.2004



The Proposal

For the avoidance of doubt the applicant has submitted revised plans throughout the course of this application throughout negotiations. The plans considered throughout this appraisal are:

- Amended Proposed Elevations – Ref. 812-0719-SP A2003 Rev C
- Amended Proposed Plans - Ref. 812-0719-SP A2002 Rev C
- Amended Site location and Block Plan - Ref. 812-0719-SP A2001 Rev B
- Shadow Plan - Ref. 812-0719-SP A2004

The application seeks permission for the erection of an extension to the existing garage which would increase the footprint and include the increase of the ridge height to accommodate a room at first floor resulting in a one and a half storey side addition.

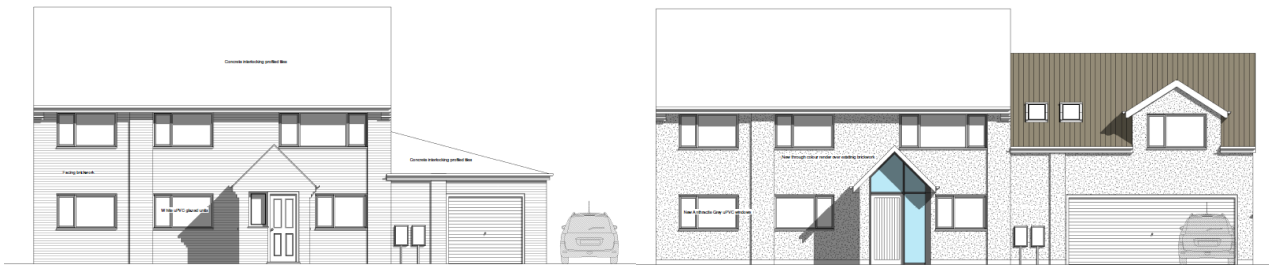
Given the existing arrangement of the property the extension would add an additional 2 m in width to the front and rear elevations at ground floor but an additional 5.2 m wide at first floor. The depth of the extension would match the hostdwelling at 8.4 m.

The extension would accommodate an enlarged garage and workshop at ground floor and an additional 5th bedroom and bathroom at first floor. The resultant property would be a 6 bed property (with a large dressing room adjacent to the master bedroom that could be reasonably used as a single bedroom albeit is not marked as such on the plans). The principal elevation would have 2 rooflights at first floor and an enlarged garage door at ground floor, the side (N) elevation would be blank and the rear elevation would have a dormer window sat at the eave, windows and doors at ground floor would remain as existing.

External alterations are also sought to the porch which would see more contemporary glazing installed up to the eaves; windows are proposed to be replaced with anthracite grey uPVC windows and the principal and side elevations are proposed to be rendered.

The extension would sit c. 0.7 m from the northern common boundary with no. 10 at the eastern side of the plot, increasing out to c.2 m away to the west given the boundary and property alignment.

The main body of the original hostdwelling is c.7.6 m wide and has been extended to the north elevation with a single storey garage and to the south elevation with a two storey side extension over time.



Existing

Originally Proposed



Revised Proposal

Departure/Public Advertisement Procedure

Occupiers of 4 properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Core Policy 9: Sustainable Design

Allocations & Development Management DPD

Policies relevant to this application -
Policy DM5: Design
Policy DM6: Householder Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance 2014
- Householder Development SPD 2014

Consultations

Coddington Parish Council – “19/0315/FUL

Coddington Parish Council voted unanimously to oppose the application for a two storey extension at 9 Old Hall Gardens for the following reasons:

1. Over-development of the site.

- The size of the house would be out of proportion with the rest of the houses on Old Hall Gardens.
- There have already been several extensions to the property.
- The combined extensions would be 130% larger than the original building.

2. Proximity to the boundary fence.

- Loss of privacy.
- The dormer window would look directly on to the neighbouring property.
- Loss of daylight would leave a narrow damp passageway between properties.
- Overshadowing would restrict the use of the neighbours' garden.
- Construction and future maintenance would inevitably encroach on the adjoining property.

3. Effect on the character of Old Hall Gardens

- Rendering is an inappropriate finish, out of character with the other houses.
- An over-bearing impact on the overall view of the road.

4. Congestion / Road Safety

- Insufficient off-road parking for a 5 bedroom house. Long term a property of this size could generate more cars.
- The road is narrow at this point, unsuitable for roadside parking.
- There is nowhere for materials to be stored during construction.
- Limited access for construction traffic.

Planning Issues raised:

1. No public notices appear to have been posted.
2. The application's description of 'garage with room over' is inadequate and misleading.
3. The proposed colour of the render should be included in the consultation.
4. Conditions should be imposed to prevent any storage of materials or parking/maneuvering of vehicles on the Village Green area.”

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

- Loss of Privacy/overlooking: dormer window on the first floor will result in overlooking.
- Loss of light or overshadowing: Overshadowing result on neighbouring properties due to proximity to the boundary.

- Overbearing impact/visual amenity: Size and scale of the development would not be in keeping with the existing properties. Height of the proposal is excessive and will appear oppressive and obtrusive.
- The property has already significantly extended over time.
- Impact on parking: the extension will result in the loss of two off street parking spaces. The increase in development size will require more parking spaces and potential displacement onto Old Hall Gardens.
- Road safety/traffic impact through delivery vehicles during construction.
- Noise and disturbance increase through the increase in dwelling size
- Impact on the character of the area: scale and size of the property is not in keeping, all properties are red brick and render would be visually inappropriate.
- Trees and Landscape: concern regarding future pressure to remove trees and hedges
- The resultant size of the dwelling would be out of character with surrounding properties.

Comments of the Business Manager

Principle of Development

Householder developments are accepted in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the dwelling and surrounding area and have no adverse impact upon the amenities of neighbouring properties. The overall shape, size and position of an addition must not dominate the existing house or the character of the surrounding area. In addition to this policy, the Householder Supplementary Planning Document (SPD) provides guidance on householder development.

Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy.

Impact on the Character and Appearance of the Area

Policy DM6 states planning permission will be granted providing the proposal “respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling.” The Council’s SPD states the addition should respect and be balanced with the scale and proportions of the host dwelling, and is well related to the characteristics of the application site in terms of its size and shape. Also the addition should respect the wider street scene and integrate well into it. (para 7.4).

The application as submitted proposed an extension to the existing garage at ground floor and creation of a room above with a one and a half storey ridge height. Following discussions with the agent regarding the scale of this proposal the extension has been reduced in width by 0.5 m and the roof has been amended to a hipped roof. The dormer window has also been repositioned to the rear of the property. The hostdwelling has been significantly extended over time with a single storey garage to the northern elevation and a two storey side extension to the southern elevation such that the existing hostdwelling already presents as a large detached property. By virtue of its positioning I acknowledge that views of the main bulk of the dwelling are limited within the public realm, however the northern side of the property and the gap between this site and no. 10 to the north is visible from Old Hall Gardens down the access road. Despite this visibility I note that good design should not just exist in visible locations. Policies DM5 and 6 and the NSDC Householder Development SPD place great emphasis on the successful integration of extensions to existing properties and ensuring that the proportions of the original hostdwelling are not so greatly exceeded that the extension appear disproportionate.

The main body of the original dwellinghouse is c.7.6 m; however I do note that the width of the dwelling, including all past and proposed extensions would be 17 m. The extent of the extensions would more than double the original dwellinghouse, albeit this in itself is not considered harmful.

In considering the harm that this proposal has I must consider the impact that the extension would have on the character and appearance of the area. I acknowledge that the footprint of the extension at ground floor would be small in that it would appear as an additional 2m at ground floor to the front and rear; however this proposal also includes a first floor element to accommodate a room in the roof space that would be c.5.2 m wide and 8.4 m deep to match the depth of the hostdwelling, however given the design of the revised proposal the hipped roof greatly reduces the bulk of the extension and gives the appearance of a more subservient addition. The NSDC Householder Development SPD advises that side additions should be designed in a way in which is sensitive to the hostdwelling and the prevailing character of the surrounding area, particularly in cases where the gaps and spaces between buildings contribute to the pattern of development - I am therefore mindful of the impact the extension would have on closing the gap between the application site and no. 10 to the north (see Fig. 1) given the proximity of the proposed extension to the common boundary – this element would be visible from the public realm however in my view would appear as a proportionate addition that has been designed in keeping with the character of the hostdwelling, the hipped roof also pulls the bulk of the extension towards the hostdwelling rather than the common boundary with no. 10.



Fig. 1 View to the site from Old Hall Gardens

The revised plans have reduced the width of the extension by 0.5 m and have amended the roof style which goes some way to reduce the bulk of the extension. Further revisions were requested to remove the ground floor extension proposed, however the applicant has not removed this element from the scheme. The roof style now complements the existing dwelling and overall the extension is not considered to have an unbalancing impact or represent an incongruous addition – the extension would, whilst large, assimilate well with the character of the property.

I do not consider the dormer window to the rear of the property to be overly incongruous in this context and nor do I have any concerns with the amendments to the glazing on the porch which would give the dwelling a more modern appearance. I note that the property has its permitted development rights intact such that the replacement of the windows with anthracite grey uPVC would be permitted in addition to the application of render to the front and side elevations. I do consider the application of render here would be out of character with the wider area which is characterised by red brick properties, I also note the concerns raised by neighbouring residents

and the Parish council in respect of this. Nevertheless I acknowledge the fallback position that the property could exercise its permitted development rights to carry out these works such that a refusal on this basis would be unreasonable.

Overall it is therefore considered that, on balance, the revised proposal would not result in an incongruous or disproportionate addition to the hostdwelling which is set within a reasonable plot in a cul-de-sac of modern dwellings. The extension as revised is now subservient to the main dwelling and has been revised to reduce the bulk and massing of the addition. The amendments to the porch, replacement of the windows and the rendering of the property are all also considered to be acceptable in this context and whilst acknowledging the comments received in objection from neighbours and the Parish I consider the extension would not unduly harm the character and appearance of the area to warrant the refusal of this application. It is therefore considered that the development would accord with policies DM5 and DM6 of the Allocations and Development Management Development Plan Document (DPD), the NSDC Householder Development SPD and the NPPF.

Impact on Neighbouring Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD states that planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing.

The main concern is the impact upon the amenities of the adjoining occupiers to the north at no. 10 and to the east at no.7 which sits in front of the hostdwelling. I note that comments have been received from the Parish Council and surrounding residents regarding the impact of the proposed extension on the amenity of neighbouring properties.

The extension would be positioned on the northern elevation of the hostdwelling c. 0.7 m at its closest point to the common northern boundary. I note that the neighbouring property has a single storey garage at its closest point to the application site with a pedestrian access door on the southern elevation and one obscurely glazed window at first floor. Given the positioning of the application site to the south of the neighbouring property I am mindful of the overshadowing impact that this proposal might have on this neighbour for a large portion of the day, however given the positioning of the two properties within their plot I consider the impact of this extension is unlikely to have a materially worse impact on the neighbouring property than the existing two storey part of the hostdwelling (which is evidenced by the shadowing plans submitted by the applicant) such that I do not consider a reason for refusal based on the impact upon neighbouring amenity could be justified.

With regard to the impact on no. 7 Old Hall Gardens I am mindful that the properties are 12 m apart and the relationship is a front to rear arrangement, however given only rooflights are proposed to be installed on this elevation and additional glazing surrounding the front door, which is screened by intervening boundary treatment, I do not consider there would be a detrimental impact on the neighbouring amenity of this property.

Taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Other matters

Comments have been received from neighbouring occupiers and the Parish Council which object to the proposal and they have been duly taken on board throughout the course of this appraisal.

The comments raised which relate to the impact on the character and appearance of the area and neighbouring amenity have been assessed in the previous sections of this report.

With regards to comments in relation to highways safety and parking I am satisfied that the proposed site plan shows there would be sufficient space within the front curtilage for cars to be accommodated off the highway, in addition to the double garage that would be provided such that I do not consider there would be a highways safety issue that would result from this proposal.

It is also expected that during construction of any development there would be a period of disruption to the locale, however this is largely outside the control of the local planning authority. I do not consider a householder extension would generate sufficient construction nuisance or disruption to neighbours that would warrant the refusal of the application. I also note the comments regarding the future pressure to remove trees and hedges from the proposal however I note that no trees or hedges are proposed to be removed from the site to accommodate this proposal.

In response to the parish councils comments regarding the display of a site notice, the site does not lie within the conservation area or adjacent to a public right of way that would necessitate a site notice. In any event the neighbouring properties have been notified of the proposal which adheres to planning application advertisement procedures.

Concern has been expressed with regards to future maintenance of other adjoining properties due to the proximity of the extension. I consider the proposed extension would not cause any interference or hinder access to other occupiers of properties and although the comments are noted this matter is not a material planning consideration that can be taken into account.

Conclusion

The extension has been revised such that the proportions now respect the character of the hostdwelling, the bulk and massing of the extension have been greatly reduced such that the proposal now respects the character and appearance of the area. The proposal would not result in any adverse amenity or highways impacts and therefore I am satisfied that the proposal would comply with the relevant aims of the NPPF as well as Core Policy 9 Newark and Sherwood Core Strategy DPD and Policies DM5 and DM6 of the Allocations & Development Management DPD. Accordingly, it is considered that there are no material considerations why planning permission should not be granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions;

Conditions

01

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

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

02

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

- Amended Proposed Elevations – Ref. 812-0719-SP A2003 Rev C
- Amended Proposed Plans - Ref. 812-0719-SP A2002 Rev C
- Amended Site location and Block Plan - Ref. 812-0719-SP A2001 Rev B

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (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/

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

BACKGROUND PAPERS

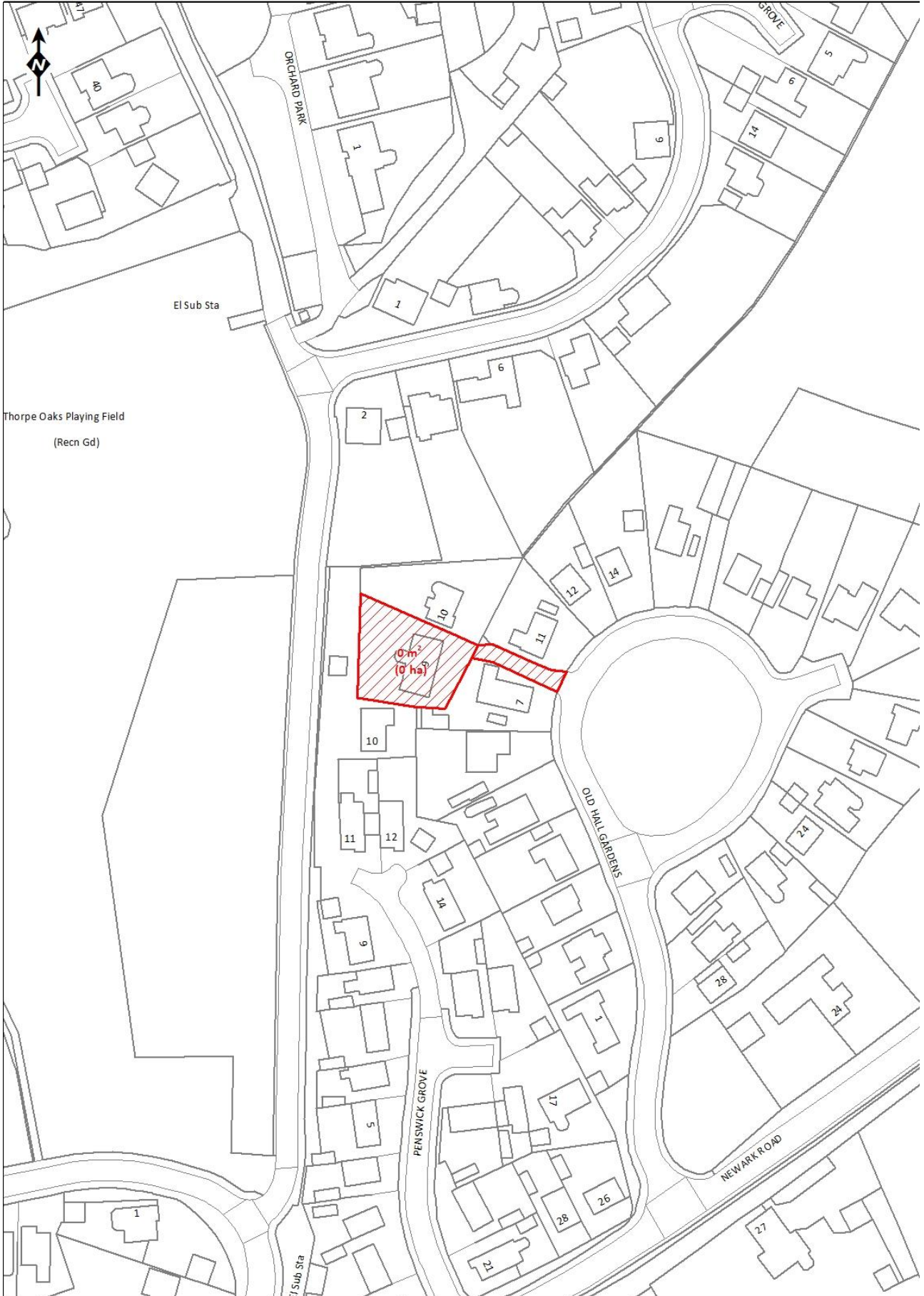
Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes

Planning Manager – Planning Development



PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01410/FUL
Proposal:	Alterations and conversion of units 4, 9, 10 and 11 to form a single unit; Blocking up of window and door on Chain Lane; Re-design of shopfront on Middlegate; Change of allowable uses within the building to incorporate use A1, A2, A3, B1, D1 and D2
Location:	The Buttermarket, Between 27 And 28 Middle Gate, Newark On Trent, NG24 1AL
Applicant:	Newark and Sherwood District Council
Agent:	Guy St John Taylor Associates
Registered:	05.08.2019 Target Date: 30.09.2019
	Extension of Time Agreed Until 11 October 2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVFY1PLBKMT00

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

The Site

The application site comprises the building known as the 'Buttermarket' and the Royal Exchange Shopping Centre which lies between no. 27 and 28 Middle Gate in the sub-regional centre of Newark Urban Area. In accordance with Section 1 (5) of the Listed Building and Conservation Area Act 1990 the building known as the Buttermarket is considered to form part of the Grade I listed Town Hall listing, which lies to the east of the application site with through access onto the Newark Market Place. The building is surrounded by listed buildings and has a sensitive location. The site lies within the Newark Town Centre and Primary Shopping Area, within Newark's Historic Core and the defined Conservation Area.

The main Buttermarket access which is of brick wall construction and is formed of elaborately shaped brick gable with a pediment at the top and is accessed off Middle Gate to the north-west. This façade features a large pedestrian access point and four glazed arched openings. There is through access into the exchange shopping area which exits into Chain Lane in addition to through access via the Town Hall onto the Newark Market Place.

Relevant Planning History

19/01411/LBC - Alterations and conversion of units 4, 9, 10 and 11 into a single unit including

demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate – *Pending consideration*

The Proposal

The proposal seeks the alteration and conversion of units 4, 9, 10 and 11 (which are on the northern side of the Buttermarket when accessing via Middle Gate into one single unit to form a bar and restaurant and the change of use of the entire shopping area and existing units to have flexible use classes of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure).

To facilitate this change there are a number of external alterations that are proposed to the building:

Middle Gate Façade

Proposed new shop front design includes the repainting of the existing fenestration within the glazed arched openings either side of the main entrance door. The two side doors are proposed to be retained and repainted however the northern side is proposed to be altered with the removal of 8 no. brick courses to mirror the existing opening on the opposite side of the building. Four indicative areas of signage have been shown on the proposed plan, two above the side doorways and two broadly centrally within the glazed arched openings – two indicative hanging signs are also shown either side of the façades which is shown as a timber hand painted sign hung on a metal decorative bracket bolted to the masonry through the mortar joints as far as practicable and painted black.

Chain Lane Elevation

- An existing window is proposed to be blocked in with masonry, rendered and painted in a 'tax relief' style.
- Doorway proposed to be blocked in with recessed masonry.
- Existing shopfront is proposed to be repaired and repainted and the doorway is proposed to be recessed within the existing shopfront.

There are a number of internal works proposed to facilitate the change of use of the units, these do not require planning permission and are covered in the listed building (**19/01411/LBC**) application that has been submitted concurrently with this application.

Documents considered within this appraisal:

- Revised Site Location Plan – Ref. 34.492.14-08-OS Rev A
- Existing Elevations and Sections – Ref. 20977 04 ES 0
- Existing Ground Floor Plan - Ref. 20977 02 P A
- Existing First Floor Plan - Ref. 20977 03 P A
- Existing Basement Plan – Ref. 20977 01 P A
- Proposed Ground Floor Plan - Ref. 34.492.14-20-01 Rev B
- Proposed First Floor and Basement Plan – Ref. 34.492.14-20-02
- Existing and Proposed Elevations Middlegate – Ref. 34.492.14-21-01 Rev B
- Existing and Proposed Elevations Chain Lane – Ref. 34.492.14-21-02 Rev A
- Supporting Statement – Policy DM11 – Ref. 34.492.14
- Historic Impact Assessment Revision D

Departure/Public Advertisement Procedure

Occupiers of 55 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

NUA/TC/1 - Newark Urban Area - Newark Town Centre

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- 2018 Retail and Town Centre Uses Monitoring Report 1st April 2017 to 31st March 2018 and Survey Data (April/May 2018)

Consultations

Newark Town Council – “The following comments were AGREED at Newark Town Council's Planning Meeting held on

4.9.19:

i) it was decided to raise No Objection and fully support this application that would enhance the town centre leisure and night time economy.

ii) however, the District Council's attention is drawn to the comments made by Heritage England, in this regard, Members asked that a review of the proposed building frontage/signage works on Middlegate be undertaken to achieve an outcome that would satisfy Heritage England.

iii) The District Council should submit and agree a scheme with the Town Council to deal with the storage and disposal of waste arising from the premise.”

Newark Business Club – Support the proposal.

NSDC Environmental Health – “The proposal includes a change to include a food take away. This will require extract ventilation for the removal of cooking vapours which may smell of cooked food. Details of the means of extract ventilation and odour control for the purposes of food hygiene and nuisance abatement must be described in full before this application can be fully supported. This must include sufficient detail of noise emissions associated with any extraction system.

The food business operator will be required to register the establishment with the Council. It is recommended that the applicant be advised to register within 28 days of opening.”

Additional Comments 16.9.19 – “The point of discharge of cooking fume and odour is not clear although the proposed ducting route between ground and first floor has been identified.

Before final consent is discharged the controls to be put in place against potential odour and noise nuisance from the intended kitchen extract ventilation system must be submitted for evaluation.

Advice notes

1: To meet food safety requirements access to ventilation ducting will be required for cleaning purposes.

2: Drainage details. The proposal refers to a grease filter unit. Details of the installation of this unit and its intended maintenance plan will need to be checked to ensure there is no conflict with food safety requirements”

NCC Highways – “The site is located within the town centre. This proposal does not affect the public highway; therefore, there are no highway objections.”

Louise Jennings LCC Archaeology – “No archaeological input required.”

Historic England – “Significance

The Town Hall is listed Grade I as a building of exceptional interest, placing it within the top 2.5% of buildings in the England. It is an imposing and important civic building by John Carr of York expressing the Palladian approach to architecture fashionable at the time. Dating to 1774-6 with late C18 and mid C19 additions, the building is described by Pevsner as ‘a fine example of its type and period.’ (The Buildings of England: Nottinghamshire, 1979). To the rear of the Town Hall is the Victorian covered market known as the Buttermarket. It dates to the 1880’s and was designed by Mr C Bell FRIBA. The Buttermarket was restored and converted to a shopping arcade in 1989-91.

Sufficiency of information

The accompanying Heritage Statement & Impact Assessment identifies the Buttermarket as being grade II listed (Page 8), this is not the case. The local planning authority identify the building as being part of the grade I listed Town Hall. Having reviewed the information provided within the document, we note that whilst an assessment of the significance of the ground floor (Page 20) is provided, there is no assessment of the significance of the basement area. We are therefore unable to assess the potential impact of the proposed tanking of the basement and removal of the staircase on the overall significance of the building and the character of this area. We advise that further information is provided to meet the requirements of paragraph 189 of the NPPF 2019 and address this important issue.

Impact

The proposals include both internal and external alterations. Having reviewed the supporting information, our concerns relate to the sufficiency of information in relation to the basement as outlined above and the proposed alterations to the Middlegate façade. We are content to defer to your in-house conservation team in relation to the remaining proposals.

The Middlegate façade is a fine architectural composition. It is built of red brick and consists of a pedimented Dutch gable with three large arched openings in the central section flanked by a further arched opening either side. Architectural features include a circular window within the gable and decorative brickwork, including three distinct decorative bands. The facade contributes to the overall significance of the building and has a strong presence within the street scene, making a strong positive contribution to the character and appearance of the conservation area.

The proposal is to provide new doors and shop fronts within the arched openings and to provide steel fretwork panels within the upper sections of the openings, providing areas for signage. The steel panels occupy a large proportion of the openings and would project below the decorative horizontal band. This would alter the architectural proportions and disturb the balance of the façade which would have an adverse visual impact. The proposed signs would compound this effect. In our view, this would harm the architectural significance of the building.

We appreciate that it is desirable to have effective signage to attract footfall into the Buttermarket but consider that there are less harmful ways of achieving this. We therefore advise that the proposed signage and steel fretwork panels are reconsidered. An alternative option could be to provide hanging signs of an appropriate design. These would be less visually intrusive, subject to design and have the potential to attract more passing trade as opposed to the proposed signs which would only be visible from directly opposite the building. We are content to defer to your in-house conservation team in relation to the detailed design.

Policy

Our advice is given in accordance with Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (NPPF), the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Note 2.

Paragraph 192 of the NPPF encourages local authorities to sustain and enhance the significance of heritage assets. The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 194).

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Recommendation

Historic England has concerns regarding the applications on heritage grounds as outlined above. We recommend you seek further guidance from your in-house conservation team in relation to the issues raised.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to

the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

NSDC Conservation Officer – “Site Analysis

The site is adjoined to Newark Town Hall. The Town Hall was designated Grade I (LEN 1196430) in 1950. The law makes it clear that any building or structure physically attached to a listed building, or if detached, having formed part of the land since before 1948, is also listed (section 1(5) of the Planning (LBCA) Act 1990). The tests set out under the old PPG15 provide a useful framework by which to clarify the extent of curtilage listing. Ownership at the time of listing, historic association, subservience and physical relationship are key in that assessment.

The covered market meets the curtilage tests entirely, and I therefore consider the Victorian building to be part of the Town Hall listing.

As part of the complex between Middle Gate, Market Place and Chain Lane, no. 23 Middle Gate is Grade II listed (LEN 1196432) and was designated in 1992.

The listing description for Newark Town Hall advises,

‘Town Hall and former gaol. 1774-6, with late C18 and mid C19 additions. By John Carr of York. Restored 1989-91 by Guy St John Taylor Associates and James Brotherhood Associates. Mansfield white sandstone ashlar and brick with slate roof. Plinth, frieze, dentillated cornice, open balustrade with urns at the corners. Windows are glazing bar sashes. 3 storeys; 7 window range. Projecting 3-bay centre has a giant tetrastyle Doric portico with balustrade, and pediment containing the Town Arms, topped with a central figure of Justice renewed c1983. At the angles of the pediment, pedestals with a lion to left and a unicorn to right. Within the portico, 3 tall windows, the central one pedimented and the flanking ones corniced. Above them, 3 smaller windows. Outer first floor windows have cornices and pseudo-balustrades. Smaller second floor windows have moulded architraves. Rusticated ground floor has round arched openings with multiple keystones and impost band. In the centre, 3 doorways with wrought iron grilles and gates. Beyond, single glazing bar windows and beyond again, single doorways with half-glazed doors with fanlights. To left, late C18 addition forming Mayor's Secretary's office. Red brick with ashlar lintels and slate roof. 4 storeys; single window range of glazing bar sashes, and a round arched entry with keystone. Interior has an outstanding ballroom with paired pilasters and domed apsidal ends, screened by pairs of giant Corinthian columns. Coved compartmented ceiling by Kilminster of Derby. Central enriched marble fireplace on each side wall. Front has 4 doors in decorated surrounds, and rear 2 doors. Rear has central window with fanlight, flanked by single busts on console brackets. Central council chamber has metope and triglyph frieze, ceiling bosses and door and window architraves with cornices. Mayor's Parlour and picture room have moulded cornices, elaborate doorcases and marble and wood fireplaces. Oval stairwell has dogleg stair with winders and ramped and scrolled mahogany handrail. Below the ballroom, an 8 x 3 bay market hall with Doric arcades and engaged columns in the aisles. Round arched side openings. On the north side, former gaol, mid C19, brick, with slate roof. Single storey, with 3 windows and 4 doors, one of them blocked, all with segmental heads. The Town hall is described as "a fine example of its type and period" (Pevsner) and is a good example of the work of John Carr’.

The listing description for no. 23 Middle Gate advises,

'Former public house, now shop. Early C18, restored 1989. Brick with steep pitched plain tile roof. Plinth, first floor band, cogged and dentillated eaves, coped gables. 2 storeys plus attics; 4 window range of segment headed glazing bar sashes. Above, 2 C20 gabled dormers with 2-light casements. below, off-centre half-glazed panelled door with overlight, flanked to left by 2 glazing bar sashes, all with segmental heads. To right, a plain carriage opening. Left gable has a C20 3-light shop window'

The covered market, known as the Buttermarket has undergone a significant restoration in the 1980s, introducing a row of hops and mezzanine floor.

The other parts of the land holding now identified as the shopping centre are less clear cut. The 1989 phase has remodelled and altered this space extensively, and much of it is not 'special'. However, the physical connection and single ownership of these service areas, including the Royal Exchange, Hobsons, Escape and the upstairs former bar area, could be interpreted as being one single 'extension' to the principal listed building. Inevitably, this interpretation is not so simple.

The building range along Chain Lane containing unit 11 (currently Escape) has been extensively reconstructed, but otherwise appears to be the historic service range to the former Inn on Middle Gate (23 Middle Gate- see late 19th century OS maps). Some of the masonry is 1980s stretcher, but areas on Chain Lane at higher level include traditional dentillation and some English Garden Wall with off-centre stretcher bond, suggesting 19th century masonry. The annexation of this unit from 23 Middle Gate prior to 1992 ensures that this building range cannot be characterised as curtilage to that property. On the other hand, it seems insufficient to find that the ownership and physical connection of this unit to the Town Hall in the modern era is sufficient to make it curtilage listed either, despite the extent of openness within the unit out of the original building wall line of the covered market (formed by the two arched openings) which encourages the concept of the larger 'extension'.

The line of units on the east side of the Exchange (including Hobsons) appear to contain some historic fabric and some level of connection through to the cells (this area is marked stables on historic conveyance plans), and perhaps might be more obviously determined as curtilage (as an extension of the Town Hall ground floor).

Legal and policy considerations

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

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 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.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Assessment of proposal

The scheme includes alterations to Chain Lane elevation, Middle Gate elevation and internal alterations.

Chain Lane

Existing shop front is to be retained, repaired and repainted. A new recessed door to be inserted

Chain Lane, block up existing window and door with recessed brick. It is proposed to plaster and paint it a window to look like a 'tax relief' window. The bricks will match as closely in a stretched bond. A NHL 3.5 mortar will be used. These features reference a historic design approach.

Middle Gate

The scheme looks to remove brick work below the left glazed arch, to create a doorway. This reflects the arch on the right hand side.

Signage is to be located along existing panels along with two additional hanging signs. The hanging sign are to be on a decorative metal bracket fixed within the mortar joints. The sign will be painted.

It is proposed to feed any ductwork up through the first floor again only disturbing 1980s fabric.

The existing fenestration will be retained, repaired and repainted.

Internal

Internal works relates to northern section of the Buttermarket towards Chain Lane. This includes units 4, 9 – 11. The proposal creates a large single unit. The fabric to be removed relates to the

1980s restoration, original Georgian cast iron post are to be retained. Therefore, the creation of a single unit does not affect the historic or architectural interest of the building.

The plans identify the area for ventilation and extraction. As the layout of future tenants is unknown therefore the details are indicative. This part of the building is largely a later infill and does not have significant historic fabric.

The proposed stairs to be removed and replaced are modern therefore will not harm the historic significance of the listed buildings. The cellar is to be tanked due to the future use of the building and the requirement to have a dry space. The cellar does not have any significance fabric or architectural features.

The proposal complies with the objectives of preservation required under section 66 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF."

Comments of the Business Manager

Principle of Development

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. Policy NUA/TC/1 states that development of retail and other town centre uses within Newark town centre will be considered against general policy requirements in the Core Strategy and the Development Management policies in chapter 7, with particular reference to Policy DM11.

The proposal seeks the alteration and conversion of units 4, 9, 10 and 11 (which are on the northern side of the Buttermarket when accessing via Middle Gate into one single unit to form a bar and restaurant and the change of use of the entire shopping area and existing units to have flexible use classes of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure).

Use classes A2, A3, B1, D1 and D2 cannot strictly be defined as retail uses and policy DM11 advises that proposals for non-retail uses at street level within the Primary Shopping Frontages will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. On this basis it is considered important to understand the health of the town centre to ascertain whether this proposal would contribute to supporting its vitality and viability so that a pragmatic view can be taken. The recently undertaken review of the primary shopping frontage and shopping area in relation to use class is helpful in providing an overview of the current status of the town centre. The last retail assessment undertaken was at the end of March 2018 by NSDC. The assessment detailed the breakdown of the primary shopping frontage (PSF) as follows:

Category	Number of Units in Newark Primary Shopping Frontage	Percentage Split (%)
Total	161	N/A
Vacant	13	8.07
A1 (Shops)	170	66.46
A2 (Financial and	22	13.66

Professional Services)		
A3 (Restaurants and Cafes)	11	6.83
A4 (Drinking Establishments)	3	1.86
A5 (Hot Food Takeaways)	2	1.24
C3 (Dwellinghouses)	0	0
D1 (Non-residential institutions)	3	1.86
D2 (Assembly and Leisure)	0	0
Sui Generis	0	0

As the figures show the primary shopping frontage retains a strong retail element. The proposed development would result in further diversification of the primary shopping frontage which, in accordance with NUA/TC/1 would support and improve the shopping and leisure facilities within the town centre, particularly within the primary shopping frontage. This policy does however state that within the primary shopping frontage there will be a focus for retail activity, which I note does form part of this application within the list of flexible uses applied for, albeit within a range of other proposed uses. NUA/TC/1 states that other town centre uses within the Newark Town Centre will be assessed against the general policy requirements of DM11.

Policy DM11 states that proposals for non-retail uses at street level within the Primary Shopping Frontages, as defined on the Policies Map, will not be supported unless they can demonstrate a positive contribution to the vitality and viability of the town centre. The retention of Primary Shopping Frontages within Newark is cited as being key to maintaining their vitality and viability and consequently substantial justification of the benefits is required in order to support non retail uses. The application has been submitted with a supporting statement in relation to Policy DM11 which outlines the health of the units within the Buttermarket; in the aforementioned retail review, specifically for the Royal Exchange Shopping Centre/The Buttermarket which is a keystone building within the primary shopping frontage 7 units (out of 16) were vacant at the time of the survey; 6 of which have A1 use and 1, A2 – these units amount to c.233 m² of vacant unit space which lie within the Primary Shopping Area for Newark (the number of vacant units is thought to have increased to 12 at the time of this application). The application seeks to establish flexible use classes within this building to revitalize the units and improve the viability of uses at ground and first floor which has historically struggled with long term A1 occupation. The supporting statement cites this flexibility of uses as being a way to secure the future viable use of this large keystone heritage asset within the town centre that could act as a catalyst and draw for the town centre as a whole. The statement also cites having secured a national A3 use tenant for the larger unit being created at ground floor is envisaged to act as a draw for future businesses, customers and users of this building.

The units within the Buttermarket/Royal Shopping Exchange are understood to be mostly vacant at present, the units that are occupied and trading currently include one A3 unit, one D1 (non-

residential institutions) and 2, A1 shops. Whilst the application at hand would see the units potentially operating in uses other than A1, out of the 161 units in total in the primary shopping frontage area the units included within this application represent c.10% of these. Therefore, it is considered that even if all units within the Buttermarket/Royal Exchange operated other than in A1 use, there would still be an overall dominance of A1 which would accord with the principles of policy DM11.

In any event, the NPPF defines appropriate uses in town centre locations which predominately include the use classes sought in this application. Whilst I note that this application would mean that the units within the Primary Shopping Frontage could operate other than in A1 use I consider that the principle of this flexibility in use would secure the future viability of this keystone building and importantly the heritage asset to prevent vacancy resulting in the building falling into disrepair. The benefit of flexibility in uses would mean that the units would have a greater appeal to future tenants, increasing the footfall within the Primary Shopping Frontage through this important building within the Primary Shopping Area which will undoubtedly and demonstrably make a positive contribution to the vitality and viability of the town and the revival of the Buttermarket Shopping area.

As such it is considered that the proposed development is capable of supporting the viability and vitality of the Newark Town Centre, will support the reuse of a keystone building within the PSF and therefore the principle of the change of use to include flexible mixed-uses is deemed acceptable. The development is as such considered to accord with policy DM11 of the DPD and the NPPF.

Impact on the Character of the Area and the Heritage Asset

The site is located within the PSF of Newark, within the historic core of the town, the defined conservation area and is a curtilage listed building in associated with the Grade 1 Listed Town Hall to the east. Internally the building reflects a 1980's arcade style shop frontages which lead onto Chain Lane and through to the Town Hall. Internally the building has a commercial character which translates externally on Chain Lane as a glazed arcade style entrance with adjacent shop units and on Middle Gate as an ornate building entrance with an arched glazed frontage and entranceway. Surrounding units have a mixture of modern and traditional timber glazed shop fronts and the application building is a keystone building within the PSF located within the defined characterful conservation area. As such regard must be had for the impact of any works on the character and appearance of the conservation area and the historic and architectural significance of the curtilage listed building itself in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy.

Paragraph 200 of the National Planning Policy Framework states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. 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). Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

The application site, whilst not listed within its own right is attached to a listed building, comprises a prominent building within the street scene. Given its prominence, alterations to it have the potential to impact the character and appearance of the Conservation Area. In addition, being attached to the grade I listed building (the Town Hall) the proposals also have the ability to affect the setting, and therefore significance, of the listed building.

Overall the Conservation Officer (CO) has commented in support of this application which sees relatively minor external modifications to the building including the blocking up of an existing doorway with recessed brickwork, blocking up of an existing window with a tax relief style replacement on the Chain Lane façade and alterations to the Middle Gate façade which include minor alterations to the existing fenestration and the addition of four indicative signage fascias and a projecting hanging sign on the northern side of the façade. The alterations are considered to preserve the special architectural and historic significance of the building and the alterations to the Middle Gate façade are also considered to respect the significance of this part of the building.

The principle of the indicative signage is considered to be appropriate and in accordance with the NSDC Shopfronts and Advertisements SPD, the Conservation Officer is also satisfied that the adverts are proportionate and appropriate for the historic façade and will not unduly impact the character of the building or wider conservation area. The tenant will however need to apply for separate advertisement consent once they have devised a complete signage specification. I note that the comments made by Historic England (HE) are in objection to the alterations to the Middle Gate Façade; however the proposal has been altered since these comments were received and the elements that were contested by Historic England have been removed. Their comments relating to proposed hanging signs have been taken on board and advanced within these revised proposals and HE have deferred to NSDC's in house Conservation Team for the final overall assessment.

The Conservation Officer has appraised the historic context of the site in her comments above and as such I do not intend to rehearse these points. I concur entirely with the view of the conservation officer, the revised signage proposal including the new hanging signs proposed are considered to be less visually intrusive than initially proposed and overall the conservation officer has raised no objection to these proposed alterations, which were concluded to have little impact on the building or wider area.

In conclusion, I do not consider the proposed alterations to the building would have a detrimental impact upon the character of the area, nor would the proposed mixed use classes sought particularly given the existing use of the area and the sympathetic alterations proposed. It can be concluded that this proposal will not harm the setting of the listed building or the significance of the conservation area and the re-animation of the front and side façades will be an improvement to the street fronts generally. This application therefore accords with Section 72 and 66 of the Planning (Listed Building and Conservation Areas Act) 1990 as well as Core Policy 14 of the CS, policy DM9 of the ADMDPD and Section 16 of the NPPF.

Impact on Neighbouring Amenity

Criterion 3 of policy DM5 outlines that regard should be given to the impact of proposals on

amenity or surrounding land uses and should not cause unacceptable loss of amenity. Given that no new building works are required as part of the proposal and that the immediate neighbouring properties, as well as the wider area, are all commercial, it is considered that the proposed uses of the site are acceptable from an amenity perspective.

However, it is acknowledged that some form of extraction system would need to be introduced should an A3 use class be implemented. From the plans submitted and the supporting statement it is understood that A3 use is likely to be implemented in the larger unit to the north of the building that would be created as part of this proposal (opening up of units 4, 9, 10 and 11 to form a single unit). With this in mind an indicative ventilation and extraction plan has been submitted to demonstrate how this unit could be ventilated should the A3 use be forthcoming in this unit. The Environmental Health Officer has reviewed this detail and has advised that the indicative details are considered to be acceptable and prove that an adequate ventilation and extraction scheme could be implemented without resulting in any nuisance through odour or noise to surrounding occupants. The detailed specification would however need to be agreed once a tenant is secured and this scheme is considered appropriate to secure via condition.

For the remainder of the building, should any other A3 use business wish to operate, the ventilation and extraction systems would be subject to a separate planning application as no details have been submitted within this application for the other units. It is therefore considered that an informative attached to any grant of planning permission, reminding the applicant that the installation of an extraction system at the site, if required, would need to be the subject of a separate planning application would be appropriate in this instance.

Overall I am satisfied that subject to compliance with details relating to noise and odour abatement which are to be submitted as part of a discharge of condition application there would be no unacceptable impact upon the amenity of neighbouring occupiers as a result of A3 use in the larger unit to the north.

Given the above, I consider the proposal would not result in unacceptable levels of amenity for surrounding occupiers and the proposal would accord with policy DM5 of the ADMDPD.

Highways Safety

Core Strategy Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. There are no proposed changes to the access arrangements to the site as part of this application and NCC highways have not raised any objection to the scheme. There is ample public car parking in the town centre and given the highway restrictions in place it is not envisaged that the proposal would result in any material highway safety issues. The application is therefore in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the DPD.

Conclusion

The principle of the change of use of the building to mixed uses is considered to be acceptable in the context of the town centre and principal shopping frontage location. The proposed uses are not considered to result in any unacceptable neighbouring amenity impact, nor are to proposed external changes considered to result in harm to the character and appearance of the Conservation Area or the setting of the listed building. There are no highways impacts that will

result from this application and therefore subject to conditions there are no material reasons why this application should be refused.

Recommendation

That full planning permission is approved subject to the following conditions.

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the site location plan, block plan and approved proposed plans reference

- Revised Site Location Plan – Ref. 08-OS Rev A
- Proposed Ground Floor Plan - Ref. 20-01 Rev B
- Proposed First Floor and Basement Plan – Ref. 20-02
- Existing and Proposed Elevations Middlegate – Ref. 21-01 Rev B
- Existing and Proposed Elevations Chain Lane – Ref. 21-02 Rev A

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

Reason: So as to define this permission

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application and annotated on plan references

unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

04

The materials to be used in the alterations and repairs hereby permitted shall match those used in the existing building in terms of type, colour and texture, size, profile and bonding pattern unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

05

Notwithstanding the details shown on the approved plan ref. Existing and Proposed Elevations Chain Lane – Ref. 21-02 Rev A the tax relief window shown shall have a glazing pattern of 3 x 4

panes comprising a mock white frame and black panes unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

06

Notwithstanding the details shown on the approved plan ref. Existing and Proposed Elevations Chain Lane – Ref. 21-02 Rev A the new masonry forming the blocked doorway shall be recessed between 25 – 50mm unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

07

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows and doors and their immediate surroundings, including details of glazing and glazing bars.

Soil and vent pipes

Reason: In order to safeguard the special architectural or historical appearance of the building.

08

Prior to the commencement of any A3 use in the larger unit (combined units 4, 10, 9 and 11) as shown on the Proposed Ground Floor Plan - Ref. 20-01 Rev B a detailed ventilation and extraction scheme, including precise manufacturers details and extraction vents and flues shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential amenity

09

Notwithstanding the provisions of Article 3 of the Town and Country Planning Use Classes Order 1987 and Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any orders revoking or re-enacting these Orders) this permission shall only permit the use of the units as a flexible use of A1, A2, A3, B1, D1 or D2 uses in accordance with Class V (subject to any amendments and variations) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and for no other purpose.

Reason: To protect the vitality and viability of the retail area.

Note to applicant

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/

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

03

The applicant is reminded that should an A3 use be operated from the site then a separate planning application is required for the installation of suitable odour abatement. This is development in its own right and requires a separate grant of planning permission and listed building consent.

04

This grant of permission does not convey consent for the display of any advertisement on the application site which will require separate advertisement and listed building consent.

05

To meet food safety requirements access to ventilation ducting will be required for cleaning purposes.

06

The proposal refers to a grease filter unit. Details of the installation of this unit and its intended maintenance plan will need to be checked to ensure there is no conflict with food safety requirements.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01410/FUL



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No:	19/01411/LBC
Proposal:	Alterations and conversion of units 4, 9, 10 and 11 into a single unit including demolition of internal partitions and centralising of incoming services along with all required strip out; new openings into mall area; new floor levels within unit(s); tanking and damp proofing works to basement and creation of extract ducting through the building; Block up window and door to Chain Lane and re-design of shopfront to Middlegate.
Location:	The Buttermarket, Between 27 And 28 Middle Gate, Newark On Trent, NG24 1AL
Applicant:	Newark and Sherwood District Council
Agent:	Guy St John Taylor Associates
Registered:	05.08.2019 Target Date: 30.09.2019
	Extension of Time Agreed Until 11 October 2019
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVFY21LBKMU00

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

The Site

The application site comprises the building known as the 'Buttermarket' and the Royal Exchange Shopping Centre which lies between no. 27 and 28 Middle Gate in the sub-regional centre of Newark Urban Area. In accordance with Section 1 (5) of the Listed Building and Conservation Area Act 1990 the building known as the Buttermarket is considered to form part of the Grade I Town Hall listing, which lies to the east of the application site with through access onto the Newark Market Place. The building is surrounded by listed buildings and has a sensitive location. The site lies within the Newark Town Centre and Primary Shopping Area, within Newark's Historic Core and the defined Conservation Area.

The main Buttermarket access which is of brick wall construction and is formed of elaborately shaped brick gable with a pediment at the top and is accessed off Middle Gate to the north-west, this façade features a large pedestrian access point and four glazed arched openings. There is through access into the exchange shopping area which exits into Chain Lane in addition to through access via the Town Hall onto the Newark Market Place.

Relevant Planning History

19/01410/FUL – Alterations and conversion of units 4, 9, 10 and 11 to form a single unit; Blocking up of window and door on Chain Lane; Re-design of shopfront on Middlegate; Change of allowable uses within the building to incorporate use A1, A2, A3, B1, D1 and D2 – *Pending consideration*

The Proposal

The proposal seeks the alteration and conversion of units 4, 9, 10 and 11 (which are on the northern side of the Buttermarket when accessing via Middle Gate into one single unit to form a bar and restaurant and the change of use of the entire shopping area and existing units to have flexible use classes of A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), B1 (business), D1 (non-residential institutions) and D2 (assembly and leisure).

To facilitate this change there are a number of alterations that are proposed to the building:

Middlegate Façade

Proposed new shop front design includes the repainting of the existing fenestration within the glazed arched openings either side of the main entrance door. The two side doors are proposed to be retained and repainted however the northern side is proposed to be altered with the removal of 8 no. brick courses to mirror the existing opening on the opposite side of the building. Four indicative areas of signage have been shown on the proposed plan, two above the side doorways and two broadly central within the glazed arched openings – two indicative hanging signs are also shown either side of the façades which is shown as a timber hand painted sign hung on a metal decorative bracket bolted to the masonry through the mortar joints as far as practicable and painted black.

Chain Lane Elevation

- An existing window is proposed to be blocked in with masonry, rendered and painted in a 'tax relief' style.
- Doorway proposed to be blocked in with recessed masonry.
- Existing shopfront is proposed to be repaired and repainted and the doorway is proposed to be recessed within the existing shopfront.

Internal Works

Ground Floor: Opening up of units 4, 9, 10 and 11 to form a single unit; changing of internal floor levels to form level access; insertion of folding doors into unit 9 along the Exchange in place of existing glazing/doors; infilling of doorways in units 4 and 10; and ramp installation into unit 9.

First Floor: alterations include the insertion of rises for the ductwork of the kitchen extraction system which includes the removal of a suspended timber floor and insertion of a separate sider compartment with a 60 min fire rating.

Basement: removal of the existing floor screed and removal of a modern staircase to allow for the tanking of the basement and construction of a new staircase due to excessive damp affecting all walls.

A full planning application has been submitted to accompany this proposal – **19/01410/FUL**

Documents considered within this appraisal:

- Revised Site Location Plan – Ref. 34.492.14-08-OS Rev A
- Existing Elevations and Sections – Ref. 20977 04 ES 0
- Existing Ground Floor Plan - Ref. 20977 02 P A
- Existing First Floor Plan - Ref. 20977 03 P A
- Existing Basement Plan – Ref. 20977 01 P A
- Proposed Ground Floor Plan - Ref. 34.492.14-20-01 Rev B
- Proposed First Floor and Basement Plan – Ref. 34.492.14-20-02
- Existing and Proposed Elevations Middlegate – Ref. 34.492.14-21-01 Rev B
- Existing and Proposed Elevations Chain Lane – Ref. 34.492.14-21-02 Rev A
- Historic Impact Assessment Revision D

Departure/Public Advertisement Procedure

Occupiers of 55 neighbouring properties have been notified by letter. A site notice has been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- *Historic England's Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- *Historic England's Good Practice Advice Note 2 – Managing Significance in Decision Taking in the Historic Environment*
- *Historic England Advice Note 2 – Making Changes to Heritage Assets*

Consultations

Newark Town Council – “The following comments were AGREED at Newark Town Council's Planning Meeting held on 4.9.19:

i) it was decided to raise No Objection and fully support this application that would enhance the town centre leisure and night time economy.

ii) however, the District Council's attention is drawn to the comments made by Heritage England, in this regard, Members asked that a review of the proposed building frontage/signage works on Middlegate be undertaken to achieve an outcome that would satisfy Heritage England.

iii) The District Council should submit and agree a scheme with the Town Council to deal with the storage and disposal of waste arising from the premise.”

NSDC Conservation Officer – “Site Analysis

The site is adjoined to Newark Town Hall. The Town Hall was designated Grade I (LEN 1196430) in 1950. The law makes it clear that any building or structure physically attached to a listed building, or if detached, having formed part of the land since before 1948, is also listed (section 1(5) of the Planning (Listed Buildings and Structures) Act 1990). The tests set out under the old PPG15 provide a useful framework by which to clarify the extent of curtilage listing. Ownership at the time of listing, historic association, subservience and physical relationship are key in that assessment.

The covered market meets the curtilage tests entirely, and I therefore consider the Victorian building to be part of the Town Hall listing.

As part of the complex between Middle Gate, Market Place and Chain Lane, no. 23 Middle Gate is Grade II listed (LEN 1196432) and was designated in 1992.

The listing description for Newark Town Hall advises,

‘Town Hall and former gaol. 1774-6, with late C18 and mid C19 additions. By John Carr of York. Restored 1989-91 by Guy St John Taylor Associates and James Brotherhood Associates. Mansfield white sandstone ashlar and brick with slate roof. Plinth, frieze, dentillated cornice, open balustrade with urns at the corners. Windows are glazing bar sashes. 3 storeys; 7 window range. Projecting 3-bay centre has a giant tetrastyle Doric portico with balustrade, and pediment containing the Town Arms, topped with a central figure of Justice renewed c1983. At the angles of the pediment, pedestals with a lion to left and a unicorn to right. Within the portico, 3 tall windows, the central one pedimented and the flanking ones corniced. Above them, 3 smaller windows. Outer first floor windows have cornices and pseudo-balustrades. Smaller second floor windows have moulded architraves. Rusticated ground floor has round arched openings with multiple keystones and impost band. In the centre, 3 doorways with wrought iron grilles and gates. Beyond, single glazing bar windows and beyond again, single doorways with half-glazed doors with fanlights. To left, late C18 addition forming Mayor's Secretary's office. Red brick with ashlar lintels and slate roof. 4 storeys; single window range of glazing bar sashes, and a round arched entry with keystone. Interior has an outstanding ballroom with paired pilasters and domed apsidal ends, screened by pairs of giant Corinthian columns. Coved compartmented ceiling by Kilminster of Derby. Central enriched marble fireplace on each side wall. Front has 4 doors in decorated surrounds, and rear 2 doors. Rear has central window with fanlight, flanked by single busts on console brackets. Central council chamber has metope and triglyph frieze, ceiling bosses and door and window architraves

with cornices. Mayor's Parlour and picture room have moulded cornices, elaborate doorcases and marble and wood fireplaces. Oval stairwell has dogleg stair with winders and ramped and scrolled mahogany handrail. Below the ballroom, an 8 x 3 bay market hall with Doric arcades and engaged columns in the aisles. Round arched side openings. On the north side, former gaol, mid C19, brick, with slate roof. Single storey, with 3 windows and 4 doors, one of them blocked, all with segmental heads. The Town hall is described as "a fine example of its type and period" (Pevsner) and is a good example of the work of John Carr'.

The listing description for no. 23 Middle Gate advises:

'Former public house, now shop. Early C18, restored 1989. Brick with steep pitched plain tile roof. Plinth, first floor band, cogged and dentillated eaves, coped gables. 2 storeys plus attics; 4 window range of segment headed glazing bar sashes. Above, 2 C20 gabled dormers with 2-light casements. below, off-centre half-glazed panelled door with overlight, flanked to left by 2 glazing bar sashes, all with segmental heads. To right, a plain carriage opening. Left gable has a C20 3-light shop window'

The covered market, known as the Buttermarket has undergone a significant restoration in the 1980s, introducing a row of **shops** and mezzanine floor.

The other parts of the land holding now identified as the shopping centre are less clear cut. The 1989 phase has remodelled and altered this space extensively, and much of it is not 'special'. However, the physical connection and single ownership of these service areas, including the Royal Exchange, Hobsons, Escape and the upstairs former bar area, could be interpreted as being one single 'extension' to the principal listed building. Inevitably, this interpretation is not so simple.

The building range along Chain Lane containing unit 11 (currently Escape) has been extensively reconstructed, but otherwise appears to be the historic service range to the former Inn on Middle Gate (23 Middle Gate- see late 19th century OS maps). Some of the masonry is 1980s stretcher, but areas on Chain Lane at higher level include traditional dentillation and some English Garden Wall with off-centre stretcher bond, suggesting 19th century masonry. The annexation of this unit from 23 Middle Gate prior to 1992 ensures that this building range cannot be characterised as curtilage to that property. On the other hand, it seems insufficient to find that the ownership and physical connection of this unit to the Town Hall in the modern era is sufficient to make it curtilage listed either, despite the extent of openness within the unit out of the original building wall line of the covered market (formed by the two arched openings) which encourages the concept of the larger 'extension'.

The line of units on the east side of the Exchange (including Hobsons) appear to contain some historic fabric and some level of connection through to the cells (this area is marked stables on historic conveyance plans), and perhaps might be more obviously determined as curtilage (as an extension of the Town Hall ground floor).

Legal and policy considerations

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

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 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.

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

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Assessment of proposal

The scheme includes alterations to Chain Lane elevation, Middle Gate elevation and internal alterations.

Chain Lane

Existing shop front is to be retained, repaired and repainted. A new recessed door to be inserted

Chain Lane, block up existing window and door with recessed brick. It is proposed to plaster and paint it a window to look like a 'tax relief' window. The bricks will match as closely in a stretched bond. A NHL 3.5 mortar will be used. These features reference a historic design approach.

Middle Gate

The scheme looks to remove brick work below the left glazed arch, to create a doorway. This reflects the arch on the right hand side.

Signage is to be located along existing panels along with two additional hanging signs. The hanging sign are to be on a decorative metal bracket fixed within the mortar joints. The sign will be painted.

It is proposed to feed any ductwork up through the first floor again only disturbing 1980s fabric.

The existing fenestration will be retained, repaired and repainted.

Internal

Internal works relates to northern section of the Buttermarket towards Chain Lane. This includes units 4, 9 – 11. The proposal creates a large single unit. The fabric to be removed relate to the 1980s restoration, original Georgian cast iron post are to be retained. Therefore, the creation of a single unit does not affect the historic or architectural interest of the building.

The plans identify the area for ventilation and extraction. As the layout of future tenants is unknown therefore the details are indicative. This part of the building is largely a later infill and does not have significant historic fabric.

The proposed stairs to be removed and replaced are modern therefore will not harm the historic significance of the listed buildings. The cellar is to be tanked due to the future use of the building and the requirement to have a dry space. The cellar does not have any significance fabric or architectural features.

The proposal complies with the objectives of preservation required under section 66 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF."

NCC Highways – "The site is located within the town centre. This proposal does not affect the public highway, therefore, there are no highway objections."

NSDC Environmental Health – "The proposal includes a change to include a food take away. This will require extract ventilation for the removal of cooking vapours which may smell of cooked food. Details of the means of extract ventilation and odour control for the purposes of food hygiene and nuisance abatement must be described in full before this application can be fully supported. This must include sufficient detail of noise emissions associated with any extraction system.

The food business operator will be required to register the establishment with the Council. It is recommended that the applicant be advised to register within 28 days of opening."

Additional Comments 16.9.19 – "The point of discharge of cooking fume and odour is not clear although the proposed ducting route between ground and first floor has been identified.

Before final consent is discharged the controls to be put in place against potential odour and noise nuisance from the intended kitchen extract ventilation system must be submitted for evaluation.

Advice notes

1: To meet food safety requirements access to ventilation ducting will be required for cleaning purposes.

2: Drainage details. The proposal refers to a grease filter unit. Details of the installation of this unit and its intended maintenance plan will need to be checked to ensure there is no conflict with food safety requirements"

Historic England – "Significance

The Town Hall is listed Grade I as a building of exceptional interest, placing it within the top 2.5% of buildings in the England. It is an imposing and important civic building by John Carr of York expressing the Palladian approach to architecture fashionable at the time. Dating to 1774-6 with late C18 and mid C19 additions, the building is described by Pevsner as 'a fine example of its type and period.' (The Buildings of England: Nottinghamshire, 1979). To the rear of the Town Hall is the Victorian covered market known as the Buttermarket. It dates to the 1880's and was designed by Mr C Bell FRIBA. The Buttermarket was restored and converted to a shopping arcade in 1989-91.

Sufficiency of information

The accompanying Heritage Statement & Impact Assessment identifies the Buttermarket as being grade II listed (Page 8), this is not the case. The local planning authority identify the building as being part of the grade I listed Town Hall. Having reviewed the information provided within the document, we note that whilst an assessment of the significance of the ground floor (Page 20) is provided, there is no assessment of the significance of the basement area. We are therefore unable to assess the potential impact of the proposed tanking of the basement and removal of the staircase on the overall significance of the building and the character of this area. We advise that further information is provided to meet the requirements of paragraph 189 of the NPPF 2019 and address this important issue.

Impact

The proposals include both internal and external alterations. Having reviewed the supporting information, our concerns relate to the sufficiency of information in relation to the basement as outlined above and the proposed alterations to the Middlegate façade. We are content to defer to your in-house conservation team in relation to the remaining proposals.

The Middlegate façade is a fine architectural composition. It is built of red brick and consists of a pedimented Dutch gable with three large arched openings in the central section flanked by a further arched opening either side. Architectural features include a circular window within the gable and decorative brickwork, including three distinct decorative bands. The facade contributes to the overall significance of the building and has a strong presence within the street scene, making a strong positive contribution to the character and appearance of the conservation area.

The proposal is to provide new doors and shop fronts within the arched openings and to provide steel fretwork panels within the upper sections of the openings, providing areas for signage. The steel panels occupy a large proportion of the openings and would project below the decorative horizontal band. This would alter the architectural proportions and disturb the balance of the façade which would have an adverse visual impact. The proposed signs would compound this effect. In our view, this would harm the architectural significance of the building.

We appreciate that it is desirable to have effective signage to attract footfall into the Buttermarket but consider that there are less harmful ways of achieving this. We therefore advise that the proposed signage and steel fretwork panels are reconsidered. An alternative option could be to provide hanging signs of an appropriate design. These would be less visually intrusive, subject to design and have the potential to attract more passing trade as opposed to the proposed signs which would only be visible from directly opposite the building. We are content to defer to your in-house conservation team in relation to the detailed design.

Policy

Our advice is given in accordance with Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (NPPF), the Planning Practice Guidance and the Historic Environment Good Practice Advice in Planning Note 2.

Paragraph 192 of the NPPF encourages local authorities to sustain and enhance the significance of heritage assets. The NPPF states that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (paragraph 194).

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Recommendation

Historic England has concerns regarding the applications on heritage grounds as outlined above. We recommend you seek further guidance from your in-house conservation team in relation to the issues raised.

In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

Comments of the Business Manager

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 194 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification.

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

Impact upon the Special Interest of the Listed Building

I am of the opinion that the most important consideration in the assessment of this application is the heritage impact to this listed building and the wider impact on the conservation area. The Conservation Officer has appraised the historic context of the site in her comments above and as such I do not intend to rehearse these points. I concur entirely with the view of the conservation officer who has commented in support of this application which sees relatively minor external modifications to the building including the blocking up of an existing doorway with recessed brickwork, blocking up of an existing window with a tax relief style replacement on the Chain Lane façade and alterations to the Middlegate façade which include minor alterations to the existing fenestration and the addition of four indicative signage fascias and a projecting hanging sign on the northern side of the façade. The alterations are considered to preserve the special architectural and historic significance of the building; the alterations to the Middlegate façade are also considered to respect the significance of this part of the building.

The principle of the indicative signage is considered to be appropriate and in accordance with the NSDC Shopfronts and Advertisements SPD, the Conservation Officer is also satisfied that the adverts are proportionate and appropriate for the historic façade and will not unduly impact the character of the building or wider conservation area. The tenant will however need to apply for separate advertisement consent once they have devised a complete signage specification. I note that the comments made by Historic England are an objection to the alterations to the Middlegate Façade; however the proposal has been altered since these comments were received and the elements that were contested by Historic England have been removed, their comments relating to proposed hanging signs have been taken on board and advanced within these revised proposals and HE have deferred to NSDC's in house Conservation Team for the final overall assessment. The revised signage proposal including the new hanging signs proposed are considered to be less visually intrusive than initially proposed and overall the conservation officer has raised no objection to these proposed alterations, which were concluded to have little impact on the building or wider area.

In conclusion, given the positive conclusion of the conservation officer that the proposed internal and external alterations would not be harmful and would preserve the historic significance of the grade II curtilage listed building and subject to the use of appropriate materials and further applications for detailed signage and ventilation and extraction specifications I am satisfied that the proposal will preserve the character and appearance of the conservation area and will result in no harm to the listed building. The proposal therefore reflects the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

RECOMMENDATION

Listed Building Consent is granted subject to the conditions below;

Conditions

01

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

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

02

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

- Revised Site Location Plan – 08-OS Rev A
- Proposed Ground Floor Plan – Ref. 20-01 Rev B
- Proposed First Floor and Basement Plan – Ref. 20-02
- Existing and Proposed Elevations Middlegate – Ref. 21-01 Rev B
- Existing and Proposed Elevations Chain Lane – Ref. 21-02 Rev A

Reason: So as to define this consent.

03

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

Reason: In the interests of visual amenity.

04

The materials to be used in the alterations and repairs hereby permitted shall match those used in the existing building in terms of type, colour and texture, size, profile and bonding pattern unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

05

Notwithstanding the details shown on the approved plan ref. Existing and Proposed Elevations Chain Lane – 21-02 Rev A the tax relief window shown shall have a glazing pattern of 3 x 4 panes comprising a mock white frame and black panes unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

06

Notwithstanding the details shown on the approved plan ref. Existing and Proposed Elevations Chain Lane – Ref. 21-02 Rev A the new masonry forming the blocked doorway shall be recessed between 25 – 50mm unless otherwise agreed in writing by the local planning authority.

Reason: In order to safeguard the special architectural or historical appearance of the listed building.

07

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows and doors and their immediate surroundings, including details of glazing and glazing bars.

Internal Sliding Doors

Soil and vent pipes

Reason: In order to safeguard the special architectural or historical appearance of the building.

08

Prior to the installation of any ventilation and extraction units in the larger unit (combined units 4, 10, 9 and 11) as shown on the Proposed Ground Floor Plan - Ref. 20-01 Rev B a detailed ventilation and extraction scheme, including precise manufacturers details and extraction vents and flues shall be submitted to and approved in writing by the local planning authority. On cessation of the need for the equipment, the redundant extraction and ventilation system shall be removed and the roof reinstated to its former appearance, form and elevation.

Reason: In the interests of residential amenity and in order to safeguard the special architectural or historical appearance of the building.

Note to Applicant

01

For the avoidance of doubt this consent should be read in conjunction with Planning Application 19/01410/FUL.

02

This grant of listed building consent does not convey consent for the display of any advertisement on the application site which will require separate advertisement and listed building consent.

03

The applicant is reminded that should an A3 use be operated from the site then a separate planning application and listed building consent is required for the installation of suitable odour abatement. This is development in its own right and requires a separate grant of planning permission and listed building consent.

04

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).

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 19/01411/LBC



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application 19/01489/FUL

No:

Proposal: Single storey extension to main building to form Sauna and steam room.

Location: Blidworth Community Leisure Centre, Blidworth.

Applicant: Mr Andy Carolan

Agent: Mr John Gaddass Newark & Sherwood District Council

Registered: 19.08.2019 **Target Date:** 14.10.2019

Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PVXB88LBKSQ00>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as NSDC are the applicant.

The Site

The application site comprises a substantial rectangular plot occupied by Blidworth Community Leisure Centre at the junction of Mansfield Road and Belle Vue Lane. The site is within the main built up area of Blidworth; a principal village as identified by the settlement hierarchy of the Core Strategy. Neighbouring development includes both residential and commercial uses as well Blidworth fire station immediately to the northern boundary of the site. A number of large mature trees are located close to the boundary with the Mansfield Road. To the rear of the application building is a hard surfaced car park and children's playground.

Relevant Planning History

13/01526/ADV - 1 Steel Frame Sign and 1 Internally Illuminated LED Screen Enclosure. Approved 20.12.2013

08/00011/FULR3 - Change of use and extension of existing community centre to form leisure centre – Approved 28.02.2008.

07/00470/FULR3 - Erection of 2.4 Meter high green "Heras" style mesh fence. Approved 12.10.2007.

The Proposal

The proposal seeks planning permission for a single storey extension in order to create a steam room and sauna facility in connection with the existing leisure centre.

The proposed extension would be located on the south-west facing elevation and measure 5.3m in depth and 6.13m in width. The roof design would be dual pitched with an eaves level of 2.3m and a maximum ridge height of 3.4m. The external finish would be facing brickwork on the elevations and tiles on the roof, both to match the existing building.

Submitted Documents

For the avoidance of doubt, the following assessment has been based on the plans and details listed below

RR-97-03 – Existing Plans and Elevations

RR-97-02 – Block Plan

RR-97-04 – Proposed Plans

RR-97-05 – Proposed Elevations

Public Advertisement Procedure

Occupiers of twenty two properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Spatial Policy 8 – Protecting and Promoting Leisure and Community Facilities

Core Policy 6 – Shaping our Employment Profile

Core Policy 8 – Retail Hierarchy

Core Policy 9 -Sustainable Design

Core Policy 10 – Climate Change

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy

DM5 – Design

DM11 – Retail and Town Centre Uses

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Blidworth Parish Council – ‘We object to this application as it is an illegal application due to the wrong name being used on the Property Name on the application form.’

‘Further to our comment submitted yesterday we would like to clarify by adding the following: The Planning application states that the proposal is for Blidworth Community Leisure Centre. There is nowhere stated on the building that this is a community building. We therefore feel that this application does not benefit the community but only those that pay a membership.’

NSDC Environmental Health - There are no environmental health observations to make about this application.

No other representations have been received

Comments of the Business Manager

Principle of Development

The application site is located within the village of Blidworth which is defined as a ‘Principal village’ in the settlement hierarchy contained within Spatial Policy 1 of the Amended Core Strategy which has a defined function as a secondary focus for service provision. Spatial Policy 2 outlines that the overall strategy for Blidworth is regeneration where the District Council will seek to secure new employment opportunities, the regeneration of vacant land and the provision of new housing.

Furthermore Spatial Policy 8 of the Amended Core Strategy advises that the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of the communities.

Given the above, it is considered that the principle of the development at the site is acceptable.

Impact on visual amenity and local distinctiveness

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 requires the local distinctiveness of the District’s landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The application building is a large detached building located within a prominent position on a corner plot, and while I am mindful that the proposed extension is located on an elevation facing Mansfield Road, I am also aware that this section of the application building is heavily screened by the large mature trees that run close to the boundary with this highway. Furthermore, I am of the view that the large host building would form a backdrop to the proposed extension, which is of limited dimensions, and as such the proposed development is considered to appear visually acceptable within the street scene and would not result in an unduly prominent feature. The single storey design and external finish of the proposed extension is also considered to be in keeping with the host building. Overall the proposal would not result in any adverse visual impact in accordance with the aims of Core Policy 9 and Policy DM5.

Impact on amenity

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

The closest neighbouring residential properties are located along Mansfield Road, approx. 30m to the west and properties along Belle Vue Road, approx. 48m to the south-east. Given the level of separation to the closest neighbouring residential properties and limited dimensions of the proposed extension, it is considered that the proposal would not result in any material impact on neighbouring amenity.

Highway safety

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

The site is served by a large hard surfaced car park to the rear of the application building and accessed via Belle Vue Lane. There is no change to vehicular access into the site or the layout of car park as part of this application and it is also not envisioned that the proposed development would alter the demand for parking at the site significantly. As such, it is considered that the proposal is unlikely to result in material impact on highway safety at the site.

Other matters

I note the comments of the Parish Council in relation to the use of the word community within the application buildings name, and while I am mindful that the leisure use may require a paid membership fee, it is understood that this leisure facility is open to the general public. I therefore consider the use of the word community in the title of the application building to not be misleading. In any case, I do not consider the title of the application building to be central to the assessment of the proposed development and therefore I give this matter very limited weight.

Conclusion

The proposal relates to the extension and improvement of an existing leisure facility within the Principle Village of Blidworth and is acceptable in principle. There have no identified material impacts on the visual amenity of the site or wider area of the residential amenity of neighbouring properties. Furthermore, the proposal would not result in any material impact on highway safety. Accordingly it is recommended that planning permission be granted.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

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

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

02

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

RR-97-02 – Block Plan

RR-97-04 Rev D – Scheme 3 Proposed Plans

RR-97-05 Rev D – Proposed Elevations

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

Reason: So as to define this permission.

03

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

Reason: In the interests of visual amenity.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

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

BACKGROUND PAPERS

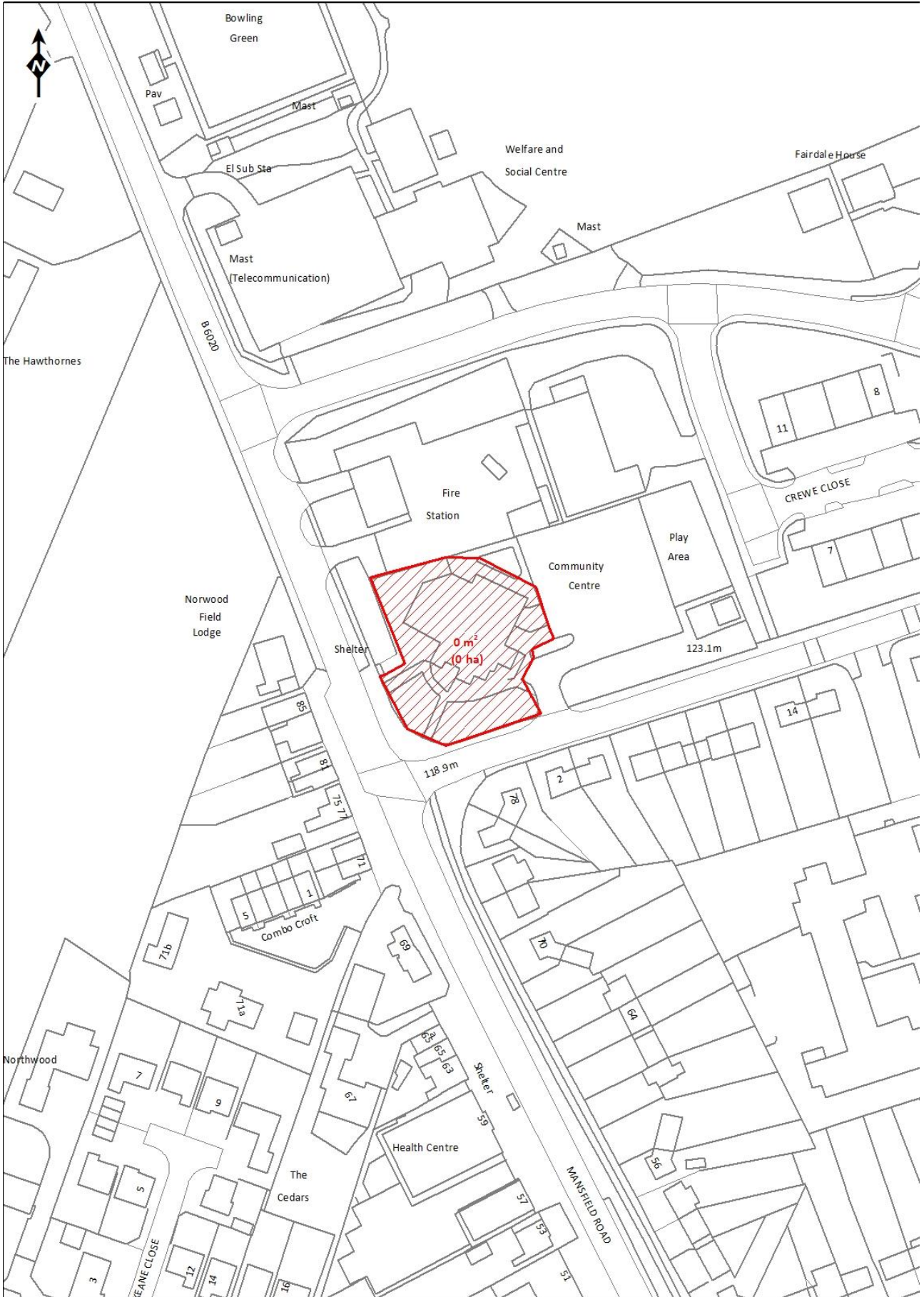
Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01489/FUL



© Crown Copyright and database right 2019 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

Application No: 19/01648/FUL

Proposal: Erection of single storey side extension, installation of dropped kerb and erect new pedestrian gate to side

Location: 7 Allenby Road, Southwell, Nottinghamshire, NG25 0NL

Applicant: Newark and Sherwood District Council

Agent: Newark and Sherwood Homes

Registered: 12 September 2019

Target Date: 7 November 2019

<https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PXKHR4LBL8W00>

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the application is made by the District Council.

The Site

The site lies on the western side of Allenby Road in Southwell and comprises a semi-detached dwelling constructed of red brick and slate and white upvc windows and doors. The front garden is laid to lawn with a gravel driveway, with the side and rear garden enclosed by timber fencing. Land levels rise gradually from the south to the north. Dwellings of a similar character and style lie to the north and south.

Relevant Planning History

18/01006/FUL – Demolition of existing single storey outbuilding to rear corner and erection of single storey extension at rear corner to house lounge/diner and shower room. Approved by Planning Committee on 08.10.2018. Not yet implemented.

The Proposal

The application is for a single storey side extension that would sit flush with the front elevation and measure 3.49m wide and project 4.26m deep. The height is 3.55m to the ridge. A new pedestrian side gate would be attached to the site of this allowing access into the garden.

A new dropped kerb is also proposed.

The Submission

The following plans have been considered:

- Drawing No. 3; Existing ground floor

- Drawing no. 4; Existing first floor
- Drawing no. 5; Existing elevations
- Drawing no. 6; Proposed extension layout
- Drawing no. 7; Proposed dropped kerb
- Drawing no. 8; Proposed elevations
- Drawing no. 9; Proposed section
- Block Plan, unreferenced
- Site Location Plan

Departure/Public Advertisement Procedure

Occupiers of 7 properties have been individually notified by letter. The consultation period expires 7th October 2019.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (October 2016)

Policy SD1 - Delivering Sustainable Development
 Policy DH1 – Sense of Place
 Southwell Design Guide

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Core Policy 9 -Sustainable Design
 SoAP1 – Role and Setting of Southwell

Allocations & Development Management DPD

DM5 – Design
 DM6 – Householder Development
 DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Southwell Town Council – Comments awaited.

One letter of support had been received at the time of agenda print.

Comments of the Business Manager

Preliminary Matter

The pedestrian side gate is permitted development under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. The report considers this element no further.

Principle

The principle of householder extensions are acceptable as per Policy DM6 subject to consideration of site specific impacts which are considered below.

Design/Character and Appearance

The proposed extension would be visible from the public domain given its side location. However its design which incorporates a roofscape that broadly reflects the hipped roofline of the main dwelling, albeit at a slacker pitch, helps to ensure that the addition is in keeping with the host dwelling. Provided the materials match the host dwelling, which can be conditioned, I am satisfied that the scheme accords with CP9, DM5 and DM6 of the Development Plan in terms of providing an acceptable character and appearance.

Residential Amenity

The side extension would be located nearest to number 9 Allenby Road to the north. The proposed blank single storey gable of the extension would sit 1.07m from the common boundary albeit the neighbouring dwelling lies a further c4.6m beyond this. Given the design and modest size and distances to neighbours, I do not consider that the scheme would cause any loss of amenity to any neighbour in terms of overlooking, loss of privacy, overshadowing or being overbearing. The proposal accords with the policy expectations as set out in the Development Plan in terms of living conditions.

Highway Safety

The proposal seeks to install 4 new kerbstones to allow a flush access over the threshold from the road, over the footpath to the dwelling. Planning permission for this is required because Allenby Road is classified. This is not anticipated to cause any highway safety objections as it would improve upon the existing situation and accords with DM5 &6 in this regard.

Conclusion

Having identified no adverse impacts from the proposal, the application is considered in line with the Development Plan and is recommended for approval.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in accordance with the following approved plans, drawing numbers 6 (Proposed extension layout), 7 (Proposed dropped kerb), 8 (Proposed elevations), 9 (Proposed section) and an unreferenced Block and Site Location Plan unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority through an application seeking a non-material amendment.

Reason: In the interests of visual amenity.

Notes to Applicant

01

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

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

02

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

BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on ext 5834.

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

Lisa Hughes
Business Manager – Planning Development



PLANNING COMMITTEE- 8 OCTOBER 2019

Application No:	14/00152/LBC	
Proposal:	Demolish disintegrated Milestone at Saracens Head Hotel and replace with replica	
Location:	Milestone, Saracens Head Hotel, Market Place, Southwell	
Applicant:	Southwell Civic Society - Mr Michael Struggles	
Agent:	None	
Registered:	10.02.2014	Target Date: 07.04.2014
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=N03T7ZLB04Q00	

Introduction

This application was deferred by the Planning Committee in May 2014. Members agreed with the Planning Officer recommendation that they were minded to approve the application subject to referral to the Secretary of State. However, Members decided that this should be subject to the signing of a Section 106 legal agreement ensuring that the replica milestone was erected within a timely manner from the original milestone being removed.

This updated report will first explain the progress made on this application since the May 2014 Planning Committee. The report will then summarise changes to planning policy before summarising consultation and third party responses received since the May Planning Committee. An updated assessment of the proposal in the overall planning balance will then be made.

For the avoidance of doubt the original Committee report has been re-provided below. Any amendments to this report are in bold. There were no late items from the previous Committee relating to this application. Any amendments to recommended conditions also in bold for clarity.

Progress / Current Situation

Southwell Civic Society is the applicant for this application. However, Westgate Brewery in Suffolk is the owner of the land. As such, Westgate Brewery is required to sign any Section 106 legal agreement relating to this site before it can be sealed. In reality, Westgate Brewery has very little interest in this application. Over the last five years the applicant, the Council's Planning Officers and the Council's Solicitors have made numerous attempts to obtain the signature of the brewery but this is not forthcoming.

As such, this application is being referred back to Planning Committee with no signed Section 106 legal agreement. Members are required to decide whether to refuse the application or

whether to confirm that they are minded to support the application, subject to the amended conditions in the Recommendation section of this report and subject to referral to the Secretary of State.

The Site

This is mostly unchanged from the original Committee Report below. From comparing my committee photographs from 2014 and 2019, these do appear to show some further disintegration of the stone to the top, bottom and sides. This is not necessarily a large amount but is noticeable when comparing the two photographs.

Relevant Planning History and Departure/Public Advertisement Procedure

These matters are unchanged from the original Committee Report below.

The Proposal

The proposal is unchanged from the original Committee Report. However, Southwell Civic Society (the applicant) have submitted a written statement outlining that:-

“In order to satisfy the concerns of the Planning Committee that the stone would be removed and then not replaced, the Trustees of the Southwell Civic Society are prepared to make a binding declaration that they would not remove the old milestone until the new one is ready for installation. Alternatively the trustees are willing to construct and carve the new stone so that it is available for inspection prior to planning permission being confirmed.”

Relevant Planning Policies

National Planning Policy has been updated since the May 2014 Planning Committee. This is discussed in more detail in the assessment part of this updated report.

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of their duty under the legal framework in determining such matters, i.e. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and take into account the following other material considerations:

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Historic England’s Good Practice Advice Note 2 and 3 – Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets
- Historic England Advice Note 2 – Making Changes to Heritage Assets

Consultations since May 2014 Planning Committee

Historic England;-

“Thank you for your letter of 29 January 2019 providing us with an opportunity to provide further advice following the publication of new policy and guidance subsequent to our letter of

20 March 2014. We offer the following advice to assist your authority in determining the application.

In relation to the publication of the revised National Planning Policy Framework (NPPF) on 24 July 2018 we have now had an opportunity to review the NPPF to see whether it affected our advice.

The references that were made in our advice were to the relevant paragraphs of the 2012 NPPF. Having reviewed the 2018 NPPF, we note that these paragraphs references have changed, but the content of those paragraphs, in so far as relevant to our advice, remain the same. For example, in paragraph 132 of the 2012 NPPF reference to “any harm or loss should require clear and convincing justification” is now in paragraph 194. Paragraph 195 of the revised NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and**
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and**
- the harm or loss is outweighed by the benefit of bringing the site back into use.**

This mirrors the provision in paragraph 133 of the 2012 NPPF.

We would also note that in the Government response to the consultation on the NPPF that with regards the historic environment “The Government recognises the importance of the historic environment and has no intention to reduce, whether through the Framework or otherwise, the important protections that exist for it.”

We do not consider the revisions to the NPPF or new guidance, including the NPPF Planning Practice Guidance, affect the advice given in our letter of 20 March 2014 which remains the same.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.”

Comments of the Business Manager - Planning Development

These comments are largely unaltered from the original Committee Report below.

The key issues to assess are the significance of the loss of the listed structure and the acceptability of the replacement structure.

For clarity, since the application was last reported to the Planning Committee, English Heritage has changed their name to Historic England. However, this is the same organisation commenting.

Also for clarity, the 2019 Historic England comments refer to the 2018 NPPF. Since, their comments the NPPF has been updated again. However, the chapter relating to Conserving and Enhancing the Natural Environment is unchanged between the 2018 version of the NPPF which Historic England refers to and the up to date 2019 NPPF.

The comments of Historic England are included in full at the start of this report. To summarise their comments are relatively unchanged and they still object to the proposal. They note that the paragraphs references have changed between the 2012 and 2018 NPPF (now 2019 NPPF), but the content of those paragraphs, in so far as relevant to their advice, remain the same. They also note that in the Government response to the consultation on the NPPF that with regards the historic environment *“The Government recognises the importance of the historic environment and has no intention to reduce, whether through the Framework or otherwise, the important protections that exist for it.”*

They conclude that;-

“We do not consider the revisions to the NPPF or new guidance, including the NPPF Planning Practice Guidance, affect the advice given in our letter of 20 March 2014 which remains the same.”

The comments of Historic England have been noted but my position remains unchanged from the previous Planning Committee report. That is that in this case, my balanced judgement is contrary to the views of Historic England and I consider considered that the proposed removal of the listed structure does comply with the tests set out in the NPPF. The reasons for this are set out in full in the original Committee Report below.

At the previous Planning Committee meeting, Members agreed with the Business Manager’s assessment and were minded to approve the application subject to referral to the Secretary of State. However, Members decided that this should be subject to the signing of a Section 106 legal agreement ensuring that the replica milestone was erected within a timely manner from the original milestone being removed.

As explained earlier in this report Southwell Civic Society is the applicant for this application. However, Westgate Brewery in Suffolk is the owner of the land. As such, Westgate Brewery is required to sign any Section 106 legal agreement relating to this site before it can be sealed. However, numerous attempts to obtain the signature of the brewery but this is not forthcoming.

As such, this application is being referred back to Planning Committee with no signed Section 106 legal agreement. Members are required to decide whether to refuse the application or whether to confirm that they are minded to support the application, subject to the amended conditions in the Recommendation section of this report and subject to referral to the Secretary of State.

In response to this application being presented back to the Planning Committee, Southwell Civic Trust has stated that;-

“In order to satisfy the concerns of the Planning Committee that the stone would be removed and then not replaced, the Trustess of the Southwell Civic Society are prepared to make a

binding declaration that they would not remove the old milestone until the new one is ready for installation.”

However, this option is not practical. Without the signature of the landowner, any declaration could not be legally binding or enforceable. This option has been pursued by the Council since the 2014 Planning Committee meeting but with no success.

Southwell Civic Trust has also stated that;-

“Alternatively the trustees are willing to construct and carve the new stone so that it is available for inspection prior to planning permission being confirmed.”

I consider that this suggested option is the most practical method of ensuring that the replacement milestone is erected at the site in a timely manner, following the removal of the original milestone. Whilst it is not legally binding, it would be most unusual for the Civic Society to go to the trouble and expense of having a replacement milestone constructed and then not actually erect it at the site.

As such, I have added the following condition (in bold for clarity) to the recommendation sheet at the end of this report;-

“Prior to the existing milestone being removed, the replica milestone must be fully constructed and carved in accordance with the approved plans and be made available for inspection by the LPA. The existing milestone must not be removed until such inspection has taken place by the LPA and it has been agreed in writing that the replica stone has been constructed and carved in accordance with the approved plans.

Reason: To ensure that the listed milestone is satisfactorily replaced in a timely manner.”

A further condition has been added (in bold for clarity) to the recommendation sheet at the end of this report;-

“The replacement milestone hereby approved must be erected within 1 month of the existing milestone being removed.

Reason: To ensure that the listed milestone is satisfactorily replaced.”

This condition was missed out in error from the original Committee Report in 2014. The main body of the text of the report stated that such a condition should be included but this was missed off the recommendation sheet itself.

I consider that the inclusion of these conditions (conditions 9 and 10 of the recommendation sheet) provide a good level of assurance that the replacement milestone would be erected in a timely manner, following the removal of the original milestone.

Change to Recommendation

Two additional conditions added as explained earlier in the report.

The Site

The site is located within the Urban Boundary of Southwell, within the Southwell District Centre and also within Southwell Conservation Area. The site consists of a milestone attached to the Saracens Head Hotel. The milestone itself is a Grade II listed structure. The Saracens Head, which the milestone is attached to is Grade II* listed.

The milestone is a rectangular slab and dates to the late 18th Century. The milestone used to show inscriptions of mileage to London, Mansfield, Newark and Nottingham. At the time of amendment to the listing, the inscription was partly illegible (1992). However, the milestone has now seriously decayed. This is believed to have been caused by a number of factors including an unsuccessful attempt to treat the stone, traffic fumes and road salts and general wear and tear. The stone has lost all of its inscriptions and is now crumbling away.

Relevant Planning History

93/51596/LBC – Listed building consent was granted for temporary removal of exterior milestone for conservation treatment.

The Proposal

The proposal seeks listed building consent to demolish the disintegrated remaining milestone and replace with an identical stone. The replacement will be an exact replica of the original stone, apart from a small date mark to show that the stone is a replica, and will be located in the same location.

Departure/Public Advertisement Procedure

10 neighbours have been notified by letter. A site notice has been displayed at the site and a notice published in the local press.

Relevant Planning Policies

The Development Plan

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters.

Other Material Planning Considerations

The National Planning Policy Framework and National Planning Guidance. These documents state the Government's objectives for the historic environment and the rationale for its conservation. They recognise the unique place the historic environment holds in England's cultural heritage and the multiple ways it supports and contributes to the economy, society, and daily life. Tests are identified to ensure that any damage or loss against the historic environment is permitted only where it is properly justified.

Consultations

Town Council: Support

Conservation Officer:- I am in agreement with this proposal to replace the badly weathered milestone. The stone is so very badly eroded now that I am confident it is beyond any form of repair nor could the stone itself be reasonably saved. There is virtually no legible carving left on the tablet. The remains of the stone could readily be removed and a new one set in its place. There is already a clear niche made for the stone within the render of the Saracen's Head and a replacement stone would require the least alteration to the highly listed public house. I have also seen a very fine scale drawing of the original appearance of the stone so am content that its original form can be replicated. I think this is a lovely feature within Southwell and it is a listed building in its own right. I am fully supportive of this scheme. I agree with the Ancient Monuments Society and would prefer to see a very discrete date mark on the replica stone. (The scheme has now been amended to include this.)

The Nottingham Building Preservation Trust:- Support

Ancient Monuments Society:- No objection to the application, but wonder if a small mason's mark / date could be added somewhere on the stone to make it clear that it is a replica. (The scheme has now been amended to include this.)

Southwell and District Local History Society:- Support

English Heritage;- Object. They accept that the milestone is now fragmented and too friable to remove, reverse, recarve or repair. Whilst accepting the worn condition, they believe that the stone retains special historic interest and has an integral association with the Grade II* listed Saracen's Head. The total loss of the listed structure without meeting the tests set out within paragraphs 128-133 of the NPPF is not supported. They believe that a replica stone should be placed close to the existing stone and would not object to the careful removal of a small area of plinth to the Saracen's Head if this is considered to be the most appropriate option. Alternatively, a small wall plaque could be located on the wall close to the existing stone describing the milestone and recognising its significance.

Neighbours/Interested Parties: One letter has been received by a neighbouring occupier stating that it's a shame for the town to lose the stone which denoted the mileage to London. It seems to have already gone.

Comments of the Business Manager, Development

The key issues to assess are the significance of the loss of the listed structure and the acceptability of the replacement structure.

The milestone itself is Grade II listed and its removal therefore constitutes the demolition of a listed structure.

Paragraph 133 of the NPPF is relevant and states *"where a proposed development will lead to ... total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the ... loss is necessary to achieve substantial public benefits that outweigh that ... loss, or all of the following apply:*

- *the nature of the heritage asset prevents all reasonable uses of the site; and*
- *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- *conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*

- *the harm or loss is outweighed by the benefit of bringing the site back into use.*”

Prior to dealing with the NPPF tests the views of English Heritage, the statutory consultee for heritage matters and thus a significant material consideration must be understood. English Heritage continues to object to the proposed removal of the stone. They consider that the stone retains special historic interest and has an integral association with the Grade II* listed Saracen’s Head. They consider that the stone should remain with either a replica stone placed adjacent to the existing stone or a small plaque located close by describing the old milestone and recognising its significance.

The English Heritage suggestions were put to the applicant, Southwell Civic Society, for their consideration. However, the Civic Society did not want to amend the scheme in accordance with English Heritage comments. This was primarily because they considered the existing stone to no longer be of historical interest due to its extreme deteriorated condition. If left in place, they considered that stone would deteriorate completely within the next few years and the town would then be left with a Grade II* listed building with a gap to its front where the milestone used to be. They did not want to attach the replica stone adjacent to the existing stone nor did they want to attach a plaque close by. They considered that the building already has enough additions to its front elevation and that any further additions would involve further works to the Grade II* listed building. They were concerned that once the stone had deteriorated completely the building would be left with a replica stone or plaque adjacent to a gap in the building.

Returning to the NPPF tests my views are as follows. With regards to the first test, the nature of the heritage asset prevents it being of reasonable use. The milestone was originally used as an early navigation aid. The inscription showing distances from the site to various towns has now completely disappeared and the stone can therefore no longer be used for this purpose. In reality, it is unlikely that the stone would have actually been used for this purpose in modern times. However, it is considered that the majority of the stone’s historic interest lay in its inscription. Now that this has completely disappeared, its previous use is no longer apparent.

The second and third tests are linked and relate to the conservation of the listed structure. Repairing the stone would have been preferable to replacing it. However, it has been agreed by all parties, including the Council’s Conservation Officer and English Heritage, that the condition of the stone means that it is beyond being repaired, reversed or re-carved. Indeed such options have been explored by Southwell Civic Trust. It is considered within a few years that the stone will have disintegrated completely, leaving an empty gap on the main Grade II* Listed Building.

It is considered on balance that the loss of this stone is outweighed by the benefit of a replacement stone being erected in its place. The existing stone is considered to already have lost some of its historic interest, which lay in its inscription. In a few years, it is considered that the stone will be lost in any case through further deterioration. English Heritage has advised that if this does happen, then the owners can apply for the stone to be de-listed then. However, for the reasons contained in this report, I see no harm in its removal now, especially when the Civic Society are prepared to replace it with a suitable alternative and that its interpretation can be retained for future generations as part of this solution.

I have taken on board the advice from English Heritage. However, I have also taken on board the advice from the Council’s Conservation officers as well as other heritage bodies such as the Ancient Monuments Society and local heritage groups. In this case, my balanced judgement is contrary to the views of English Heritage. For this reason it is considered that the proposed removal of the listed structure does comply with the tests set out in the

The proposed replacement stone is considered to be acceptable. Indeed, English Heritage has not objected to the replica itself, rather the demolition of the existing stone required to site it as proposed. When the stone was still in a good condition and the inscriptions were still legible, a member of the Civic Society made an accurate record of the stone and produced a full-scale drawing which has been submitted as part of this application to show what the replica will look like. I am therefore content that its original form can be replicated. The Civic Society has commissioned a stonemason who states that he can source the Mansfield White Sandstone which the original stone was carved from. In any case, a condition should be attached to the grant of any consent requiring a sample of the material to be submitted to and agreed in writing by the Local Planning Authority prior to development commencing. Conditions should also be attached requiring precise details of the method of inscription as well as precise details of fixings. This is to ensure that the detailed finish of the replacement stone is acceptable as well as to ensure that it's fitting to the Grade II* listed building is acceptable. A discrete date mark will be added to the stone to show that it is a replica. Precise details of this should also be controlled by way of a condition.

Paragraph 136 of the NPPF states that local planning authorities should not permit loss of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. A condition should therefore be attached requiring the replacement stone to be erected within 1 month of the existing stone being removed.

If the Local Planning Authority is minded to recommend approval of the application then then application will have to be referred to the Secretary of State who may decide to call the application in for their determination. This is because the application proposes the total loss of a listed structure and because the Local Planning Authority would be going against the advice of English Heritage.

For the reasons stated in this report, it is considered that the loss of the listed milestone and erection of the replacement milestone is acceptable.

RECOMMENDATION

That Members confirm that they are minded to approve the application subject to referral to the Secretary of State, and subject to the following conditions:

Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

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 except in complete accordance with the following approved plans;-

Site location plan

Block plan, showing location of existing and proposed milestone

Drawing showing details of previous stone before deterioration and details of proposed stone, received by the Local Planning Authority 30th January 2014.

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

Reason: So as to define this permission.

03

No development shall be commenced until samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Stone

Reason: In the interests of visual amenity, in order to preserve or enhance the character and appearance of the conservation area, in order to safeguard the special architectural or historical appearance of the listed building to which the stone is attached.

04

No development shall be commenced until details of a programme of historic building recording has been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the building.

05

No development shall be commenced until details of the proposed method of demolition of the existing milestone has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

06

No development shall be commenced until details of the proposed fixings have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special architectural and historic interest of the building.

07

No development shall be commenced until details of the method of inscription of the replacement stone have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the precise details of the development are acceptable, in the interests of visual amenity, in order to preserve or enhance the character and appearance of the conservation area, in order to safeguard the special architectural or historical appearance of the listed building to which the stone is attached.

08

No development shall be carried out until details of the proposed date mark for the replica stone have been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

Reason: To ensure that the precise details of the development are acceptable, in the interests of visual amenity, in order to preserve or enhance the character and appearance of the conservation area, in order to safeguard the special architectural or historical appearance of the listed building to which the stone is attached.

09

Prior to the existing milestone being removed, the replica milestone must be fully constructed and carved in accordance with the approved plans and be made available for inspection by the local planning authority. The existing milestone must not be removed until such inspection has taken place by the local planning authority and it has been agreed in writing that the replica stone has been constructed and carved in accordance with the approved plans.

Reason: To ensure that the listed milestone is satisfactorily replaced in a timely manner.

10

The replacement milestone hereby approved must be erected within 1 month of the existing milestone being removed.

Reason: To ensure that the listed milestone is satisfactorily replaced.

BACKGROUND PAPERS

Application case file.

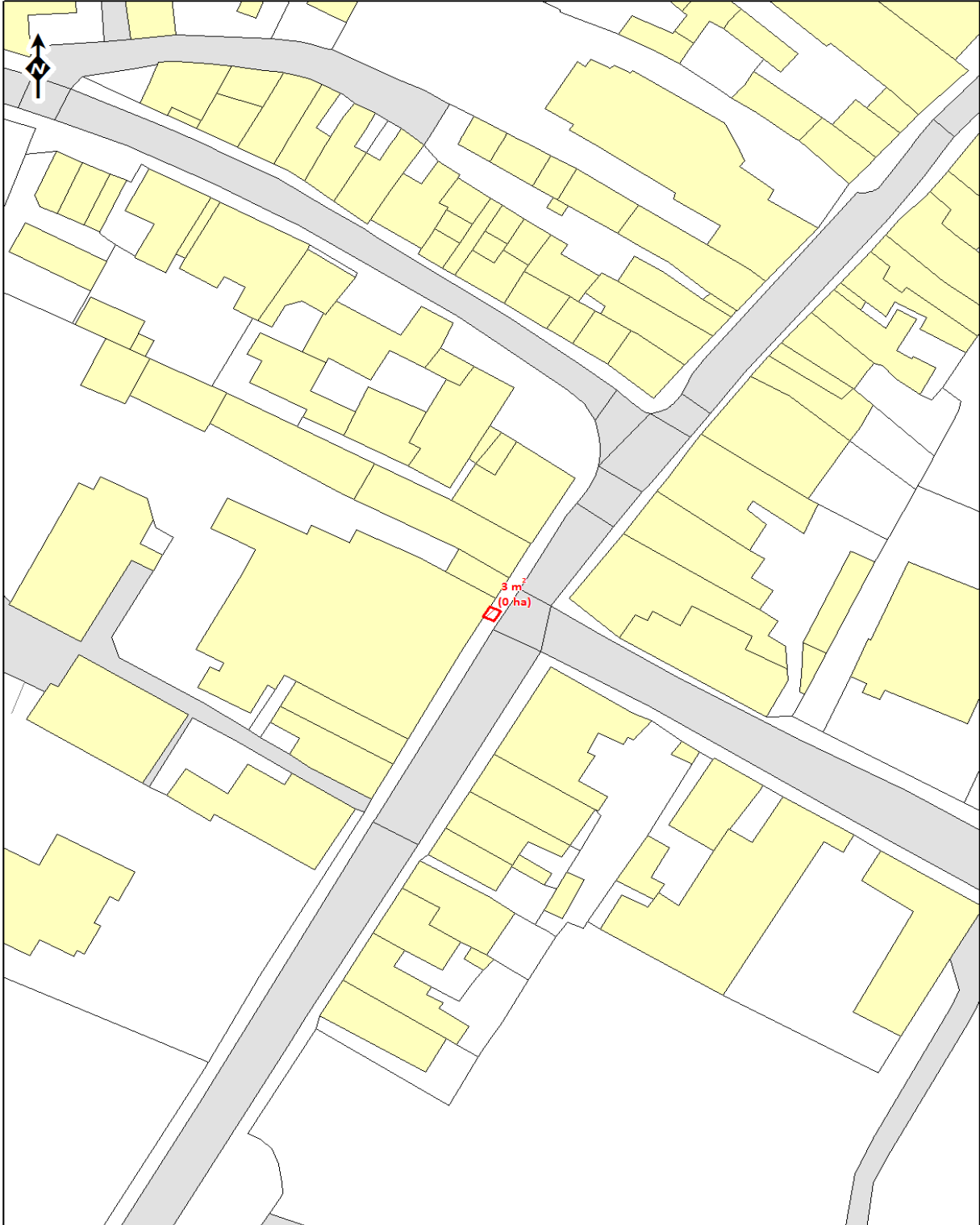
For further information, please contact Claire Turton on 01636 655893

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

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 14/00152/LBC



© Crown Copyright and database right 2012 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 8 OCTOBER 2019

APPEALS A

APPEALS LODGED (received between 23 August 2019 and 23 September 2019)

1.0 Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

2.0 RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant appeal reference.

Lisa Hughes
Business Manager – Planning Development

Appeal reference	Application number	Address	Proposal	Procedure
APP/B3030/W/19/3233879	19/00814/FUL	Lowdham Cars Lowdham Road Gunthorpe Nottinghamshire NG14 7ER	Variation of condition 2 and removal of condition 7 attached to planning permission 18/00279/FUL	Written Representation
APP/B3030/D/19/3234298	19/00623/FUL	Eden Great North Road South Muskham NG23 6DY	Householder application for proposed two storey side extension	Fast Track Appeal
APP/B3030/W/19/3234470	19/00779/FULM	Springfield Bungalow Nottingham Road Southwell NG25 0QW	Application for variation of condition 11 of planning permission 15/01295/FULM to allow the new access junction to be constructed wholly within highway land or that owned by the applicant	Written Representation
APP/B3030/W/19/3234471	19/00689/FUL	Springfield Bungalow Nottingham Road Southwell Nottinghamshire NG25 0QW	Application for variation of conditions 02, 03, 04 and 05 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant	Written Representation
APP/B3030/W/19/3234536	19/00217/FUL	2 Brackner Lane Bilsthorpe Nottinghamshire NG22 8TU	Demolition of existing dwelling and out-buildings and erection of a replacement new 3 bed dwelling	Written Representation
APP/B3030/W/19/3234832	19/00688/OUTM	Land Adjacent Rose Cottage Main Street North Muskham Nottinghamshire	Outline Application for Proposed Residential Development with all items other than access as reserved matters	Written Representation

APP/B3030/D/19/3234847	19/00590/FUL	West Farm Lodge Gonalston Lane Hoveringham NG14 7JH	Householder application for the construction of a new garden room building incorporating a garden store.	Fast Track Appeal
APP/B3030/W/19/3236431	19/00343/FUL	Land Off Holme Lane Winthorpe Nottinghamshire	Erection of Single Detached Dwelling	Written Representation

PLANNING COMMITTEE – 8 OCTOBER 2019

APPENDIX B: APPEALS DETERMINED (between 23 August 2019 and 23 September 2019)

App No.	Address	Proposal	Decision	Decision date
18/00039/ENFNOT	Barfield House Greaves Lane Edingley Nottinghamshire NG22 8BH	Without planning permission, the material change of use of agricultural land and wooden stables to residential use (garden and storage).	Appeal Allowed	19.09.2019
18/02056/FUL	Land Adjacent Roewood Lodge Bleasby Road Thurgarton Nottinghamshire	Construction of new, 2-storey dwelling and garage.	Appeal Dismissed	20.09.2019
19/00073/FUL	4 Oak Avenue Ollerton NG22 9PT	Householder application for first floor extension	Appeal Dismissed	09.09.2019
18/01795/FUL	Land Adjacent 1 Oak Avenue And 10 Sycamore Road Ollerton Nottinghamshire	Erection of a pair of semi-detached houses	Appeal Dismissed	18.09.2019
18/02080/FUL	40 Winthorpe Road Newark On Trent Nottinghamshire NG24 2AB	Demolition of existing dwelling to create 4 new semi-detached dwellings.	Appeal Dismissed	17.09.2019
19/00083/FUL	Land At Church Lane Maplebeck NG22 0BS	Erection of a dwelling	Appeal Dismissed	19.09.2019

App No.	Address	Proposal	Decision	Decision date
19/00187/OUT	Billericay 124 High Street Collingham NG23 7NH	1 No. Barn style Chalet bungalow	Appeal Dismissed	18.09.2019

RECOMMENDATION

That the report be noted.

BACKGROUND PAPERS

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development



Appeal Decisions

Inquiry commenced on 3 September 2019

Site visit made on 4 September 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 September 2019

Appeals A & B: APP/B3030/C/18/3208051 & 52

Land at Barfield House, Greaves Lane, Edingley NG22 8BH

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeals are made by Mr and Mrs Sharpstone against an enforcement notice issued by Newark & Sherwood District Council.
 - The enforcement notice was issued on 28 June 2018.
 - The breach of planning control as alleged in the notice is the material change of use of agricultural land and wooden tables to residential use (garden and storage).
 - The requirements of the notice are to a) cease the use of the land and wooden stable building for residential purposes and b) remove from the land all residential paraphernalia including all unauthorised structures (excluding the wooden stable building) and any planting that is domestic in character that has been undertaken on the land.
 - The period for compliance with the requirements is 1 day for requirement a and 28 days for requirement b.
 - The appeals are proceeding on the grounds set out in section 174(2)(a), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal C: APP/B3030/X/18/3208054

Land at Barfield House, Greaves Lane, Edingley NG22 8BH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Sharpstone against the decision of Newark & Sherwood District Council.
 - The application Ref 18/00406/LDC, dated 21 February 2018, was refused by notice dated 28 June 2018.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use for domestic purposes including a timber stable block used for domestic storage associated with the residential occupation of Barfield House.
-

Procedural Matters

1. Evidence was taken under oath.
2. The appeal on ground (f) was withdrawn at the inquiry. The appellant's concerns related to ground (g) were accepted by the Council and 28 days agreed as acceptable for both requirements.

3. For the purposes of the appeal the land associated with the house was identified as follows. Area A is the land immediately adjacent to the house, Area B the land between the rear hedge to Area A and the relatively newly planted fruit trees, with the stable block to one side and Area C is the land beyond the fruit trees.
4. The appellant keeps a number of dogs. Some are kept in the house and use Areas A and B for exercise. Ex service dogs are kept on Area C. I have some concern in relation to the use associated with these and whether it could be considered incidental to the residential use. However, the appellant identified that these dogs do not use Areas A or B, only C. They are exercised on Area C and on footpaths locally. As the use associated with these dogs has no effect in relation to Area B it is not a material consideration for this appeal.
5. At the beginning of the inquiry it was explained that there is a difference between land used residentially and curtilage, which is mentioned in parts of the evidence. The appellant acknowledged that this is the case and in discussions related to the imposition of conditions removing permitted development rights argued that a condition is not necessary for the change of use of Area B, as removal of these rights would only be necessary if the land were part of the curtilage of the dwelling. For the purposes of determining use in this appeal I am considering whether or not there has been a change of use to a residential use of the land and not what is or is not curtilage.

Decisions

Appeal A & B

6. The appeal is allowed and the enforcement notice is quashed.

Appeal C

7. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is considered to be lawful.

Reasons

Ground (d) and Lawful Development Certificate [LDC]

8. The issues in the ground (d) case and the LDC are the same. There is a small difference in the relevant date emanating from the date of the enforcement notice and the date of the LDC application. The latest date for showing the continued 10 year residential use is that of the date of the enforcement notice of 28 June 2018.
9. The appellants have no direct knowledge of the use of the land prior to them commencing the purchase of the property in 2016 and rely mainly on various aerial photographs and evidence from the previous owner and a plumber who was involved in the construction of the house and who has serviced the property since.
10. The previous owner, notes that the land was used for domestic purposes as residential curtilage. He had a vegetable patch at the end of the stable block (for his own consumption) and regularly kept the grass between Area A and Area C mowed as garden for domestic purposes. This continued during his ownership for a period of about 11/12 years. A second declaration notes the use as domestic garden from 2002, but also indicates since 2006 and during

his ownership always used the land as an extra area of lawn to supplement the existing domestic garden that surrounds the house.

11. The grass was mown similar to the main house but was less formal than that adjacent to the house. The fruit trees were planted around 2002. The stables were constructed around 2002 for personal use, and from around 2006 onwards the stables were continually used as an area of overflow storage of domestic paraphernalia, including gardening equipment, barbecue, deck chairs, camping equipment etc. The land in Area C was generally left unattended. Children played and sometimes camped on the land and barbecues were held there. The sales particulars support the previous owner's view of the use of the land identifying that the 'gardens extend into the adjacent paddock'.
12. The plumber has confirmed this pattern of use. I accept that when the plumber visited the stable to get paint as part of the repair/refurbishment of the bathroom and to obtain a spare fitting for the underfloor heater he would have seen the use of the stables and land. However, the hedge between Area A and Area B is thick and allows limited views of the land forming Area B and it is hard to understand that the plumber would have gained any significant views or understanding of the use on all the days he visited. I attach some limited weight to his evidence.
13. A number of aerial photographs are provided, starting at 2004. These clearly show a difference in the way the land/grass in Area B is maintained in relation to Area C. The grass appears to be more consistent with the grass in Area A. In these photographs there is evidence of the vegetable area mentioned by the previous owner. To my mind these are very consistent with the way the previous owner indicated use of the land. I accept that maintenance of the grassed area is not itself indicative of a change of use or continual use, but it is clear, given the aerial photographs are taken at random, at uncontrolled times, that the mowing of the grass is likely to have occurred on a regular basis. There seems little reason for the previous owner to do this other than for use as a garden area, rather than grazing/paddock as area C.
14. I accept that there is some question about whether the stable was used for horses. It would appear that this did occur in the early days, Cllr Poole noting this was when horses were kept elsewhere and brought back at times to the stable. However, other witnesses such as neighbours have not indicated use for horses. Overall, it seems to me that there is no obvious use for the stable and Area B since about 2004, other than the residential use identified by the previous owner. If the land had no such use, then in all probability it would have been used and maintained as Area C.
15. I have taken account of the views of Cllr Poole and neighbours that they do not think barbecues were held in that area, Cllr Poole having attended a number at the property. However, it is unlikely that these interested persons would have been at all parties or seen all parties that took place. While I accept that there are no photographs and the Council would like to see more detailed evidence, it is not essential to have such detailed evidence. Here we have a series of aerial photographs that show consistency with the evidence of the previous owner, who has no interest in the appeal outcome. I think there has been clear use for vegetables that would require regular attendance and the stable has been used for storage associated with the house, again something likely to require regular visits. The fact that the grass may not have been walked on every day or used

- for a specific purpose does not mean its use is not part of the residential use. The regular cutting, to my mind, corroborates the use claimed.
16. I have taken into consideration the state of the land in 2013 when it looks very bare. However, at this time the grass in Area A is green as is the grass in Area C. The appellant notes that this was a very dry year and the photograph was taken in July. I accept that grass now appears in 'lines' but again this is consistent with it having been originally planted as grazing/pasture. The fact that it is nearly bare soil and Area C is not, also suggests that the maintenance of Area B has been very different from Area C.
 17. The neighbour considers that the field was rough cut and only began to be mown approximately two years ago. The aerial photographs clearly show that the land was maintained very differently from that of Area C and appears more consistent with Area A over a considerably longer period than about the last 2 years.
 18. I have taken into consideration the previous inspector's decision, which I accept has relevance in relation to ground (a), but he specifically notes that the decision does not make any comment on the lawful use of the paddock that surrounds the kennel.
 19. The Court has held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".
 20. I consider that the appellant's evidence is sufficiently precise and unambiguous and that the evidence provided by the Council and others is not sufficient to make it less than probable, so there is no good reason to refuse the application for a LDC. It has been demonstrated that there has been a continuous residential use of the land since about 2004.
 21. The appeals succeed on ground (d) and the LDC appeal is successful. I therefore do not need to consider the other grounds of appeal.

Graham Dudley

Planning Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on date of application the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, the use has been shown to have occurred continuously for more than 10 years.

Signed

Graham Dudley

Planning Inspector

Date 19 September 2019

Reference: APP/B3030/X/18/3208054

First Schedule

Use for domestic purposes including a timber stable block used for domestic storage associated with the residential occupation of Barfield House.

Second Schedule

Land at Land at Barfield House, Greaves Lane, Edingley NG22 8BH

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 19 September 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

Land at: Land at Barfield House, Greaves Lane, Edingley NG22 8BH

Reference: APP/B3030/X/18/3208054

Scale:NTS

