



Report to Planning Committee 10 August 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Ex. 5851

Report Summary			
Application Number	23/00715/FUL		
Proposal	Change of use to an open use comprising holiday let (Sui Generis) or independent dwelling (C3) and external alterations. Subdivision of land associated with The Cottage, 45 Gainsborough Road, Winthorpe including retention of railings, gates and gate posts at a reduced height		
Location	Annexe The Cottage Winthorpe		
Applicant	Mrs Farmer	Agent	Mayberry Developments Ian Berry
Web Link	23/00715/FUL Change of use and external alterations to create one independent dwelling including subdivision of residential land associated with The Cottage, 45 Gainsborough Road, Winthorpe Annexe The Cottage Winthorpe		
Registered	28 April 2023	Target Date	23 June 2023
		Extension of Time	18 August 2023
Recommendation	That planning permission be Approved subject to the conditions detailed at Section 10.0		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the applicant is related to an Elected Member of the Council.

1.0 The Site

The application relates to an existing detached building set in the grounds of an extended detached historic home located on the east side of Gainsborough Road, within the village of

Winthorpe and its designated Conservation Area. The historic home appears on the OS First Edition from 1875-85 and has been described by Conservation as follows:

The building is of a mostly linear form with projecting canted section to the front. The building is rendered with coggled brick detail eaves and a slate roof. The windows are two over two sashes, suggesting a mid-Victorian date. The building had a new extension to the south west, alterations to the rear and minor alterations to the fenestration, but from the front elevation especially has generally retained its historic character and appearance...While there may well have been some aggrandisement of the building over the years the site certainly reads as a high-status period villa of some standing, both historically and on site today.

Consequently, the building and site make a positive contribution to the character and appearance of Winthorpe Conservation Area.

The host dwelling is set back from the road by approximately 30-metres and includes a tree-lined garden area to the front, which has, in recent years, been partially repurposed as a gravelled parking/turning area. The roadside boundary is a densely planted green boundary, although close-boarded fences have been erected around the site, which now visually separate the site from the road.

The detached building/garage is sited to the north side/rear of the host dwelling. This was originally permitted as a 'garage block' and comprises of a garage and self-contained living accommodation currently used as holiday-let accommodation.

Winthorpe House, a Grade II Listed Building, sits immediately to the south of the wider site ownership, while a detached dwelling at 43a Gainsborough Road lies to the north. Tree Preservation Orders cover trees surrounding Winthorpe House, which sit on the southern and eastern boundaries of the site.

The site has the following constraints:

- Conservation area
- Setting of Winthorpe House (Grade II Listed Building)
- Trees

2.0 Relevant Planning History

22/01779/HOUSE – Proposed oak framed open garage and store, removal of fir tree. Permitted 24.01.2023.

Development has commenced.

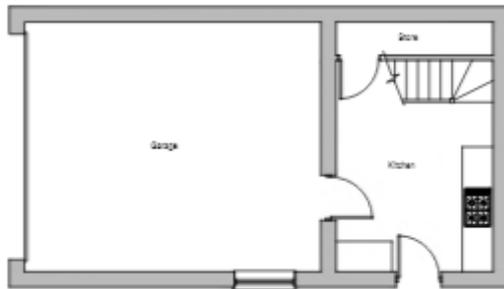
04/00751/FUL – Proposed two storey side extension, conversion of outbuildings, new garage block. Permitted 26.05.2004.

This permission has been implemented.

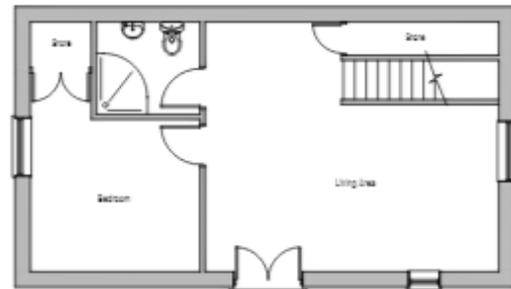
3.0 The Proposal

The application proposes the change of use and alterations to facilitate the conversion of the existing garage and 1-bedroom annexe to a 2-bedroom dwelling, comprising of a living room, kitchen/diner, and toilet to the ground floor, and two bedrooms (one double, one single), a bathroom and a snug to the first floor. The proposal also seeks the ability to use the building either as an independent dwelling or as holiday let accommodation.

Existing Floor Plans

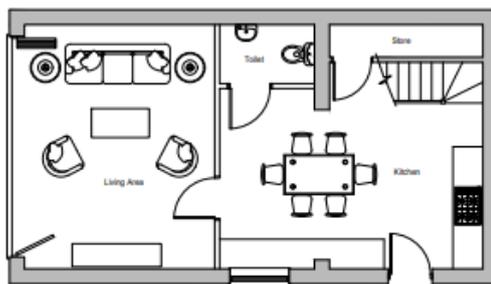


Existing Ground Floor Plan

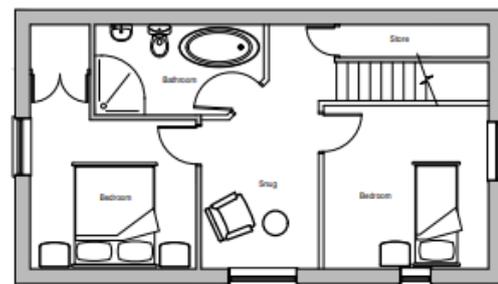


Existing First Floor Plan

Proposed Floor Plans



Proposed Ground Floor Plan



Proposed First Floor Plan

External alterations would include replacing the existing roller shutter garage door with a large full height glazed window to provide light into the proposed living room and replacing the existing first floor French doors and Juliet balcony on the south facing side elevation with an obscure-glazed casement window.

The application also proposes sub-division of the residential land associated with the host dwelling, and the retention of railings, gates, and gate posts at a reduced height of 2.66-metres following the removal of ball finials.

Revised Plans

The application has been revised to include details of the railings, gates, and gate posts that have been erected to sub-divide the site and the removal of ball finials to reduce the overall height of the boundary treatment. For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting documents:

Received 25 July 2023

Statement in response to Tree Officer Comments dated 21.06.2023.

Received 30 June 2023

SF-SK-005 – Existing and Proposed Gate Pillars

Received 19 June 2023

SF-SK-002A – Proposed Plans & Elevations & Site Location Plan

Received 09 June 2023

SF-SK-004 – Proposed Site Plan

SF-SK-003A – Existing and Proposed Block Plan

Received 25 April 2023

SF-SK-001 – Existing Annex Plans & Elevations & Site Location Plan

Heritage Impact Statement & Supporting Statement (April 2023) prepared by Mayberry Design Development Consultants

4.0 Departure/Public Advertisement Procedure

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

Site visit undertaken on 12 May 2023.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021

Planning Practice Guidance (online resource)

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

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

6.0 Consultations and Representations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Consultations

None.

(b) Parish Council

Winthorpe Parish Council – Object

- Proposed change of use is one step further than the current use of the converted garage as a short-term rental facility
- Concerns regarding the visibility of boundary division (railings and gate pillars) and the retrospective nature of the application
- Solid fence to the front of the dwelling does not appear to be lawful
- Site access is inadequate for four dwellings (existing and proposed with neighbouring site at 43 Gainsborough Road)
- Intense development within the Conservation Area

(c) Representations

Conservation – The proposed development preserves the special interest of the nearby listed building and of Winthorpe CA, in line with Section 66 and 72 of The Act, as well as policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council’s LDF DPDs. However, Conservation defers to the expert advice of the Tree Officer with regards to impact to trees, which in this context could also equate to harm to the CA and setting of nearby LBs.

Tree Officer –

- It is strongly suggested that the limited amenity (garden) /utility space (car parking and driveway) will result in strong pressure to remove the tree belt located to the north and east of the proposed site. Resulting in damage to the character of the conservation area.
- The placement of the fencing/ pillars is incongruous to the retention of trees significant to the character of the conservation area.

2 objections have been received from local residents, which can be summarised as follows:

- History indicates that this building and its subsequent uses are in breach of planning
- Would a new dwelling have been approved at the time of the original application?
- Highways issues must be considered – concerns regarding congestion at and visibility from the access, which is bounded by high hedges
- Work has been carried out to divide the site in advance of determination of the application – gate posts and inappropriate fencing not in-keeping with the Conservation Area
- Area to extend the driveway would impact on tree roots
- Loss of trees would affect privacy

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Preliminary matters
2. Principle of development
3. Impact on Character and Heritage Assets
4. Impact on Residential Amenity
5. Highway Safety and Parking
6. Trees

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 'Presumption in Favour of Sustainable Development' of the Allocations and Development Management DPD.

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

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

Preliminary matters

A review of the planning history indicates that planning permission 04/00751/FUL did not permit an annexe, as the approved floor plans only labelled the ground floor garage space, which accords with the description of development. However, Council Tax records indicate the "Annexe" has been registered as a separate property since 3 October 2011. Furthermore, it is understood that previous owners accommodated au pairs and visiting family members in the annexe, which would have been lawful provided the occupants had a relationship with the host dwelling.

The applicant purchased the property in July 2020 and subsequently started renting the former annexe accommodation as a holiday let via Air BnB later that year¹. The current

¹ [The Hare's Hideaway at Winthorpe](#)

holiday let use is unlawful as the building is independent to the host dwelling, it is not an incidental use to the host dwelling and results in a material change to the character of the area, which has triggered the submission of this planning application. However, the applicant has indicated that the accommodation may be used to accommodate family members in future enabling them to live close to but independently of the host dwelling. Consequently, planning permission is sought for an open use comprising a holiday let (Sui Generis) or independent dwelling (C3), to enable the property to be let privately on a more medium to long term basis in future if needed.

Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015, as amended ("the GPDO") permits ***Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.*** Paragraph V.1 outlines that development is not permitted by Class V if:

(a) the application for planning permission referred to was made before 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission;

(c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or

(d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.

Parts (a) and (c) would not apply to this proposal, while part (b) would set a time limit for the applicant to switch from one use to another. Regarding part (d), all recommended conditions are for compliance only and would not prejudice a change of use under Schedule 2 Part 3 Class V of the GPDO.

Principle of Development

The application proposes a holiday let or new dwelling in Winthorpe through the conversion of an existing garage and annexe.

The Amended Core Strategy DPD outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 'Settlement Hierarchy' sets out a hierarchy which directs development towards the Sub-regional Centre of Newark as well as the Service Centres and Principal Villages before confirming that within 'other villages' in the District, which fall to the bottom of the hierarchy, development will be considered against the sustainability criteria set out in Spatial Policy 3 'Rural Areas'.

Winthorpe is defined within that policy as an 'other village'. The locational criteria outlined in Spatial Policy 3 supports the development of sites in sustainable accessible villages. In decision making terms, this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields or paddocks or open space which form the edge of built form.

The application building is clearly located within the existing built extent of Winthorpe village, being originally sited within the curtilage of an existing dwelling known as 'The Cottage' and flanked on all sides by residential uses. The proposal is therefore required to be assessed against of the location, scale, need, impact, and character criteria within Spatial Policy 3.

In terms of location, the site falls within the main built-up area of Winthorpe, which has a range of local services and facilities including a church, post office, primary school, village hall, and public house. There is a regular public bus service to both Collingham and Newark that offer a wide range of services and amenities.

The scale of the development in terms of quantum is considered appropriate to the size of the village, resulting in one additional dwelling in the settlement.

The Council's latest District Wide Housing Needs Assessment 2020 identifies Winthorpe as being within the Collingham sub-area. In terms of the need for additional housing, the 2020 HNA outlines that Collingham sub-area needs more 3 and 4-bedroom family housing than the District as a whole. The proposal would therefore not meet a specific housing need, although it is noted in the justification text for Spatial Policy 3 that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings.

The remaining criteria of Impact and Character are considered below, taking account of the context of the site, which is located within Winthorpe Conservation Area.

Impact on Character and Heritage Assets

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 the design criteria outlined in Policy DM5 'Design' of the Allocations & Development Management DPD.

Core Policy 14 'Historic Environment' of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District's heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management. Development proposals should take account of the distinctive character and setting of individual conservation areas and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 'Protecting and Enhancing the Historic Environment' of the Allocations & Development Management DPD).

The application relates to a positive building within Winthorpe Conservation Area and is sited within the setting of the Grade II Listed Winthorpe House. Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section 72(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990 and, for development which affects a listed building or its setting, preserving the building or its setting or any features of special architectural or historic interest which it possesses in accordance with the duty contained within Section 66(1) of the 1990 Act. The application is supported by a Heritage Statement.

The Council's Conservation Officer considered the application as submitted and shared the following observations:

"The proposed change of use of the building itself will not impact the CA or setting of any LB.

The proposal requires minor alterations to the form of this modern garage, notably the removal of the garage door and replacement with a glazed screen and insertion of a one rooflight on the side roof slope. Given the limited size of the outbuilding, the modernity of the outbuilding, its position set well back from the road front and the strong tree cover these changes are minor and will not affect the character and appearance of the CA or the setting of the nearby LB.

The proposal also requires the separation of curtilage to create the new residential unit. The only identified difference on the existing and proposed block plan is the area dedicated to parking. The Tree Officer should be consulted to ensure that formalising a new parking area as shown does not compromise important tree cover here.

No details have been included in this application with regards to the actual means of separating the curtilage. It is noted from site that this physical separation has occurred by means of railings and decorative gates and gate piers and it is not certain whether these are intended to be considered as part of this application. A separate note has been sent to discuss this item."

Revised plans were received during the course of the planning application to include details of the railings, gates, and gate posts that had been erected to sub-divide the site. At the time of receipt (09 June), the site division comprised of 1.8-metre-high vertical railings on a base rail, c.2.4-metre-high black decorative iron gates and c.3.25-metre-high stone gate piers (including ball finials). In addition, the revised 'Drawing no. Sf-SK-003 Proposed Site Plan' received on 09 June 2023 clarified that the existing block paved parking area to the front of the existing garage would be repurposed to form a patio area to the front of the proposed dwelling, with parking sited further down, on a wider part of, the existing driveway. Following the submission of these details, the following concerns were raised by Conservation regarding the gate piers/posts:

"The gate piers are also very tall and ostentations and again are more akin to those seen at a high status country house, not those more traditionally seen at a host building like this, so they remain out of character with the host building and CA generally. They are also so tall they are visible from the public realm and create a cluttered and distracting feature, 'double stacked' beyond the existing roadside boundary and in this way also detract from the appearance of Winthorpe CA"

The applicant responded by proposing and subsequently proceeding to remove the ball finials, reducing the height of the gate piers/posts to c.2.66-metres (notification of removal

received 07 July and site visit undertaken to verify carried out on 12 July). The Council's Conservation Officer then shared the following final observations on the amended scheme:

"Plans now indicate a scheme of boundary treatment to achieve this, comprising 1.8m vertical black railings to line the south side of the driveway, with decorative black metal gates, set within square plan stone gate piers both at max height 2470mm. Ball finials have been removed from the proposed scheme in the amended plans of the 30th June 2023. While the railings, if used in isolation, may well benefit from permitted development it is understood that the enclosure as a whole does not.

Conservation has previously expressed concern about the nature of this enclosure, using railings that do not resonate well with the domestic context of the site, and gates and gate piers which, while attractive architectural features, are rather ostentatious for the site context. The removal of the ball finials from the gate piers has reduced 60 cm from the enclosure height and has removed one of the more conspicuous and high status features in this enclosure.

While estate fencing, for example, would make for a more suitable railing division, the railings that have been installed are at least simple, black and visually permeable, and in relative terms quite low, meaning their impact is recessive from both within the site and from the public realm and does not harm the character and appearance of the CA.

The gates themselves are undoubtedly attractive, and do have a nod to the age and more formal elements of the host building, but in this location and on this building are perhaps rather more ostentatious than one would have seen traditionally. Again, the stone piers are attractive features, but perhaps somewhat taller and more decorative than one might have traditionally seen at a site like this. However, it is accepted that the site does not have a traditional entrance, this now being a group of two modern, solid gates with large brick gate piers, set in a splayed entrance. As such, the proposed boundary separation here does not harm an otherwise authentic historic landscaping scheme and is not so out of character in terms of status that they harm the host building. The gates themselves are barely visible from the public realm, while the gate piers are visible, but in views limited just to the splayed entrance way, and within these views they are themselves glimpsed and partial views. As such, the impact to the character and appearance of the CA, given this more altered site context and limited visibility, is then acceptable. The proposed boundary treatment, as now altered by the removal of the ball finials, does not harm the character and appearance of the CA or setting of any nearby LBs.

However, there is an important proviso here in relation to impact to trees. The enclosure as now installed, and potentially the impact from cars for the scheme, is very close to several specimen trees. While Conservation defers to the expert advice of the Tree Officer these seem to be historic specimens, typical of high status Georgian/Victorian properties and provide important greenery to this part of the CA, which is mentioned specifically in the CA appraisal. If the scheme is likely to harm trees it could create a heritage harm if the trees then failed to thrive and were ultimately significantly reduced or removed."

Potential impacts on trees are considered under the sub-heading 'Impact on trees' below. In summary, it is considered that, on the balance of probability, the development would not lead

to loss of trees and natural features would be conserved.

Overall, following revisions, the proposal would preserve the setting of Grade II Listed Winthorpe House and the character and appearance of Winthorpe Conservation Area in accordance with the relevant provisions of the abovementioned planning policies and guidance.

Impact upon residential amenity

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 'Design' of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

The building is sited close to the boundary shared with the neighbouring property to the north known as Tyne House at 43 Gainsborough Road. However, the north facing side elevation is blank and would remain so as part of the proposed development. A small rooflight would be inserted into the north facing roof slope to provide light into the proposed bathroom, however, this would not present issues of overlooking or loss of privacy due to its small size and position on the roof slope. The current occupier of the neighbouring dwelling has commented on the application and confirmed they do not object in principle to the idea of a second dwelling, as the site has been used as two dwellings for some years without planning permission being sought.

In terms of amenity for existing occupants of the host dwelling, the proposal would result in the loss of a garage currently used for storage. However, planning permission has recently been granted for a detached 3-bay garage/store to the front of the host dwelling, which would compensate for this loss.

There is an existing set of French doors and Juliet balcony to the first-floor south facing side elevation of the building facing the applicant's rear garden. These currently provide light into a living room, which is proposed to be relocated to the ground floor to make space for an additional bedroom and snug to the first floor. Given the close proximity to the shared boundary (approx. 1-metre), there is potential for significant overlooking from this opening into the applicant's rear garden and associated loss of privacy. The applicant has therefore agreed to replace this opening with an obscure glazed casement window. It is therefore considered appropriate, should permission be granted, to impose a condition to secure the installation of this window and removal of the Juliet balcony within 6-months of the date of planning permission.

In terms of amenity for future occupants, the proposed plans indicate there would be a reasonable level of amenity space to the front and rear of the dwelling. Trees overshadow some of this space, which the Council's Tree Officer has indicated could lead to future pressure for their removal (see 'Impacts on trees' section below for further details). External alterations to replace the existing roller shutter garage door with a large full height glazed window would provide light into the proposed living room and be acceptable from an amenity perspective.

Consideration has been given to removing relevant permitted development rights from the new dwelling proposed as part of the open change of use. The recommended list of removed rights has been duly considered specifically in relation to this site and scheme, taking into account the Conservation Area location and the building's existing status as a building within the curtilage of a dwellinghouse. In recommending to remove certain permitted development rights, officers are not giving a view on the potential suitability of development that would otherwise be covered by the permitted development rights listed but are concerned about the potential uncontrolled nature in relation to this scheme and consider it would be appropriate for such matters to require express consent of the local planning authority to enable due consideration of impacts.

Highway safety and parking provision

Spatial Policy 7 of the Core Strategy seeks to ensure 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.

Concerns regarding the access shared with the property next door have been noted from Winthorpe Parish Council and neighbouring residents. However, there would be no material change to the existing vehicular access and parking arrangements, which meet the relevant requirements of Nottinghamshire County Council's Highway Design Guide in terms of width, visibility, driveway length, and turning space. The scheme also complies with Council's minimum car parking standards set out in the Adopted Residential Cycle and Car Parking Standards and Design Guide SPD.

One new dwelling would have negligible impact on the local highway in terms of traffic and congestion.

Impact on trees

Core Policy 12 (Biodiversity and Green Infrastructure) 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 acknowledges there are trees on the proposed development site, but none which would influence the development or might be important as part of the local landscape character. No trees are proposed to be removed to facilitate the proposed development. The Council's Tree Officer considered the application as submitted and shared the following observations:

"It is noted no tree survey has been submitted, no shade drawings, no anticipated future growth.

The tree belt to the north of plan going to the east is considered historically intrinsic to the character of the conservation area.

The drive, parking area and rear recreation space are all heavily overhung by mature trees. It is noted that the car parking has no area except under the canopy of trees, that the rear space will, for the majority of the day, be heavily shaded and overhung by trees.

It is accepted that trees will drop branches in high winds, that wildlife will use trees as habitats.

...

It is strongly suggested that the limited amenity(garden) /utility space (car parking and driveway) will result in strong pressure to remove the tree belt located to the north and east of the proposed site. Resulting in damage to the character of the conservation area."

The Tree Officer's concerns have been noted, however, site photographs clearly show the building and driveway are not completely surrounded or overshadowed by trees. A review of historic applications for Tree Works in the Conservation Area (2013, 2020 and 2022) also indicate that no trees have been proposed to be removed due to impacts on the annexe or cars parked on the driveway to the front. Furthermore, reviews on Air BnB positively mention the private nature of the rear garden, which would be compromised if trees were to be removed. It is therefore considered, on the balance of probability, that the proposed use of this development, in and of itself, would not lead to loss of trees and natural features.

Following the submission of revised plans including details of railings, gates, and fences that had been erected to sub-divide the site, the Council's Tree Officer shared strong concerns about the proximity of the railings and gate posts/piers to protected trees and suggested it would be reasonable to expect the tree roots to have been cut [as part of their installation]. The Applicant has responded to the Tree Officer's concerns with a detailed statement confirming that due consideration was given to the trees during the installation of the railings and gate posts, with hand dug methods used for all ground works and no notable signs of root damage observed. The Council (as Local Planning Authority) has no evidence to contradict or otherwise make the Applicant's version of events less than probable and, as such, is content that natural features of importance have and would continue to be conserved in accordance with the abovementioned planning policy framework.

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 proposal has been assessed against each of the five criteria identified by Spatial Policy 3 of the Amended Core Strategy DPD. It has also been assessed against other local and national policies in respect of impacts on character and heritage assets, residential amenity, highway safety and parking, and trees, and is considered to be acceptable in this regard.

It has been concluded that the site is located within the main built-up area of Winthorpe, which has a range of local services and facilities and is well connected to the nearby village of Collingham and town of Newark. Consequently, the development would be considered sustainable. In addition, the proposed development would help support community facilities and local services.

In terms of the proposal's impact and scale, the addition of one holiday-let or dwelling is considered to be an appropriate scale for the village and unlikely to have a detrimental impact upon existing services provided for within the village, nor a significant increase in vehicular traffic that would have a harmful impact upon the highway network.

The character of Winthorpe Conservation Area and setting of nearby listed buildings including Winthorpe House would also be preserved.

Taking the above into account, it is concluded that the proposal accords with all of the criteria of Spatial Policy 3 as well as the relevant provisions of Core Policies 9 and 14 of the Amended Core Strategy DPD (March 2019), Policies DM5 and DM9 of the Allocations & Development Management Development Plan Document (July 2013), in addition to the NPPF 2021 and planning practice guidance which are material considerations. The proposal has been assessed under the duties set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990. It is therefore recommended that the application be approved.

10.0 Conditions

01

The obscure glazed casement window to the first-floor south facing side elevation of the building hereby approved for conversion shall be installed and the existing Juliet balcony removed within 6-months of the date of planning permission.

Reason: In the interests of residential amenity.

02

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

Received 19 June 2023

SF-SK-002A – Proposed Plans & Elevations & Site Location Plan

Received 09 June 2023

SF-SK-004 – Proposed Site Plan

SF-SK-003A – Existing and Proposed Block Plan

Reason: So as to define this permission.

03

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 the following in relation to the building hereby approved for conversion:

Class A – enlargement, improvement or other alteration of a dwellinghouse

Class B – additions etc to the roof of a dwellinghouse

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.

Or Schedule 2, Part 2:

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

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 any proposed further alterations are sympathetic to the approved design and to preserve the character and appearance of the Conservation Area and the setting of the adjacent Listed Building.

04

The development hereby permitted as a holiday let (sui generis) or independent dwellinghouse (C3 use) is subject to the criteria set out within Schedule 2, Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. This legislation permits the use of the development to change between these permitted uses only for a period of up to 10 years after the grant of planning permission. The use of the building, be it either dwellinghouse or holiday let at the start of the 11th year after the grant of planning permission shall be the permitted use thereafter, unless planning permission is granted for an alternative use.

Reason: To provide flexibility in the use of the building and to enable the Local Planning Authority to control any impacts that might arise after the cessation of 10 years.

Informatives

01

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

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

02

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

03

The applicant is reminded of the following provisions.

Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) Order 2015, as amended ("the GPDO") permits ***Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.*** Paragraph V.1 outlines that development is not permitted by Class V if:

(a) the application for planning permission referred to was made before 5th December 1988;

(b) it would be carried out more than 10 years after the grant of planning permission;

(c) the development would consist of a change of use of a building to use as betting office or pay day loan shop; or

(d) it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question

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.

