



Report to Planning Committee 16 February 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Honor Whitfield, Planner, ext. 5827

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

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

1.0 The Site

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

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

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

2.0 Relevant Planning History

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

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

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

3.0 The Proposal

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

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

External alterations proposed include:

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

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



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

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

Information Assessed in this Appraisal:

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

4.0 Departure/Public Advertisement Procedure

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

Site Visit Date: 08.09.2022

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy (Adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

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

6.0 Consultations

Carlton on Trent Parish Council – No objections.

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

NCC Highways – No objection subject to condition.

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

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

7.0 Comments of the Business Manager – Planning Development

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

As the applications concern designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Housing Mix

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

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

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

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

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

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

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

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

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

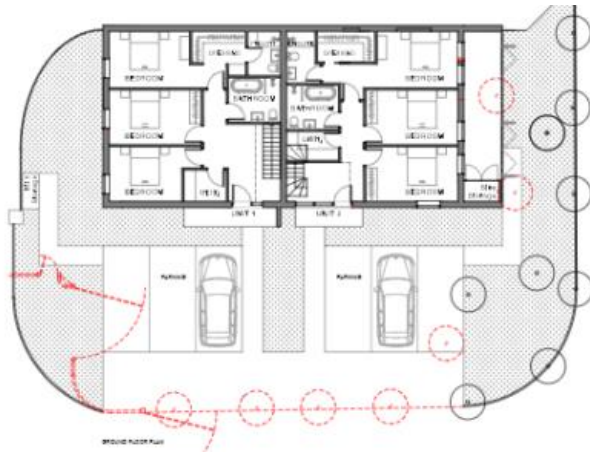
The visualisations below show the amended design which has seen the removal of a number of the proposed openings and a more vertical emphasis where additional glazing is proposed. The visuals also indicate what the building would look like with the timber hit and miss shutters both open and closed –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

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



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

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



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

Impact on Residential Amenity

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

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

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

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

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

Impact on Highway Safety

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

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

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

Ground Contamination

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

CIL

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

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

8.0 Implications

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

9.0 Planning Balance and Conclusion

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

10.0 Conditions

01

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

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

02

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

- Site Location Plan – Ref. (19)001

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

Reason: So as to define this permission.

03

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

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

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

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

04

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

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

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

05

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

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

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

06

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

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

07

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

Reason: In the interests of highway safety.

08

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

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

09

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

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

10

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

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

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

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

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

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

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

Class G: Chimneys, flues etc on a dwellinghouse.

Or Schedule 2, Part 2:

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

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

Informatives

01

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

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

02

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

BACKGROUND PAPERS

Application case file.