

COMMITTEE REPORT – 27 APRIL 2021

Application No:	21/00379/FULM	
Proposal:	Residential redevelopment of farm complex comprising 5no. new dwellings and the residential conversion of a traditional stone barn (Resubmission of 19/00746/FULM)	
Location:	Bankwood Farm, Oxton Road, Thurgarton	
Applicant:	J & B Cressey and Sons	
Agent:	IBA Planning Ltd – Mr Nick Baseley	
Registered:	16 February 2021	Target Date: 18 May 2021
Website Link:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage	

Background

Members may re-call that a very similar application at the same site was considered by the Planning Committee at its meeting on 6 August 2019. Contrary to officer recommendation, the Committee determined to grant planning permission for the development. The Background Papers at the end of this report include links to access both the previous Committee Report and Decision Notice for application 19/00746/FULM.

This application is being reported to the Planning Committee as the specifics of the application warrant determination by the Planning Committee at the request of the Business Manager – Planning Development.

The Site

Bankwood Farm is a relatively large parcel of land in the open countryside between the settlements of Thurgarton and Oxton. The site is accessed via a long private driveway track which runs from the Southwell/Oxton Road to the north and connects to Thurgarton to the south. It sits between the two main roads of the A612 to the south and B6386 to the north from which the site is accessed via a 12.5km long private road from the B6386. This private road currently serves Hollybeck Nurseries, a garden centre, situated close to the B6386, as well as a number of isolated farms and dwellings that stretch out along the road, including, Thurgarton Quarters, Bankwood Lodge and Bankwood Farm Cottages. The private road runs through the site and then continues southwards and serves Bankwood Barn, Bankwood Farm Cottages and Dumble House. The road is tarmacked and is predominantly single track in width with a number of speed-restricting bumps along its length.

The surrounding area comprises numerous agricultural buildings as well as other residential premises of both modern and traditional character to the north. Immediately adjacent to the site to the north-west, there are residential dwellings (Bankwood Farm Cottages and Bankwood Lodge) and to the south Bankwood House.

The site is largely flat and surrounded by open countryside with significant long distance views, particularly to the south and south-east. The site is currently occupied by 6 large modern agricultural buildings and 1 traditional stone threshing barn. As the buildings are modern, the layout does not create any traditional crew yard with no intimate U, C or E-shaped grains. The layout is fairly arbitrary arranged either side of the central access that runs through the centre of the site. There are no boundary treatments between the buildings themselves but boundaries in the wider area around surrounding fields are hedges.

The site lies within flood zone 1 of the Environment Agency's flood risk maps.

Relevant Planning History

20/02528/NMA - Application for a non-material amendment to planning permission 19/00746/FULM to amend the red line boundary (omitting a small part of land), Approved 07.04.2021

19/00746/FULM - Residential redevelopment of former farm complex comprising 5no. self-build plots and the residential conversion of a traditional stone barn. Resubmission of 18/00071/FUL, approved 21.08.2019, still extant, development not commenced.

19/00541/CPRIOR - Notification of a Prior Approval for the Proposed Change of use of existing agricultural building to Use Class B1 (Business). Approved 10.05.2019.

18/02033/CPRIOR - Notification for Prior Approval for a proposed Change of Use of 3 Agricultural Buildings to 5 dwellinghouses (Class C3) and for associated operational development. Approved 28.02.2019, development must be **completed within 3 years** – i.e. by 28.02.2022. Prior to the approval of this application, two vehicle passing bays and various right of way signage were installed along the access road to address the concerns of the Highway Authority and Rights of Way Officer.

18/01115/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of 3 Agricultural Buildings to 5 dwellinghouses and for associated operational development, refused 07.08.2018 on the grounds that it failed the qualifying criteria under Class Q of the Town and Country Planning (General Permitted Development) Order 2015.

18/00071/FUL - Residential redevelopment of former farm complex comprising 5 No. self-build plots and the residential conversion of a traditional stone barn – withdrawn.

16/01740/CPRIOR – Notification for Prior Approval for proposed change of use of agricultural buildings to three dwellinghouses Class C3 – Approved 05.12.2016, now lapsed.

08/00527/AGR – Erect grain store – Approved 19.05.2008

The Proposal

The only two differences between this current submission and the previously approved application relates firstly to an amendment to the description of the proposal. This previously read "Residential redevelopment of former farm complex comprising 5no. self-build plots...." The reference to self-build has now removed from the description. As a result, the whole development can be completed by a single developer, as opposed to being implemented as individual plots by independent people. Secondly, a minor reduction in the red line area of the

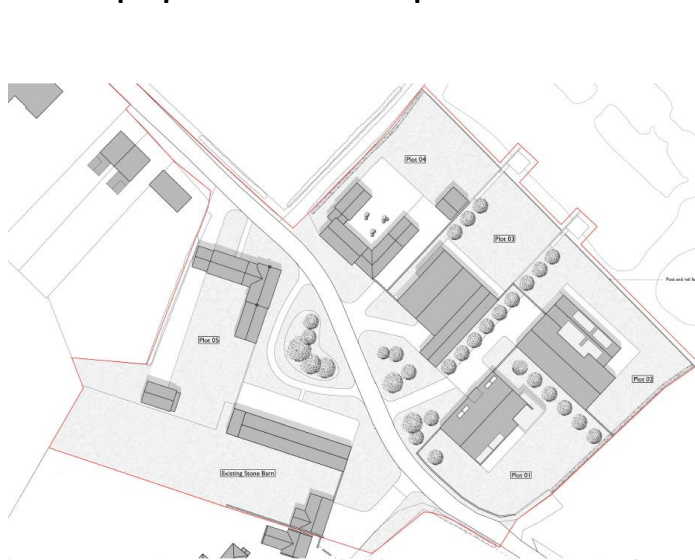
application site by squaring off by a straight line (rather than being stepped) of the southern boundary of the application site, as illustrated on the extracts below. This reflects the NMA approved earlier this month, as included within the planning history above.

This would effectively reduce the rear/side garden area that would serve the converted barn by approx. 500 sq m reducing from approx. 1950 sq m to 1450 sq m.

Approved proposed red line site plan:



Current proposed red line site plan:



In every other aspect, the application is identical to the submission approved under reference 19/00746/FULM.

Planning permission is sought for the demolition of the farm complex and the subsequent erection of five new dwellings (each containing 5 bedrooms) and one conversion of an existing barn to form a dwelling (4-bed).

Four of the proposed dwellings would be positioned on the eastern side of the access road and are set within their own curtilage. Plots one and two would be configured to face the side of plot 3 where they are served by a feeder driveway from the access road which intersects the site. Plots 3 and 4 would front the access road with an intervening space allowing for a garden and driveway.

Plot 5 would be positioned on the western side of the access road between the existing stone threshing barn and the edge of the application site near to Bankwood Cottages to the northwest.

The demolition of the buildings attached to the existing threshing barn would expose the building and would comprise a converted detached dwelling set back from the access road.

Plot 1 - 529.5 sqm

This dwelling would comprise a two storey dual pitched building which measures 23 metres in width by 18.4 metres in depth. The building would project 9 metres in height to the roof ridge and would have front first floor skylights set into the roof plane and large patio doors leading onto rear balconies serving the bedrooms. The ground floor is articulated with large window openings and

an emphasised front design feature that identifies the front door. An integral garage is adjacent to the front door leading onto the driveway which also serves plot two.

Plot 2 - 579 sqm

Plot two comprises a twin dual pitched two storey building measuring 19 metres in width by 26 metres in length. The roof ridge covering the habitable first floor projects 8.2 metres in height and the lower ridge sits 6.4 metres above ground level. The building is configured in a linear arrangement at first floor with three of the bedrooms leading out onto a large north-easterly facing balcony which is partly covered by the lower roof. The garden wraps around the north and south easterly side of the building and would have access to a jetty and the pond to the northeast.

Plot 3 - 568 sqm

Plot three, broadly square in plan, measures 21.6 metres in width by 19 metres (25 metres including the front ground floor garage section). The property would have a twin dual pitched roof (measuring 8.4 metres in height) with the gable end containing the first floor window openings facing the access road and its rear garden. This plot would have access to a separate jetty on the north-eastern pond.

Plot 4 - 415 sqm

This property distinctly changes in design and style where the footprint would be arranged into a 'C' shape covering an area of 21 metres by 17.4 metres. The front of the property would face onto the access road set back by approximately 5 metres from its edge and project approximately 8 metres to the roof ridge. Two rear wings then extend to the rear of variant heights (still lower than front section) would create an enclosed immediate garden which then opens out to continue to the north-easterly boundary.

Set to the rear of the southern wing along the boundary with plot 3 is a detached open frontage garage measuring 5.6 metres in width by 7.2 metres in length. The garage would project 4.65 metres above ground level and is constructed with a pitched roof.

Plot 5 - 322 sqm

Plot 5 is similar to plot 4 in respect of its general design but is arranged into an 'L' shape footprint with the two principle elevations facing a northerly and easterly direction. The principle elevations measure 23 metres and 20.5 metres respectively with the depth measuring 6.5 metres. The property, again has been designed with a pitched roof of variant heights with the highest projecting 8 metres from ground level.

A section of the westerly ground floor section of the property has been designed to allow vehicles to enter the rear garden where the driveway leads to a detached garage at the rear boundary. The garage measures 8.3 metres in width by 6 metres in depth projecting 4.7 metres in height. The garage is constructed with a pitched roof.

Stone barn - 357 sqm

The removal of the existing modern side sections results in a linear form of accommodation based over two floors. All the existing openings would be utilised for light and outlook with a large opening on the northern elevation used for the main access into the building.

One new ground floor window would be inserted into the southern elevation with 12 roof lights inserted into the roof plane.

A new detached garage would be positioned in-between the barn and the southern boundary. The garage would be accessed from the east and measures 9.5 metres in width by 8.85 metres in overall depth. The garage is constructed with a pitched roof and stands 5.5 metres in height to its ridge.

The proposed development can be grouped into three types of construction. Plots one, two and the barn's detached garage comprises more traditional materials using facing brick, tiled roofs, rendered sections and window detailing. Plots three, four and five would represent a modern palette using materials comprising timber and timber cladding interspersed with aluminum framed fenestration, timber louvres and standing seam roofs. The two garages for plots four and five are a timber construction with tiled roof. The fronts of the garages are open sided.

The boundaries to the plots are demarcated by a combination of stone walls and post and rail fencing.

The planning application has been considered against the following plans, documents and specifications:

Location Plan - Drg No. 17/238-100

Existing Site Plan - Drg No.197-D-03 Rev B

Existing Site Photos - Drg No.197-D-01 Rev B

Existing Barn Plans and Elevations - Drg No.17/238-101

Bankwood Farm Evolution - Drg No. 197-D-02

Location and Block Plans - Drg No. 197-D-00 Rev A

Proposed Site Plan - Drg No. 197-D-04 Rev B

Proposed Floorplans - Plot 1 -Drg No. 197-D-05

Proposed Elevations - Plot 1 -Drg No. 197-D-06

Proposed Floorplans - Plot 2 -Drg No. 197-D-07

Proposed Elevations - Plot 2 -Drg No. 197-D-08

Proposed Floorplans - Plot 3 -Drg No. 197-D-09

Proposed Elevations - Plot 3 -Drg No. 197-D-10

Existing Barn – Proposed Plans and Elevations -Drg No. 17/238-102

Existing Barn – Garage Plan and Elevations -Drg No. 17/238-103

Plot 4 Proposed Plans and Elevations -Drg No. 17/238-104 Rev A

Plot 4 Garage Plan and Elevations -Drg No. 17/238-106

Plot 5 Proposed Plans and Elevations -Drg No. 17/238-105

Plot 5 Garage Plan and Elevations -Drg No. 17/238-107

Proposed Site Elevation -Drg No. 197-D-11 Rev B

Proposed Site Section -Drg No. 197-D-12 Rev B

Aerial View - Drg No. 197-D-13

Visualisation 1 - Drg No 197-D-14 Rev B

Visualisation 2 - Drg No. 197-D-15 Rev B

Visualisation 3 - Drg No. 197-D-16 Rev B

Visualisation 4 - Drg No. 197-D-17 Rev B

Visualisation 5 - Drg No. 197-D-18 Rev B

Design and Access Statement - Jan 2018
Flood Risk and Runoff Assessment - Feb 2018
Heritage Statement – Dec 2017
Protected Species Report – Oct 2016
Updated Bat Surveys Report – Feb 2021
Structural Inspection Report – Jan 2018
Schedule of Materials

Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development
Policy 2: Residential Development
Policy 3: Transport Impact of Development
Policy 6: Historic and Natural Environment

Newark and Sherwood Amended Core Strategy DPD (March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 3 – Rural Areas
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 (July 2013)

DM4 – Renewable and Low Carbon Energy Generation
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM10 – Pollution and Hazardous Substances
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance (on-line resource)
- Newark and Sherwood Landscape Character Assessment SPD 2013
- Conversion of Traditional Rural Buildings SPD 2014
- Natural England Guidance Note: European Protected Species and the Planning Process Natural England's Application of the 'Three Tests' to Licence Applications
- The Conservation of Habitats and Species Regulations 2017
- Circular 06/2005: Biodiversity and geological conservation – Statutory obligations and their impact within the planning system
- Nottinghamshire Highway Design Guide adopted January 2021

Consultations

Thurgarton Parish Council - voted unanimously to SUPPORT this application subject to retention of the requirements associated with a para. 55 application and there being no material changes to the design or layout of the proposed development from that supported under 19/00746/FULM without a further application.

Southwell Town Council – Object, they concur with highways and conservation officer comments. The access is inadequate for the development.

NCC, Highways Authority – Object. The site is accessed from a private single-track road from the B6386 to the north. As this single-track road is also a bridleway, the safety of horse riders, cyclists and pedestrians should be a priority on a bridleway. The proposal will increase the level of traffic to become a concern for highway safety, given the narrow carriageway, which is single track in most places, and visibility constraints.

However, if the LPA is minded to approve the application, suitable conditions to minimize the impact of the proposal should be considered with any improvements to the bridleway in the form of passing bays, signage, surfacing, etc., which should be implemented before any works start on site, including demolition and construction phases.”

The Highway Authority have since further clarified that their latest comments are based on the Nottinghamshire Highway Design Guide which was adopted in January 2021 and which forms a new material planning consideration since the determination of the previous application. This limits developments served by private drives to 5 dwellings, and moreover it also now specifies that the private drive shall have no wider movement function. The Highway officer states that as the access road is part of a bridleway, it has a wider movement function and it is against this that the latest concerns are raised. As this is therefore considered a departure from the access requirements, the Highway Authority states that a Quality Audit should be carried out prior to determination of the application, as it would identify any improvements considered necessary. Having said that the Highway Officer then also acknowledges that they are not sure what more could be reasonably provided over and above the two passing bays and signing that was implemented along the access road prior to the 2018 CPrior application being submitted.

NCC, Rights of Way – Object to the proposal.

Thurgarton Public Bridleway No. 1 is along the access roadway. Thurgarton Public Footpath Nos. 4 and 4A also link to the bridleway. It is clear from the proposal that the access for both construction and the general access to the properties once built will be along the private road. The applicant can apply for a Rights of Way Search from Nottinghamshire County Council by contacting row.landsearches@nottscc.gov.uk.

The Rights of Way Team constantly review the impact of development away from the adopted highway and where the private access road or track is shared with a Public Footpath or Bridleway. Intensification of vehicular use coupled with a lack of clarity or understanding about maintenance responsibilities can cause future problems. The route of Thurgarton Bridleway No.1 is a popular one and well used as it links to a wider network of Public Bridleways and Footpaths.

The Rights of Way Team are concerned that this proposal at Bankwood Farm comprising of 6 new dwellings will impact on the safety and enjoyment of Bridleway users due to a significant increase in motorised vehicular use.

Increased vehicle- use at the construction phase, and after by domestic cars and associated deliveries to each property will impact on the safety and enjoyment of bridleway users (pedestrians, equestrians and cyclists). It also sets a precedent for further development leading to yet further intensification of motorised vehicle use of a Public Rights of Way.

The increased vehicle use will also have a detrimental impact on the surface of the bridleway. The construction of the existing roadway may not be to a suitable standard for this increase in motorised vehicle use. There is evidence of surface damage at the Oxton Road end where the surface edge is becoming broken up and damaged by high levels of vehicular use and the narrowness of the surfaced portion of the road.

The responsibilities for maintaining the surface of the private road/Thurgarton Bridleway No.1 are as follows:

- 1) Nottinghamshire County Council as the 'highway authority' is only responsible for ensuring that the route is in a reasonable condition for its use as a bridleway (use on foot, bicycle or horseback)
- 2) Those who have a lawful private right for motorised vehicles to access their properties and or their land are responsible for maintaining the surface of the private road to a suitable standard for their own use and also for repairing any damage to the bridleway surface that is caused by their motor vehicles and other motor vehicles accessing their property (including family and friends, deliveries, service vehicles).

The responsibility to ensure maintenance of the surface to this suitable level lies with the people who have a lawful right to motorised vehicle access. This includes the current residents and would extend to other subsequent owners and to the owners of the proposed new dwellings.

We would request that, if the Local Planning Authority decides to approve this proposal, they must be satisfied that the applicant has been able to demonstrate (either within the application or by means of suitably worded LPA condition) the following:

- how the safety and enjoyment of users of the Public Bridleway will be protected? For example: Any passing places should be suitable and to an acceptable standard for the intensified level of use. The roadway surface treatment and its width should be to a suitable and acceptable standard for its multi-user use. We would request that the Local Planning

Authority seek advice from NCC Highways Development Control particularly with regard to the current suitability of the road surface and width including the design and frequency of passing places, and signage.

- that new owners are made fully aware of their responsibilities with regard to the maintenance and repair of the road surface and that this should be written into their deeds
- that there is a coordinated agreed planned approach in the form of a maintenance agreement for the maintenance and repair of the surface of the road (and that this is written into any new owners deeds).

The Environment Agency - The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site and therefore we have no formal comment to make. However they advise the applicant is referred to the advisory note in relation to foul sewage disposal.

NCC, Lead Local Flood Authority – only respond to major developments. However, advice has been given in relation to surface water and flooding.

Trent Valley Internal Drainage Board - within the Board's catchment but there are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

NSDC, Conservation – No objection, subject to conditions. Of heritage interest on this site now lies only the impressive stone threshing barn, which has itself seen modern extensions on both the front and back. While its original form has been preserved within these extensions they have greatly detracted from its legibility and aesthetic qualities. I therefore welcome a scheme which sees these elements removed and the building effectively restored.

The original context of this structure, which would have once related to a period farmhouse and other historic farm buildings, has been lost. The historic farmhouse has been replaced by a large faux Georgian new build, the farm buildings are all (mostly large) modern concrete and crinkly asbestos sheeted buildings, in addition to two inter-war semi-detached houses at the site.

Generally speaking the proposed conversion of the threshing barn will be an improvement to its appearance and will better reveal its significance.

In term of impact on its setting from the other proposed replacement structures overall I do not think there will be any harm.

NSDC Environmental Health - 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.

Natural England – No comments to make, Standing Advice should be used to assess impacts on Protected Species.

Cadent – High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment are in the vicinity of the proposed works.

Requirements:-

- Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Three letters of representations have been received from third/interested parties which are summarized below:-

- The congestion problem already exists - there is much two-way traffic accessing Hollybeck Nursery to the north – for a 200m stretch there is no possibility to add new passing places, which means this is a permanent bottleneck;
- Access to this site (and application 20/00696/CPRIOR for 4 additional dwellings approved 08.06.2020) require access via a single-track bridleway from Oxton Road, used by a large number of cyclists, pedestrians and equestrian users, which has become increasingly busy over recent years (and even more so through-out the pandemic) with farm buildings being sold off and converted to residential dwellings, leading to over-intensification of building;
- The road has narrow verges, lethal blind corners, inadequate passing places causing conflict between vehicles and other users of the bridleway and it is assumed that the development would result in excess of two cars per household, resulting in a significant rise in traffic;
- Often car drivers drive at great speed;
- The bridleway is already in a state of disrepair and neither of these development includes for any road improvements to be carried out;
- The previous application for Bankwood Farm suggested that the increase in domestic traffic would be balanced by the reduction in agricultural traffic and the farming activities would down. But it seems agricultural traffic will also continue given the relocation of the drying barn under application 20/02462/AGR (which is also within 3km of an airfield), so this reduction will not be realized. As this issue would have been a material consideration in the granting of the previous application, there may be grounds for reassessing the traffic impact of the development;
- The track is also use to access the airfield about 1km further to the south from Bankwood Farm and game bird shooters and there is no access to the Bankwood development or airfield via the Thurgarton end of the bridleway due to an electric farm gate across the road;
- There are currently 8 residential properties that use the bridleway for access. This application and the CPRIOR application already approved would more than double this to 18, a highly significant increase that would compromise the safety of recreational users;

- NCC highway guidance for road geometry on the construction of new residential streets indicates access roads should be a min of 5m wide to provide an environment where people wish to live, work, play and feel safe doing so. The bridleway falls short of this only being 3m wide – it is bizarre that a 125% increase in traffic could be allowed without commensurate enhancement of the road; This should be applied whether the road is to be adopted or unadopted to safeguard public safety;
- Consideration should be given by NCC to adopting the bridleway, in order to secure its long term maintenance;
- These kind of housing developments can generate significant profits for the applicants and it would seem entirely reasonable that some of this should be committed to maintain public safety and facilitating planning gain for the wider community.

Comments of the Business Manager

As Members will be fully aware it is my role as professional officer to provide advice and offer a recommendation of whether to support or resist a scheme, and the reasons for this must be based (S38 of the Planning and Compulsory Purchase Act 2004) on the Development Plan and any other material considerations. This application presents a relatively unusual set of circumstances for a local authority planner when it comes to advising elected Members. This Committee, in acting as the Local Planning Authority has been very clear in granting planning permission for the previously submitted scheme. This decision has not been successfully challenged. Thus, as a matter of fact, the last grant of planning permission currently represents the published and unreversed view that this Council has given. Balanced against this, is the fact that officer professional judgement has not changed. The previous assessment of the scheme (which could not have had regard to the Council's view) remains a matter of fact as set out in the original officer report for 19/00746/FULM.

As a Local Authority planner I am now charged with offering a recommendation which balances the previous professional officer view against the very clear and unchallenged approval of the Council as Local Planning Authority, which is a new and significant material planning consideration.

As a matter of fact the professional officer view has not changed. However the resolution of Members to approve the scheme is now a significant and new material consideration to weigh in the overall planning balance.

Officer comments on the appraisal of the previous application are set out in full within the Committee Report that can be accessed using the link within the Background Papers list at the end of this report and sets out the reasons why the previous application was recommended for refusal.

The comments in italics below therefore repeat the text of the previous report and sets out any change to material considerations since that determination that need to be weighed in the overall planning balance for the determination of this latest re-submission written in bold text.

The Principle of Development

The Council has a 5 year housing land supply and for the purposes of decision making the Development Plan is considered to be up-to-date.

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

Following public consultation and independent examination, at its council meeting on 16 May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of this appraisal.

Spatial Policy 1 of the Core Strategy sets out the Settlement Hierarchy for new development within the District of Newark and Sherwood and identifies settlements that are central to new growth and development. Outside of these settlements, SP1 states that within the rest of the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 Rural Areas.

SP3 states that local housing need will be addressed by focusing housing in sustainable, accessible villages. It goes on, "Development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as Agriculture and Forestry."

Given the remoteness of the site it would fail the locational criteria of Spatial Policy 3 in that it is not 'in' a village or settlement and therefore constitutes development in the open countryside. In this regard SP3 directs to the policies set out in Allocations & Development Management DPD, most notably Policy DM8.

Policy DM8 which relates to Development in the Open Countryside states "Planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to the defining characteristics of the local area."

The NPPF also provides an exception criterion to be considered for development in the countryside. Paragraph 79 states:

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

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The NPPF also sets out a core planning principle that in decision-taking, Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value. However, the glossary defines previously developed land as excluding agricultural buildings. 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.

*The main issue is to establish whether or not the proposed development is of truly outstanding or innovative design, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas **and** also significantly enhances its immediate setting and be sensitive to the defining characteristics of the local area (emphasis added). This forms the basis of the following assessment. It will be then necessary to assess all other material planning considerations to ascertain if there are any factors of the proposal which would balance the proposed development against the policies set out in the Development Plan and the NPPF.*

Is the design truly outstanding or innovative and represent the highest standard in architecture?

In the absence of an independent design review the proposed development has been considered on the basis of the submitted plans and the applicant's Design and Access Statement.

The proposed development would result in the demolition of the cluster of agricultural buildings with a replacement of a residential development that comprises a mixture of modern and traditional buildings to form a nucleus around the retained converted threshing barn. The modern buildings would combine the use of standing seams roofs, zinc cladding and timber cladding in a scale which is not too dissimilar with the existing buildings that are present on the site. The buildings through the arrangement of over sailing roofs, emphasized fascia and soffits, recessed fenestration and material combination do have a good standard of architectural design but do not possess the highest standard of architecture to constitute the scheme being truly outstanding. The applicant's case is silent in articulating how the modern buildings are truly outstanding or innovative. There is also no persuasive evidence to say how their construction is innovative and although suggesting the dwellings will be highly insulated and utilise renewable materials/technologises does not set out the precise methodology.

By contrast Plots 4 and 5 are of a more traditional ilk and whilst occupying large footprints set within generous curtilages they are constructed with conventional materials that could be argued are similar with the vernacular of the surrounding area. Although they represent a good design, it is difficult to consider how the two houses would be truly outstanding or indeed innovative.

The massing and position of the proposed buildings and the way the existing structures have been removed from the threshing barn do improve the setting to the non-designated heritage asset and open up views of the building. There are clear benefits with placing a renewed emphasis on the threshing barn and the way the scheme has been designed to enhance its setting. However, by

their own admission the applicant acknowledges that there have been examples of stone built barns conversion in the area which would conflict with their view that this scheme is particularly innovative.

The applicant's D&A Statement acknowledges the emphasis of DM8 and the NPPF and attempts to set out a case in which to demonstrate how the scheme is outstanding and innovative (rather than the either or option set out in Paragraph 79). Whilst the applicant has instructed architectural practices to develop the scheme and engaged with the Local Planning Authority there are no reasons how the scheme can be considered as truly outstanding or innovative to satisfy DM8 and Paragraph 79 of the NPPF.

Would the design significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area?

Notwithstanding the above the NPPF also requires designs to significantly enhance their immediate setting. The surrounding area is prominently rural and has been appraised by the Newark and Sherwood Landscape Character Assessment. The site falls in Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands'.

The Landscape Character Area (LCA) identifies the area to be gently undulating with rounded topography that allows for medium distance views frequented by wooded skylines. There is a mixture of arable fields with defined headlines leading to being considered as having a high landscape sensitivity and visibility value. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.

The incorporation of brickwork, pan tiles, stone walls and timber cladding would be sympathetic and sensitive to the surroundings. Furthermore plots 4 and 5 are a traditional build which would have traits of the vernacular in the area. There are elements to the scheme, particularly on plots 1 – 3 which add visual interest to the local area, nevertheless this would run contrary to the conserve action recommended by the LCA.

It is noted all the existing buildings would be demolished, however, it is considered the applicant has failed to articulate how the proposed development would significantly enhance the immediate setting. As discussed above there would be an enhancement to the setting of the threshing barn but there remain significant doubts on the significance of the enhancement of the remainder of the site and on the immediate setting and whether or not the full amount of development required by this development is required to enable this enhancement to occur. Indeed, it is considered that the removal of the existing agricultural buildings which are typical to an open countryside location and setting and replacement with 5 new build dwellings, would represent a more incongruous and alien form of development in this location by its very nature (further discussed in the section below).

Whilst the proposed development is similar in height and massing to the existing agricultural buildings which are present on the site, this factor can be given very little weight. Other than the threshing barn, none of the other agricultural buildings proposed for demolition are of any heritage value or considered worthy of retention. As the buildings are not located on previously development land, it follows that their replacement is not considered essential and their replacement with new buildings cannot therefore be considered to enhance the immediate setting

is this respect. The development would radically change the character of the site to one of a more suburban nature and would be harmful to the rural character of the surrounding countryside.

In respect of the landscaping, the applicant advocates that the scheme would not be overly domestic but would preserve the rural feel of the site. Indicative planting has been shown on the plans and exemplified on the visuals within the site, relying on the imposition of planning condition to show the precise details. The scheme is also absent in how the development would integrate with the pond outside of the application, other than indicatively showing a jetty and post and rail fence.

Therefore given the high requirement advocated by DM8 and the NPPF and weight to the LCA the application does not demonstrate how significantly the proposed development would enhance the immediate setting. Furthermore, the development would also represent an alien and incongruous suburban development in this open countryside setting which would be harmful to the visual amenity of the surrounding rural area.

Discussion of the strength of a fallback position

Turning back to the principle policy (DM8) and Paragraph 79 in the NPPF it should be acknowledged that the site is located in the open countryside and as such there is an incredibly high bar of exceptional quality and innovative design to be satisfied to allow planning permission to be granted for residential development.

There are elements of the proposed development which are clearly beneficial and weigh in favour of the scheme and have been set out above. However, they are not at an exceptional level. It is considered the proposed development is not truly outstanding or innovative and does not significantly enhance the immediate setting or is wholly sensitive to the characteristics in the local area.

However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that development plan policies are material, planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. This requirement is reiterated in Paragraph 11 of the National Planning Policy Framework (NPPF).

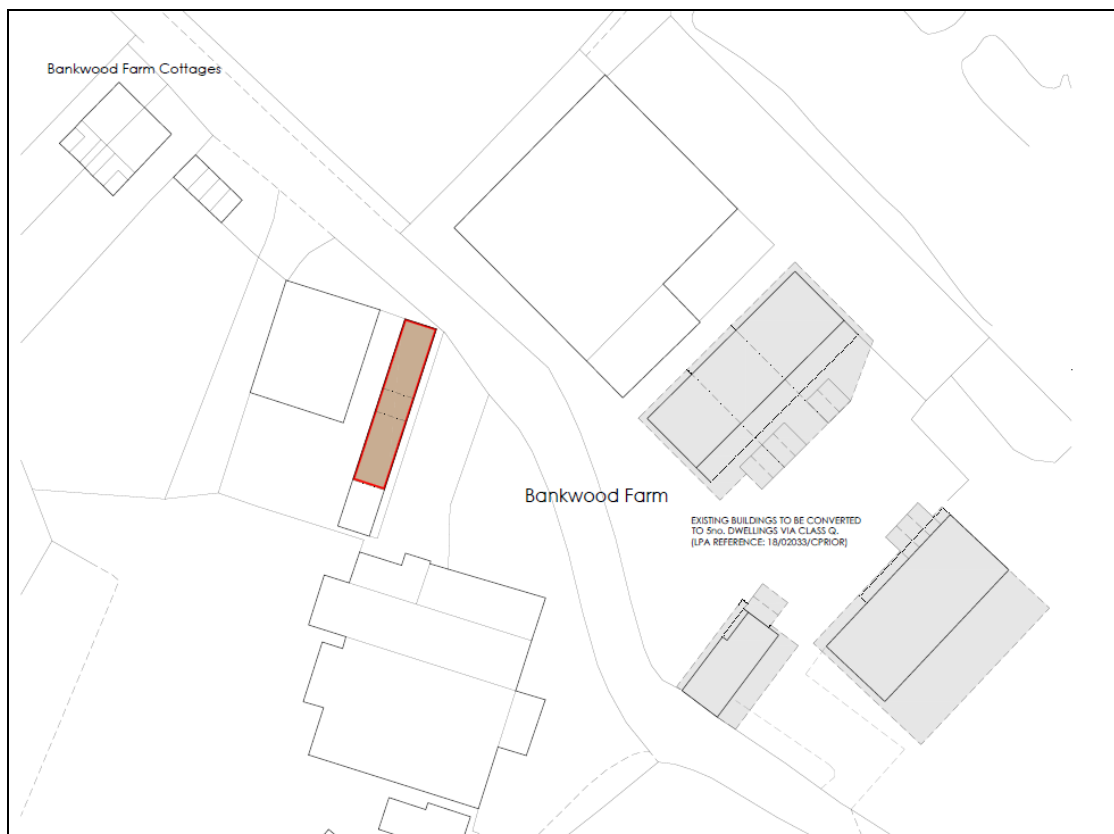
*A material consideration is a judgement made in a judicial review where in *Mansell v Tonbridge And Malling Borough Council -2017 EWCA Civ 1314*, the court dismissed the appeal and thereby did not quash the Council's grant of planning permission, however three issues arose in this appeal. The first two concerned the interpretation of Class Q GPDO rights and the materiality of the fallback position. The Court also considered whether the council incorrectly applied the tilted balance towards sustainable development in paragraph 14 (now 11) of the National Planning Policy Framework, given the Development Plan was up to date.*

Notwithstanding the interpretation of General Permitted Development Order (GPDO) rights the second challenge concerned whether there was a 'real prospect' of development under the Class Q GPDO rights on the lack of contemporaneous evidence that the landowner had contemplated such development.

It was held that in determining the materiality of a fallback position the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice.

In other words whether there is a possibility of an alternative development to the proposed development that can be carried out on the application site should planning permission be refused.

Turning back to the planning history there are two decisions under the prior approval route which set out a possible alternative development and could be implemented as permitted development should planning permission be refused. Firstly one of the existing building benefits from conversion to an office (19/00541/CPRIOR) and the second conversion of three of the agricultural buildings to form five dwellings (18/02033/CPRIOR). Figure 1 shows the office conversion in outlined in red with the residential conversion in light grey. The existing buildings would remain in situ including the extensions to the threshing barn (outline can be seen below the office conversion).



For clarification the alternative scheme would comprise:

- *Five dwellings which range between 100 square metres and 330 square metres where the buildings would be refaced with vertical timber cladding on a brick base covered with corrugated roof panels. A curtilage would be closely formed around the buildings with parking located to the front/ rear and side of the buildings.*
- *The office building, owing to the previous use as stables would retain the blockwork appearance with windows formed in the existing openings.*

The site currently comprises an accumulation of varying sized buildings that are synonymous with an isolated farmstead set into the open countryside. Given the undulating landform and the surrounding field pattern the existing farmstead is considered to be appropriate in its setting and a significant contributing factor to the prevailing character of the surrounding area. The fallback position would in this instance reinforce the prevailing character of the area by retaining the height, scale, massing and typical arrangement of agricultural buildings within the open countryside. The visual alterations to the existing buildings in their conversion and formation of modest curtilages would be still read against the backcloth and in the context of the existing farmstead.

In contrast the proposed development would result in the removal of all the buildings that contribute to the farmstead setting and the wider character of the surrounding area. Whilst this would expose the threshing barn, the proposed development would irreversibly alter the character from an agricultural setting to predominantly residential to the detriment of the wider area. The rationalisation of a new residential setting would be further reinforced by the large curtilage area associated with each dwelling, which inevitably, would introduce and encroach domestic paraphernalia into the open countryside significantly above what is currently present around the application site.

Whilst a fallback position exists, this is in a completely different scale and layout to this proposal. This fallback relies on retaining existing building whereas this proposal demolishes these building and erects new; arguably a wholly less sustainable form of development. As such, I do not consider direct comparisons can be drawn and I do not therefore consider there to be a real prospect of a fall back scheme similar to that currently proposed being brought forward. It is therefore considered that the potential for an alternative fall back scheme does not outweigh the harm of inappropriate residential development in the open countryside in this instance.

In determining the 2019 application, Members may have afforded some weight to the fallback position of the 5 dwellings approved through the Class Q Prior Notification process. The Minutes of the meeting provide:

“...

In considering the report Members commented that the current site was a derelict eyesore and that the proposed design was both unique and contemporary, commenting that it was in keeping with the area.

In noting the existing planning permission for 5 smaller units, Members queried whether further development would come forward should the application being considered be refused. Officers confirmed that a submission for prior approval would be required and that strict tests would need to be satisfied.

The Chairman commented that he was also in favour of the proposed design but noted that there were similar situations across the district where farm buildings had fallen into disrepair and whether the approval of this application may set a precedent for the future. Members, however, commented that they believed the design to be sufficiently unique to resist future applications.

Whilst Officers advised that they did not consider the proposal to meet the innovative tests set out in NPPF and DM8, Members took an alternative view in this instance. In addition, they disagreed that the proposal would result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed rather than through potential conversions. Members therefore considered the principle of development to be acceptable and development would therefore meet the 3 tests for an EPS in relation to bats.”

Legislation sets out that the applicant has until February 2022 to fully complete the conversion process of existing buildings (under the CPRIOR) and there may be some doubt now cast on whether there is a realistic possibility of delivering these works within this timeframe. This therefore may reduce the weight that can be afforded to this fallback position in the consideration of this re-submitted application which weighs more moderately against the proposal than previously.

However, as referenced within the minutes, the Council as Local Planning Authority, considered that the current site is a derelict eyesore and that the proposed design is contemporary and sufficiently unique to meet the innovative tests sets out in the NPPF and DM8 and that the proposal would not result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed. This represents a significant positive weight in favour of the proposal that was not able to be accounted for in the balancing exercise of the previous application.

Effect on non-designated heritage asset

In relation to the works and formation of the dwelling in the threshing stone barn the conversion of existing buildings is also covered by Policy DM8 and states 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...”

The threshing barn is considered to be a non-designated heritage asset and a structural report submitted by the applicant sets out the building can be converted without significant re-building. A Heritage Statement has also been submitted and duly assesses the archaeological, architectural, artistic or historic interest of the building and the implications of the proposed development.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 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 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

It is considered the proposed conversion of the threshing barn will be an improvement to its appearance and given the removal of the existing structures flanking the original building will better reveal its significance. Given the proximity to the proposed buildings it is considered they would preserve the setting and although they are modern design they would not be harmful to the threshing barn.

The resulting conversion is relatively modest in nature with sympathetic interventions into the building. As such this aspect is acceptable and favourable weight should be applied in respect of the effect on the historic nature of the building.

The same level of favourable weight can be afforded to this aspect of this re-submitted application.

Highway Impact

In respect of the location and sustainability Spatial Policy 7 seeks to encourage and support development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should seek to minimise the need for travel.

It is quite clear the site is in a remote location with a considerable distance to any local service or transport connections. Prior approval has been granted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as Amended) for the conversion of six agricultural buildings to form an office and five dwellings. Although the proposed scheme results in six substantial dwellings the amount of traffic would not be too dissimilar to what could occur should the prior approval consents be implemented, in addition to the resultant traffic from the retained buildings.

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

The prior approval application sought to address the highway concerns by installing two passing bays and signage along the access road on land within the applicant's control between Hollybeck Nurseries and the existing farm complex. It has been confirmed these works were completed before issue of the 2018 prior approval.

In terms of the movement within the proposed development there is sufficient space for off road parking of vehicles within each of the respective curtilages. It is considered there is sufficient visibility for vehicles to manoeuvre on and off the central access road without having a harmful effect to other users of the bridleway, such as walkers, cyclists and horse riders.

As such, taking into account the representations and the comments from the Highway Authority it is considered development would not harm the level of highway safety to recommend refusal of the application.

No objections were received from NCC Highway Authority and no comments received at all from NCC Rights of Way in response to the previous application.

This re-submitted application has attracted objections from both these consultees. The Highway Authority were asked to clarify what had changed since the consideration of the last application which had resulted in the change of opinion on highway safety matters, which are set out in the Consultation section above and clearly the adoption of the Highway Design Guide earlier this year represents a material consideration.

The applicant has been approached and given the opportunity to carry out a Quality Audit, but state there would be no point since there are no works proposed and in any event, the passing bays and increased signage are already in situ, having been carried out at the request of the Highway Authority at the time of the Class Q CPrior application for 5 dwellings in 2018 in accordance with their specification. The Rights of Way team designed the signs and supplied the columns on which they are displayed.

It is clear therefore that highway safety requirements already stipulated by the Highway Authority as representing necessary and acceptable mitigation works to allow the introduction of 5 new dwellings at this site using the existing access road has already been implemented along the access road. The FUL planning application submitted in 2019 added one additional dwelling to the site (from 5 to 6) and the Highway Authority raised no objection on highway safety grounds and that permission remains extant.

This application is identical in highway terms to the extant permission (the only difference being who will build the development and the size of a rear garden). Whilst there is full acknowledgement that there is now a new Highway Design Guide in place which is material, it is more than likely that any Quality Audit would identify the passing bays and signage that the applicant has already implemented to mitigate previous highway safety concerns for a quantum of 5 dwellings at the site. It is therefore considered that there appears to be some doubling up of mitigation requirements from Highway Authority (which could only reasonably apply to the 1 additional dwelling), but to a quantum which they have previously not objected to.

Going against the recommended advice of the Highway Authority is not a view that is taken lightly. However in this particular case, not only is there an extant permission for an almost identical scheme, the Highway Authority has indicated there is unlikely to be any works that could be implemented in addition in any case. Whilst the Highway Guidance is noted, it is only guidance, therefore not an absolute policy requirement and all other aspects of this development in terms of impacts upon the highway and right of way remain the same as they were when previously considered. It therefore appears somewhat unjust in this instance to attach weight to this document for concerns that would appear should have been known previously.

Having given all material considerations appropriate weight, it is considered that the objections currently raised by the Highway Authority and Rights of Way are, on balance, outweighed in this particular case. Although this is caveated and this is set out further in the concluding planning balance section below.

One third party comment received referred to application 20/00696/CPRIOR, which relates to agricultural buildings that are located close by and would use the same access road, at Thurgarton Quarters to the north-west of this application site, which was approved 08.06.2020. Following an initial objection from NCC's Highway Authority and Rights of Way Officer, the objections were overcome as this application was subject to, amongst others, conditions:-

"No part of the development hereby permitted shall be occupied until a Give Way signage scheme to alert drivers to the presence of walkers, rider and cyclists using the Public Bridleway is submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be installed prior to the occupation of any of the residential units hereby permitted in accordance with the approved details and retained for the lifetime of the development

No part of the development hereby permitted shall be occupied until details of an ongoing maintenance and repairs strategy for the surface of the Public Bridleway from points A to B as shown on plan ref. Thurgarton Bridleway 20200605 (deposited 05.06.2020) has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development...."

The requirements of the first condition have already been met by the applicant in relation to 5 new dwellings on this site, however the second condition, whilst it could have formed a condition on the 2019 permission, was not imposed as it was not seen as necessary at that time by either the Highway Authority or the Rights of Way officer. As such it would be unreasonable to impose such a condition on this re-submission.

Third parties also refer to application 20/02462/AGR. This prior approval notification application was for the erection of an agricultural building for the drying, conditioning and temporary storage of grain to the south-east of this application site which was permitted on 04.01.2021. Third party comments refer to the previously approved application taking into account the reduction in agricultural vehicles as a result of the change to residential use being a material planning consideration in its determination. However, the report to Planning Committee does not give weight to this particular aspect. Instead it does give weight to the fact that the same number of residential units had already been established through the Prior Notification process and as such this level of development and its associated resulting traffic impacts were already extant at the site. As such, I give little weight to this third party suggestion that the consideration of the previously approved application is somehow undermined by agricultural development in the area. The previous application was considered in the light of no objection being raised then by either NCC Highway Authority or NCC Rights of Way to the previous application. Significant weight must now be afforded to the current extant planning permission that current exists on this site for this same development.

Although only a finite benefit, a single developer would likely take less time and create less traffic than a series of individual self builders.

Impact on amenity

CP9 sets out an expectation that development is of a high standard and that contributes to a compatible mix of uses. Policy DM5 requires that all proposals be assessed to ensure that the amenity is not adversely affected by surrounding land uses and where this cannot be mitigated should be resisted. The NPPF seeks to ensure a high standard of amenity for all existing and future occupants of land and buildings.

Existing neighbouring properties

It is noted that Bankwood House is adjacent to the application site and shares the southern boundary. It is considered the proposed development would not have a significant effect on the level of amenity currently enjoyed. The removal of the southern section of the barn structure would remove the massing immediately on the shared boundary which would be beneficial. Although the removal of the structure would expose the existing barn given the new openings in the southern elevation are at ground floor and within the roof plane a loss of privacy afforded to Bankwood house would be minimised. Together with the intervening degree of separation between the two buildings, any overlooking would be within an acceptable tolerance.

There is a detached garage proposed on the southern boundary, however, this structure has been positioned adjacent to Bankwood House's detached garage. As such an impact has been mitigated by the presence of the neighbouring existing garage on Bankwood House.

Turning to Bankwood Farm Cottages plot 5 has been orientated to offset a direct view of the neighbouring property. Although the windows would have a view of the neighbouring garden there is an adequate separation to avoid a significant loss of privacy. There are no windows proposed in the gable end of the house or the attached garage which would result in a loss of privacy to the neighbouring property. Taking the relationship of the two properties into account it is considered there would not be a significant loss of daylight or sunlight to the neighbouring property.

Future occupiers

The proposed dwellings have been designed and orientated to maintain a good standard of privacy and light into windows. Where side windows are proposed, these are mainly at ground floor and either face onto a blank elevation of a neighbouring property, or where windows are present they lead to non-habitable rooms.

It is noted a first floor balcony (plot one) would face towards plot two. However, there are no windows in the side of plot two which would be affected and it is considered there would not be a loss of privacy to the garden space for plot two given the offset obstructed view.

Keeping with plot two the front elevation would face the side boundary of plot three. Although the first floor front facing opening would not result in a significant loss of privacy there is a balcony which would introduce an untoward vantage point which laterally would overlook the privacy amenity space for plot three. However, this has been treated with louvre cladding to the first floor which prevents an outlook directly over plot three.

The only difference in this regard to the previous application is the reduction in the red line of the application site slightly along the southern boundary. This would effectively reduce the rear/side garden area that would serve the converted barn by approx. 500 sq m reducing from approx. 1950 sq m to 1450 sq m. It is considered that the remaining area is a sufficiently sized rear garden to serve that proposed dwelling and this amendment is acceptable in planning terms.

This material consideration remains largely unchanged therefore in this re-submitted application and therefore remains neutral in the overall planning balance.

Impact on Ecology

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.

I am mindful that the NPPF states at paragraph 175 that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Equally I am aware that paragraph 99 of Government Circular 06/2005 states that:

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

An ecological survey has been submitted to support the application. The report identifies the following:

- Buildings 1,3, 4, 6, 8, 9 and 10 were all assessed as having negligible roosting potential for bats. However, Buildings 2, 5, and 7 were identified as having features that offered potential to support roosting. Further surveys were recommended for these buildings. These surveys conclude that Building 5 has low potential for roosting bats although Buildings 2 and 7 (the threshing barn) were found to contain roost and potentially a small maternal site for the common pipistrelle. An impact EPS licence would be required before any development takes place;*
- A single barn owl was observed entering Building 8, however, the daytime assessment revealed no evidence of barn owl using the site such as urine splashing’s, pellets or nesting. It is therefore considered that the barn owl recorded was opportunely using the site as a day perch and that it is not currently nesting on site.*

Local Planning Authorities are required to consider the likelihood of a license (required if bats are found) being granted when determining a planning application and would need to have in mind the three tests set out in Regulation 55 of the Habitats Regulations if required, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and*
- ii. There must be “no satisfactory alternative”; and*
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*

In so far as the first test is concerned, the public interest generated by the proposal can be of a social, environmental or economic interest. Although I have found in favour of the proposal in relation to better reveal the heritage significance of the threshing barn (Building 7) the same justification is not relevant to Building 2. Having regard to development plan policies, the development overall would not meet any of the exceptions for new build dwellings within the open countryside and the proposal would result in an adverse impact on the rural setting of the surrounding countryside.

In relation to the second test, I am not aware if the applicants have considered the retention of Building 2 as part of the development and I am not aware whether or not the building has been marketed for alternative uses that does not involve its demolition. As such, I cannot be satisfied that alternative solutions that would result in the protection of the existing bat habitat could not be achieved. The proposed development would thus fail the second test.

With regards to the third test, the appellants have submitted a Protected Species Report which includes a number of mitigation and compensation recommendations. This includes

- *Before works commence on site, all site workers will be inducted by the licensed ecologist on site;*
- *An ecologist will check Buildings 2 and 7 before construction works commence and supervise all critical works such as roof removal etc. Where a bat is found during these works, they will be carefully removed and placed in a translocation roost box;*
- *Prior to any work commencing on site and during the initial construction phase, a temporary roost translocation site containing three Schwegler 2FN bat boxes will be erected on suitable nearby buildings.*

I would therefore conclude in relation to the third test that the proposed development could be implemented in such a way as to ensure no harm would occur to the protected species.

Overall, the proposal fails to meet the derogation tests and I conclude that the proposal would have an adverse effect on ecology and that it would conflict with Core Policy 12, DM5 and DM7, which aim to safeguard protected species. These policies are consistent with paragraph 175 of the Framework and carries significant weight.

An updated bat survey has been submitted with this re-submission which details 3 dusk emergence nocturnal surveys that were carried out on the site in June and July 2020 to assess the presence of roosting bats in Buildings 2, 7 and 8. Common pipistrelle was the most frequently recorded species with the occasional myotis pass. The site confirmed summer/small maternity roosts in Buildings 2 and 7 with bats recorded emerging/re-entering these buildings on all 2016 and 2020 surveys. Foraging was also observed regularly throughout the site. There were no material differences in the manner in which bats were utilising the site between the 2016 and 2020 surveys. As such the mitigation proposals presented in 2016 reports therefore remain appropriate and proportionate. The site will still require a derogation Licence from Natural England to proceed with the works.

There is one other matter that has come to light in relation to the previously approved 2019 application. As Members will be aware, the description of this application referred to “5no. self-build plots.” In seeking to obtain the necessary derogation licence to proceed with the works, it became apparent that legally only one person can apply for such a licence on a site. Clarification was sought on this from Counsel who confirmed this to be the case. This is materially significant because this means that the currently extant 2019 FUL planning permission cannot legally be implemented and as such cannot be considered as a realistic fallback position, based on a legal matter. Again, this aspect is considered again in the overall planning balance set out below.

Officers consider that the proposal still falls short of the first two tests set out above and thus should not benefit from planning permission. However, notwithstanding this and the legal restrictions referred to above, the Council as Local planning Authority, has resolved to grant planning permission, which swings this material consideration from one that weighs against the proposal, to one that weighs in favour of it. It is important to highlight that whilst there was no challenge to the previous decision, due to two of the tests not being met this is a risk if permission is granted.

Flood Risk

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water. The site is located within Flood Zone 1 according to the Environment

Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. However, as has already been mentioned, any scheme should carefully consider the disposal of surface water within any submission. Depending on the size of the development site, a Flood Risk Assessment may be a validation requirement in any event.

The applicant has submitted a report which identifies that there are no other residual risk that will directly affect the site and therefore residential development is suitable for this location. The development would see a reduction in the impermeable area and weighs in favour of the proposal in respect of flood risk. Whilst a SUDS drainage system is suggested given the anticipated underlying ground conditions this may not be the most sustainable course of drainage.

In this instance, given the low level of flood risk the imposition of a planning condition would provide the applicant to explore the drainage options and establish the most appropriate way of managing surface water runoff. It is therefore considered this approach would address Core Policies 9 and 10.

There is no material change to this planning consideration and therefore flood risk remains neutral in the overall planning balance.

Ground conditions

This application includes the construction of a new residential dwelling on a former farmyard. 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. In the absence of a desktop study/preliminary risk assessment it is considered expedient in requiring an assessment by planning condition.

There is no material change to this planning consideration and therefore contamination remains neutral in the overall planning balance.

Housing Need

Of particular note, the application does not promote the provision of market housing to suit the specific needs identified in a current Housing Needs Survey (or other subsequent evidence) in accordance with the aims of Policies 1 and 2 of the Neighbourhood Plan. Even if there was a housing need for such dwellings, this would not be the right location for them given the isolated location. The 2015 Housing Needs Survey for Thurgarton identified a market preference for one x 4 bed house, a demand that has since been met by the granting of other schemes 'within' the village.

There is no material change to this planning consideration and therefore housing need remains neutral in the overall planning balance.

Planning Balance and Conclusion

The Local Planning Authority can robustly demonstrate a 5 year supply of housing, and therefore the Development Plan is up to date for the purposes of decision making in terms of the supply of housing.

The application proposes new housing development in the open countryside. The Development Plan and the NPPF seeks to control and avoid new isolated homes in the countryside, unless there are special circumstances. Having assessed the scheme against the Development Plan I have concluded that the scheme does not meet any of the exceptions listed within Policy DM8 as to why development away from the built settlement should be permitted. This is equally the case when assessed against the NPPF, a material consideration, albeit the Development Plan should in any event be the primary decision making tool.

The applicant has purported a case advocating, amongst other factors, that the proposed development is both exceptional and innovative to exceed the expectation set out in DM8 and Paragraph 79 of the NPPF. The key element the applicant appears to rely on is the 'fallback' position of converting the 5 modern barns to dwellings. However it is my view that this should be given little weight given this relies on converting barns whereas this scheme seeks to demolish the buildings; arguably a far less sustainable form of development and in any event the new build dwellings are visually more intrusive in this countryside location.

As set out in this report, the bar of expectation is set extremely high and although there are factors in favour of the development they do not outweigh the conflict with the aforementioned Development Plan Policy DM8 and the NPPF. A comprehensive case has been submitted by the applicant; however, this does not tip the balance in favour of the proposed development. The applicant has failed to advance a true enabling argument or a convincing argument as to why 5 new build dwellings are required and why these are all 'innovative' or 'exceptional' as is required by policy. No case has been advanced that the retention of the non-designated asset/historic barn relies on the new build dwellings in order to be retained.

As a consequence of the scheme not being acceptable in principle, the proposal fails to meet the three tests set out in Regulation 55 of the Habitats Regulations and I conclude that the proposal would have an adverse effect on ecology.

Whilst there are some benefits of the scheme, the harm identified clearly outweighs this and as such it is recommended that planning permission is refused.

As detailed above, it is my role as an officer to offer a recommendation one way or the other. My professional view on the very similar scheme was fully set out as part of the Committee report for 19/00746/FULM. Although marginally different from the previously submitted scheme, my professional opinion is that the scheme remains unacceptable, which is a matter of fact. That said, as officers, statute requires that regard be given to any new material planning considerations. In this case I must now balance this view against the decision made by this Council to approve the application in August 2019 and take into account any other material planning considerations and consequent changes to the overall planning balance, as outlined in this report.

To summarise, the principle policy objection to 5 new dwellings in the open countryside as advanced by officers on the previous application must now be largely tempered by the weight given by the Council to the view that the proposed development represents a unique, innovative design that would improve the visual amenity of the area. In addition, the harm previously identified by officers on biodiversity which previously weighed against, again has to be considered in the light of the Council's decision to grant planning permission which now effectively provides some counter balance for the scheme, noting this does create a risk of judicial challenge. Heritage benefits of converting a traditional stone barn weigh in favour of the scheme, as previously. Matters of residential amenity, flood risk, contamination and housing need remain neutral considerations as previously.

However, other matters that have come to light since the previous approval relate to the recent adoption of the Nottinghamshire Highway Design Guide and the planning history on the site in terms of the highway safety mitigation works that have already been provided, the planning history on the site in terms of realistic fallback positions and notwithstanding the grant of planning permission, the fact that the 2019 permission cannot be legally implemented; all of which will be afforded different weighting in this difficult balancing exercise.

As already indicated in the highway safety section above, whilst the new highway design guide is fully acknowledged as a material consideration, the mitigation requirements likely to be suggested as a result of a Quality Audit have already been implemented on the site and there is a sense of unreasonable doubling up of requirements that have already been considered as acceptable for 5 new dwellings in the past on this site. Due to these site specific aspects, it is therefore considered unreasonable to give full weight to the objections raised by NCC on highway safety in this particular case.

Application 18/02033/CPRIOR for prior approval for a proposed change of use of 3 agricultural buildings to 5 dwellinghouses (Class C3) was approved on 28 February 2019, and is subject to a condition that requires the development to be completed within 3 years – this is by 28 February 2022. Whilst some doubt has been raised in this report as to whether this timescale can be realistically met, it may be possible and as such would be an approval that the applicant can fall back on and implement in any event. However, weight must also be afforded to the views of both the host Parish Council and the Members of the Planning Committee that overwhelmingly concurred that the new-build scheme currently being presented was a considerable improvement in terms of design and appearance over the 2018 conversion scheme.

The resolution of the Council on the previous almost identical scheme considered in 2019 is a material planning consideration the principle of which weighs heavily in favour of this current application, however, regrettably it does not represent a realistic fallback position, as on a legal technicality covered by other legislation to do with the licence requirements for protected species, it cannot actually be implemented. Whilst there is some sympathy for the applicant in relation to this matter, the reality is that this significantly reduces the weight that can be afforded to this consent. If this were not the case, and this application could be built out, then the applicant would have until August 2022 to commence development on the site.

Having set out all the material planning considerations and given reasonable and justifiable weight to each one, including the only significant difference being how many people build the development out, it is concluded that the positive considerations marginally outweigh the negative considerations to enable a recommendation of approval to be offered (subject to the ‘health warning’ regarding protected species, however, this is on the basis that the development must be commenced within the same timescale as that set out within the existing permission, i.e. by August 2022.

RECOMMENDATION

That full planning permission is approved subject to the following conditions and reasons

01

The development hereby permitted shall not begin later than 21 August 2022.

Reason: To reflect the extant planning permission given the circumstances of the planning history on the site.

02

The development hereby granted permission shall be fully implemented in accordance with the following approved plans and specification:

- o Location Plan - Drg No. 17/238-100
- o Location and Block Plans - Drg No. 197-D-00 Rev A
- o Proposed Site Plan - Drg No. 197-D-04 Rev B
- o Proposed Floorplans - Plot 1 -Drg No. 197-D-05
- o Proposed Elevations - Plot 1 -Drg No. 197-D-06
- o Proposed Floorplans - Plot 2 -Drg No. 197-D-07
- o Proposed Elevations - Plot 2 -Drg No. 197-D-08
- o Proposed Floorplans - Plot 3 -Drg No. 197-D-09
- o Proposed Elevations - Plot 3 -Drg No. 197-D-10
- o Existing Barn - Proposed Plans and Elevations -Drg No. 17/238-102
- o Existing Barn - Garage Plan and Elevations -Drg No. 17/238-103
- o Plot 4 Proposed Plans and Elevations -Drg No. 17/238-104 Rev A
- o Plot 4 Garage Plan and Elevations -Drg No. 17/238-106
- o Plot 5 Proposed Plans and Elevations -Drg No. 17/238-105
- o Plot 5 Garage Plan and Elevations -Drg No. 17/238-107
- o Proposed Site Elevation -Drg No. 197-D-11 Rev B
- o Proposed Site Section -Drg No. 197-D-12 Rev B

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

03

Prior to first occupation of any of the dwellings hereby approved, full demolition of all redundant farm buildings including those attached to the retained stone threshing barn shall take place and all debris from those buildings shall be removed from site.

Reason: In granting permission the Council attached great weight to the improvements to the site that would be made through the redevelopment and this condition is considered necessary to ensure that the demolition takes place in a timely manner and that the benefits are realised before the site is inhabited.

04

No above ground works shall take place until a phasing plan for the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the duly approved phasing plan.

Reason: To ensure that the development of the site takes place in an appropriate order and within an acceptable timescale to serve each phase as no such details were submitted as part of the application.

05

No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall 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; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report before any of the buildings hereby approved are first occupied.

Reason - To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors.

06

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

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

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

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

07

If demolition and or development (whichever is sooner) has not commenced within 3 months of the date of this permission then no demolition and or development shall take place until a further survey has been undertaken to establish whether features/habitats on the site are utilised by any protected species and the results have been submitted to and approved in writing by the Local Planning Authority.

Any further surveys shall take place during the optimum period for the protected species activity. If such a use is established, then no demolition and or development shall take place until a comprehensive method statement indicating how the protected species are to be safeguarded during the demolition and construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the buildings are demolished.

Reason - To ensure that appropriate measures are taken to establish whether habitats on the site which are suitable to support protected species are (or become) used by these species in cases where development is delayed, and to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species.

08

Development including demolition that takes place within three months of the date of this decision, shall comply fully with the section 6 (Mitigation and Compensation for bats) of the Protected Species Report by Ramm Sanderson dated October 2016 which accompanied this application.

Reason - In order to afford adequate protection for bats on site at an appropriate point in the development.

09

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

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

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

010

No development above damp proof course shall take place in each phase of development (pursuant to condition 4) until a schedule of all external materials (with samples to be provided upon request) to be used in the development has been submitted to and approved in writing by

the Local Planning Authority. Such details shall include the type, colour and texture of the materials. This schedule of materials shall also be accompanied by a statement that demonstrates how the proposed materials would assist in delivering the design objectives that each plot set out to achieve as embedded within the Design and Access Statement that accompanied the application. The development shall thereafter be implemented and retained in accordance with the approved materials.

Reason - To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the area in the interests of visual amenity and to ensure that the materials reflect those that were depicted within the submission.

011

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

- External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimney(s)

Reason: In the interests of visual amenity and given the rural location and given the design which, in part, emulates historic rural buildings.

012

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place within each phase a landscaping scheme for that phase shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs.

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

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

013

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within three months of development first taking place within each phase, a scheme for the construction of all hard surfaced areas of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the design, construction (including sub layers and surfacing materials) and drainage of all hard surfaced areas, and a timetable for their provision. The hard surfaced areas shall thereafter be delivered in accordance with the duly approved scheme and the timetable contained therein.

Reason - In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory standard of engineering works in the interests of visual amenity.

014

No works in connection to the existing threshing barn shall take place until full details and specifications of any repair work and for any windows and doors (including both new and replacement openings) for the threshing barn conversion has been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials (including sill and lintel treatments), finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the dwelling hereby approved is first occupied.

Reason - To ensure use of appropriate materials which are sympathetic to the character of the building and its surroundings in the interests of visual amenity.

015

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 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 F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Class G: Chimneys, flues etc on a dwellinghouse.

Class H: Microwave antenna on 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 to a highway.

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 C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

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.

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) and to ensure that proposals are sympathetic to the innovative original design and layout in this sensitive countryside location and threshing barn.

016

Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place within each phase details of the siting, height, design, materials and finish of all boundary treatments to the site shall be submitted to and approved in writing by the Local Planning Authority. The duly approved boundary treatments shall be constructed in full accordance with the approved details before any buildings within that phase hereby approved are first occupied (or to an alternative timetable to be agreed) and shall be retained as such thereafter.

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

017

The northwest first floor glazed opening on the front elevation of plot 2 shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent. This specification shall be complied with before the development is first occupied and thereafter be retained in perpetuity.

Reason - To safeguard plot 3 from lateral overlooking and subsequent loss of privacy to their immediate rear garden space from plot 2.

018

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with the design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained in perpetuity.

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

Note to Applicant

01

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

The proposed development has been assessed and it is the Council's view that there is inadequate proof that (all or part) of the existing building has been in a lawful use for a continuous period of 6 months within the past three years. As such CIL will be liable unless you can demonstrate otherwise. Based on the TPI at date of the planning permission (327) and TPI at the date of the charging schedule (327) the CIL payment based on 2770.5sq m equates to £277,050.00 for the entire development.

02

The application as submitted is acceptable. In granting permission the District Planning Authority is implicitly working positively and proactively with the applicant.

03

The applicant is advised that the works including the demolition will require a EPSL licence from Natural England given the presence of bat roosts

BACKGROUND PAPERS

Link to access the previous Committee Report for application 19/00746/FULM:

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/E22B510F0A8144486D6C3D13EEF6782A/pdf/19_00746_FULM-OFFICER_REPORT-1009189.pdf

Link to access the Decision Notice for application 19/00746/FULM:

https://publicaccess.newark-sherwooddc.gov.uk/online-applications/files/02EF49D7ED51CA49DF138DE7A076651C/pdf/19_00746_FULM-APPROVED-1009190.pdf

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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

Lisa Hughes

Business Manager – Planning Development