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Tuesday, 28 June 2022

Chairman: Councillor R Blaney
Vice-Chairman: Councillor Mrs L Dales

Members of the Committee:

Councillor M Brock
Councillor R Crowe
Councillor L Goff
Councillor Mrs R Holloway
Councillor J Lee
Councillor Mrs P Rainbow
Councillor S Saddington

Councillor M Skinner
Councillor T Smith
Councillor I Walker
Councillor K Walker
Councillor T Wildgust
Councillor Mrs Y Woodhead

MEETING: Planning Committee

DATE: Thursday, 7 July 2022 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. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes of the meeting held on 9 June 2022	4 - 7
Part 1 - Items for Decision	
5. Land Adjacent Orchard House, Thorney Road, Wigsley - 22/00788/RMA Site Visit: 10.50 – 11.00am	8 - 20
6. Land At Fair Vale, Norwell - 22/00297/FUL Site Visit: 10.10 – 10.20am	21 - 31
7. The Buttermarket, Middle Gate, Newark On Trent - 22/00986/S19LBC	32 - 41
Part 2 - Items for Information	
8. Appeals Lodged	42 - 43
9. Appeals Determined	44 - 50
Part 3 - Statistical and Performance Review Items	
There are none.	
Part 4 - Exempt and Confidential Items	
10. 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.	
11. Appeal update on 20/01452/OUTM Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping on land off A17, Coddington (Newlink)	To Follow

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Suite on Thursday, 9 June 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor L Goff, Councillor Mrs R Holloway, Councillor J Lee, Councillor S Saddington, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor P Peacock

APOLOGIES FOR ABSENCE: Councillor R Crowe (Committee Member) and Councillor Mrs P Rainbow (Committee Member)

1 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs R Holloway confirmed that she was a Member of Bilsthorpe Parish Council, but was not at the meeting when this matter was discussed regarding Agenda Item No. 5 – Land Off Oldbridge Way, Bilsthorpe – 22/00507/S73M.

2 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council and that the meeting was being livestreamed and broadcast from the Civic Suite, Castle House.

3 MINUTES OF THE MEETING HELD ON 10 MAY 2022

AGREED that the Minutes of the meeting held on 10 May 2022 were approved as a correct record and signed by the Chairman.

4 ORDER OF BUSINESS

The Chairman with the agreement of the Planning Committee changed the order of business on the agenda and agenda item No. 7 – 72 Abbey Road, Edwinstowe – 22/00843/HOUSE, was taken as the first item of business, the agenda resumed its stated order thereafter.

5 72 ABBEY ROAD, EDWINSTOWE - 22/00843/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the part single storey and part two-storey rear extension, including dormer window. This was a re-submission of planning application 22/00534/HOUSE.

Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Agent and a neighbour.

Councillor M. Skinner entered the meeting during the Business Manager – Planning Development’s presentation.

Councillor P Peacock, local Ward Member (Edwinstowe and Clipstone) spoke against the development as contained within the report.

Members considered a potential fallback position of permitted development rights for this property in comparison to the proposed application, car parking arrangements and loss of amenity for the neighbours and considered this application acceptable.

(Councillor M Skinner took no part in the vote as he was not present for the entire duration of this item).

AGREED (with 9 votes For, 3 votes Against) that planning permission be approved for the reasons contained within the report.

6 LAND OFF OLDBRIDGE WAY BILSTHORPE - 22/00507/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition three attached to planning permission 20/00642/FULM, to amend the approved boundary treatments which were part retrospective.

Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Parish Council and Local Ward Member.

Members considered the application and felt that the boundary fencing should be erected as previously approved by condition due to the safety of the users of the park and to prevent balls going onto the road and onto neighbouring properties and for the safety of children whilst playing and the potential risk of them running onto the road.

A vote was taken and lost to approve the proposals with 1 vote For and 12 votes Against.

AGREED (unanimously) moved by Councillor Mrs R Holloway, Seconded by Councillor M Skinner that:

- (a) planning permission be refused on the grounds of
 - (i) safety of the users of the park by virtue of the boundary

treatment; and
(ii) failure to comply with Policies DM5 & CP9 of the Development Plan.

(b) delegated authority be granted to the Business Manager – Planning Development in consultation with the Planning Committee Chairman and Vice-Chairman, to finalise the wording.

7 REDFIELDS FARM, GREAVES LANE, EDINGLEY - 22/00626/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the conversion and extension of a redundant agricultural building to one residential property.

Members considered the presentation from the Business Manager - Planning Development, which included photographs and plans of the proposed development.

The Business Manager – Planning Development informed Committee that there was an error in the application proposal description on the report, which should read ‘agricultural building’.

Members considered the application acceptable.

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

8 10 BREWERS WHARF, NEWARK ON TRENT - 22/00699/TWCA

The Committee considered the report of the Business Manager – Planning Development, which sought the removal one horse chestnut tree.

Members considered the presentation from the Business Manager - Planning Development, which included photographs of the site and tree.

Members considered the application acceptable.

AGREED (with 11 votes For and 2 votes Against) that the notice be allowed; the removal of the tree will not significantly affect the character of the conservation area and will aid the development of surrounding trees.

On undertaking any works, it is recommended these are in accordance with BS3998 2010. It is expected that all vegetation control is carried out in accordance with best arboricultural practice and also care taken not contravene the provisions of legislation protecting plants and wildlife.

9 NOMINATIONS TO THE PLANNING POLICY BOARD

The Committee were asked to nominate three Members of the Planning Committee to sit on the Planning Policy Board.

AGREED (unanimously) that Councillors R. Blaney, Mrs L. Dales and M. Skinner be appointed as the Planning Committee representatives on the Planning Policy Board for 2022/23.

10 PROPOSALS FOR NEW GOVERNANCE ARRANGEMENTS - PLANNING MATTERS

The Committee considered the report prepared by the Director of Planning & Growth which sought Members approval of the Officer Scheme of Delegation in relation to Planning Development, Protocol for Members on dealing with planning matters and Development Consultation Forum arrangements that would be the responsibility of the Planning Committee following the adoption of the revised governance arrangements on 18 May 2022.

The Business Manager – Planning Development informed Committee of an amendment to the Scheme of Delegation to Officer, paragraph 1.35 (h) which should read 'should amendments be received including plans/documents that are subject to re-consultation/notification which result in new material planning impacts previously **not** notified of.....'

AGREED (unanimously) that:

- (a) the Planning Committee scheme of Delegation to Officers be adopted;
- (b) the Protocol for Members on Dealing with Planning Matters be adopted;
- (c) the contents of the Development Consultation Forums, Guidance for Developers and Public be adopted.

11 APPEALS LODGED

AGREED that the report be noted.

12 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.10 pm.

Chairman



Report to Planning Committee 7 July 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/00788/RMA		
Proposal	Application for reserved matters approval for access, appearance, landscaping, layout and scale for the development of 2 dwellings		
Location	Land Adjacent Orchard House, Thorney Road, Wigsley		
Applicant	Jenson Country Homes Ltd - Mr K Dineen	Agent	Mr Chris Henderson - Lomas Architecture Design & Developments Ltd
Web Link	22/00788/RMA Application for reserved matters approval for access, appearance, landscaping, layout and scale for the development of 2 dwellings Land Adjacent Orchard House Thorney Road Wigsley (newark-sherwooddc.gov.uk)		
Registered	21.04.2022	Target Date	16.06.2022 (agreed extension until 13.07.2022)
Recommendation	Approve, subject to conditions		

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dales) due to the following summarised reasons:

- Removal of the views through to the open countryside;
- The proposal does not reflect the character and appearance of the area. It will be over intensive, cramped and incongruous;
- The amendments do not address the Tree Officer concerns;
- Wigsley is an 'other village' in the ACSSP settlement hierarchy and there is no housing need which would outweigh the above concerns.

1.0 The Site

The site relates to a plot of land approximately 0.33 acres in extent to the west of, and accessed via Thorney Road. The site sits between two residential properties; Holly Bank to the north and Orchard House to the south. Residential properties are located to the east on the opposite side of Thorney Road and to the west (rear) is a grassed paddock, used for grazing horses.

The site falls within Flood Zone 1 according to the Environment Agency maps. There are no designated heritage assets in close proximity to the site albeit there are dwellings along Thorney Road which are considered as locally important in heritage terms, the nearest being The Chestnuts on the opposite side of Thorney Road however having visited the site the building is largely dilapidated.

2.0 Relevant Planning History

21/02336/OUT – Erection of two dwellings with all matters reserved.

Application approved by Planning Committee in February 2022 in line with the Officer recommendation.

Permission has been previously refused for residential development on parts of the site:

11/00200/OUT – Erection of a dwelling and garage (land adjacent Holly Bank) – Application refused March 2011. Reason for refusal related to proposal taking the amount of development in Wigsley over what could be considered as limited, increasing the size of the village beyond a sustainable level, whereby facilities and access to public transport were extremely limited resulting in reliance on the private car.

07/00007/OUT – Erection of a dwelling (land adjacent to Holly Bank) – Application refused February 2007 (appeal dismissed). Reason for refusal related to there being no need for housing on a green field site given the limited housing need left over the plan period and that further growth over the plan period in the village would be unsustainable.

3.0 The Proposal

The proposal seeks reserved matters for two detached four bedrooms two storey properties with associated detached garages. Each property would have its own vehicular access from Thorney Road.

Plot 1 would have an approximate footprint of 134m² and maximum pitch height of around 9.4m. The rear elevation would feature a two storey projecting gable with attached single storey element. Materials proposed are red brick and a pantile roof.

Plot 2 would also have an approximate footprint of 134m² and maximum pitch height of around 9.4m. The design of Plot 2 has been amended to broadly reflect that of Plot 1 albeit with a slate / artificial slate roof.

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

- Site Location Plan – L-ADD-125-01;
- Block Plan – L-ADD-125-02;
- Existing Site Plan – L-ADD-125-03;
- Opportunities and Constraints Plan – L-ADD-125-04;
- Proposed Site Plan – L-ADD-125-05 Rev. G;
- Plot 1 Floor Plans – L-ADD-125-06 Rev. A;
- Plot 1 Elevations – L-ADD-125-07 Rev. C;
- Plot 2 Floor Plans – L-ADD-125-08 Rev. B;
- Plot 2 Elevations – L-ADD-125-09 Rev. B;
- Plots 1 and 2 Garage Floor Plan and Elevations – L-ADD-125-10 Rev. B;
- Proposed Site Plan over marked with landscaping– L-ADD-125-05 Rev. E (received 21st June 2021);
- Landscaping Bill dated 16/06/2022;
- Proposed Thorney Road Street Elevation – L-ADD-125-12 Rev. B.

4.0 Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter.

5.0 Planning Policy Framework

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
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 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Wigsley Parish Council - Wigsley Parish Meeting OBJECTS to this Reserved Matters Application on the following grounds:

As feared at the outline stage, 2 substantial dwellings on plots of modest width are at odds with the prevailing character in the heart of the village which is that of generously spaced properties on wide frontages.

The plots at around 15 metres wide are narrower than the majority of their neighbours and the gaps between each other and Orchard House are significantly smaller too.

Whilst Orchard House (and garage) largely fills its plot, it has good separation from Holly Farm to the south and was granted planning permission when there was an open paddock to the north.

The proposed dwellings and garages similarly fill their respective plots but have significantly smaller separation distances from each other and from Orchard House.

Viewed from Thorney Road, the street scene will be that of 3 substantial dwellings (including Orchard House) with prominent forward positioned garages in a rather regimented row resulting in a cramped form of development detrimental to the informal rural character and appearance of the village.

The choice of materials is rather disappointing too. Concrete pantiles, artificial slate and dark grey UPVC windows, all of which are alien to traditional materials in the village.

Confirmation that the objection is sustained on the basis of the revised plans as they do not address the concerns raised previously.

The concerns raised by the Tree Officer are supported. The size and siting of the dwellings and garages mean it will not be possible to soften the visual impact of the development on the village street scene and any trees are likely to be removed in the longer term as there is insufficient space available.

NCC Highways Authority – An amended plan ref. L-ADD-125-05 rev. G, titled: Proposed Site Plan has been submitted and show the visibility splays at the proposed accesses.

A discussion between the Highway Authority (HA) and the Local Planning Authority (LPA) regarding the 2m footway requested by the HA at the outline stage has taken place, and it was agreed that the character harm in providing the footway at this point in the street scene would be greater than the highway benefits. As the development serves only 2 dwellings and there is no existing footway on this side of Thorney Road, the HA agrees with the LPA, and a provision of the new footway outside the applicant's site is no longer sought by the HA.

Subject to conditions, the HA has no objection to the proposed development.

NSDC Tree Officer – Concern that the street scene does not include large trees. The garages should be removed to allow a greater buffer of planting. The current public view of this location is of green open space. Historically going back as far as the 1800 this site has been an open spaces / orchard. The proposal will replace this significant historical open space with hard structures, having a strong negative impact on the amenity and character of the local area.

A representation has been received from 1 local resident/interested party which can be summarised as follows:

- The existing hedge at the front of the site will effectively be destroyed as will the grass verge;
- The amount of impermeable material will be totally out of character with the existing open, green, village;
- The requirement for a pedestrian footway is unnecessary and intrusive;
- Wiglsey has no facilities;
- It does not seem desirable to permit house building which will increase the level of traffic.

7.0 Comments of the Business Manager – Planning Development

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

Principle of Development

The principle of development has been set by the outline permission for two dwellings which required the submission of reserved matters by 16th February 2025.

Housing Needs

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. Wiglsey falls within the Collingham sub-area where the predominant need (46.8%) is for 3 bed houses followed by 4 or more bed houses (17.9%). The two properties would both have four bedrooms and therefore would contribute towards an identified need in the sub area which is welcomed on a windfall site of this nature (even in acknowledgement that it is not the most required need).

Impact on Character including Landscaping

The extant outline approval has accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to the previous open land use of the site.

Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The two dwellings would be of a significant scale both proposing to be four bedrooms set across two stories with maximum pitch heights over 9m. The report for the outline application set out that it would be expected that the dwellings would come forward as 3 bedrooms partly on the basis of the results of the housing needs data outlined above but also in acknowledgement that larger properties would have the potential to appear cramped in the plots. For the avoidance of doubt the outline permission did not secure the housing mix and therefore there is nothing procedurally to prevent the submission of larger four bedroom houses as has been presented.

Both dwellings would occupy a significant proportion of the widths of the plots, (Plot 2 to a lesser degree than it was through the originally submitted plans). They would broadly follow the building line of the existing modern dwelling to the south known as Orchard House but with added single storey rear elements which would increase their overall footprint in comparison to the neighbouring dwelling.

It has being carefully considered whether or not the concerns raised at outline stage have been realized in terms of the scale and size of the dwellings. However, the applicant has taken on board Officer concerns and now revised Plot 2 to broadly follow the design of Plot 1 and now also proposed construction of red brick (rather than the originally proposed buff brick). A street scene elevation has also been submitted:



The above demonstrates that the proposed dwellings would very much be read in the context of the modern dwelling to the south. The separation distances between plots is considered sufficient and therefore it is not considered reasonable to resist the application on the basis of a cramped appearance.

Each dwelling would be served by a double garage positioned at the front of the site. Whilst this isn't necessarily a design approach which is ordinarily advocated, it is noted that a precedent has been set by the modern dwelling to the south which also has a garage forward of the principle elevation. It is also relevant that on the opposite side of the road there are buildings right up to the highways verge and therefore it would be difficult to negotiate the

garages out of the proposals purely on their position (particularly noting that they have their benefits in terms of parking and cycle storage).

Landscaping details have been provided with the application and have been subject to consultation with the Council's Tree Officer. The details show hedges between plots and proposed tree planting at the end of the rear gardens as well as the retention of the majority of the existing hedge to the front boundary. As per the consultation section above, the Tree Officer has significant concerns regarding the lack of landscaping at the front of the site and has suggested that the garages should be removed from the scheme to allow a greater landscaping buffer in acknowledgement of the current open landscape which the site has. The applicant has considered the comments but chosen not to amend the scheme raising concerns that a lack of garage would make the plots difficult to sell. The agent has responded further as follows:

Furthermore we refute the comment that there are large frontage trees across this area, in fact there are no large trees that existing across the frontage of the application site, nor has there even been to the applicant's knowledge. Also there are few examples of mature frontage trees on the west side of Thorney Road from the corner where Home Farm is located all the way north to Lindrick House, which is two properties beyond the application site to the north.

The garages are currently set back between 2.5m and 4.5m from the existing rural frontage hedge which is to be retained (this echo the situation at Orchard House,) this allows for a landscaped buffer which is proposed to be planted with shrubs. A number of trees are also proposed to the rear of the site which will aid to screen the development from the open countryside beyond and coupled with the other landscaped proposals put forward, will hugely increase the biodiversity of the site when compared to the existing site, which is a grass paddock with little ecological value.

We would also point out that Orchard House (which is a comparable size to the proposed dwellings) has a garage to the plot frontage and has no mature frontage trees, nor do the neighbouring properties of Holly Bank and Sueanda to the north.

It is accepted that there are no trees as existing along the site frontage but equally I agree with the Tree Officer that the site as existing is a valued open site characterised by soft landscaping. Having taken all factors into account, I am not convinced that a lack of proposed planting at the front of the site would be enough to resist the application particularly when noting the part retention of the existing hedgerow. Whilst the decision not to amend the scheme as suggested is regrettable, the scheme would still feature landscape mitigation in the form of trees in the rear gardens; front gardens for the plots and hedgerow between the plots (which the Tree Officer has accepted are appropriate in terms of species).

Overall, the proposal is deemed acceptable in character and landscape terms.

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring

development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Plot 1 would broadly follow the building line of Orchard House to the south. There would be two first floor windows on the side gable of Plot 1 which would face what appears to be a secondary window on the neighbouring plot. However, both windows are proposed to serve a bathroom and therefore could be reasonably conditioned to be obscurely glazed (as could the side window on the other gable facing towards Plot 2). On this basis the amenity relationship with Orchard House is considered to be acceptable.

The impact from Plot 2 to the dwelling to the north is slightly more sensitive noting that the property to the north, Holly Bank, is a single storey dwelling. However due to the neighbouring dwelling being set away from the shared boundary the distance between built form would be around 9m. Plot 2 would extend further westwards than the bungalow to the north but the distance between should ensure that the windows of the bungalow would not experience an overbearing impact with any outlook towards the dwelling being at an oblique line of sight. Again the first floor windows on the side elevations of Plot 2 would serve bathrooms and therefore could be conditioned to be obscurely glazed.

Each plot would be afforded an ample rear garden and subject to the conditions for obscurely glazed windows on the side elevations there would be no adverse amenity impacts between the plots.

Overall the scheme would comply with the amenity requirements of Policy DM5.

Impact on Highways

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The Council has recently adopted a supplement planning document (SPD) for residential cycle and car parking standards. For a four bedroom dwelling in this location, the requirement is to provide 3 car parking spaces. In order for garages to be counted towards such provision their internal dimensions should be 6m by 6m for a double garage with a minimum door width of 4.2m. The originally proposed garages fell short of these dimensions but the revised plans now show the garages would be capable of parking two cars and the remaining space on the driveway would comfortably fit another car.

The outline consent included a condition seeking details of highways arrangements including parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. These details have been provided with the current application and the Highways Authority has raised no objections to the proposal subject to conditions to secure the details as submitted.

Outline Conditions

No conditions have been discharged since the time of the outline approval (February 2022). For the avoidance of doubt the conditions attached on the outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

Condition 1 – Details

The current submission includes details of all reserved matters thereby complying with this condition.

Condition 2 – Time

The reserved matters application has been received within three years of the outline decision.

Condition 3 – Implementation

In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.

Condition 4 – Highways details

The current submission includes the details referred to in this condition and as above these have been assessed by NCC Highways and found to be acceptable. Further conditions will need to be imposed on the current application to secure the delivery of the required details and for completeness.

Condition 5 – Ecological Mitigation

This condition remains for compliance including the requirement for the submission of bat and bird boxes prior to occupation.

8.0 Conclusion

The site has an extant outline permission to allow for the principle of residential delivery of the site. Amendments have been made to the proposal to address some of the concerns raised by Officers albeit there is an outstanding request from the Tree Officer for additional landscaping to the front of the site and the Parish Council continue to be concerned in relation to the proposed scale of the dwellings. As is set out above, neither of these matters are considered harmful to a degree which would justify a refusal of the application and therefore in the absence of any demonstrable harm, the recommendation is one of approval as set out below.

9.0 Conditions

That Reserved Matters approval is granted subject to the following conditions:-

01

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

- Site Location Plan – L-ADD-125-01;
- Block Plan – L-ADD-125-02;
- Proposed Site Plan – L-ADD-125-05 Rev. G;
- Plot 1 Floor Plans – L-ADD-125-06 Rev. A;
- Plot 1 Elevations – L-ADD-125-07 Rev. C;
- Plot 2 Floor Plans – L-ADD-125-08 Rev. B;
- Plot 2 Elevations – L-ADD-125-09 Rev. B;
- Plots 1 and 2 Garage Floor Plan and Elevations – L-ADD-125-10 Rev. B;

Reason: So as to define this permission.

02

The landscaping details shown on the following plan references:

- Proposed Site Plan over marked with landscaping– L-ADD-125-05 Rev. E (received 21st June 2021);
- Landscaping Bill dated 16/06/2022;

shall be completed during the first planting season following the first occupation of the development. 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.

Reason: To enhance and protect the landscape value and biodiversity of the site.

03

All first floor window openings on side elevations 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

04

No part of the development hereby permitted shall be commenced until a dropped vehicular highway verge crossing and an access to the site has been completed and surfaced in a bound material for a minimum distance of 8m behind the highway boundary in accordance with

approved plan reference L-ADD-125-05 rev. G and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) all in the interest of highway safety.

05

No part of the development hereby permitted shall be commenced until the visibility splays shown on drawing no. L-ADD-125-05 rev. G 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: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

06

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

07

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan no. L-ADD-125-05 rev. G. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

Informatives

01

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

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/ci

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).

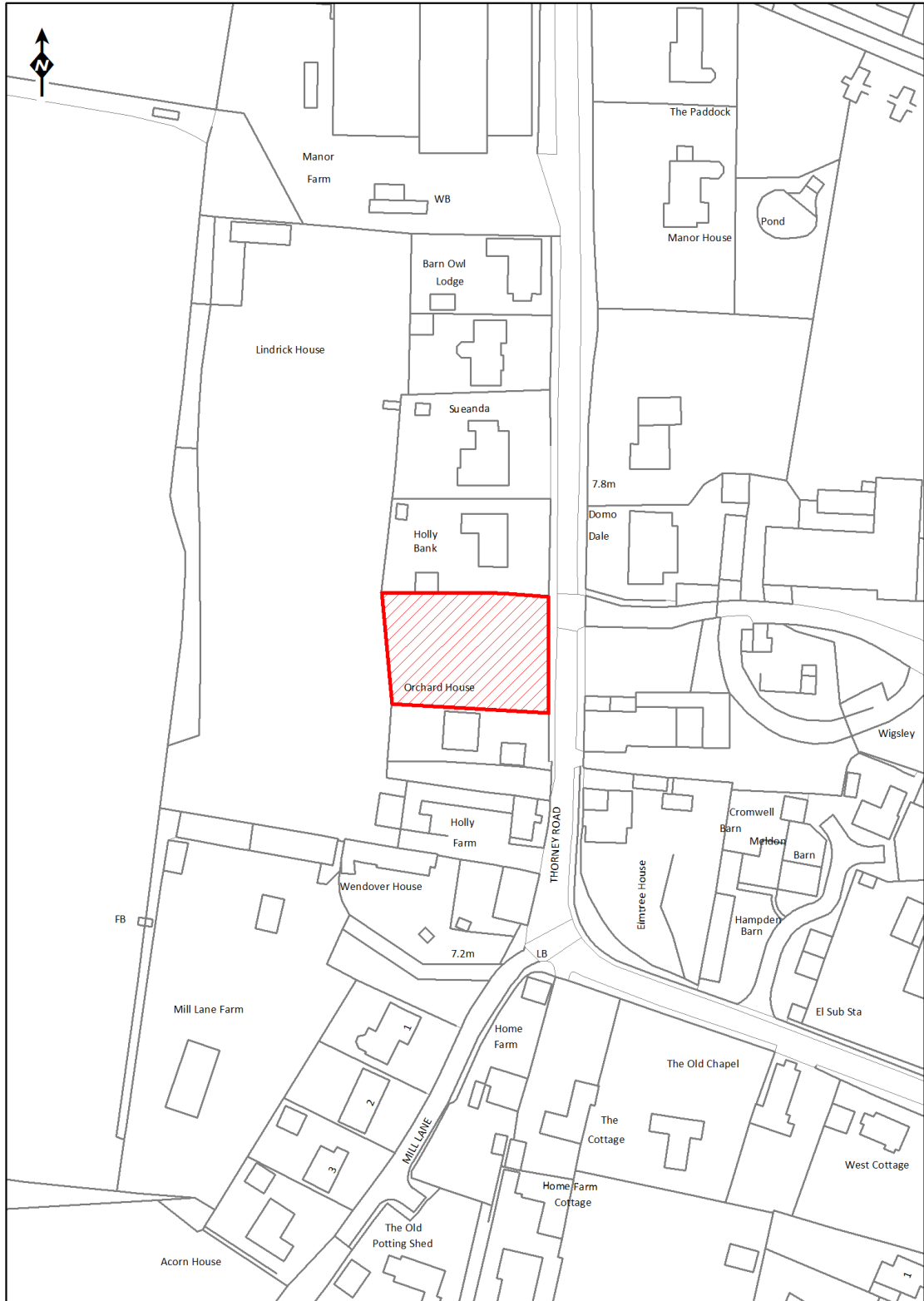
03

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: licences@viaem.co.uk Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00788/RMA



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Report to Planning Committee 7 July 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Amy.Davies@newark-sherwooddc.gov.uk, 01636 655851

Report Summary			
Application Number	22/00297/FUL		
Proposal	Erection of a one bed Chalet Bungalow and provision of 2no. off-street car parking spaces for neighbouring properties		
Location	Land At, Fair Vale, Norwell		
Applicant	Newark & Sherwood District Council - Mr Kevin Shutt	Agent	SGA Llp - Mrs Karolina Walton
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage		
Registered	21 February 2022	Target Date	18 April 2022
		Extension of Time	08 July 2022
Recommendation	That planning permission be APPROVED		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Susan Saddington, due to concerns regarding parking, access for emergency vehicles and impact on the character of the village.

1.0 The Site

The site is a plot of land at the eastern end of Fair Vale, a residential cul-de-sac off School Lane within the village of Norwell. Fair Vale slopes downwards from School Lane towards open fields/paddock land to the east. The plot sits on the northern side of the road and comprises of two levels. The lower level is hardbound and level with the road. A dropped kerb enables vehicular access and parking for up to three cars. A retaining wall separates this area from an upper level that is mostly laid to lawn and appears to be in use as an extended garden area to the semi-detached bungalow at 8 Fair Vale. The plot includes a timber summerhouse, sited in the top right-

hand corner, and a rotary washing line. Small trees and shrubs demarcate the boundaries to the north and east, while there is a close-boarded timber fence along the boundary to the west.

The site is located outside of the designated conservation area although there are views across the adjacent open fields/paddock land towards the conservation area and listed buildings within it including St Lawrence's Church (Grade I Listed); The Old Hall and Stable at the Old Hall (Grade II Listed) and The Old Windmill (Grade II Listed).

Norwell Church Of England Primary School is located to the north.

2.0 Relevant Planning History

None relevant.

3.0 The Proposal

The application proposes the erection of a 1-bedroom chalet bungalow to meet an affordable housing need. The proposed new dwelling would measure approximately 6.85 metres wide by 6.86 metres in length and include a tiled pitched roof measuring approximately 2.74 metres to eaves and 6.15 metres to the ridge. There would be an open plan kitchen/living/dining room and wet room to the ground floor and a bedroom to the first floor within the roof space. One off-street parking space would be provided to the front of the dwelling, which would include a ramped access/path up from the road to the garden level. A small garden area would be sited to the rear.

The proposed site plan also shows 2 no. additional off-street parking spaces to be provided to the front of neighbouring properties at 7 and 9 Fair Vale.

Revised plans

The design of the proposed new dwelling has been amended to address planning and conservation officer concerns. In addition, the site layout has been amended to incorporate replacement tree planting in accordance with officer advice. For the avoidance of doubt, the assessment outlined below is based on the following plans reference:

0001 P5 Location Plan and Site Plan

0002 P5 GA Plans

0003 P4 Elevations

4.0 Departure/Public Advertisement Procedure

Occupiers of 5 properties have been individually notified by letter.

5.0 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 & Development Management DPD (adopted 2013)

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

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Newark & Sherwood Residential Cycle and Car Parking Standards & Design Guide SPD 2021

6.0 Consultations

Norwell Parish Council – No comments received.

NSDC Conservation Officer – No objections to revised scheme - recommend conditioning further details.

NSDC Tree & Landscape Officer – The proposal is to remove one leylandii and one sycamore. The justification for the removal is the potential impact on the future dwelling. The area has low canopy coverage, the trees do offer a good screen breaking up the view from the conservation area. I would suggest one tree is planted on the front and two trees planted in the rear garden for example *Malus 'Bramley's Seedling* on an M25 root stock.

4no. letters of Objection have been received, which can be summarised as follows:

- Limited parking, proposal will exacerbate existing car parking problems
- Concerns regarding impact on protected species, including common shrew, bats and newts, and other wildlife within and surrounding the site
- Displacement of parking will cause congestion and highway safety issues
- Restricted access for emergency vehicles and oil deliveries
- Concerns regarding maintenance and repair of electricity pylon and underground cables
- Proposal would impede access to the adjacent field/paddock
- Negative impact on health and wellbeing of residents and domestic animals
- Design not in keeping with existing properties

7.0 Comments of the Business Manager

Principle of development

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). The settlement of Norwell falls into this 'other villages' category.

The proposal relates to the erection of one dwelling within the main built up area of Norwell and is therefore required to be assessed against of the location, scale, need, impact and character criteria within SP3.

In terms of location, the site falls within the main built up area of Norwell, which has a range of local services and facilities including a church, shop, primary school and public house. There is a regular public bus service to both Tuxford and Newark that offer a wide range of services and amenities.

The scale of the development in terms of quantum is considered appropriate to the size of the village, resulting in one additional dwelling in the settlement.

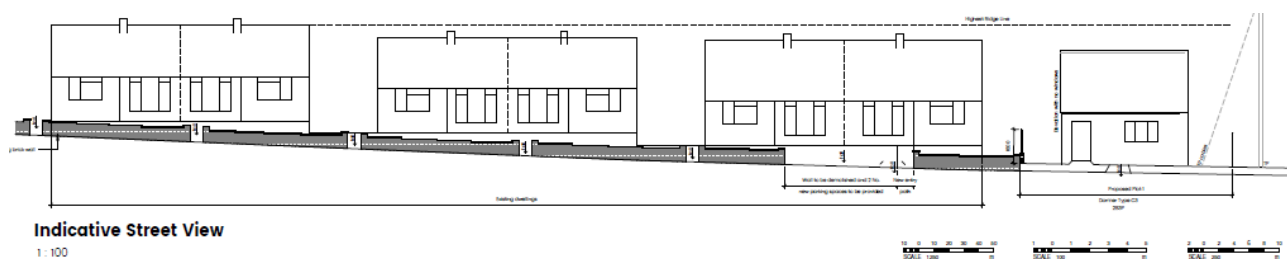
It is accepted that the proposed dwelling would meet an identified affordable housing need and also support community facilities and local services in the local area.

The remaining criteria of Impact and Character are considered in the detailed assessment outlined below.

Impact on character

The character criterion of Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. This overlaps with Policy DM5 of the DPD, which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

Fair Vale is characterised by pairs of semi-detached bungalows and two-storey houses, arranged around a central parking area/turning head. The existing dwellings appear to have been built as a comprehensive development being of a similar design and construction. Indeed, the existing dwellings step down with the gradient of the road (towards the adjacent open fields/paddock land). The indicative street view included on plan reference 0001 P5 Location Plan and Site Plan indicates the eaves and ridge of the proposed new dwelling would step down in continuation of the existing pattern (see below).



The design and layout of the proposed new dwelling has been subject to revisions and discussions at both pre-application and application stage. Uncharacteristic features such as roof lights and solar panels have been re-sited to the rear roof slope to ensure minimal visual impact. The design has also been amended to incorporate a rendered section to reflect a similar feature to the front of neighbouring dwellings as well as window proportions to complement existing.

The proposed additional car parking spaces to the front of neighbouring properties at 7 and 9 Fair Vale would punctuate the existing boundary wall and result in the loss of some greenery. However, some of the existing houses on the opposite side of Fair Vale have driveways/off-street parking spaces alongside garden areas to the front, so the proposal would not be entirely contrary to the existing character. Furthermore, the additional off-street parking spaces would accommodate car parking displaced by the proposed development to ensure existing on-street parking is not exacerbated.

Impact on heritage assets

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. Fair Vale currently has a neutral impact on the setting of Norwell conservation area and the listed buildings contained within it, which must be respected and preserved. Conservation has considered the submitted and revised schemes and offered the following comments:

Previous Conservation comments (dated 22/04/22) raised concerns with the proposed siting of a dwelling on the plot due to the associated loss of greenery with the proposed development, the greenery of which currently provides a visual buffer for the modern cul-de-sac on the surrounding designated heritage assets.

The proposal has been amended with a slight reduction in height of the dwelling and increased greenery surrounding the site. These proposed alterations would minimise the visual prominence of the development on the setting of the Conservation Area and Listed Building(s). Whilst it may take some time to mature, the proposed hedging and trees to the rear and side of the development site would help screen the proposed development and reduce the visual impact on the rural setting of the designated heritage assets (par.195 of NPPF). There are no objections to the proposal from a conservation perspective

Subject to replacement planting being secured by condition, the proposal would preserve the neutral impact of Fair Vale on the setting of Norwell conservation area and the listed buildings contained within it.

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. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed new dwelling would step down in continuation of the existing pattern and respect existing separation distances. Consequently, the proposed development would not give rise to

unacceptable overshadowing, overbearing impacts or detrimental effects on outlook. There would also be no windows to the west facing side elevation.

There is a wooden electricity pylon close to the site, with cables extending down to the ground. The proposed site plan and layout indicates that this pylon would not pose a constraint to development nor danger to future occupiers. Private outdoor amenity spaces surrounding the proposed new dwelling would be commensurate with the size of the dwelling and garden spaces that serve existing bungalows.

Overall, it is considered there would be no unacceptable loss of amenity in accordance with Policy DM5 of the DPD.

Impact upon highway safety

Policy DM5 requires the provision of safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities.

The application has been assessed with reference to Nottinghamshire County Council Highway Design Guide. The proposed block plan (shown on drawing no. 0001 P5 Location Plan and Site Plan) indicates the relevant requirements, in terms of visibility, driveway length and surfacing, can be achieved. The proposal is therefore considered acceptable in highway safety terms.

One off-street car parking spaces is also considered sufficient to serve the proposed one-bedroom dwelling in accordance with the standards in the Council's Supplementary Planning Document for Residential Parking ([Parking Standards SPD | Newark and Sherwood District Council \(newark-sherwooddc.gov.uk\)](https://www.newark-sherwooddc.gov.uk)).

It is noted part of the site is currently used for parking vehicles associated with existing dwellings, however, this is an informal arrangement and has been sought to be addressed through the provision of two additional car parking spaces to the front of neighbouring properties at 7 and 9 Fair Vale.

Trees and ecology

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

The tree report prepared by AWA Tree Consultants (Ref: AWA4191, dated March 2022) indicates two small low value trees (T2 and T3) require removal to facilitate the proposed development and ensure no future adverse impact on the building. The Council's Tree & Landscape Officer has indicated this would be acceptable, provided impacts are mitigated through replacement tree planting. The revised proposal includes one tree planted to the front and two trees in the rear garden in accordance with the Tree & Landscape Officer's advice and recommendations. It is therefore considered appropriate to impose a condition on an approved application requiring replacement planting to be carried out within 6 months of the first occupation of the completion of the development.

8.0 Conclusion

The proposal has been assessed against each of the five criteria identified by Spatial Policy 3 of the Amended Core Strategy. It has also been assessed against other local and national policies in respect of residential amenity, highway safety, trees and ecology and is considered to be acceptable in this regard.

It has been concluded that the site is located within the main built up area of Norwell, which has a range of local services and facilities and is well connected to Newark. Consequently, the development would be considered sustainable. In addition, the proposed development would help support community facilities and local services.

In terms of the proposal's impact and scale, the addition of one dwelling is considered to be an appropriate scale for the village and unlikely to have a detrimental impact upon existing services provided for within the village, nor a significant increase in vehicular traffic that would have a harmful impact upon the highway network.

The proposed new dwelling would not affect the setting of Norwell Conservation Area nor the significance of listed buildings contained within it and, as such, Fair Vale would continue to have a neutral impact on these heritage assets.

Taking the above in to account, it is concluded that the proposal accords with all of the criteria of Spatial Policy 3 as well as the relevant provisions of Core Policies 9 and 12 of the Amended Core Strategy DPD (March 2019) and Policy DM5 of the Allocations & Development Management Development Plan Document (July 2013), in addition to the NPPF 2021 which is a material considerations. It is therefore recommended that the application be approved.

9.0 Conditions

01

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

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

02

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

0001 P5 Location Plan and Site Plan

0002 P5 GA Plans

0003 P4 Elevations

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, including Forterra Tame Valley Red bricks and Russell Grampian slate grey roof tiles.

Reason: In the interests of visual amenity.

04

The approved planting scheme to compensate for the loss of two trees, as shown on plan reference 0001 P5 Location Plan and Site Plan, shall be carried out within 6 months of the first occupation of completion of the development. If within a period of seven 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 ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

05

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall be implemented in accordance with the approved details and retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

06

No part of the development hereby permitted shall be brought into use until the driveway and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.0 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

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

07

No part of the development hereby permitted shall be brought into use until the parking area is provided in accordance with a plan titled: 0001 P5 Location Plan and Site Plan. The parking area shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking/turning/loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

08

Prohibited activities

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 ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

Informatives

01

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

The proposed development has been assessed and it is the Council's understanding that CIL may not payable on the development hereby approved as the development is made up entirely of Social Housing provided by local housing authority, registered social landlord or registered provider of social housing and shared ownership housing. It is necessary to apply for a formal exemption to confirm this view, which must be made to the Council prior to the commencement of development on CIL 4 form which is also available on the Council's website.

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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted at the following address: Apex Court, City Link, Nottingham, NG2 4LA (tel: 0300 060 3900).

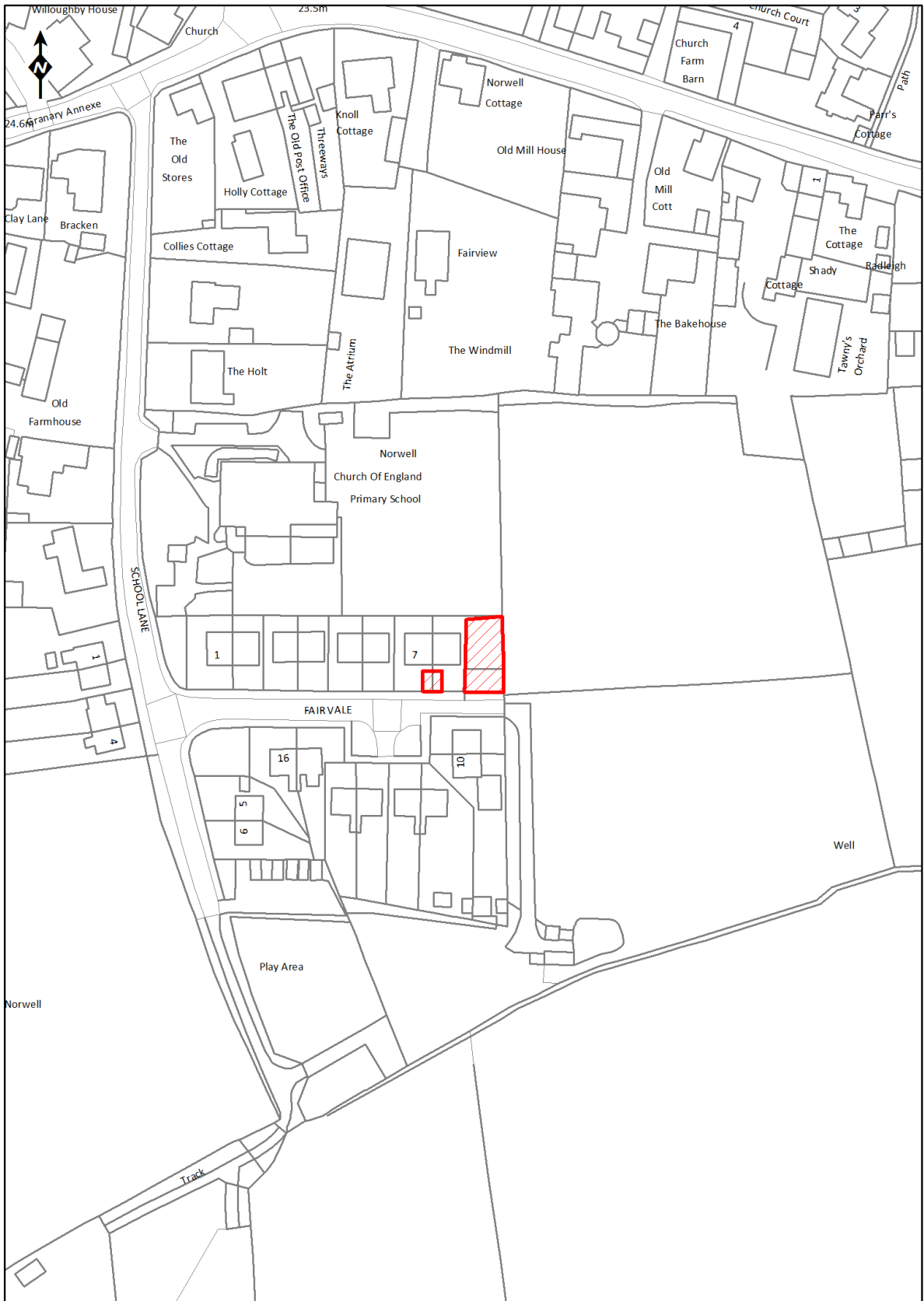
04

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00297/FUL



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Report to Planning Committee 7 July 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Oliver Scott, Senior Conservation, ext. 5847

Report Summary			
Application Number	22/00986/S19LBC		
Proposal	Variation of condition 2 attached to planning permission 21/02470/LBC to amend the proposed staircase		
Location	The Buttermarket, 27 Middle Gate, Newark-on-Trent, NG24 1AL		
Applicant	Newark and Sherwood District Council – Mr Peter Preece	Agent	Jackson Design Associates - Mr Alex Brown
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage		
Registered	20.05.2022	Target Date	15.07.2022
Recommendation	Approve, subject to conditions		

This application is being presented to the Planning Committee as the applicant is Newark and Sherwood District Council.

1.0 The Site

The application site comprises the building known as the ‘Buttermarket’. This building fronts Middle Gate, with a side access to Chain Lane. It is connected to Newark Town Hall.

In accordance with Section 1 (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’), the building complex known as the Buttermarket is considered to form part of the Grade I Town Hall listing, which adjoins to the east of the application site.

The Buttermarket is otherwise surrounded by important period buildings within a highly sensitive location at the heart of Newark Conservation Area (CA). In terms of the Council's Local Development Framework, the site lies within the area defined as Newark Town Centre and Primary Shopping Area, and also within Newark's Historic Core.

The main building within the Buttermarket complex comprises a distinctive former Victorian covered market, built 1883-84. It has an attractive gabled façade to Middle Gate, and is constructed in red brick externally with lead, glazing and slate roofs. Ancillary areas to the rear of 23 and 25 Middle Gate include an area at first floor known as the 'old bar' area. For ease of reference, the Buttermarket is considered to be the entirety of the building complex comprising the former covered market (which currently includes Tambo and Iguazu), and the Exchange (including Hobsons Shoes), as well as vacant upper floor space behind 23 and 25 Middle Gate (Specsavers and Gracegentle). When we refer to the former covered market, we refer only to the main building element which includes the central atrium and mezzanine.

The Buttermarket complex is an important thoroughfare between Middle Gate, Chain Lane and the Market Place (via the Town Hall). The Council has invested significantly in the renovation and repurposing of this building complex.

2.0 Relevant Planning History

19/01410/FUL & 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. Approved, all conditions discharged fully.

20/00210/LBCLDC - Application for a Certificate of Lawfulness for proposed works to include the strip out and removal of former additions (not part of the original building fabric) at first floor. Certificate issued.

20/00322/LBCLDC - Certificate of lawfulness of for proposed works to Listed Building to include combining 3no former units to create 1no single unit, the internal alterations include the removal of former additions to the building (not part of the original building fabric). Certificate issued.

21/02468/LBCLDC – Fit out and refurbishments of 'old pub' area, refurbishments of Atrium floor and ceiling finishes at first floor and refurbishment of ground floor staff toilets. Certificate issued.

21/02462/LBC - Removal of existing in-filled wall within the Buttermarket First Floor Atrium and provision of new access doors. Approved 19.01.2022.

21/02470/LBC – Provision of a general access staircase within the Buttermarket atrium leading from ground floor to the first floor mezzanine level. Approved by Committee 18/01/2022. Condition 2 discharged (ref 22/00218/DISCON) 04.03.2022.

3.0 The Proposal

The proposal seeks consent to tweak the design of an approved staircase within the Buttermarket. The original permission (ref 21/02470/LBC) was approved by the Committee in January this year, and comprised the installation of a new staircase at the eastern end of the main atrium adjacent to the existing lifts. Although the conditions have been fully discharged, it has not yet been implemented. The applicant now seeks to modify the approved plans by adding a structural column beneath the stair case. For clarity, the design of the staircase is unchanged other than the inclusion of a new single metal column beneath the lower landing.

A scheme to re-open a blocked doorway through the wall between the first floor atrium and former bar area has recently been approved (ref 21/02470/LBC), forming part of the Council's wider project to renovate and repurpose the Buttermarket.

Documents considered within this appraisal:

- Application form
- Proposed staircase and glass balustrade – dwg no. G-01 – REV P01

4.0 Departure/Public Advertisement Procedure

A site notice was placed on a lamppost on the road in front of the property on 27th May 2022.

An advert was placed in the Newark Advertiser on 2nd June 2022.

Newark Town Council was consulted on the 24th May 2022.

Historic England was consulted on 24th May 2022.

5.0 Planning Policy Framework

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

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance (online resource)

6.0 Consultations

Newark Town Council was consulted on the 24th May 2022. A response was received on 6th June confirming no objection from the Town Council (meeting held on 1st June 2022).

Historic England was consulted on 24th May 2022. A response was received on 26th May 2022. They did not wish to offer any comments, but wanted to be consulted again if the scheme was materially changed.

7.0 Comments of the Business Manager – Planning Development

The former covered market now known as the Buttermarket is a curtilage listed structure fixed to and historically associated with the Town Hall (Grade I). It is considered to fall within the meaning of a listed building as set out under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’).

Section 16 of 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 this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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 July 2021). 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 designated heritage assets when considering new development within their setting (paragraph 206).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). Historic England Advice Note 2 (2016) states: “The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting. Where possible it is preferable for new work to be reversible, so that changes can be undone without harm to historic fabric. However, reversibility alone does not justify alteration; If alteration is justified on other grounds then reversible alteration is preferable to non-reversible. New openings need to be considered in the context of the architectural and historic significance of that part of the asset and of the asset as a whole. Where new work or additions make elements with significance redundant, such as doors or decorative features, there is likely to be less impact on the asset’s aesthetic, historic or evidential value if they are left in place” (paragraph 43).

Significance of heritage asset

On 3 July 1882, the Borough Council resolved to erect a covered market on the site of the

shambles, between the Buttermarket and Middlegate. Four plans were examined, those of C Bell (London) (£2,000) and Mr Lees of Nottingham (£2,048) having iron and glass roofs. Mr Bell's plan was adopted. The foundation stone was laid in October 1883 and the market was opened in October 1884. The plans for internal fittings were prepared by George Sheppard, Borough Surveyor, who also made the only known contemporary drawing of the New Market, published in 1886.

In celebration of the opening, the Newark Advertiser wrote thus: 'The area was formerly covered by the shambles but the shops were very old and dilapidated... various difficulties arose owing to the property dealt with belonging to three distinct bodies, the Corporation, and the Trustees of Bell's and Phillipott's Charities, and also owing to the question of ancient rights of light. The iron roof is supported by elegant but powerful iron pillars standing on stone corbels. The interior is of white brick and the floor is of concrete. The roof is of wood, boarded and the exterior slated in. A long range of windows on the north side admits plenty of light while at night the building will be illuminated by two large Bray's lamps of seven lights each, and four gas lights round each pillar. Each of the lock-up shops is also fitted with gas burners. The exterior of the building is of red brick. The circular window at the Middlegate end is filled with coloured glass. There are 17 lockup stalls let at £5-4-0 p.a. apiece exclusive of gas. In the centre are 25 stalls rented at £3-18-0 p.a. each. All have been let.' The memorial stones were originally on either side of the entrance, with a drinking fountain in the central wall.

The New Market Hall does not seem to have been a commercial success. In 1896 a local paper wrote that: 'The large and commodious New Market Hall, built for business which never came, offers at once seclusion... and a perfect quietude and atmosphere of repose, around which... the town's trade and commerce runs without disturbing the solitary interior.'

Historic photographs record that a campaign of 'restoration' was undertaken in 1936 but it is unclear how extensive this was. Further works were undertaken in 1950 including 'alterations to main entrance and provision of male cloakroom and toilets' and in 1959 the main entrance was altered.

By the 1970s the interiors had 'deteriorated markedly' as a result of many phases of repair. In 1982 the Town Council acquired the freehold from the District Council. The restoration of the Town Hall was led by the Town Council and funded by a commercial partnership by which, in 1988, Lovell Enterprise (Newark) Ltd acquired the 1884 New Market from NSDC and leased the ground floor of the Town Hall itself, intending to create a single retail complex. The interventions included the introduction of a mezzanine floor and stairs within the shell of the New Market, the creation of new retail units at ground and first floor levels, and new connections to the buildings to the north and to Chain Lane. The intention was that the building should subsequently be self-financing. The roof of the Market Hall was replaced. The work was carried out by the developer and his architect to the Town Council's recommendations with Guy St John Taylor [of Newark] acting as consultants.

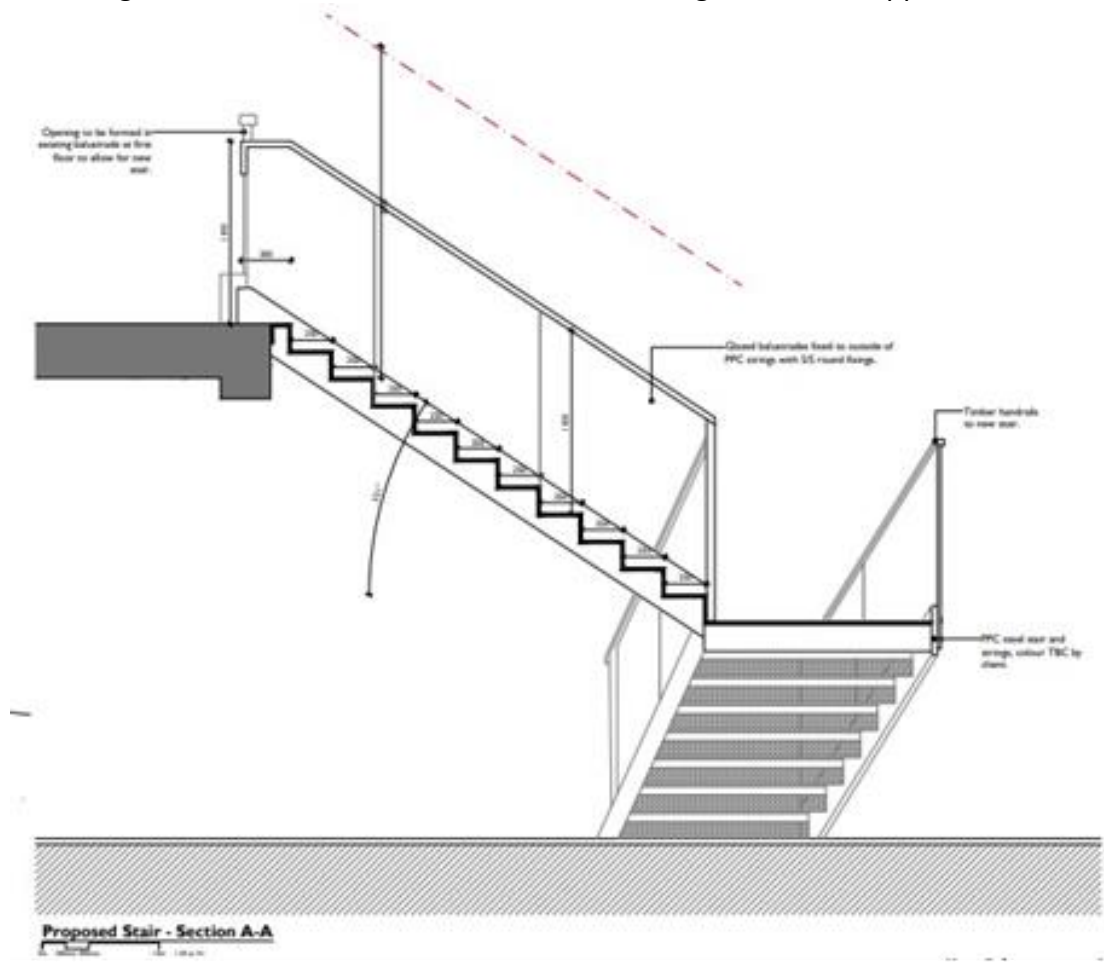
The New Market is not listed in its own right, although it is physically connected to the Town Hall and is considered to form part of the Town Hall's curtilage (thus part of the listed building, as explained in the legal section above)). Its architect, Charles Bell FRIBA 1846–99 was prolific but not distinguished. He is best known for his Methodist Chapels and schools. His design for the New Market was straightforward. Beyond the somewhat chapel-like elevation to

Middlegate, it is essentially utilitarian. The primary construction details are of good quality- for example the white brick facing of the interior. Only the west façade aspires to polite architecture; it makes an attractive contribution to the streetscape in Middlegate, in which it is the principal 'event' in long views from north and south.

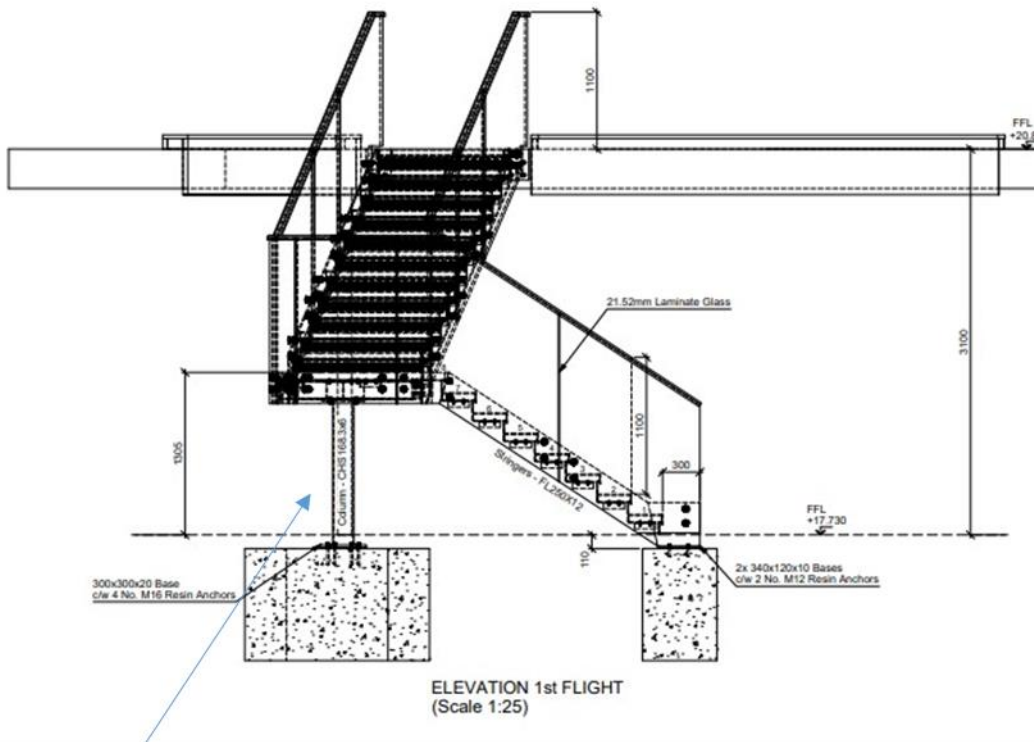
A number of Bell's buildings are listed, although not his only other known (and surviving) market building in Darwen, Lancashire (it is rather more elaborate than Newark). The principal significance of the New Market is its street elevation and while the Market Hall is characteristic of its date and is at least potentially, an attractive space, its original design is utilitarian and it has been greatly altered internally. Nevertheless, the building contributes positively to the character and appearance of the CA and forms a key element in the setting of the listed town hall.

Assessment of proposal

As explained in our previous report considered by the Committee, the installation of a new staircase is considered to be acceptable. It will cause no harm to the listed building, and has a simple, elegant design. It is also considered to have a clear and convincing justification insofar as allowing a positive new use of the upper floors and providing appropriate fire escape and access. The proposed amendment to the scheme is considered to be minor, consisting of the addition of a small metal pillar below the landing (approx. 1.3m in height). The design of the staircase itself is otherwise unchanged from the approved scheme.



The approved staircase design. The landing (the lower section to the right) has no support stanchions.



The revised details allow for a central column below the landing.

The column will not be unduly prominent when viewed within the building, including when seen from the Middle Gate entrance. In essence, the visual impact is not significantly different from the scheme already approved. The post will be obscured to some extent behind the risers, and when seen from the side, will present as a minor structural element.

The column is needed for structural reasons. The original design ethos was simple elegance with minimal fixings and fixtures. Following expert engineering advice, it has been deemed prudent to add a structural column. The architect has sought to keep the original design ethos by making the new column as discreet as possible. Conservation feels that this has been achieved. The original design is not adversely affected by the alteration, and no harm will subsequently be caused to the listed building.

Other material considerations

The Town Council raised no objection to the proposal. As the adjacent landowner, and a key partner in the management of the town centre, the Town Council's opinion is important in this context.

Historic England did not wish to comment on the proposal. Whilst this cannot be interpreted as support for the proposal, it is felt that their lack of concern is due to confidence in the Council's in-house Conservation advice and the modest nature of the proposal.

Safety and accessibility are relevant considerations in this case. The upper floor mezzanine is an approved alteration from the 1980s. This included a substantial staircase within the atrium (now removed), and therefore the local planning authority has already established the principle of a stair access within this part of the building. Fire escape is an important consideration, and providing a second staircase (to compliment the access to Chain Lane via

the old bar area) will ensure that there is a safe environment for first floor users in the future. The revised plans ensure that the staircase is fit for purpose.

The wider Council strategy has sought to improve the appearance of this building complex, including repurposing areas of the building with positive and sustainable new uses. The new restaurant and retail units for example that now takes up the ground floor of the Buttermarket have added vibrant uses to the building. The next phase of works to the first floor will help continue this positive approach, helping provide a sustainable future for the Buttermarket. The proposal is therefore considered to be a public benefit within the meaning of paragraph 20 of the Planning Practice Guidance (heritage section).

Whilst we have not found any fundamental harm with the proposal (in the context of paragraphs 200-202 of the NPPF), it is felt that the applicant's reasons for proposing the scheme carry clear and convincing reasons, including helping sustain the heritage values of the Town Hall (by reusing the heritage asset) and providing safe access to the upper floors.

There are no other material considerations in this case.

8.0 Conclusion

For the reasons set out above, the proposed works are considered to cause no harm to the special interest of the Town Hall, a Grade I listed building. The proposal is therefore considered to be consistent with the objective of preservation required under section 16(2) of the Act. The scheme is also considered to accord with heritage policies and advice contained within the Council's LDF DPDs (notably CP14 and DM9), and section 16 of the NPPF.

The proposal will cause no harm to Newark CA or the setting of any other heritage asset.

We draw your attention to the minor nature of the amendment and the need for the proposal which will provide safe and appropriate access to the first floor of the Buttermarket, and will support the reuse of the remaining vacant parts of the building. The proposal is part of a phased project aiming to bring activity and life back to the Buttermarket, contributing to wider social and economic aims that will benefit the local community.

We conclude by advising that the proposals have sought to balance the sensitive heritage values of the site through good design with optimum location and minimal disruption to the openness of the atrium.

9.0 Conditions

Listed Building Consent is granted subject to the conditions below;

Conditions

1. The works to which this consent relates shall be begun no later than three years from the date of this consent.

Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation

Areas) Act 1990.

2. The new staircase hereby permitted shall not be carried out except in complete accordance with drawing number G-01 – REV P01.

Reason: To ensure that the works take the agreed form envisaged by the District Planning Authority when determining the application and thus result in a satisfactory form of works.

Informative notes

1. The application as submitted is acceptable. In granting consent 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).

2. The Listed Building Consent is granted in strict accordance with the approved plans and specifications contained in the application. It should however be noted that:

a) Any variation from the approved plans and specifications following commencement of the works, irrespective of the degree of variation, will constitute unauthorised works, would be a criminal offence and would be liable for enforcement action.

b) You or your agent or any other person responsible for implementing this consent should inform the Local Planning Authority immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter.

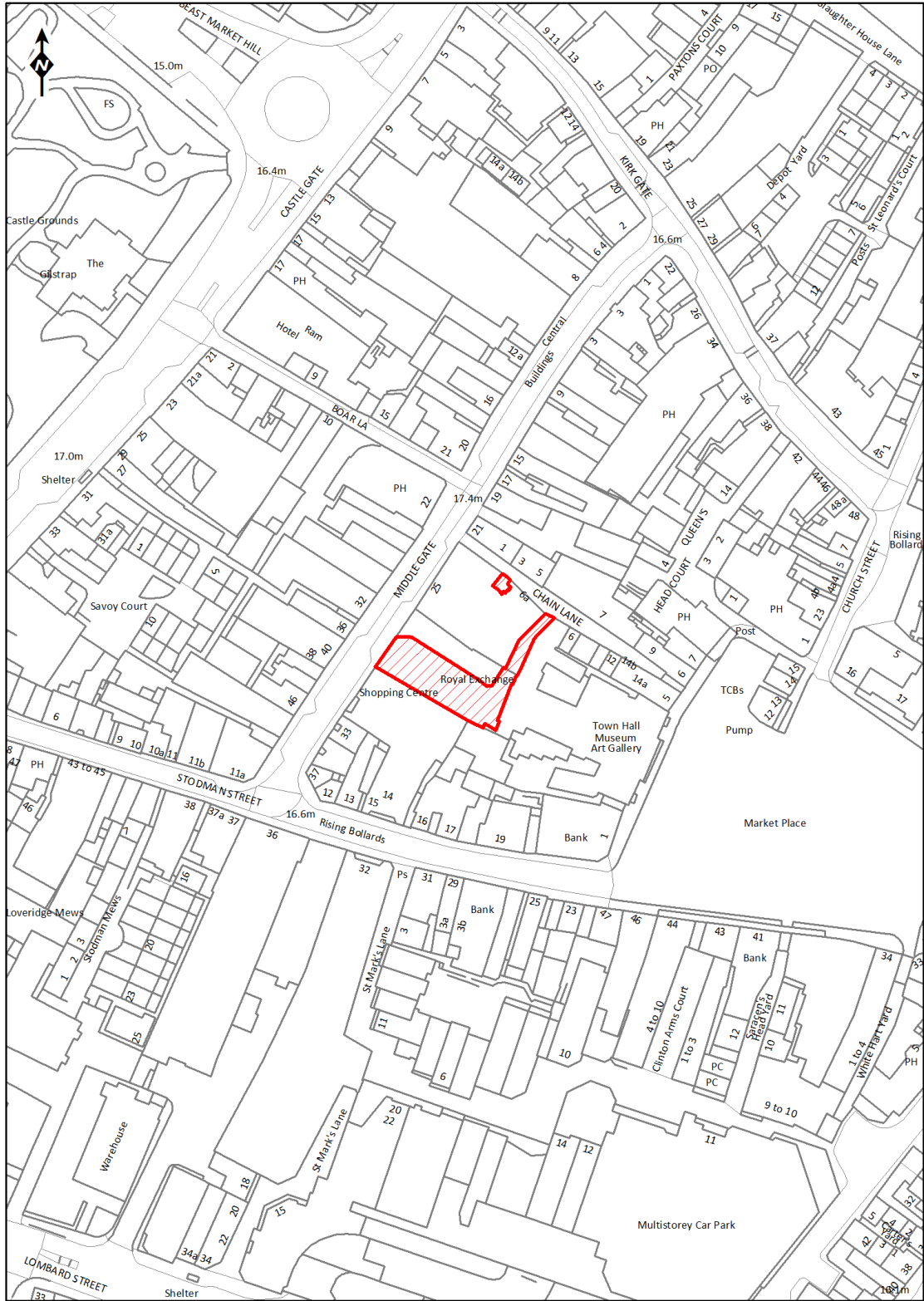
3. REASONS FOR APPROVAL IN ACCORDANCE WITH THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) (ENGLAND) (AMENDMENT) ORDER 2015
The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decisions on applications for Listed Building Consents since 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, such as the National Planning Policy Framework (Revised July 2021).

4. Any damage caused by or during the course of the carrying out of the works hereby permitted should be made good within 3 months after they are complete.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00986/S19LBC



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PLANNING COMMITTEE – 7 July 2022

Appeals Lodged

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.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes

Business Manager – Planning Development

Appendix A: Appeals Lodged (20 May 2022 and 20 June 2022)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/32926 92	20/01452/OUTM	Land Off A17 Coddington Nottinghamshire	Development of site for distribution uses (Use Class B8) including ancillary offices and associated works including vehicular and pedestrian access, car parking and landscaping.	Hearing	Refusal of a planning application
APP/B3030/C/22/329860 4	22/00022/ENFC	1 Bayford Drive Newark On Trent NG24 2GS	Without planning permission, the undertaking of operational "development" - that being the erection of an outbuilding forward of the principal elevation (subject of refused retrospective planning application reference 22/00280/HOUSE and shown in Image 1).	Written Representation	Service of Enforcement Notice

PLANNING COMMITTEE – 7 JULY 2022

Appendix B: Appeals Determined (20 May 2022 and 20 June 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/00145/ENFB	Land Rear Holme Hall High Street Holme	Without planning permission, the laying of materials to create a compacted hard surface	Delegated Officer	Not Applicable	Appeal Allowed	14th June 2022
18/00036/ENF	Land At Winthorpe Road Newark On Trent Nottinghamshire	Appeal against Without planning permission, undertaking operational development consisting of the carrying out of works to the land including, but not limited to the laying of materials to create hardstanding, the erection of a building and associated concrete base and the burying of utility cables, pipes, containers and associated infrastructure.	Delegated Officer	Yes	Appeal Dismissed	13th June 2022
18/00036/ENF	Land At Winthorpe Road Newark On Trent Nottinghamshire	Appeal against	Delegated Officer	Yes	Appeal Dismissed	13th June 2022
21/01406/LBC	Little Farm Cottage Gainsborough Road Langford Newark On Trent NG23 7RP	Replacement of single glazed timber windows with new double glazed timber windows and replace non-original timber door	Delegated Officer	Yes	Appeal Not Determined	16th June 2022

Recommendation

That the report be noted.

Background papers

Application case files.

Further information regarding the relevant planning application and appeal can be viewed on our website at <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/search.do?action=simple&searchType=Application> or please contact our Planning Development Business Unit on 01636 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes
Business Manager – Planning Development



Appeal Decision

Site visit made on 24 May 2022

by **Zoë Franks Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 14 June 2022

Appeal Ref: APP/B3030/C/21/3283755

Land to the South Side of Hall Cottage Stables, High Street, Holme, NG23 7RZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Miss Judy Bradwell against an enforcement notice issued by Newark & Sherwood District Council.
 - The notice, numbered 21/00145/ENFB, was issued on 16 September 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the laying of materials to create a compacted hard surface.
 - The requirement of the notice is remove the materials forming the hard surface from the land.
 - The periods for compliance with the requirement is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the laying of materials to create a compacted hard surface at Land to the South Side of Hall Cottage Stables, High Street, Holme, NG23 7RZ as shown on the plan attached to the notice and subject to the following conditions:
 1. Unless within the first planting season following the date of this decision a beech hedgerow is planted along the full length of the southern boundary of the land, the materials forming the hard surface shall be removed until such a time as the hedge is planted. The hedgerow must be planted with 4 plants per metre, per row, in double staggered rows. The plants must be planted at a minimum of 80 centimetres and once established be thereafter maintained at a minimum height of 2 metres for the lifetime of the development. The hedge shall thereafter be maintained, and any plants which are removed or becomes seriously damaged or diseased shall be replaced in the next planting season with other of the size and species as set out above. In the event of a legal challenge to this decision, the operation for the time limits specified in this condition will be suspended until that legal challenge has been finally determined.
 2. The development shall only be used for the loading and unloading of vehicles and trailers, and shall not be used otherwise for the parking of vehicles or trailers.

Ground (c)

2. An appeal on this ground is on the basis that the matters stated in the notice do not constitute a breach of planning control. The appellant's case is that the hardstanding would be permitted development pursuant to the Town and Country Planning (General Permitted Development) Order (England) 2015 as minor operations within the grounds of a residential building. However, the appeal site is not within the same ownership or planning unit as the adjacent Holme Hall, and is rather part of the same planning unit as Hall Cottage Stables which are not in residential use. The permitted development rights do not therefore apply, notwithstanding that this land was in the same planning unit as Holme Hall previously. The appeal under this ground cannot succeed.

Ground (a) and the deemed application for permission

3. The main issue in this ground is the effect of the development on the setting of the listed buildings of the Stable Block and Holme Hall, and the character and appearance of the land; and on the living conditions of the occupiers of Holme Hall.

Heritage assets

4. When considering whether to grant planning permission for development which affects a listed building or the setting of a listed building, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The settings of two grade II listed buildings must be considered in this case, the Stable Block and Holme Hall. The National Planning Policy Framework 2021 ('the Framework'), which is a material consideration, advises 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.
5. The significance of Holme Hall comes in part from its architectural and historical interest as an example of a large rural house building in North Nottinghamshire from the Georgian period. It originally sat within a designed parkland setting including gardens and orchards. The appeal site is no longer within the same planning unit as the Hall, as it has been in a different ownership and a use associated with the stables for at least 12 years.
6. The setting of a listed building can also change over time, and Planning Practice Guidance defines the setting as the surroundings in which a heritage asset is experienced. Neither the appeal site nor the northern elevation of Holme Hall can be seen from the public domain, and views of the development are further limited within the wider Stables site due to the mature trees and vegetation. The listing description for Holme Hall does not reference the northern elevation or gardens. However, the appeal site has a historic and visual relationship with the Hall and was originally part of its planned gardens and is therefore still part of its setting. The loose hardstanding used in the development is of a very similar colour and appearance to the material comprising the Hall drive and access ways. As a result, it does not appear incongruous or inappropriate in this location, nor indeed overly industrial or engineered as suggested by the Council, and the development will continue to weather down and further integrate into its surroundings over time.

7. The appeal site has not been used or laid out as a domestic garden for quite some time and it no longer has any functionality with the Hall. The operational element of the development therefore causes very little, if any harm to the significance of the setting of the Hall.
8. The use as a turning circle by large equestrian vehicles is different in nature to that of a garden and this does cause harm to the setting of the Hall. The Council alleges that the area is also used as a through access into the rest of the stables yard, and for the parking of vehicles. However, the only evidence of this alleged use comprises three photographs which all show the same vehicles and appear to have been taken on the same occasion. This is not sufficient to outweigh the appellant's clear assertion that the appeal site is used as a turning area only (rather than as a through road or for extended periods of parking). In addition, the appellant states that the stables business (and size of the planning unit) is fairly small in scale which will clearly affect the number of vehicles visiting it. The harm caused to the significance of the setting of Holme Hall is less than substantial in the terms set out in the Framework.
9. The significance of the stables as a heritage asset derives from its historic connection and ancillary function to Holme Hall, historic form, functional use and vernacular construction using local materials. However, as the Stable is no longer in the same ownership or use as the Hall and the listed element of the Stables is well screened from the development by a row of mature trees and vegetation, no harm is caused to the significance of the Stables or its setting through either the operational works or use for the turning of vehicles.
10. As the development causes less than substantial harm as set out in the Framework it is necessary to consider whether there are any public benefits which outweigh the considerable importance and weight which must be given to this harm. The appellant, and many of the representations received from interested parties who live in the vicinity or use the stables, state that the public road is very narrow and no longer suited to use by the large vehicles associated with the business. This is in part due to the increased size of modern horse boxes, and also because of the new residential development of the site immediately opposite. The Council's case is that the verges alongside the road are also highway, and that the appellant has not provided highways evidence including tracking analysis to show that the vehicles are unable to use the road or are causing safety issues.
11. Taking account of the many representations, and my observations of the road, verges and layout of the buildings during the site visit, it is a matter of common sense that large vehicles trying to turn and unload on the highway outside of the stables will cause obstructions and highway safety issues. The more recent residential use of the land opposite and the general increase nationally in home deliveries will have exacerbated these issues, and whilst the highway verges are wider than the road surface, they are grassed and not suitable for regular use by heavy vehicles. The development therefore provides a public benefit in highway terms to which I accord considerable weight. In addition, there is a public benefit associated with the continuation of the well-established business which utilises and therefore provides ongoing maintenance of the listed building of the Stables (and which are still being used for a purpose similar to that for which they were originally built). I attribute moderate weight to this benefit. I have had special regard to the desirability of

preserving the setting of Holme Hall, and taken overall these benefits outweigh the less than substantial harm that I have found to the significance of the setting of Holme Hall.

Character and appearance of land

12. The effect of the development on the character and appearance of the land (as separate from the effect on the setting of the listed buildings) is very similar to the considerations that I have outlined above in relation to the effects on the heritage assets. There are extremely limited views of the land from outside of the site, and the materials used in the development match those already used at the Hall. The appeal site was overgrown prior to the development being undertaken and has not been maintained as a garden for a considerable period of time. The surrounding trees and vegetation remain which provide screening and overall the development does not harm the character and appearance of the appeal site.

Living conditions

13. The Council also argues that the use of the appeal site by large vehicles causes harm to the living conditions of the occupants of Holme Hall (although I note from the representation received from the owners of the Hall that their main concern is regarding the visual disruption and effect of the development on the setting of the listed building).

14. The development lies to the north of the side elevation of the Hall, and a large hedge screens the appeal site from the ground floor and front garden of the main building. Whilst the off-shot element at the rear of the Hall is currently not screened, the retained garden area provides separation from the appeal site. Planning conditions to restrict the use of the development for the turning and unloading of vehicles only, and to provide an additional hedge along the boundary between the two properties which would provide further screening would make the development acceptable in terms of the living conditions of the occupiers of the Hall.

Conclusion

15. For the reasons set out above, I conclude that the development causes less than substantial harm to the setting of Holme Hall and that this harm is outweighed by the public benefits. I do not find that, with appropriate conditions, the development causes any harm to the Stables or to the living conditions of the occupiers of Holme Hall. The development is therefore not in conflict with the development plan or Framework, and as there are no other considerations of sufficient weight to indicate otherwise, the deemed application for planning permission should be granted.

Conditions

16. The Council has suggested several conditions that should be imposed should permission for the development be granted, although the appellant does not agree that any conditions are necessary. I have taken into account the views of the main parties, and the representations made by the interested parties including regarding the imposition of conditions.

17. As set out above, the development can be made acceptable by a restriction on parking on the appeal site and the provision of a hedge along the shared boundary.
18. Loading and unloading on the development site should be permitted in order to enable the highway benefits to be achieved, and a condition preventing loading is unnecessary due to the size of the Stables planning unit and business and therefore likely number of vehicles visiting. Overall, I am satisfied that condition 1 meets the statutory and policy tests, and is necessary to regulate the use of the appeal site and prevent harm to the living conditions of the occupiers of Holme Hall.
19. Condition 2 is required to ensure that the hedge is planted and maintained which will make the development acceptable in terms of the living conditions of the occupants of Holme Hall. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively-worded condition to secure the approval and implementation of the planting of the hedge before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
20. A condition to secure the re-wilding of the boundaries of the appeal site is not required as this has already happened naturally.

Zoë Frank

INSPECTOR