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Tuesday, 29 November 2022

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

Members of the Committee:

**Councillor M Brock
Councillor R Crowe
Councillor A Freeman
Councillor L Goff
Councillor Mrs R Holloway
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, 8 December 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

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2. Declarations of Interest by Members and Officers
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There are none.

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There are none.

Agenda Item 4

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 10 November 2022 at 4.00 pm.

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

Councillor R Crowe, Councillor A Freeman, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor K Walker, Councillor T Wildgust and Councillor Mrs Y Woodhead

ALSO IN
ATTENDANCE:

APOLOGIES FOR ABSENCE: Councillor M Brock (Committee Member), Councillor L Goff (Committee Member) and Councillor S Saddington (Committee Member)

51 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R V Blaney on behalf of the Planning Committee Members declared Non-Registerable Interests regarding Application No. 22/01328/FUL, 94 North Gate, Newark On Trent, and Application No. 22/01591/FUL, 77C Eton Avenue, Newark On Trent, as the Council was the applicant for both applications. Application No. 22/01876/FUL, 1-3 Lombard Street, Newark On Trent, as the Council had a lease interest in the site.

Councillors L Dales, I Walker and K Walker declared Non-Registerable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

52 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman advised that the proceedings were being audio recorded and live streamed by the Council.

53 MINUTES OF THE MEETING HELD ON 6 OCTOBER 2022

AGREED that the Minutes of the meeting held on 6 October 2022 were approved as a correct record and signed by the Chairman.

54 LAND ADJACENT TO FOSSE ROAD, FARNDON, NG24 3UB - 22/01331/FUL

The application was deferred and would be considered at a future Planning Committee.

55 FEATHERSTONE HOUSE FARM, MICKLEDALE LANE, BILSTHORPE - 22/01573/FULM

The Committee considered the report of the Business Manager – Planning
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Development, which sought the erection of a new packing building.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved, subject to the conditions contained within the report, following the expiry of the consultation period and subject to any additional consultation responses not raising new material planning consideration.

56 94 NORTH GATE, NEWARK ON TRENT, NOTTINGHAMSHIRE, NG24 1HF - 22/01328/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the conversion to five flats. The remodelling of outbuildings and new secured bin storage, communal garden area and seven parking spaces.

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 from the Planning Case Officer. An additional informative note was also proposed to the applicant to advise them of the change to the CA boundary:

The Applicant is advised that following the publication of the accompanying Committee Report to this decision, the Newark Conservation Area boundary has been amended to include the application site. Given the site falls within the Conservation Area there are limitations that are now applicable. For example, trees in Conservation Areas are afforded special protection by legislation. Should you wish to lop, top or fell any tree on this site, you may require the prior consent in writing of Newark and Sherwood District Council and are advised to contact the Planning Department of the Council on 01636 650000 to discuss the matter.

The Business Manager – Planning Development noted the wording in the Schedule of Communication, paragraph three which as presented to Members read ‘This would be contrary to the provisions of s.72 of the Listed Building and Conservation Areas Act’. This was required to be amended to ‘This needs to be considered in the context of the general duty of s72 of the Listed Building and Conservation Areas Act 1990 which requires special attention to be given to the desirability of preserving or enhancing the character or appearance of the conservation area’ rather than as being contrary to this section of the Act.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved, subject to the conditions contained within the report and the informative as detailed

above and in the Schedule of Communication.

57 PLOT NUMBERS 6, 7 AND 8, LAND NORTH OF RICKET LANE, BLIDWORTH, NG21 0NG - 22/01769/FULM

The application was withdrawn from the agenda.

58 77C ETON AVENUE, NEWARK ON TRENT, NG24 4JH - 22/01591/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the development of five bungalows and associated external works including the installation of new dropped kerbs. A site visit had taken place by the Planning Committee.

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 from the Planning Case Officer, which informed the committee of an error on the officer report at paragraph 9.0, remove the reference to Core Policy 12 and replaced by Core Policy 10 (Climate Change) of the Amended Core Strategy.

Members considered the application acceptable.

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

59 STOKELEY, CROSS LANE, BLIDWORTH, NG21 0LZ - 22/01712/FULM

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of a single storey element on the southern elevation of the dwelling. Extension and replacement roof of a single storey element on the western elevation of the dwelling.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Members considered the application and some Members considered the proposed alterations as modest change which would not have any impact on the buildings surrounding s. The Business Manager-Planning Development advised that if the Planning Committee were minded to approve the application they would need to demonstrate the very special circumstances for approval.

AGREED (with 10 votes For and 2 votes Against) that planning permission be refused for the reason set out within the report.

60 1-3 LOMBARD STREET, NEWARK ON TRENT, NG24 1XG - 22/01876/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the installation of an externally mounted roaster flue.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from Newark Town Council, stating that no objection was raised to the application.

Members considered the application acceptable.

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

61 PLANNING APPLICATION VALIDATION CHECKLIST

The Business Manager - Planning Development provided an update on the review of the adopted Planning Application Validation Checklist prior to the undertaking of the consultation process.

Members were informed that legislation set out that a local list was required to be published on a Council's website and reviewed every two years. The report therefore sought to start the process of the review to ensure it was up-to-date and could be relied upon for the submission of relevant information.

The checklist, attached at Appendix 1, to the report was the same as the current one, although had been updated to provide further clarification where necessary and also provided some information for additional requirements that would come into effect before the checklist was reviewed once again, relating to biodiversity net gain.

It was proposed the amended checklist was consulted upon for a minimum of eight weeks with Members, Parish and Town Councils and statutory consultees. Details would be provided on the Council's website enabling developers and interested stakeholders to respond as well as applicants and their agents, residents through planning application receipt and notification letters.

AGREED (unanimously) that:

- (a) the contents of the accompanying validation checklist be noted; and
- (b) the draft updated Planning Application Validation Checklist (as set out at Appendix A of the report) be approved for an eight week public consultation with statutory consultees, District Councillors and Town/Parish Councils, applicants/developers and neighbours.

62 LOCAL DEVELOPMENT ORDERS FOR FILMING AT NEWARK HERITAGE SITES

The Business Manager - Planning Development sought Member approval to go through the process of consultation on the proposed Local Development Orders and for Members to be aware of the benefits of the proposed Local Development Orders (LDOs).

It was proposed that Newark & Sherwood District Council create two LDOs to allow filming projects that comply with the conditions of the LDO to proceed at Newark Castle and the Palace Theatre & Newark Civil War Centre.

The Committee were informed that Local Development Orders (LDOs) were a tool that planning authorities could use, under Section 61A of the Town and Country Planning Act 1990, to grant planning permission for a type of development within a defined area as long as certain conditions were met. A LDO was a 'local' version of the General Permitted Development Order. To adopt a Local Development Order, the drafted Order must be subject to a period of consultation, consideration of responses and could include conditions such as a schedule for reviewing the LDO.

The benefit of proceeding with the LDO would be potentially unlocking a new source of revenue for the Heritage & Culture team; fees for filming at the sites could be re-invested to safeguard and enhance the District's heritage offer. Increased possibility of filming at these sites would also allow the indirect promotion of the town and District through the products of filming. Although some resources in terms of officer time would be invested in creating and then reviewing the LDOs, ultimately less officer time would be spent in dealing with filming enquiries due to the planning elements of permission having already been considered. It was considered that the increased efficiency the LDO would allow regarding filming enquiries and projects would enhance the Council's professional reputation.

Members queried whether there were other heritage sites that could benefit from the LDO. The Business Manager – Planning Development confirmed that to her knowledge there were possibly other sites. The two outlined in the report were Council buildings. The Chairman questioned whether part of the consultation could invite the owners of other heritage sites to be included in the LDOs. The Business Manager – Planning Development informed the Committee that the Authority received application fees for when proposals were submitted for planning permission, if permission was granted via a LDO the Council would not receive application income which would need to be considered.

AGREED (unanimously) that the Planning Committee:

- (a) grant authority to the Business Manager - Planning Development to refine the draft LDOs, in consultation with Council and partner colleagues, ahead of public and statutory consultation stages;
- (b) consider the draft LDOs and note any observations or recommendations for amendments; and
- (c) the final LDOs will be presented to Planning Committee for approval following the above.

63 APPEALS LODGED

AGREED that the report be noted.

64 APPEALS DETERMINED

AGREED that the report be noted.

65 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report presented by the Business Manager- Planning Development which related to the performance of the Planning Development Business Unit over the three month period July to September 2022 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to July 2020 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED that the report be noted.

66 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Business Manager - Planning Development which provided an update on Enforcement Action for the second quarter of the current financial year 2022/23. The report included cases where formal action had been taken and case studies which showed how the breaches of planning control had been resolved through negotiation and Notices that had been complied with.

AGREED that the report be noted.

Meeting closed at 5.00 pm.

Chairman



Report to Planning Committee 08 December 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner, ext. 5329

Report Summary			
Application Number	22/01331/FUL		
Proposal	Erection of Four Bedroom Bungalow		
Location	Land Adjacent to Fosse Road, Farndon, NG24 3UB		
Applicant	P Palmer Construction - Mr P Palmer	Agent	Mr Clive Davies
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	12.07.2022	Target Date	06.09.2022
		Extension of time	09.12.2022
Recommendation	Refuse, for the reason set out in Section 10.0		

This application is presented to Planning Committee due to the Officer recommendation differing from that of the Parish Council and at the request of the Ward Member. Councillor Keith Walker queries the flooding status of the site as he has never knowingly seen it flood.

The application was removed from the agenda at October Planning Committee at the discretion of the Business Manager. This report includes an update to the original report seen by Members in the previous agenda. The text in **bold** type is the updated sections previously published with the latest update in **bold**.

1.0 **The Site**

The application site relates a parcel of land approximately 0.24 hectares in area within the built up area of Farndon. The site is surrounded to the north, south and west by existing residential development and by Fosse Road (former A46) to the south-east.

The site is located within Flood Zone 1 and 2 as defined by the Environment Agency data maps.

The site has been cleared of vegetation.

2.0 Relevant Planning History

14/00859/OUT Outline planning permission for 1 dwelling (appearance, landscaping and scale as reserved matters) Refused 16.06.2014

01

The site is located in Flood Zone 2 and is therefore at risk of flooding. It has not been demonstrated that there are no other reasonably available sequentially preferable sites, which are at a lower risk of flooding, where the development proposed could be located. The Council has a proven 5 year land supply of available land at lower risk of flooding across the district that are sequentially preferable to this site. The Sequential test submitted with the application fails to make adequate assessment of land across the district. As such, the application fails the Sequential Test contrary to the National Planning Policy Framework, Planning Practice Guidance and Core Policy 10 of the Core Strategy.

02

The site is located within Farndon which contains a limited range of services but it is not classed as a sustainable location for new growth within the Adopted Core Strategy. The application fails to demonstrate an identified proven local need for new housing in this area. It is therefore considered that development of this site would result in an unsustainable form of development that would have an adverse impact upon a rural area and undermine strategic objectives contrary to Policy Spatial Policy 3 of the Core Strategy, the National Planning Policy Framework and Planning Practice Guidance.

03

In the opinion of the local planning authority the applicant has failed to demonstrate the associated risk caused by the development to any potential protected species using the site due to the loss of trees and natural habitat. As such the proposal fails to accord with the National Planning Policy Framework, Planning Practice Guidance and policy DM5 of the Adopted Allocations and Development Management DPD.

3.0 The Proposal

The proposal is for the erection of one single storey detached four bedroomed dwelling to the north-west of the site with vehicular access from Fosse Road to the south-east of the site.

The approximate dimensions of the building are:

25m (length) x 14m (width) x 5.5m (ridge) x 2.5m (eaves)

Documents/plans submitted with the application:

DRWG no. 2C/11/2020 Rev C Proposed bungalow and plans elevations;
Location plan;
DRWG no. 1C/11/2020 Rev C Site plan;
DRWG no. 3/11/2020 Topographical survey;
Flood Risk Assessment July 2022

4.0 Departure/Public Advertisement Procedure

Occupiers of six properties have been individually notified by letter and a notice has been displayed at the site and in the press.

Site visit 10 August 2022

5.0 Planning Policy Framework

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

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

Allocations & Development Management DPD Adopted July 2013 (ADMDDP)

Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (2021) (NPPF)
Planning Practice Guidance (PPG)
NSDC Housing Need Survey 2020
Residential Cycle and Parking Standards and Design Guide SPD 2021

6.0 Consultations

Farndon Parish Council - It was unanimously agreed that the application be supported. However Members were aware of the impact the removal of mature landscaping had had on the adjacent residential properties. The Planning Authority to be asked to include a condition that mature trees and extensive landscaping be included along the boundaries to replace that lost when the site was cleared.

Nottinghamshire County Council Highways – This is a proposal for a single bungalow accessed from Fosse Road which is a 40mph road at this location. Visibility is acceptable as the verge is wide. Parking requirement for this four-bedroom bungalow is three spaces.

Due to the length of the access driveway, a refuse collection point near the junction with Fosse Road should be provided so that refuse lorries do not need to enter the access, nor carry distances be exceeded.

The width of the drive should be a minimum of 3.6m to accommodate an emergency. The width of the access should be a minimum of 2.75m plus 0.5m either side if bound by a hedge or fence. Works to construct the access will be within highway therefore the applicant should be aware of the note below. We would not wish to raise objection and would request conditions.

Trent Valley Internal Drainage Board - The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Corner House Farm Drain Feeder, an open and culverted watercourse, exists to the South of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be re-consulted.

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

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

- The development falls within flood zone 2 and therefore the LPA should apply national flood risk standing advice (FRSA) in this instance.

<https://www.gov.uk/guidance/flood-risk-assessment-local-planning-authorities>

There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

5 neighbouring comments have been received raising the following matters:

- Highway safety;
- Loss of privacy;
- Loss of light;
- Retention of the boundary fence and retained at a sufficient height to maintain privacy and security;
- Increase in noise;

- Loss of the existing trees should be replanted;
- Drive is too long, and the dwelling should be more in the middle of the plot;
- Impact on wildlife.

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 starting point for considering development is against the development plan which is up to date for decision making purposes.

Spatial Policy 1 and 2 provide the settlement hierarchy for the District and Farndon does not feature within it. The settlement is therefore an 'other village' and so the development should be considered against Spatial Policy 3 of the Amended Core Strategy (ACS). This policy states that beyond Principal Villages, proposals for new development will be considered against the criteria of location, scale, need, impact and character. SP3 states that development should be located in villages, this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields, paddocks or open space which form the edge of built form. Although the land is considered to be undeveloped it is surrounded by existing residential development and is considered to be located within the settlement of Farndon.

The location, scale, impact and character of the proposal is considered acceptable in general. The NSDC Housing Need Survey 2020 states that within the Rural South Area, the housing need for 4 bedroom bungalows is not the highest need for the area. The greatest need is for 4 or more bedroom dwellings (35.8%) with 3 bedroomed houses next (20.2%), followed by 1-2 bedroomed dwellings (15.5%) and then 2 bedroom bungalows (14.4%). Farndon's own housing need survey (2016) also concluded that the greatest need within Farndon itself is for 2, 3 and 5 bedroomed dwellings, and 3 and 4 bedroomed bungalows. There is clearly a need in Farndon for bungalows and the proposal is considered to help meet this need.

The principle to develop the site with residential is largely acceptable subject to further onsite assessment which is outlined below.

Impact on flood risk

Access to the site is located within flood zone 2 and therefore at medium risk from main river flooding. The house itself would be within zone 1 but is inaccessible from zone 1 so I take the view that the proposal needs to be assessed as a whole given the two elements are inextricably linked. Para 159 of the NPPF (2021) states inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The Planning Practice Guidance under Table 2 Flood Risk Vulnerability Classification, states the use (dwellinghouse) is classed as a more vulnerable use. Policies DM5, CP10 and Paragraph 162 of the NPPF (2021) states the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. **The Planning Practice Guidance states 'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the ...decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.'** (Paragraph: 023 Reference ID: 7-023-20220825).

Applying the Sequential Test however is normally applied District wide and for that the Council has a proven 5-year housing land supply whereby it would not be reliant on the use of such land for the supply of housing. However, the Planning Practice Guidance states **'the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed.'** (Paragraph: 027 Reference ID: 7-027-20220825). Although this isn't defined by the PPG it provides examples such as the catchment area for a school or where the development is needed to sustain the existing community. The proposal is for a 4 bedroomed dwelling where it could reasonably accommodate children. Having consulted with Nottinghamshire County Council they state that the local primary school, St Peter's Cross Keys C of E Academy, has a surplus of places over the next five years. However, this one dwelling alone is not considered necessary to sustain the local community and tip the balance of acceptability in the planning balance. Farndon is a well-established community with many local facilities and by applying the Sequential Test to the settlement alone to benefit the school, would not result in such overriding benefit to the community. The proposal would bring about a 4 bedroomed bungalow, which although is not of greatest need within the location would contribute to a clear need for bungalows within Farndon, but again this is not an overriding need to allow the development.

December update

The Council has received additional information on the Flood Risk Assessment with regards to the update to the PPG. In this the author quotes paragraph 49 which in summary relates to increasing the risk of flood risk elsewhere due to the loss of floodplain storage, the

deflection or construction of flood flow routes or through inadequate management of surface water.

Where flood storage from any source of flooding is to be lost as a result of development, on-site level-for-level compensatory storage, accounting for the predicted impacts of climate change over the lifetime of the development, should be provided. The update to the FRA states that 39m³ of floodplain storage will be lost within Flood Zone 2 to account for the proposed driveway. The update states that due to the surrounding floodplain of 14,000m² there would only be a 3mm increase in flood level. No details of onsite or offsite compensation have been put forward within the update. The NPPF (2021) at paragraph 159 and 164 insists that development should be made safe for its lifetime without increasing flood risk elsewhere. The PPG (para 49) states where it is not possible to fully mitigate the impacts, the FRA will need to fully detail the extent and nature of the increase in risk and to assess its significance. Whilst the NPPF states any increase should not occur, the PPG (which has been updated more recently in August 2022) states an increase can occur, but mitigation has to happen and the risk assessed. In my opinion the increase at 3mm (as stated by the author) is still an increase in flood zone 2 and within an area comprising of more vulnerable development (residential) of both two storey and single storey dwellings, where the impact would be put upon them. This is contrary to the NPPF and the PPG and is therefore not acceptable.

Upon applying the Sequential Test, and given the Council has a proven 5-year housing land supply, there is land available at lower risk of flooding whereby the use can be accommodated and although there are some local benefits with the provision of one dwelling, this would not tip the balance of acceptability in the planning balance. Thus, the Sequential Test is not considered to be passed.

Therefore, the proposal fails to accord with national and local policies on flood risk and fails the Sequential Test.

Impact upon Highway Safety and parking provision

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all, which is echoed within Policy DM5. Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Council's Residential Parking SPD states that a minimum of 3 parking spaces should be provided for as well as secure cycle parking and space for equipment. A single attached garage is located to the south of the proposed dwelling and 3 parking spaces are provided for within the site approximately 37m from the garage. Although the proposal can provide the required parking provision within the site, the distance between the parking and the property is not desirable at approximately 37m although the parking area would still have natural surveillance.

Nottinghamshire County Council Highways have not raised an objection to the proposal subject to conditions and the access width being to the minimum standards and refuse collection points are made near the junction with Fosse Road. This collection point would be

approximately 100m from the front of the property which would mean someone wheeling a bin a considerable distance which again is undesirable.

The current plans show a driveway and access to be 3.2m (approximately) in width and as the land to the north and south is highway owned, they would need to ensure it is constructed to the satisfaction of the Highway Authority.

Therefore, although the access and parking arrangements are undesirable, the provision of parking is acceptable and the access would not result in harm to highway safety. It would be the case of 'buyer aware' if the proposal was deemed to be acceptable, regardless of the comments on flooding in the preceding section of this report.

Due to the amount of space within the site, although it is not explicit, it is expected that cycle provision could be accommodated within the garage whilst still maintaining allowances for 3 parking spaces for vehicles.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The building is between 10 – 12m from the rear elevations of properties on Staveley Court and approximately 7.5m from the rear of 16 Holmefield to the proposed garage. Due to the distance and the single storey design of the proposal, it would not result in harm to neighbour amenity from overbearing, loss of privacy or light impacts. There is an existing boundary fence surrounding the site which would mitigate the impact of the building. Thus, the proposal would comply with policy DM5 of the ADMDPD.

Impact upon Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) of the ACS seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 states that natural features of importance, which are either within or adjacent to development sites should, wherever possible, be both protected and enhanced.

Reports from neighbours have stated that the site has been cleared in recent times, of trees and vegetation, however wildlife are still present on the site due to surrounding trees outside the site. One tree remains on the site which has little amenity value and is in poor visual condition.

No arboricultural survey has been submitted with the application nor have any trees been plotted on the submitted drawings, although the Council is unable to consider the harm to these trees, from inspection it is not considered worthy of retention either due to the visual condition and poor public amenity value.

Equally no ecology/biodiversity survey has been submitted to assess the impact of the

development on these landscape features and the Council has not requested one as the proposal is clearly within a flood zone and thus contrary to policy.

Some members of the public have raised concerns over the impact of the proposal upon the local ecology. However due to the lack of features now within the site it is unlikely that the site would harbour any significant ecological activity and the existing trees and landscaping around the boundary would be unaffected by the proposal.

Thus, the proposal accords with the NPPF, Core Policy 12 of the ACS as well as Policy DM5 of the ADMDPD.

Impact on design and housing density

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

Paragraph 130 of the NPPF (2021) states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Overall, I consider that the design and the use of the materials on the proposed dwelling would have a neutral impact and the design of the dwelling itself is not dominating within the locale, thus resulting in being acceptable.

The scale of the plot is approximately 0.24 hectares in area. Core Policy 3 of the Council's Amended Core Strategy states densities on unallocated sites should be of 30 dwellings per hectare. At this density the site should provide 4 dwellings. The proposal is below this recommended density and would result in an underutilisation of the land. However, given that half the site is in flood zone 2 and the proximity of the surrounding residential development, this density may not be acceptable to ensure the safety of future occupants and acceptable amenity for existing residents. However, 1 dwelling is proposed within flood zone 1 (apart from the access through zone 2), which for the reasons outlined in the above report, is not considered acceptable.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

Due to the siting of the access through land identified as being within Flood Zone 2 by the Environment Agency data maps, the proposal is considered to fail the sequential test as the Council has other land available within the District at lower risk of flooding and has a proven

5 year housing supply whereby it is not reliant on using land at risk of flooding for speculative development. There are no overriding material considerations to outweigh this.

The applicant also failed to include details of how it would impact upon local ecology and to the existing tree on the site. However, given the lack of visual significance of the remaining tree on the site and the ecological value of the site, it is not considered that this is a justifiable reason in which to warrant a refusal of the application.

Whilst the proposal has been assessed to have an acceptable impact upon neighbour amenity, design, highway safety and parking provision, these are neutral factors and do not affect the planning balance. The provision of one dwelling that would positively contribute to housing stock and housing need and contribution to the local school, does not outweigh the harm identified and would represent unsuitable development in my view. **In addition, the proposal is for one dwelling within an already well established community, and one dwelling is not considered to provide such a necessary and meaningful contribution that it would sustain the local services. The proposal would also increase the flood risk elsewhere due to the loss of floodplain storage without sufficient mitigation being provided for on or off site in compensation.** Therefore, the proposal is considered to be contrary to paragraphs identified within the NPPF (2021) and PPG, Core Policy 10 of the ACS and Policy DM5 of the ADMDPD.

10.0 Reason for Refusal

01

The application site contains land which is located within Flood Zone 2 as defined by the Environment Agency data maps. Core Policy 10 and Policy DM5 of the adopted Development Plan as well as Chapter 14 of the National Planning Policy Framework (NPPF 2021) sets out the due process for assessing new development within areas at risk from flooding. The Local Planning Authority must first apply the Sequential Test and then only upon satisfaction of this should the Exceptions Test be applied. In the opinion of the Local Planning Authority the proposal would fail the Sequential Test as there are other more preferable sites at lower risk from flooding within the District on which such a use should be located. There are no reasons to restrict the area in which the Sequential Test is applied. **In addition, the proposal would result in an increase in the loss of floodplain storage without sufficient onsite level-for-level compensatory storage or offsite compensation and thus would result in an increase in flood risk elsewhere to other more vulnerable developments, contrary to the NPPF (2021).**

As such the proposal is contrary to Core Policy 10 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5 of the Allocations and Development Management Development Plan Document (2013), as well as Chapter 14 of the NPPF (2021), Planning Practice Guidance, which are material planning considerations.

Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Whilst the applicant has

engaged with the District Planning Authority at pre-application stage our advice has been consistent from the outset. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

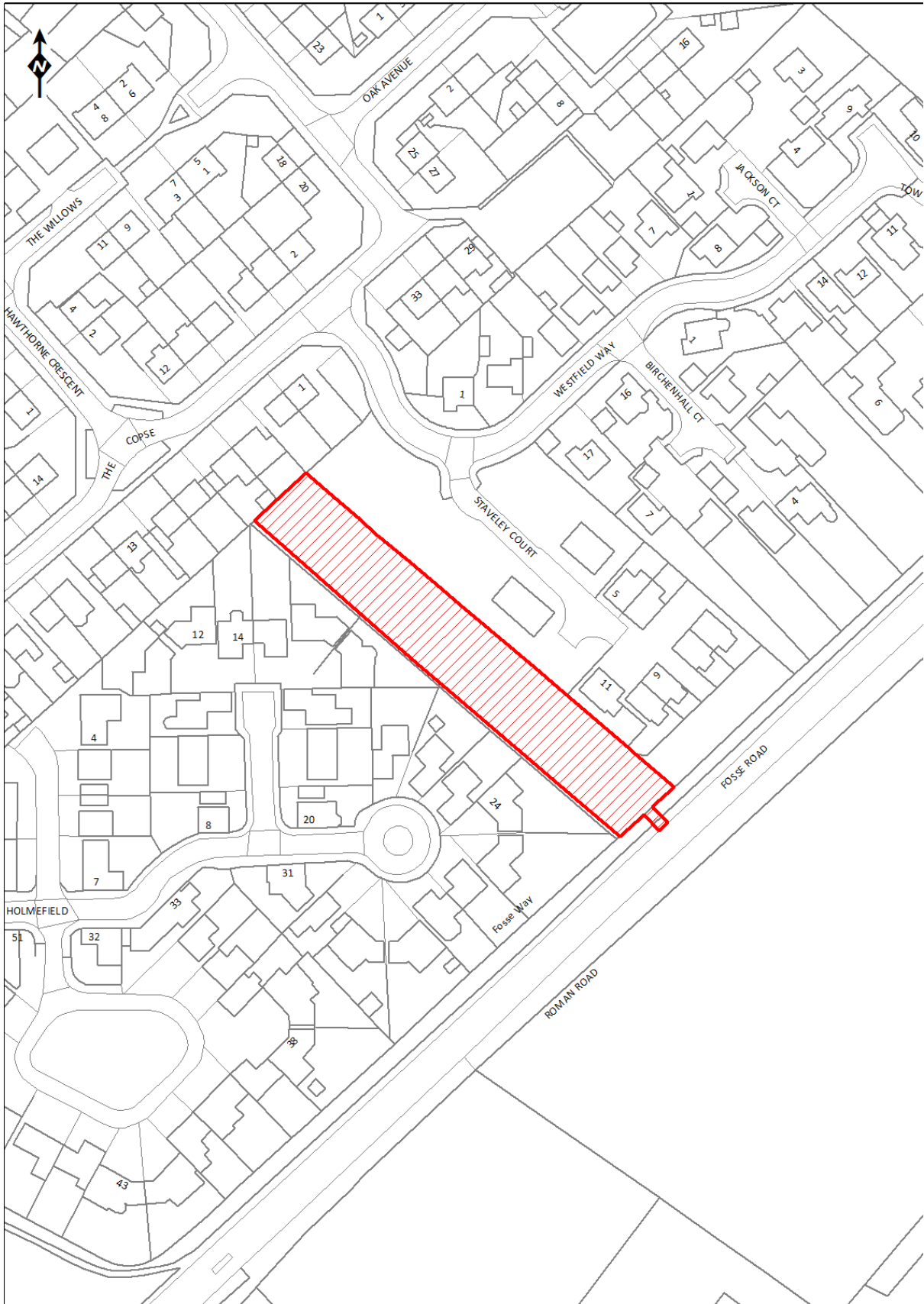
03

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

DRWG no. 2C/11/2020 Rev C Proposed bungalow and plans elevations;
Location plan;
DRWG no. 1C/11/2020 Rev C Site plan;
DRWG no. 3/11/2020 Topographical survey;
Flood Risk Assessment July 2022

BACKGROUND PAPERS

Application case file.



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Report to Planning Committee 08 December 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Amy Davies, Planner, Ex. 5851

Report Summary			
Application Number	22/01527/FUL		
Proposal	Proposed erection of a new residential dwelling (demolishing the existing building) with associated parking and private amenity space		
Location	Lurcher Farm Barn, Mansfield Road, Farnsfield NG22 8HY		
Applicant	Allen Clark Farming Ltd - Mr Ben And Tim Allen	Agent	Jackson Design Associates - Mr Leeven Fleet
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFZR01LBM3600		
Registered	03 August 2022	Target Date	28 September 2022
		Extension of Time	23 January 2023
Recommendation	That planning permission is REFUSED for the reason outlined in Section 10		

This application has been called to be considered by the Planning Committee by Councillor Bruce Laughton on the basis that the application should go through the same democratic process as a similar application at Bankwood Farm, Thurgarton (21/00379/FULM) and that the proposed new dwelling at Lurcher Farm provides a higher quality, more sustainable design (layout and appearance) compared to the prior approval conversion of the existing building.

1.0 The Site

The site lies approximately 0.5km to the west of the White Post roundabout off the A60 and A614, south of Mansfield Road. The village of Farnsfield lies to the east and Rainworth is situated to the north-west. The area beyond the application site is open countryside. The site is currently used for agricultural purposes by Allen Clark Farming. A large steel-clad building/grain store is located to the centre of the site. A brick-built former poultry egg

packaging unit, which is the subject of the application, is located in the north-western corner of the site approx. 35m from the grain store. The site also contains an informal storage yard for materials and farm machinery.

The site is accessed from Mansfield Road off a shared private drive which provides access to both Allen Clark Farming and Hill Top Farm. The site is bounded by vegetation and fencing and set back from the highway. Lurcher Farm Campsite and detached residential dwellings are located to the west of the site. The site lies within Flood Zone 1 of the Environment Agency's flood risk maps, which means it is at low risk of fluvial flooding.

2.0 Relevant Planning History

21/02388/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for building operations reasonably necessary for the conversion. Prior Approval Required and Granted 20.07.2022.

00/01622/FUL - Change of use to vegetable preparation unit, part demolition and refurbishment of building and creation of new access. Permitted 02.03.2001

00/50310/FUL - Change of use of former poultry packing shed into b1(c) or b8. new vehicular access. Permitted 15.05.2000

96/50602/FUL - Erection of grain/potato store. Permitted 26.07.1996

3.0 The Proposal

The application proposes, following the demolition of the existing agricultural building, the erection of a new dwelling measuring approximately 18.4-metres by 9.3-metres. The dwelling has been designed to emulate a converted agricultural threshing barn, with red brick walls and a slate roof, which would measure approximately 4.3-metres to eaves and 7.2 metres to the ridge.



The proposed new dwelling would comprise an entrance hall, study, snug, open plan

kitchen/dining/living space, pantry, plant room and boot room at ground floor, and three bedrooms and two bathrooms at first floor (including one master suite).

The proposed site plan indicates the dwelling would be accessed via a driveway to the north. A small patio area would be formed to the rear/south, with a mix of grassed and landscape areas to the south, east and west.



The Submission

The following plans and supporting documents have been submitted for consideration:

- 21 2327 02 003 Existing Layout and Elevations
- 21 2327 02 101 Location Plan
- 21 2327 02 102 REV A Proposed Site Plan, Layouts and Elevations
- 21 2327 VIS 103 External View 1
- 21 2327 VIS 104 External View 2
- 21 2327 VIS 105 Internal View 1
- 21 2327 VIS 106 Internal View 2
- 21 2327 02 107 Existing and Proposed South Elevation
- 21 2327 02 108 Existing and Proposed North Elevation

Structural Inspection Report prepared by Keith Simpson Associates Ltd dated September 2021
Preliminary Ecological Appraisal prepared by Weddle Landscape Design dated September 2021

Bat Emergence Survey Report prepared by Weddle Landscape Design dated July 2022

Design and Access Statement prepared by Jackson Design Associated dated July 2022

4.0 Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter.

Site visit undertaken on 15 September 2022.

5.0 Planning Policy Framework

The Development Plan

Farnsfield Neighbourhood Plan (made Sept 2017)

FNP7: The Quality of Development

FNP8: Landscape

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- 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 13 – Landscape Character

Allocations and Development Management DPD (adopted 2013)

- Policy DM5 – Design Policy
- Policy DM7 – Biodiversity and Green Infrastructure
- Policy DM8 – Development in the Open Countryside
- Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2021

Planning Practice Guidance

National Design Guide 2021

Nottinghamshire Highway Design Guide 2021

Newark and Sherwood Landscape Character Assessment SPD (December 2013)

Residential Cycle and Car Parking Standards & Design Guide SPD (June 2021)

6.0 Consultations

Farnsfield Parish – No comments received

NSDC, Environmental Services – Contaminated Land –

Standard phased contamination conditions should be attached to any planning consent. In addition, the application site lies within the zone of influence of an historic landfill site which should be considered as part of the investigation.

NCC Highways – We would not wish to raise objection

(Relevant extracts copied above. Full comments can be viewed on the Council's planning applications website via the web link included in the Report Summary).

No comments from local residents/interested parties.

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.

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

The submission Farnsfield Neighbourhood Plan passed referendum on 28 September 2017 and covers the period 2016-2033. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in the Neighbourhood Area. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Principle of Development

The adopted Amended Core Strategy DPD (2019) details the settlement hierarchy that will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The village of Farnsfield is defined as a Principal Village within the settlement hierarchy and has a defined village envelope. Farnsfield Neighbourhood Plan is supportive of development within the village envelope where it can be demonstrated that this is appropriate to its context and position within the village. However, the site is located outside of the defined village envelope of Farnsfield and within the open countryside. Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD states "Development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Policies to deal with such applications are set out in the Allocations & Development Management DPD."

In accordance with the requirements of Spatial Policy 3, Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD is supportive of new rural workers dwellings where a functional and financial need can be demonstrated in relation to the operation being served. There may be a requirement for a rural worker's dwelling in this case, however, the application has not been progressed on this basis and is not supported by the evidence such a proposal would require. The proposal therefore constitutes a new isolated dwelling in the open countryside, which the NPPF advocates LPAs should avoid except in special circumstances. Policy DM8 states that, "*planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area.*". This roughly aligns with Paragraph 80 of the NPPF 2021, which states the following:

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Parts b), c) and d) do not apply to the proposal as they relate to existing buildings. As previously acknowledged, there may be scope for a proposal under Part a), but the application has not been progressed on that basis nor is it supported by the functional and financial evidence such a proposal would require. The proposal would therefore fall to be considered under Part e) of Paragraph 80 of the NPPF, which requires the design to be of exceptional quality. The proposed new dwelling is not considered to be of exceptional quality design, as outlined in subsequent sections of this report.

In terms of whether there are material considerations that warrant a determination contrary to the Development Plan, the Design and Access Statement submitted in support of the application suggests the principle of residential use on the site has already been approved by

the LPA through the determination of an application for prior approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO') (21/02388/CPRIOR). Class Q allows for a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order and any building operations reasonably necessary to convert the building, subject to qualifying criteria and certain conditions. One such condition is that the developer must apply to the LPA for a determination as to whether prior approval is required for the following:

- Transport and highways impact of the development;
- Noise impacts if the development;
- Contamination risks on the site;
- Flooding risks on the site;
- Appropriateness of location;
- Design/appearance of the building.

Consequently, in determining a prior approval application, the LPA is not required to come to a view on the principle of development, as it is already effectively granted in principle by the GPDO subject to the impacts listed above and conditions. In any case, the development permitted by Class Q is change of use of an agricultural building to a dwellinghouse, which is different to the proposal now put before the LPA, to demolish the existing building and erect a new dwelling. The LPA must now therefore assess the principle of development and determine the application in accordance with the Development Plan, unless material considerations indicate otherwise.

The Class Q development is a material consideration. However, it falls to the LPA to decide how much weight should be given to this in the planning balance.

The submitted Design and Access Statement asserts "whilst the structural report highlights the ability to convert the structure in line with Class Q permitted development, it also suggests an intensive amount of work will need to be undertaken in order to bring the existing structure in line with residential standards. With the extensive works needed, it is proposed that the level of investment would be better served by creating a brand new dwelling." The application therefore proposes a new dwelling be built in its place. Although not explicitly stated, the submission suggests the Class Q development should be given weight as a 'fall back' position.

A 'fall back' position is something that either has the benefit of planning permission, or would not require express planning permission, that could be carried out without any further consent, and which can be considered against a current proposal, and which has a reasonably likelihood of coming forward. It is also established in case law that permitted development rights can legitimately represent a fall-back position when considering alternative proposals for development at the same site.

The prior approval application was submitted and determined on the basis that the existing building was capable of being converted to a dwelling. Indeed, the application was supported by a structural inspection report which concluded the building could be converted into a residential dwelling subject to a list of remedial works, which were considered to constitute

“building operations reasonably necessary to convert the building” (a requirement of Class Q). However, the premise of this latest application is that ‘substantial repairs and improvements’ would be required to make the building habitable, which casts doubt over whether the Class Q development has a realistic prospect of coming forward and thus whether it constitutes a genuine fall-back position.

The submitted Design and Access also suggests that replacing the existing building “will present an opportunity to provide a superior dwelling to one which will be limited by prior approval restrictions”. This again casts doubt over whether the Class Q development constitutes a genuine fall-back position. Notwithstanding the above, the following section provides a comparison of the two schemes.

Comparison with Class Q development

The following table outlines the differences between Class Q dwelling and proposed new dwelling.

	Class Q Dwelling	Proposed Dwelling	% Difference
Foot print (<i>measured externally</i>)	165m ²	171m ²	+3.6%
Floor space (<i>measured internally</i>)	146m ²	271m ²	+85.6%
Length	18m	18.4m	+2.2%
Depth	9m	9.3m	+3.3%
Height (South Elevation)	6.4m	7.2m	+12.5%
Residential Curtilage	165m ²	1,760m ²	+966.8%

**All measurements are approximate and derive from measuring the submitted plans electronically using the scales provided.*

The calculations presented in the table above indicate the proposed new dwelling would cover roughly the same footprint as the existing building/Class Q dwelling but would have a higher ridge to form a two-storey dwelling. As a result, the floorspace of the proposed new dwelling would be almost double that of the Class Q development. In addition, the application proposes a residential curtilage almost ten times larger than that allowed under Class Q. Considering these differences, and the doubts over whether the Class Q could come forward, it is considered limited weight can be given to the Class Q development as a fall-back position.

The proposed development is therefore considered unacceptable in principle, given that new development is strictly controlled through Newark and Sherwood’s Spatial Strategy and planning policies are only permissive of new dwellings in the open countryside where they are demonstrated there is an essential need for a rural worker or are of exceptional quality of design.

Impact on Character

Core Policy 9 ‘Sustainable Design’ of the Amended Core Strategy DPD requires new development proposals to, amongst other things, “*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*”. In

accordance with Core Policy 9, all proposals for new development are assessed with reference to Policy DM5 of the Allocations & Development Management DPD which, amongst other things, requires new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Policies FNP7 'The Quality of Development' and FNP8 'Landscape' of the Farnsfield Neighbourhood Plan require new development to demonstrate how it has considered the character of the village and its landscape setting in its design approach.

The site is located within the 'Sherwood' Landscape Character Area and the 'Oxton Village Farmlands' policy zone (ref: S PZ 7) identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The landscape condition of the area and its sensitivity to change are defined as Moderate, built features include isolated farms with core buildings of red brick. In order to conserve the integrity and rural character of the landscape, the SPD directs new developments around the existing urban fringe of Bilsthorpe and Farnsfield. It is acknowledged that the proposed development would replace existing built form and include traditional materials to reflect the local character of the area.

However, the proposal constitutes a new isolated dwelling in the open countryside. As outlined under 'Principle of Development', Policy DM8 is permissive of new dwellings in the open countryside where they are of exceptional quality of design. The proposed new dwelling has been designed to emulate a converted agricultural threshing barn. However, the building proportions are not truly reflective of this building type and the elevations include overly domestic window and door openings, which undermine the design intent. A faux barn conversion, such as the proposed, is not considered to demonstrate the exceptional quality required by Policy DM8. The submission suggests the proposed new dwelling would 'provide the highest quality in design, appearance and be able to meet the latest energy and future energy demands with sustainability in mind'. However, in the absence of specific details, it is not possible to conclude that the proposed new dwelling would be of exceptional quality of design required by Policy DM8 of the Allocations & Development Management DPD or indeed Paragraph 80 of the NPPF 2021.

Impact on residential amenity

Policy DM5 requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The nearest neighbouring dwellings are located to the west of the site and are well screened by existing trees. Consequently, it is considered the proposed development would have no adverse impact on neighbouring amenities due to existing and proposed separation distances and boundary treatments, in accordance with the relevant provisions of Policy DM5 of the Allocations & Development Management 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's Highway Design Guide and Newark & Sherwood District Council's Residential Cycle and Car Parking Standards and Design Guide SPD 2021.

The proposed development would utilise the existing vehicular access and provide sufficient space for car parking and secure storage, in accordance with the requirements of the abovementioned design guidance. Indeed, Nottinghamshire County Council Highway Authority has considered the application and indicated they raise no objections. The proposal is therefore considered acceptable in highway safety terms.

Trees and biodiversity

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 application form suggests there are no trees or hedges on or adjacent to the proposed development site, which is incorrect, as there are several mature trees and hedges within and around the site, which may be adversely affected by the proposed development. No detailed tree survey or constraints plan has been submitted in support of the proposal, the impact(s) of which would be even more significant if these important natural features were lost and/or damaged. The applicant's agent was asked to provide a tree survey and impact assessment for consideration following the Case Officer's Site Visit in September 2022 but has yet to commission the work. Given the principle of development is not supported, it is not considered reasonable to delay determination to cover the submission of a tree survey report.

The NPPF states at paragraph 180 that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally, paragraph 99 of Government Circular 06/2005 states that:

It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances.

The application is supported by a Preliminary Ecological Appraisal dated September 2021 and Bat Emergence Survey Report dated July 2022, both prepared by Weddle Landscape Design and previously submitted in support of the prior approval application.

The Preliminary Ecological Appraisal identified the existing building has having low suitability to support bats but suggested further survey work was required to confirm the presence/likely absence of bats. A Bat Emergence Survey, carried out in May 2022, uncovered

a day roost with a maximum count of one bat, believed to be a pipistrelle species individual. Given demolition of the existing building would lead to the loss of a known pipistrelle day roost, the report recommends a Natural England Bat Mitigation Licence be secured.

Natural England advises that planning permission can be granted when the proposal is likely to affect a protected species if:

- an appropriate survey was carried out by a qualified ecologist at the time of year specified in the standing advice
- a wildlife licence is likely to be granted by Natural England if one is needed
- mitigation plans are acceptable
- compensation plans are acceptable when mitigation isn't possible
- review and monitoring plans are in place, where appropriate
- all wider planning considerations are met.

In relation to European Protected Species (including all bat species), Local Planning Authorities are required to be satisfied that a license is likely to be granted when determining a planning application and would need to have in mind the three tests set out in Regulation 53 of The Conservation of Habitats and Species Regulations 2017 if required, namely:

- a. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- b. There must be “no satisfactory alternative” that will cause less harm to the species; and
- c. the activity must not harm the long-term conservation status of the species (new habitats may need to be created to offset any damage)

In terms of the first (a.) of these tests relating to overriding public interest generated by the proposal, these can be of a social, environmental or economic interest (including human health, public safety). Based on the current submission, there does not appear to be any identifiable public benefits. With regards to the second test (b.), it has not been demonstrated that there is no satisfactory alternative, as the conversion of the existing building would represent a lesser harm to species than complete demolition in this case. In terms of the final test (c.), an outline of the mitigation strategy has been provided within the Bat Emergence Survey Report that could be secured by an appropriately worded condition, if the LPA was minded to approve the application. It is considered that these mitigation measures are acceptable, in line with the third test of the Regulations. However, it is not clear that the first two tests have been passed. It follows then that any permission granted may not be able to be implemented.

In summary, whilst most matters could be dealt with by condition, in order to mitigate, avoid and compensate, the application, as currently advanced, fails to demonstrate that the first two derogation tests of Regulation 55 of The Conservation of Habitats and Species Regulations 2017 have been passed, as required in relation to a known bat roost.

Flood risk and drainage

The application site is located within Flood Zone 1, as shown on the Environment Agency's Flood Map for Planning and is therefore at low risk of fluvial flooding.

The proposed development would uplift the extent of impermeable surfaces and reduce the surface area into which rainwater could soak. The application suggests surface water would be disposed of via a soakaway, although no specific details have been submitted for consideration. Such details could be secured by appropriately worded conditions, if the LPA was minded to approve the application.

Regarding foul water drainage, the application suggests the proposed development would utilise an existing connection to public sewer, however, it is unclear whether such a connection exists and, if it does, whether it has capacity to take an increased discharge of foul drainage. However, again, specific details could be secured by appropriately worded conditions, if the LPA was minded to approve the application.

Land contamination

Policy DM10 'Pollution and Hazardous Materials' requires that where a site is known, or highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development. Where contamination comes to light as part of the development process, the proposal will be determined in light of this.

The Council's Environmental Health Technical Officer has considered the application and identified that there is the potential for contamination to be found on site as a result of the former use for agriculture. It would therefore be considered appropriate to impose standard phased contamination conditions if the LPA was minded to approve the application, to ensure appropriate investigation and mitigation in accordance with the provisions of Policy DM10 of the DPD.

Bin storage and collection

Finally, it is noted that the proposed new dwelling would be sited off a long private drive, measuring approximately 200 metres, that includes a secure gated entrance at the point it meets a shared private lane off Mansfield Road. Building Regulations dictate that the distance that householders are required to carry refuse should not usually exceed 30 metres (excluding any vertical distance). The distance to Mansfield Road significantly exceeds this limit, as does the length of the private drive leading up to the site entrance, so it is likely a private bin collection arrangement would be needed to support the proposed development.

8.0 Implications

In writing this report, and in putting forward recommendations, officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The proposed new dwelling, with associated parking and private amenity spaces, is considered inappropriate development in the open countryside which cannot be justified by any special circumstances i.e. there is no essential need for the dwelling and the design is not of exceptional quality. Furthermore it is not considered that the current Class Q development represents a realistic fall back position that can be given any weight and in any event the proposals presented by this application is materially different to the scheme of the prior notification. The proposal is therefore contrary to the NPPF, Spatial Policy 3 'Rural Areas' the Amended Core Strategy DPD and Policies DM5 'Design' and DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD.

Furthermore, in the absence of a tree survey, the impacts upon existing trees and hedges on and adjacent to the site are not fully known. The application also fails to demonstrate that the derogation tests of the Habitat Regulations, in relation to a known bat roost within the building proposed to be demolished, have been met, which also weighs negatively against the scheme.

There are no benefits or material considerations that outweigh the demonstrable harm identified and a recommendation of refusal is made.

10.0 Reasons for Refusal

01

In the opinion of the Local Planning Authority, the development constitutes a new isolated dwelling in the open countryside, which the Development Plan advocates should be avoided, except in special circumstances. The proposed new dwelling, with associated parking and private amenity spaces, is considered inappropriate development in the open countryside which cannot be justified by any special circumstances i.e. no essential need for a rural worker and no exceptional quality of design has been demonstrated.

The proposal therefore represents unsustainable development and is contrary the Development Plan namely, Spatial Policy 3 'Rural Areas' of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and Policy DM8 'Development in the Open Countryside' of the Allocations & Development Management DPD (adopted July 2013) as well as the NPPF which is a material planning consideration.

02

The Development Plan outlines that where a site contains or is adjacent to features of natural importance, such as trees and hedges, proposals should take account of their presence and wherever possible incorporate or enhance them as part of the scheme of development, as this can help integrate new development into the existing landscape. In the absence of a BS 5837:2012 compliant tree survey, the Local Planning Authority considers the proposal has failed to take account of the presence of features of natural importance and maximise opportunities for conserving existing trees on site. Furthermore, it has not been demonstrated that root protection areas of trees and hedgerows would not be indirectly harmed by the development, which could result in a negative impact upon the rural character and biodiversity of the area. In addition, a bat roost has been identified within the building to

be demolished, but it is unclear, from the submission, whether a Natural England Bat Mitigation Licence would be granted as not all the derogation tests have been demonstrated to be passed.

The proposal is therefore fails to duly consider impacts on the natural environment and is contrary to the Development Plan namely, Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the adopted Allocations & Development Management DPD (adopted July 2013) as well as the NPPF and The Conservation of Habitats and Species Regulations 2017, which are material planning considerations.

Informatives

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

03

Refused drawings:

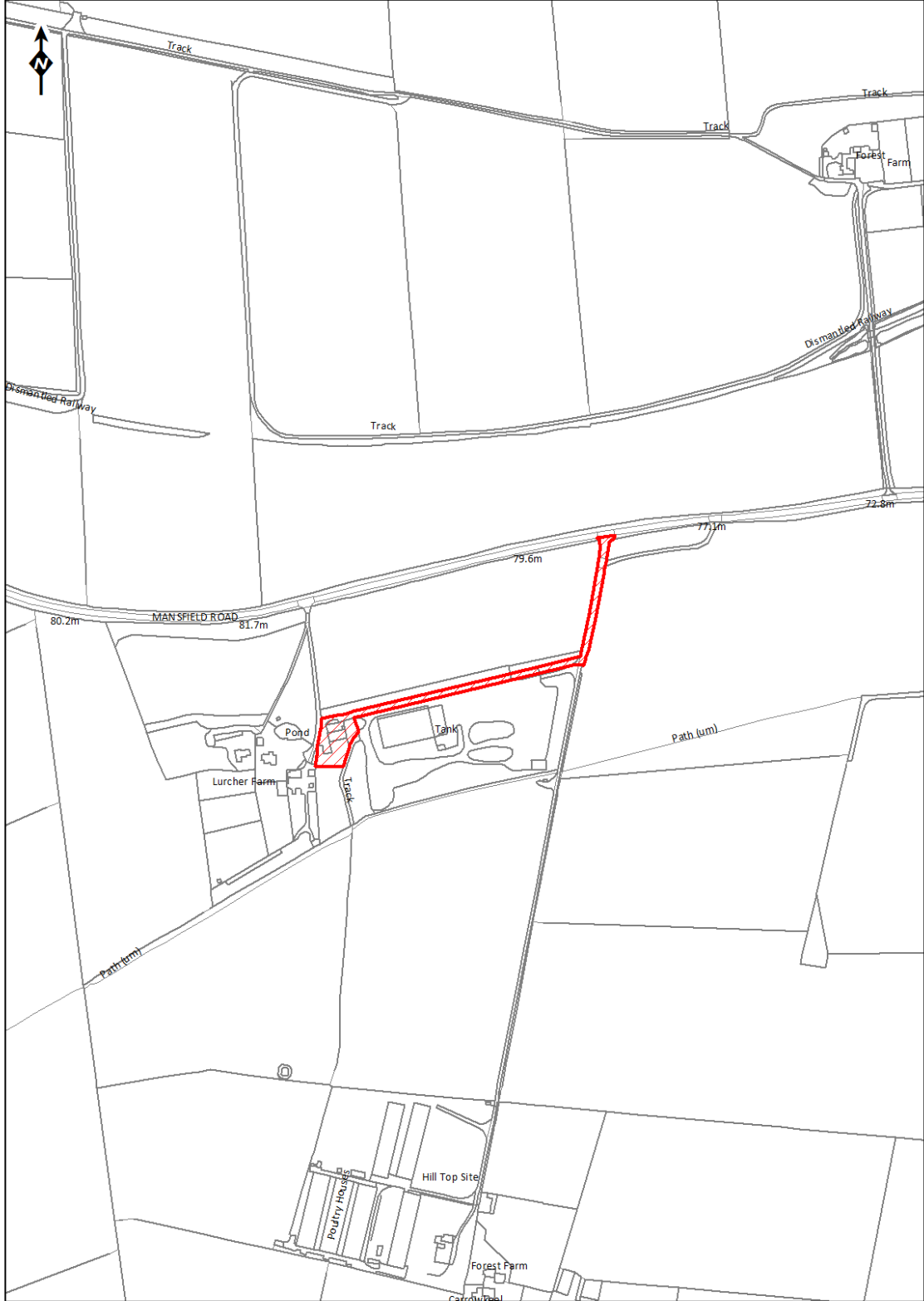
- 21 2327 02 003 Existing Layout and Elevations
- 21 2327 02 101 Location Plan
- 21 2327 02 102 REV A Proposed Site Plan, Layouts and Elevations
- 21 2327 VIS 103 External View 1
- 21 2327 VIS 104 External View 2
- 21 2327 VIS 105 Internal View 1
- 21 2327 VIS 106 Internal View 2
- 21 2327 02 107 Existing and Proposed South Elevation
- 21 2327 02 108 Existing and Proposed North Elevation

BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/01527/FUL



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Report to Planning Committee 08 December 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	22/01858/S73M		
Proposal	Variation of condition 6 attached to the appeal decision for planning application 20/01242/FULM to amend the approved plans		
Location	Land North of Halloughton, Southwell		
Applicant	Pegasus Group - Mr Mark Herbert	Agent	Pegasus Group - Mr Mark Herbert
Web Link	22/01858/S73M Variation of condition 6 attached to the appeal decision for planning permission 20/01242/FULM to amend the approved plans Land North Of Halloughton Southwell (newark-sherwooddc.gov.uk)		
Registered	10.10.2022	Target Date	09.01.2022
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 10		

The application is referred to the Planning Committee in line with the Council’s Scheme of Delegation as the original application was determined by the Planning Committee and the amendment proposes material changes to the scheme.

1.0 The Site

The application site comprises 13 agricultural fields north of the village of Halloughton. Collectively all parcels of land are c.106.07Ha and given the isolated nature of the site it falls as Open Countryside. The site is gently undulating and rounded, resulting in views being medium to long distance throughout most of the area with frequent wooded skylines.

The southern portion of the site is located to the north of, and within the parish of Halloughton. This section of the site comprises five large linear fields with boundaries at their edge, including copses at the western and part of the southern boundary. Overhead electricity lines and pylons cross this parcel in an east-west direction. Halloughton village lies close to the southern boundary of the parcel and the A612 lies to the east of the eastern boundary. Agricultural land surrounds the parcel in other directions.

The northern section of the site is located further from Halloughton and largely lies within the parish of Southwell, comprising seven separate fields of various sizes. The parcel includes buildings associated with New Radley Farm, which has its own access track from the north. There are two Public Right of Ways (PRoW) within the Site boundary, footpath 209/43/1 (Southwell 43) is located in the far northern extent of the Site, situated adjacent to the northern boundary. Bridleway 209/74/1 (Bridleway Southwell 74) runs from the north-eastern edge of Halloughton Wood in a broadly east to west direction through the central portion of the site terminating at Stubbins Farm in the east. Footpath 209/42/1 (Southwell 42) also runs adjacent to the western boundary of the site and adjoins to Southwell 43 broadly centrally along the northern boundary. Southwell Byway No.80 which becomes Halloughton Byway No. 9 at the parish boundary is also adjacent to the south-west corner of the site. An overhead electricity line runs east to west through the southern section of the site and the Westhorpe Dumble crosses the site in the same direction just to the north of this.

Land around the Westhorpe Dumble (a characteristic dialect word meaning “wooded valley”) is defined as a Local Wildlife Site (LWS) ‘Westhorpe Dumble 2/524 – a characteristic dumble’. A number of other LWS’s surround the appeal site such as: Westhorpe Dumble Head Drain – 2/724 ‘An unlikely association of uncommon grassland species on the banks of a drain’, Radley House Scrub – 5/3390 ‘woodland’, Cotmoor Lane – 2/719 ‘Broad wooded trackside verges’, and Cotmoor Plantation – 2/723 ‘ A damp deciduous woodland with a diverse flora’. An area of Ancient Woodland 'Halloughton Wood' is located c.150m to the west of this site at its closest point.

The south-west parcel of the site lies close (between approx. 70 - 250 m) to the boundary of Halloughton Conservation Area (CA), however only the proposed access lies within the CA boundary. The northernmost portion of the site lies c.0.9km from the boundary of Southwell CA. With regard to other nearby historic designations there are a number of Grade II and II* listed buildings within Halloughton and Southwell along with the internationally significant Grade I listed Southwell Minster Church.

2.0 Relevant Planning History

20/01242/FULM - Construction of a solar farm and battery stations together with all associated works, equipment and necessary infrastructure – Refused 04.03.2021 and Allowed at Appeal 18.02.2022

19/SCR/00016 - Request for screening opinion for a proposed solar installation – Environmental Impact Assessment Not Required 28.08.2019

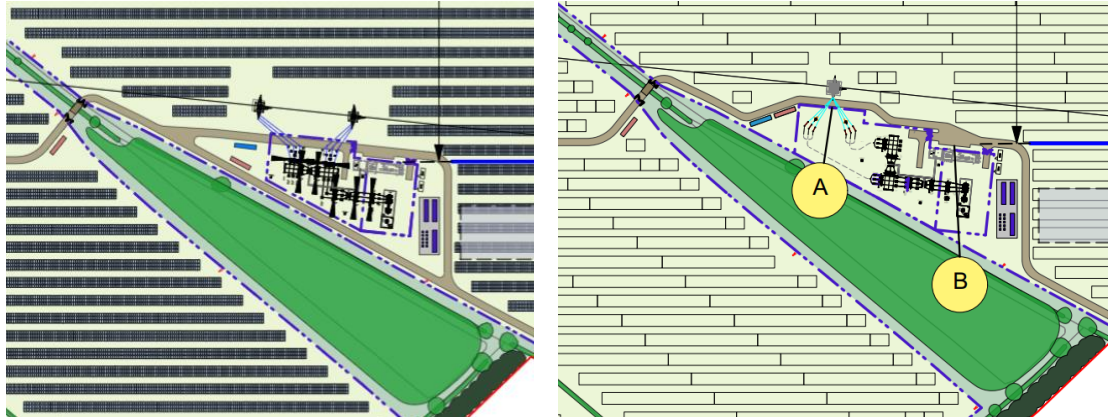
3.0 The Proposal

The application is a Section 73 application submitted to allow the variation of Condition 06 attached to planning permission 20/01242/FULM that was allowed at appeal in February 2022, to amend the approved plans as follows:

- Amendment A: Omission of one pylon and erection of two Point of Connection (POC) Masts: 29m in height and of steel construction. These are required to connect the generated electricity to the 132Kv pylon adjacent to the proposed substation. Two

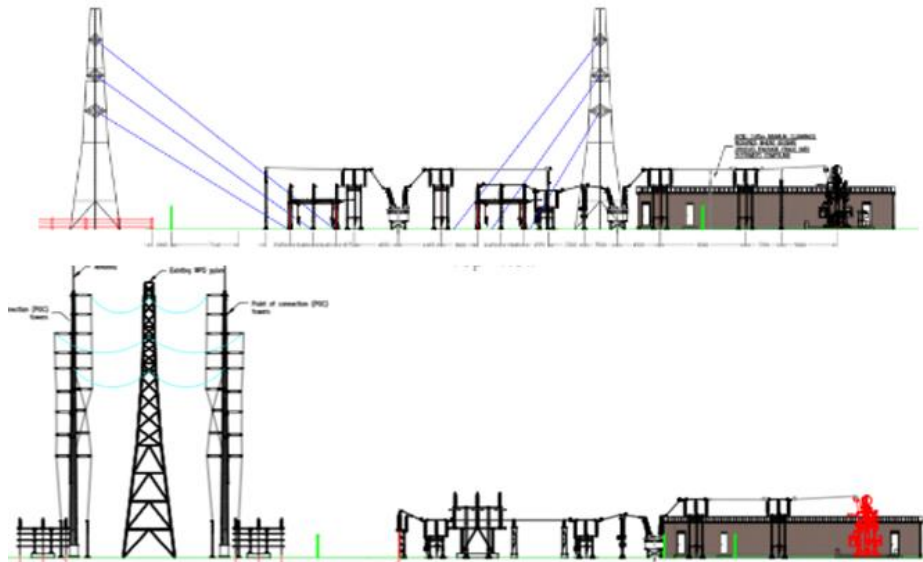
masts are required to connect to the pylon through a 'looped' cable and need to be positioned 10m distance from the pylon at a perpendicular angle in order to balance the weight of the structures. In order to accommodate the masts amendments have been made to the access track and one pylon proposed would be omitted.

- Amendment B: Access track within the substation compound realigned



L: Approved Plan

R: Proposed Amendments A & B



Top: Approved Plan Bottom: Proposed Amendments A & B

- Amendment C: Panels removed from southern field of the northern half of the solar farm and 2 no. battery stations relocated into the field to the north.



L: Approved Plan

R: Proposed Amendment C

- Amendment D: General realignment of solar panels in the northern and southern parcels

This application would substitute the following drawings:

- P18-2917_12 Rev M - Site Layout and Planting Proposal.
- HLG-01-2001 Rev 01 - Indicative WPD and Customer Compound Layout.
- HLG-01-2002 Rev 01 - Indicative WPD and Customer Compound Elevations.

with the following drawings:

- P18-2917_12 Rev P - Site Layout and Planting Proposal
- Substation Compound Details Rev. A

Documents assessed as part of this application:

- Site Location Plan – Ref. P18-2917_02 D
- Revised Site Layout and Planting Proposals – Ref. P18-2917_12 REV P
- Substation Compound Details Rev. A
- Revised Covering Letter (deposited 12.10.2022)

4.0 Departure/Public Advertisement Procedure

Occupiers of 74 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

Site Visit Undertaken: 26.10.2022

5.0 Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan, made 11 October 2016

Policy SD1 - Delivering Sustainable Development
Policy E1 - Flood Risk Assessments and Mitigation
Policy E2 - Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E4 – Public Rights of Way
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 - Highways Impact

NSDC Amended Core Strategy, adopted March 2019

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 2 – Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 6 – Infrastructure for Growth
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM8 – Development in the Open Countryside
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021;
National Planning Practice Guidance (online resource);
Planning (Listed Buildings and Conservation Areas) Act 1990
Landscape Character Assessment Supplementary Planning Document Dec 2013UK
Government Solar Strategy 2014
EN-1: Overarching National Policy Statement for Energy (July 2011);
EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)
The Climate Change Act 2008
Written Ministerial Statement on Solar Energy: protecting the local and global environment
made on 25 March 2015
Commercial Renewable Energy Development and the Historic Environment Historic England
Advice Note 15 (February 2021)
The Climate Crisis: A Guide for Local Authorities on Planning for Climate Change 2021

6.0 Consultations

NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.

Halloughton Parish Council – *No comments received.*

Southwell Town Council – Object:

- These variations are not minor and the new 29 metre connection mast[s] will be more visible and intrusive
- There is insufficient visual information provided. Photomontages are required from Stubbins Lane and Halloughton Road to access the visual impact of these changes.

Halam Parish Council - *No comments received.*

Southwell Civic Society – Object:

- This is a major departure from the original proposal and there is no explanation as to why this change is proposed.
- The two towers in conjunction with the existing pylon will cause a dominating and unacceptable feature on the landscape that will be visible from FP74 and further afield and may have changed the original approval.
- There has been no full landscape assessment.

The Thoroton Society – Oppose the scheme:

- These variations cannot be described as “minor”. The imposition of 29 metre connection masts would be even more intrusive, making the spoilation of this beautiful and precious landscape even more unacceptable. They will have a significantly increased impact on views from the ancient Stubbins Lane and the district round about than even the infrastructure which has already, regrettably, been previously approved.

Historic England – No comments to make.

NSDC Conservation – No objection.

LCC Archaeology – No objection

NCC Highways – *No comments received.*

NCC Rights of Way – *No comments received.*

Ramblers – *No comments received.*

NSDC Environmental Health – *No comments received.*

Public Health England – *No comments received.*

Nottinghamshire Wildlife Trust – *No comments received.*

Natural England – No comments to make.

NCC Ecology – *No comments received.*

NSDC Tree Officer – *No comments received.*

Ministry of Defence – No objection.

National Air Traffic Services – No safeguarding objection to the proposal.

DEFRA – No comments received.

Caunton Airfield – *No comments received.*

The Environment Agency – No comments to make.

NCC Flood Risk – No objection.

Trent Valley Internal Drainage Board – *No comments received.*

NCC Planning Policy - *No comments received.*

Comments have been received from ONE local resident(s)/interested party that can be summarised as follows:

- Removal of panels from the southern field of the northern half of the solar farm and relocation of battery storage stations to the north is welcomed.
- The two POC masts proposed would be a major alteration to the previous scheme which would introduce a significant new visual element to the scheme. The masts would result in further harmful landscape quality and visual amenity effects. The result would be further industrialisation of the site.
- How would the POC masts be transported to the site? Would this result in an amendment to the Construction Traffic Management Plan? How will this affect the swept path analyses undertaken for HGVs?

7.0 Comments of the Business Manager – Planning Development

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

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

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

The NPPF is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning consent.

Following an inquiry, full planning permission was granted in February 2022 by the Planning Inspector subject to a number of conditions, reference 20/01242/FULM. The condition to be varied in this application is Conditions 6 (the Approved Plans) to amend the design of the solar farm as set out in full in the description of the proposal, including the erection of two POC masts in the substation compound.

The agent has advised that POC masts are a more efficient way of connecting to existing powerline infrastructure and removes the need for introducing another tower (pylon) to the circuit as was initially proposed. From a construction perspective, using POC masts would remove the need for complex changes to the existing tower, the need for significant outage on the power lines and the surrounding area and can be constructed in significantly less time, providing connection into the network in a single day (once constructed). The POC masts would be constructed before energising and without interfering with the grid which means that the Distribution Network Operator (DNO) must turn off the network for a single day when connecting, rather than turning off multiple times over a period of weeks/during the construction period.

Given the changes proposed are limited to the physical infrastructure and track in the main substation compound, minor alterations of battery infrastructure positioning within the site and reconfiguration of the panels within each field, which would not result in any amendments to the access to the highway, drainage strategy or planting/landscaping proposals, it is considered that the main issues relate to how the proposed changes would impact the character and visual amenity of the area and heritage.

Impact on Character and Visual Amenity including Heritage Matters

Landscape Character and Visual Impact

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Core Policy 13 requires new development to positively address the implications of the relevant landscape character policy zones that is consistent with the landscape conservation and enhancement aims for the area, ensuring that

landscapes have been protected and enhanced. Chapter 15 of the NPPF also supports the protection of the intrinsic character and beauty of the countryside in order to conserve and enhance the natural environment.

Given their nature and scale, it is inevitable that large scale solar farms may result in landscape harm. In this context, national and development plan policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme.

The application site does not form part of any designated landscape and for the purposes of the NPPF, the site is not a valued landscape. The site extends over 12 fields and it at the confluence of three Landscape Character Policy Zones (LPZ) as identified by the Council's Landscape Character SPD (LPZ 37, 38 and 39). The landscape characteristics of the site and immediate surroundings are consistent with the characteristic visual features listed for the LPZs. These are: a predominantly arable agricultural landscape with medium to large scale fields with some smaller pasture fields; field boundaries comprising well-maintained hedgerows albeit fragmented in places, with some mature hedgerow trees; blocks of woodland of varying age and linear sections of woodland along field boundaries, streams, and drains. Topography is gently undulating and rounded with medium distance skyline views enclosed by hedgerows and woodland.

The key elements that contribute to landscape character are topography, land use/land cover, tree/woodland, hedgerows, public footpaths, and watercourses.

In determining the Appeal, the Inspector drew the following conclusions in relation to Landscape Character:

- Taking the landscape characteristics, condition, and sensitivities of each of the 3 LPZs as a starting point and looking at value and sensitivity in the round, the site and its surroundings have a medium landscape value and medium sensitivity to change.
- Topography, land use/land cover: there would be no material change to topography and most of the site would be retained in agricultural use as grazing pasture. The degree/scale of effect would therefore be *Not Significant* in landscape character terms.
- Trees and hedgerows: there would be a *Major and Significant* beneficial effect as a result of additional tree and hedgerow mitigation planting.
- Public Footpaths: No change.
- Watercourses: *Not Significant* beneficial effect.
- Outside the boundaries of the site: Given their spatial extent there would be no significant adverse effect on the landscape character of the wider LPZs and no direct impacts on landscape character outside the boundaries of the site. Given the topography of the area and existing planting there are limited medium distance views and visibility of the site. Accordingly, whilst the solar panels and associated infrastructure would, in Environmental Impact Assessment terms, have a Significant Adverse effect on landscape character, it would be highly localised.
- Within the boundaries of the site: During the construction period and at Year 1 the scale of effect would be *Major* and have a *Significant* adverse effect on landscape character within the site, which would be experienced at several places where there are views into the site. However, given the relatively short construction period and at

a time when the mitigation planting would be young, such adverse impacts cannot be avoided. Thus, the weight attached to these early effects is limited. Over the lifetime of the scheme the planting would then increasingly mitigate the landscape impact of the solar panels and associated infrastructure - the adverse effect would be reduced to a largely *Moderate Adverse* impact and *Not Significant* in landscape character terms.

In determining the Appeal, the Inspector drew the following conclusions in relation to Visual Impact:

- At Year 10 the visual effect at Viewpoints (VPs) 1, 3, 5, 6, 7, 9, 10 to 13 and 16 to 18 are judged as *Negligible* and *Not Significant*.
- At Year 10 the visual effect at VPs 2 and 8, are judged as *Minor Adverse* and *Not Significant*.
- At Year 10 the visual effect at VPs 4 and 14 are described as a *Moderate-Negligible Adverse* effect and *Not Significant*.
- At Year 10 the visual effect at VP 15 (and between 14-15) is judged as *Major Adverse* and *Significant*. However, this is limited geographically and short in duration. As the planting matures, the solar panels would largely disappear behind the planting mitigating the visual harm.

Drawing the above together, the Inspector concluded that it is inevitable that, located in a countryside location, a solar farm of this scale would have some adverse landscape character and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect would be limited and very localised. Moreover, as the existing and proposed planting matures, the adverse effects, would be acceptably mitigated. Whilst the 40-year lifetime of the scheme is significant, once the solar farm is decommissioned, there would be no residual adverse landscape effects. Rather the scheme would, through the mitigation planting, leave an enhanced landscape consistent with the objectives of the development plan and the SPD.

Whilst noting that the original application was recommended for refusal by Officers and subsequently refused by the Planning Committee on landscape character and visual impact grounds, the Planning Inspectorate's decision to allow the appeal is a material consideration. It is therefore in *this* context that the amendments to the scheme as proposed should be assessed.

The amendments proposed in this application would not result in any greater impact on topography, land use/land cover, trees and hedgerows, public footpaths or watercourses, which are the key elements that contribute to landscape character. Arguably the most potentially adverse change proposed is Amendment A, the erection of the two 29m high POC masts. However, in landscape character terms the impact of such additional infrastructure in addition to the other amendments proposed, are unlikely to result in any material change over the previous landscape character conclusions.

Turning now to visual impact, the general reconfiguration of the panels within each field (Amendment D) and change to the access track alignment within the substation compound (Amendment B) would likely be impercievable when considering the overall scale of the development. However, Amendments A and C are likely to result in perceivable visual changes

to the scheme as approved.

Amendment A would result in the addition of two 29m high POC masts either side of one of the pylons, within the substation compound and the omission of one pylon. VP4 is the viewpoint in the LVIA that most clearly shows this area of the solar farm development (which is taken from PRow 209/74/1, looking south). No illustrative material has been submitted with this application, so Officers have annotated the approximate location of the POC masts on the photomontage image below to give a general indication of their visual impact and the pylon proposed to be omitted is shown circled green.



Officer Annotation of Photomontage View (Year 10) of VP4 (from PRow 209/74/1, looking south) with POC masts shown approx. in red and Pylon omitted shown circled green.

In assessing the original proposal, the Year 10 effect at VP4 was concluded to be *Moderate-Negligible Adverse* and *Not Significant*. A moderate adverse effect is typically described as a Medium Magnitude of change where the proposal would result in a clear deterioration in the view. The POC masts would be contained within the approved compound area and would be no taller than existing pylon infrastructure immediately to the north of this compound (into which the POC masts would connect). The applicant asserts that the proximity to an existing pylon will ensure that impact is limited and will therefore not have any significant impact on previous landscape receptors. In the context of the solar farm as a whole, the substitution of one pylon for the proposed POC masts would assimilate into the wider development and ancillary infrastructure and are not likely to result in such a visual difference or adverse effect, in the context of the solar farm as a whole, that would increase the adverse effect above the original assessment. Therefore, considering the Inspector's previous conclusion the impact of this amendment is not considered to result in any significant visual effect.

Amendment C would see the removal of a whole field of panels from the southern field of the northern half of the solar farm with two battery stations relocated into the field to the north. VPs 2 and 3 are the viewpoints in the LVIA that would most clearly show this area of the solar farm development (which are taken from PRow 209/74/1, looking west). In assessing the original proposal, the Year 10 effect was concluded to be *Minor Adverse* and *Not Significant* at VP2 and *Negligible* and *Not Significant* for VP3. Typically, a minor adverse effect is where a proposal would result in a low magnitude of change and/or the proposal would result in a slight deterioration of the view. With the removal of one field of panels this impact would only reduce. The repositioning of the battery stations to fields to the north, within the rows of panels and between landscaping is also not anticipated to result in any significant increase in adverse visual effect when considering the solar farm scheme as a whole. Therefore, considering the Inspector's previous conclusion the impact of this amendment is not considered to result in any significant visual effect.

Therefore, considering the Inspector's previous conclusions, whilst the solar farm would have some adverse landscape character and visual impact, the amendments proposed are not considered likely to result in any greater affect than the scheme as originally approved.

Heritage

By virtue of their scale, form and appearance, solar farms are capable of affecting the historic environment. As set out under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard must be given to the desirability of preserving listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process. Fundamentally, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

Section 72 of the Act places a high duty on the preservation or enhancement of the character and appearance of conservation areas. CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the setting of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF and the accompanying Planning Practice Guidance (PPG). The NPPF advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

PPG also states '...great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset' in relation to large solar farm applications."

The site lies partly within the Halloughton Conservation Area (CA), and within the settings of several Listed Buildings (Halloughton Manor Farmhouse Grade II*, Pigeoncote, Granary and Stable Block at Manor Farm Grade II, Church of St James Grade II, Barn at Bridle Road Farm Grade II, buildings within the Brackenhurst Complex Grade II and South Hill House Grade II). In the original application it was concluded that there would be no direct physical impact to any listed building, rather the potential for harm would be indirect. Furthermore, given the association of the land within the application site and listed buildings in Halloughton to Halloughton Prebend this was concluded as contributing to the heritage interest of these assets.

In determining the Appeal, the Inspector drew the following conclusions in respect of heritage:

- Halloughton Manor Farmhouse, Pigeon Cote, Granary and Stable: given the degree of separation between the solar farm site and these heritage assets and the nature of

existing and proposed screening, the development would result in no harm to the architectural interest of these heritage assets. However, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of these heritage assets albeit it would fall within the category of *less than substantial harm* and at the *lowest end of that spectrum*.

- Church of St James: Whilst in wintertime there would be heavily filtered views of a limited number of panels in the setting of the church, the way the heritage interest of the church is experienced would not be changed. However, given the association with the Halloughton Prebend, there would be some limited harm to the historic interest of this heritage asset, albeit it would fall within the category of *less than substantial* and at the *lowest end of that spectrum*.
- Barn at Bridle Road Farm: In views closer to the farmstead some panels would be seen in the same view as the barn. That said, glimpses of some panels over the roof of the barn would have a limited impact on its heritage interest. However, given the association of the village with the Halloughton Prebend, there would be some limited harm to the historic significance of this heritage asset, albeit it would fall within the category of *less than substantial* and at the *lower end of that spectrum*.
- Halloughton Conservation Area:
Whilst the agricultural land beyond the CA boundary, does contribute to the interest of the CA, this is of less importance than the contribution of the various heritage assets. There are few views out towards the solar farm from the CA and across it to the CA, resulting in only limited change to some views of the wider rural area and of the CA. In this context, the solar farm would have *no material impact* on the character and appearance of the CA.
The only element of the proposal to fall within the CA would be the vehicular access from Bridle Farm Road some 45 to 50m from the junction with the A612 Highcross Hill and a short length of access track running through an area of semi-mature woodland. Whilst this area forms the entrance to the CA, it is a wide engineered junction with extensive visibility splays that makes a limited contribution to the character of the CA. During the relatively short construction period, the access and its use would have an impact on the appearance of the CA. However, on completion, the character and appearance of the access would revert to that of an agricultural access of which there are several within the wider CA. Therefore, any harm would be limited and of a short duration.
Given the conclusions on the effect of the proposal on the various LBs within the CA, the relevance of the Prebend and the impact of the proposed access, there would be some limited harm to the historic interest of this CA, albeit it would fall within the category of *less than substantial* and at the *lower end of that spectrum*.
- Brackenhurst Hall Complex: The proposed solar farm would result in *no harm* to the heritage interest of these assets.
- South Hill House: The proposed solar farm would result in *no harm* to the heritage interest of this asset.

Drawing the above together, the Inspector concluded that the proposal would result in less than substantial harm at the lower/lowest end of that spectrum to the heritage significance of several heritage assets, however the harm would be temporary until the solar farm was decommissioned. In relation to the CA as a whole, the Inspector concluded that the proposal would, on balance, preserve its character and appearance.

Whilst noting that the original application was recommended for refusal by Officers and subsequently refused by the Planning Committee on heritage grounds, the Planning Inspectorate's decision to allow the appeal is a material consideration. It is therefore in *this* context that the amendments to the scheme as proposed should be assessed.

Turning to the amendments proposed in this application, the general reconfiguration of the panels within each field (Amendment D) and change to the access track alignment within the substation compound (Amendment B) would likely be impercievable when considering the overall scale of the development. However, Amendments A and C are likely to result in perceivable visual changes to the scheme as approved.

The Council's Conservation Officer (CO) has commented that the Amendment C would reduce the impact of the development on Halloughton CA, however Amendment A would be a more significant amendment to the scheme. The CO noted that masts in themselves are quite alien and are an unusual industrial element not commonly seen with pylons, however they acknowledge that the landscaping proposals would help soften views directly from Halloughton and the impact of the masts would vary depending on your viewpoint and topography. Overall, the CO concludes that whilst the masts would result in visual impact in height terms rather than the horizontal plane of the PV's, given the proximity to an existing pylon they are unlikely to be obtrusive in longer views. They therefore conclude, in the context of the Inspectorate's previous conclusions, that this amendment would not result in any significant wider visual impact. Therefore, considering the conclusions of the Inspectorate and in light of the conclusions drawn above in respect of visual effect it is not considered that the amendments proposed would result in any additional harm to the setting of the abovementioned heritage assets that would upgrade the level of harm from less than substantial at the lower/lowest end of that spectrum.

However, sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged which require the decision maker to pay special regard to the desirability of preserving LBs, their settings, and any architectural features they may possess (s.66) and to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA (s.72). Where a proposal results in less than substantial harm to the significance of a HA, para. 199 of the NPPF requires the decision maker to attach great weight to its conservation. However, para. 200 says that where a proposal would lead to less than substantial harm to the significance of a HA, this harm is to be weighed against the public benefits of the proposal.

In the determination of the Appeal the Planning Inspector concluded that, recognising the great weight that is required to be attached to the conservation of a heritage assets, the imperative to tackle climate change, as recognised in legislation and energy policy, and the very significant benefits of the scheme would clearly and decisively outweigh the temporary and less than substantial harm to the heritage assets involved. In light of this conclusion, the amendments proposed are not considered to result in any greater affect than the scheme as originally approved.

Other Matters

It is noted that comments received from a third-party query how the proposed POC masts would be transported to the site and whether this would require an amendment to the Construction Traffic Management Plan (secured by condition 20) and swept path analyses undertaken for HGVs for the proposed access (condition 06). The Applicant has confirmed that the POC masts would be transported to site in short sections using standard HGVs. The sections are then assembled on site horizontally before being raised vertically using hydraulics, with no need for large cranes. Given the POC masts would only result in 2-4 HGV deliveries and would remove the need for a large number of HGV deliveries that would have been associated with the new full tower/pylon construction, no amendment to the Construction Traffic Management Plan is considered necessary. Similarly, as standard HGVs have already been factored into the assessment of the new access tracking, no amendment to the swept path analysis is required either.

In respect of archaeology, the site has been subject to archaeological evaluation as part of the original application. No archaeological finds or features of significance were recorded at the location of the proposed substation/masts, consequently the Archaeological consultant has raised no objection on archaeological grounds to this application.

As previously touched upon, given the scope of amendments are limited to the general configuration of the solar panels and the infrastructure and layout of the substation compound within the site, there would be no impact on other material considerations such as highway safety, flood risk, archaeology, ecology, amenity etc. as the overall layout and strategy for the site is not proposed to change.

The agent has also confirmed that the removal of one of the fields of panels would not impact the generating capacity of the solar farm overall as the panels now proposed are of higher wattage and would provide the same energy output overall.

Assessment of the remaining conditions

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

For ease of reference the conditions as originally imposed by the Planning Inspectorate are listed in full below (see section 9) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording where relevant. Officers have added 'reasons' for the conditions imposed by the Planning Inspectorate for the avoidance of doubt.

8.0 Implications

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

Only the very narrow scope of the matters of varying the conditions imposed are open for consideration. Considering the amendments proposed in this application and in light of the Inspector's previous conclusions, which are material considerations, it has been concluded that whilst the solar farm overall would have some adverse landscape character and visual impact, the amendments proposed are not considered likely to result in any greater effect than the scheme as originally approved. Similarly, in respect of heritage, the amendments proposed are also not considered to result in any greater effect than the scheme as originally approved. Whilst the solar farm as a whole would result in a minor degree of less than substantial harm to the heritage assets involved, considering the Inspector's conclusion in relation to the overall planning balance, given the imperative to tackle climate change (as recognised in legislation and energy policy) this is considered to be clearly and decisively outweighed by the very significant benefits of the scheme.

The proposal would continue to make a material and early contribution to the objective of achieving the decarbonisation of energy production. The Planning Inspectorate's decision was clear that to allow the proposed solar farm would not conflict with the objectives of relevant development and national planning policy when read as a whole and this is a material consideration in the assessment of this application. Accordingly, and having taken all matters into account, it is considered that the amendments sought would be acceptable. It is therefore recommended that planning permission is approved.

10.0 Conditions

01

The development hereby permitted shall not begin later than **18 February 2025** ~~3 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 planning permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development, except for the DNO substation, which will remain on the site in perpetuity. Written confirmation of the first export date shall be provided to the local planning authority within one month after the event.

Reason: The proposal is not suitable for a permanent permission and in accordance with the applicants expressed intent.

03

If the solar farm hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the solar farm and ancillary equipment, except for the DNO Substation, shall be submitted within 6 months of the end of

the cessation period to the local planning authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated above ground works approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason: In the interests of visual amenity in accordance with Core Policy 13 the aims of the NPPF and NPPG.

04

Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the solar farm and its ancillary equipment, except for the DNO substation, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

05

The solar farm and its ancillary equipment, except for the DNO substation, shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason: In the interests of visual amenity and in accordance with the applicants expressed intent.

06

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

- P18-2917_02 – Rev E - Site Location Plan (deposited 8th January 2021).
- ~~— HLG-01-2001 Rev 01 – Indicative WPD and Customer Compound Layout.~~
- ~~— HLG-01-2002 Rev 01 – Indicative WPD and Customer Compound Elevations.~~
- BHA_665_03 - Tree Protection Plan – Highways Access.
- P18-2917 Figure 1 Rev A - Site Access Visibility Splays.
- JBM-HALLOU-SD-02 - Typical Fence, Track & CCTV Details.
- JBM-HALLOU-SD-03 - Typical Trench Section Details.
- JBM-HALLOU-SD-04 - Typical Inverter Substation Details.
- JBM-HALLOU-SD-05 - Typical Spares Container Details.
- JBM-HALLOU-SD-06 Rev A - Typical Battery Storage Systems Details.
- JBM-HALLOU-SD-07 Rev A - Typical Customer Switchgear Details.
- ~~— P18-2917_12 Rev M – Site Layout and Planting Proposal.~~

- Typical PV Table Details 3P Rev A - Typical PV Table Details (x 3).
- Typical PV Table Details Rev A - Typical PV Table Details (x 6).
- P18-2917 Figure 2 Rev A - Swept Path Analysis: Proposed Site Access 15.4m Articulated Vehicle.
- **P18-2917_12 Rev P - Site Layout and Planting Proposal.**
- **Substation Compound Details Rev. A.**

Reason: So as to define this permission.

07

Notwithstanding the approved plans contained in Condition 6, prior to their erection on site details of the proposed materials and finish including colour of all solar panels, frames, ancillary buildings, equipment, and enclosures shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and be maintained as such for the lifetime of the proposed development.

Reason: To ensure the appearance of the development is satisfactory in the interests of the character and appearance of the surrounding area in accordance with Core Policy 13 and Policy DM5 of the DPD.

08

No works or development shall take place until the local planning authority has approved in writing the full details of the tree, shrub, and hedgerow planting (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards. The landscaping scheme should be based on the Species List for the Mid Nottinghamshire Farmlands Landscape Character Type included within the Newark and Sherwood Landscape Character Assessment.

Reason: In the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12-13 and Policies DM5 and DM7 of the DPD.

09

The approved landscaping scheme shall be carried out within the first planting season following the date when electrical power is first exported ("first export date"). If within a period of 7 years from the date of planting any tree, shrub, hedgerow, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity in accordance with the aims of the NPPF, Core Policy 12-13 and Policies DM5 and DM7 of the DPD.

10

Notwithstanding the submitted details, no works or development shall take place until an Arboricultural Method Statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the local planning authority. This scheme shall include:

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

All works/development shall be carried out in accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: In the interests of visual amenity and biodiversity.

11

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 local 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 soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. no stripping of topsoil(s), 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 local planning authority.

Reason: In the interests of tree protection, visual amenity and biodiversity.

12

Except for emergency works, construction works on the site shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of occupiers of nearby properties from noise and disturbance in accordance with the aims of the NPPF and Policy DM5 of the DPD.

13

The development hereby permitted shall be carried out in strict accordance with the pre, post and during construction mitigation, enhancement and management measures outlined within the Biodiversity Management Plan (V2 09/07/2020 by Avian Ecology). For the avoidance of doubt, this shall include compliance with the Ecological Mitigation Measures set out in Section 3, the Ecological Enhancement Measures in Section 4, and the Habitat Management Measures in Section 5 in addition to the Management Schedule set out in Section 7. Save for the installation of the bird boxes (which should be installed in the autumn, September to November) the Wildlife Enhancement Measures should be installed in accordance with the timescales embodied within the management schedule following the cessation of construction works. The Biodiversity Management Plan shall be implemented for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity and protecting nearby Local Wildlife Sites.

14

The development hereby permitted shall be carried out in strict accordance with the Ecological Assessment Report V2 09/07/2020 (including Appendices 2, 3 and 4) by Avian Ecology. For the avoidance of doubt, this shall include the pre-construction survey work and/or mitigation measures as summarised in Table 5.1. The measures shall be undertaken in accordance with the timescales embodied within the report.

Reason: In the interests of maintaining and enhancing biodiversity.

15

Prior to the commencement of development, a methods statement of Reasonable Avoidance Measures (RAMs) for Great Crested Newts (GCN) shall be submitted to and approved in writing by the local planning authority. All works shall thereafter be carried out in accordance with the approved details. If RAMs are not sufficient to safeguard GCN, proof of a Low Impact Class Licence or full European Protected Species Mitigation License from Natural England (whichever is applicable), supported by a detailed Method Statement shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

16

Prior to the commencement of development, a Scheme for the retention, ongoing maintenance, and replacement of any trees and/or hedgerows which die within the areas indicated with green notation on “Areas of Existing Planting” which are within the land edged in blue and red (drawing number P18-2917_30) shall be submitted to and approved in writing by the local planning authority. The approved Scheme shall be implemented in accordance with the approved details until the solar farm hereby approved is decommissioned.

Reason: in the interests of tree protection, visual amenity and biodiversity.

17

No tree works or vegetation clearance shall take place during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and the findings have been submitted to and approved in writing by the local planning authority.

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

18

No external lighting (other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits) shall be erected/used on site unless precise details of any lighting are first submitted to and approved in writing by the local planning authority. The lighting shall be installed and thereafter maintained in accordance with the approved details of the lifetime of the development.

Reason: in the interests of visual amenity and biodiversity.

19

No part of the development hereby permitted shall otherwise commence until the access to the site has been completed (as shown on approved plan ref. P18-2917 Figure 1A) and surfaced in a bound material for a minimum distance of 10m behind the edge/extent of the public highway and the crossing of the highway and footway verge is available for use, in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: In the interests of highway safety and convenience.

20

Development shall take place in strict accordance with all the mitigation measures set out in the Construction Traffic Management Plan (July 2020) by Pegasus Group. For the avoidance of doubt, this shall include i. that deliveries shall not take place outside 1000 hours to 1600 hours or 1800 to 2000 hours and at no time on Sundays or Bank Holidays; ii. compliance with the mitigation measures details at Section 7 in the Construction Traffic Management Plan (July 2020).

Reason: In the interests of residential amenity and highway safety.

21

No development shall take place until an archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. This scheme shall include the following:

1. an assessment of significance and proposed mitigation strategy (i.e., preservation by record, preservation in situ or a mix of these elements).
2. a methodology and provisional timetable of site investigation and recording.
3. provision for site analysis.
4. provision for publication and dissemination of analysis and records.
5. provision for archive deposition and
6. nomination of a competent person/organisation to undertake the work.

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation.

22

The archaeological site work must be undertaken only in full accordance with the approved Written Scheme of Investigation. The developer/site operator shall notify the local planning authority of the intention to commence at least 2 working weeks before the start of archaeological work to facilitate adequate monitoring arrangements. No variation to the methods and procedures set out in the approved Written Scheme of Investigation shall take place without the prior written consent of the local planning authority.

Reason: Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

23

The post-investigation assessment and final report must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication, dissemination of results, submission of the final report to the local planning authority and Nottinghamshire HER and deposition of the archive being secured.

Reason: Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and to ensure satisfactory arrangements are made for the recording of possible archaeological remains and to ensure that satisfactory arrangements are made for

the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

24

The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed a rating level of 35 dB LAeq,15 minute at the nearest sound-sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason: To protect the amenities of nearby residents.

25

No part of the development hereby permitted shall commence until a detailed surface water drainage scheme based on the principles set out in the approved Calibro Flood Risk Assessment (FRA) ref. BR-629-007 dated 2 July 2020, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The submitted scheme shall:

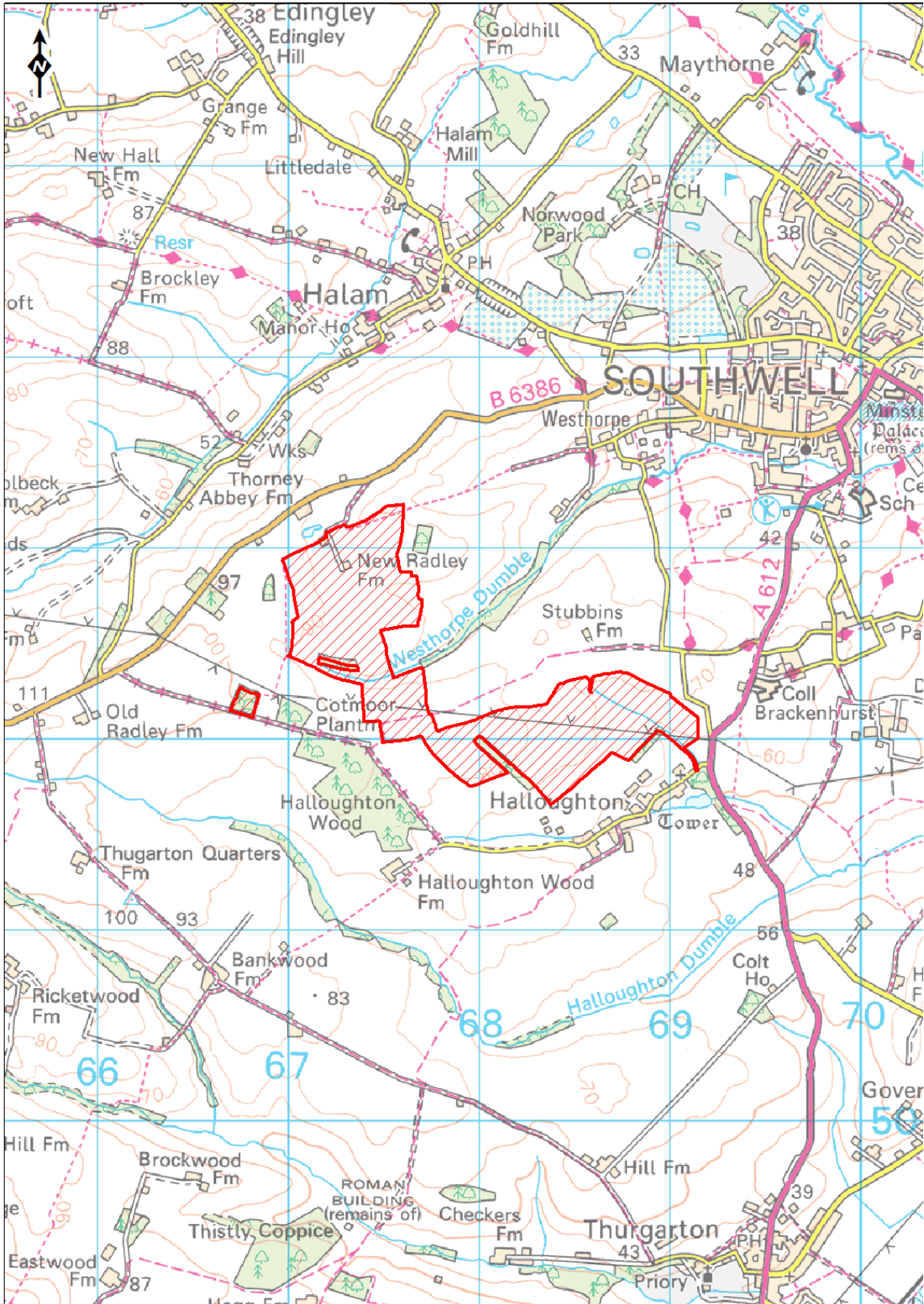
1. provide detailed design (plans, network details and calculations) in support of the surface water drainage system required to manage runoff from the proposed building associated with the substation in accordance with the approach discussed in Section 7 and presented in drawing BR629-0007-100_02 Surface Water Drainage Proposals (Appendix D of the FRA).
2. provide detailed design (plans and calculations) in support of the proposed bunded storage areas and associated cut-off swales proposed to reduce flow in the Potwell Dyke as presented in Section 6.3 of the FRA.
3. provide a maintenance schedule for the attenuation basin and bunded storage areas to ensure their performance over the lifetime of the development.
4. provide a maintenance schedule to ensure run-off from solar panels is managed to reduce any detrimental impacts on the natural formation of the agricultural land beneath and around the panels.

Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.

BACKGROUND PAPERS

Application case file

Application reference - 20/01242/FULM



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Delegated Report

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Isabel Verheul, Planner, Isabel.Verheul@newark-sherwooddc.gov.uk, 01636 655860

Report Summary			
Application Number	22/00874/HOUSE		
Proposal	Extension and refurbishment works to farmhouse. (Part retrospective)		
Location	Meadow Farm, Greaves Lane, Edingley, Nottinghamshire, NG22 8BL		
Applicant	Mr & Mrs Smith	Agent	Izzy Rhodes – Swain Architecture
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RBBB3MLBKQA00		
Registered	6 May 2022	Target Date	1 July 2022
		Extension of Time	14 December 2022
Recommendation	That planning permission is REFUSED for the reason set out in Section 10		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Penny Rainbow due to the application being supported by the Parish Council and it is considered that the porch is in keeping and appropriate to the conversion.

1.0 The Site

The site relates to a former farmhouse located to the south of Greaves Lane. The dwelling currently has many alterations and extensions which do not benefit from planning permission.

Prior to the unauthorised works, the property comprised a historic traditional farmhouse, with a characteristic cat slide roof to the front elevation.



Google Maps July 2009

The site lies in the open countryside to the south-west of Edingley village but within its parish boundary. The site is surrounded by agricultural land, pasture and meadowland which has woodland copses and mature hedgerows forming field boundaries amongst a rolling and undulating landscape.

Meadow Farm is no longer in agricultural use and adjacent to the farmhouse is a U-shaped group of single storey brick and pantile barns, creating an internal courtyard and is owned by the applicants. Meadow Barn (a two storey former threshing barn) lies to north-west of the farm complex; this was converted to residential at some point after consent was granted in 1988 and is in separate ownership.

The land rises to the south within the site, thus the existing buildings are set above the ground level of the highway.

A public right of way (Footpath no. 9) is located to the east of site and crosses the site in the north-eastern corner, extending from north to the south-east where it connects with byway (open to all traffic) no. 22. A footpath (Footpath no. 10) extends on the opposite side of Greaves Lane heading northwards across the landscape.

The site lies within flood zone 1 according to the Environment Agency Maps, which means it is at low risk of fluvial flooding.

2.0 Relevant Planning History

- **21/01555/FUL** - *Proposed 2 storey extension to existing farmhouse with internal reconfiguration and conversion of brick built courtyard complex of barns to form ancillary accommodation associated with existing farmhouse.*

Application Refused 19th October 2021 in respect of the proposed extensions/alterations to Meadow Farm for the following reason:

“The proposed extensions to Meadow Farm by virtue of their design, form, scale and materials would detrimentally alter the character of the host dwelling and result in an unsympathetic development with conflicting design elements proposed. For example the proposed gable width, bulk and roof form of the two storey rear extension does not respect the proportions of the host dwelling, the front dormer windows unacceptably punctuate and harm the plane of the traditional catslide roof, the proposed porch represents an incongruous addition, overly wide and with a poorly positioned window and the single storey rear extension appears to be out of proportion, overlapping and creating a jarred junction with the host dwelling that it sits against, all of which is exacerbated by the choice of proposed materials (timber cladding) which would not reflect the vernacular of the host dwelling. These proposed extensions would lead to unacceptable, cumulative, adverse impacts upon the character and appearance of the host dwelling and the open countryside and the proposal is therefore considered contrary to Core Policy 9 in the Newark and Sherwood Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Newark & Sherwood Allocations & Development Management DPD (adopted July 2013). The proposal would also be contrary to the

advice contained within the National Planning Policy Framework and the Householder Development SPD which are material planning considerations.”

- **20/01108/FUL** - *Proposed residential conversion of traditional agricultural barns to one dwelling and erection of 2no. new dwellings (in lieu of those consented under 19/00516/CPRIOR and 19/01122/CPRIOR).* Application Refused 20th October 2020.
- **19/01122/CPRIOR** - *Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for associated operational development.* Prior Approval is not required 25th July 2019;
- **19/00516/CPRIOR** - *Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for associated operational development.* Application Permitted 3rd May 2019;
- **37890365** – *Conversion of farm buildings to dwelling.* Application Permitted 26th October 1989.

3.0 The Proposal

This application sets out to regularise and amend the unauthorised extensions and alterations already made to the farmhouse, carried out without the benefit of planning permission. Apart from the new sunroom, similar development already undertaken to the dwellinghouse were refused under application 21/01555/FUL, in October 2021 for the reasons set out in the planning history section above.

The authorised dwelling comprised two main reception rooms, kitchen, bathroom, one smaller room, entrance porch and garage at ground floor level and three double bedrooms with one en-suite and a bathroom at first floor level. The proposed plans comprise lounge, dining room, sunroom, open plan living area including kitchen, dining and seating area, utility, pantry, boot room, entrance porch and 5th bedroom/office served by a toilet and four double bedrooms, two ensuites and one bathroom at first floor level. The proposed additions/alterations have been set out below under the headings of front and rear elevations.

Front Elevation



Front Elevation of farmhouse prior to unauthorised works being undertaken

The front elevation of the dwelling, now currently accommodates two **unauthorised** dormers within the catslide roof, a porch, a sunroom to the side elevation and the conversion of the garage to living accommodation (replacing garage door with new timber cladding and domestic window. This proposal seeks planning permission to retain these elements, with modifications to the porch. Each element is set out below.

Single storey side extension (sun room) with dual pitched roof dominated by glazing to the front elevation. Dimensions: depth – 4.5m, width – 4.5m, height (eaves) – 2.1m, height (ridge) – 3.8m. Materials: deep brick plinth, timber cladding, glazing, tiled roof.

Porch with lean-to roof. Dimensions: depth - 1.1m, width – 2.6m, height (eaves) – 2.4m, height (ridge) – 3m. Materials: shallow brick plinth, timber cladding and tiled roof. The submitted proposed plans show a reduced ridge height compared to that already built.

Dormers with dual pitched roofs. Dimensions (individually): depth(max) 2.8m, width - 1.4m height (ridge) – 2m Materials: Timber cladding and tiled roof. One dormer serves a bathroom and the other a full height void with landing set back behind.

In relation to the front elevation of the garage conversion although it has been clad in timber, this application proposes to alter this material to brick.

Front Elevation Now Proposed:



The agent has stated that the amended porch design and unauthorised sun room would comply with the Permitted Development rules so are exempt from requiring planning permission. However, Schedule 2, Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has the following condition:

“A.3 *Development is permitted by Class A subject to the following conditions—*
(a)the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse”

The use of a timber clad finish for this element means that both the porch and the sun room do not comply with the above condition of Class A of the General Permitted Development

Order and therefore both require planning permission and are required to be assessed as part of this application.

Rear Elevation



Rear Elevation of farmhouse prior to unauthorised works being undertaken

To the rear elevation there is an **unauthorised** two storey rear extension and single storey extension, all finished in timber cladding.

Rear Single Storey Extension with dual pitched roof. Dimensions: Length – 1.8m, Width – 5.3m, Height (eaves) – 2.4m, Height (ridge) – 4.4m. Materials: Timber cladding with tiled roof.

Rear Two Storey Extension with dual pitched roof. Dimensions: Length – 3.7m, Width – 5.2m, Height (eaves) – 4.2m, Height (ridge) – 6.8m. Materials: Currently finished in timber cladding, the submitted plan show this altered to brick, tiled roof.

Rear Elevation Now Proposed:



Comparison to previously refused 21/01555/FUL

Front Elevation



Refused Plan

Porch:

Depth – 1.6m (now 1.1m), *Width* – 2.9m (now 2.6m), *Height (eaves)* – 2.4m (same) , *Height (ridge)* – 3.1m (now 3m)

Rear Elevation



Refused Plan

Rear Single Storey Extension: *Depth* – 1.51m (now 1.8m), *Width* – 3.4m (now 5.3m), *Height (eaves)* – 2.4m (same), *Height (ridge)* - 4.4m (same).

Rear Two Storey Extension: *Depth* – 4m (now 3.7m), *Width* – 5.6m (now 5.2m), *Height (eaves)* – 4m (now 4.2m), *Height (ridge)* – 6.8m (same).

All the windows in the property have been replaced with changes in fenestration (from small pane Georgian style to a single pane subdivided by a single horizontal bar (not accurately presented on the submitted plans) to give a more more modern appearance, as well as amendments to proportions resulting in a more horizontal emphasis - these alterations also require planning permission.

The submitted plans also show a proposed detached double garage and log store which has not yet been constructed. However, having assessed this element it appears to fall within Schedule 2, Part 1, Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in the view of officers, and as such the proposed garage would benefit from

deemed consent and does not require express planning permission. As a result, the garage has not been assessed as part of the consideration of this application and an informative would be added to the decision notice to inform the applicants that should they wish to have a legally binding decision on this matter, a lawful development certificate would need to be submitted.

Information submitted as part of this application:

- Application Form. Received 3rd May 2022.
- Existing Dwelling Plans, ref 19.183 S01.04. Received 3rd May 2022.
- Proposed Garage Floor Plans and Elevations, ref 19.183 S03.04. Received 3rd May 2022.
- Proposed Site Location, ref 19.183 S03.05. Received 3rd May 2022.
- Planning Statement. Received 3rd May 2022.
- Existing Dwelling Elevations, ref 19.183 S01.05. Received 6th May 2022.
- Proposed Site Location and Block Plan, ref 19.183 S03.04. Received 20th July 2022.
- Existing and Proposed Site Block Plan, ref 19.183 S03.06. Received 20th July 2022.
- Ground Floor & First Floor, ref 19.183 – S03.01 Rev A. Received 21st November 2022.
- Elevations, ref 19.183 S03.2 Rev A. Received 21st November 2022.
- Elevations, ref 19.183 S03.03 Rev A. Received 21st November 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of one property have been individually notified by letter. A site notice has also been displayed near to the site.

Site Visits undertaken on 11th May and the 7th September 2022.

5.0 Planning Policy Framework

The Development Plan

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

Core Policy 9 -Sustainable Design
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM6 – Householder Development
DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- Landscape and Character Assessment SPD 2013
- Residential Cycle and Car Parking Standards SPD 2021

6.0 Consultations

Edingley Parish Council – Support Proposal.

Ramblers Association - Nottinghamshire Ramblers wishes to comment that Edingley Footpath 9 (and the Robin Hood Way) adjoins the north-eastern boundary of this application site on land in the same ownership.

The line of Edingley Footpath 9 is indicated on the plans as a thin red line, but not actually identified as such. The Right of Way runs for several metres on the driveway leading to the back of the application site, and this driveway will inevitably be used by construction traffic.

Nottinghamshire Ramblers requests that a guidance note requiring Edingley Footpath 9 to remain open and unobstructed is attached to any planning approval.

NSDC Conservation - We have reviewed the submitted details for this proposal and have decided we do not wish to offer any formal comments.

Meadow Farmhouse isn't identified on the Nottinghamshire HER and is much altered and therefore does not meet the districts non-designated heritage asset criteria (2022).

Whilst we have determined not to comment in this case, it should not be construed that we support the proposal. This is a strictly neutral comment, and does not prejudice any decision made by the Council. If you believe that there is a heritage matter connected to this proposal which requires specialist conservation advice, please do not hesitate to get in touch by emailing conservation@newark-sherwooddc.gov.uk.

5 letters of support have been received as part of this application:

- Meadow Farm has been unoccupied for 5 years and was becoming an eyesore on the Robin Hood Way.
- The works have revived the house and when fully completed will be a credit to the owners and will enhance the appearance of this section of the Lane.
- Materials chosen match other properties in the neighbourhood and clearly define the difference between new and old allowing the original building to assert its character.
- Introduction of greener technologies should be fully encouraged.
- Impressed by the work to upgrade the farmhouse.
- The features such as the dormer windows and timber cladding are sympathetic and add to the original building.
- The property has been skilfully converted and designed to maximise a range of environmentally friendly construction technologies; which is crucial and should be encouraged given the current climate crisis.
- The design and materials are perfect for maintaining the atmosphere, character and environment of Greaves Lane, a vast improvement to what was there before.
- Original property was in poor condition and unsuitable for current use. The upgrade makes the property fit for purpose in 2022 and will enhance the locality.
- Proposal gets full support.
- The design has been sensitively considered to its neighbouring properties.
- Support of the public footpath remain in use.
- New families should be supported in moving to the village from a social and economic standpoint.

7.0 Comments of the Business Manager

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

Policy DM6 accepts householder development in principle providing that the proposal meets site specific criteria regarding impact on residential amenity and the character of the area.

Policy DM5 states development should be accepted providing it does not result in loss of amenity in terms of overbearing impacts, loss of light and privacy. It also states that the local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Policy DM12 of the DPD states 'A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework... The Development Plan is the statutory starting point for decision making. Planning applications that accord with the policies in the Development Plan for Newark and Sherwood (including, where relevant, policies in Neighbourhood Development Plans) will be approved without delay, unless material considerations indicate otherwise.'

Impact on the Open Countryside and the Host Dwelling

A Landscape Character Assessment (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District.

The site falls within Policy Zone Mid-Nottinghamshire Farmlands PZ 37 (Halam Village Farmlands with Ancient Woodlands). This area is described as *'an area of rolling and undulating topography resulting in medium to long distance views towards frequently wooded skylines, interrupted intermittently by pylons and power lines running east-west to the south of the area. It is a predominantly arable agricultural landscape with medium to large scale fields of irregular geometric pattern, smaller scale pastoral fields with some horseyculture are also apparent, generally closer to settlements.'*

The land to the south rises quite dramatically giving the farm a hillside backdrop whilst falling to the north. Across this landscape are a number of footpaths offering medium to long distance views of the site. Landscape condition in this area is very good; it is a unified area with few detracting features with landscape sensitivity defined as high giving a 'conserve'

policy action as set out in CP13. Any built features should maintain use of vernacular materials, style and scale and measures should be promoted to reinforce the traditional character of existing farm buildings using vernacular building styles. I shall assess the proposal against these criteria further below.

Policy DM6 states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and existing dwelling in terms of design and materials. Policy DM5 requires any new development to achieve a high standard of design and layout that is of an appropriate form and scale whilst complementing the existing local distinctiveness and built and landscape character.

Paragraph 7.4 of the Householder Development SPD talks about how the overall objective for any proposal should be the successful integration with the host dwelling and the surrounding area, ensuring the addition respects the scale and character of the host dwelling.

The Householder Development SPD provides guidance on how to assess front elevation additions in terms of their impact on the appearance of the property and character of the surrounding area. The proposal must not introduce a dominant feature by virtue of its scale, proportions and/or detailing which would be harmful to the appearance of the host dwelling and surrounding area.

The front elevation additions to Meadow Farm are visible from Greaves Lane. The dormer windows protrude out of the existing cat slide roof. This roofscape is characteristic of an historic farmhouse and is considered to be an attractive traditional feature. Dormer windows do not form part of the cottage vernacular and whilst the catslide roof would still be read, these modern features punctuate and interrupt the simple plane of the catslide roofline. Although appropriate in form and not disproportionately large in themselves, their incongruous timber cladding represents a harsh contrast and their prominent positioning result in additions that detract from and are not in keeping with the character of the existing dwelling or surrounding area. In addition to this, the proposed porch provides an additional 'boxy,' overly wide addition which again is finished in timber cladding which is again contrary to the guidance contained within the Householder Development SPD. Amendments are proposed to this element from the previously refused application, which decreases the depth and overall height of the porch however the sentiment remains the same. The timber clad porch represents another incongruous feature on the principle elevation of the vernacular farmhouse which contributes cumulatively to the overall harm to its character and appearance and are therefore considered to be contrary to the Householder Development SPD.

Whilst the form and scale of the sunroom on the side elevation is considered to be appropriate, the timber cladding represents yet another incongruous finish and harsh contrast to the vernacular brick that represents local distinctiveness of traditional buildings within the District which detracts from and are not in keeping with the character of the existing dwelling or surrounding area. Whilst the front elevation of the sunroom is dominated with glazing, above a brick plinth, the fenestration detailing is traditional and when viewed in context with the rest of the front elevation of the cottage, would not result in a harmful appearance. The side elevation being partly glazed and partly timber clad results in an imbalanced appearance that would not reflect a traditional treatment. Should this

element have been applied for, prior to construction, it would have been advised that the extension be finished in matching brickwork to respect the traditional character of the host dwelling, however the timber clad finish contributes to the overall cumulative harm.

The converted garage space is proposed to be altered from timber cladding to have brick as the facing material which is a welcome change and considered acceptable.

The supplementary planning document (SPD) for householder development states that any addition to the host dwelling should be subservient and the addition should be designed to be subordinate in scale to the main dwelling and not form an overly dominant feature. The rear extensions are not visible from Greaves Lane, however they are visible to the users of the footpath, which runs adjacent to the site. The proportions of the two storey addition would be in conflict with the host dwelling as the gable width is greater than that of the main cottage which results in a flatter roof pitch and a horizontal emphasis, that dominates. The height of ridge and eaves would not be sufficiently subservient to reflect the form, proportions and character of the traditional farmhouse; these issues were also raised as part of 21/01555/FUL. The two storey extension would therefore harm the traditional character and appearance of the vernacular farmhouse and when viewed from the public footpath. The application proposes an amendment to remove the timber as a facing material to this element and replace it with matching brickwork. Whilst this material change would assist in a greater assimilation and better reflect the character of the existing cottage, it is not considered that this amendment overcomes the issues raised in terms of proportions, roof pitch and massing.

The rear single storey extension (to the rear of the converted garage) is again considered to be poorly designed. Its gable sits wider than the single storey element it is viewed against. This overhang of the eaves creates further conflict with the clean lines of the rear elevation. This harm to the character is further exacerbated by the use of the timber materials. Again, the design of this element and the harm it would have on the traditional character of the property was identified as part of 21/01555/FUL and this application is now seeking permission for a deeper and wider addition than previously.

Since the previous refusal (21/01555/FUL) new windows and doors have been installed on the property. Whilst the fenestration details and proportions of openings have changed giving a more horizontal emphasis which does further erode the character to some extent, it is not considered that this in itself is sufficiently harmful to add to the reason for refusal of permission.

To conclude, the scale, proportions and materials of the additions proposed would cumulatively erode and be unacceptably harmful to the vernacular character and appearance of the farmhouse which contributes positively to the distinctiveness of the wider area. The cumulative overall scheme would be contrary to Core Policy 9 and 13 of the Amended Core Strategy, Policy DM6 of the Allocations and Development Management DPD, the Householder Development SPD, as well as the NPPF which is a material consideration.

Impact upon Residential Amenity

Policy CP9 of the Core Strategy required proposals to demonstrate a high standard of sustainable design. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon

neighbouring development.

I do not consider the alterations to the farmhouse impact upon Meadow Barn (neighbouring property). No elements of the proposal are considered to be overbearing or intrusive in line with the above assessment. Due to the separation distances, there would be no loss of light caused by the proposal. The first floor window proposed as part of the two storey extension would be positioned approximately 24.4m from Meadow Barn and therefore I have no concerns in regards to overlooking or privacy implications. This elevation of Meadow Barn is blank, bar one glazed window at ground floor level and I am satisfied that the proposal would not adversely impact the existing and future residents of the dwelling due to the separation distances.

Other Matters

The use of greener technologies are encouraged by the Local Planning Authority. In this instance, it is not considered the sustainability benefits of new double glazing outweigh the harm caused to the character of the building and surrounding area. The suggested use of ground source heat pump or photovoltaic panels as stated within the Planning Statement were not evident on site, nor on the plans and therefore have not been assessed as part of this application.

Spatial Policy 7 (Sustainable Transport) states that high quality footpath networks will be safeguarded for cycling, walking and horse riding for recreation in the countryside. NCC Rights of Way have not commented on the application in regards to the impact on Edingley Public Footpath No.9. It is not considered the proposal will affect the walked line or the legally recorded definitive line. Given this, I am satisfied that the proposal would not adversely impact the existing public footpath network and is therefore acceptable.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The proposal, as built fails to accord with Policies CP9, CP13 of the Amended Core Strategy, DM5 and DM6 of the ADMDPD as well as the Householder Development SPD and Landscape Character Assessment SPD. By virtue of their scale, proportions and materials, the proposed extensions to Meadow Farm would detrimentally alter the character of the traditional vernacular farmhouse and would result in incongruous additions that would conflict with the character and appearance of the host dwelling and surrounding area, even with the proposed amendments to the scale of the porch and use of facing materials to the two storey rear extension and garage conversion and is contrary to both local and national policy as highlighted within this report.

10.0 Recommendation

The planning permission is refused for the following reason:

01

In the opinion of the Local Planning Authority, the proposed extensions to Meadow Farm would by virtue of their scale, proportions and materials would detrimentally alter the character of the traditional vernacular farmhouse and would result in incongruous additions that would conflict with the character and appearance of the host dwelling and surrounding area. For example, the gable width, bulk and roof pitch of the two storey rear extension would not respect the proportions of the host dwelling, the front dormer windows would unacceptably punctuate and harm the plane of the traditional catslide roof, the porch would represent an overly wide incongruous addition and the single storey rear extension would appear out of proportion, overlapping and creating a jarred junction with the host dwelling that it sits against, all of which is exacerbated by the choice of materials (timber cladding) which would not reflect the vernacular of the host dwelling.

The proposed extensions would lead cumulatively to unacceptable adverse impacts upon the character and appearance of the host dwelling and the surrounding landscape character. The proposal is therefore considered contrary to Core Policy 9 and Core Policy 13 in the Newark and Sherwood Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM6 (Householder Development) of the Newark & Sherwood Allocations & Development Management DPD (adopted July 2013) as well as the Householder Development SPD (2014) and Landscape Character Assessment SPD (2013). The proposal is also contrary to the advice contained within the National Planning Policy Framework and which is a material planning consideration.

Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

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

03

The garage and log shed shown on 'Proposed Garage Floor Plans and Elevations' ref 19.183 S03.04 would appear to be lawful complying with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and has therefore not been considered as part of this proposal due to a local planning authority not lawfully being able to make a decision on a matter which is already the subject of a decision prescribed in statute i.e. the development order. Should a formal decision be required, you are advised to submit an application for a Certificate of Lawfulness.

04

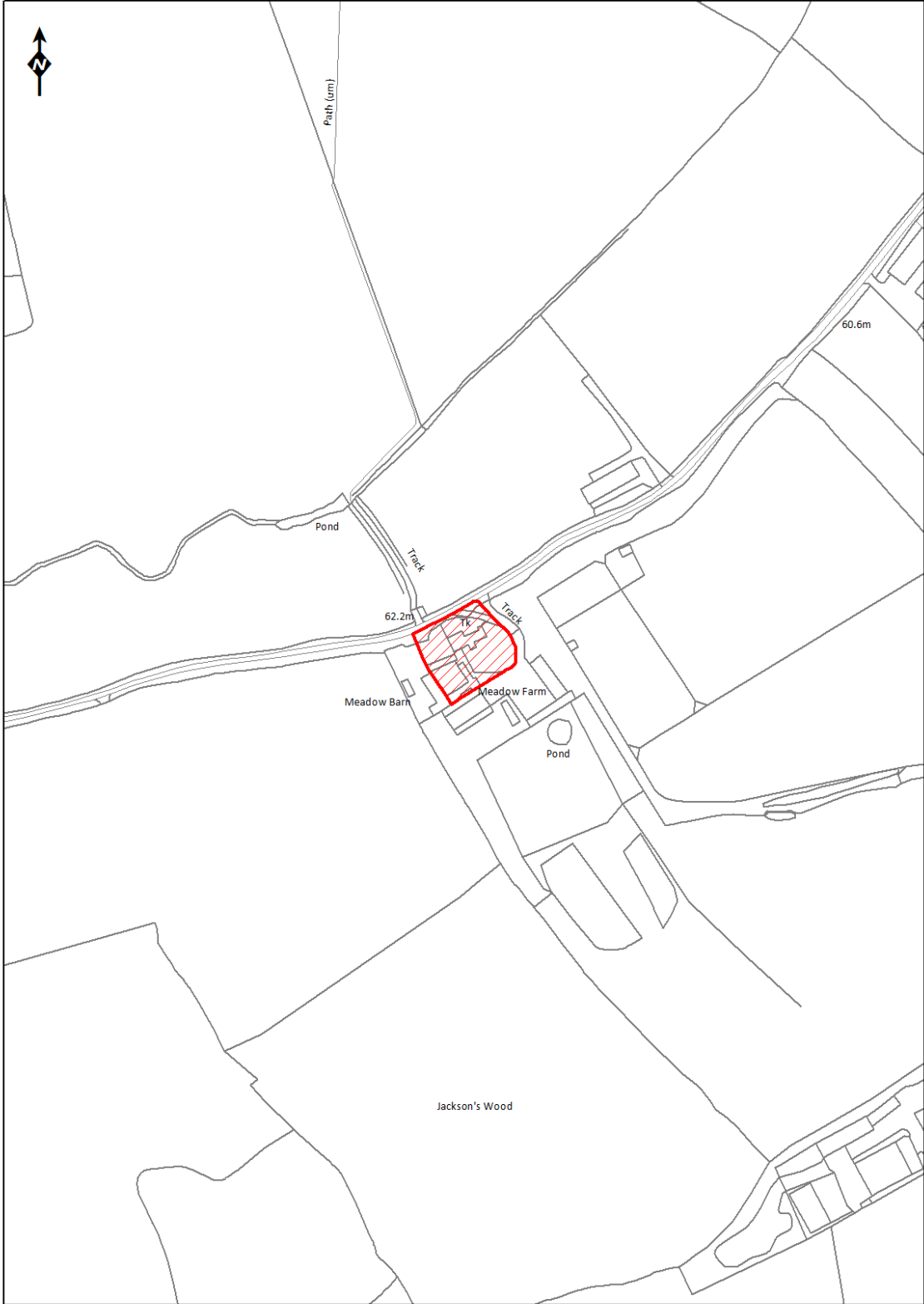
Refused Plans:

- Proposed Site Location, ref 19.183 S03.05. Received 3rd May 2022.
- Proposed Site Location and Block Plan, ref 19.183 S03.04. Received 20th July 2022.
- Existing and Proposed Site Block Plan, ref 19.183 S03.06. Received 20th July 2022.
- Ground Floor & First Floor, ref 19.183 – S03.01 Rev A. Received 21st November 2022.
- Elevations, ref 19.183 S03.2 Rev A. Received 21st November 2022.
- Elevations, ref 19.183 S03.03 Rev A. Received 21st November 2022.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00874/HOUSE



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Report to Planning Committee 08 December 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	22/01902/HOUSE		
Proposal	Remove front porch and rear extension. New two storey side/rear and single storey rear extensions and alterations to existing window and doors and raise existing cottage ridge		
Location	Caunton Cottage Amen Corner Caunton NG23 6AP		
Applicant	Mr and Mrs John & Ruth Boardman	Agent	Mr Keith Rodgers
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	30.09.2022	Target Date	29.11.2022
Recommendation	That planning permission be APPROVED subject to the Conditions set out in Section 10		

This application is presented to Planning Committee due to the proposed extensions not being subordinate to the original dwelling and therefore representing a departure from the Development Plan.

1.0 The Site

The application site is occupied by a two-storey cottage sitting within a large residential curtilage, situated at the eastern end of Amen Corner within but on the edge of the village of Caunton. The site is located within the designated Caunton Conservation Area. Approx. 100m to the south-west of the site is a Grade II listed building known as The Grange.

The cottage has a linear planform with single storey lean-to additions with a white render finish and a clay pantile roof. The original part of the cottage sits at its eastern end. To the

west of the cottage is a detached flat roofed sectional double garage with pebbledash finish. There are also a number of outbuildings to the east of the cottage.

The site is located within Flood Zone 1 of the Environment Agency flood maps which means it is at low risk of fluvial flooding. The site is prone to surface water flooding.

Caunton village sits to the west of the site with open fields to the north, east and south. Caunton Footpath 10 runs alongside The Beck beyond the open field to the south of the site.

2.0 Relevant Planning History

PAFU/00166/22 - Request for follow up advice for proposed 2-storey extension and alterations to the existing Caunton Cottage to provide additional living accommodation and garage. (Advice sent 01.07.2022)

PREAPP/00069/22 - Proposed 2-storey extension and alterations to the existing Caunton Cottage to provide additional living accommodation and garage. (Advice sent 29.03.2022)

3.0 The Proposal

The application seeks approval to remove the lean-to front porch and lean-to rear extension and build a two-storey side and rear extension and a single storey rear extension with alterations to the existing cottage to include the raising of the ridge.

The proposal would involve three extensions to the building – a two storey side extension to the east elevation (with depth to match the existing cottage and 2.2m wide), a two-storey rear extension to the south elevation to create an M-plan roof (with depth to match the existing cottage (4.8m off the rear wall) by 11.9m wide) and a single storey flat roofed rear extension to the south elevation. The height of the proposal would be approximately 4.3m to the eaves and 6.5m to the ridge, part of the existing cottage that forms the M-plan roof element would have the ridge and eaves raised to match the extension (approx. 300mm above the existing cottage ridge and eaves). A single storey flat roofed fully glazed extension is also proposed measuring approximately 3.6m by 4.96m and 2.8m in height with aluminium frame.

The proposal includes an oak framed porch, insertion and alteration of windows and doors within the existing cottage to match that in the proposed extension. This includes three sets of patio door openings on the rear elevation. All new windows would be timber (as opposed to existing UPVC) painted in a heritage colour with brick cills. The central chimney stack is to be retained and be built around; if however, it needed to be re-built, it would be replicated to the same proportions and detailing.

In terms of materials, it is proposed to finish the western end of the cottage in painted brickwork (any existing render would be removed) with slate roof and the eastern M-plan element in brick with a clay pantile roof.

As indicated within the Planning History section above, proposals to extend this property have undergone a significant number of amendments and alterations, which have included

considerable negotiation on this current scheme with officers, to arrive at this existing scheme currently before Members.

The application has considered the following plans and documents:

- Site Location Plan (19) 100 Rev A
- Proposed Floor Plans, Elevations and Block Plan (08)101 Rev C

4.0 Departure/Public Advertisement Procedure

Occupiers of 4 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

The application has been advertised as a departure from the Development Plan which does not expire until 15 December 2022.

Site visit undertaken: 07.10.2022

5.0 Planning Policy Framework

The Development Plan

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

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

Allocations & Development Management DPD (adopted July 2013)

- Policy DM5: Design
- Policy DM6: Householder Development
- Policy DM9: Protecting and Enhancing the Historic Environment
- Policy DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (on-line resource)
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Householder Development SPD 2014

6.0 Consultations

Caunton Parish Council – No Comments received.

NSDC, Conservation – No objection, subject to conditions.

Caunton Conservation Area was designated for its medieval origins, retention of medieval church and retention of large houses, farmhouses and cottages dating from the 18th and 19th centuries. Caunton Grange (Grade II listed) to the south-west is a three storey, C1785 house

with earlier origins and significant due to retention of historic fabric, layout and plan form, Neo-classical detailing, and internal décor. Its setting is provided by the surrounding gardens and mature greenery. The historic open field setting has been encroached by modern 20th century housing.

The existing cottage has been much altered in the 20th century and subsumed on the western end by a large modern extension. The form and shape of this extension has retained the linear plan form but with single storey lean-to additions. As it stands it is difficult to understand the historic legibility of the building, but it does still make a minor positive contribution to the significance of the Conservation Area through the association with the village's historic environment. Even though it has been considerably extended, it retains a relatively modest scale and proportion which is sympathetic to Caunton's character and appearance. Given that the existing cottage has been much altered and there is limited historic integrity, there may be scope from a conservation perspective for various extensions and alterations (subject to detailing and how it responds to its heritage context).

The size and scale of the proposed development would subsume the footprint of the building further and increase its massing and prominence within the Conservation Area. This has the potential to dominate and distract from the surrounding built heritage and cause harm to the significance of the designated heritage asset as a result. This visual impact, however, has been somewhat minimised by a sympathetic roof formation, gable proportions and palette of materials which relate to the surrounding vernacular. The proposed single storey extension would have a more contemporary appearance putting its style and form at odds with the traditional character of buildings in the area. However, it is discretely sited and low-rise and subject to detailing could be a high-quality lightweight addition that would not dominate or overbear the cottage or surrounding built heritage.

Given the distance and intervening greenery/trees, inter-visibility to Caunton Grange (Grade II listed building to the south-west) would be limited and the proposed extensions would therefore have a negligible impact on its setting.

The rise in ridge height to the existing cottage is modest and the pitch and style of the roof together with the central chimney stack would remain the same, thus would unlikely harm the significance of the Conservation Area. Following concerns raised in relation to the proposed re-fenestration, revisions have been submitted that would result in a more cohesive design that would create a visually attractive addition, sympathetic to local character.

Overall, the scale of the proposal has the potential to dominate the original cottage, thus cause harm to the significance of the Conservation Area. However, the principle of these extensions may be acceptable from a conservation perspective in this instance as the legibility and integrity of the cottage has already been substantially lost and the form and siting of the 2-storey extensions would adequately reflect both the vernacular form and style of the cottage itself and the surrounding built heritage.

No representations have been received from third/interest parties.

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.

As the application concerns designated heritage assets of the setting of a listed building and, a conservation area, sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 72(1) requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

Principle of Development

Householder developments are accepted in principle subject to an assessment of the considerations listed within Policy DM6. These criteria include, amongst others, no adverse impact on the amenity of neighbours, the proposal respects the design, materials and detailing of the host dwelling and it respects the character of the surrounding area. Policy DM5 states that the rich local distinctiveness of the landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Where local distinctiveness derives from the presence of heritage assets, proposals will need to satisfy Policy DM9.

Impact upon Character of Area and Heritage Assets

Core Policy 9 requires new development to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains rich local distinctiveness of the district. New development should achieve a high standard of design and layout that is of an appropriate form and scale to its context, complementing the existing built environment and landscape environments. Policy DM6 states planning permission will be granted providing that the proposal respects the character of the

surrounding area including its local distinctiveness, the significance and setting of any heritage assets, landscape character and the open character of the surrounding countryside.

As part of the Development Plan, Core Policy 14: Historic Environment (Core Strategy DPD) and DM9: Protecting and Enhancing the Historic Environment (Allocations and Development DPD) amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

Section 12 of the NPPF refers to achieving well designed places. Paragraph 12 states that good design is a key aspect of sustainable development by creating better places in which to live and work in and helps make development acceptable to local communities. Paragraph 134 of the NPPF advocates that where a development is not well designed and fails to reflect local design policies and government guidance on design planning permission should be refused.

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. 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.

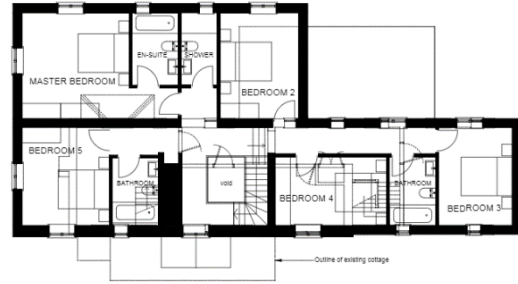
Paragraph 197 of the NPPF states "In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation 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."

The site lies within the Mid-Nottinghamshire Farmlands (MN PZ 28 Caunton Village Farmlands with Ancient Woodland) character area as defined within the Council's Landscape Character Supplementary Planning Document (SPD). The Landscape Condition is defined as good. The area has a coherent pattern of elements composed of arable fields, blocks of woodland and isolated farmhouses; there are few detracting features including a section of the A616 and a pylon line. Overall, this gives a visually unified and coherent area. The policy zone is described as having a good landscape condition and the landscape sensitivity is described as moderate giving an overall policy action to conserve and reinforce. In terms of built features this means conserving the rural character of the landscape by limiting any new development to within the settlements, maintain the use of vernacular materials, style and scale in any new developments and promote measures for reinforcing the traditional character of existing farm buildings using vernacular building styles.

The proposal would represent significant additions to the existing cottage, that would repeat the long, linear two storey element to the rear (but for roughly half the width), as well as a two storey double depth addition to the eastern side. It is considered that these extensions could potentially over-dominate the original cottage. The floor plans below show the proposed floorspace in black and the existing floorspace in light grey.



Ground floorplan Existing and Proposed



First floorplan Existing and Proposed



Existing East Elevation



Proposed East Elevation



Jarden room to replace the existing rain-to extension



Fig. Proposal - sketch visuals

The proposal would represent an increase of 26.1% in terms of footprint and 38.5% in terms of floorspace. The additional bulk is best seen from the east elevation of the plans the character would change from a linear style cottage to an M-plan with the rear extension matching the width and proportions of the existing. The overall massing and bulk of the proposal would be significantly larger than the existing already extended cottage and is considered not to be subservient to the existing cottage. The coloured 3D images above reflect the proposed scale of the additions but detailing, particularly on the east elevation, have been significantly altered (see proposed elevation drawing for current proposed east elevation).

The cottage itself is largely hidden away and not overly visible within the public realm due to the cottage being accessed at the end of Amen Corner (a dead end) via a long private drive which terminates at the application site with no public access beyond. The proposed additions to the cottage therefore has limited visibility to those who visit the property. The proposed extension would be visible at a distance (approx. 65m) from a public footpath that runs adjacent to The Beck at the far side of the field to the rear of the cottage. The footpath is largely screened by rows of trees and hedgerows which reduce visibility of the dwelling from the footpath. The land surrounding the application site has a gentle uphill gradient from the south to the north. In terms of impact on the surrounding landscape character, the additional two storey bulk is not considered to have an unacceptable impact, given the additions reflect the layout and form of the existing. The greatest amount of additional bulk would be visible from the eastern elevation however it is not considered that this additional built form would be harmful to the character and appearance of the open countryside beyond the curtilage of the host dwelling.

In relation to the impact on Caunton Conservation Area, although it is accepted that the size and scale of the proposed development would subsume the footprint of the building further and increase its massing and prominence within the Conservation Area. This has the potential to dominate and distract from the surrounding built heritage and cause harm to the significance of the designated heritage asset as a result. This visual impact, however, has been somewhat minimised by a sympathetic roof formation, gable proportions and palette of materials which relate to the surrounding vernacular. The proposed single storey extension would have a more contemporary appearance putting its style and form at odds with the traditional character of buildings in the area. However, it is discretely sited and low-rise and subject to detailing could be a high-quality lightweight addition that would not dominate or overbear the cottage or surrounding built heritage.

The central chimney stack is to be retained and be built around; if however, it needed to be re-built, it would be replicated to the same proportions and detailing (which could be conditioned). Amendments on the detailing of the scheme, windows/doors/chimneys etc have been received. Taking into account that the legibility and integrity of the cottage has already been substantially lost because of the alterations that have occurred together with revisions negotiated, Conservation have been able to conclude that although significant in scale, the proposals would result in no harm to the character and appearance of the Conservation Area or the setting of The Grange.

Taking all matters into consideration, planning officers on balance, consider that the proposed additions would predominantly respect the form, proportions and detailing of the existing cottage and that this would mitigate for the scale of the proposal and would not result in an unacceptable harm to the character and appearance of the existing cottage or the surrounding landscape.

With the above in mind, it is considered that the proposed development, although not subservient to the existing dwelling, and not strictly in accordance with all criteria within Policy DM5 and DM6 and the supporting Householder Development SPD, overall the scheme is considered to be acceptable and in accordance with Policy DM9 of the A&DM DPD, and CP9, CP13 and CP14 of the Amended Core Strategy, and the provisions of the NPPF. The duty to preserve under Sections 66 & 72 of the Act has been given appropriate consideration in this case.

Impact upon Residential Amenity

Policy DM6 'Householder Development' of the Allocations & Development Management DPD is permissive of the erection of the extensions to dwellings provided there is no adverse impact on the amenities of neighbouring resident in terms of loss of privacy, light and overbearing impact. Policy DM5 accepts development providing that it does not unacceptably reduce amenity in terms of overbearing impacts, loss of light and privacy. It also states that the rich local distinctiveness of the character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Paragraph 130 of the NPPF seeks to "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

There would be no new windows on the northwest elevation that would face Brook House, and the fully glazed single storey element, given its scale and distance from this property (over 40m away), I do not consider this to have an impact on neighbour privacy. The proposal is also unlikely to have an overbearing or overshadowing impact on neighbouring dwellings given that the nearest dwelling is over 40m away.

As such, it is considered that the proposal accords with Policy DM6 (Householder Development) and DM5 (Design) of the ADMDPD as well as the provisions in the NPPF.

Impact upon Highway Safety

Policy DM5 requires provision of safe access to new development and appropriate parking provision. Policy DM6 states that provision for safe and inclusive parking provision should be achieved and parking arrangements are maintained as a minimum. Spatial Policy 7 seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. The Council has also adopted a Residential Cycling and Car Parking Standards Design Guide SPD which is material to decision making.

The proposed development would not alter the existing access or parking arrangement, the dwelling would see an increase in bedrooms from 4 to 5 bedrooms however the parking demand remains the same. The Newark and Sherwood Residential Cycling and Parking SPD recommends that 4+ bedrooms houses should have a minimum of 4 spaces. The proposal is considered to be acceptable from a highway safety perspective.

8.0 Conclusion

In conclusion, it is considered that the proposal accords with Spatial Policy 7, and Core Policy 14 of the Amended Core Strategy DPD and policy DM9 of the ADM DPD. It is considered that the proposed development, although not subservient to the existing dwelling, and not strictly in accordance with all criteria within Policy DM5 and DM6 and the supporting Householder Development SPD, there are other mitigations relating to appropriate form, proportions and detailing that are considered to outweigh this consideration and overall the scheme is considered to be acceptable and in accordance with Policy DM9 of the A&DM DPD, and CP9, CP13 and CP14 of the Amended Core Strategy, and the provisions of the NPPF. The duty to preserve under Sections 66 & 72 of the Act has been given appropriate consideration in this case.

It is therefore recommended that provided no new material planning considerations are raised up to and including 15 December 2022, that full planning permission then be granted subject to the conditions set out below. If any new material planning consideration are raised within this timeframe, the application will be reported back to the Planning Committee for further consideration.

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 be carried out only in accordance with the details and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan (19) 100 Rev A
- Proposed Floor Plans, Elevations and Block Plan (08)101 Rev C

Reason: To ensure that the development takes the agreed form envisaged by the Local Planning Authority when determining the application.

03

No development in relation to the following details shall be commenced until samples have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

- Details of bricks, including sample panel showing jointing, coursing, brick bond, and pointing
- Details of roofing materials, including samples
- Details of replacement render to the existing dwelling, including a sample panel.

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

04

No development in relation to the following details shall be commenced until samples have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

- Details of bricks, including sample panel showing jointing, coursing, brick bond, and pointing
- Details of roofing materials, including samples
- Details of replacement render to the existing dwelling, including a sample panel

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

05

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

- Windows (including materials, openings colour and finish)
- External doors (including materials, openings colour and finish)
- Heads and cills
- Ridge, verge, and eaves details
- Rainwater goods
- Flues and vents
- Chimney stacks and pots
- Porch details
- Specific details of the fascia of the glazed extension, including details of cornice and any fixings.

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

06

In relation to Condition 6, trickle vents shall not be inserted into the windows/doors hereby granted consent.

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

Informatives

01

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

02

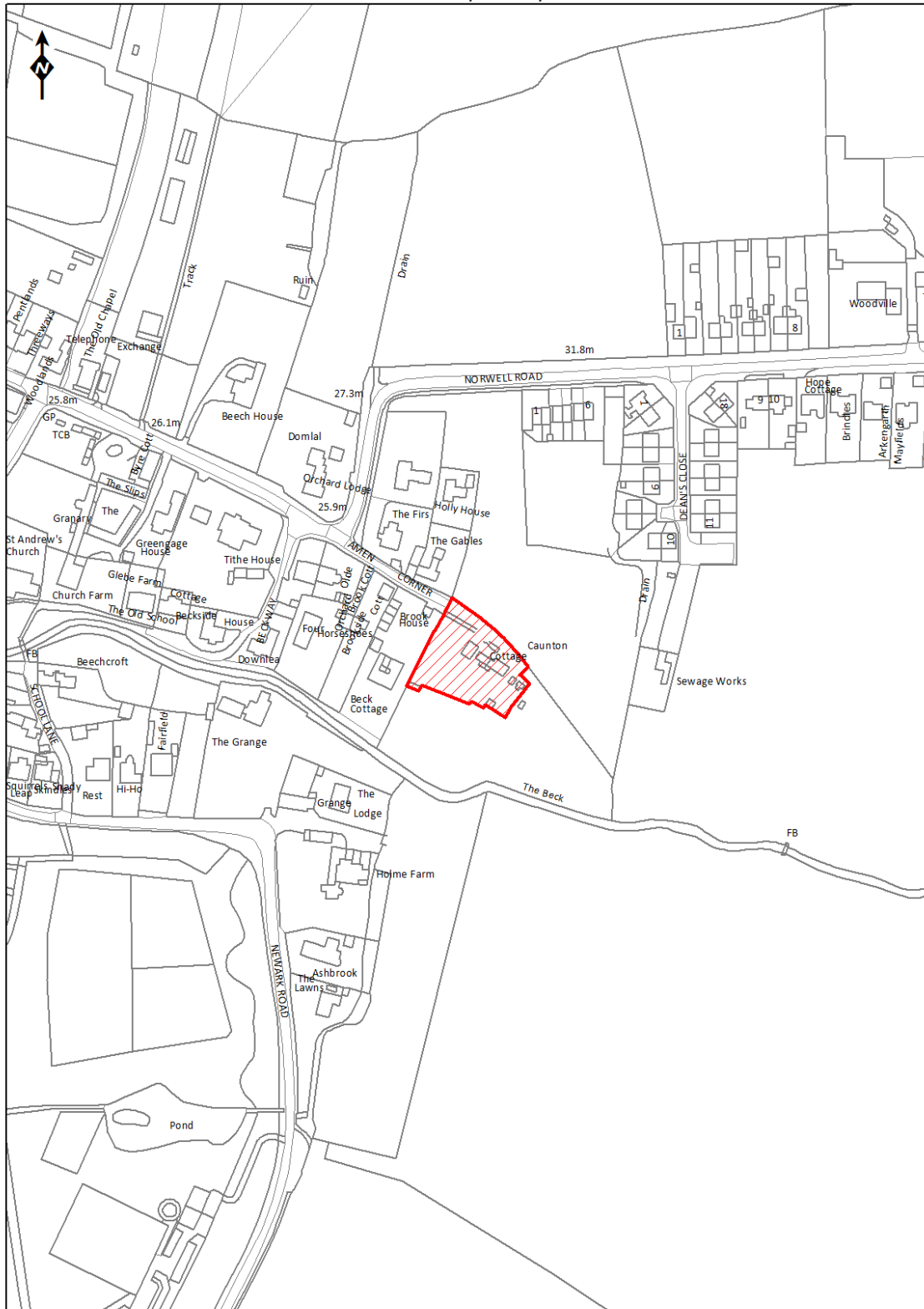
The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01902/HOUSE



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Report to Planning Committee 08 December 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	22/01824/LDCP		
Proposal	Certificate of Lawfulness for proposed replacement conservatory		
Location	2 Redmay Corner, Main Street, South Scarle, Newark On Trent, NG23 7JH		
Applicant	Mr Ian Dales	Agent	N/A
Web Link	22/01824/LDCP Certificate of Lawfulness for proposed replacement conservatory 2 Redmay Corner Main Street South Scarle Newark On Trent NG23 7JH (newark-sherwooddc.gov.uk)		
Registered	26.09.2022	Target Date	21.11.2022
		Extension To:	09.12.2022
Recommendation	That a certificate of lawfulness is APPROVED for the reason detailed at Section 7.0		

The application is referred to the Planning Committee in line with the Council’s Scheme of Delegation as the Applicant is related to a Member of the Planning Committee.

1.0 The Site

The application site relates to a detached single two-storey dwelling on the western side of Main Street which is a residential street within a residential area of South Scarle. The property is modern in appearance, set behind a similarly modern dwelling. The site is within the Conservation Area.

2.0 Relevant Planning History

23860171 – Erection of two houses – Permitted 22.07.1986 – Permitted Development rights removed for the erection of any means of enclosure (Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015)).

3.0 The Proposal

This application seeks a lawful development certificate for a replacement conservatory on the southern side of the western elevation:

- Existing Conservatory: approx. 3.7m wide x 3.7m deep x 3m to the ridge and 2.3m to the eaves.
- Proposed Conservatory: 3.5m wide x 4m deep, 2.98m to the ridge and 2.26m to the eaves. Proposed to be white uPVC.

Information submitted as part of the LDC application

- Application Form
- Self-Assessment Form A
- Photo of Conservatory (16.09.2022)
- Site Location Plan (deposited 26.09.2022)
- Detailed Drawing for Conservatory (16.09.2022)
- Quotation 02 for Conservatory (16.09.2022)

4.0 Comments of the Business Manager – Planning Development

Planning Practice Guidance states a local planning authority can grant a certificate confirming that a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990.

The statutory framework covering “lawfulness” for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required.

In determining an application for a prospective development under section 192 a local planning authority needs to ask “if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”

Firstly, I have considered whether the demolition of the existing conservatory would require planning permission or prior approval. In my view no application for planning permission or prior approval is required to demolish the conservatory as it has a volume of under 50 cubic metres (with a cubic volume of 41m³ approximately) and thus the demolition would not constitute ‘*development*’ having regard to the provisions of the Town and Country Planning (Demolition – Description of Buildings) Direction 2014.

Secondly, it is noted that this property’s permitted development rights were restricted under the original permission but only for the erection of any means of enclosure (walls, gates, fences etc.). The properties permitted development rights for all other classes remains intact.

The main issue in this case is therefore whether the proposed works are permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
Have permitted development rights been removed	N (in respect of this Class)	N
Is the property a dwellinghouse	Y	Y
Is it detached?	Y	
Is it semi-detached or terraced?	N	
Is it within a conservation area	Y	
A.1 Development is not permitted by Class A if – (a) Has permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)	N	N
Development not permitted by Class A		
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)	N	N
(c) would the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof of the existing dwellinghouse	N	N
(d) would the height of the eaves of the part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse	N	N
(e) would the enlarged part of the dwellinghouse extend beyond a wall which:- (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse	N	N
(f) would the enlarged part of the dwellinghouse have a single storey and - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height	N	N
(g) is the development outside of article 2(3) land (conservation area) or outside of a site of special scientific interest	N	
(g) cont. would it have a single storey (previous extensions to the rear need to be taken into account)	N/A	
(i) would it extend beyond the rear wall of the original	N/A	N

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height		
Have any representations been received from adjoining premises	N/A	
(h) would the enlarged part of the dwellinghouse have more than a single storey and:- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse	N	N
(i) would the enlarged part of the dwellinghouse be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part exceed 3 metres	N	N
(j) would the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and:- (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse	N	N
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)	N	N
(k) it would consist of or include:- (i) the construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse	N	N
(l) is the dwellinghouse built under Part 20 of this Schedule (construction of new dwellinghouses)	N	N
A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted if:- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;	N	N
(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;	N/A	
(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original	N/A	

Limits and conditions of Class A – enlargement, improvement or alteration of a house	Yes / No	To be PD
dwellinghouse		
(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)	N/A	
A.3 Development is permitted by Class A subject to the following conditions:- (a) would the materials used in any exterior work (other than materials used in the construction of a conservatory) be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse	Y	Y
(b) would any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse be:- (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;	N/A	Y
(C) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, would the roof pitch of the enlarged part, so far as practicable, be the same as the roof pitch of the original dwellinghouse.	N/A	Y

5.0 Implications

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

6.0 Conclusion

Having undertaken an examination of the previous planning history no restrictions are in place which restricts the permitted development rights under Schedule 2, Part 1, Class A of the above Order. Having considered the submitted application form and drawings against the relevant sections of The Order, as fully explored above, I consider that the proposed development would be permitted by Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended and consequently the proposed development benefits from 'deemed' planning permission and is lawful.

7.0 Recommendation

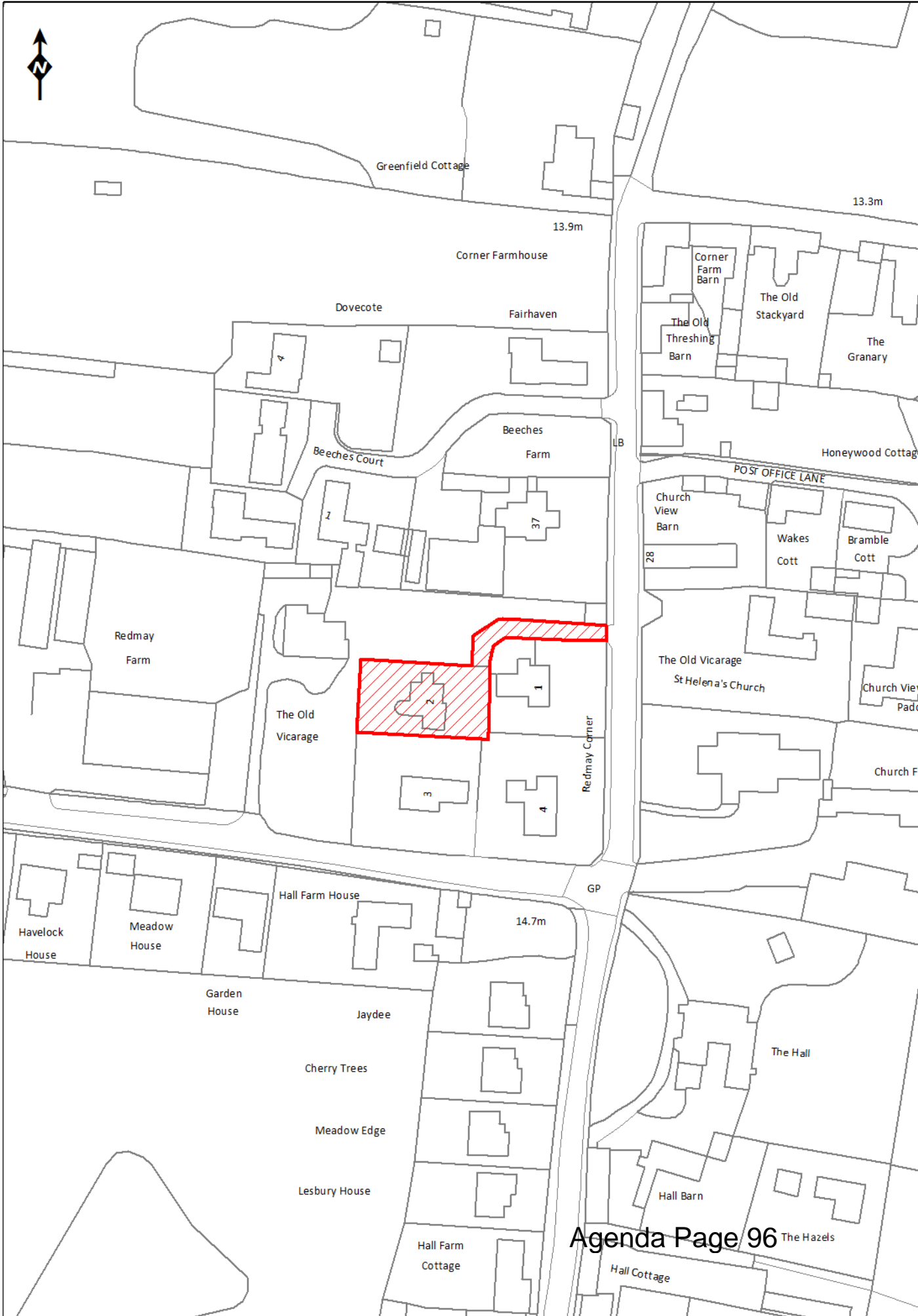
That a certificate of lawfulness is granted.

It is considered that the proposed replacement conservatory (as described and indicated in the documents supporting this application) falls within Class A of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the 'Order' and as such represents development that is permitted and therefore benefits from deemed planning permission, provided it is undertaken in full accordance with the dimensions and siting submitted under this application and the conditions and criteria within Class A of Part 1, Schedule 2 of the Order.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01824/LDCP





Report to Planning Committee 08 December 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Kevin McDonald – Technical Support Officer Ext 5713

Report Summary			
Application Number	22/02063/TWCA		
Proposal	1no Cedar - 8 on accompanying plan - remove snapped/broken branches and overall crown reduction of approx 1-2m, crown thin to a max. of 15% and crown lift to 1-2m 1no Mulberry -10 on accompanying plan - remove 1no Rowan - 27 on accompanying plan - remove		
Location	St Dennis's Church, Main Street, Morton, NG25 OUT		
Applicant	St Denis Parochial Church Council	Agent	Mr Roger Blaney
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	25.10.2022	Target Date	06.12.2022
		Extension of time	09.12.2022
Recommendation	No objections to the proposed works		

In line with the Constitution the notification is referred to Members of the Planning Committee for determination as the applicant is a member of the Council.

The Site

The application site, St Denis's Church, is a grade II* Listed Building located at the Junction of Church Lane and Main Street, Morton. Residential properties lie to the east and south with open/agricultural land to the north and west.

An initial site visit was made by the Case Officer on 18th November 2022 and a further site visit by the Authority's Trees and Landscape Officer on 25th November 2022.

Relevant Planning History

Regarding previous works to trees (section 211), records indicate the following notifications for the site:

09/00282/TWCA – reduction of selected branches to 1 wellingtonia

12/01430/TWCA – removal of dead and overhanging branches to 1 no lime tree and 1 cedar tree and the removal of 1 oak

14/01796/TWCA – felling of 1 lime tree

14/01981/TWCA - felling of 1 lime tree

17/01076/TWCA – removal of 1 holly tree and general maintenance including the removal of deadwood, crossing branches and saplings

20/02327/TWCA – reduction of large leading limb back to suitable growth point to 1 cedar tree

Of the above no objection was raised to a crown thin and the removal of deadwood and problematic branches for T8 (Cedar) under notification 17/01076/TWCA and no objection was raised to the reduction of a damaged limb to the same tree under notification 20/02327/TWCA.

The Proposal

The notification seeks the removal of 1 dead rowan tree and 1 mulberry tree. The following works are also proposed to 1 cedar tree:

The removal of snapped/broken branches and an overall reduction of approx. 1-2m, crown thin to a max. of 15%, crown lift to 1-2m.

Planning Policy/Legislative Framework

Trees in a conservation area that are not protected by an Order are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the local planning authority (LPA) when carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6-week period if the LPA gives consent. This notice period gives the authority an opportunity to consider whether to make a Tree Preservation Order (TPO) on the tree. It is important to note, a Section 211 notice is not an application for consent under a TPO, so the authority cannot:

- refuse consent; or
- grant consent subject to conditions.

As government guidance informs, when assessing a Section 211 notice, the main consideration should be the amenity value of the tree. In addition, they must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Amenity is not defined in law so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. When assessing amenity value, the Local Planning Authority considers the following:

- Visibility - the extent to which the trees or woodlands can be seen by the public, normally from a public place, such as a road or footpath, or accessible by the public; and
- Individual, collective and wider impact - assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics. This can include size and form, rarity, historic value etc.); and

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

Consultations

A Section 211 notice (Tree works in Conservation Area Notification) or notification by a statutory undertaker does not need to be publicised, however we may, if necessary, consult the Local Authorities Trees and Landscape Officer.

In this instance, the Local Authorities Trees and Landscape Officer was consulted who provided the following comments:

With regards to the cedar. These trees have supported supportive structures, it is normal for a branch failure to have subsequent minor failures as a crown re-stabilises. Unfortunately, in this case the rebalancing, thinning and reduction work have exacerbated the problem resulting in more, larger branch failures. In order to assess the tree, I would need to go on site, if the tree is significant, I would suggest this element is withdrawn.

With regards to the rowan/mulberry as this tree comes under Section 213 (1) (b) of the Town and Country Planning Act 1990 allows local authorities to request a re-planting when dead/dangerous trees are removed.

Following a site visit by the Authority's Trees and Landscape Officer on 25th November 2022 a change in the description to the proposed works for cedar tree was suggested to clarify the extent of the proposed works:

With regards the cedar the notice needs to be clarified.

This appears to currently read as follows.

1. *Remove snapped/ broken branches*
 - a. *The removal of the snapped branches is agreed and suggested as exempt.*
2. *Remedial works, thinning or reducing to rebalance the tree.*
 - a. *The outcome from this is to [sic] open, I would suggest the following.*
 - i. *Reduce by approx. 1-2m, crown thin to a max. of 15%, crown lift to 1-2m*

The description was subsequently amended and agreed by the agent based on the above comments.

Comments of the Business Manager

Appraisal of proposed works

Visibility:

Due to the location of the subject trees within the churchyard and the presence of many mature trees, visibility is for the most part limited to the site with only the cedar being partially visible when passing along Church Lane. While the churchyard is accessible by the public when assessing the tree's suitability for protection, the assessment scores would be mitigated by the factors described below.

Individual, collective and wider impact:

Cedar Tree

With regard to the cedar tree (Image 1), this tree is located centrally in the graveyard and can be partially seen from the street. The tree is rather unbalanced with the limbs on the prominent side growing over nearby gravestones.



Image 1

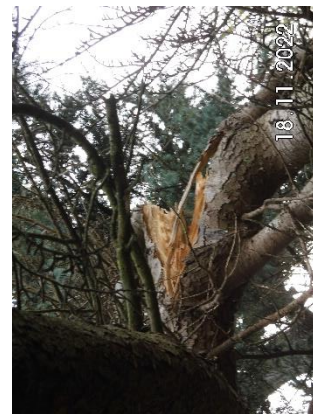


Image 2



Image 3

This species is prone to failure of the large spreading limbs as is evidenced in the case of this specimen by the presence of wounds from previous failures and work (Image 2 and Image 3). At the time of this

notification a partial failure was evident. The proposed works are intended to remove any

potential danger caused by the partial failure and to reduce the potential for future failures of limbs.

Mulberry Tree

The mulberry tree (Image 4 and Image 5) is located close to the northern elevation of the church and is in very poor condition and form having



Image 4



Image 5

co-dominant stems and a prominent split. The tree is only visible from within the site and as such makes little or no contribution to the street scene and Conservation Area. Furthermore, due to the potential for future failure of this tree it is considered to be of low amenity value.

Rowan Tree

On inspection this tree was confirmed to be dead and is, therefore, exempt from the legislation (Image 6 and Image 7).

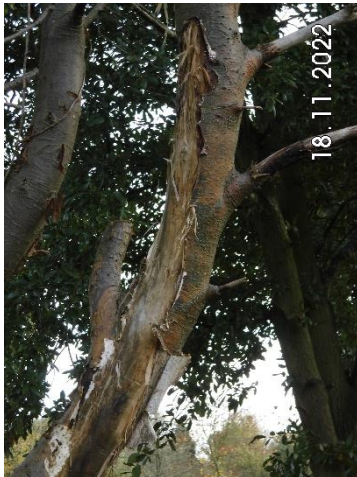


Image 6



Image 7

Conclusion

In conclusion, due to the location of the trees and the need to protect members of the public and the churchyard from any injury or damage which may occur as the result of any future failures there are no objections raised to the proposed works.

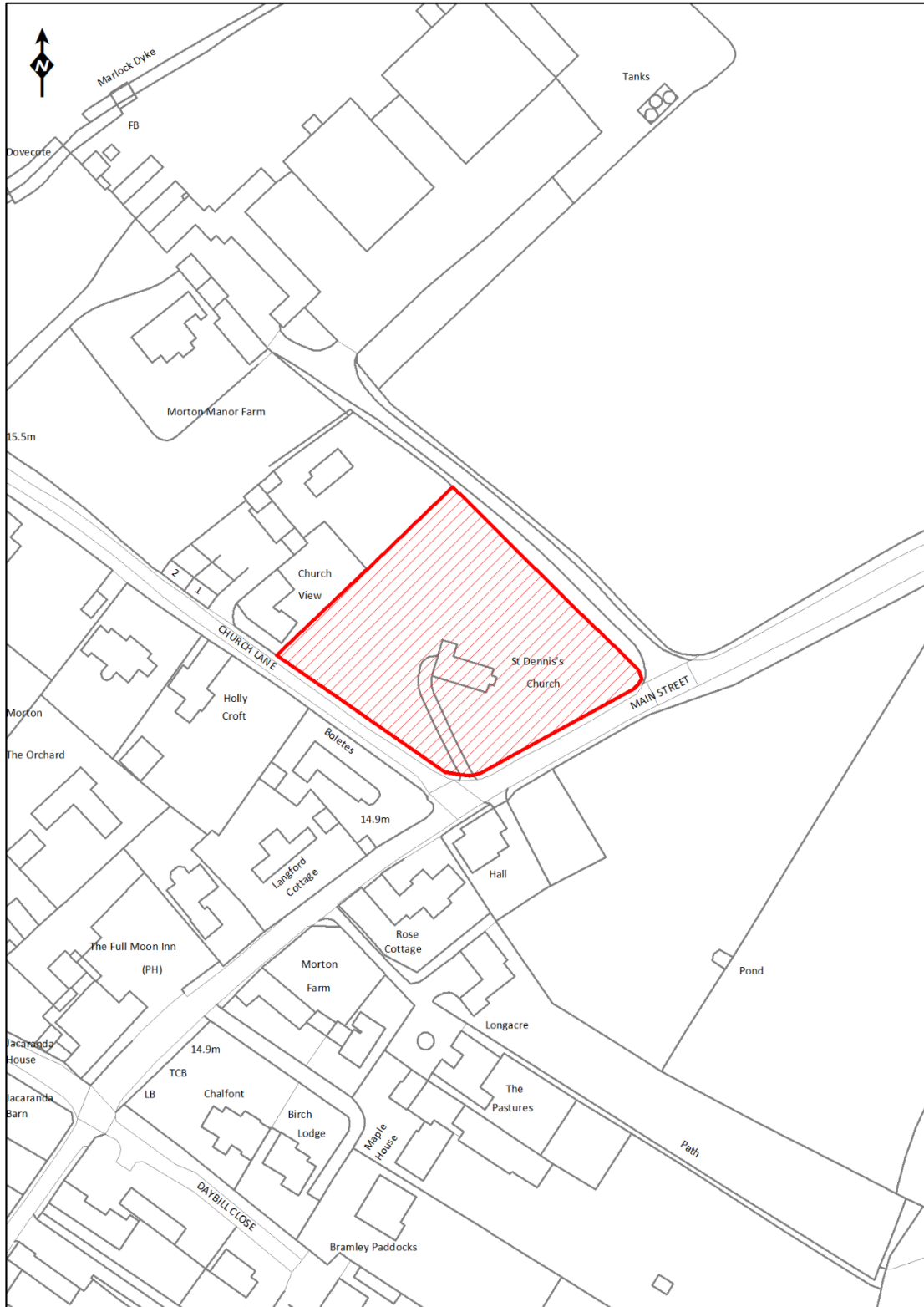
Recommendation

That no objection is raised to the proposal and that a replanting is requested as detailed above.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02063/TWCA



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Report to Planning Committee 8 December 2022

Director Lead: Matt Lamb, Planning & Growth

Lead Officer: Lisa Hughes, Business Manager – Planning Development, x 5565

Report Summary	
Report Title	<i>Protocol for Members on Dealing with Planning Matters</i>
Purpose of Report	<i>To seek Members’ approval of an amendment to the Protocol for Members on Dealing with Planning Matters following recent case law</i>
Recommendation	<i>That Planning Committee adopt the amended Protocol for Members on Dealing with Planning Matters</i>

1.0 Background

Members adopted, in June 2022 the Protocol for Members on Dealing with Planning Matters following the change in the governance structure. Recent case law published has highlighted that it would be beneficial to provide greater clarity, in order to minimise the risk of any legal challenge, in relation to decisions made by Members of the Planning Committee.

2.0 Proposal/Options Considered and Reasons for Recommendation

Section 15: Voting at Committee of the Protocol sets out when a member is able to vote on an agenda item:

“15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.”

Recent case law R (on the application of The Spitalfields Historic Building Trust) v London Borough of Tower Hamlets, Date: 6 September 2022, [2022] EWHC 2262 (Admin) was a challenge against the London Borough of Tower of Hamlets (LBTH) by an interested party that the Council had erred in its decision making at their planning committee. A summary of the case is a report was presented to the committee in April 2021 at which time it deferred. The application was re-presented in September 2021 by which time a new Constitution had been adopted as well as a change in the membership of the committee. LBTH’s Constitution was such that only those members who were present at the April 2021 meeting were able to vote at the September meeting.

The case was dismissed, and the Court found the power prohibiting members from the vote on the deferred application had been lawfully constructed in Council's Constitution and fell within the Local Authority's power under Paragraph 42 of Schedule 12 to the Local Government Act 1972.

However, the case highlights the need for clarity when exercising the discretion to regulate proceedings and business.

Members will be aware that each council adopts its own constitution, protocols and delegation arrangements. NSDCs is different in that it only relates to members needing to be present at the meeting on the day a decision is made. However, to provide clarity for all, the proposed change is recommended:

15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. For clarity, the '*whole of the presentation and debate*' comprises only the presentation and debate on the day the application is determined. It does not include any previous presentation and/or debate of the item for either referrals or resolutions to approve subject to '...' which might include completion of a s106 planning obligation, consultations or notifications to expire or other matter.

In addition, it has been noted that the paragraph numbering of the document adopted in June are, towards the end of the document, mistyped. This is therefore suggested is corrected as well.

3.0 Implications

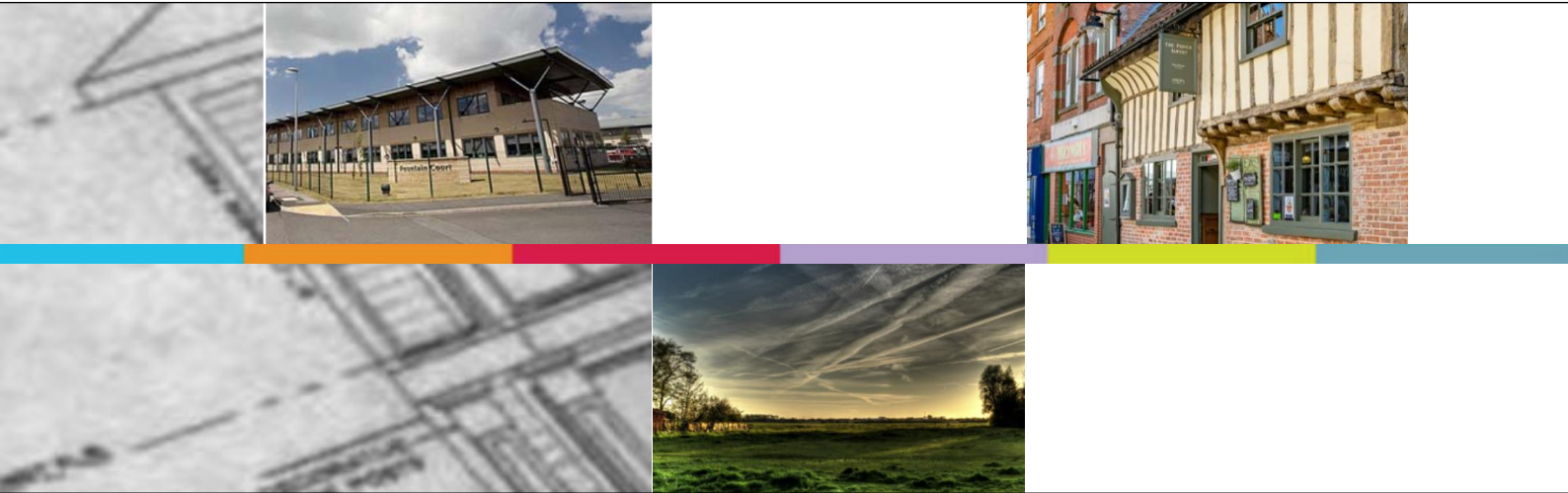
In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Appendix 1 –Protocol for Members on Dealing with Planning Matters. Published on-line.

Protocol for Members on Dealing with Planning Matters

Effective from 9 June 2022



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PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS

1.0 Introduction

- 1.1 One of the key purposes of the planning system is to regulate the development and use of land in the public interest.
- 1.2 Planning decisions are based on balancing competing interests and making an informed judgement against a local and national policy framework. Planning necessarily affects land and property interests and as a consequence decision can often be highly contentious.
- 1.3 The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and decision notices. Nevertheless, it is important that the decision making process is open and transparent.
- 1.4 The aim of this protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
- 1.5 This protocol applies at all times when Members are involved in the planning process. This includes meetings of the Planning Committee, meetings of the Council when exercising the functions of the Planning Authority and less formal occasions, such as meetings with officers or the public and consultative meetings. It applies to planning enforcement matters, to site specific policy issues and to the making of compulsory purchase orders on planning grounds.

IF YOU HAVE ANY QUERIES OR CONCERNS ABOUT THE APPLICATION OF THIS PROTOCOL TO YOUR OWN CIRCUMSTANCES YOU SHOULD SEEK ADVICE EARLY FROM THE MONITORING OFFICER OR DEPUTY MONITORING OFFICER AND PREFERABLY WELL BEFORE ANY MEETING TAKES PLACE.

2.0 Relationship to the Members Code of Conduct

- 2.1 The Council has adopted a local code of conduct which reflects the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2 This protocol is intended to supplement the Members Code of Conduct where members are involved in the planning process.
- 2.3 The rules set out in the Members Code of Conduct must be applied first and must always be complied with.
- 2.4 Where a member does not abide by the Members Code of Conduct and/or this protocol when involved in the planning process it may put the Council at risk of challenge on the legality of any decision made or at risk of a finding of maladministration.
- 2.5 The failure is also likely to be a breach of the Members Code of Conduct and may be the subject of a complaint to the Standards Committee.

MEMBERS SHOULD APPLY COMMON SENSE IN THE INTERPRETATION OF THIS PROTOCOL.

3.0 The General Role and Conduct of Councillors and Officers

- 3.1 Councillors and officers have different but complementary roles. Both serve the public, but councillors are responsible to the electorate whilst officers are responsible to the Council as a whole. Officers advise councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual councillors. A successful relationship between councillors and officers will be based upon mutual trust, understanding and respect of each other's position. The Council has adopted a protocol giving guidance on relationships between officers and members.
- 3.2 Both councillors and officers are guided by codes of conduct. The Members Code of Conduct and its relationship to this protocol are set out in section 2 above.
- 3.3 Planning Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct breaches of which may be subject to disciplinary action by the Institute. In addition, the Council has adopted a Code of Conduct for employees.
- 3.4 In addition to these codes, the Council's Procedure Rules set down rules which govern the conduct of Council business.
- 3.5 Councillors and officers should view with extreme caution any offer of gifts or hospitality. The Council has adopted separate protocols for officers and for members giving guidance on gifts and hospitality.
- 3.6 Serving councillors who act as agents for people pursuing planning matters within their authority should not be members of the Planning Committee.
- 3.7 Councillors and particularly those serving on the Planning Committee are required to receive training on planning when first appointed to the Planning Committee and a minimum of once annually thereafter.

4.0 Registration and Disclosure of Interests

- 4.1 The Member Code of Conduct sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests. Members should not participate in any decision and should leave the meeting where they have a disclosable pecuniary interest unless they have first obtained a dispensation.

In addition, unless they have obtained a dispensation they should: -

- **NOT** participate or give the appearance of trying to participate in the making of any decision on the matter by the Council as Local Planning Authority
 - **NOT** get involved in the processing of the application
 - **NOT** use their position to discuss the proposal with officers or members when other members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.
- 4.2 In addition, the Code requires members to consider whether they have a non disclosable interest or personal interest in any item. Such an interest will arise where the matter may reasonably be regarded as affecting the wellbeing or financial standing of the member concerned, a member of their family or a person with whom they have a close association to a greater extent than the majority of people in their ward. Such an interest will also arise where it would be a disclosable pecuniary interest but relates to a member of the councillor's family or to a close associate rather than to the member themselves or to their spouse or partner.

4.3 In the event that a member considers that they have a non disclosable pecuniary interest or personal interest in any matter they should disclose the existence and nature of the interest at or before the consideration of that item of business or as soon as the interest becomes apparent.

4.4 The member then needs to consider very carefully whether it would be appropriate to participate in discussion and voting on the matter. They should think about how a reasonable member of the public, with full knowledge of all the relevant facts would view the matter when considering whether their participation would be appropriate.

5.0 Predisposition, Predetermination or Bias

5.1 To protect the rights of planning applicants and to preserve the integrity of committee decisions, it is vital that members do not make up their minds before they have all relevant materials and arguments before them at the Planning Committee meeting. Members must retain an open mind at the time the decision is made and not make up their minds or appear to have made up their minds until they have heard the officer's presentation and evidence at the Planning Committee when the matter is considered. This is particularly important if a member is contacted by an external interest or lobby group. If a member has made up their mind prior to the meeting and is not able to reconsider their previously held view, they will not be able to participate in the determination of the matter by the Authority because if they did take part in the discussion or vote it would put the Authority at risk in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute maladministration. Secondly, the Authority could be at risk of legal proceedings on a number of possible grounds: -

- That there was a danger of bias on the part of the member; and/or
- Predetermination; and/or
- A failure to take into account all of the factors which would enable the proposal to be considered on its merits

5.2 Members are entitled to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision. Predetermination arises when members' minds are closed, or reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. This risks making the whole decision vulnerable to legal challenge. Section 25 of the Localism Act 2011 provides that a councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a councillor who states "wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee" has a closed mind. A councillor who states "many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area" does not have a closed mind although they are predisposed towards opposing such applications.

5.3 Members may take part in the debate on a proposal when acting as part of a consultee body (i.e., where they are also a member of the county or parish council as well as being a member of the Authority) provided that: -

- They make clear during discussion at the consultee body that: -
 - (i) Their views are expressed on the limited information before them only; and
 - (ii) They will reserve judgement and the independence to make up their own mind on each separate proposal when it comes before the District Council's Planning Committee, and they have heard all the relevant information; and
 - (iii) They will not in any way commit themselves as to how they or others may vote when the proposal comes before the District Council's Planning Committee.

In the interests of transparency, the member should, in such circumstances, disclose the personal interest regarding their membership of the consultee body when the District Council's Planning Committee comes to consider the proposal.

5.4 Where a member has already made up their mind ("fettered their discretion") and therefore declines to speak or vote on a proposal, they do not also have to withdraw (unless they have a disclosable pecuniary interest and have not obtained a dispensation) but they may prefer to do so for the sake of appearances.

5.5 If a member decides to stay in the meeting, they should explain that they do not intend to speak and vote because they have (or could reasonable be perceived as having) judged the matter elsewhere, so that this may be recorded in the minutes.

5.6 Members who have participated in the development of planning policies and proposals need not and should not normally exclude themselves from decision making on individual applications for that reason.

6.0 Development Proposals Submitted by Councillors and Officers and Council Development

6.1 Proposals submitted by serving and former councillors, officers and their close associates and relatives can easily give rise to suspicions of impropriety. Proposals could be planning applications or local plan proposals.

6.2 Such proposals must be handled in a way that gives no grounds for accusations of favouritism. In particular: -

- If a member or officer submits their own proposal to the Authority, they should play no part in its consideration
- The Council's Monitoring Officer should be informed of any proposal submitted by any member, or any officer employed by the Authority on the grade of Business Manager or above or any officer who would otherwise have been involved in processing or determining the application
- Such proposals should be reported to the Planning Committee and not dealt with by officers under delegated powers

6.3 A member will have a disclosable pecuniary interest in their own application and should not participate in its consideration. They have the same rights as any applicant in seeking to explain their proposal to an officer but the councillor, as applicant, should also not seek to improperly influence the decision.

6.4 Proposals for the Council's own development should be treated with the same transparency and impartiality as those of private developers.

7.0 Lobbying of and by Councillors

7.1 Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, a site allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their ward member or to a member of the Planning Committee. The Nolan Committee's 1997 report stated: "it is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the councillors themselves".

7.2 Lobbying can, however, lead to the impartiality and integrity of a councillor being called into question, unless care and common sense is exercised by all the parties involved.

- 7.3 When being lobbied, councillors and members of the Planning Committee in particular, should take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments.
- 7.4 In such circumstances, members should consider restricting themselves to giving advice about the process and what can and cannot be taken into account.
- 7.5 Members can raise issues which have been raised by their constituents with officers.
- 7.6 If a member does express an opinion to objectors or supporters, it is good practice to make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and having taken into account all relevant material and planning considerations at Planning Committee.
- 7.7 If any councillor, whether or not a Planning Committee member, speaks on behalf of a lobby group at the Planning Committee, they should withdraw from the meeting once the opportunity to make representations has been completed in order to counter any suggestions that members of the Committee may have been influenced by their continuing presence.
- 7.8 In no circumstances should planning decisions be made on a party-political basis in response to lobbying. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- 7.9 Planning Committee members and members of the Local Development Framework Task and Finish Group should in general avoid organising support for or against a planning application and should not lobby other councillors.
- 7.10 Members should not put pressure on officers for a particular recommendation or decision and should not do anything which compromises, or is likely to compromise, the officer's impartiality or professional integrity.
- 7.11 Members should pass any lobbying correspondence received by them to the Business Manager – Planning Development at the earliest opportunity.
- 7.12 Any offers made of planning gain or restraint of development, through a proposed S106 Agreement or otherwise should be referred to the Business Manager – Planning Development.
- 7.13 Members should not accept gifts or hospitality from any person involved in or affected by a planning proposal.
- 7.14 Members should inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches, including inappropriate offers of gifts or hospitality, who will in turn advise the appropriate officers to follow the matter up.

8.0 Requests to Refer Items to Committee

- 8.1 If a member requests that a matter be referred to Planning Committee for determination, where it would otherwise be dealt with by officers acting under delegated powers, they should give written reasons for that request and those reasons should relate solely to matters of material planning concern. The member should also observe the additional rules and requirements set out in the Council's Constitution and/or Planning Scheme of Delegation.

9.0 Pre-Application Discussions

- 9.1 Pre-application discussions between a potential applicant and the Council can benefit both parties and are therefore encouraged. However, it would be easy for such discussions to become, or be seen by objectors to become, part of a lobbying process on the part of the applicant.
- 9.2 Councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise, along with an understanding of community views. Involving councillors can help identify issues early on, helps councillors to lead on community issues and helps to ensure that issues do not come to light for the first time at Planning Committee. Officers should therefore consider involving the local ward member(s) particularly in relation to major applications and where a Development Consultation Forum does not apply (refer paragraph 9.3 below). However, in order to avoid perceptions that councillors might have fettered their discretions, such discussions should take place in accordance with the following guidelines: -
- (i) It should be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
 - (ii) It should be acknowledged that consistent advice should be given by officers based upon the development plan and material [planning] considerations.
 - (iii) Officers should be present with members in pre-application meetings. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.
 - (iv) Members should not become drawn into any negotiations which should be done by officers (keeping interested members up to date) to ensure that the Authority's position is co-ordinated.
 - (v) A written note should be made of all meetings. An officer should make the arrangements for such meetings, attend, and write notes. A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised, or advice given can still normally be placed on the file to reassure others who are not party to the discussion.
 - (vi) Care should be taken to ensure that advice is impartial, otherwise the subsequent report or recommendation to Committee could appear to be advocacy.
- 9.3 Some pre-application and pre-decision proposals are of a scale or complexity, for example, whereby engaging with members, Town/Parish Councils and Meetings as well as the public can be of benefit to enable wider understanding. Such proposals will be, with the agreement of the Business Manager – Planning Development, Chairman and Vice Chairman of Planning Committee in consultation with the Ward Member(s), recommended to be presented via a Development Consultation Forum (DCF). Such Forum's will enable wider engagement in accordance with the Council's Statement of Community Involvement. They will not be a decision-making meeting. The purpose, process and schemes that might be eligible are detailed within the document 'Development Consultation Forums, Guidance for Developers and Public [[hyperlink once adopted](#)]'. The Chairman of the DCF will be agreed prior to the meeting being held and will be either a District Councillor or Officer of the Planning Development department.
- 9.4 Although the term "pre-application discussions" has been used, the same consideration should apply to any discussions which occur before a decision is taken.
- 9.5 Common sense should be used by members in determining the scale of the proposals to which the guidelines set out in 8.1 above will apply. Councillors talk regularly to constituents to gauge their views on matters of local concern. Keeping a register of such conversations would be neither practical nor necessary. If for example a member is approached by an applicant or an objector in respect of what could reasonably be considered to be a minor application, it would be more appropriate for the member concerned to give advice on process only and what can and cannot be taken into account (see

paragraph 7.4 ante) and to refer the constituent to a planning officer if they need planning or technical advice.

10.0 Officer Reports to Committee

- 10.1 Officer reports to Committee should be comprehensive and should include the substance of any objections and other responses received to the consultation. Relevant information should include a clear assessment against the relevant development plan policies, relevant parts of the National Planning Policy Framework (NPPF), any local finance considerations and any other material [planning] considerations.
- 10.2 Reports should have a written recommendation for a decision to be made.
- 10.3 Reports should contain technical appraisals which clearly justify the recommendation.
- 10.4 If the reports recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. This is not only good practice, but also failure to do so may constitute maladministration or give rise to a Judicial Review challenge on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S38A of the Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990.
- 10.5 Any oral updates or changes to the report should be recorded.

11.0 Consideration of Business on the Public Agenda

- 11.1 All applications to be decided by the Planning Committee will be dealt with as follows:
 - i. Members who have pre-determined the proposal or have a Disclosable Pecuniary Interest (DPI) will be required to leave the meeting whilst the relevant agenda item is debated. Officers with a DPI will also be required to leave.
 - ii. The Chairman will announce the agenda item number.
 - iii. The Planning Officer will introduce the application with any relevant updates and provide a visual presentation to aid Members' understanding of the context of the application.
 - iv. The Chairman will propose and Vice-Chairman second the Officer recommendation [noting that this does not fetter their ability to vote to the contrary after taking all relevant matters into account].
 - v. The Chairman will invite any Ward Member and/or Parish/Town Council or Parish Meeting representative to speak to the item. Each speaker will be limited to 5 minutes.
 - vi. The Chairman will then ask Members if they have technical questions of officers
 - vii. The Planning Committee will then discuss/debate the application.
 - viii. Members may seek further clarification of: -
 - a) particular points from Officers, regarding the application; or
 - b) on points raised by speaker(s), in the main debate, through the Chairman. Officers will respond to issues and questions raised by Members.
 - ix. The Committee will then make a decision by vote.
 - x. Refusals, contrary to Officer recommendation will, alongside recording each Member's vote, also record the proposer and seconder for the refusal.

12.0 Public Speaking at Planning Committees

- 12.1 Members of the public, including any applicant or objector, are not entitled to speak at meetings of the Planning Committee and should accordingly submit any representations in writing.

- 12.2 All representations received will be reported to Planning Committee. Where they are received late, and after publication of the agenda for the Committee they will be reported to the Committee by means of a late paper summarising any late representations received in respect of items on the agenda for the Committee.
- 12.3 References to Parish Councils shall include Town Councils. Parish Councils may appoint a representative to make representations on behalf of the Parish Council in respect of any planning application submitted within the area of the relevant parish, or where it can clearly be demonstrated to the satisfaction of the relevant Business Manager – Planning Development in consultation with the Chairman and Vice Chairman of the Planning Committee that the application will have a material impact on the whole or part of the Parish Council’s area.
- 12.4 The Parish Council should notify the Council’s Democratic Services Team, by 5pm the working day before the meeting that they wish to make representations and the name of their nominated representative.
- 12.5 Such nominated representative should be the clerk or other officer or a member of the Parish Council and as such they will be bound by their own Authority’s rules on conduct. Any professional agent or other third party appointed by the Parish Council shall have no right to speak at Committee.
- 12.6 The nominated representative shall put forward views or representations which reflect the views of the Parish Council which they are representing. They shall not be entitled to put forward personal views or opinions or views which differ from those of the Parish Council which they represent.
- 12.7 A Parish Meeting shall have the same rights to appoint a representative to speak on their behalf as a Parish Council provided that they are able to evidence that they are reflecting the views of the Parish Meeting (for example as recorded in the minutes of the Parish Meeting) rather than their personal views.
- 12.8 The local ward member for the area in respect of which the planning application is situated shall have the right to make representations to the Committee. A member shall also have the right to make representations for applications outside their ward area in circumstances where it can clearly be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the Chairman and Vice-Chairman of the Planning Committee that the application will have a material impact on the whole or part of their ward area. Any member wishing to exercise their right to speak under this provision shall be required to first notify the Council’s Democratic Services team by 5pm the working day before the meeting that they wish to make representations and, if the application is outside their ward area, the reasons why they consider that the application will have a material impact on the whole or part of their ward area.
- 12.9 A member from a neighbouring district/borough council shall have the right to make representations on behalf of that council and reflecting the views of that council to the Planning Committee in circumstances where it can clearly be demonstrated to the satisfaction of the Business Manager – Planning Development in consultation with the Chairman and Vice-Chairman of the Planning Committee that the application will have a material impact on the whole or part of their Council area. A member wishing to exercise their rights under this paragraph shall be required to first notify the Council’s Democratic Services team by 5pm the working day before the meeting that they wish to make representations on behalf of their Council and shall also provide evidence that these representations will reflect the views of that Council and evidence that the application will have a material impact on the whole or part of their Council area.
- 12.10 The right to make representations as set out in 11.3, 11.7, 11.8 and 11.9 ante, shall be limited to a maximum 5-minute duration.

12.11 New documents should not be circulated to the Committee. Councillors may not be able to give proper consideration to the new information and Officers may not be able to check for accuracy or provide considered advice on any material considerations arising. This should be made clear to those who intend to speak. If, in exceptional circumstances and at the Chairman's discretion, new documents are accepted, the meeting may be adjourned for them to be properly considered.

12.12 Messages should never be passed to individual committee members, either from other councillors or from the public. This could be seen as seeking to influence that member improperly and will create a perception of bias that will be difficult to overcome.

13.0 Decisions Which Differ from an Officer Recommendation

13.1 The law requires that decisions should be taken in accordance with the development plan, unless material considerations (which specifically include the NPPF) indicate otherwise (S38A Planning and Compensation Act 2004 and S70 of the Town and Country Planning Act 1990).

13.2 This applies to all planning decisions. Any reasons for refusal and any approval must be justified against the development plan and other material considerations.

13.3 The courts have expressed the view that the Planning Committee's reasons should be clear and convincing. The personal circumstances of an applicant or any other non-material planning considerations which might cause local controversy will rarely satisfy the relevant tests.

13.4 Planning Committees can, and often do, make a decision which is different from the Officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations.

13.5 The Planning Committee should take the following steps before taking a decision which differs from an officer recommendation: -

- (i) Record the detailed reasons as part of the mover's motion
- (ii) If necessary, adjourn for a few minutes for those reasons to be discussed and then agreed by the Committee
- (iii) Where there is concern about the validity of reasons and/or officer concern about a potential award of costs on appeal, consider deferring to another meeting to have the putative reasons tested and discussed.
- (iv) Ensure that a recorded vote is taken, recording the individual names of those voting for and voting against the motion and the names of those abstaining.

13.6 If the Planning Committee makes a decision contrary to the Officer's recommendation (whether for approval or refusal or changes to conditions or S106 obligations), a detailed minute of the Committee's reasons shall be made, and a copy placed on the application file. A number of appeals are confined in the documents that can be used to defend its appeal (officer report and Committee minutes only). Councillors should be prepared to explain in full their planning reasons for not agreeing with the Officer's recommendation. Pressure should never be put on officers to "go away and sort out the planning reasons".

13.7 The officer(s) should also be given an opportunity to explain the implications of the contrary decision should one be made.

13.8 Applications which are refused contrary to Officer recommendation and subsequently appealed should be defended by either and/or both the proposing or seconding Member to the resolution or any other Member who is willing to defend the Council's decision.

- 13.9 All applications that are clearly contrary to the development plan and constitute notifiable departures must be advertised as such and are known as “departure” applications. If it is intended to approve such an application, the material considerations leading to this conclusion must be clearly identified, and how these considerations justify overriding the development plan must be clearly demonstrated.
- 13.10 The application may then have to be referred to the relevant Secretary of State, depending upon the type and scale of the development proposed (S77 of the Town and Country Planning Act 1990). If the Officer’s report recommends approval of such a departure, the justification for this should be included, in full, in that report.

14.0 Committee Site Visits

- 14.1 Committee site visits do not constitute formal meetings of the Council but rather their purpose is to enable members to observe the site and to gain a better understanding of the issues. Accordingly, attendance by members at Committee site visits is not essential and non-attendance will not preclude a member from discussing and voting on the relevant matter at the Planning Committee meeting. Notwithstanding this, members should make every effort to attend where it is considered that a site visit is necessary and appropriate. In addition, any relevant information which members have gained from the site visit will be reported back to the Committee so that all members have the same information.
- 14.2 Site visits should only be conducted where the benefit is clear and substantial. Officers will have visited the site and assessed the scheme against policies and material considerations already. A site visit should not take place unless:
- (i) There are particular site factors which are significant in terms of the weight attached to them relative to other factors if they would be difficult to assess in the absence of a site inspection; or
 - (ii) There are specific site factors and/or significant policy or precedent implications that need to be carefully addressed; or
 - (iii) The impact of the proposed development is difficult to visualise; or
 - (iv) The comments of the applicant and/or objectors cannot be expressed adequately in writing; or
 - (v) The proposal is particularly contentious, and the aspects being raised can only be viewed on site.
- 14.3 A record should be kept of the reasons why a site visit is called. It is important that the Council adopts a clear and consistent approach on when and why to hold a site visit and how to conduct it to avoid accusations that visits are arbitrary, unfair or a covert lobbying device.
- 14.4 Only members of the Planning Committee, the local ward member(s) and officers should participate in site meetings. A member who is not the local ward member but is able to demonstrate to the satisfaction of the Business Manager - Planning Development in consultation with the Chairman of the Planning Committee prior to the site meeting taking place that the application will have a significant impact on their ward may be permitted to attend the site meeting.
- 14.5 The applicant may be present on site but should be kept a discreet distance away from the Planning Committee members and officers so that they cannot be a party to any comments or questions raised. Upon the refusal of the applicant to respect this requirement, the Committee shall leave the site immediately.
- 14.6 Members should not express opinions or views at the site meeting but may ask officers present questions or seek clarification from them on matters which are relevant to the site investigation.
- 14.7 Under no circumstances should the site visit members hear representations from any party other than the local ward member. Observations of the ward member(s) should be confined to site factors and site issues. If any member present at a site visit is approached by the applicant or a third party, they should

advise them that they should make representations in writing to the Authority and should direct them to or inform the officer present.

- 14.8 Once a councillor becomes aware of a proposal, they may be tempted to visit the site alone. In such a situation, a councillor is only entitled to view the site from public vantage points, and they have no individual rights to enter private property. Any request by the owner/occupier of a site to enter on to a premise or by a neighbour to view a site from their premise should be strongly resisted to avoid the risk of the owner/occupier/neighbour trying to influence that member improperly, potentially creating a perception of bias and risk of legal challenge or allegation of maladministration.

15.0 Voting at Committee

- 15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. For clarity, the '*whole of the presentation and debate*' comprises only the presentation and debate on the day the application is determined. It does not include any previous presentation and/or debate of the item for either referrals or resolutions to approve subject to '...' which might include completion of a s106 planning obligation, consultations, or notifications to expire or other matter.

16.0 Deferral

- 16.1 Members should not seek to defer consideration of any item put before the Planning Committee unless there are clear and demonstrable reasons for doing so such as a relevant planning issue arising for the first time not having been previously considered and needing further investigation.
- 16.2 Where a Member might otherwise be minded to seek deferral of an item by reason that they wish to seek clarification on a particular issue, consider that further material information is required on a particular matter or for any other substantial reason, they should seek to obtain such clarification or additional information from the relevant Business Manager or the relevant Case Officer at least two hours prior to the commencement of the Planning Committee meeting.

17.0 Biennial Review of Decisions

- 17.1 It is good practice for councillors to visit a sample of implemented planning permissions to assess the quality of the decisions and the development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy.
- 17.2 Reviews should include visits to a range of developments such as major and minor schemes; upheld appeals; listed building works and enforcement cases. Briefing notes should be prepared on each case. The Planning Committee should formally consider the review and decide whether it gives rise to the need to reconsider any policies or practices.

18.0 Complaints

- 18.1 Complaints relating to planning matters will be dealt with in accordance with the Council's complaints procedures.
- 18.2 So that complaints may be fully investigated and as general good practice, record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. It should be possible for someone not involved in that application to understand what the decision was, and why and how it had been reached. This applies to decisions taken by Committee and under delegated powers, and to applications, enforcement, and development plan matters.

PLANNING COMMITTEE – 8 DECEMBER 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 (received between 24 October 2022 – 21 November 2022)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/33044 28	22/00483/FUL	4 The Paddock Newark Road Ollerton NG22 0EH	Replacement of existing static caravan with a new dwelling	Written Representation	Refusal of a planning application
APP/B3030/W/22/33052 25	21/02663/FULM	Plots 3 And 15 New Lane Blidworth	Change of use of land to equestrian use and formation of new access tracks to both Plots. New shelter and retention of open fronted field shelter to Plot 3 (part retrospective)	Written Representation	Refusal of a planning application
APP/B3030/D/22/330767 0	22/01233/HOUSE	Ronnington 84 Kirklington Road Rainworth NG21 0JX	Two storey front, side and rear extensions. Loft conversion with dormers to side and rear	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/22/330865 0	22/00238/ENFB	218 London Road Balderton Newark On Trent NG24 3HD	Appeal against without planning permission, development consisting of the erection of means of enclosure consisting of railings with timber inserts and gates (x2) to the front of the property (adjoining	Written Representation	Service of Enforcement Notice

			the highway). (as shown within photographs 1 and 2 and identified with an X on the site plan).		
APP/B3030/W/22/33086 62	22/01590/HOUSE	218 London Road Balderton Newark On Trent NG24 3HD	Erection of railings and electric gates to the front of the property (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/D/22/330891 8	20/02374/HOUSE	5 Sheridan Close Balderton NG24 3RB	Proposed Two Storey Front, Side and Rear Extensions	Fast Track Appeal	Refusal of a planning application
APP/B3030/C/22/331007 3	22/00098/ENFB	1 Third Avenue Edwinstowe NG21 9NU	Without planning permission, operational development consisting of the erection of a fence enclosing the North and West elevations of the property (as shown within photographs 1 and 2 and highlighted red on the site location plan) and the erection of an outbuilding located forward of the principal elevation of the property (as shown within photograph 3 and highlighted green X on the site location plan)	Written Representation	Service of Enforcement Notice

PLANNING COMMITTEE – 8 DECEMBER 2022

Appendix B: Appeals Determined (between 24 October 2022 – 21 November 2022)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
21/00831/FUL	Plot 9 Skylarks Ricket Lane Blidworth	New stable block (retrospective)	Delegated Officer	Yes	Appeal Dismissed	27th October 2022
22/00504/HOUSE	Home Farm Main Street Kirklington NG22 8ND	Proposed detached garage	Delegated Officer	Yes	Appeal Dismissed	15th November 2022
22/00558/OUT	Land Off Enfield Court Harby	Outline application for residential development to erect 4no dwelling houses with all matters reserved except access	Delegated Officer	Yes	Appeal Dismissed	27th October 2022
22/00509/FUL	Greenoakes 1 Station Close Collingham NG23 7RB	Demolition of existing dwelling and construction of new dwelling.	Delegated Officer	Yes	Appeal Dismissed	3rd November 2022
21/02192/HOUSE	Hillcrest 7 Hoveringham Road Caythorpe NG14 7EE	Proposed side extension	Delegated Officer	Yes	Appeal Allowed	2nd November 2022
21/02261/FUL	81 Lincoln Road Newark On Trent NG24 2BU	Proposed alterations to No.81 Lincoln Road and erection of new dwelling	Planning Committee	Committee Overturn	Appeal Allowed	21st November 2022

In relation to Hillcrest, 7 Hoveringham Road, Caythorpe referenced above, a costs application was submitted against the Council. The Inspector awarded costs, the sum for which the agent acting for the appellant has submitted, and has been agreed, of approximately £1040.

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 01536 650000 or email planning@nsdc.info quoting the relevant application number.

Lisa Hughes Business Manager – Planning Development



Appeal Decision

Site visit made on 7 June 2022 by Darren Ellis MPlan

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/B3030/D/22/3291514

Hillcrest, 7 Hoveringham Road, Caythorpe NG14 7ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Kellam against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02192/HOUSE, dated 8 October 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a side extension at Hillcrest, 7 Hoveringham Road, Caythorpe NG14 7ED in accordance with the terms of the application 21/02192/HOUSE, dated 8 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref: 531/2021; Block Plan Ref: 558/2021; and Proposed Plan and Elevations drawing no. 558_2021_02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those as detailed on the Proposed Plan and Elevations drawing no. 558_2021_02.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Background and Main Issue

3. The appeal site is within the Green Belt and relevant Green Belt policies therefore apply. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.

4. As such, the main issue is whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework.

Reasons for the Recommendation

5. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building, providing that the extension would not result in a disproportionate addition over and above the size of the original building.
6. Spatial Policy 4B of the Amended Core Strategy (March 2019) (ACS) sets out where new housing development could be acceptable and states that any other development within the Green Belt that is not identified in the policy, such as the proposal before me, shall be judged according to national Green Belt policy.
7. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' However, the term 'disproportionate' is not defined. The current dwelling was constructed following the granting of planning permission in 2013 for the demolition of an existing dwelling and the erection of a replacement dwelling¹.
8. The Council state that the current dwelling was considered to be disproportionate compared to the previous dwelling. However, the exception in the Framework for replacement buildings requires for them to not be materially larger than the previous building, whereas the test for disproportionality applies only to extensions and alterations to a building. I understand that the current dwelling is materially larger than the previous dwelling but was deemed acceptable as very special circumstances were demonstrated, including the removal of previous outbuildings.
9. As the previous building has been demolished and no longer exists, and as the current building was constructed after 1 July 1948, the current dwelling constitutes an original building for the purposes of the Framework. Any comparisons to the size of the previous building are therefore not relevant in this case.
10. Due to the substantial costs involved, it is unlikely that this approach would lead to a repeating cycle of one building being demolished to be replaced with a larger building. Moreover, any such replacement building would require planning permission and would need to be found acceptable when assessed against the relevant planning policies.
11. Both parties agree that the proposed side extension would see an approximate increase of 11% in footprint and 5.8% in floorspace. The Council mentions, as a guide, a threshold of a 30%-50% increase from the original building as being disproportionate and asserts that this is supported by case law, although no specific judgements have been referenced. However, given the lack of any such criteria in the development plan, this threshold is a guide only and a judgement is required in any given case. The proposed increases to the footprint and floorspace of the building would fall well below the 30%-50% guide.
12. Size is more than a function of footprint and floorspace and includes volume, bulk, mass, and height. The proposed single-storey extension has been

¹ Planning application ref. 13/01509/FUL

designed to be subservient to the original dwelling and would be well set-back from the front elevation and the ridge set down from the main roof. Overall, I am satisfied, as a matter of judgement, that the addition to the original building would be proportionate to the original property.

13. Neither local nor national policy requires the justification of the future use of an extension, in this case as a home office.
14. Consequently, I conclude that the proposal would meet the exception in the Framework for an extension or alteration to a building and therefore would not be inappropriate development within the Green Belt. For these reasons, the proposal would satisfy Paragraph 149 of the Framework and Policy 4B of the ACS, and would not amount to inappropriate development within the Green Belt.

Openness of the Green Belt

15. Given my conclusion that the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to go onto consider the proposal's effect on the openness of the Green Belt or whether there are any very special circumstances.
16. The Council states that permitted development rights for the current building were removed when the planning permission was granted in order to protect the openness of the Green Belt. However, the removal of permitted development rights means that a planning application needs to be submitted for extensions that would usually constitute permitted development. In such an application, the effect of a proposal on the openness of the Green Belt would only need to be assessed if a proposal was considered to constitute inappropriate development.

Other Considerations

17. The majority of the appeal site is situated in flood zone 2, with the southern end of the driveway being in flood zone 3. As the proposed floor levels would be the same as the existing floor levels, I am satisfied that the proposal would be acceptable in terms of flood risk. I also note that the Council has not objected in this regard.

Conditions

18. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.
19. In the interests of the character and appearance of the property and the surrounding area, it would be necessary for a condition requiring the exterior materials to match the details shown on the submitted drawings.

Conclusion and recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed

K Taylor

INSPECTOR



Appeal Decision

Site visit made on 31 August 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 NOVEMBER 2022

Appeal Ref: APP/B3030/W/22/3291855

81 Lincoln Road, Newark NG24 2BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Chambers-Asman against the decision of Newark & Sherwood District Council.
 - The application Ref 21/02261/FUL, dated 18 October 2021, was refused by notice dated 19 January 2022.
 - The development proposed is alterations to No.81 Lincoln Road and erection of new dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for alterations to No 81 Lincoln Road and erection of new dwelling at 81 Lincoln Road, Newark NG24 2BU in accordance with the terms of the application, Ref 21/02261/FUL, dated 18 October 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. A number of the plans submitted by the appellant are titled 'Rev D', however the corresponding plans referred to in the Council's decision notice are titled 'Rev C'. The Council has however since confirmed that it is the 'Rev D' plans that were considered and presented to members of the Council's planning committee. I have therefore had regard to the 'Rev D' plans in this decision.
3. The Council altered the description of the development, including clarification that the proposal includes alterations to 81 Lincoln Road, and erection of a new dwelling. This description is more precise than that given on the application form. I have used this description in the banner heading and formal decision.

Main Issue

4. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

5. The appeal site comprises an existing pair of semi-detached two storey dwellings and associated curtilage. Both dwellings sit on elongated plots with vehicular access onto Lincoln Road. In the vicinity of the appeal site, Lincoln Road is characterised by a mix of semi-detached and detached two storey dwellings and bungalows. Plots are arranged side by side, albeit dwellings sit at an oblique angle to the road with varying spacing and distances from the

- footpath. The frontage is therefore staggered and not uniform. On the appeal site's side of the road, generous front and rear gardens are common.
6. There are examples however where rear garden spaces have been developed to provide additional dwellings. Notably, immediately to the north-east of the appeal site there is a collection of five dwellings located to the rear of existing properties fronting Lincoln Road. While these appear to have independent accesses onto Lincoln Road, their siting to the rear of existing dwellings and considerable set back from the road give them similar characteristics of 'backland' development, referred to by the parties and in Policy DM5 of the Allocations and Development Management Development Plan Document (ADM DPD), adopted July 2013. According to the Council these development date from the 1970s. Although such development does not prevail across a wide area it does help to define the pattern and density of development near to the appeal site.
 7. There is also another, more recent, example of this type of development further to the south-west which is more comparable to the appeal proposal. The spacing between dwellings and staggered frontage along Lincoln Road, particularly in the vicinity of the appeal site, opens views to the rear in places and introduces dwellings behind into the street scene. Consequently, other housing developments to the rear of properties along Winthorpe Road behind can also be glimpsed between dwellings.
 8. I saw on site that the rear garden space, in which the proposed dwelling would be located, has already been subdivided from the host property with mid-height boundary fencing. The existing garden space is expansive, and a large single storey garage structure sits at the bottom. The rear garden space is only partly enclosed along the northern boundary, with a low to mid-height fence, timber posts, string and a short wall separating the area of existing and proposed driveway from the adjacent property at 83 Lincoln Road. There is no formal boundary enclosure in place between the appeal site and the adjacent neighbour at 87c Lincoln Road. Along the rear boundary the site is enclosed by trees, and along the southern boundary is a mid-height fence.
 9. The proposed dwelling would be located a considerable distance into the rear garden space, directly behind the two existing dwellings. Generous front and rear garden space would separate the proposed dwelling from the shared boundary with the existing dwellings and the existing garage at the rear of the site. The proposed driveway runs along the side, providing separation to the northern boundary. Adequate separation would also be maintained to other dwellings around the site. The existing dwellings would both be left with commensurate front and rear garden space for their size, and comparable to or greater than that afforded to neighbouring plots to the north and opposite.
 10. The proposed dwelling would feature living accommodation within the roof space at first floor. While existing dwellings immediately to the north appear to be single storey only, the overall height of the proposal would be modest and not considerably out of keeping with or greater than surrounding dwellings.
 11. Due to these factors, and in the context of the character and appearance of the area described above, the proposal would not appear as an over-intensive form of development. It would sit within a spacious plot and remain in-keeping with the general character and density of existing development in the area.

12. In respect of the main issue, I therefore find that the proposal would not harm the character and appearance of the area. It is in accordance with Policy DM5 of the ADM DPD and Core Policy 9 of the Amended Core Strategy (the Core Strategy), adopted March 2019. These policies, amongst other things, seek to prevent inappropriate backland development and achieve a high standard of design that contributes to and sustains local distinctiveness.

Other Matters

13. Any noise and disturbance associated with construction would be for a temporary period only, and I have attached a condition requiring the appellant to agree a construction method statement with the Council.
14. Adequate separation distances would be maintained between the proposed dwelling and neighbouring properties, sufficient to safeguard the living conditions of neighbouring occupiers from undue overshadowing or loss of privacy. A planning condition requiring details of boundary treatments be agreed with the Council and thereafter implemented prior to occupation of the proposed dwelling is also required and is attached, which would further protect the privacy of occupiers of neighbouring properties. While representations have been received requesting boundary treatments be installed prior to development commencing, there is no compelling reason before me that construction could not begin before they are installed.
15. The relationship between 83 Lincoln Road and the existing driveway to the side of 81 Lincoln Road already exists and this can be used currently for access to the rear. Both existing dwellings would retain access and parking to the front, and so there is no substantive evidence before me that the proposed driveway would be used other than by occupiers of the proposed dwelling for domestic purposes. Ultimately, the provision of a single dwelling to the rear would not result in significant intensification of the use of the existing driveway.
16. Concerns have not been raised by the Council or the local highway authority in respect of the adequacy of the proposed driveway as a means of vehicular access. Matters concerning the operation of construction traffic would be agreed through the construction method statement. Fire safety and access for fire appliances would be dealt with through the building regulations process and so cannot be given any weight. Any damage caused to other properties during construction would be a private matter between the parties involved.
17. The proposal would provide additional natural surveillance in this area and a planning condition would be required to secure appropriate boundary enclosures, which will aid in security of the appeal site and adjacent properties. There is otherwise no substantive evidence before me to demonstrate the proposal would result in additional crime.
18. I therefore find no harm in respect of the above matters, subject to appropriate planning conditions.

Conditions

19. The Council have suggested conditions should the appeal be successful. I have considered these and amended where necessary in light of the national Planning Practice Guidance.

20. In addition to the required conditions I refer to above and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. For the proposed dwelling, external materials need to be approved in the interests of the character and appearance of the area. Likewise external materials of the proposed extension to No 81 are required to match those of the existing dwelling for the same reason.
21. I agree with the suggestion that permitted development rights should be removed for roof extensions or alterations to the proposed dwelling, to enable the local planning authority to safeguard the living conditions, particularly privacy, of occupiers of neighbouring properties.
22. Details of hard and soft landscape works are required to be agreed and those works implemented and maintained in the interests of the character and appearance of the area. The access, driveway, parking and turning area proposed are required to be implemented in accordance with the submitted plans prior to the occupation of the proposed dwelling in the interests of highway safety.
23. The Council has requested a condition to secure obscure glazing and restricted opening of a side facing rooflight. The submitted plans indicate this is a high-level window providing light to the ground floor corridor and so views to neighbouring properties could not be readily achieved. This condition is therefore not necessary.

Conclusion

24. For the reasons given above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal is allowed.

Ryan Cowley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 2101-04 Rev D Proposed Site Plan

Drawing 2101-05 Rev A Proposed Floor Plans

Drawing 2101-06 Rev A Proposed Elevations

Drawing 2101-08 Rev D Proposed Floor Plans

Drawing 2107-09 Rev D Proposed Elevations

Drawing 2101-10 Rev D Proposed Elevations

- 3) No development shall be commenced, including any works of demolition or site clearance, until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) confirmation of hours of construction and deliveries to site.
- 4) Construction of the dwelling hereby permitted shall not commence above damp-proof course until details (and samples upon request) of the external facing materials to be used (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) The external facing materials to be used in the construction of the extension to 81 Lincoln Road hereby permitted shall match those corresponding materials on the existing dwelling, in terms of colour, type and finish.
- 6) The dwelling hereby permitted shall not be occupied until:
 - i) the access driveway is constructed to a width as shown on Drawing 2101-04 Rev D Proposed Site Plan;
 - ii) the new driveway is provided in a hard-bound material (not loose gravel) for a minimum distance of 5.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hardbound material for the life of the development;
 - iii) the parking and turning areas are provided in accordance with approved Drawing 2101-04 Rev D Proposed Site Plan. The parking and turning areas shall not be used for any other purpose other than the parking and turning of vehicles.
- 7) No part of the development shall be brought into use until details of all the boundary treatments proposed for the site (which shall include treatment between the application site and the side elevation of the existing building at 83 Lincoln Road) including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the occupation of the new dwelling and shall then be retained as such for the life of the development.
- 8) Prior to first occupation of the dwelling hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

- i) full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
 - ii) car parking layouts and materials;
 - iii) other vehicle and pedestrian access and circulation areas; and
 - iv) hard surfacing materials.
- 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping scheme shall be completed prior to first occupation or use of the dwelling hereby permitted.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and in relation to the dwelling hereby permitted only, other than the development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
- i) Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
 - ii) Class C: Any other alteration to the roof of a dwellinghouse.