

## **PLANNING COMMITTEE – 5 JUNE 2018**

<b>Application No:</b>	<b>18/00433/FUL</b>	
<b>Proposal:</b>	<b>Conversion of Traditional Agricultural Building to B1 Office Use with Associated Access and Parking</b>	
<b>Location:</b>	<b>Flash Farm, Micklebarrow Hill, Averham NG23 5RS</b>	
<b>Applicant:</b>	<b>Latham Farms Ltd.</b>	
<b>Registered:</b>	<b>28 February 2018</b>	<b>Target Date: 25 April 2018</b>

**This application is referred to the Planning Committee as the recommendation is contrary to the consultation response received from the Highways Authority.**

### The Site

Flash Farm is situated to the west of Averham on the A617 in the open countryside. The farm operation is a dairy farm with the large modern buildings providing accommodation and ancillary storage. The farm complex is comprised of a number of modern agricultural buildings located to the north west of the original farm house which is erected in redbrick under a clay pantile roof. To the north of the farm house is a courtyard of traditional barns and stables arranged in a U-shape again erected in red brick with a clay pantile roof. This courtyard is the subject of the proposal. Access to the site is taken directly from the A617 to the south east of the site utilizing an existing access serving the dwelling. The age and traditional grain of the barns would mean they can be considered as non-designated heritage assets. The site is within Flood Zone 1 and so is at low risk of flooding.

### Relevant Planning History

There is no recorded planning history to the site.

### The Proposal

The proposal seeks planning consent to convert the barns to office use. The range comprises a threshing barn to the western side, a single storey barn section along the northern run and an open sided cart shed forming the eastern arm.

The proposal seeks to provide six offices within the building with four offices to the threshing barn, two to the single story barn section and a further barn to the cart shed.

Unit 1 comprises 64.7 sq m at ground floor level within the threshing barn and adjoining single storey element;

Unit 2 comprises 28.2 sq m at ground floor level within the threshing barn;

Unit 3 comprises 41 sq m at first floor level within threshing barn;

Unit 4 comprises 29.7 sq m at first floor level within the threshing barn;

Unit 5 comprises 46.4 sq m at ground floor level in the northern range;

Unit 6 comprises 68.4 sq m at ground floor level in the northern and eastern ranges.

The proposal provides 14 car parking spaces in the courtyard area and to the east of the building. The offices would share the existing access from the A617 that currently serve the farmhouse. The functional agricultural buildings have a separate access to the west.

The application has been supported by an Ecological and Structural Surveys as well as a Planning, Design and Access Statement.

#### Departure/Public Advertisement Procedure

Given the location of the site, a notice has been erected adjacent to the entrance to the site on the A617.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 3: Rural Areas  
Spatial Policy 7: Sustainable Transport  
Core Policy 6: Shaping our Employment Profile  
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 DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM8- Development in the Open Countryside  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Conversion of Traditional Rural Buildings Supplementary Planning Document October 2005
- Publication Amended Core Strategy 2017

#### Consultations

**Averham Parish Council** – support the proposal.

**NSDC Environmental Health Officer** – no objection.

**NSDC Environmental Health Contaminated Land Officer** - This application includes the conversion of farm buildings to commercial (office) use.

Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including: non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use.

As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then I would request that our standard phased contamination conditions are attached to the planning consent.

**NCC Highways Authority** - This application is for the conversion of an agricultural building to 6 office units with associated parking. The location of the application site is such that it is unlikely that the development would be accessed by any other form of transport than the private car. It is considered that the proposal is therefore contrary to the National Planning Policy Framework and to Spatial Policy 7 of the NSDC's Core Strategy.

Therefore, it is recommended that this application be refused for the following reason:  
The proposal does not offer reasonable and practical ways of accessing the site other than by private car, and is therefore contrary to the principles of Spatial Policy 7 of the LDF Core Strategy.

Additional information from the applicants agent was received in respect of the accessibility to the site and a reconsultation with the Highways Authority has resulted in the following response:

Paragraph 2.10 of the Planning Design and Access Statement states that the nearest bus stop is located 1.5km away from the site, however, should this be used there are no footways to accommodate any pedestrians to the site nor any cycle ways. As such, my comments remain.

Note

Should your Council wish to grant approval of this application, the following condition should be imposed:

No part of the development hereby permitted shall be brought into use until the improved access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

The development makes it necessary to alter a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

**No representations have been received from local residents/interested parties.**

## Appraisal

### Principle of Development

Core Strategy Policy SP3 (Rural Areas) provides that the “rural economy will be supported by encouraging...rural diversification”. Core Policy 6 (Shaping our Employment Profile) provides that “the economy of Rural Areas by rural diversification that will encourage tourism, recreation, rural regeneration, and farm diversification, and complement new appropriate agriculture and forestry development. Development sustaining and providing rural employment should meet local needs and be small scale in nature to ensure acceptable scale and impact”. Allocations & Development Management Development Plan Document (ADMDDP) Policy DM8 seeks to build upon this support with detailed policy considerations. DM8 criterion (5) Conversion of existing buildings provides that “In the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Proposals should investigate and assess alternative uses for buildings in accordance with the aims of the Spatial Strategy and present a case for the most beneficial use. 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”. Policy DM8(6) Rural Diversification provides that “Proposals to diversify the economic activity of rural businesses will be supported where it can be shown that they can contribute to the local economy. Proposals should be complimentary and proportionate to the existing business in their nature and scale and be accommodated in existing buildings wherever possible.”

In addition the NPPF at Paragraph 28 seeks “To support economic growth in rural areas” and notably provides that policies should inter alia support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings; and promote the development and diversification of agricultural and other land-based rural businesses.

The proposal is supported by a structural survey from Fisher German LLP Chartered Surveyors which finds that the building is generally structurally sound and can be converted subject to some minor repair works. Given the building can be converted without substantial rebuilding and has support in policy terms for the reuse of the buildings and the diversification of farming enterprises, it is considered that the proposed conversion to offices is acceptable in principle in accordance with Policies SP3 and DM8 of the Development Plan.

### Impact upon character and appearance

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

Core Policy 9 (Sustainable Design) expects new development to demonstrate high standards of design. Policy DM5 goes on to provide policy requirements for proposals. In addition the District Council has produced a Supplementary Planning Document on Conversion of Traditional Rural Buildings.

Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The policy base and guidance seek to retain the original features and form of the building to be converted. The proposals will include the insertion of a new floor in the threshing barn at first floor level. Ideally a full-height element would be retained within the threshing barn, usually adjacent to the full height openings, however this proposal does not currently provide such a feature with the new first floor extending along the full length of the building. However, I am also conscious of the “balanced” judgement that the NPPF requires in the case of non-designated heritage assets. The supplementary guidance advises that in proposing schemes “every effort should be made to ensure that new windows are only inserted in to existing openings”. In this regard the proposal seeks to utilise the existing built form and openings to serve the conversion with only one new opening to the north elevation proposed. The proposal seeks to insert glazing within the larger cart door openings and a combination of glazing and solid treatments to the openings in the stable building. With regards to the roof slopes the guidance provides that “the introduction of flush rooflights and small vents will be acceptable only if they are used with restraint and placed in discrete positions. If the overall effect of a particular proposal destroys the essential character of the building, the conversion will not be allowed”. In this respect the proposal seeks to provide 8 number roof lights all of which are to the threshing barn structure. The roof lights proposed are considered to be of limited size and are separated out along the roof and located low on the slope, therefore minimising their prominence as new insertions. Subject to an appropriate condition to control the roof lights to be flush with the roof slope, under the NPPF a “balanced” judgement must be reached and on balance, although these are not ideal, it is not considered that there would be a significantly detrimental impact upon the character and appearance of the barn.

The details provided are considered to be sympathetic to the original form of the barns and would, subject a suitable condition to require approval of final detailing of joinery works, preserve the interest of the barn as a traditional rural building and non-designated heritage asset.

The main alteration from the existing structure would be undertaken to the cart shed structure to the eastern end of the courtyard. The proposal would seek to provide glazing along its eastern elevation and replace a collapsed section of roof. It is noted that the guidance provides that cart sheds are often the most difficult to convert. However in this instance the proposal has retained the appearance of the cartshed as an open-sided structure through the large glazing and the replacement of the collapsed roof would repair it to its former condition. Given the works to the roof are only very minor in the conversion of the building in this instance it is considered that the proposal would preserve the traditional appearance of the barns.

The proposal is therefore considered to be acceptable in respect of the policies CP9 CP14, DM8 and DM9 and the guidance in the Supplementary Planning Document and the NPPF.

#### Impact on Residential Amenity

Policy DM5 (3) Amenity – requires that proposals be designed and laid out to ensure that suitable separation distances are achieved to ensure no significant impacts of overbearing, loss of light or privacy occur. New developments which cannot be afforded an adequate standard of amenity or creates unacceptable standard of amenity for neighbours will be refused.

In this respect the site is adjacent to the farm house at Flash Farm to the south and the dairy farm operation to the west and northwest. The Council's Environmental Health Officer has been consulted on the proposal and does not raise any concerns for the proposal from the adjacent activities. In this respect it is noted that the building is located within the open countryside and it is apparent that there is a farming operation adjacent to the site. This has the potential to cause noise and odour impacts on the office use. Given the use as office accommodation, it is considered that the expected level of amenity would be lower than it would be if the proposed use were to be residential. Operating hours would be during normal working hours and the office use likely to be rented out. Taking all these factors into account, it is considered that the proposal can be supported in this instance and it is not considered that the location would give rise to unacceptable amenity impacts upon the proposed use.

With regards to the impacts of the proposal upon the amenity of the neighbouring property, it is considered that there would be no appreciable change to impacts of overshadowing or over-bearing impact from the development with only very minor physical alterations proposed. The resultant activity would increase the usage of the site and would increase the number of vehicular movements associated. In this respect the neighbouring house is located adjacent the operational farm and therefore has a degree of activity as it stands. The proposal for office use would result in increased movement and activity during office hours. As the office hours would be through the day it is not considered that there would be any significant impact upon the residential amenity of the existing property through unacceptable levels of noise and disturbance through comings and goings.

The proposal is therefore considered to be acceptable in this respect with the test of policy DM5 of the ADMDPD.

### Highways and Parking

Spatial Policy 7 (Sustainable Transport) requires that "the Council will work with the County Council and other relevant agencies to reduce the impact of roads and traffic movement, to support the development of opportunities for the use of public transport, increase rural accessibility and to enhance the pedestrian environment."

Policy DM5 (1) Access requires "provision should be made for safe and inclusive access to new development. Where practicable, this should make use of Green Infrastructure and as many alternative modes of transport as possible. And criterion (2) Parking requires "parking provision for vehicles and cycles should be based on the scale and specific location of the development. Development resulting in the loss of parking provision will require justification".

The Highways Authority has raised objections to the ability to access the site by means of transport other than by private transport. The Highways Authority has not raised any objection to the safety of the access and egress to the site or the provision of parking provision. As such these points are considered to be acceptable in respect of policy SP7, DM5 and the guidance in the NPPF. The objection relates solely to the accessibility of the site by means other than private vehicle.

Comments on the Highways Authority response have been sought from the Applicant's Agent with the following response being received:

*“we consider that given the site’s rural setting policies for Countryside, Farm Diversification and Employment should weigh heavily in favour of the planning application. Given the small scale nature of the application it is not considered to generate excessive traffic and it is the re-use of an existing building through farm diversification which is strongly supported within both the adopted Core Strategy and Allocations and Development Management DPD in Spatial Policy 3, Policy DM8 and Core Policy 6.*

*Paragraph 28 of the National Planning Policy Framework (NPPF) 2012 supports a prosperous rural economy by taking a positive approach to sustainable new development through expansion of all types of business and enterprise in rural areas including through conversion of existing buildings and the development and diversification of agricultural and other land based rural businesses.*

*Furthermore, the NPPF (2012) which supersedes the adopted Core Strategy (2011) states at paragraph 29 that ‘the government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas’. Also, Paragraph 32 of the Framework states that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’. It also suggests that decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site.*

*Whilst not extensive, there are opportunities to access the site by cycle, foot or bus.*

*In conclusion, we consider that the proposals are not contrary to Policy SP7. It should not be refused on highway grounds as the impacts from the development will not be ‘severe’ and it is a suitable re-use of an existing redundant agricultural building in line with adopted policies, as set out above.”*

It is considered that there is a balancing exercise to be undertaken in this respect with the support for the conversion of rural buildings being weighed against the available options to access the site. In this respect it is considered that the policy support within the NPPF at paragraph 28 to promote the development and diversification of agricultural and other land-based rural businesses and the further explanation at paragraph 29 that whilst transport policies have an important role to play in facilitating sustainable development, “the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.

As such it is considered that whilst not readily accessible from multiple modes of transport that on balance, the proposal does comply with the requirements of the development plan in considering highways safety and parking and therefore is considered, subject to the requested condition for the access formation, to be acceptable in highways safety terms, even though not ideal from a transport sustainability viewpoint.

### Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) provides that the District Council will seek to conserve and enhance the biodiversity and geological diversity of the District. ADMDPD policy DM5 (7) Ecology requires that “Where it is apparent that a site may provide a habitat for protected species, development proposals should be supported by an up-to date ecological assessment, including a habitat survey and a survey for species listed in the Nottinghamshire

Biodiversity Action Plan. Significantly harmful ecological impacts should be avoided through the design, layout and detailing of the development, with mitigation, and as a last resort, compensation (including off-site measures), provided where significant impacts cannot be avoided.”

The commentary at paragraph 7.24 advises “Both National and European legislation require the potential impact on protected species and their habitats to be taken into account in the planning process. Where it is apparent that a site may contain or provide a habitat for protected species, this should form the starting point for the design process which should be informed by accurate and up to date survey information. Wherever possible, the development should be designed to enhance the Green Infrastructure by providing continuity of habitat, or as a last resort, should include on or off site mitigation measures. The Habitats Regulations Assessment has identified areas where the development of allocated sites may affect sites of European importance for nature conservation.”

The application as submitted is supported by an Ecological Assessment undertaken by Turnstone Ecology. The Assessment comprises of a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) and two bat activity surveys. The Assessment provides that there is evidence of bat activity to the western barns and provides that a European Protected Species Licence would be required from Natural England to undertake any works to the buildings. The Assessment also indicates that the following mitigation measures should be undertaken:

As a minimum the mitigation will include:

- Works to any features suitable for or confirmed to be supporting roosting bats will be carried out under a NE EPS mitigation licence;
- Prior to any work commencing, at least two bat boxes (*e.g.* Schwegler 2FN box) will be positioned on an existing building or tree on site where no work is due to be undertaken and the box will not be impacted by future work;
- A mixture of lifted ridge tiles and lifted roof tiles will be retained and must be left in a condition to be suitable for use by roosting bats;
- Two Schwegler 1FE Access Panels with Back Plates will be built into Building C during the conversion, these will be on various aspects to replicate current features available for use by bats; and
- The roofs of the buildings will be lined with a traditional non-breathable membrane, to ensure that bats that may roost in the roof in the future do not become entangled in the fibres of a breathable membrane.

If, in the unlikely circumstance that a higher level of bat use is confirmed during further surveys (*e.g.* larger numbers of Brown Long-eared Bat), the mitigation will include:

- A loft space (either in Building C or D) will be retained and enhanced purely for the use by roosting bats, which will have the following features;
  - o internal access to the loft through gaps at the wall tops or at the gable end verge if possible; and
  - o crevices will be created inside the roof of the bat loft by fixing sheets of ply-wood (approximately 30x30cm) to the tile battens.

The ecological assessment also takes into consideration the potential for Birds, Great Crested Newts, Badger, and reptiles. The assessment finds that only breeding birds are potentially affected and recommends bird boxes be provided to offset any lost nesting opportunity.



Subject to a condition requiring compliance with the mitigation measures requiring the provision of bird boxes and the bat mitigation measures outlined above are incorporated the application is considered to be acceptable in regards to the ecological interest of the site and protection afforded to protected species in accordance with CP12 and Policies DM5 and DM7 of the DPDs.

### Flood Risk and Water Management

Policy CP9, CP10 and Policy DM5 (9) seeks to protect proposals from flood risk. The site is located within Flood Zone 1 which means it is at low risk of flooding. The proposal would seek to provide parking and turning facilities within the courtyard of the barn complex. This area is currently not surfaced and therefore is permeable. It is considered necessary to attach a condition to require the surface treatment for the parking provision to be made of permeable materials to ensure that there would not be any increase in run off from the site as it currently stands.

### Other Issues:

#### Land contamination

The site was last used for farming activities and therefore has potential for the land to have become contaminated from the storage of chemicals. The Environmental Health Officer has requested a condition for details to establish whether contamination is present and what mitigation measures are required. It is therefore considered appropriate and necessary to attach a condition to require investigation and mitigation measures to ensure that the development is suitably implemented to ensure the land and buildings are safe for human habitation.

### Conclusion

The principle of development is acceptable in converting an existing building which has been demonstrated to be capable of the intended conversion without substantial rebuilding or extension. The re-use of this existing building demonstrates sustainability in terms of materials that have already been constructed on the site. The proposal is considered to protect the character and form of the barn structures taken individually and as a whole their retention and re-use are welcomed as they contribute to the character and appearance of the area and a balanced judgement has been made in line with para 135 of the NPPF. The scheme is considered to be acceptable in amenity terms, parking and highway safety, drainage and contamination terms. Notwithstanding the objection raised by the Highway Authority that has been taken into account and given appropriate weight, it is considered that the benefits of the scheme outweigh the dis-benefit of lack of sustainable transport to serve the development. As such approval is recommended, subject to conditions.

### **RECOMMENDATION**

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

#### **Conditions**

01

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

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

02

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

Block Plans: Drg No. 115361-005 Dated December 2017

Proposed Floor Plans & Elevations: Drg No. 115361-002 Dated December 2017

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

Reason: So as to define this permission.

03

No development 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 in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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: In the interests of visual amenity and preserving the character of the non-designated heritage assets.

04

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

Bricks

Roofing tiles

Cladding

Reason: In the interests of visual amenity and preserving the character of the non-designated heritage assets.

05

Prior to the commencement of the development hereby approved, a scheme for undertaking the mitigation measures detailed in section 4 of the Turnstone Ecological Assessment dated October 2017 (Rev 01) including timescales for delivery shall be submitted to and approved in writing by the local planning authority.

The mitigation measures shall be fully implemented in accordance with the approved details prior to the office use being first brought into use.

Reason: In the interests of biodiversity.

06

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 '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **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.

07

Any new hard surfacing to be laid in conjunction with the proposed development within the application site shall be water permeable.

Reason: To ensure that the proposal does not adversely impact upon the surface water drainage of the locality.

08

No part of the development hereby permitted shall be brought into use until the improved access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety.

09

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

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, hedgerow, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. For the avoidance of doubt, new planting should consist of native species only;  
car parking layout and materials;  
other vehicle and pedestrian access and circulation areas.

Reason: In the interests of biodiversity and the visual amenities of the area.

010

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

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

#### Notes to Applicant

01

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

02

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

For development involving demolition, the existing floor space is usually not included in the calculation but CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building(s) has to be in lawful use. Part 5, Regulation 40 Paragraph 10 of the CIL regulations states that "a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development." From my knowledge, the buildings on site have been vacant for more than 36 months and therefore may not meet the above criteria. The onus would be on you to demonstrate otherwise if necessary.

03

The development makes it necessary to alter a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

An advisory booklet is available – “A guide to Developing Land in Nottinghamshire”. This is available from NSDC website using the following link:

<http://www.newark-sherwooddc.gov.uk/landpollution/>

Prior to undertaking an intrusive site investigation the applicant is advised to consult with:

**Natural England**

Block 6 & 7 Government Buildings  
Chalfont Drive  
Nottingham  
NG8 3SN  
Tel: 0115 929 1191  
Fax: 0115 929 4886  
Email: [eastmidlands@naturalengland.org.uk](mailto:eastmidlands@naturalengland.org.uk)

**English Heritage**

Ancient Monuments Inspector  
44 Deringate  
Northampton,  
NN1 1UH  
Tel: 01604 735400  
Fax 01604 735401  
E-mail: [eastmidlands@english-heritage.org.uk](mailto:eastmidlands@english-heritage.org.uk)

**Heritage Planning Specialists**

Nottinghamshire County Council  
Trent Bridge House  
Fox Road  
West Bridgford  
Nottingham  
NG2 6BJ  
**Tel:** +44 (0)115 977 2162  
**Fax:** +44 (0)115 977 2418  
**E-mail:** [heritage@nottscc.gov.uk](mailto:heritage@nottscc.gov.uk)

to prevent damage or harm to the historic environment.

05

In the event that any bat/s are found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and

they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats by covering 'reckless' damage or disturbance to a bat roost.

### Background Papers

Application Case File

For further information, please contact Kevin Robinson on ext. 5541.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**  
**Business Manager – Growth & Regeneration**

Committee Plan - 18/00433/FUL

