



Report to Planning Committee 08 December 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Ex. 5851

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

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

## 1.0 The Site

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



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

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



#### The Submission

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

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

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

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

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

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of five properties have been individually notified by letter.

Site visit undertaken on 15 September 2022.

## **5.0 Planning Policy Framework**

### **The Development Plan**

#### **Farnsfield Neighbourhood Plan (made Sept 2017)**

FNP7: The Quality of Development

FNP8: Landscape

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

- Spatial Policy 1 – Settlement Hierarchy
- Spatial Policy 2 – Spatial Distribution of Growth
- Spatial Policy 3 – Rural Areas
- Spatial Policy 7 – Sustainable Transport
- Core Policy 1 – Affordable Housing Provision
- Core Policy 3 – Housing mix, type and density
- Core Policy 9 – Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 13 – Landscape Character

#### **Allocations and Development Management DPD (adopted 2013)**

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

### **Other Material Considerations**

National Planning Policy Framework 2021

Planning Practice Guidance

National Design Guide 2021

Nottinghamshire Highway Design Guide 2021

Newark and Sherwood Landscape Character Assessment SPD (December 2013)

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

## **6.0 Consultations**

### **Farnsfield Parish – No comments received**

#### **NSDC, Environmental Services – Contaminated Land –**

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

#### **NCC Highways – We would not wish to raise objection**

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

**No comments from local residents/interested parties.**

## **7.0 Comments of the Business Manager – Planning Development**

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

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

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

### **Principle of Development**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Comparison with Class Q development*

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

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

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

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

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

#### Impact on Character

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



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

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

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

#### Impact on residential amenity

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

The nearest neighbouring dwellings are located to the west of the site and are well screened by existing trees. Consequently, it is considered the proposed development would have no adverse impact on neighbouring amenities due to existing and proposed separation distances and boundary treatments, in accordance with the relevant provisions of Policy DM5 of the Allocations & Development Management DPD.

#### Impact upon highway safety

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

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

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

### Trees and biodiversity

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

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

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

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

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

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

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

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

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

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

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

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

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

### Flood risk and drainage

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

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

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

### Land contamination

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

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

### Bin storage and collection

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

## **8.0 Implications**

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

## **9.0 Conclusion**

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

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

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

## **10.0 Reasons for Refusal**

01

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

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

02

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

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

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

### Informatives

01

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

02

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

03

Refused drawings:

21 2327 02 003 Existing Layout and Elevations

21 2327 02 101 Location Plan

21 2327 02 102 REV A Proposed Site Plan, Layouts and Elevations

21 2327 VIS 103 External View 1

21 2327 VIS 104 External View 2

21 2327 VIS 105 Internal View 1

21 2327 VIS 106 Internal View 2

21 2327 02 107 Existing and Proposed South Elevation

21 2327 02 108 Existing and Proposed North Elevation

### BACKGROUND PAPERS

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

Application case file.

Committee Plan - 22/01527/FUL

