



*Castle House
Great North Road
Newark
NG24 1BY*

Tel: 01636 650000

www.newark-sherwooddc.gov.uk

Tuesday, 7 February 2023

**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, 16 February 2023 at 4.00 pm

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

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

If you have any queries please contact Catharine Saxton on catharine.saxton@newark-sherwooddc.gov.uk.

AGENDA

	<u>Page Nos.</u>
1. Apologies for Absence	
2. Declarations of Interest by Members and Officers	
3. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes of the meeting held on 17 January 2023	5 - 8
Part 1 - Items for Decision	
5. Field Reference Number 9227, Station Road, Collingham - 22/01933/FUL Site visit: 9.20am – 9.30am	9 - 18
6. Dean Fairhurst Bespoke Kitchens and Interiors, The Dutch Barn, Great North Road, Carlton On Trent, NG23 6NL - 22/02262/FUL Site visit: 10.10am – 10.20am	19 - 37
7. 11 Station Road, Collingham, NG23 7RA - 22/02248/FUL Site visit: 9.40am – 9.50am	38 - 51
8. Manor Lodge, Manor Walk, Epperstone, NG14 6RP - 22/01550/HOUSE Site visit: 11.30am – 11.45am	52 - 65
9. 4 The Orchards, Oxton, NG25 0SY - 22/01655/HOUSE Site visit: 11.55am – 12.05pm	66 - 78
10. Green Bank Lodge, Barnby Road, Balderton, Newark On Trent, NG24 3NE - 22/02394/FUL	79 - 89
11. The Drive, Clipstone, NG21 9ED - 22/02369/S73	90 - 103
12. Pear Tree Cottage, Lower Kirklington Road, Southwell - 22/02309/S73	104 - 119
13. Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR - 22/02458/FUL	120 - 127
14. Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR - 22/02457/LBC	128 - 133
15. Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA - 23/00014/FUL	134 - 141
16. Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA - 23/00015/LBC	142 - 147

Part 2 - Items for Information

- | | | |
|-----|--------------------|-----------|
| 17. | Appeals Lodged | 148 - 150 |
| 18. | Appeals Determined | 151 - 152 |

Part 3 - Exempt and Confidential Items

There are none.

- | | |
|-----|-----------------------------------|
| 19. | Exclusion of the Press and Public |
|-----|-----------------------------------|

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, 19 January 2023 at 4.00 pm.

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

Councillor M Brock, Councillor R Crowe, Councillor A Freeman,
Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow,
Councillor M Skinner, Councillor I Walker, Councillor K Walker and
Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor S Saddington (Committee Member), Councillor T Smith (Committee Member) and Councillor Mrs Y Woodhead (Committee Member)

80 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs L Dales declared a Non-Registrable Interest regarding Application No. 22/02122/HOUSE, Sunray, Main Street, South Scarle, as she was known to the applicants parents, and would leave the meeting for the duration of the item.

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

81 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.

82 MINUTES OF THE MEETING HELD ON 8 DECEMBER 2022

AGREED that the Minutes of the meeting held on 8 December 2022 were approved as a correct record and signed by the Chairman.

83 CAUNTON COTTAGE, AMEN CORNER, CAUNTON - 22/01902/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the removal of the front porch and rear extension, the erection of a new two storey side/rear and single storey rear extensions and alterations to the existing window and doors and raise the existing cottage ridge. A site visit had taken place previously.

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

The Senior Planning Officer informed the Committee that comments had been received after the publication of the agenda from Caunton Parish Council who were in

support of the application.

Members considered the application acceptable.

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

84 CHAPEL FARM CHAPEL LANE EPPERSTONE - 22/02123/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of the existing dwelling and removal of the foundation structure of the part-built barn, the erection of replacement dwelling, a new detached garage and timber garden shed plus the erection of a retaining wall to secure the adjacent footpath. A site visit had been previously undertaken.

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

Councillor P Bracegirdle, on behalf of Epperstone Parish Council, spoke in support of the application in accordance with the views of Epperstone Parish Council, as contained within the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent and Planning Case Officer. A list of conditions was attached as Appendix B to the Schedule of Communication by the Planning Case Officer.

Members considered the application, and it was considered after some debate acceptable.

AGREED (with 10 votes For 1 vote Against and 1 Abstention) that planning permission be approved subject to the conditions contained in appendix B of the schedule of communications dated 19.01.23.

Having declared a Non-Registrable Interest on the following application, Councillor Mrs L Dales left the meeting at this point.

85 SUNRAY, MAIN STREET, SOUTH SCARLE, NOTTINGHAMSHIRE - 22/02122/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought a part two-storey, part single-storey side and front extension and insertion of dormer windows.

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 a Neighbouring Resident and the Parish Meeting.

Members considered the application, and it was commented that a site visit may have

been beneficial in considering this application. The Chairman informed the Committee that the reason the application was before the Planning Committee was that the applicant was a Council employee, as South Scarle Parish Meeting had not objected to the application the application would otherwise have been determined under delegated authority. Other Members felt that the proposals were acceptable and commented that South Scarle was a small village and the applicant was trying to improve their living space whilst remaining in the village.

A vote was taken to defer the application for a site visit which was lost with 3 votes For and 8 votes Against.

AGREED (with 8 votes For, 2 votes Against and 1 Abstention) that planning permission be approved subject to the conditions contained within the report.

86 TEMPORARY VACCINATION CENTRE, BRACKENHURST (NOTTINGHAM TRENT UNIVERSITY), SOUTHWELL

The Committee considered the report of the Director – Planning Committee, which sought approval from the Committee for the under enforcement of the temporary use of the auditorium at Brackenhurst for vaccination purposes by the NHS.

Members were informed that the Government had introduced temporary permitted development rights under Schedule 2, Part 12A (Development by Local Authorities and Health Service Bodies) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in 2021 to facilitate a number of developments and uses as a result of the Covid-19 pandemic. One of those rights enabled the health service to provide vaccination centres in non-health related buildings (health centres fall within Use Class E – Commercial, Business and Service). This permitted development right expired on 31 December 2022.

NHS England had contacted the Council to advise an extension of this right was required to facilitate vaccinations in Spring and Autumn 2023. The vaccinations were proposed to be continued within the auditorium building at weekends and it was likely to be required for up to a maximum of 15 weeks.

Officers consider that this would unlikely amount to a material change of use and therefore, formal planning permission was not required.

It was considered that, even if Members' conclusion was that it was material or if the number of weekends required was increased, it was considered that it would be reasonable to under enforce to enable NHS England to deliver the boosters necessary for the health of the community. This decision to under enforce would be subject to planning complaints not being received that are not outweighed by the benefits of this service i.e. consideration to expediency.

NHS England had asked regions to ensure checks had been undertaken to ensure that respective centres could remain open. Confirmation was needed prior to the end of the last calendar year and an informal letter of comfort was provided with the caveat this report was to be provided for Members to consider.

Members considered the application acceptable.

AGREED (unanimously) that:

(a) under enforce the temporary breach of planning control at Brackenhurst Campus, Southwell to facilitate the vaccination timetable to be imposed by the NHS, be approved; and

(b) for this to be until 31 December 2023; and

(c) during weekends only.

87 APPEALS LODGED

AGREED that the report be noted.

88 APPEALS DETERMINED

AGREED that the report be noted.

89 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report presented by the Senior Planning Enforcement Officer which related to the performance of the Planning Development Business Unit over the three-month period October to December 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.

90 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Senior Planning Enforcement Officer which provided an update on Enforcement Action for the third 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 5.23 pm.

Chairman



Report to Planning Committee 16 February 2023
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	22/01933/FUL		
Proposal	Change of use to public space and construction of path		
Location	Field Reference Number 9227, Station Road, Collingham		
Applicant	Parish Clerk	Agent	Iain Orme
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	05.10.2022	Target Date	01.12.2022 EOT:17.02.2023
Recommendation	That planning permission be APPROVED subject to the conditions set out in Section 10 in the report		

The application is referred to the Planning Committee in the interests of transparency at the request of the Business Manager.

1.0 The Site

The application site relates to approximately 0.36ha of land, rectangular in shape, situated to the west of Phoenix Community Hall and south of the Co-op, with vehicular access from Station Road in Collingham. The land is within the defined built-up area of the village, just outside the defined 'Local Centre' and outside of the designated conservation area. There are residential properties to the south, village amenities to the north and residential garden adjacent the site to the west. The land is flat with a 1.8m high close boarded fence around the perimeter and has been overgrown with brambles and is currently un-used.

Aerials of the site in 2012 show that there was a pond present on the land however 2016 aerials show that the land was levelled. Correspondence from local residents indicate some work may have commenced on site.

2.0 Relevant Planning History

05/01701/OUT - Erection of three dwellings, refused 15.09.2005 due to concerns relating to the loss of amenity from noise and general disturbance from the vehicular access point and that its back-land character would be out of keeping with the character and surroundings.

3.0 The Proposal

The application seeks permission to use the land in association with Phoenix Community Hall, which owned by the Headquarters of the Scouts and Guide Association. It would be rented out for community/group uses for activities such as gardening and yoga as well as for the Scouts and Guides Association.

Pedestrian and vehicular access into the site would only be possible via the main gates to Phoenix Hall.

The applicant and owner of the land is Collingham Parish Council. The submitted site plan shows that the site would be cleared and turfed and new tree planting and the creation of a wildflower meadow would be situated adjacent to the southern boundary of the site. The proposed vehicular access to the site is required only to allow for the maintenance of the land and a new pedestrian path is also proposed.

No parking provision is being proposed as it is expected that the Phoenix Hall site (approx. 10 spaces) or village centre car park will cater for the proposed use.

4.0 Departure/Public Advertisement Procedure

Occupiers of 12 properties have been individually notified by letter. A site notice has also been displayed close to the site.

Site visit undertaken on 08.12.2022

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 8 - Protecting and Promoting Leisure and Community Facilities

Core Policy 9 - Sustainable Design

Core Policy 12 - Biodiversity and Green Infrastructure

Allocations & Development Management DPD (adopted July 2013)

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

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
- Planning Practice Guidance (online resource)

6.0 Consultations

Collingham Parish Council – Support, as applicants of the application (6 for, 0 objections/abstentions) and have provided clarification as to the intended use of the site.

NSDC, Environmental Health – The land has a previous/ existing garden use, and as such some activity within the site would be expected. The application is for change of use to a community space, although it is not specific in what activities are proposed to take place at the site. Given that the land is bounded by residential property, there is the potential for the occupiers of these properties to suffer disturbance arising from the proposed use.

I would therefore recommend that there be a restriction on the hours of use of the site, particularly where amplified music is proposed.

Any use of the site outside of permitted hours (such as camping) should be restricted to a limited number of days a year.

To reduce disturbance, the boundary should be a suitably constructed acoustic barrier, details of which should be supplied for approval.

NCC Highway Authority – No Objection. The use of this land is considered unlikely to have significant increase in journeys by car and therefore is unlikely to have any significant impact on the highway. The planning statement indicates that the land may be used for ad hoc events such as open garden, village, or national celebrations. Such events should be notified to the County Council if they are likely to attract a significant parking demand. In consideration of the above, the highway authority has no objections to the application. An informative has been provided.

16 representations have been received from local residents/neighbours objecting to the proposal. The issues can be summarised as follows:

- Would lead to increase of crime in the area;
- Concerns relating to parking provision with neighbours concerned that the land would be used for parking cars;
- Impact on the highway through potential parking on Station Road which is already an issue when there are children's football matches at the football club pitches close to the site. With the new coffee shop next door to the Co-op and the football club, it is likely that additional parking will end up on Station Road.
- Loss of privacy with the land being adjacent residential properties;
- Concerns over drainage;
- Impact on wildlife;
- Noise and disturbance;
- Once the land is allowed for public activity concern that this will increase to becoming a playing field with play equipment;

- Suggestion that works on-site have already started, and the path has already been dug out prior to the application being determined and damage has been done to one of the residents' fences in the process of these works having taken place;
- Gates that have been installed to the site are not secure security gates as promised and that there would also be trees planted along the southern boundary to help provide screening for the residents;
- Work has already commenced on the site;
- Concerns raised that the Parish Council are not following their own protocols and processes and misleading residents.

Officers have also been copied into a number of recent e-mail exchanges between local residents and the Parish Council, containing details in relation to the final bullet point, the contents of which are not material to the consideration of this application.

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 site is within the built-up part of Collingham, which is defined as a Principal Village by Spatial Policy 1 of the Amended Core Strategy.

Spatial Policy 8 states the provision of new and enhanced community and leisure facilities will be encouraged, particularly where they address a deficiency in current provision, and where they meet the identified needs of communities, both within the district and beyond.

Policy DM1 states proposals will be supported for housing, employment, community, retail, cultural, leisure and tourism development appropriate to the size and location of the settlement.

At approximately 0.36ha, the land is modest in size and no built form is proposed. The proposal would support an existing community facility by providing additional land for village clubs to utilise. This is considered to be an enhancement that would be in line with the provisions of Spatial Policy 8 and DM1 and therefore the proposal is considered acceptable in principle.

Impact upon Visual Amenities of the Area

Core Policy 9 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. Policy DM5 states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

The site is not overly visible from the public realm due to its backland position and 1.8m high close boarded fencing around the perimeter. The only access to the site is via the adjacent Phoenix Community Hall which means the use for the site would be controlled through its association with the Hall.

As part of the change of use, the site would be cleared of existing vegetation, and a self-binding pedestrian gravel path would be laid. No other physical development is proposed. Along the southern boundary a line of new trees are to be planted and supported by a wildflower meadow which would provide some softening along this boundary and represent a quality of new green infrastructure. The proposal does not introduce any new development that would be harmful to the character and appearance of the area and additional new planting would contribute to the local natural environment and visual amenities of the area.

With the above in mind, it is considered that the proposed development would therefore accord with the aims of Core Policy 9 and Policy DM5 of the Development Plan and the provisions of the NPPF.

Impact upon Residential Amenity

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

A number of comments have been received from local residents with concerns that the site would become a public park. However, it is clear that the land could only be accessed through the grounds of Phoenix Hall which is locked up when not in use and so would not be directly open or accessible to the public in an uncontrolled way. The Parish Council, as applicants, have advised that the land would not be accessible to the public at all times but would have specific and limited organised usage.

Concerns have been raised in relation to the loss of privacy of the residential dwellings to the south of the land. However, I do not consider that the proposal would likely result in an unacceptable impact on neighbouring privacy given the 1.8m high close boarded fence along the southern boundary together with the buffer that the proposed new tree planting and wildflower meadow would afford.

I am mindful that the proposed new use of the land in this way is likely to generate a certain level of noise. Whilst it is accepted that gatherings of numbers of people have the potential

to result in the creation of some noise and volumes, this is unlikely in itself to result in unacceptable levels. There is no indication that the site would be used as a car park and so noise from engines and car doors would not occur. Amplified music could become a nuisance and whilst the Phoenix Community Hall currently has no opening hour restrictions, this could be a way of limiting the potential for late night disturbance, if Members considered it was necessary. However, no external lighting is currently proposed that would allow use beyond daylight hours.

The Council's Environmental Health officer has advised that a suitably constructed acoustic barrier could be included however I am mindful that to be effective these are usually 3m high and in my view would be an excessive and unnecessary requirement and would not be in character with the area. Local residents have raised concerns that the land could be used for over-night camping by the scouts/guides. The Environmental Health officer has suggested that camping should be limited to a number of days a year, however such restrictions would be difficult to control and enforce. This could be more readily be controlled through an hours restriction, should Members consider it necessary.

Residents have also raised concerns to there being an increase in crime. Policy DM5 states 'The potential for the creation or exacerbation of crime, disorder or antisocial behaviour should be taken into account in formulating development proposals. Appropriate mitigation through the layout and design of the proposal and/or off-site measures should be included as part of development proposals.' It is considered that with the controlled use of the land by organised groups, that such a risk would be extremely low.

Overall, given the distance of approx. 22m between the rear of the houses to the south and the application boundary as well as proposed buffer created by tree planting and a wildflower meadow area along the southern boundary, it is considered that the impact on the amenities of local residents to the south is not likely to result in unacceptable levels of harm, in terms of noise and disturbance or loss of privacy nor is it considered to give rise to anti-social behaviour or lead to an unacceptable increase in the potential for crime or its fear that would warrant the refusal of planning permission. The proposal is therefore considered to accord with the aims of Policy DM5 of the Allocation and Development Management DPD and the provisions of the NPPF.

Impact upon Highway Safety

Policy DM5 requires provision of safe access to new development and appropriate parking provision. 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 concerns of residents have been noted in respect of parking and highway impacts. NCC Highway Authority have been consulted on the proposal and advise that they do not object as the scheme is unlikely to increase parking in the area and it would not therefore have an unacceptable impact on highway safety. I agree with this assessment. There is already some parking provision within the existing Phoenix Hall site (approx. 10 spaces) and additional ample parking would be accessible within the local centre to the north of the site (even when there are football matches being played) that can cater for those arriving by car. Many users

of the site may well arrive on foot given that this is a local facility. I therefore consider that the scheme accords with the policy requirement in this regard.

Landscaping

Policy DM5 states that in accordance with Core Policy 12 natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.

A layout plan has been provided which shows that the site would be cleared and turfed. The Parish Council's supporting statement states that the southern part of the site would be planted with trees of native species to form a visual and acoustic screen. This would be an area left to nature in the form of wildflower meadow planting which would provide enhancements and multi-functional benefits to the site in accordance with Core Policy 12.

8.0 Implications

In writing this report and in putting forward recommendation's 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

The principle of providing new and enhanced community and leisure facilities is supported by Spatial Policy 8 and Policy DM1. It is acknowledged that the site is located to the rear of existing residential dwellings and the introduction of such a new use is likely to result in some impact on the residential amenity in terms of potential for noise. However, given the limited size of the site, together with its use by organized responsible groups in addition to the length of the rear gardens and proposed new planting, it is not considered that noise levels are likely to result in unacceptable levels. No harm to the visual amenities of the area or highway safety have been identified and new tree planting would provide green infrastructure benefits.

For the reasons set out above, it is considered that the proposal accords with the relevant policy context and therefore a recommendation of approval, subject to conditions is offered to Members.

10.0 Conditions

01

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

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

02

The development hereby permitted shall 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:

- Location Plan, Existing and Proposed Block Plan Drawing AR-AL-0001 Rev A
- Proposed Layout Drawing AR-AL0002
- Planning Statement Received 07.12.2022

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

03

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

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

Reason: In the interests of visual and residential amenity and biodiversity.

04

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

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

05

The land use hereby permitted shall remain ancillary to the Phoenix Hall Community Centre at all times and shall at no time be subdivided or used as separate land without the prior express permission of the Local Planning Authority.

Reason: This condition is considered necessary to ensure that proper access is available to the land alongside the essential amenities/ facilities contained in the Hall (such as toilets etc) to allow for the proper functioning of the land in the interests of amenity.

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/

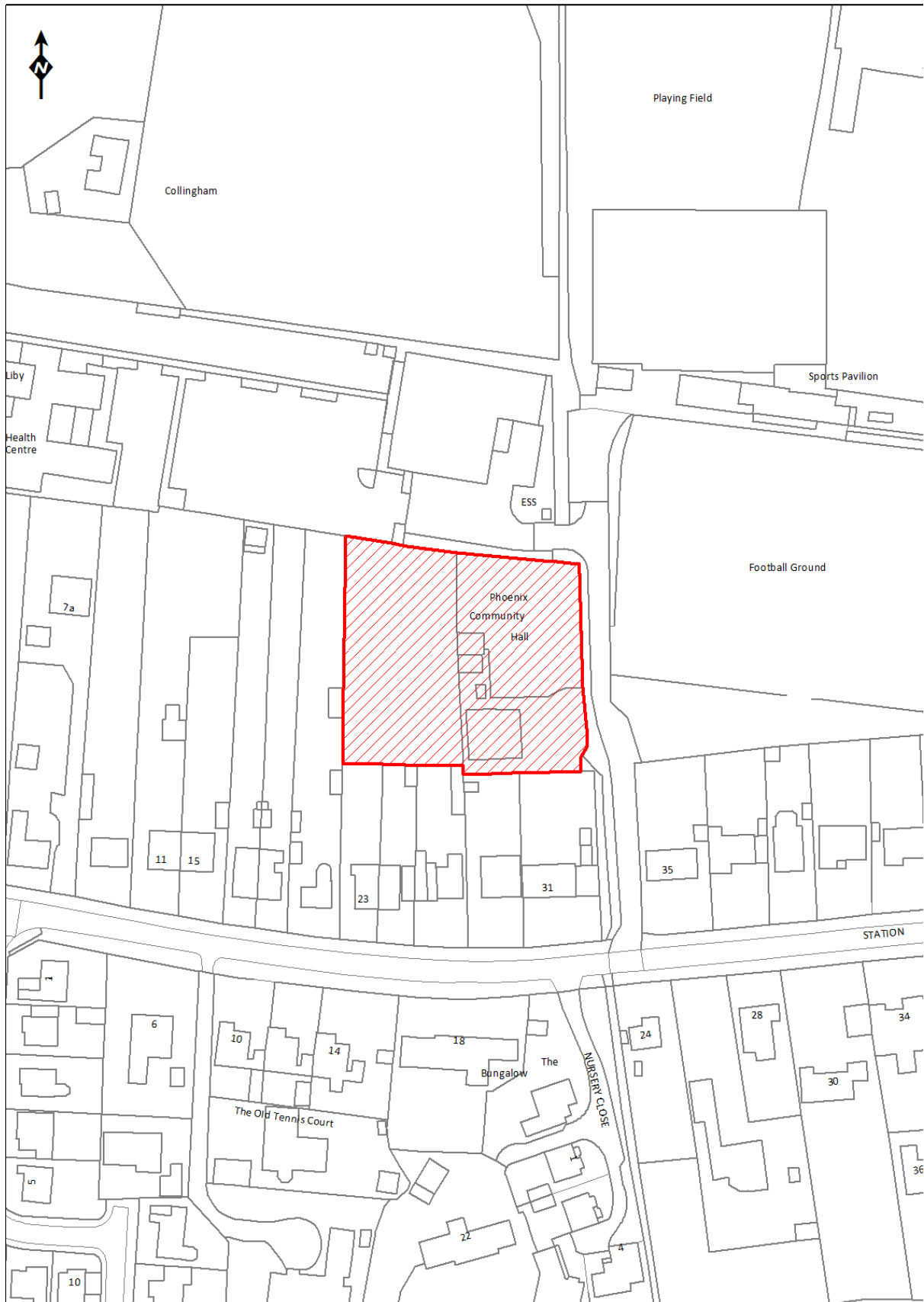
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.

03

If an event is planned that may affect the public highway you are required to inform the County Council. Please visit <https://www.nottinghamshire.gov.uk/transport/licences-permits/events-public-roads> for details.

BACKGROUND PAPERS

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	22/02262/FUL		
Proposal	Conversion of former joinery and kitchen workshop into two dwellings.		
Location	Dean Fairhurst Bespoke Kitchens and Interiors, The Dutch Barn, Great North Road, Carlton On Trent, NG23 6NL		
Applicant	Dean Fairhurst Bespoke Kitchens - Mr Dean Fairhurst	Agent	Guy St. John Taylor Associates - Mr Keith Rodgers
Web Link	22/02262/FUL Conversion of former joinery and kitchen workshop into two dwellings. Dean Fairhurst Bespoke Kitchens And Interiors The Dutch Barn Great North Road Carlton On Trent NG23 6NL (newark-sherwooddc.gov.uk)		
Registered	23.11.2022	Target Date	18.01.2023
		Extension To	17.02.2023
Recommendation	That planning permission be APPROVED subject to the Conditions detailed at Section 10.0 of this report		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.

1.0 The Site

The application building is a two-storey barn located on the western side of Great Northern Road in Carlton on Trent. The building is clad in timber with corrugated sheet roofing and is understood to have last operated in commercial use as a Kitchen and Interiors business workshop. Residential properties lie to the east and south with open countryside to the north and west. The southern portion of the site is designated as being within Carlton on Trent Conservation Area.

Carlton-on-Trent has limited services (a church, pub and village hall) and there are local bus services to larger towns such as Newark, Tuxford, Grantham and Retford. The site also does not contain any listed buildings but there are listed buildings in the vicinity including Yew Tree Farmhouse,

Pigeoncote and Sable at Yew Tree Farmhouse and Barn at Yew Tree Farmhouse (all Grade II). As the application building is a modern portal frame agricultural building (located to the north of the listed buildings), it makes a neutral contribution to the setting of the listed buildings and the character and appearance of the conservation area.

2.0 Relevant Planning History

13/01305/LDC – Continue to use as Woodworking and furniture making and furniture sales room – Certificate Issued 04.11.2013

22/01570/CPRIOR - Prior Approval for Proposed Change of Use from commercial, business and service (use class E) to 2 dwellinghouses (use Class C3) – Prior Approval Required and Refused 05.10.2022 for the following reasons:

- (1) the proposal does not meet the qualifying criteria to be eligible for the consideration of change of use under Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, as the use of the building does not solely fall within the use classes specified in sub-paragraph MA.1(2) and the submitted Site Location Plan includes land that does not lawfully form the curtilage of the building and has not solely been used in Class E use.*
- (2) the submitted plans show operational development proposed that is not permitted under the provisions of Class MA and therefore requires express planning permission. Without this operational development all habitable rooms of the dwellinghouses would not be served by sources of natural light which fails to meet the condition at part MA.2(f) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
- (3) the applicant has failed to demonstrate that future occupiers would not be placed at risk from potential contamination risks associated with the building*

3.0 The Proposal

For the avoidance of doubt, amended plans have been received throughout the course of this application.

The application seeks permission for the conversion of the existing building to 2 no. 3 bed dwellings with associated parking and garden areas. A two-storey extension is also proposed to the western side elevation measuring approx. 2m x 9.5m, 6.8m to the ridge and 5m to the eaves to match the existing building (approx. 34m² additional GIA).

External alterations proposed include:

- North – addition of windows at Ground Floor (GF) and First Floor (FF) including full glazing of the existing full height opening in the elevation and the addition of hit and miss panelling with folding shutters (see image below).
- East – removal of one existing window at FF and three full height glazed windows at GF.
- South – insertion of 4 no. roof lights.

- West – addition of two storey extension (as above) with full height glazed windows at GF and bifolding glazed doors across the elevation at FF screened by hit and miss panelling with folding shutters (see image below).



The submitted plans show each unit would have three bedrooms (one with en-suite), a bathroom, utility and hallway at ground floor and an open plan kitchen/dining/lounge at first floor with a separate study and WC.

Access would be provided from the existing access to the NE off Great North Road and three off-street parking spaces would be provided to the front (N) of each unit. Garden areas are proposed to the side of each unit.

Information Assessed in this Appraisal:

- Application Form
- Design and Access Statement Rev. 002B (deposited 23.01.2023)
- Site Location Plan – Ref. (19)001
- Existing Plans – Ref. (08)001
- Proposed Plans – Ref. (08)002 Rev. B (deposited 23.01.2023)

4.0 Departure/Public Advertisement Procedure

Occupiers of six 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.

Site Visit Date: 08.09.2022

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood 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 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework
- Planning Practice Guidance
- Planning (Listed Buildings and Conservation Areas) Act 1990
- NSDC Residential Cycle and Car Parking Standards and Design Guide SPD (2021)
- NSDC Landscape Character Assessment SPD (2013)
- ARC4 District Wide Housing Needs Assessment (2020)

6.0 Consultations

Carlton on Trent Parish Council – No objections.

NSDC Conservation Officer – No objection – Considering the amended plans, Conservation consider the conversion would have a neutral impact on the character and appearance of the Conservation Area and the setting of nearby Listed Buildings.

NCC Highways – No objection subject to condition.

NSDC Environmental Health Contaminated Land – No objection subject to condition.

No comments have been received from any third party/local resident in relation to this application.

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 applications concern designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *“have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess.”* 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) also 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 do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

The Adopted Development Plan for the District is the Amended Core Strategy DPD (2019) and the Allocations and Development Management DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 2 of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. However, Spatial Policy 3 also confirms that, development not in villages or settlements, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD (policy DM8).

Carlton on Trent is defined as an 'other village' according to SP1 and SP2 - SP3 is therefore relevant. SP3 identifies that new housing should be directed towards existing settlements which have good access to services and facilities. It states that development outside principal villages should be

appropriate to the location and be small scale in nature and should not have a detrimental impact on the character of the location or its landscape setting. There is no defined settlement boundary for Carlton on Trent. Therefore, whether or not the site lies 'in the village' is a matter of judgment. According to the subtext to SP3, sites in edge of built form locations comprising undeveloped land, paddocks, fields, or open space will not normally be considered as being within the settlement boundary.

In this case, given the location of this site off Great North Road, some distance to the north of the main core of Carlton on Trent village the site is considered to fall outside the village and therefore within the open countryside. In coming to this view Officers are mindful that there is some development along Great North Road and that the site has a Carlton on Trent address, however given the reduction in density of development along Great North Road and the separation from the main core of the village which lies to the east of the B1164/Great North Road this site is considered to be outside of the village. Policy DM8 is therefore applicable.

Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development to certain types. Point 5 of DM8 states that: *"[...] Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the buildings warrants their preservation, and they can be converted without significant re-building, alteration or extension. Detailed assessment of proposals will be made against a Supplementary Planning Document."*

In this case, the building is not considered to possess any architectural or historic merit given it is a modern timber clad and corrugated sheet roof building that was typical of past agricultural buildings. The information submitted with this application sets out that the existing structure comprises a steel portal frame structure, designed to accommodate commercial joinery machinery, with concrete blockwork walls on the ground floor and timber stud walls on the first floor. Its modern construction means it is capable of conversion without structural alteration. The plans also show that the building would remain as its existing form, albeit is proposed to be extended slightly to the west and alterations are proposed to add windows and doors.

Given the building is not considered to be of any architectural or historic merit, the conversion of the building to residential use would not currently be supported under DM8. However, Officers are mindful that paragraphs 79 and 80 of the NPPF advise that housing should be located where it will enhance or maintain the vitality of rural communities to promote sustainable development in rural areas, avoiding the development of isolated homes in the countryside subject to a number of exceptions (as set out at para. 80). One such exception is the re-use of redundant or disused buildings provided the proposal would enhance its immediate setting (para.80c). This paragraph does not require such buildings to be of architectural or historic merit in order to be supported for conversion and thus the approach of this part of DM8 does not completely align with the NPPF, the latter being the most up to date policy position in this regard.

There is no statutory definition of what constitutes an 'isolated home'. However, giving judgement in *Braintree District Council v SOSCLG & ORS* (2018) EWCA Civ 610 (reaffirmed in *City & Bramshill v SoSHCL* (2021) EWCA Civ 320), Lindblom J said paragraph 80's advice was to avoid 'new isolated homes in the countryside' which 'simply differentiates between the development of housing within a settlement – or village – and new dwellings that would be 'isolated' in the sense of being separate

or remote from a settlement'. The Judgement goes on to explain that '*whether a proposed new dwelling is, or is not, 'isolated' in this sense will be a matter of fact and planning judgement for the decision-maker in the particular circumstances of the case in hand*'.

In this case, as set out above, the site is surrounded by a handful of residential dwellings but falls outside of the village of Carlton on Trent, separated from the village by the B1164, in the open countryside. Therefore, whilst the building itself is not considered to be *isolated* given it is sited within a small cluster of dwellings, this cluster of properties is separated from any defined settlement or village. Therefore, arguably, this proposal is eligible to be considered under para.80 of the NPPF, having regard to the abovementioned judgements.

The aim of the NPPF is to promote sustainable development in rural areas and support local housing where it will enhance or maintain the vitality of rural communities. Paragraph 80c of the NPPF supports the re-use of redundant or disused buildings for housing, provided that it enhances its immediate setting. In light of this, the intention of the amendments to DM8 as part of the plan review process is to omit the restriction of the conversion of existing buildings to *only* those of architectural or historic merit. On this basis, subject to this proposal demonstrating that the building is redundant/disused, capable of conversion without significant re-building, alteration or extension and provided the proposal can be concluded to enhance its immediate setting the principle of development could be acceptable under para.80c of the NPPF.

In this respect, the applicant has confirmed that the building has been vacant since the end of 2021 due to the business undergoing changes during the pandemic period, resulting in the need for only one workshop. A new workshop that would better respond to the current needs of the business has also been approved under 19/01078/FUL. As such the building is redundant for its current purposes. In light of the structural condition of the building and the proposal only seeking to add a minor extension but otherwise utilise the building's existing structural walls it is considered that the building is capable of conversion without significant re-building etc.

In terms of whether the proposal would enhance its immediate setting, a full assessment of the proposals impact on the character and appearance of the area, including the impact on the setting of the Conservation Area (CA) and surrounding Listed Buildings will follow, however it is noted that the proposal would remove a commercial use from this cluster of residential properties and would look to enhance the exterior of the building through replacing the existing cladding and roofing materials with those of a higher quality. Hard and soft landscaping is also proposed to be used to enhance the visual amenity of the site. Given negotiations that have taken place during the course of the application the Conservation Officer has raised no objection to the proposal and whilst the alterations to the building are relatively minor, the overall improvement of the exterior of the building (upgrading it to a higher quality finish, removing the commercial signage), landscaping, removing the commercial use could be said to enhance the building and site overall. Whilst not significant changes, in this particular context it is considered that given the location of the building, in a cluster of residential properties where a residential use would be more appropriate, that the changes proposed would meet the requirements of para.80c of the NPPF.

Therefore, whilst on the basis of the information submitted with this application it is not considered that the proposal would be compliant with the current wording of policy DM8, it is considered that the stance in the NPPF in relation to the reuse of redundant or disused buildings for housing in the

open countryside is a material consideration that weighs in favour of this proposal in principle, in that it would enhance its immediate setting, and the conversion could be undertaken without significant re-building or alteration (and would align with the direction of travel of the amended version of policy DM8 in the plan review). On this basis, in this specific context the principle of development is therefore considered to be acceptable.

Housing Mix

From a housing mix perspective, the proposal is for 2 no. 3 bed dwellings. The most up to date housing need data for the Sutton-on-Trent Sub-Area (of which Carlton on Trent is a part) indicates the greatest need is for 4 or more-bedroom houses (37.5%), followed by 3 bed houses (34.3%). Given this proposal would provide 2 no. 3 bed dwellings and would re-use an existing building for housing it is considered to align with the requirements of CP3 and the most up to date housing needs data for this area.

Impact on Visual Amenity and the Character of the Area including Heritage

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

Given that the site is located partially within the Conservation Area and within the setting of a number of Listed Buildings regard must also be given to the distinctive character of the area and proposals must seek to preserve and enhance the character of the area in accordance with Policy DM9 of the DPD and Core Policy 14 of the Core Strategy. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF).

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Paragraph 206 of the National Planning Policy Guidance also states that, 'Local planning authorities should look for opportunities for new development within Conservation Areas...to enhance or better reveal their significance.' Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 states, in relation to the general duty as respects conservation areas in exercise of planning functions that, 'special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area'. Paragraph 200 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

With regard to landscape character impact, CP13 explains that new development which positively addresses the implications of relevant landscape Policy Zone that is consistent with the landscape conservation and enhancement aims for the area will be supported. The site is within the TW PZ 40: Carlton River Meadowlands as defined by the Landscape Character Assessment (LCA) for the District. The landscape condition is defined as very good, and the landscape sensitivity is defined as moderate - the landscape action is to conserve. In terms of built features one of the policy actions is to conserve the historic character and setting of Carlton village with new development that respects the design, scale and materials used traditionally. Other actions include promoting sensitive design and reinforcing the traditional character of farm buildings using vernacular styles.

The application building is a modern portal frame agricultural building located to the north of existing listed buildings, the modern barn makes a neutral contribution to the setting of the listed buildings and the character and appearance of the conservation area. From outside the site the building is viewed as one that is reflective of a typical modern agricultural building, however it has been altered for its previous commercial use including the installation of domestic windows and doors, the addition of signage and areas with a painted finish meaning it does not retain a truly agricultural appearance when viewed from within the site and within the setting of the nearby listed buildings.

The alterations proposed to the building mainly relate to the addition of a small two storey extension on the western side of the building (with matching ridge and eaves) and amendment of window and door openings to restore the agricultural character of the building with contemporary alterations to make the building conducive to residential use. The existing timber cladding and roof covering would be replaced with higher quality materials and timber hit and miss panels are proposed to be installed over some openings to reinforce the traditional agricultural character of the building and reduce the impact of additional openings that have been proposed.

Originally, concerns were raised by the Conservation Officer that the proposed alterations would introduce an overly domesticated appearance and a more horizontal emphasis, which was considered to be out of character with the style of the building. A large number of rooflights were also proposed to the southern elevation which were considered to be unnecessary and would have further eroded the existing character of the building. Due to the domestic nature of the original conversion approach, it was concluded that the building would no longer respond to its agricultural context of the site and adjacent listed buildings as well as the rural character and appearance of this part of the conservation area. Therefore, it was considered the original scheme would have been harmful to the setting of the listed buildings and would have failed to preserve or enhance the character and appearance of the conservation area.

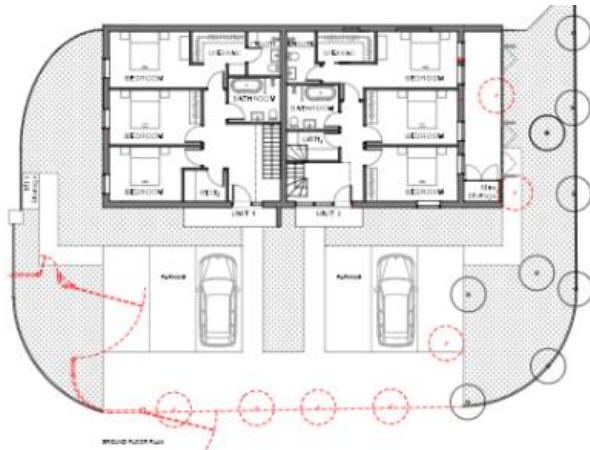
The visualisations below show the amended design which has seen the removal of a number of the proposed openings and a more vertical emphasis where additional glazing is proposed. The visuals also indicate what the building would look like with the timber hit and miss shutters both open and closed – not only would these visually obscure some of the additional openings, they would also provide solar shading in the summer months whilst still allowing light into the building. The rooflights proposed to the rear (south) elevation has also been reduced. The extension proposed to the western elevation would extend the building by c.2m to provide an area for covered storage at ground floor and balcony space at first floor to maximise views out into the surrounding

countryside. This would also provide occupiers of this unit with an area of external space partially enclosed by the timber shutter panels. This extension would not be disproportionate to the building and would assimilate with its existing form without resulting in any harm to the character of the area or building itself.



Subject to precise details of the proposed materials, technical specifications of new windows/doors/roof lights and the timber shutters (in addition to other features), it is considered that the alterations proposed would enhance the appearance of the building compared with the existing situation and would reinforce the traditional agricultural appearance of the building in accordance with the LCA policy aims for this location. The Conservation Officer has reviewed the amended scheme and confirmed that given the amendments made they consider the conversion would now have a neutral impact on the character and appearance of the Conservation Area and the setting of the listed buildings to the south such that they have removed their objection. However, to ensure that the building is not altered or extended in a way in which could erode or undermine the positive design features of the conversion it is proposed to restrict the building's permitted development rights.

Turning now to the alterations proposed to the site, the plans show the existing site boundary fencing and access gate (to the north-east) would be altered to provide vehicular access to the north rather than east, this would result in the addition of timber post and rail fencing in place of the existing gateway (adjoining the existing boundary wall to the east) and to the western boundary. The visualisations show this would be supplemented with hedgerow planting behind (albeit this is not shown on the proposed plans) which would assist in providing some screening for future occupiers, details of which could be controlled by a suitably worded hard and soft landscaping condition. The plans indicate that trees would be removed along the northern boundary to facilitate access to the proposed parking area, however on site these were confirmed to be small trees/shrubs (outside of the conservation area boundary) of limited amenity value – the loss of which could be replaced by other landscaping within the site (controlled by condition).



The improvement of the site landscaping, removal of the existing hard surfacing and replacement with higher quality landscaping materials along with the enhancement of the building itself (through the alterations proposed and use of high-quality materials/finish) will result in the overall enhancement of the site and its setting which would align with the LCA aims and the aforementioned requirements of para. 80c of the NPPF. Coupled with the Conservation Officer’s conclusions in relation to the proposal sustaining the setting of the Conservation Area and nearby Listed Buildings it is therefore considered that the proposal would comply with Policies CP9, CP14, DM5 and DM9 of the Development Plan in addition to complying with the objective of preservation set out under sections 66 & 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the advice contained within the Council’s LDF DPDs and the NPPF.

Impact on Residential Amenity

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

In terms of amenity provision for the proposed occupiers, internally the units would exceed the recommended ‘Technical housing standards – nationally described space standard’ (March 2015) for the type and size of unit proposed and all habitable rooms would be served by sources of natural light. Externally the properties would have modest sized amenity spaces, particularly Unit 1 which would rely on space to the east of the building between the boundary of the site. However these spaces would not be directly overlooked by surrounding properties subject to ensuring provision of appropriate boundary treatments and future occupiers would be aware of this situation prior to occupation. It is considered reasonable to restrict the properties permitted development rights by condition to prevent the erection of any curtilage buildings that would further reduce the level of external amenity space for these units. Internally, all habitable rooms would also be served by sources of natural light.

Existing residential properties lie to the south and east – however there would be no direct window to window relationship proposed or overlooking into any existing private amenity spaces. Furthermore, separation distances to the south would be in excess of 16m and it is noted that the land between the rear elevation of the building and the closest property directly to the south,

appears to be this neighbouring property's access/parking area and a garage. Given the degree of separation and relative positioning from habitable rooms and private amenity spaces it is not considered that any adverse overlooking impact would arise in any event. In addition, whilst an extension is proposed to the western elevation, given this is well separated from any neighbouring property, this would not result in any adverse amenity impact.

Consideration has been given to the potential impact of introducing two residential units into this site, however given the existing/formal use of the building is as a workshop/commercial in nature, the conversion to residential use is unlikely to result in any material disturbance to existing occupiers over and above the extant use. The proposal is therefore considered to be in accordance with Policy DM5 and the guidance in the NPPF in this regard.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy amongst other things requires proposals to minimise the need for travel through measures such as travel plans or the provision or enhancement of local services and facilities; provide safe, convenient and attractive accesses for all; be appropriate for the highway network in terms of volumes and nature of traffic generated and avoid highway improvements which harm the environment and character of the area. Policy DM5 mirrors this.

The existing building is accessed via a shared access with other residential properties. The proposed conversion of the barn would result in the access only being used for residential purposes in the future, and the Highway Authority comments explain that this is considered to be suitable, given its extant use – no concerns are raised in respect of the safety of access/egress into and from the site.

The 3 bed dwellings would be provided 3 parking spaces each which aligns with the recommended minimum standards set out in the Council's Parking and Design Standards SPD which would ensure that the new dwellings are afforded an adequate amount of off-street parking space. Amended plans also show the incorporation of bike storage areas for each unit (in accordance with the SPD), the precise specifications for which will be controlled by condition. On the basis that the Highways Authority raise no objection to the development the proposal is considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations subject to conditions relating to the provision of onsite car parking prior to first occupation and the precise details of the cycle storage to be first submitted and approved in writing by the LPA prior to implementation.

Ground Contamination

The Contaminated Land Officer (CLO) has commented that the site consists of land and a building with potential for previous agricultural use. They note that this presents a risk of ground contamination therefore recommends use of the full contaminated land condition. This is considered to be reasonable to ensure that future site occupiers are not put at risk of exposure to contamination.

CIL

The site is located within the High Zone 3 of the CIL charging schedule where the CIL rate is £70. The proposal would result in 34m² of net additional GIA (from the proposed extension) and the Agent

has confirmed that the building has been in lawful use for at least 6 months out of the last 3 years (such that the existing GIA would be exempt from a CIL charge). The CIL charge on the additional GIA is therefore £2,416.39.

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 Planning Balance and Conclusion

Whilst the principle of this proposal, relating to the conversion of a modern agricultural building to residential use would not be compliant with the current wording of policy DM8, it is considered that the stance of para.80 of the NPPF which supports the reuse of redundant or disused buildings for housing in the open countryside (under para. 80c) is a material consideration that weighs in favour of this proposal given the proposal has been concluded to enhance its immediate setting, and the conversion can be undertaken without significant re-building or alteration. Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would preserve the visual amenity and character and appearance of the wider area, including the Conservation Area, and the setting of nearby listed buildings. The proposal is also considered to be acceptable in terms of the housing mix and how this relates to local need and would not result in any adverse amenity or highways safety impacts. Therefore, whilst the proposal would be contrary to the current wording of policy DM8 in principle, it has been found to be acceptable in all other respects in accordance with the abovementioned policies in addition to the provisions of the NPPF, the Council's SPDs and the Planning (Listed Buildings and Conservation Areas) Act 1990 which are material considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan. It is therefore recommended that planning permission is granted subject to conditions.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. (19)001

- Proposed Plans – Ref. (08)002 Rev. B (deposited 23.01.2023)

Reason: So as to define this permission.

03

Prior to the installation or use of any external facing materials manufacturers details (and samples upon request) of the following materials (including colour/finish) shall be submitted to and approved in writing by the Local Planning Authority:

- Wall Cladding materials
- Roofing materials
- Balustrade/Balcony materials
- Timber Shutter materials

Development shall thereafter be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Balustrades;
- Timber shutters;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required).

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

05

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- details of bike storage areas.

Reason: In the interest of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

06

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

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and in order to preserve or enhance the character and appearance of the conservation area.

07

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan reference Proposed Plans – Ref. (08)002 Rev. B. The parking and turning areas shall thereafter be retained for the lifetime of the development and shall not be used for any purpose other than parking/turning/loading and unloading of vehicles in association with the development hereby permitted.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall be brought into use until details of secure cycle parking for each unit has been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be provided prior to occupation of the units and retained for the lifetime of the development.

Reason: In the interests of highway safety and to ensure provision of adequate on-site cycle parking.

09

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10

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

Class AA: Enlargement of a dwellinghouse by construction of additional storeys.

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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

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

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

Class G: Chimneys, flues etc on a dwellinghouse.

Or Schedule 2, Part 2:

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

Reason: To ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted agricultural building, do not adversely impact upon the openness of the countryside, do not adversely impact the amenity of future occupiers and in order to preserve or enhance the character and appearance of the conservation area.

Informatives

01

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

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

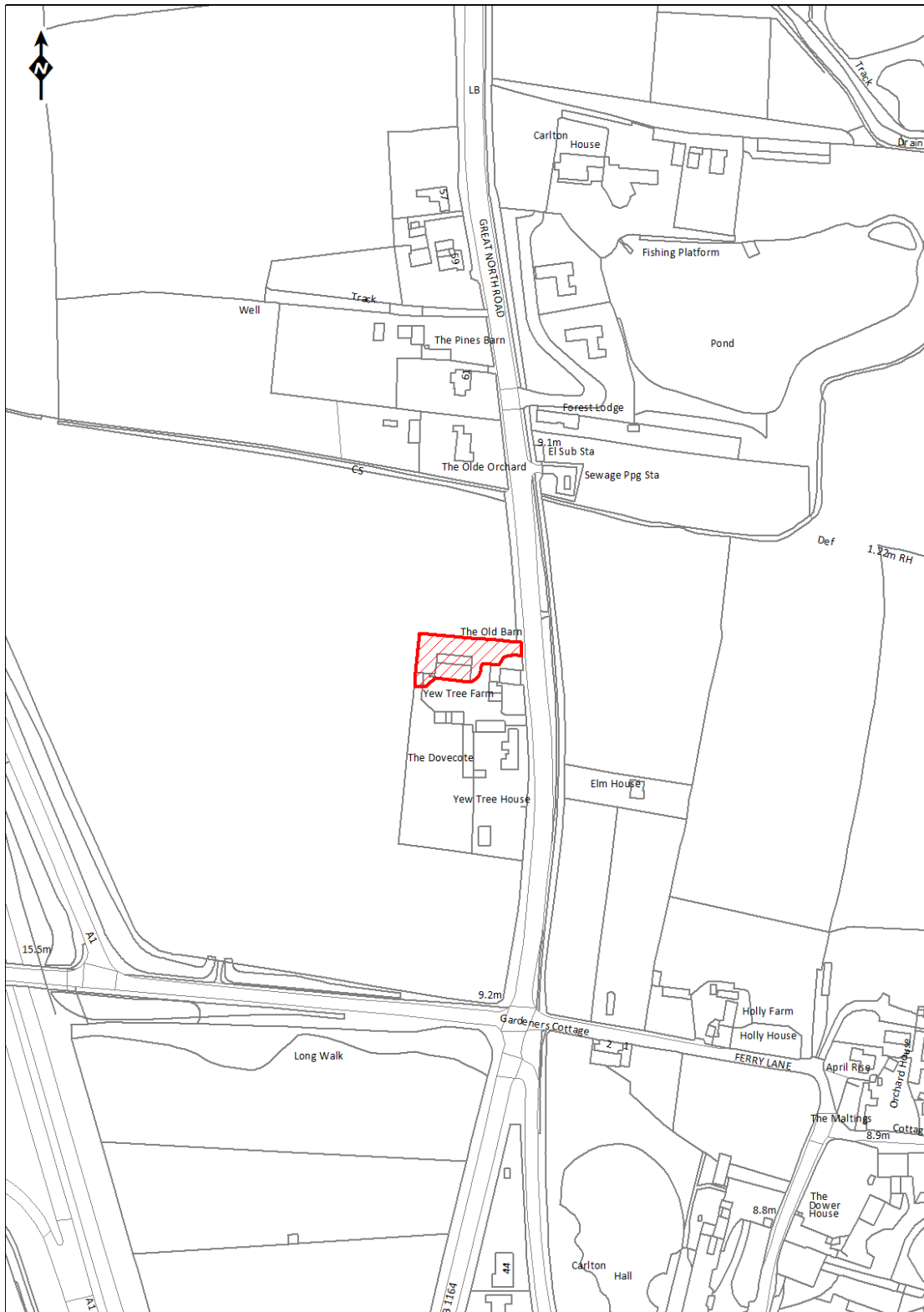
02

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

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02262/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16 February 2023
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Amy Davies, Planner, ext. 5851

Report Summary			
Application Number	22/02248/FUL		
Proposal	Erection of New Dwelling; Alteration of Existing Dwelling; Demolition of Existing Garage and Shed and Erection of New Garaging		
Location	11 Station Road, Collingham, NG23 7RA		
Applicant	Miss Charlotte Palmer	Agent	Mr Anthony Northcote - TOWN-PLANNING.CO.UK
Registered	22 November 2022	Target Date	17 January 2023
		Extension of Time	17 th February 2023
Recommendation	That planning permission is APPROVED subject to the Conditions set out in Section 10 of the report		

Local Ward Member Councillor Linda Dales has called-in the application for Planning Committee consideration as the Parish Council’s Objection to the application is contrary to the planning officer’s recommendation.

1.0 The Site

The application relates to the existing residential curtilage of a two-storey semi-detached dwelling located on the north side of Station Road, within the village of Collingham. The site is located near to but outside of the designated conservation area. To the north-east is the car park of the Local Centre Co-op store and to the north-west is a medical centre. The long rear gardens of Nos. 9 and 17 Station Road lie to the west and east respectively. The plot wraps behind the adjacent rear garden of No.15 Station Road (there is no No.13).

2.0 Relevant Planning History

Application site:

2077213 – Extension and garage to existing dwelling. Permitted 03.05.1977

Land to rear of No 5 Station Road:-

19/00537/FUL – New two storey house with built in garage, new driveway from existing access off Station Road to be shared with existing house. Refused 03.07.2019 on the following grounds:-

- 1. In the opinion of the Local Planning Authority, the proposed development is considered to be out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue of its design, scale and plan form. As such, it fails to meet the minimum requirement in statute (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) of preservation and rather would erode the character and appearance of this part of Station Road. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by any public benefits of the proposal. The siting and scale of the dwelling would also result in an adverse impact upon the living conditions of the adjacent occupiers by virtue of an overbearing, loss of outlook and perceived overlooking impact. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD (2013).*
- 2. In the opinion of the Local Planning Authority the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. No ecological appraisal has been submitted with the planning application. As such the potential ecological impacts of the development in relation to any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposed removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (adopted July 2013).*

Land to the rear of No. 7 Station Road:-

14/01190/FUL – Two Storey Dwelling and Garage. Refused 28.08.2014. Appeal Allowed 04.02.2015. This has been implemented.

3.0 The Proposal

The application proposes the erection of a new two-storey detached dwelling measuring approximately 14.2-metres by 9.4-metres with a pantile pitched roof measuring approximately 5.3-metres to eaves and 8.3-metres to the ridge. The proposed new dwelling would be constructed of bricks and clay pantiles and have a traditional character and appearance. It would include a hall, w.c., kitchen/dining room, utility, living room and study to the ground floor and four bedrooms, two with en-suites, and a bathroom to the first floor.

The application also proposes the erection of a timber garage/cart shed building to serve the existing and proposed dwelling. The proposed garage would measure approximately 13.5-metres by 7-metres and include a hipped roof measuring approximately 2.3-metres to eaves and 4.8-metres to the ridge.

The application also proposes to relocate the main entrance door from the side to the front elevation of the existing “host” dwelling (No. 11 Station Road).

4.0 Departure/Public Advertisement Procedure

Occupiers of nine properties have been individually notified by letter.

Site visits undertaken 08 July 2021 (pre-application visit) and 19 January 2023 (application visit)

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12: Biodiversity and Green Infrastructure
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protection 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 (online resource)
- Newark and Sherwood Housing Needs Assessment by Arc4 2021
- Residential Cycle and Car Parking Standards and Design Guide SPD 2021
- Nottinghamshire Highway Design Guide 2021

6.0 Consultations

Collingham Parish Council – Object

- The Parish of Collingham has already met and exceeded its housing targets for market housing in the current plan period (to 2033);

- Design and visual impact – the new dwelling would not be in-keeping with surrounding properties and constitutes inappropriate backland development;
- Should permission be granted, the garages should be conditioned to remain ancillary to the host dwellings.

1no. letter of Support has been received.

1no. letter of Objection has been received, which can be summarised as follows:

- Access is very narrow;
- Potential for noise and disturbance and water damage from use of driveway;
- Dwelling size overbearing to host dwelling and neighbouring dwellings;
- Negative impact on local distinctiveness and character;
- Vehicle parking will detract from views of garden landscape.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it has a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF 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 Council's Adopted Core Strategy 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 Collingham is identified as a Principal Village within the settlement hierarchy and has a defined village envelope, within which the site sits. It is a location where provision will be made for new housing to meet local housing need and support for employment to provide local jobs in order to secure the village's role as a sustainable community.

The Council's latest District Wide Housing Needs Assessment 2020 outlines the housing needs for the Collingham sub-area. In terms of the need for additional housing, the 2020 HNA outlines that Collingham needs more 3 and 4-bedroom family housing. The proposed new dwelling, by virtue of being a 4-bedroom house in scale would therefore contribute positively towards meeting the housing needs of this part of the District, as outlined in Spatial Policy 2 'Spatial Distribution of Growth' and Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy DPD. Notwithstanding this, it should be noted that the Council has an up-to-date plan and can demonstrate a deliverable five-year housing land supply. Collingham Parish Council has also objected to the proposed development citing the village has already met and exceeded its housing targets for market housing in the current plan period (to 2033). However, housing targets are not intended to limit the number of market houses in any given area.

Impact on character

Core Policy 9 'Sustainable Design' of the Adopted 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" and "demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character".

In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD, which states;

Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

Inappropriate backland and other uncharacteristic forms of development will be resisted.

The proposal would constitute backland development within a residential area. Relevant planning history indicates the LPA has not supported backland development in this area, albeit to the rear of a neighbouring properties that fall within the designated conservation area i.e., No. 5 Station Road (planning application reference 19/00537/FUL) and No. 7 Station Road (planning application reference 14/01190/FUL). There was an appeal against the LPA's decision to refuse planning application 14/01190/FUL, which was allowed at appeal and granted for a new two-storey house and garage, which has been built. In reaching their decision, the Inspector noted the following regarding backland development in Collingham:

Whilst the long linear shape of the existing plot is a characteristic of this part of Station Road, is not typical of the rest of the conservation area. The general character of the conservation area in terms of layout is of varied plot size and orientation, as the village has been subject to piecemeal infill development over time. The appeal proposal would subdivide the garden of 7 Station Road, forming a new plot and dwelling to the rear. Whilst this would result in backland development, there are other examples of backland development within Collingham, along Station Road and off High Street and Low Street within the conservation area. These indicate that backland development is in part characteristic of the way Collingham has evolved over time. Therefore, I consider that the form of development proposed, in terms of its density and layout, would be in keeping with the general character of development in this part of Collingham and the conservation area as a whole.

The application proposes a similar arrangement to the rear of the dwelling at No. 11 Station Road. However, the site is comparably larger than that to the rear of No. 7, as it includes land that wraps behind the adjacent rear garden of No.15 Station Road. The site falls outside of the designated Collingham Conservation Area boundary. The abovementioned appeal decision is a material consideration in determining the proposed application, but does not set a precedent for backland development, as each application must be determined on its individual merits. Public comments suggest the proposal is not in-keeping with the character of the area, however, it is considered the proposal has been sensitively sited and designed to respect the established character and density of development. Furthermore, whilst the proposal would constitute backland development, it is

not considered such development would be inappropriate or harmful in the context of this site or the surrounding area, particularly as it has been determined that backland is a characteristic form of development in this part of Collingham. In terms of cumulative impacts, it is not considered the proposal, together with existing backland developments to the rear of No. 7 Station Road and at No. 1 Station Road, would harm the established character and appearance of the area. Any future applications for backland development would be assessed on its individual merits, at which time a further assessment of cumulative impacts would be made.

The application is supported by a Topographical Survey which illustrates fluctuating ground levels across the application site. These level changes appear to mainly result from trees and tree roots, some of which are proposed to be removed, so some levelling of the site of the proposed new dwelling will be required. However, no details of finished ground or floor levels for the proposed development have been submitted as part of the application. It is therefore considered necessary and reasonable to impose a condition requesting submission of these details prior to the commencement of development in relation to the new dwelling.

The proposed new dwelling would have a traditional appearance although there are insufficient details regarding exact materials and architectural details including windows, doors, rainwater goods and other external accretions. It is therefore considered appropriate to impose conditions on any approved application requiring details of materials, i.e., bricks and roof tiles, and architectural details, i.e., windows, doors, rainwater goods etc, to be submitted to and agreed with the LPA prior to their use in the development. Similarly, there are insufficient details regarding the treatment of areas surrounding the dwelling. Consequently, it is also considered appropriate to impose a condition on any approved application requiring details of hard and soft landscaping to be submitted to and agreed in writing with the LPA prior to occupation of the dwelling.

Regarding the proposed timber garage/cart shed building. This would essentially comprise of two two-bay open-sided garages/cart sheds positioned back-to-back, with each open side facing its respective dwelling (i.e., the existing dwelling at No. 11 Station Road and the proposed new dwelling). The proposed scale and finishing materials would ensure a subservient appearance that could assimilate well with the site and surrounding area. Consideration has been given to the Parish Council's suggestion to condition the use of the garages. However, it is not considered necessary or reasonable to do this, as any change from incidental use would be investigated as a potential breach of planning control.

Finally, the proposal to relocate the main entrance door from the side to the front elevation of the existing "host" dwelling would have no adverse impacts on the character and appearance of this property nor the wider street scene.

Subject to the recommended conditions, the proposal would not result in an unacceptable impact on the character and appearance of the area and would generally accord with Core Policy 9 and Policy DM5 of the DPD.

Impact on 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. New development must also be afforded an adequate standard of amenity.

The proposed block plan indicates there would be a separation distance of approximately 60-metres between the proposed new dwelling and the host dwelling to the south. The proposed garage building would also sit directly between the two dwellings ensuring no unacceptable reduction in amenity. The garden of No. 9 Station Road sits between the application site and the dwelling to the rear of No. 7 Station Road, however, it is not considered the proposal would result in unacceptably overbearing impacts or issues of overlooking / loss privacy, as the proposed new dwelling would be sited approximately 3-metres off the boundary and partially screened by several nature trees along the boundary.

The proposed elevations for the new dwelling show there would be two high-level bedroom windows to the east facing side elevation. These windows would be secondary windows and, due their high level, unlikely to cause unacceptable issues of overlooking or loss of privacy.

Occupiers of both the existing and proposed dwellings would enjoy adequate external private amenity space. The rear garden to the proposed new dwelling would be sited the other side of the boundary shared with the car park of the Lincolnshire Co-op store, which is demarcated by a mix close-boarded fencing and trees. Whilst the proposed new dwelling would be sited closer to the boundary than the existing dwelling, it is considered the proposed rear garden would provide adequate separation between the two sites to ensure no unacceptable amenity for future occupiers.

Neighbour concerns regarding noise and disturbance from shared use of the driveway have also been noted, however, it is not considered the increased use of the driveway to serve one additional dwelling would result in unacceptable issues of noise and disturbance.

Overall, it is considered there would be no adverse impact on the amenities of neighbouring residents nor future occupiers of the proposed new dwelling in accordance with the relevant provisions of Policy DM5 of the DPD.

Impact upon highway safety

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

The application has been assessed with reference to Nottinghamshire County Council's Highway Design Guide and Newark & Sherwood District Council's Residential Cycle and Car Parking Standards and Design Guide Planning Document 2021.

The proposed development would utilise the existing vehicular driveway from Station Road and include provision of four car parking spaces and secure bicycle storage, in accordance with the requirements of the abovementioned design guidance. Public comments regarding the width of the driveway have been noted, however, it is clear from the submission that the width would meet the relevant width requirements for a shared private drive. The proposal is therefore considered acceptable in highway safety terms.

Impact on Trees

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 is supported by a Tree Survey Report prepared by CBE Consulting dated 21 July 2022. The submitted report indicates that fruit trees within the garden – Trees T6, T8, T9 and T10 – would be removed to facilitate the proposed development. These trees are all considered to be of low quality and their removal would not harm the local landscape or visual amenity. It is also suggested that Cypress Trees T12 and T13 be removed to allow access into the rear garden. These have been categorised as Class C trees. Finally, there are two Ash – Trees T3 and T4 – that are in decline and recommended to be removed (classified as Category U (unclassified) trees). Remaining trees are described to be of reasonable quality and proposed to be protected in accordance with measures outlined in the submitted report. Whilst the loss of trees is regrettable, it is noted the abovementioned trees are sited well within the applicant’s private garden and a significant distance from the public highway. Consequently, their recommended removal is considered reasonably justified in this case. Subject to a condition to secure tree protection measures and replacement planting as part of a landscaping scheme it is considered the proposed development accords with the relevant provisions of the abovementioned policies in this regard. Future new soft landscaping would also secure gains in biodiversity as required by policy.

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 application indicates that surface water would be disposed of via soakaways, which are considered a suitable drainage solution for this site.

Regarding foul water drainage, the application confirms the proposed new dwelling would connect to an existing sewer in the driveway, which is shown on the submitted topographical survey.

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 development represents sustainable development that would not result in an unacceptable impact on the character and appearance of the area and would have no adverse impact on the amenities of neighbouring residents in accordance with Core Policy 9 -Sustainable Design of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and policies DM5 – Design and DM6 – Householder Development of the Allocations & Development Management DPD; and relevant policies and guidance contained within the National Planning Policy Framework (2021) and accompanying Planning Practice Guidance. No adverse impacts have been identified in respect of highway safety, trees and biodiversity or flood risk and drainage. It is therefore recommended that planning permission be approved, subject to the conditions and reasons shown below.

10.0 Conditions

01

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

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

02

No part of the development in respect of the new dwelling hereby approved shall be commenced until details of proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

03

No development in relation to the following details shall be commenced until manufacturer's details and samples as required have been submitted to and approved in writing by the Local Planning Authority.

- Bricks (for infilling on the existing dwelling and construction of the new dwelling);
- Brick sample panel (for the new dwelling, showing brick bond, mortar finish and pointing technique);
- Timber cladding (for the timber garage/cart shed building);
- Roofing materials (for the new dwelling and the timber garage/cart shed building).

Development shall thereafter be carried out in accordance with the approved details and sample panel.

Reason: To ensure the development takes the form envisaged and in the interests of visual amenity.

04

No development shall be commenced in respect of the features of the new dwelling hereby approved as 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.

- External windows, doors, and their immediate surroundings, including details of glazing and framing;

- Treatment of window and door headers and cills;
- Rainwater goods, extractor vents, flues, airbricks, soil and vent pipes;
- Eaves, verges and ridge.

Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure the development takes the form envisaged and in the interests of visual amenity.

05

Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for tree losses noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows which are to be retained as detailed within the submitted Tree Survey Report prepared by CBE Consulting dated 21 July 2022);
- details of new boundary treatments, including gates (height and appearance);
- details of any other means of enclosure;
- permeable driveway, parking and turning area materials;
- other hard surfacing materials.

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details. If within a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

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

06

Prohibited activities

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

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

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

07

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

- 1885 A 2 Block Plan;
- 1885 A 1 Plans and Elevations (New Dwelling and Garages);
- 1885 A 3 As Existing and Proposed (Host Dwelling);
- Tree Protection Measures detailed within Section 4.2 and shown on Figure 4 Root Protection Area Plan of the Tree Survey Report prepared by CBE Consulting dated 21 July 2022.

Reason: So as to define this permission.

Informatives

01

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

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

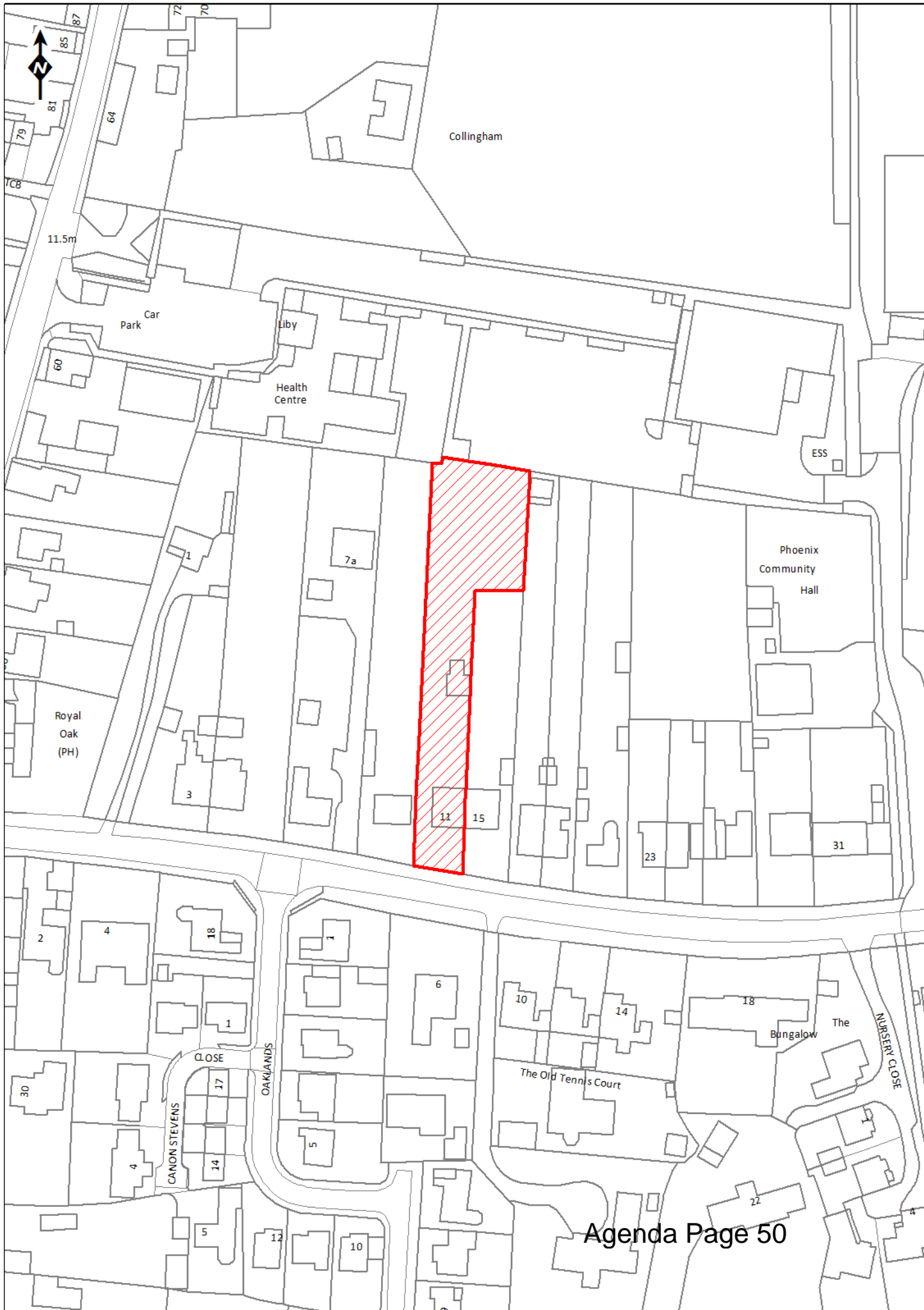
This application has been the subject of pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with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

03

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

BACKGROUND PAPERS

Application case file.





Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	22/01550/HOUSE		
Proposal	Proposed shed. Revised rooflights and new dormer window to rear elevation		
Location	Manor Lodge, Manor Walk, Epperstone, NG14 6RP		
Applicant	Mr And Mrs Frudd	Agent	Trevor Muir Ltd
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	09.08.2022	Target Date	04.10.2022
		Extension of time	20.02.2023
Recommendation	That planning permission be Approved subject to the Conditions detailed at Section 10.0 of this report		

This application is being referred to the Planning Committee for determination by the local ward member, Councillor Jackson, due to incremental encroachment into the Green Belt and the need for additional storage buildings.

1.0 The Site

The application relates to a single storey detached dwelling located within the built-up area of Epperstone, the defined conservation area and within the washed over Nottinghamshire-Derbyshire Green Belt.

The dwelling is bounded to the east by a 2m high (approximate) brick wall and to the west by a 3m high hedge.

Land to the east forms the central parking area for other residents and immediately north of the site are a range of domestic garages. The site is accessed from Main Street to the north via Manor Walk, which also serves the wider Epperstone Manor development. Three listed

buildings are located along Main Street within 50m of the site.

The Epperstone Part no.1 TPO 55 allocation are located beyond the boundary to the east (G29 TPO 55).

2.0 Relevant Planning History

18/02308/FUL Householder application for mower store and log store Approved 12.02.2019

11/00562/FUL Erection of dwelling (plot 31) and garage block Approved 19.10.2011

Removal of Permitted Development Rights for the following Classes:

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

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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

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

Class E: Development within the curtilage of a dwellinghouse.

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

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

Or Schedule 2, Part 2:

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

Class B: Means of access.

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

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

07/00244/FULM Demolition of existing buildings and conversion and new build to form 36 new dwellings Approved 03.08.2007

3.0 The Proposal

The proposal is for the insertion of a roof dormer within the south roof slope of the dwelling, a new first floor gable window in the east elevation, replacement larger rooflights (4 in total).

In addition, the proposal includes the erection of a new timber shed abutting the existing outbuilding.

The approximate dimensions of the developments are:

Outbuilding

3.8m (width) x 3.8m (depth) x 2.8m (ridge) x 2.2m (eaves)

Roof dormer

1.8m (width) x 3.1m (depth) x 2.1m (height)

Plans and documents submitted with the application

Location plan;

DRWG no. 2382/1 Existing site plan;

DRWG no. 2382/2 Rev F Proposed site plan;

DRWG no. 2382/3 Existing floor plans;

DRWG no. 2382/4 Existing elevations and sections;

DRWG no. 2382/5 Rev H Proposed floor plans;

DRWG no. 2382/6 Rev J Proposed elevations and section;

DRWG no. 2382/7 Rev B Proposed floor plan and elevations (shed);

DRWG no. EDJ-VAS-110-0110 Velux;

DRWG no. 2382/D1 Proposed window detail;

Planning and Heritage Statement (08.08.2022);

4.0 Departure/Public Advertisement Procedure

Occupiers of 5 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.

Site visit undertaken on 13.09.2022

5.0 Planning Policy Framework

Epperstone Neighbourhood Plan 12.12.2019

Policy EP11: Design Principles

Policy EP14: Listed Buildings

Policy EP15: Epperstone character buildings, walls and structures of local heritage interest

Policy EP16: Epperstone Conservation Area

Policy EP17: Epperstone Historic character

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

Spatial Policy 4A – Extent of the Green Belt

Spatial Policy 4B– Green Belt Development

Core Policy 9 -Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM6 – Householder Development

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource) (PPG)

National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

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

Householder Development SPD 2014

S.66 and S.72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Epperstone Parish Council – Objection

- The property is in very close confines of the grade 2 listed Manor adding significantly to the sensitivity needed for considering the application.
- The property & its grounds & all land surrounding it are located in the Conservation area.
- Dormer would be seen from the public road.
- Permitted Development rights were withdrawn
- **The Parish Council decision is for all the above reasons is therefore to OPPOSE the Application for the dormer particularly on sightline visibility & mass.**
- Planning Application 18/02308 granted permission for 2 stores.
- Concern that this would be converted to a separate dwelling and the land separated.
The Parish Council OPPOSE this additional storage and see no need for it.

Conservation – 07.12.2022 The amendments to the dormer address the conservation teams concerns to the dormer window.

06.09.2022 The proposed extension to the existing outbuilding is acceptable in principle. However, the double doors and window adds a very domestic characteristic to the building. As it is designed for storage and therefore the need for natural light is minimal, it is recommended that the window is removed, and a single solid timber door is proposed.

In principle the proposed dormer is acceptable. However, the width of the dormer should be reduced. This will help minimise the visual impact of the proposed roof alterations when viewed from the south.

Cadent Gas - No objection, informative note required

9 Neighbour/Interested party comments

- Shed – complete eyesore to the landscape;

- Hedge is not a consistent 3m, so not guaranteed to screen the proposed shed;
- No objection to the dormer or rooflights;
- Object to the condition of the land, storage of the boat and builders yard condition; not commensurate with the Green Belt or Conservation Area;
- Concerns about the delivery of materials and the use of lorries accessing the site and delivery/storage of materials causing an eyesore;
- Increases the number of bedrooms from 2 to 3;
- Why does the shed need to be designed like that? What's its purpose? It should have a single access door and no windows;
- The rear dormer window is approximately the same height level as my own bedroom window and positioned directly opposite. Concern about lack of privacy and obscure glass would negate these concerns;
- Object to the side windows as these look directly into my property both upstairs and downstairs as it is on higher level and they would be able to see us passing through to the bathroom. Frosted glass would alleviate this.

7.0 Comments of the Business Manager – Planning Development

Neighbourhood Plan

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

Following public consultation and independent examination, at its council meeting on 17 December 2019, Newark and Sherwood District Council adopted the Epperstone Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the District and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Epperstone. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The 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 applications concern designated heritage assets of a listed building and the conservation area, 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) also 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 do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the surrounding area including its local distinctiveness and have no adverse impact upon the amenities of neighbouring properties from loss of privacy, light and overbearing impacts. Policy DM9 states development affecting the setting of a listed building must demonstrate it is compatible and the impact on the special architectural or historical interest is justified.

Therefore, in principle alterations to domestic properties are acceptable, subject to other site specific criteria which are outlined below.

The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy which defers assessment to national Green Belt policy contained in the NPPF. The NPPF does allow for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149). This Authority does not define what is meant by disproportionate. However, as a guide, where other authorities have set limits, these tend to be around a 30 to 50% increase from the original building. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The resulting outbuilding is detached and on the literal reading of the NPPF, new outbuildings within the Green Belt are always inappropriate. However recent case law (reference Warwick District Council and Secretary of State for Levelling Up, Housing and Communities and Mr Jules Storer Mrs Ann Lowe EWHC 2145 August 2022¹) concludes that paragraph 149(c) of the NPPF is not to be interpreted as being confined to physically attached structures but can include structures which are physically detached from the dwelling of which they are an extension (paragraph 52 of the Case) to. As the original outbuilding in 2018 was considered as such, and this is an extension to that building, it is now difficult to deviate from this original

¹ <https://www.tpexpert.org/wp-content/uploads/2022/08/2145.pdf>

assessment, given the extension would result in the building being located closer to the original dwelling.

I have carried out an assessment of the increase in size of the proposal taking footprint, floorspace (internal) and volume into consideration.

The table below shows this impact.

(All calculations are approximate)

	Footprint m²	Floorspace m²	Volume m³
Original dwelling	302	295	924.9
Resulting dwelling (incl. outbuildings & roof dormer)	349	338	1016.1
Total	15.5%	14.5%	9.8%

It can be seen from the above table that the increase in size of the dwelling, would be proportionate against the original dwelling. On this basis and given that calculations above show a proportionate addition, it is considered that there would be no impact upon the openness of the Green Belt.

It is noted that open fields are located beyond the application boundary to the south, however the buildings are sited within a group of existing built development and would not affect this aspect.

As such the proposal is acceptable in principle in relation to the Green Belt.

Other material considerations also have to be taken into account and these are explored below.

Impact on the Visual Amenities of the Area and heritage

Policy DM6 of the ADMDPD states planning permission will be granted providing the proposal “respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling.” Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development.

Core Policy 9 ‘Sustainable Design’ 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.”

Paragraph 197 of the NPPF (2021) states that in determining applications Local Planning Authorities (LPAs) should take in to account the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. Any loss of significance will

require justification with the ultimate outcome for the development to cause no harm which is reflected in S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. S.72 of the same Act states special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area.

The siting of the extensions are not readily visible from the wider Conservation Area and would result in no harm to the setting of the Listed Buildings. The comments raised by the Conservation Officer on the design of the dormer, have been taken into consideration by the applicant and subsequently the original design has been altered to their satisfaction.

The design of the extension to the tractor store and the inclusion of windows, has not been amended as this aspect would have limited impact upon the conservation area and would be sited between the existing outbuilding and the house and it is not considered expedient to pursue these alterations with the applicant. Whilst Conservation has raised concerns regarding the domestic appearance of the outbuilding, it is considered regard should be given to the context of this site which is for a dwelling and its residential curtilage. Development that is domestic in character in such a circumstance is not considered unusual or unnatural. Therefore the proposal is considered to result in no harm to the setting of the Listed Building or to the character and appearance of the conservation area.

The proposal is therefore considered to be acceptable and accords with Core Policy 9 and 14 of the ACS, policy DM5, DM6 and DM9 of the ADMDPD, the Council's Householder Development SPD and the NPPF which is a material planning consideration as well as S.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for an extension provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

The proposal for the extension to the outbuilding, would not result in harm to neighbour amenity from overbearing, loss of light or privacy impacts, due to its siting relative to adjoining dwellings.

The enlargement of the rooflights does not result in additional rooflights over the original quantum to the existing building. Their siting on the building is considered acceptable and would not result in loss of privacy to neighbouring occupiers.

The insertion of the dormer window to the south elevation, results in an additional window within this elevation. There are no dwellings immediately south of this property that would be directly impacted by this window. Oblique views would be achieved to the east over the communal parking area. The first floor window on the east elevation is sited approximately 30m from no.7 Manor Walk. Comments have been received stating this window should be obscure glazed, given the distance this is not considered such that the window would result in direct loss of privacy to occupiers, however the applicant has confirmed that this window will be made obscure glazed and a condition can be imposed to secure this.

Therefore, due to the siting of the windows and the juxtaposition to neighbouring occupiers, the proposal as a whole is not considered to result in harm to the amenities of neighbouring occupiers.

The proposal complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Impact upon Highway Safety

The proposal does not result in and changes to the availability of land for parking at the property. The dwelling is 2 bedroomed, although the first floor could be used as a bedroom, but this is unspecified on the plans. The Council's Residential Cycle and Car Parking Standards & Design Guide SPD states that for this location, a 3 bedroomed dwelling should provide 3 parking spaces. Given the garaging at the property, this allocation is achievable without detriment to highway safety.

As such the proposal complies with Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD.

Impact on Flooding/surface water run-off

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within an area at risk from surface water. It is not considered that the additions would result in harm to surface water run off to the neighbouring or application site.

Other Matters

Much concern has been raised by residents and the Parish Council over the condition of the land and the siting of a boat and storage containers, which have been there for many years. Having spoken with the Council's Enforcement Officers they are aware of the condition of the land and have previously served a S.215 notice (Untidy Land) which the owner had made attempts to implement. However, this notice did not include the boat or the storage containers. Officers are currently proactively working with the in relation to this matter.

TPO trees are located beyond the site but are not impacted upon by this 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 design and siting of the outbuilding and the roof dormer is such that it would result in a proportionate addition to the dwelling and not result in harm to the openness of the Green

Belt. The design of the development would not result in harm to the setting of the Listed Building or to the character or appearance of the conservation area.

The addition of the windows, especially the gable window, due to the siting approximately 30m from the nearest dwelling, would not result in harm from direct overlooking which would be harmful to their amenity. The remaining windows are sited so as not to result in harm to neighbour amenity due to the juxtaposition with neighbouring occupiers.

Matters of highway/parking provision and flooding/surface water impact, are considered acceptable.

The proposal therefore accords with the Development Plan taking in to account the NPPF (2021) and PPG which are material planning considerations.

10.0 Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

Location plan 1:2500;
DRWG no. 2382/5 Rev H Proposed floor plans;
DRWG no. 2382/6 Rev J Proposed elevations and section;
DRWG no. 2382/7 Rev B Proposed floor plan and elevations (shed);
DRWG no. EDJ-VAS-110-0110 Velux;
DRWG no. 2382/D1 Proposed window detail;

Reason: So as to define this permission.

03

Notwithstanding the materials as stated on drawing no. 2382/D1, prior to the construction of the roof dormer, details of external materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

Prior to first use of the timber building, all details of finish of the external materials (colour) shall be submitted to and approved in writing by the Local Planning Authority. The building shall thereafter be finished in such material as approved.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

The first floor gable window on the south east elevation as shown on drawing no. 2382/6 Rev J, shall be obscure glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

Informatives

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord 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

03

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

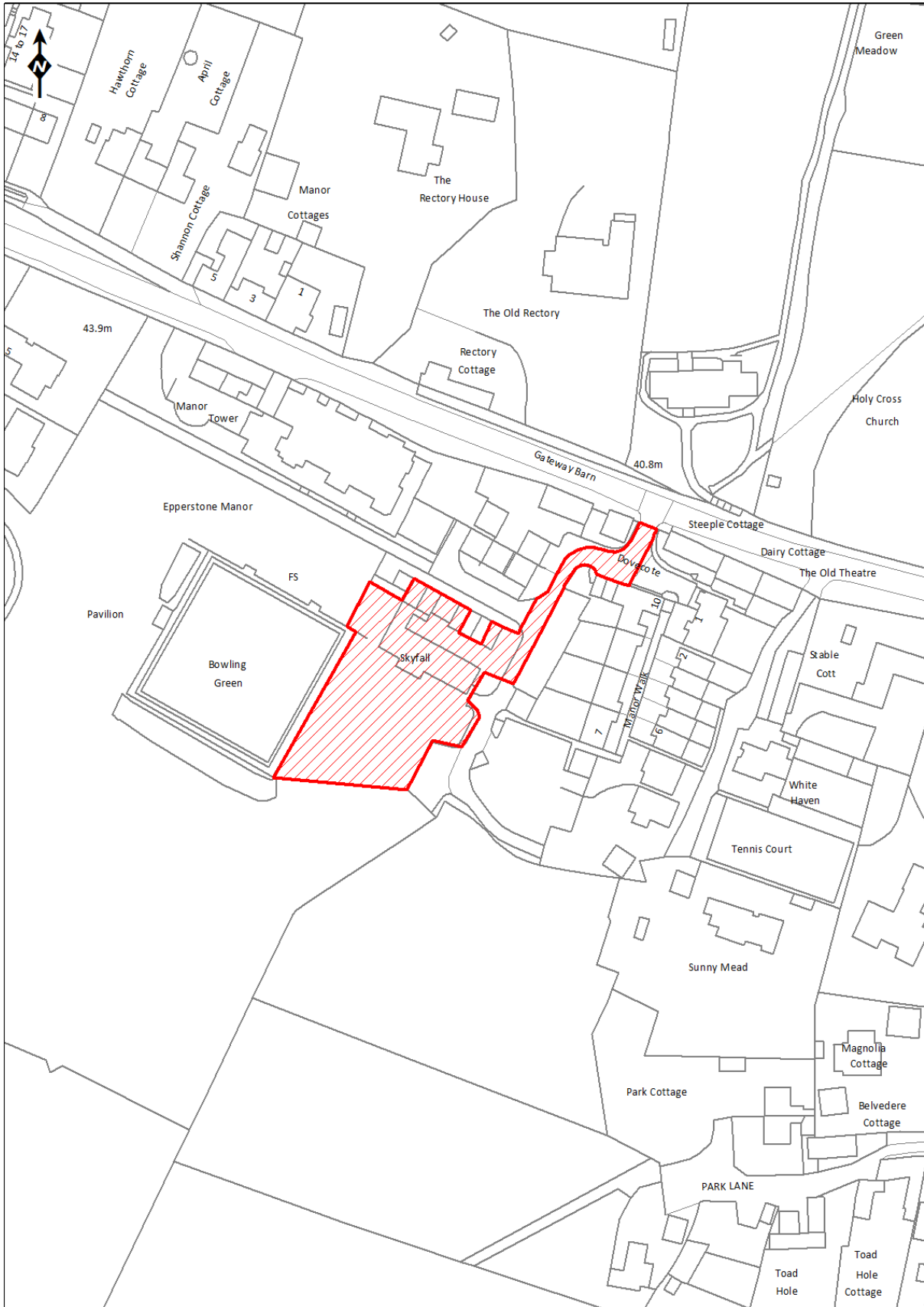
If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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 - 22/01550/HOUSE



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Lynsey Preston, Planner

Report Summary			
Application Number	22/01655/HOUSE		
Proposal	Demolition of existing garage, front conservatory/utility and rear porch. Proposed erection of 2-storey side extension and single-storey rear extension. New sliding gate.		
Location	4 The Orchards, Oxtun, NG25 0SY		
Applicant	Ms Laura Mackin	Agent	Knights - Mr James Rigby
Web Link	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage		
Registered	30.08.2022	Target Date	25.10.2022
		Extension of time agreed	TBA
Recommendation	That planning permission be REFUSED for the reasons detailed in Section 10 of this report		

This application is being referred to the Planning Committee by Councillor Jackson in accordance with the Council’s Scheme of Delegation as the recommendation differs from that of the Parish Council, which is to support.

1.0 The Site

The property is a semi-detached two storey brick dwelling located on the edge of the built up residential area of Oxtun. The site is within the washed over Nottingham – Derbys Green Belt, within the designated Oxtun Conservation Area. The site is within Flood Zone 1 as defined by the Environment Agency flood maps which means it is at low risk of main river flooding and it is within an area at risk from surface water flooding.

The dwelling forms one of a row of mostly semi-detached properties of the same design with hipped roofs. Parking is available to the front of the dwelling for approximately 2 vehicles

and is accessed directly from The Orchards to the west of the property.

The dwelling has existing single storey extensions to the front and rear and a detached flat roofed garage to the south of the site.

2.0 Relevant Planning History

22/00102/HOUSE - Demolition of existing garage, front conservatory/utility and rear porch. Proposed 2 storey side extension and single rear storey extension. New sliding gate. Withdrawn

07/00839/FUL - Erection of single storey rear kitchen extension and conservatory to front. Approved 27.07.2007

3.0 The Proposal

The proposal comprises the demolition of the front and rear extensions and the side garage and the erection of a two storey side extension, with hipped roof set below the ridge height of the existing roof (in brick and tile to match existing) and set in at first floor level, less at the front and more to the rear, single storey front lean-to extension (in brick and tile to match existing, other than the porch) and single storey rear flat roofed extension (in vertical stack bond brick with colour to match existing). The proposal also includes the erection of a sliding vehicular access gate to the front of the site, 3.1m wide by 1.8m high solid vertical timber board with a painted finish, situated within existing hedgerow.

The approximate dimensions of the proposed extensions are:

Rear extension

4.0m (depth) x 8.9m (width) x 3.0m (to top of parapet)

Front extension

3.4m (depth) x 9.0 (width) x 3.9m (ridge) x 2.3m (eaves)

Side extension

6.2m (length) x 2.9m (width) x 8m (ridge) x 4.7m (eaves)

The drawings submitted with the application are:

- DRWG no. AM2-PLA-002 Site & location plan;
- DRWG no. AM2-PLA-003 Existing ground floor plan;
- DRWG no. AM2-PLA-004 Existing first floor plan;
- DRWG no. AM2-PLA-005 Existing roof plan;
- DRWG no. AM2-PLA-006 Existing east & west elevations;
- DRWG no. AM2-PLA-007 Existing north & south elevations;
- DRWG no. AM2-PLA-008 Existing site plan;
- DRWG no. AM2-PLA-010 Proposed ground floor plan;
- DRWG no. AM2-PLA-011 Proposed first floor plan;
- DRWG no. AM2-PLA-012 Proposed roof plan;

DRWG no. AM2-PLA-013 Proposed east & west elevations;
DRWG no. AM2-PLA-014 Proposed north & south elevations;
DRWG no. AM2-PLA-015 Proposed site plan;
DRWG no. AM2-PLA-016 Proposed sliding gate;
DRWG no. AM2-PLA-017 Proposed sliding gate precedents;
Green Belt Impact Assessment;
Supporting Statement and Heritage Statement;

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter and a notice has been displayed at the site and an advertisement placed in the local press.

Site visit undertaken on 15.09.2022

5.0 Planning Policy Framework

The Development Plan

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

Spatial Policy 4A – Extent of the Green Belt
Spatial Policy 4B – Green Belt Development
Spatial Policy 7 – Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted 2013) (ADMDDP)

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

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
- Householder Development SPD 2014
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Oxton Parish Council – Support the proposal.

NSDC, Conservation –

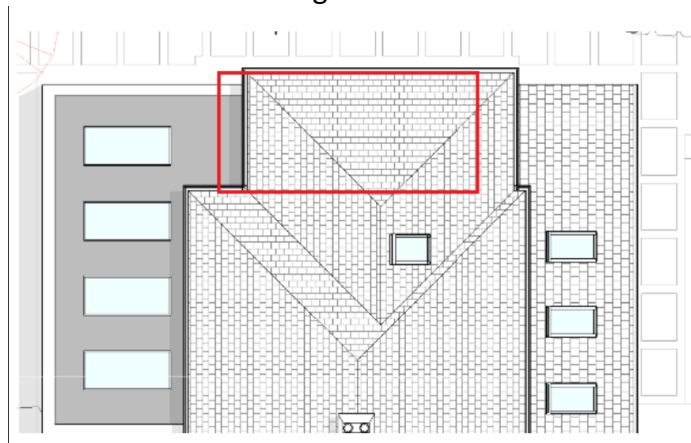
The original dwelling has had a few additions added to it over time. This includes the existing kitchen, utility and conservatory. The proposal is to demolish the existing utility and conservatory and erect a two-storey side extension and single storey rear extension. The

removal of these additions is an improvement to the overall appearance of the building. However, the conservation team have concerns in relation to the overall design of the proposed development.

Previous, informal advice was to push the two-storey extension away from the 'Principal' elevation. In this case, the principal elevation is referring to 'The Orchards' roadside. The submission has stepped the first floor in from the east elevation.

Due to the dual aspect of the property, it is considered that the first floor element needs to be stepped in to both the east and west elevation. Please see the red outline with a suggestion.

In addition, the proposed kitchen/living room extension adds an uncharacteristic element to the building which appears very bulky. It is recommended that this is reduced in depth and the flat roof is altered to a lean-to. The lean-to form will be more in keeping with the overall character of the building.



It is recommended that the above amendments are made to the proposal to reduce the visual impact of the proposed extensions.

NSDC, Tree and Landscape Officer A notwithstanding landscaping condition is requested. This should include

1. 10 years maintenance,
 2. significant tree planting to the road frontage and along the rear /rural boundary. Suggested species for rear boundary beech (*fagus sylvatica*), Oak (*Quercus rubur*), Field maple (*acer campestre*), road frontage tulip tree (*liriodendron Tulipifera*), stone pine (*pinus pinea*).
 3. Infrastructure adaption to accommodate tree planting
- With appropriate mitigation (tree planting) the development should have a minimal landscape impact.

Two neighbour comments of support have been received stating the following:

- A great addition to a family home and benefit the family;
- Extension is tasteful and not intrusive towards any neighbour's property;
- A sensible improvement to the property;
- Proposal is in keeping with the street scene and respects the character of The Orchard.

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 development within a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') is particularly relevant. Section 72(1) also 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 duty in s.72 of the Listed Buildings Act does not allow a local planning authority to treat the desirability of preserving 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 character or appearance of a conservation area, it must give that harm considerable importance and weight.

Principle of Development (including Green Belt Assessment)

Householder developments are acceptable in principle subject to an assessment of numerous criteria outlined in Policy DM6 of the DPD. These criteria include the provision that the proposal should respect the character of the surrounding area including its local distinctiveness and have no adverse impact upon the amenities of neighbouring properties from loss of privacy, light and overbearing impacts.

Therefore in principle the alterations to domestic properties are acceptable, subject to other site specific criteria which are outlined below.

The site is located within the Green Belt where new development is strictly controlled through Spatial Policy 4B of the Core Strategy which defers householder development assessment to national green belt policy contained in the NPPF. The NPPF does allow for the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (paragraph 149). This Authority does not define what is meant by disproportionate. However as a guide, where other authorities have set limits, these tend to be around a 30 to 50% increase from the original building. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

I have carried out an assessment of the increase in size of the proposal taking footprint, floorspace (internal) and volume into consideration. I have also considered the figures within the agent's submitted Green Belt Assessment. The existing conservatory, front extension and detached garage are all elements that have been added to the construction of the original building, and so have been excluded from the calculations.

	Footprint m² (minus the conservatory, front extension and detached garage)	Floorspace m² (minus the conservatory, front extension and detached garage)	Volume m³
Existing dwelling	57	GF – 47 FF – 41 = 88	359
Proposed dwelling	131	GF – 118 FF – 58 = 176	654
Total % increase	129.8%	100%	82%

It can be seen from the above table that the increase in size of the dwelling is around a 129.8% increase in footprint, 100% increase in floorspace and 82% increase in volume over and above the originally built dwelling. This is already well above the generally accepted guidance that anything above a 30-50% increase would represent a disproportionate addition. Therefore the addition of extensions above this, would constitute inappropriate development within the Green Belt unless very special circumstances exist to outweigh this harm. No very special circumstances have been advanced and there does not appear to be any that would outweigh the harm identified. The proposal would not comply with paragraph 149 (c) of the NPPF (2021) and results in a disproportionate addition to the existing dwelling that would result in harm to the openness of the Green Belt.

Other impacts and material considerations have been assessed below.

Impact on the Visual Amenities of the Area and heritage impact

Core Policy 9 of the Amended Core Strategy requires new development to achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM6 of the ADMDPD states planning permission will be granted providing the proposal “respects the character of the surrounding area including its local distinctiveness and the proposal respects the design, materials and detailing of the host dwelling.” Policy DM5 of the ADMDPD states that the character and distinctiveness of the District should be reflected in the scale, form, mass, layout, design, materials and detailing of the development. The NPPF (2021) states the proposal should be visually attractive as a result of good architecture, layout.....are sympathetic to local character (Para 130).

One of the main considerations in this application is the scale and massing of the proposed extension and its visual impact on the character and appearance of the conservation area. It is accepted that the proposed removal of the existing later additions to the dwelling would be an improvement.

The Council’s Householder Development SPD at paragraph 8.3 provides guidance on the design of side additions and how they relate to the character of the locale. This states that it should be designed sensitively to the host dwelling and prevailing character of the

surrounding area. In addition it states that regard would be given as to whether the roof type and, in the case of a two storey side addition, the eaves and ridge heights respect and are able to be successfully integrate with the existing roof slope. Consideration should also be given as to whether the proposal would be successfully integrated with the host dwelling with particular attention given to replicating any external details which contribute to the character of the existing dwelling i.e. window design, eaves detailing for example.

Having taken the comments of the Council's Conservation officer into account, overall I consider the massing and bulk of the proposed two storey addition and hipped roof would be an obtrusive addition that would dominate the scale of the original cottage to an unacceptable degree and cause harm to the character and appearance of the Conservation Area.

The use of bricks and tiles to match the existing dwelling, is welcomed and would assist with assimilation to a degree, this does not overcome the concerns raised in relation to the size and scale. The concerns have been raised with the agent but they do not wish to make any amendments to the scheme. Therefore the proposal is being considered as submitted without amendment

The proposal also includes a new sliding gate to the frontage facing The Orchards. Whilst the hedge would be retained, the 1.8m high solid gate would result in a harsh visual intrusion into the wider area and introduce a high, solid and intrusive form of development that would result in an incongruous visually dominant feature to the street scene resulting in harm to the streetscene and character and appearance of the conservation area.

The proposal is therefore considered to result in a harmful visual impact upon the character and appearance of Oxtan Conservation Area. Paragraph 202 of the NPPF (2021) states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal." As this is an extension to a domestic property, there are no public benefits which could be weighed against the harm identified.

The proposed two storey extension and access gate, are therefore considered to result in less than substantial harm to the character and appearance to Oxtan Conservation Area. It is therefore unacceptable and fails to accord with Core Policy 9 and 14 of the ACS, policy DM5, DM6 and DM9 of the ADMDPD, the Council's Householder Development SPD and the NPPF which are material planning considerations. The proposal fails to preserve in accordance with the duty set out in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

Policy DM6 of the DPD states planning permission will be granted for the erection of an extension provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy, light and overbearing impact. The NPPF (2021) states in Paragraph 130 that developments should ensure a high standard of amenity for existing and future users.

The proposal does not feature any windows on the newly positioned side elevation of the two

storey elevation facing the property to the south (no.5). Due to the juxtaposition with no.5, there would be no direct unacceptable overlooking impacts to the siting of this dwelling nor loss of light or overbearing impacts.

The proposed rear extension would replace an existing conservatory 3.5m deep, 2.4m high to eaves and approx. 0.5m off the common boundary, marked by a high mature hedgerow. However the replacement extension would be built up to the shared boundary with No 3 to the north thus removing the existing boundary treatment. This would result in a 4m long wall at 3m in height along the common boundary with no.3. This neighbour does not have any existing single storey rear additions. The proposed extension due to its increase in height and depth and closer proximity to the neighbouring property will have a greater impact on the amenity of this neighbour, it is considered that due to the existing boundary treatment and the existing conservatory, that this neighbour would already experience an element of loss of light, and that the proposed replacement extension is not considered to result in a significantly increased adverse impact to warrant refusal of permission. In addition, the siting of the proposed extension along the shared boundary would have some over-bearing impact on the external space to the rear of no.3, however, the impact is not considered so harmful to the amenities of these residents to warrant refusal of permission.

It is therefore concluded that the proposal is acceptable from a neighbour amenity perspective and complies with Policies DM5 and DM6 of the ADMDPD, the NPPF and the Householder development SPD which are material planning considerations.

Impact on highway safety and parking provision

The Council's Residential Parking SPD states for a 4 bedroomed dwelling in the Oxton area, there should be a recommended minimum car parking provision of 3 spaces. The site can only realistically provide 2 spaces, as shown on drawing no. AM2-PLA-015. Given this, and the access is via a private driveway, the proposal is likely to result in additional vehicles parking on the private driveway outside the boundaries of the site. Spatial Policy 7 of the ACS states proposals should provide appropriate and effective parking provision both on and off site. The SPD states as key principle 2, that proposals should ensure effective parking provision both on and off site and not create new or exacerbate existing parking demand.

The parking arrangement is a different arrangement from the current tandem parking layout. It is a finely balanced judgement whether the proposal would result in harm to local parking provision and it is one which officers have considered carefully. The layout of parking as shown on drawing no. AM2-PLA-015, shows 2 parking spaces laid out within the site. Realistically more vehicles could be parked along the southern boundary in a tandem arrangement but this would hinder the manoeuvrability of other vehicles within the site. It would also result in vehicles reversing on to The Orchards. However this is a private driveway and not an adopted highway and not unlike the existing arrangement. Additional parking provision could be provided within the site to meet the required provision stated within the SPD, as illustrated on the submitted drawings.

Therefore although the parking situation is not ideal, the reversing of vehicles onto The Orchards is not unlike the existing arrangement and The Orchards is not an adopted highway. Therefore on this basis the proposal for the parking and impact on highway safety is

considered acceptable and accords with the Spatial Policy 7 of the ACS and policy DM5 of the ADMDPD and the Council's Residential Parking SPD.

The erection of the sliding gate, due to the siting on a private driveway would not have any detrimental impact upon the adopted highway network. Vehicles would have to wait on the private driveway in order for the gates to open, and although this would result in a conflict to other road users using the driveway, this is a private driveway and located approximately 25m from the adopted highway so as not to result in bottlenecking there.

Therefore the proposal is generally acceptable and would result in an acceptable highway safety impact and accords with Spatial Policy 7 and Policy DM5 of the ADMDPD and the Council's Residential Parking SPD.

Impact on trees

Policy DM5 of the ADMDPD states wherever possible green infrastructure should be successfully integrated. Core Policy 12 of the ACS states proposals should seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The proposal includes the removal of a tree to the rear which would be impacted by the construction of the extensions. This has not raised an objection from the Council's Tree Officer subject to a landscaping condition ensuring a replacement. The parking to the front of the site is located underneath a tree canopy and it is suggested that a condition is attached ensuring the infrastructure for the parking area is submitted.

Therefore subject to appropriate conditions, the impact on the trees and green infrastructure, is considered acceptable.

Flooding/surface water run-off

The site is located within flood zone 1 (low risk) and in an area at risk from surface water flooding. The proposed extension would be designed to be able to dispose of surface water adequately without resulting in increased flood risk to surrounding properties. The site contains other areas of porous surfacing which is considered would assist with acceptable disposal. The front driveway would be constructed of a porous material too which would assist with run-off.

8.0 Implications

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

9.0 Conclusion

In conclusion, the proposal represents a disproportionate addition to the dwelling which would result in spatial and visual harm to the Green Belt as a result of inappropriateness and there are no very special circumstances which would outweigh this harm. In addition, the two storey side extension would result in an unacceptable, dominating addition to the application dwelling as a result of its inappropriate scale and massing, together with the proposed 1.8m high solid boarded timber gate along the back edge of the footway, which would result in less than substantial harm to the character and appearance of the Conservation Area through the negative impact on both the application dwelling and the wider streetscene. The harm identified cannot be outweighed by any public benefit.

Matters of highway safety, neighbour amenity, flood risk and trees are considered acceptable.

The proposal however fails to comply with Spatial Policy 4B, Core Policy 9 and 14 of the Newark and Sherwood Amended Core Strategy and Policies DM5, DM6 and DM9 of the Allocations and Development Management DPD and the guidance within the NPPF, which is a material planning consideration and the duty to preserve set out in Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990. Accordingly it is recommended that planning permission be refused.

10.0 Reasons for Refusal

01

The National Planning Policy Framework (NPPF) states that the essential characteristics of Green Belts are their openness and their permanence. The site is located within the Nottingham-Derby washed over Green Belt whereby development is considered inappropriate unless it meets one of the listed exceptions. The extension or alteration of a building is considered one of those exceptions provided that it does not result in a disproportionate addition over and above the size of the original building. Due to the amount of additions proposed over and above the size of the original building, the proposal is considered to be disproportionate and therefore constitutes inappropriate development in the Green Belt. The proposal would result in spatial and visual harm to the openness of the Green Belt and there are no very special circumstances which would outweigh the harm identified.

In the opinion of the Local Planning Authority the proposal is considered to be contrary to the Spatial Policy 4B of the Newark and Sherwood Amended Core Strategy and Section 13 of the NPPF (2021) which is a material planning consideration.

02

In the opinion of the Local Planning Authority, the proposed two storey side extension would, by reason of its inappropriate scale and massing, result in an unacceptable, dominating addition to the existing dwelling. Furthermore the design, siting and height of the proposed access gate to the front of the site would result in a harsh, intrusive, incongruous feature to the street scene that would harm both the public realm and the designated heritage asset.

The proposal would thereby result in less than substantial harm to the character and appearance of Oxton Conservation Area, which cannot be outweighed by any public benefit.

The proposal is therefore contrary to the duty contained within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of Core Policy 9 and 14 of the Newark and Sherwood Amended Core Strategy (2019) and Policy DM5, DM6 and DM9 of the Allocations & Development Management DPD (2103) as well as the NPPF (2021) which forms a material planning consideration.

Informatives

01

Plans and documents considered:

DRWG no. AM2-PLA-002 Site & location plan;
DRWG no. AM2-PLA-010 Proposed ground floor plan;
DRWG no. AM2-PLA-011 Proposed first floor plan;
DRWG no. AM2-PLA-012 Proposed roof plan;
DRWG no. AM2-PLA-013 Proposed east & west elevations;
DRWG no. AM2-PLA-014 Proposed north & south elevations;
DRWG no. AM2-PLA-015 Proposed site plan;
DRWG no. AM2-PLA-016 Proposed sliding gate;
DRWG no. AM2-PLA-017 Proposed sliding gate precedents;
Greenbelt impact assessment;
Supporting statement and Heritage statement;

02

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

03

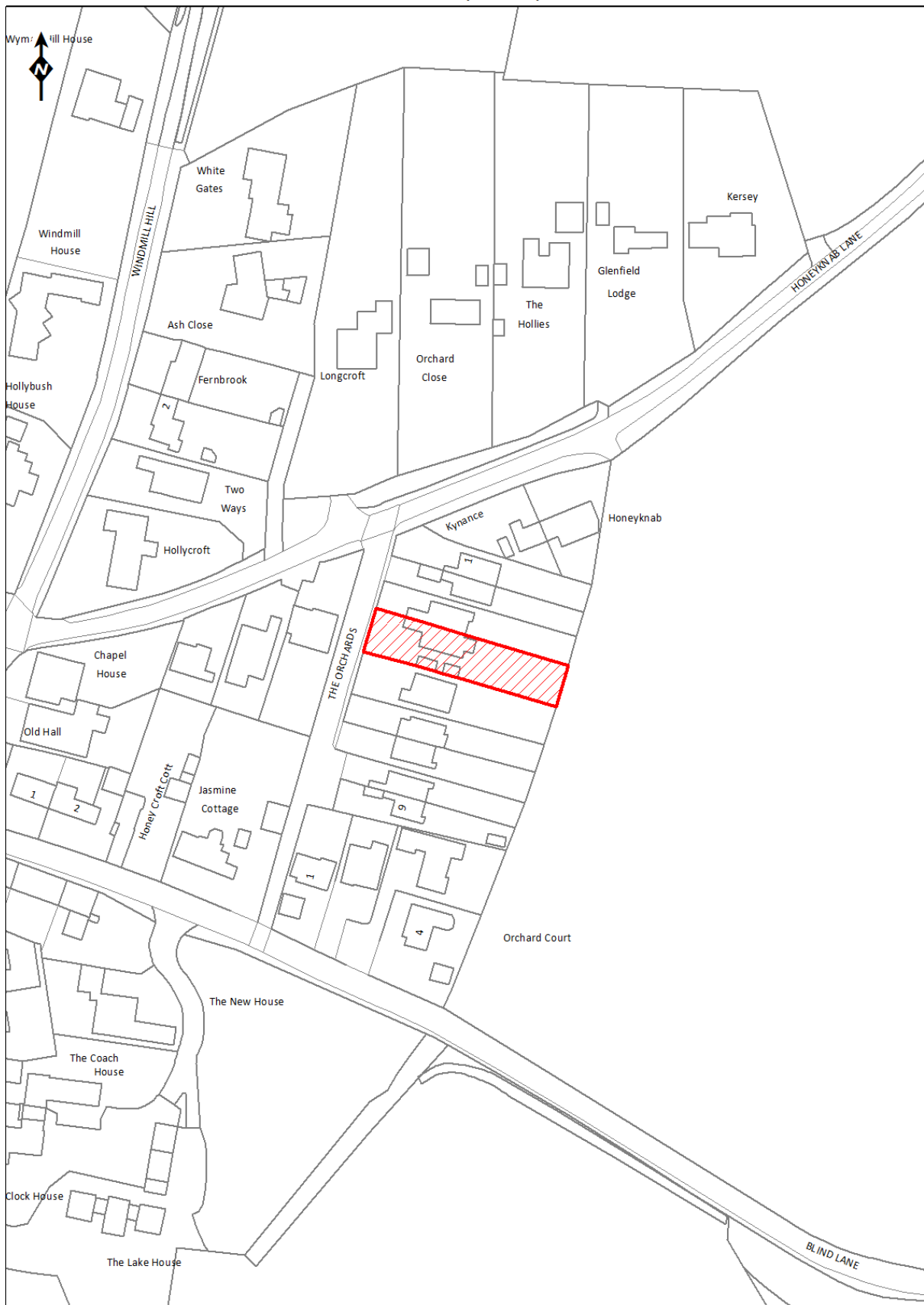
You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after 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/

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 - 22/01655/HOUSE



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
Application Number	22/02394/FUL		
Proposal	Change of use of land to residential, erection of a two storey extension and alterations to the dwelling		
Location	Green Bank Lodge, Barnby Road, Balderton, Newark On Trent, NG24 3NE		
Applicant	Mr R Hutchinson	Agent	Evolution Design Mr Olav Holm - Johansen
Web Link	22/02394/FUL Change of use of land to residential, erection of a two storey extension and alterations to the dwelling Green Bank Lodge Barnby Road Balderton Newark On Trent Nottinghamshire NG24 3NE (newark-sherwooddc.gov.uk)		
Registered	14.12.2022	Target Date:	08.02.2023
		Extension of Time:	17.03.2023
Recommendation	That planning permission is Approved subject to the Conditions detailed at Section 10.0 of this report and subject to the expiration of the press notice/site notice advertising the application as a departure from the Development Plan.		

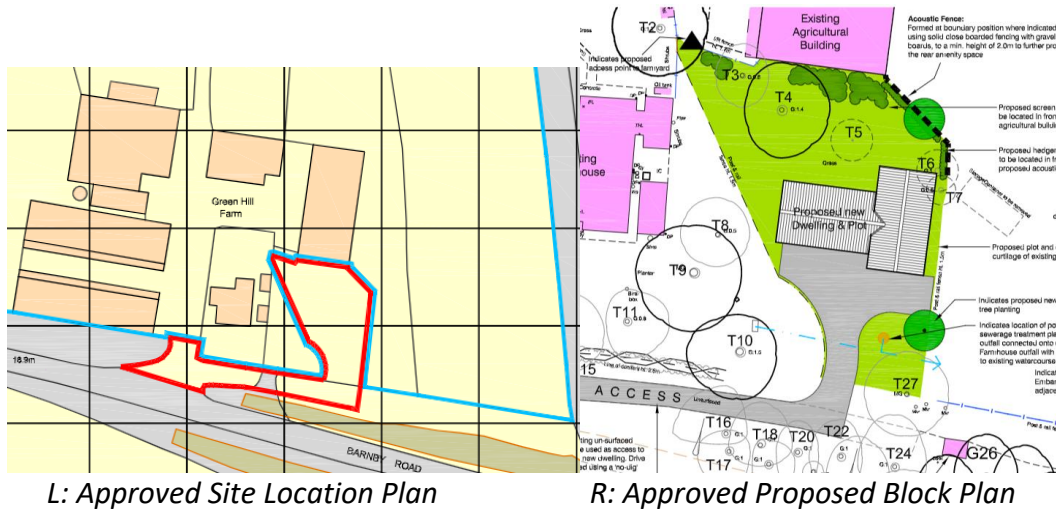
This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.

1.0 The Site

The application site relates to a dwelling, Green Bank Lodge, located on the northern side of Barnby Road within the Newark Urban Boundary and land that forms as part of the ‘Land East of Newark’ strategic site allocation in the Council’s Development Plan. The site is accessed via an access to the west that is shared with Greenhill Farmhouse and was constructed recently following permission in 2016. To the north and east are farm buildings and farmland and approx. 70m to the east is the A1 dual carriageway. The dwelling is constructed from red brick and pantile and land to the north of the dwelling has been enclosed by a post-and-rail fence.

2.0 Relevant Planning History

16/00378/FUL – Erect New Workers House to support existing farm operations – Permitted 06.07.2016



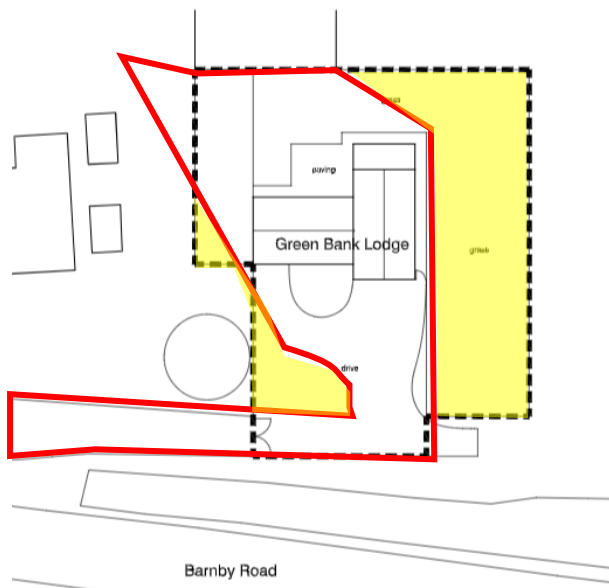
L: Approved Site Location Plan

R: Approved Proposed Block Plan

3.0 The Proposal

Permission is sought for the (retrospective) change of use of approx. 364m² of land to residential use and erection of a two-storey extension and alterations to the dwelling.

The land subject to the proposed change of use is highlighted broadly in yellow on the left hand plan below which shows the ‘red line’ of the site for the dwelling as approved under 16/00378/FUL. This land was proposed to form the residential curtilage for the dwelling and was shown on the approved proposed block plan as being enclosed by a post and rail fence (see plan extract in the Planning History section above). The land in yellow roughly amounts to 364m² with 300 m² of this lying to the east. This has been enclosed to the north and east by a post and rail fence (which is understood to have been undertaken at the time of construction of the dwelling).



The two-storey extension is proposed to the eastern side of the dwelling and would measure approx. 6.45m max. width x 9.5m max. depth, 7m to the ridge (0.5m below the host dwelling) and 5m to the eaves (0.2m below the host dwelling). The main body of the extension would adjoin the host dwelling by an approx. 6m high link and would project past the principal elevation by approx. 0.6m. The extension is proposed to be constructed in brickwork and pantiles to match the host dwelling with off-white/cream uPVC windows and doors also to match. Windows/openings are proposed at Ground Floor (GF) and First Floor (FF) on the front and rear elevations and a window is proposed at FF in the eastern side elevation.

NB: All measurements above are approximate

For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

- Amended Application Form (deposited 24.01.2023)
- Site Location Plan – Ref. 434 H 1
- Existing Floor Plans, Elevations and Site Plan – Ref. 434 H 2A
- Proposed Floor Plans, Elevations and Site Plan – Ref. 434 H 3C

4.0 Departure/Public Advertisement Procedure

Occupiers of 2 properties have been individually notified by letter. A site notice has been displayed and an advert has been placed in the local press.

Earliest Decision Date: 24.02.2023

Site Visit Undertaken: 27.01.2023

5.0 Planning Policy Framework

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

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 3: Rural Areas

Core Policy 9: Sustainable Design

Area Policy NAP 2B: Land East of Newark

Allocations & Development Management DPD

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

DM5: Design

DM6: Householder Development

DM12: Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Householder Development SPD 2014

6.0 Consultations

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

Balderton Parish Council – Support the proposal.

No comments have been received from any interested party/local resident.

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 application site is surrounded by fields over 600m from the northern edge of Balderton and could be assumed to be located within the open countryside where new development is strictly controlled. However, the site forms part of land allocated as a strategic housing development site NAP2B (Land East of Newark). By virtue of this site allocation the site is also located within Newark Urban Area, the District's Sub-Regional Centre, where policies SP1, SP2, NAP1, NAP2B and DM1 identify this area as the focus/main location for growth. The principle of the change of use of land to residential (or new residential use in principle) within the urban boundary of Newark would not technically be contrary to the aims of these aforementioned policies. However, Area Policy NAP2B sets out the intention for the application site and land around it to provide "Green Infrastructure in accordance with an agreed Green Infrastructure Framework and in line with Spatial Policy 8, including... buffer zones to Barnby Road and the A1;". This is indicatively shown on Figure 6 in the Core Strategy and illustrates the application site to be situated within the landscape buffer zone.



Given the indicative nature of Figure 6, the precise form and depth of the landscape buffer is a matter to be determined through the Development Management process. There are currently no planning permissions for the comprehensive delivery of the wider site, and it is difficult to ascertain the wider

context of this site at the current time. Notwithstanding this, the policy requirement for the provision of such a landscape buffer is clear and so the impact of the proposal on the ability to deliver this is material to any application proposal. The extent of the buffer may be indicative, but it is essential that it is of sufficient depth and form to achieve the intentions of the policy requirement. Given the position of the site, it would clearly be within the indicative buffer area and therefore has the potential to prevent delivery of an effective buffer along this part of Barnby Road, which would be contrary to the intentions of the Area Policy in principle.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the planning history for the site and the site-specific context are material considerations.

Under 16/00378/FUL permission was granted for the construction of the dwellinghouse on site. Consent was originally sought for a rural workers dwelling to support the existing farm enterprise, however it was concluded by the Council's Agricultural Consultant that the dwelling was not considered necessary for the farm as the existing farmhouse was considered to provide sufficient accommodation and the essential/functional needs of the enterprise. Nevertheless, the Officer's report concluded that given the site is technically located within the Newark Urban Boundary there was no requirement for a demonstrated agricultural need for the dwelling and permission was granted with no condition restricting the dwelling to only be occupied by persons employed in agriculture/i.e., as an agricultural workers dwelling. The Site History and Description of the Proposal sections of this report show the land that was approved to be associated with the dwelling as its curtilage, this reflected the land in existing residential use as part of the Farmhouse at the time – as such there was no consideration of the potential for the proposal to impact the aims of the wider Site Allocation as previously discussed.

On the ground, the land is laid to grass and is enclosed by a post-and-rail fence. The land to the west comprises the main farmhouse and its garden area, to the north and north-west and large agricultural buildings associated with the farm enterprise. To the east is the remainder of the agricultural field which banks up to a landscape bund/buffer between the A1 dual carriageway. This can be seen on the aerial image below (L) along with an extract of the site allocation plan which shows the site relative to the wider allocation. Given the location of the application site in the south-easternmost corner of the site allocation and the amount of land this proposal relates to, it is not considered likely that the incorporation of this land into the residential curtilage of the dwelling would significantly undermine the strategic objectives of the site allocation. This is particularly because the site would still leave the existing land and landscape buffer to the east between it and the A1 (allowing for a comprehensive landscape buffer to be established as part of future proposals if necessary) and relates to an existing pocket of development.



Whilst the impact of the development on the character and appearance of the area will be explored in greater detail below it is concluded overall that the change of use of the land would not, given the site-specific context, result in any visual harm on the wider character of the area. This, coupled with the conclusion relating to how this proposal would not significantly impact the delivery of the wider strategic site allocation objective, will weigh into the overall planning balance.

Impact on the Character of the Area

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. In accordance with Policy DM5 of the DPD, new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. In relation to the extensions to the dwelling, policy DM6 of the DPD is relevant and states that planning permission will be granted for householder development provided that the proposal reflects the character of the area and the existing dwelling in terms of design and materials.

Change of Use of Land

From an aerial view, the site reads visually as being part of the dwelling's domestic curtilage by virtue of it being enclosed by a post-and-rail fence, separated from the agricultural land to the north and east and from the A1 landscaping bund. In the street scene the site is largely obscured from view by existing mature trees to the south of the site along Barnby Road as the road rises to the bridge over the A1. Prior to the erection of the dwelling the land where the dwelling is located was covered with trees as part of the domestic land associated with the Farmhouse (to the west). The eastern part of the land that is subject of this change of use application formed part of a wider agricultural field.



2009



2019

Visually the change of use of approx. 300m² of land to the east of the dwelling to form part of the garden area has not resulted in any greater impact on the character of the area than the erection of the dwelling itself. The land was formerly, and is currently, laid to grass and is separated from the remaining land to the north and east by a post and rail fence. Because of the existing earth bund to the east (between the site and the A1) and the belt of trees along the highway to the south, this land

already has a somewhat enclosed character associating it with the cluster of built form to the west surrounding the farm, rather than it reading visually as open farmland. Therefore, on the ground the change of use of this land (which is small when considered relative to the wider land enclosed by the bund to the north) is not considered to result in any perceivable impact from either inside or outside of the site. The boundary fencing installed also provides enclosure of the land and any further encroachment would be prevented by the physical landscape bund barrier and the A1.

Overall, whilst noting the objectives of the strategic site allocation to ensure an effective landscaping buffer can be delivered between the A1, it is considered that given an approx. 40m wide area of land would be retained between the existing A1 landscape bund and the site boundary, the ability to provide a buffer in the remaining land would not be significantly undermined. It is also considered that, based on the site-specific circumstances in this case, the change of use of land does not result in any adverse impact on the wider character or appearance of the area in accordance with the aims of policies CP9 and DM5 and the provisions of the NPPF in this regard.

Proposed Extension to the Dwelling

The Council's Householder Development SPD provides guidance in relation to additions to dwellings and states that the overall objective for any proposed addition should be based around its successful integration with the host dwelling and the surrounding area. To help achieve this a balanced visual relationship with the host dwelling and its features should be struck, and the character and appearance of the surrounding area respected through the design, proportions and detailing of the proposal. For side additions, regard should be given to whether the roof type and the eaves and ridge heights respect and are able to be successfully integrated into the existing roofscape.

The proposed extension would be of a reasonable scale when compared to the footprint of the main body of the host dwelling, the design shows a subservient (in height) projecting gable range connected to the host dwelling by a smaller scale link. The style of the extension reflects the overall style of the host dwelling and would be constructed in materials (and with architectural detailing) to match. Whilst looking purely at the GIA/footprint of the extension it would not be clearly subservient to the host dwelling, but in this context this is not necessarily considered to be fatal given the property is not in an area where there is a prevailing uniformity in the street scene and is not prominent from public vantage points. Nevertheless, notwithstanding the scale of the additional GIA proposed, the extension would integrate successfully with the dwelling overall resulting in a balanced visual relationship without adversely impacting the character and appearance of the surrounding area.

It is therefore considered that the extension would be acceptable in terms of its scale, mass and design and impact upon the wider area and would therefore accord with the aims of Policies DM5 and DM6, the provisions of the Householder Development SPD and the NPPF in this regard.

Impact upon Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policies DM5 and DM6 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

The only dwelling in close proximity to the site is the farmhouse to the west, however given the degree of separation from the proposed extension (which would be screened by the main body of the host dwelling itself) it is considered that there would be no overlooking, overshadowing or overbearing implications that would result from this proposal. The application therefore complies with Policy DM6 and DM5 of the DPD in this regard.

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 Planning Balance and Conclusion

Whilst the extension to the property as a householder development would ordinarily be acceptable in principle and has been found to be acceptable in relation to design, character and amenity impacts, owing to the positioning of the extension within land that was not originally consented for residential use, the proposal would result in the change of use of land to residential. Whilst the site is located within Newark Urban Area where residential uses are acceptable in principle, given the site is part of a wider area of land allocated as a strategic housing development site NAP2B (Land East of Newark) and falls within the sites allocated green infrastructure and landscape buffer the proposed residential use would be contrary to the intentions of the Area Policy in principle.

However, it has been concluded that given the location of the application site in the south-easternmost corner of the site allocation and the amount of land this proposal relates to, it is not considered likely that the incorporation of this land into the residential curtilage of the dwelling would significantly undermine the strategic objectives and ultimate delivery of the site allocation. Particularly given the site would still leave land to the east between it and the A1 (allowing for a more comprehensive landscape buffer to be established as part of future proposals) and relates to an existing pocket of development. Furthermore, given the site-specific context, it is not considered that the change of use of the land results in any visual harm on the wider character and appearance of the area.

Therefore, whilst noting that the development would be contrary to the Development Plan, it is considered in this case that the lack of any identified visual or character harm on the area, coupled with the site history and limited impact the proposal would have on the wider site allocation, are material considerations that weigh in favour of the proposal such that the harm through changing the use of a small portion of land is outweighed in this case. It is therefore recommended that planning permission is granted subject to the conditions outlined in Section 10.

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. 434 H 1
- Proposed Floor Plans, Elevations and Site Plan – Ref. 434 H 3c

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application and the materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in terms of type, colour and texture, size, profile and bonding pattern.

Reason: In the interests of visual amenity.

Informatives

01

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

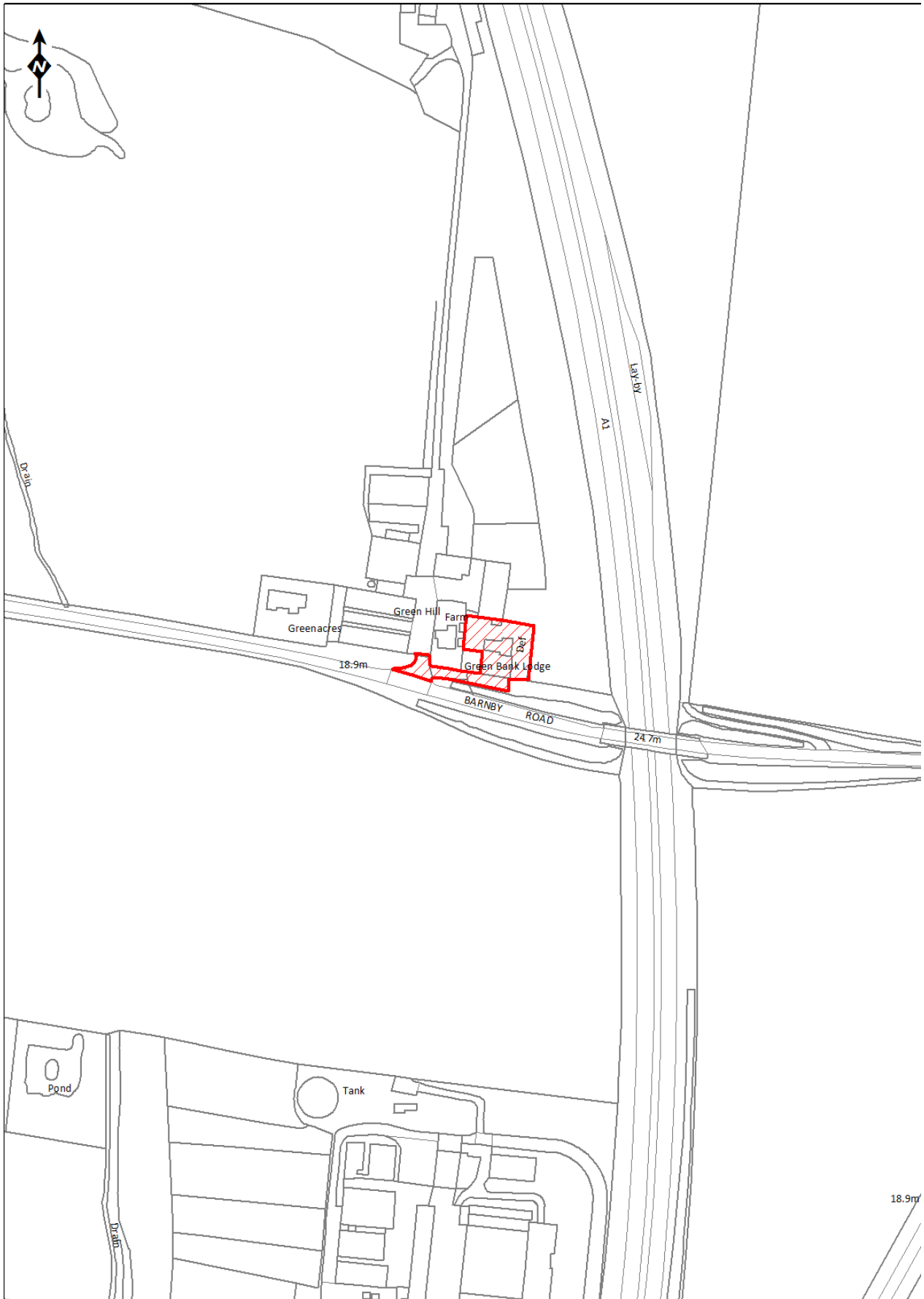
The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as less than 100m² of floorspace is proposed.

02

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

BACKGROUND PAPERS

Application case file.





Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Planner, ext. 5793

Report Summary			
Application Number	22/02369/S73		
Proposal	Application for variation of Condition 02 (approved plans) 05 (tree protection measures) and 09 (tree retention) to remove reference to T1 due to tree being removed, as attached to planning permission 22/00302/FUL; 3 new dwellings.		
Location	The Drive, Clipstone, NG21 9ED		
Applicant	Mr Kevin Shutt - Newark & Sherwood District Council	Agent	Mrs Karolina Walton - SGA LLP
Web Link	22/02369/S73 Application for variation of Condition 02 (approved plans) 05 (tree protection measures) and 09 (tree retention) to remove reference to T1 due to tree being removed, as attached to planning permission 22/00302/FUL; 3 new dwellings. The Drive Clipstone NG21 9ED (newark-sherwooddc.gov.uk)		
Registered	10.01.2023	Target Date	07.03.2023
Recommendation	That planning permission is APPROVED subject to the Conditions detailed at Section 10 of this report		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the applicant is the Council.

1.0 The Site

The application site comprises hard surfaced areas (used formally and informally as car parking) on both corners of the junction between The Drive and South Crescent within the settlement of Clipstone. There are trees located around the north west corner of the site.

The surrounding area is predominantly residential in nature and consists of a mixture of bungalows and 2-storey dwellings.

2.0 Relevant Planning History

22/00302/FUL 3 new dwellings – permission 05.05.2022

00/01325/FULR3 Demolition of two bungalows to construct a new car park – permission 17.11.2000

3.0 The Proposal

The application is a Section 73 application proposing the variation of Conditions 02 (approved plans), 05 (tree protection) and 09 (tree retention) attached to planning permission 22/00302/FUL approved under delegated powers (prior to the change to the Scheme of Delegation) in June 2022. This variation seeks to amend the approved plans following the removal of an existing tree (T1) after this decision was made. T1 was shown to be retained on the approved plans with an associated condition 5 requiring a scheme of tree protection to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development in addition to Condition 9 which sought its retention and/or replacement. As this tree was removed since this decision was issued, it is not currently possible for the development to be fully compliant with the current conditions attached to the permission.



Photo of T1 taken December 2021

This application would substitute the following drawing:

- 573-SGA-252-SL-DR-A-00001 P12 – Site Location and Site Plan (extract below with T1 highlighted in yellow)



With the following drawing submitted under this application:

- 573-SGA-252-SL-DR-A-00001 Rev 013 - Site Location and Site Plan

Other plans submitted with this application include:

- 573-SGA-252-XX-DR-A-3007 C01 Site Setting Out, Landscaping and Boundary Treatment

4.0 Departure/Public Advertisement Procedure

Occupiers of 27 properties have been individually notified by letter.

Site Visit undertaken on

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy, adopted March 2019

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 1 Affordable Housing Provision
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Policy SHAP1 Sherwood Area and Sherwood Forest Regional Park

Newark and Sherwood Allocation and Development Management DPD, adopted 2013

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2021

National Planning Practice Guidance (NPPG) Online Resource

Newark and Sherwood Housing Needs Assessment and Sub Area Summaries Arc4 2020

Newark and Sherwood Affordable Housing SPD (June 2013)

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

6.0 Consultations

Clipstone Parish Council – No comments received.

NSDC Tree Officer - Verbal comments received recommending replacement tree planting 3 x 14 -16cm girth nursery stock 'Pride of India' Koelreuteria paniculata trees (2 near the former T1 position and 1 on the opposite corner.

No letters of representation have been received from local residents/interested parties.

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.

The principle of the development has already been established through the granting of the permission for the development in June 2022. There has been no significant material change

in the Development Plan context since this time. The main issue to consider relates to the loss of T1 and the consequential impact upon the proposed development.

Impact on Visual Amenity and Impact on Ecology and Trees

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment. Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 further states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

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

The tree survey submitted with the original application identified 5 trees on site. 3 are Category U trees and were not recommended for retention (albeit 2 are shown as retained on the proposed plans) and 2 are Category C trees (T1 and T3). T1 and T3 were proposed for retention and tree protection measures and their retention was secured by planning condition. However, T1 was subsequently removed.

The site is located in a residential area with a mix of 20th Century bungalows and 2-storey dwellings. Front gardens tend to be enclosed by low brick walls. There are few street trees in the vicinity (with the exception of those listed within private front garden areas). As such, T1 was regarded as having good level of amenity value albeit was not protected by Tree Preservation Order.

In assessing the original application, the Officer report noted that *'whilst the openness of this land would be lost to the development, it is not considered that this would be harmful to the character of the area given its current utilitarian appearance which has a neutral impact on the street scene'*. Furthermore it was considered that the *'parking layout would somewhat hinder the ability to erect low brick walls around the front gardens in keeping with front gardens in the vicinity. However, it would still be possible to partly incorporate this as a feature into the scheme and details of boundary treatment will be required by planning condition. The communal parking space would also be highly visible (but largely positioned on existing hardstanding). A landscape scheme would also be required by condition to ensure that the area around the parking areas is soft landscaped to help ensure that the development would not be dominated by hard landscaping'*.

Overall, whilst the loss of T1 is regrettable, its removal does not impact on the original conclusion that *'development on this site would not be harmful to the established character and appearance of the area'* however this is subject to securing mitigation for the loss of T1 in the form of additional tree planting (in accordance with the advice from the Tree and Landscape Officer set out in the Consultations section above). This can be secured through amended planning conditions.

Other Matters

Given the scope of amendments are limited to the implication for the development arising from the loss of T1, there would be no impact on other material considerations such as design and layout of the proposed dwellings, highway safety, neighbouring amenity or protected species including the sites location within the 5km buffer zone of the Potential Special Protection Area (pSPA).

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. Whilst Drawing No 573-SGA-252-XX-DR-A-3007 C01 Site Setting Out, Landscaping and Boundary Treatment has been submitted pursuant to the requirements of Condition 4 and 6, this plan does not contain all of the required details sufficient to discharge these conditions. As such, this plan is not referred to in the approved plan condition 2 and Condition 4 and 6 are to be re imposed.

For ease of reference the conditions as originally imposed 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.

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

Overall, the proposed variations are considered to be acceptable. It is not considered that there are any other changes to circumstances, which affect the consideration of this application. It is therefore recommended that planning permission is approved subject to the revised conditions set out below.

10.0 Conditions

01

The development hereby permitted shall not begin later than **09.06.2025** ~~three years from the date of this permission.~~

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

02

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

- 573-SGA-252-SL-DR-A-00001 ~~P12~~ **Rev 013** – Site Location and Site Plan
- 573-SGA-252-OO-DR-A-00002 P2 – Type A3-2 Plot 1 & 2 General Arrangement Plan
- 573-SGA-252-XX-DR-A-00003 P2 – Type A3-2 Plot 1 & 2 Elevations
- 573-SGA-252-XX-DR-A-00004 P5 – Type A3 Plot 3 General Arrangement Plans & Elevations

Reason: To define this permission and for the avoidance of doubt.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

Notwithstanding the submitted details, no part of the development shall be brought into use until details of all new boundary treatments proposed for the site including types, height, design and materials have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, this shall include:

- the erection of a 1.8 metre high fence (min.) along the rear boundary of Plot 3; and
- the continuation/rebuilding of the existing dwarf brick wall where possible, including matching coping stones.

The approved boundary treatment shall be implemented prior to the occupation of the dwellings and shall then be retained in full for a minimum period of 5 years.

Reason: In the interests of residential and visual amenity.

05

No works or development shall take place until a scheme for protection of the retained trees (~~T1 and~~ T3 as identified in the Arboricultural Report Date Feb 2022 by AWA Consultants) has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/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 drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

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

full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species and a wildlife friendly' landscape design;

proposed finished ground levels or contours;

lighting details;

hard and soft surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

07

The approved landscaping scheme (as required by the condition above) shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

08

During the construction period 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 soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

Trees ~~T1 and T3~~ (as identified in the Arboricultural Report Date Feb 2022 by AWA Consultants), shall not be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior consent in writing of the local planning authority. Any trees, shrubs or hedges which die, are removed, or become seriously damaged or diseased within seven years of being planted, shall be replaced with trees, shrubs or hedge plants in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the existing trees, shrubs and or hedges are retained and thereafter properly maintained, in the interests of visual amenity and biodiversity.

10

The north facing wet room window opening on Plot 1 and south facing wet room window openings on Plots 2 and 3 shall be obscured glazed to level 3 or higher on the Pilkington scale

of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

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

11

No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the highway boundary. The surfaced drives and any parking or turning areas of the private and communal parking areas (as specified on Drawing No 573-SGA-252-SL-DR-A-00001 ~~P12~~ Rev 013 – Site Location and Site Plan) shall then be maintained as such and in a hard-bound material for the life of the development.

Reason: To provide adequate off street parking and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

12

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters are provided on each side of the vehicle access. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

Reason: In the interest of pedestrian safety.

13

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

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

14

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway area to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

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

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

An investigation and risk assessment (to include locating and assessing the fissures), in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's ['Land contamination risk management \(LCRM\)'](#)

Part B: Submission of Remediation Scheme

A detailed remediation scheme (to include a remediation strategy for the fissures, including any foundation designs which may be required for building over the fissures) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part C: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Part C.

Reason: To ensure that risks from land contamination/fissures to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Notes to Applicant

01

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

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

02

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

03

Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to:

Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.

04

Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

05

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA EM Ltd, telephone: 0300 500 8080 to arrange for these works to be carried out.

06

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

07

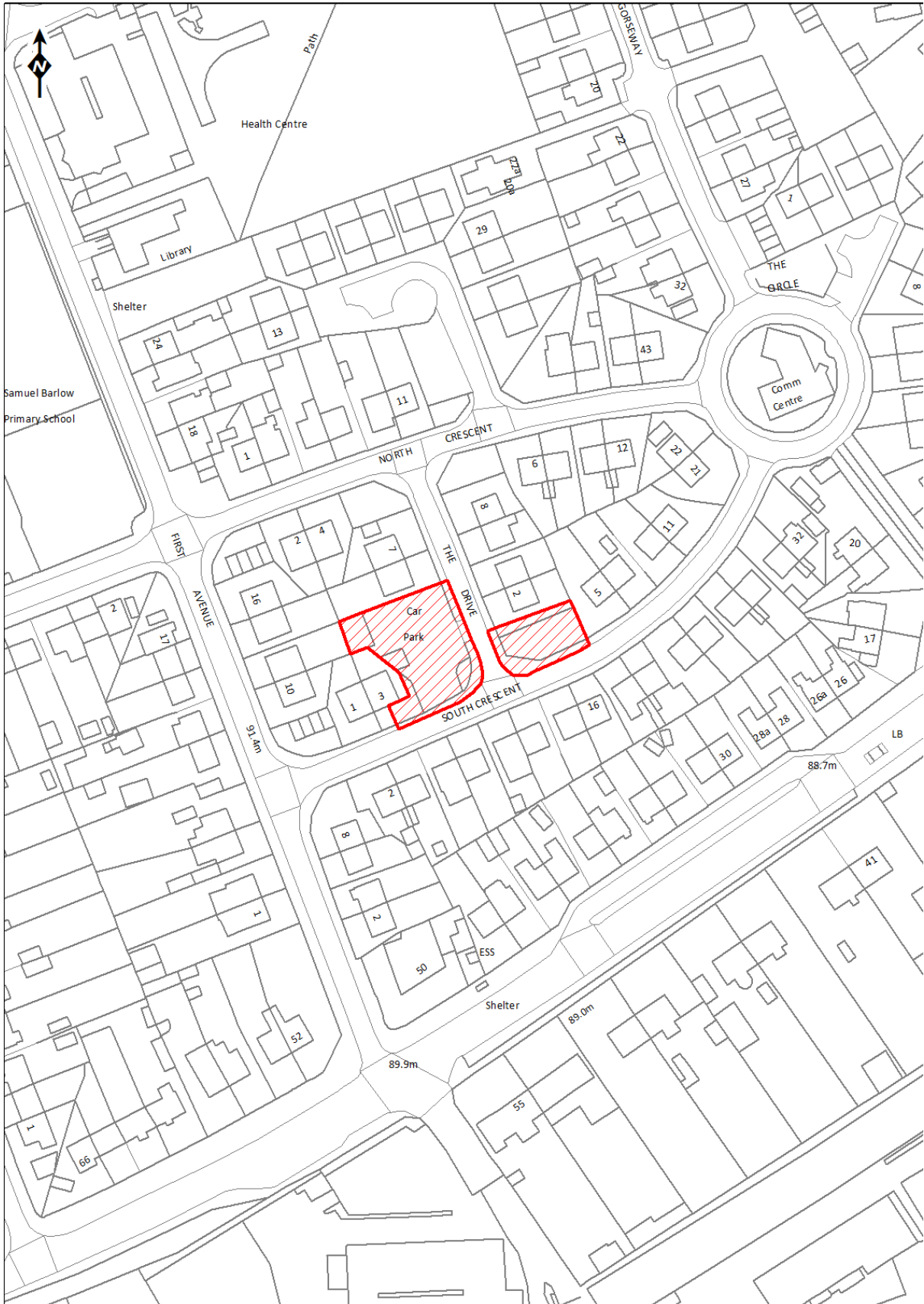
The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

BACKGROUND PAPERS

Application case file

Application reference - 22/02369/FUL

Committee Plan - 22/02369/S73



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16 January 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Clare Walker, Senior Planner, 01636 655834

Report Summary			
Application Number	22/02309/S73		
Proposal	Variation of condition 11 attached to planning permission 22/01089/FUL to amend the approved plans (original application was for 'New dwelling and garage, relocation of garage to existing house and alterations to access and drive')		
Location	Pear Tree Cottage, Lower Kirklington Road, Southwell		
Applicant	Mr D Herbert	Agent	CODA Bespoke, Mr P Parker
Web Link	22/02309/S73 Variation of condition 11 attached to planning permission 22/01089/FUL to amend the approved plans Pear Tree Cottage Lower Kirklington Road Southwell NG25 0DX (newark-sherwooddc.gov.uk)		
Registered	05 December 2022	Target Date	26 January 2023
		Extension of Time Agreed	17 January 2023
Recommendation	Approve in accordance with the conditions set out in Section 10 of the report		

This application was referred to the local ward members given the officer recommendation differs from that of the Town Council. Councillor Harris has requested that the application be presented to the Committee given the scheme *'still creates significant harm and major impact on the buildings significance as a heritage asset'* that should be considered by the Committee.

1.0 The Site

Pear Tree Cottage lies on the northern side of Lower Kirklington Road and is an attractive

Georgian farmhouse built out of red brick with clay pantiles and Yorkshire sliders set back into the site. It has a large driveway and single storey outbuildings (including a garage) accessed via a timber gate.

The application site currently forms part of the rear garden of Pear Tree Cottage. The application site is mainly laid to lawn, with shrubs and vegetation planted. The site slopes gently down to the north from the south, away from the road. There are trees within the site including a mature apple tree (which would remain within the host dwelling's retained garden) and a number of smaller specimens around the site's periphery. The site is bounded by an existing mature hedgerow to the west, new timber fencing to the north and the blank walls of outbuildings associated with 'The Beacon' (a two storey dwelling) to the east. The southern boundary with the host dwelling is currently not demarked on the ground.

Land to the north, east and west is currently undeveloped and open although this is allocated (So/Ho/5) for around 60 dwellings in the Allocated and Development Management DPD.

The site lies in flood zone 1 and is not identified as an area prone to surface water drainage issues on the Environment Agency maps.

There is a mix of housing styles and types in the vicinity of the site, including both single and two storey development and of traditional, modern and contemporary designs.

2.0 Relevant Planning History

761184 – Erect a stable for horse at Pear Tree Cottage - approved 10.01.1977.

82714 – Extension to Pear Tree Cottage - approved 20.09.82.

18/02097/FUL – A full application for residential development (2 dwellings) was submitted but was eventually withdrawn in March 2021. This proposed vehicular access from a separate access from the west.

19/00595/FUL – A householder application for a single storey and first floor extensions and alterations to existing dwelling, demolition and rebuilding of garage was approved 07.05.2019.

20/00355/FUL – A householder application for a single storey and first floor extensions and alterations to existing dwelling, demolition and rebuilding of garage (a revised submission of planning permission 19/00595/FUL) was approved 30.04.2020.

21/00626/FUL – Proposal for 'Erection of new family dwelling on land to rear of existing house. Relocation of garage to existing house, and alterations to access and drive'. Refused May 2021 due to (1) design and scale and (2) failure to demonstrate adequate highway safety.

22/01089/FUL – Proposal for 'New dwelling and garage, relocation of garage to existing house and alterations to access and drive'. Approved 02.08.2022 under delegated powers. Not yet commenced.

The approved application was granted for a four bedroom detached dwelling and detached double garage on land to the rear of the existing house. It also involved the demolition of the existing garage serving the host dwelling, a replacement in a revised position as well as alterations to the existing vehicular access from Lower Kirklington Road and its associated driveway. The approved dwelling was L plan, of a bespoke design and is a substantial two storey unit constructed of red brick and vertical timber cladding and slate tiles, located close to the north and eastern boundaries of the site.

Land to the north east and west

Two schemes for 105 and 80 dwellings respectively (18/01363/FULM and 19/01771/FULM) were refused by the Planning Committee and later dismissed on appeal for reasons including poor design and the impacts from the proposed means of access which involved a 4-arm mini roundabout.

A third scheme submitted by Redrow Homes Ltd, planning reference 22/01106/FULM, for 64 dwellings was submitted in June 2022 but was later withdrawn following various concerns raised by officers.

3.0 The Proposal

Through this application to vary the approved plan condition (no. 11), design changes are sought to the house which would remain as a 4-bedroom dwelling but would increase in floor area by approximately 45 sq. m.

Amendments have been sought during the course of the application to reduce the length of the two-storey element along the northern boundary. This would result in a dwelling that would retain the approved L plan footprint in the same position which is tight to the north and east site boundaries. However, across the north elevation it would now increase in length by c2m at ground floor (by 0.5m at first floor) to measure 22.4m wide (of which 6.3m is a traditional gable) by 13.6m across the east (the same as approved), with the gable measuring c6.2m wide (also as approved). The height would measure c8m to ridge (an increase of 0.5m from that approved) and 5.16m (an increase from 4.6m) to eaves.



The material palette has changed from red brick and natural timber cladding with slate tiles to comprise red brick with black vertical timber cladding, black metal cladding and black standing seam roof. There is now a first floor balcony and covered terrace, a ground floor covered canopy/overhang, solar panels to the roof and an external chimney stack (8.3m to the top) which are new additions. Changes to the fenestration have also been made.

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

The application is accompanied by the following plans received on 11th January 2023 (revision no. A was added for clarification only on 3rd February):

- Proposed Plans and Elevations, drawing no. 3168-CDA-ZZ-00-DR-A-0401A
- Proposed Elevations in Context, drawing no. 3168 -CDA-ZZ-01-DR-A-0402A
- Proposed Site Plan, drawing no. 3168-CDA-ZZ-01-DR-A-0400A
- Streetscene, 3168-CDA-ZZ-00-DR-A-0406A
- Comparison View, 3168 -CDA-ZZ-00-DR-A-0405A
- 3D Visual, CDA-A-0404A
- 3D Visual, CDA-A-0403A

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. The application has also been advertised in the local press and by a site notice displayed close to the site.

5.0 Planning Policy Framework

Southwell Neighbourhood Plan (Made Oct 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 DH1 – Sense of Place
Policy DH2 – Public Realm
Policy DH3 – Historic Environment
Policy DH4 – Highways Impact
Policy TA4 – Parking Standards
Southwell Design Guide

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

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

Allocations & Development Management DPD

Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
Policy DM2 – Development on Allocated Sites
Policy DM3 - Developer Contributions
Policy DM4 - Renewable and Low Carbon Energy Generation
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 - Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (PPG)
- Housing Needs Survey 2020
- Residential Cycle and Car Parking Standards & Design Guide SPD 2021

6.0 Consultations

Southwell Town Council – (11.01.2023 in response to original plans) Unanimously object and agree with the conservation comments (made 22.12.2022).

NSDC Conservation – (26.01.2023) The amended plans address some of the concerns raised by the conservation team. The removal of the enclosed first floor terrace helps reduce the additional bulk within a more prominent location. A balanced judgement will need to be undertaken as set out in para. 203 of the NPPF.

(22.12.2022): “Pear Tree Cottage is a traditional red brick farmhouse located on the fringe of Southwell. The building is considered to be a non-designated heritage asset, meeting the criteria set out in the adopted ‘non-designated heritage asset criteria’ The application site forms part of the garden of Pear Tree Cottage. The proposed alterations include various alterations to the approved scheme (22/01089/FUL).

The conservation team do not have concerns about the proposed material choice, alterations to the fenestration, chimney stack, utility double doors, increase in the ridge height. The proposed solar panels should be integral to the roof to minimise the visual impact. The chimney stack is very wide. A traditional chimney stack would be wider at the base and taper in width as it goes up.

Canopy to the front door, as part of the ‘barn’ element could result in the domestic character.

The conservation team do have concerns about the additional two-storey addition to the gable and single storey elements due to concern about solar gain. It is considered that these additions add significant bulk to the building, and it is recommended that they are removed. The area of solar panels will need to be reduced to reflect this. The issues of solar gain can be mitigated through other means such as using specialist glazing or add a film to the glazing.

The concern raised have an indirect harm to the non-designated heritage asset. A balanced judgement needs to carry out in regard to the scale of harm and the significance of the heritage asset, as set out in paragraph 203 of the NPPF.'

No neighbours or interested parties have made representations on this application.

7.0 Comments of the Business Manager – Planning Development

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

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

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 are minded to grant a new planning permission.

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

The amendments to this scheme do not alter the previous conclusions in respect of the principle of a new dwelling here - which is established, the impacts on housing mix, highways and parking, ecology and trees which all remain unchanged. However, the key considerations in this application relate to the design and appearance (taking account of heritage considerations) and the impact on living conditions of neighbours which are considered below.

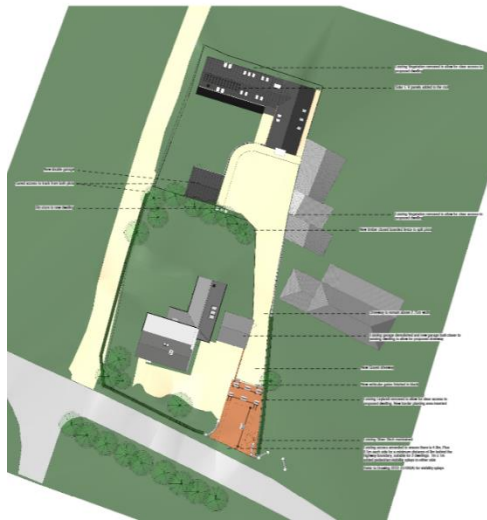
Design and Appearance

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. The Southwell Neighbourhood Plan also reflects this and includes the Southwell Design Guide which seeks to guide design rather than be prescriptive.

The siting of the dwelling remains as per the extant approval, so the considerations are limited to the design changes and the increase in size. The materials are now proposed to change to black timber and metal cladding (in lieu of natural timber cladding) and from slate tiles to a

black metal standing seam roof. Whilst these materials are likely to make the building more stark than the approved scheme, this design would attempt to mimic a traditional agricultural form of development (like a grain shed) in a contemporary way. The application is supported by montages to illustrate the visual changes from the public realm.

Block Plan as Proposed



Montage showing the proposed dwelling (which would sit lower) in comparison with Pear Tree Cottage



Montage to show comparison view (approved (left) and now proposed (right))



There would be some increased height and bulk over and above the approved scheme. The height would increase by approximately half a metre and the block across the northern boundary has extended by 2m in plan form. The applicant has sought to address the concerns that the conservation officer raised by reducing the extent of the two storey expanse (the black clad wing) from 22.4m (as originally submitted) to 20.9m (compared with the approved two storey expanse of 20.4m) representing an increase of the two storey element of just 0.5m thereby reducing its bulk. The number of solar panels on the roof has also been reduced.

It should be noted that the land north of (behind) the site has been allocated for around 60 dwellings such that the character and grain of the built form is likely to change over time taking a form of development in depth in the locality. Whilst this site would remain at the edge of the settlement, the dwelling on this site is likely to be read visually in the context of other modern dwellings. In addition to this, the land levels slope down into the site such that the siting of a dwelling here would be achieved utilising the sloping topography, setting the dwelling lower than the existing house without dominating the host property and would achieve a setback distance into the site of c58.5m to accommodate it comfortably with only limited glimpses visible from Lower Kirklington Road.

Pear Tree Cottage is a period property from the mid-19th century and contributes positively to the townscape in this case. Due to its age and architectural appearance, the building is considered to be a non-designated heritage asset (NDHA) in accordance with the NPPF and the Council's published criteria. Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Paragraph 203 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining the application and this must be appropriately weighed in the planning balance.

I have considered the impacts upon Pear Tree Cottage as a NDHA and have also considered the comments made by the conservation officer who are clear they have no concerns in respect of material choice, alterations to the fenestration, utility double doors or the increase in the ridge height.

Montages showing the proposed dwelling from within the site



The front door canopy and porch overhang would remain and is more of a domestic feature on the design ethos of a barn but would not be visible from outside of the site. The wide chimney stack would remain and whilst not traditional, is a contemporary interpretation adding some decorative interest and I do not consider this to be especially harmful. The changes over and above the extant permission would cause some minor low level and indirect harm to the setting of the NDHA which should be weighed against the significance of the asset. Taking into account that Pear Tree Cottage itself is significantly altered alongside all other matters, I take the view that the proposed dwelling type, whilst more striking, remains acceptable in this context.

Impact on 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 a high standard of amenity for all existing and future occupants of land and buildings.

The main third party dwelling affected by this proposal would be 'The Beacon' which is located to the east. This property is set back into its plot slightly further back than Pear Tree Cottage but broadly central and has outbuildings situated alongside the western boundary (to the north) which it would share with the proposed new dwelling. These outbuilding, at the end of a large garden provide an effective screen from the development site. The proposed dwelling would remain in the same position as previously approved albeit with a modest increase in height of 0.5m which I do not consider would materially alter the relationship with the adjacent neighbour. The east elevation would have a door a ground level (same as approved) but omits a ground floor window with 3 high level roof windows which again accords with the extant permission. As such no unacceptable overbearing impacts would occur and there would be no loss of privacy to this dwelling from overlooking.

Land to the north of the application site forms part of the housing allocation which has no planning permission nor a live application which can be considered. On the northern elevation of the proposed dwelling (which would be set at 1m from the boundary) are ground floor windows serving a coat room and playroom (was cloakroom and utility) and at first floor are low level roof lights to the master bedroom and windows to bedroom 2 (same as before) which would look towards the site allocation. This relationship is no worse than the extant permission.

I find that based on the limited scope of amenity considerations that this application allows for, there would be no adverse impacts to the living conditions of residents and it would not prejudice the site to the north from being delivered any more than the extant permission.

Planning Balance and Conclusion

The considerations are limited to the design changes and their visual and heritage impacts and those potential impacts upon the amenity of neighbouring landowners.

The changes to the material pallet are striking but the design ethos to create a dwelling with a nod to an agricultural building would remain. Other changes would be relatively imperceptible from the public realm. When considered in the round, I take the view that the proposal would not cause any unacceptable harm the setting on the NDHA and the design changes are acceptable and still would respect the character and appearance of the area. No additional harm to residential amenity or to the landowner of the allocated site would occur over and above the extant scheme. There are no other material considerations and I therefore recommend approval.

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 Recommendation

Approve

10.0 Conditions

The following conditions have been amended from their previous imposed form with strikethrough text where no longer relevant and new text in bold.

01

The development hereby permitted shall not begin later than ~~three years from the date of this permission~~ **2nd August 2022**.

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

02

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted on a single plan/or document and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

03

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 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 drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

04

The construction phase shall take place in accordance with the precautionary Method Statements at Appendix 3, 4 and 5 of the Extended Phase 1 Habitat Survey and Preliminary Protected Species Assessment by Landscape Science Consultancy Ltd dated September 2018 in respect of nesting birds, reptiles and bats.

Reason: In order to provide protection to species that could be found on site and in line with the advice contained within the ecological appraisal that accompanied the application.

05

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

Reason: Insufficiently precise details have been provided and the condition is necessary in the interests of visual amenity.

06

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Rainwater goods

Reason: Insufficiently precise details have been provided and the condition is necessary in the interests of visual amenity.

07

Prior to first occupation of the dwelling hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall mitigate for the loss of existing trees and be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- proposed finished ground levels or contours;
- means of enclosure;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

08

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

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

09

The dwelling hereby approved shall not be first occupied until:

- a) the vehicular access to the site has been completed and surfaced in a bound material for a minimum distance of 8.0 m behind the highway boundary in accordance with drawing no. ~~205 rev. B, project no. 20/33, titled: Proposed Block Plan~~ **3168-CDA-ZZ-01-DR-A-0400A (Proposed Site Plan)**;
- b) the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary;

- c) the parking and turning areas are provided in accordance with a drawing no. ~~205 rev. B, project no. 20/33, titled: Proposed Block Plan 3168-CDA-ZZ-01-DR-A-0400A (Proposed Site Plan)~~. The parking and turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking and turning of vehicles;
- d) the vehicular and pedestrian visibility splays at the access as shown on a drawing no. 2233-S100 rev. A, titled: Site access & visibility are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height;
- e) the proposed gates at the access point shall open inwards only and be set back a minimum 6.0 metres from the highway boundary.

Reason: In the interests of the highway safety and to ensure that the proposals are safe and delivered at an appropriate point in the development.

010

Prior to first occupation of the dwelling hereby approved, a scheme of ecological enhancement shall be first submitted to and be approved in writing by the Local Planning Authority. Details shall include enhancements in the form of bird nest boxes and their number, precise position (including height) and design. The approved enhancement scheme shall be installed on site prior to first occupation and shall be retained on site for the lifetime of the development.

Reason: In order to achieve ecological enhancements and to secure the recommendations of the ecological appraisal that accompanied this application.

011

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

- Drawing no. 1927-099 (Site Location/Block Plan)
- Drawing no. 1927-103 Rev A (Garage to existing dwelling, existing and proposed)
- ~~Drawing no. 200 Rev A (Proposed Ground Floor)~~
- ~~Drawing no. 201 Rev A (Proposed First floor)~~
- ~~Drawing no. 202 Rev A (Proposed Elevations – New Dwelling in Context)~~
- **Drawing no. 3168 -CDA-ZZ-01-DR-A-0402A (Proposed Elevations in Context)**
- **Drawing no. 3168-CDA-ZZ-00-DR-A-0401A (Proposed Plans and Elevations)**
- ~~Drawing no. 203 Rev A (New house – North & East Elevations)~~
- ~~Drawing no. 204 Rev A (New house – South & West Elevations)~~
- Drawing no. 206 Rev A (Proposed Garage to New Dwelling)
- ~~Drawing no. 205 Rev B (Proposed Block Plan) Revised~~
- **Drawing no. 3168-CDA-ZZ-01-DR-A-0400A (Proposed Site Plan)**
- Drawing no. 2233-S100 Rev A (Site access and visibility)
- Topographical Survey (No. 3548)

Reason: So as to define this permission.

012 (class AA removed - unnecessary as a new dwelling wouldn't benefit from this class)

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

~~Class AA: Enlargement of a dwellinghouse by construction of additional storeys.~~

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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

Reason: To ensure that the Local Planning Authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 or any amending legislation) in order to ensure that the adjacent non-designated heritage asset and countryside is protected as well as residential amenity.

Notes to Applicant

01

Nottinghamshire County Council wish to make the developer aware of the following:

Access widening:

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

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Building Works shall not project over the highway

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Prevention of Mud on the Highway

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The Local Planning Authority has accordingly worked

positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

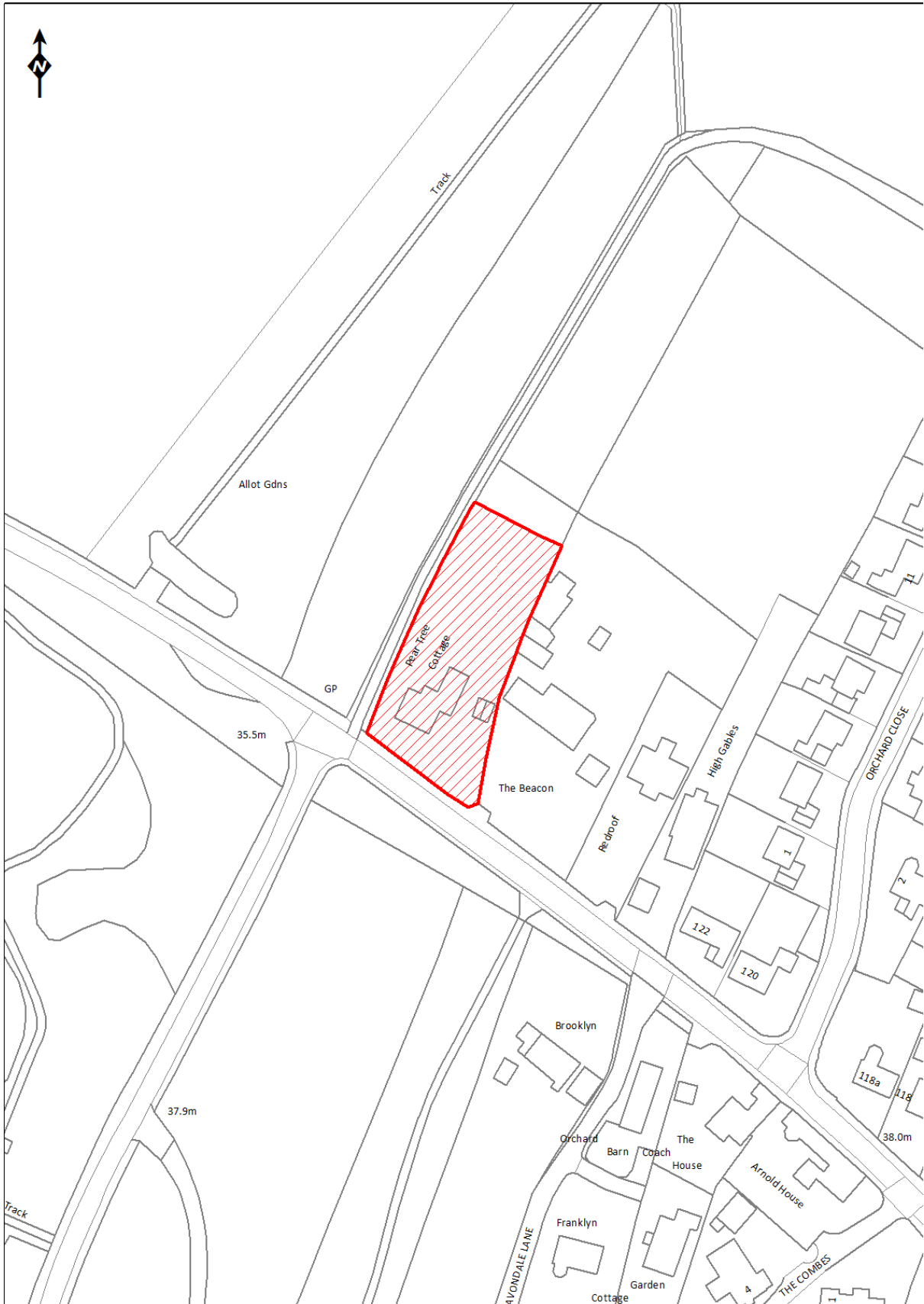
03

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

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

BACKGROUND PAPERS

Application case file.



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee 16th February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	22/02458/FUL		
Proposal	Provision of new shopfront		
Location	Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR		
Applicant	Lisa Abel	Agent	Mrs Nichola Robinson
Registered	23.12.2022	Target Date	22.02.2023
Weblink	22/02458/FUL Provision of new shopfront Travail Employment Group 1 Appleton Gate Newark On Trent NG24 1JR (newark-sherwooddc.gov.uk)		
Recommendation	That planning permission be APPROVED subject to the Conditions set out in Section 10 of this report		

This application is presented to Planning Committee due to there being a Council interest in the proposed development.

1.0 The Site

The application relates to a terraced Grade II listed building dating from early 19th century. Originally built within a row of late Georgian town houses, but which are now in retail use with shopfronts at ground floor level. The current shopfront is modern dating from late 20th century and is of no architectural or historic interest.

The building fronts Appleton Gate, opposite its junction with Barnby Gate, within the designated Newark Conservation Area and the town’s defined Historic Core.

2.0 Relevant Planning History

PREAPP/00356/22 – Support for new shopfront.

22/02457/LBC – Provision of new shopfront - Pending Consideration

3.0 The Proposal

The proposal seeks permission for the replacement of the existing shopfront, of post-war design with a traditionally designed shopfront incorporating a recessed doorway with timber panelled stall riser, transoms and side pilasters with consoles and fascia with architrave and hand painted signage.

4.0 Departure/Public Advertisement Procedure

Occupiers of 9 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.

Site Visit undertaken on 05.01.2023

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (adopted March 2019)

Core Policy 9 - Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

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 (online resource)
- Shopfronts and Advertisements Design Guide SPD 2014
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Newark Town Council – No Objection, subject to the works being done in line with the Council's SPD which covers shop frontages.

NSDC, Conservation – support the proposed development. The modern, post-war shopfront is of no special interest, its replacement is welcomed. The use of traditional design elements and appropriate sections and materials ensures that the development will better reveal the significance of the host building.

Historic England have raise no objection to the proposals. Both Historic England and Newark and Sherwood District Council are providing grant assistance through the HSHAZ to support

the replacement shopfront. The scheme is a reinstatement of traditional detailing and an improvement to the high street and significant weight should be afforded in the planning merits of the case.

The proposed works/development preserve the special interest of the listed building which is consistent with s16 and s66 of the Act. The proposals are also compliant with heritage policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPD's. The proposal has no adverse impact on the setting of any other heritage asset, and causes no harm to the character and appearance of the Newark CA.

Heritage Action Zone Officer – This proposal forms part of the Newark-on-Trent High Streets Heritage Action Zone (HSHAZ) scheme, which aims to promote the vitality of the town by protecting, enhancing, and celebrating heritage.

As the HSHAZ project officer, I fully support these proposals as it better reveals the significance of a listed building and improving the appearance of its immediate neighbourhood, and ultimately creating a positive change to the ambience of the town centre.

Historic England – The application has been discussed with Historic England and they are happy with the proposed alterations.

Representations – No public or neighbour comments have been received.

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 a listed building and the 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) also 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 do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would

harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

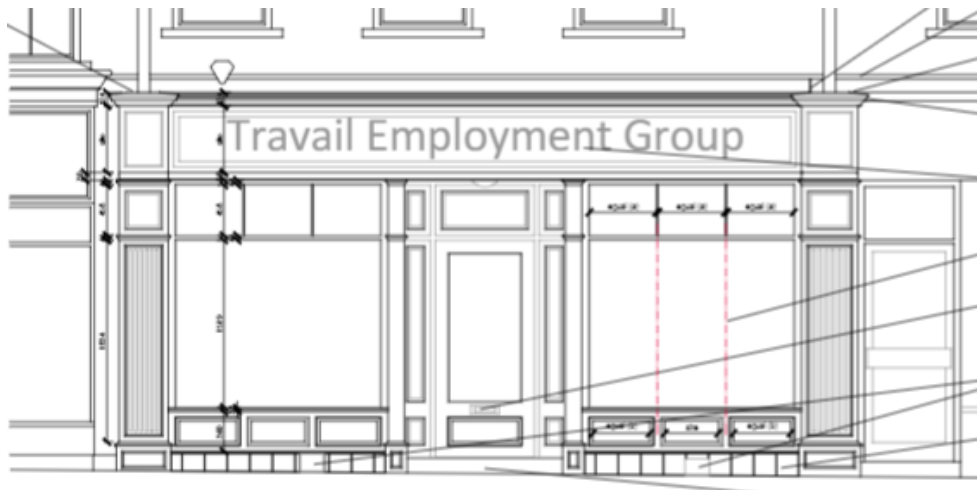
Impact upon Character of Area

Policy DM5 supports 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.

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.

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. Paragraph 189 within section 16 of the NPPF advises that 'Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, Paragraph 200 of 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. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The proposal seeks to replace the existing post war shopfront which is of no special interest and replace it with a more traditional shop front. This is considered to make a positive contribution to the listed building and conservation area as well as the setting of other nearby listed buildings, namely 1A and 3 Appleton Gate (Grade II), 25 Bridge Street (Grade II), 1-9 Barnby Gate (Grade II) and 2-4 Appleton Gate (Grade II). No harm would be caused to the host building or surrounding buildings and area and is therefore considered to comply with the duties of preservation under Sections 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990.



It is therefore considered that the proposed development would accord with the aims of Policies DM5 and DM9 of the A&DM DPD, CP14 and CP9 of the Amended Core Strategy and the provisions of the NPPF and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD which are material considerations.

8.0 Implications

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

9.0 Conclusion

In conclusion, it is considered that the proposal accords with Core Policy 9 (Sustainable Design) and 14 (Historic Environment) of the Amended Core Strategy DPD and policies DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment) and DM12 (Presumption in Favour of Sustainable Development of the Allocation and Development Management DPD as well as the and guidance within the NPPF and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD which are material considerations. Therefore, there are no reasons why this application should not be permitted, subject to conditions.

10.0 Conditions

01

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

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

02

The development hereby permitted shall be carried out only in accordance with the details, materials and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan Drawing Number 1283 / 003
- Proposed Plans and Elevations Drawing Number 1283 / 002 Rev C
- Working Drawing Set Out Plan Drawing Number 1283/ 004 Rev B
- Working Drawing Pilaster Details Drawing Number 1283/ 005 Rev B

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

03

The new shop door shall include a doorknob detail and not a lever handle.

Reason: To preserve the special architectural and historic interest of the listed building and 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 given that there is no net additional increase of floorspace as a result of the development.

03

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

04

For the avoidance of doubt this permission should be read in conjunction with Planning Application 22/02457/LBC.

BACKGROUND PAPERS
Application case file.

Committee Plan - 22/02458/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee – 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	22/02457/LBC		
Proposal	Provision of new shopfront		
Location	Travail Employment Group, 1 Appleton Gate, Newark On Trent, NG24 1JR		
Applicant	Lisa Abel	Agent	Smith And Roper - Mrs Nichola Robinson
Web Link	22/02457/LBC Provision of new shopfront, drainage works and decoration. Travail Employment Group 1 Appleton Gate Newark On Trent NG24 1JR (newark-sherwooddc.gov.uk)		
Registered	04.01.2023	Target Date	02.03.2023
Recommendation	That Listed Building Consent be GRANTED subject to the Conditions set out in Section 10 in the report		

This application is presented to Planning Committee due to there being a Council interest in the proposed development.

1.0 The Site

Refer to corresponding FUL report (22/02458/FUL).

2.0 Relevant Planning History

PREAPP/00356/22 – Support for new shopfront.

22/02458/FUL – Provision of new shopfront - Pending Consideration

3.0 The Proposal

The proposal seeks listed building consent for the replacement of the existing shopfront, of post-war design with a traditionally designed shopfront incorporating a recessed doorway with timber panelled stall riser, transoms and side pilasters with consoles and fascia with architrave and hand painted signage.

4.0 Departure/Public Advertisement Procedure

Refer to corresponding FUL report (22/02458/FUL).

5.0 Legal and Policy Considerations

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, the Local Planning Authority (LPA) is required to be mindful of other material considerations in determining such matters:-

- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Historic England's Good Practice Advice Note 2 – Managing significance in Decision Taking in the Historic Environment
- Historic England Advice Note 2 – Making Changes to Heritage Assets

6.0 Consultations

Refer to corresponding FUL report (22/02458/FUL).

7.0 Comments of the Business Manager – Planning Development

The key consideration in this application is the impact upon the listed building.

Section 16 of the Act requires the Local Planning Authority to have regard to the desirability of preserving the listed building, its setting, and any architectural features it may possess. In this context, the objective of preservation is to cause no harm. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF advises that the significance of designated heritage assets (including listed buildings) can be harmed or lost through alterations or work within their setting.

Paragraph 197 of Part 16 of the NPPF (2021) 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.'*

This application seeks consent for the insertion of a new traditional shopfront. Given the historic context of this site, the Conservation team has confirmed that the proposal is acceptable and I concur with the overall conclusion that the proposed works would not result in harm to the significance of the listed building.

In summary, the proposal is not considered to adversely affect the architectural or historic interest of the listed building, nor would it result in any harm to its significance.

Subject to conditions, the proposal therefore reflects the objectives of preservation of the significance and special interest of the listed building required under section 16 of the LB&CA Act and is in accordance with the requirements of Part 16 of the NPPF.

8.0 Implications

In writing this report and in putting forward recommendation's 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 Recommendation

That Listed Building Consent is granted subject to the conditions set out below.

10.0 Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby consented shall be carried out only in accordance with the details, materials and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Site Location Plan Drawing Number 1283 / 003
- Proposed Plans and Elevations Drawing Number 1283 / 002 Rev C
- Working Drawing Set Out Plan Drawing Number 1283/ 004 Rev B
- Working Drawing Pilaster Details Drawing Number 1283/ 005 Rev B

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

03

The new shop door shall include a doorknob detail and not a lever handle.

Reason: To preserve the special architectural and historic interest of the listed building.

Informatives

01

Reasons for approval in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material planning considerations in determining such matters, such as the national Planning Policy Framework.

02

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

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

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

The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

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

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture, and profile.

03

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

04

For the avoidance of doubt this consent should be read in conjunction with Planning Application 22/02458/FUL.

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02457/LBC



© Crown Copyright and database right 2022 Ordnance Survey. Licence 10002288. Scale: Not to scale



Report to Planning Committee – 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	23/00014/FUL		
Proposal	Alterations to reinstate former traditional shopfront.		
Location	Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA		
Applicant	Mr James Carpenter	Agent	Mrs Cara De Angelis
Registered	04.01.2023	Target Date	02.03.2023
Weblink	23/00014/FUL Alterations to reinstate former traditional shopfront. Flossie And Boo 19 Market Place Newark On Trent NG24 1EA (newark-sherwooddc.gov.uk)		
Recommendation	That planning permission be APPROVED subject to the Conditions set out in Section 10 of this report		

This application is presented to Planning Committee due to there being a Council interest in the proposed development.

1.0 The Site

The application relates to an end-terrace building within the Market Place in Newark. The site lies within the designated Newark Conservation Area and the town’s defined Historic Core. The building fronts Market Place with the existing shopfront being modern and of no special interest.

The Historic England list entry advises that the house, now an office, dates to the late 18th century with mid-19th century and late 20th century alterations, the building is Grade II listed and was designated 19th May 1971.

2.0 Relevant Planning History

23/00015/LBC - Alterations to reinstate former traditional shopfront – Under Consideration

PREAPP/00343/22 – Replacement shop front – Support new shopfront

20/00025/FUL and **20/00026/LBC** - Use of ground floor as A1 Retail; Change of use of first floor from Office B1 Use to A1 Retail Use including internal alterations and conversion of second and third floors to form 2 No. 1 bed residential units, insertion of rooflight to rear elevation, connection to soil pipe at adjacent property, replacement windows, re-roofing (Permitted 19.06.2020)

3.0 The Proposal

The proposal seeks full planning permission for the replacement of the existing shopfront. The proposal seeks to improve the existing appearance by referencing the historic shop front previously on the building from the early 20th century

4.0 Departure/Public Advertisement Procedure

Occupiers of 10 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.

Site visit undertaken on 05.01.2023

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 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 (online resource)
- Shopfronts and Advertisements Design Guide SPD 2014
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations

Newark Town Council – No Objection subject to the works being undertaken in line with the Council's SPD which covers shop frontages.

Conservation – The submitted plans reveal that the early 20th century shop front is the inspiration for the proposal. This is welcomed. Removal of the modern brickwork infill to the side (an important throughfare) will improve the setting of St Mary's, and there is something quite pleasing about the early 20th century shop front which has hints of art deco movement that typified the era. There have been some deviations from the original design to ensure appropriate accessibility through the main door and to deal with structural challenges of the corner and side wall gable the proportions, sections and detailing are appropriate in context the applicant has provided detailed drawings on all aspects of the construction, including materials and finishes and the proposal is considered sympathetic to the original shop front design it references.

The proposed works/development preserve the special interest of the listed building which is consistent with s16 and s66 of the Act the proposals are also compliant with heritage policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPD's the proposal has no adverse impact on the setting of any other heritage asset, and causes no harm to the character and appearance of Newark CA.

Full Conservation comments are available on the NSDC website.

Heritage Action Zone Officer - This proposal forms part of the Newark-on-Trent HSHAZ scheme, which aims to promote the vitality of the town by protecting, enhancing, and celebrating heritage. The HSHAZ project is funded by central government, through Historic England, and contributions from Newark & Sherwood District Council and the private sector.

As the HSHAZ project officer, I fully support these proposals. It will help in better revealing the significance of a listed building and improving the appearance of its immediate neighbourhood, ultimately creating a positive change to the ambience of the town centre.

Historic England – The application has been discussed with Historic England and they are happy with the proposed alterations.

Neighbour & Public consultations – No neighbour or public comments have been received.

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

Impact upon Character of Area

Policy DM5 supports 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.

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 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.

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. Paragraph 189 within section 16 of the NPPF advises that 'Heritage Assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, Paragraph 200 of 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. Local Planning Authorities (LPAs) should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas.

The proposal seeks to replace the existing shopfront which is of no special historical interest and reinstate with a traditional shop front with inspiration from the early 20th century, this would include realigning the shopfront with a chamfered corner and installing a traditional timber shopfront with a glazed window display area, a recessed double door entrance and a

painted plinth. The replacement would have some deviation for accessibility purposes however is considered to make a positive contribution to the listed building, Market Place, and Conservation area as well as the setting of other nearby listed buildings - namely (Grade I) St Mary's Church and (Grade II) 22 and 23 Market Place. No harm would be caused to the host building or surrounding buildings and area and is therefore considered to comply with the duties of preservation under Sections 66 and 72 of the (Listed Buildings and Conservation Areas) Act 1990.



It is therefore considered that the proposed development would accord with the aims of Policies DM5 and DM9 of the A&DM DPD, CP14 and CP9 of the Amended Core Strategy and the provisions of the NPPF and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD which are material considerations.

8.0 Implications

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

9.0 Conclusion

In conclusion, it is considered that the proposal accords with Core Policy 9 (Sustainable Design) and 14 (Historic Environment) of the Amended Core Strategy DPD and policies DM5 (Design), DM9 (Protecting and Enhancing the Historic Environment), DM12 (Presumption in Favour of Sustainable Development of the Allocation and Development Management DPD and the Newark & Sherwood Shopfronts and Advertisements Design Guide SPD as well as the and guidance within the NPPF, which are material considerations. Therefore, there are no reasons why this application should not be permitted, subject to conditions.

10.0 Conditions

01

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

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

02

The development hereby permitted shall 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:

- Proposed Plans and Elevations Drawing Number (08)101 Rev A Received 27.01.2023
- Proposed Details (1/2) Drawing Number (08) 102 Received 27.01.2023
- Proposed Details (2/2) Drawing Number (08) 103 Received 27.01.2023
- Site Location Plan Drawing Number (19)001 Received 04.01.2023

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

03

The development hereby permitted shall be constructed entirely of the annotated material and details submitted and agreed on Drawing Numbers (08)101 Rev A, (08) 102 and (08) 103.

Reason: In order to safeguard the special architectural or historical appearance of the listed building and to preserve or enhance 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 given that there is no net additional increase of floorspace as a result of the development.

03

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

04

For the avoidance of doubt this consent should be read in conjunction with Planning Application 23/00015/LBC

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00014/FUL



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale



Report to Planning Committee – 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Jamie Pegram, Planner, ext. 5326

Report Summary			
Application Number	23/00015/LBC		
Proposal	Alterations to reinstate former traditional shopfront.		
Location	Flossie And Boo, 19 Market Place, Newark On Trent, NG24 1EA		
Applicant	Mr James Carpenter	Agent	Mrs Cara De Angelis
Registered	04.01.2023	Target Date	02.03.2023
Weblink	23/00015/LBC Alterations to reinstate former traditional shopfront. Flossie And Boo 19 Market Place Newark On Trent NG24 1EA (newark-sherwooddc.gov.uk)		
Recommendation	That Listed Building Consent be GRANTED subject to the Conditions set out in Section 10 in the report		

This application is presented to Planning Committee due to there being a Council interest in the proposed development.

1.0 The Site

Refer to corresponding FUL report (23/00014/FUL).

2.0 Relevant Planning History

23/00014/FUL - Alterations to reinstate former traditional shopfront. - Under Consideration

PREAPP/00343/22 – Replacement shop front – Support new shopfront

3.0 The Proposal

The proposal seeks listed building consent for the replacement of the existing shopfront. The proposal seeks to improve the existing appearance by referencing the historic shop front previously on the building from the early 20th century.

4.0 Departure/Public Advertisement Procedure

Refer to corresponding FUL report (23/00014/FUL).

5.0 Legal and Policy Considerations

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision on applications for Listed Building Consents since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, the Local Planning Authority (LPA) is required to be mindful of other material considerations in determining such matters:-

- Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Historic England's Good Practice Advice Note 2 – Managing significance in Decision Taking in the Historic Environment
- Historic England Advice Note 2 – Making Changes to Heritage Assets

6.0 Consultations

Refer to corresponding FUL report (23/00014/FUL).

7.0 Comments of the Business Manager – Planning Development

The key consideration in this application is the impact upon the listed building.

Section 16 of the Act requires the Local Planning Authority to have regard to the desirability of preserving the listed building, its setting, and any architectural features it may possess. In this context, the objective of preservation is to cause no harm. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 of the NPPF advises that the significance of designated heritage assets (including listed buildings) can be harmed or lost through alterations or work within their setting.

Paragraph 197 of Part 16 of the NPPF (2021) 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.'

This application seeks consent for the insertion of a new traditional shopfront. Given the historic context of this site, the Conservation team has confirmed that the proposal is acceptable and I concur with the overall conclusion that the proposed works would not result in harm to the significance of the listed building.

In summary, the proposal is not considered to adversely affect the architectural or historic interest of the listed building, nor would it result in any harm to its significance.

Subject to conditions, the proposal therefore reflects the objectives of preservation of the significance and special interest of the listed building required under section 16 of the LB&CA Act and is in accordance with the requirements of Part 16 of the NPPF.

8.0 Implications

In writing this report and in putting forward recommendation's 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 Recommendation

Listed Building Consent is granted subject to the conditions set out below.

10.0 Conditions

01

The works hereby permitted shall begin within a period of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

02

The works hereby permitted shall be carried out only in accordance with the details, materials and specifications included on the submitted application form and shown on the submitted drawings as listed below:

- Proposed Plans and Elevations Drawing Number (08)101 Received 04.01.2023
- Site Location Plan Drawing Number (19)001 Received 04.01.2023

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

Informatives

01

The Courts have accepted that Section 54A of the Town and Country Planning Act 1990 does not apply to decision on applications for Listed Building Consents, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, Local Planning Authorities are required to be mindful of other material considerations.

02

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

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

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

The applicant is advised that the proposed works may require approval under the Building Regulations. Any amendments to the hereby permitted scheme that may be necessary to comply with the Building Regulations must also be approved in writing by the Local Planning Authority in order that any planning implications arising from those amendments may be properly considered.

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

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture, and profile.

03

Access shall be afforded at all reasonable times to allow the Council's Conservation Officer, or other representative, to inspect the works whilst these are in progress and upon completion.

04

For the avoidance of doubt this consent should be read in conjunction with Planning Application 23/00014/FUL.

BACKGROUND PAPERS

Application case file.

Committee Plan - 23/00015/LBC



© Crown Copyright and database right 2022 Ordnance Survey. Licence 100022288. Scale: Not to scale

PLANNING COMMITTEE – 16 FEBRUARY 2023

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 Development 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 4 January 2023 and 30 January 2023)

Appeal reference	Application number	Address	Proposal	Procedure	Appeal against
APP/B3030/W/22/33079 20	22/01366/FUL	Holme Farm Main Street Maplebeck NG22 0BS	Erection of agricultural storage building.	Written Representation	Refusal of a planning application
APP/B3030/W/22/33087 82	22/01479/OUT	The Dials Gray Lane Halam NG22 8AL	Outline application for proposed 2 bedroomed bungalow.	Written Representation	Refusal of a planning application
APP/B3030/W/22/33083 54	22/01125/FUL	Field Reference 5850 Ricket Lane Blidworth	Erection of a timber building to store agricultural machinery (retrospective)	Written Representation	Refusal of a planning application
APP/B3030/W/22/33094 38	22/00272/FULM	Land At Windmill Farm Eagle Road Spalford	Proposed caravan and holiday lodge site including amenities building, associated drainage and roadways	Written Representation	Refusal of a planning application
APP/B3030/D/22/331008 2	22/01302/HOUSE	62 Nelson Road Balderton NG24 3EL	Proposed first floor extension to existing single storey extension to side of property.	Fast Track Appeal	Refusal of a planning application

APP/B3030/W/22/33103 81	22/01423/FUL	Ringstead 48 Kirklington Road Bilsthorpe NG22 8SS	Erect double garage with apartment at first floor level.	Written Representation	Refusal of a planning application
APP/B3030/D/22/331143 7	22/01693/HOUSE	Clifton Barn Vicarage Road South Clifton NG23 7AQ	Erection of Garden structures for the further enjoyment of the dwelling and re- siting of the Oil Tank.	Fast Track Appeal	Refusal of a planning application

PLANNING COMMITTEE – 16 FEBRUARY 2023

Appendix B: Appeals Determined (between 04 January 2023 and 30 January 2023)

App No.	Address	Proposal	Application decision by	Decision in line with recommendation	Appeal decision	Appeal decision date
22/00006/ENFB	18 Valley Road Bilsthorpe NG22 8QH	Without planning permission, operational development consisting of the building of an extension forward of the principal elevation (partially completed), as shown within images 1 & 2, proposed to be of the finish details in the plans and statements accompanying refused retrospective planning application reference 22/00239/HOUSE.			Appeal Dismissed	23rd January 2023
22/00243/FUL	37 Cleveland Square Newark On Trent NG24 4HJ	Erection of a 3 bed detached dwelling (resubmission)	Delegated Officer	Not Applicable	Appeal Dismissed	12th January 2023
22/00408/FUL	Land To The Rear Of 74 And 76 Fosse Road Farndon Newark On Trent NG24 4ST	Construction of Residential Development Comprising Two Detached Dwellings on Land To The Rear Of 74 And 76 Fosse Road, Farndon (Re-submission of 21/01913/FUL)	Delegated Officer	Not Applicable	Appeal Dismissed	26th January 2023
22/00483/FUL	4 The Paddock Newark Road Ollerton NG22 0EH	Replacement of existing static caravan with a new dwelling	Delegated Officer	Not Applicable	Appeal Dismissed	4th January 2023
22/00685/LDC	The Paddocks Southwell Road Halloughton NG25 0QP	Application for a Certificate of Lawful Development for proposed Swimming Pool-Gym-Art Studio outbuilding and Garage and domestic heating oil tank secure storage outbuilding.	Delegated Officer	Not Applicable	Appeal Withdrawn by Appellant	23rd January 2023

22/00480/FUL	The Paddocks Southwell Road Halloughton NG25 0QP	Erection of 1 no. Self Build Dwelling in existing Rear Garden	Delegated Officer	Not Applicable	Appeal Withdrawn by Appellant	23rd January 2023
--------------	---	--	-------------------	----------------	----------------------------------	-------------------

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