



Report to Planning Committee 3 October 2024

Acting Business Manager Lead: Oliver Scott – Planning Development

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Report Summary			
Application No.	23/01779/FULM (major)		
Proposal	Residential redevelopment of former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages.		
Location	Checkers Farm, Priory Road, Thurgarton, NG14 7GU		
Applicant	Lannoy Group Ltd - Mr Hoy And Langley	Agent	GraceMachin Planning & Property - Mr George Machin
Web Link	23/01779/FULM Residential redevelopment of former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages. Checkers Farm Priory Road Thurgarton NG14 7GU (newark-sherwooddc.gov.uk)		
Registered	17.10.2023	Target Date:	12.12.2023
		Extension to:	11.10.2024
Recommendation	That Planning Permission is <u>APPROVED</u> subject to the condition(s) detailed at Section 10.0 and the expiry of the press notice.		

This application is being referred to 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

1.1 The wider Checkers Farm site is remotely located from Thurgarton village, in the open countryside and comprises a complex of former agricultural buildings and farmhouse (which is outside of the applicant’s ownership). The site is accessed via a long and informal single width track road from the termination of Priory Lane at its eastern end and through the village by Thurgarton Priory (Grade I and II* listed along with Thurgarton Priory Parkland which extends over the adjacent woodland to the site). The access is lined by mature woodland and set lower than the village. To the south there is dense planting which leads down to Thurgarton Beck – this forms the

boundary of the Green Belt which lies to the south of the site.

- 1.2 Buildings on site are a mix of agricultural storage buildings of generally low quality (a mix of masonry stonework, brick and vertical timber clad buildings). One of the barns is identified as a non-designated heritage asset (Historic Environment Record Number: M17727), but none of the remaining buildings on site would appear to possess any architectural or historic merit. There appears to have been no agricultural activity on the site for some time as surfaces have been broken up and there is vegetation growing through the floors of the buildings. The farmhouse lies directly adjacent to the complex of farm buildings to the east.
- 1.3 The site does not lie within the Conservation Area but the site access and southern boundary is identified as Flood Zone 3 (FZ3a) by the Environment Agencies Flood Mapping. Parts of the site are also identified by the EA as being an area at risk of high and low surface water flooding risk. Two Local Wildlife Sites (LWS) are in close proximity to the site, approx. 232m to the north (Foxhole Wood) and 142m to the west (Thurgarton Beck Dumble). The site also includes an area of agricultural land in the north-west portion of the site.



Fig. 1 - Aerial Image of the Site with the Application Site Boundary annotated (approximately)

2.0 Relevant Planning History

- 2.1. 23/00084/CPRIOR – Application to determine if prior approval is required for proposed change of use of agricultural buildings to 5 dwellinghouses including the formation of domestic curtilages and for building operations reasonably necessary for the conversion as Schedule 2 Part 3 Class Q – Prior Approval Required and Refused 31.03.2023 due to the level of demolition exceeding that permitted under the regulations and insufficient information to determine the highways safety, contamination, flooding risks, impact on protected species and whether future occupiers would have adequate internal amenity to be considered under *‘permitted*

development'.

- 2.2. 22/02265/CPRIOR - Application to determine if prior approval is required as to the impacts of the proposed 'Change of use of existing agricultural buildings to B8 storage use' and risks on site - Prior Approval Required and Refused 22.05.2023 due insufficient information submitted to assess the transport/highways and contamination impacts of the development to be considered under '*permitted development*'.
- 2.3. 11/00939/FUL - Conversion of a redundant stone barn for use as B8 storage – Refused 21.12.2011 due to the building not being of sufficient architectural or historic merit to warrant its preservation through re-use/conversion and the level of rebuilding proposed. The proposed use was also not considered to be suitable in this location resulting in unsustainable development.

3.0 **The Proposal**

- 3.1 For the avoidance of doubt amended plans have been submitted throughout the course of this application.
- 3.2 The application seeks permission for the redevelopment of a former farm complex comprising the demolition of existing buildings and conversion of agricultural buildings to create 3 dwellings and associated garages.
- 3.3 Fig. 2 below shows the arrangement of the proposed plots, the buildings to be retained and converted highlighted in blue and those to be demolished in red. Three buildings on the eastern side of the site are not part of the conversion and are proposed to be demolished as part of the proposal.



Fig. 2 - Extract of Demolition and Retention Plan

- 3.4 **Plot 1:** would comprise the conversion of two buildings, a two-storey brick and stone building on an E-W alignment and a single storey brick-built range that is aligned N-S. Existing modern portal frames attached to these buildings would be demolished. A two-storey glazed link is proposed to be constructed between the stone and brick portions of the two-storey building. Other external alterations are limited to the glazing of existing openings, addition of new windows and doors and roof lights. The proposed material palette encompasses existing stone, red brick, and black framed windows. This plot would be a 4-bed unit served by three parking spaces externally and internal double garage space. The plots private garden area would be provided to the north. Plot 1 would have access to three garage spaces within the detached garage block to the south.
- 3.5 **Plot 2:** would be formed by the conversion of an existing modern two-storey agricultural building set on a N-W alignment to the west of Plot 1. External alterations would include the insertion of windows and doors, including rooflights and the addition of Portland stone render and black composite cladding. This plot would be a 5-bed dwelling served by three parking spaces externally and internal double garage space. The plots private garden area would be provided to the north and west.
- 3.6 **Plot 3:** would be formed by the conversion of three existing adjoining agricultural buildings, a two-storey red brick building on an E-W alignment and two single storey red brick ranges that project south. Existing modern portal frames attached to these buildings would be demolished. External alterations would include the insertions of windows and doors, including the re-glazing of existing openings and the insertion of roof lights. The proposed material palette for this project consists of existing red brick, black composite cladding, black framed windows and expansive large format glazing. This plot would be a 6-bed unit served by three parking spaces externally and three parking spaces in the detached garage to the east. The plots private garden area would be provided to the west.
- 3.7 **Detached Garage:** would be formed by the conversion of the existing brick-built building and would contain 6 no. parking spaces (for plots 1 and 3) and two garden storerooms. Alterations are limited to the installation of garage/access doors.
- 3.8 On the wider site, bin storage is proposed for each plot which would be accessed via the existing access track to the east. To the west of the plots an area is identified for tree planting and wild grass as part of the biodiversity enhancements proposed as part of the scheme. Timber estate fencing is proposed to demarcate the curtilages associated with each plot (as shown on the Proposed Site Plan).
- 3.9 Documents assessed in this appraisal (Title, Reference, Date deposited):
- COVERING LETTER, 02 Apr 2024
 - AMENDED PLANNING STATEMENT, 29 May 2024
 - DESIGN STATEMENT, Rev. B, 07 May 2024
 - STRUCTURAL REPORT, 02 Apr 2024
 - HISTORIC BUILDING RECORDING, 06 Oct 2023
 - PRELIMINARY (GEO-ENVIRONMENTAL) RISK ASSESSMENT, 06 Oct 2023

- LIMITED GROUND INVESTIGATION, REMEDIATION AND VERIFICATION STRATEGY, 19 Oct 2023
- FACTUAL INFILTRATION REPORT, Rev. 01, 25 Apr 2024
- LANDSCAPE AND VISUAL APPRAISAL, INF_N1064_R02, 23 May 2024
- ECOLOGY LETTER, 02 Apr 2024
- BIODIVERSITY NET GAIN REPORT, JME_1924_BNG_01_V1 (APRIL 2024), 17 Apr 2024
- BIODIVERSITY NET GAIN CALCULATIONS, (APRIL 2024), 17 Apr 2024
- PROTECTED SPECIES REPORT, JME_1937_PSR_01_V1, 15 Apr 2024
- PRELIMINARY ECOLOGICAL APPRAISAL, JME_2081_PEA_01_V2 (APRIL 2024), 17 Apr 2024
- PROTECTED SPECIES SURVEY REPORT, JME_2081_PSR_01_V3, AUGUST 2024
- TRANSPORT NOTE, 23 228 005 01, 26 Jun 2024
- FLOOD RISK ASSESSMENT AND OUTLINE SUSTAINABLE DRAINAGE STRATEGY, 02 Apr 2024
- FLOOD WARNING AND EVACUATION PLAN (dated July 2024), 29 Jul 2024

Existing Plans (Title, Reference, Date deposited):

- SITE LOCATION PLAN, TEH ARC S1 XX DP A 1200 P2, 22 Apr 2024
- EXISTING SITE PLAN, TEH ARC S1 XX DP A 1201 P4, 22 Apr 2024
- PLOT 01 - EXISTING GROUND AND FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2000 P2, 22 Apr 2024
- EXISTING ELEVATIONS PLOT 02 - RETAINED ELEMENTS, TEH-ARC-B2-XX-DE-A-3521 P1, 02 Apr 2024
- PLOT 2 - EXISTING GROUND AND FIRST FLOOR PLAN, TEH-ARC-B2-XX-DP-A-2020 P2, 22 Apr 2024

Proposed Plans (Title, Reference, Date deposited):

- PROPOSED SITE PLAN, TEH-ARC-S1-XX-DP-A-1203-P3, 26 Jun 2024
- PROPOSED DEMOLITION PLAN, TEH-ARC-S1-XX-DP-A-1202-P2, 22 Apr 2024
- PLOT 1 - PROPOSED GROUND FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2210-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2211-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FRONT ELEVATION, TEH-ARC-B1-XX-DE-A-3710-P2, 09 Jul 2024
- PLOT 1 - PROPOSED REAR ELEVATION, TEH-ARC-B1-XX-DE-A-3711-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 01 ELEVATION, TEH-ARC-B1-XX-DE-A-3712-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 02 ELEVATION, TEH-ARC-B1-XX-DE-A-3713-P2, 09 Jul 2024
- PLOT 2 - GROUND FLOOR PLAN, TEH-ARC-B5-00-DP-A-2250-P1, 01 Aug 2024
- PLOT 2 - FIRST FLOOR PLAN, TEH-ARC-B5-01-DP-A-2251-P1, 01 Aug 2024
- PLOT 2 - PROPOSED ELEVATIONS, TEH-ARC-B5-XX-DE-A-3750-P1, 01 Aug 2024

- PLOT 3 - PROPOSED GROUND FLOOR GA, TEH-ARC-B2-00-DP-A-22201 P1, 02 Apr 2024
- PLOT 3 - PROPOSED FIRST FLOOR GA PLAN, TEH-ARC-B2-01-DP-A-2221 P1, 02 Apr 2024
- PLOT 3 PROPOSED FRONT ELEVATION, TEH-ARC-B2-XX-DE-A-3750 P1, 02 Apr 2024
- PLOT 3 PROPOSED REAR ELEVATION, TEH-ARC-B2-XX-DE-A-3751 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 01 ELEVATION, TEH-ARC-B2-XX-DE-A-3752 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 02 ELEVATION, TEH-ARC-B2-XX-DE-A-3753 P1, 02 Apr 2024
- GARAGE - PROPOSED GROUND FLOOR GA PLAN, TEH-ARC-B3-00-DP-A-2230 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 1 OF 2), TEH-ARC-B3-XX-DE-A-3730 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 2 OF 2), TEH-ARC-B3-XX-DE-A-3731-P3, 01 Aug 2024
- MASTERPLAN ILLUSTRATIVE, N1064 (08) 007, 23 May 2024
- SOFT PALETTE SHEETS, N1064(03)002, 003 & 004, 23 May 2024
- HARD PALETTE SHEET, N1064 (03) 005, 23 May 2024
- ENHANCEMENT PLAN, N1064 (03) 001 REV C, 23 May 2024
- PROPOSED PHASING PLAN, TEH-ARC-S1-XX-DP-A-1208 REV P2, 01 Aug 2024
- PROPOSED PARKING PLAN, TEH-ARC-S1-XX-DP-A, 26 Jun 2024
- 3D VIEWS SHEET 1 of 2, TEH-ARC-S1-XX-DB-A-1210 P1, 01 Aug 2024
- 3D VIEWS SHEET 2 of 2, TEH-ARC-S1-XX-DB-A-1211 P1, 01 Aug 2024

4.0 Departure/Public Advertisement Procedure

4.1 Occupiers of 17 property 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.

4.2 Site visit undertaken on: 16.11.2023

5.0 Planning Policy Framework

5.1. Thurgarton Neighbourhood Plan (made May 2017)

Policy 1: New Development

Policy 2: Residential Development

Policy 3: Transport Impact of Development

Policy 6: Historic and Natural Environment

5.2. Newark and Sherwood Amended Core Strategy DPD (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 10 – Climate Change
 Core Policy 12 – Biodiversity and Green Infrastructure
 Core Policy 13 – Landscape Character
 Core Policy 14 – Historic Environment

5.3. **Allocations & Development Management DPD (2013)**

DM5 – Design
 DM7 – Biodiversity and Green Infrastructure
 DM8 – Development in the Open Countryside
 DM9 – Protecting and Enhancing the Historic Environment
 DM12 – Presumption in Favour of Sustainable Development

5.4. The [Draft Amended Allocations & Development Management DPD](#) was submitted to the Secretary of State on the 18th January 2024. This is therefore at an advanced stage of preparation albeit the DPD is yet to be examined. There are unresolved objections to amended versions of policies emerging through that process, and so the level of weight which those proposed new policies can be afforded is currently limited. As such, the application has been assessed in-line with policies from the adopted Development Plan.

5.5. **Other Material Planning Considerations**

National Planning Policy Framework 2023 (NPPF)
 Planning Practice Guidance (online resource)
 NSDC Residential Cycle and Car Parking Standards & Design Guide SPD June 2021
 NSDC District Wide Housing Needs Assessment 2020
 NSDC Landscape Character Assessment SPD 2013

5.6. On 30 July 2024 the Government published a consultation on proposed reforms to the NPPF (2023). The consultation and draft NPPF do not constitute Government policy or guidance. However, they are capable of being material considerations in the assessment of this application.

6.0 **Consultations and Representations**

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

Statutory Consultations

- 6.1. NCC Highways – No objection subject to conditions.
 6.2. The Environment Agency - No objection subject to conditions.

Town/Parish Council

- 6.3. Thurgarton Parish Council – Object, concerns raised:
- Support the broad principle of replacing the existing buildings with residential dwellings however note concerns relating to:

- Traffic movements during construction and the potential impact on road users.
- Traffic movements once the dwellings are occupied and the potential impact on road users.
- Impact on the amenity of the nearby Farmhouse.
- Lack of suitable noise and disruption control measures.
- Lack of suitable landscaping plans.

Representations/Non-Statutory Consultation

- 6.4. NSDC Conservation Officer – No objection subject to conditions.
- 6.5. Archaeology Advisor – No objection subject to conditions.
- 6.6. NCC Flood Risk – Standing advice applies.
- 6.7. Trent Valley Internal Drainage Board – Standard advice given in relation to nearby watercourses.
- 6.8. NSDC Contaminated Land - No objection subject to the use of the full phased contaminated land condition.
- 6.9. NSDC Ecology – No objection subject to conditions.
- 6.10. Comments have been received from 16 local residents/interested parties that can be summarised as follows:

Highway Impact

- Concerns about access via The Hollows and Priory Road and whether it is suitable for additional traffic and construction vehicles.
- Concerns about the impact on cyclist and pedestrian safety and horse riders/dog walkers.
- Concerns about the access track off Prior Road and whether it is wide enough/has sufficient passing places for additional traffic.
- Queries over whether the Applicant has legal right of passage over the passing places along the access track.
- Concerns about access for farm vehicles and potential conflict with new residential dwellings.

Character/Visual Amenity

- Concerns about modern architecture impacting the countryside.

Ecology

- Concerns about the impact of construction activity on wildlife.

Flood Risk

- Concerns about the flood risk along the access track.
- Concerns about the potential impact on any future plans for flood alleviation in the area.

Residential Amenity

- Concerns about the impact on Holly Cottage adjacent to the site.
- Risk of increased noise pollution impact residents.
- Impact of construction noise to local residents.

Other Matters

- Concerns about where construction waste will be disposed of.
- Concern about increased pollution.

7.0 Appraisal

7.1. The key issues are:

- Principle of Development
- Housing Mix
- Impact on the Character and Appearance of the Area including Heritage Matters
- Impact of Flood Risk
- Impact on Highways Safety
- Impact on Amenity
- Impact on Ecology
- Impact on Archaeology
- Other Matters

7.2. 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 (2013).

7.3. It is noted from the planning history section of this report that there have been two recent prior approval applications submitted and refused for the conversion of the existing buildings to residential use. These applications were refused on various grounds that exceeded the scope of the prior approval process – it was therefore concluded that planning permission is required for the change of use.

Principle of Development

7.4. The Core Strategy details the settlement hierarchy (Spatial Policy 1) 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 (as set out by Spatial Policy 2). Beyond these areas development will be

considered against the criteria for 'other villages' which is the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

- 7.5. Spatial Policy 3 states that 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. Consideration will also be given to the re-use of rural buildings of architectural merit. The policy goes on to direct the decision maker to an open countryside policy in the Allocations and Development Management DPD, being the extant Policy DM8 (Development in the Open Countryside). This policy is considered up to date (save for the element discussed in para 7.10) for the purposes of decision making and is NPPF compliant.
- 7.6. Given the location of the site, clearly outside of Thurgarton village envelope as identified in Map 1 of the Thurgarton Neighbourhood Plan (TNP), the site does not fall to be considered as *within the village* for the purposes of SP3 but is, as a matter of fact, in the Open Countryside – policy DM8 is therefore applicable.
- 7.7. Policy DM8 reflects the NPPF in containing criteria for considering development in the open countryside, focusing on strictly controlling development, limited to exceptions of certain types. One of these exceptions relates to the conversion of existing building. 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."*
- 7.8. In this case, it is noted that the buildings on site vary in quality and design. The stone barn that forms part of Plot 1 is identified on the County HER as being of local interest (ref M17727). The barn appears to be c.1800 (demonstrating historic interest) with some vernacular detailing (demonstrating architectural interest). In accordance with the Council's Criteria for identifying non-designated heritage assets (2022), the Council's Conservation Officer's (CO) comments explain that the barn may have significance as an estate feature with historic agricultural significance making it a non-designated heritage asset (NDHA). Other buildings on site include red brick buildings that have been altered over time including the addition of metal sheet roofing and portal buildings attached to them (for example, the single storey range of Plot 1, the elements proposed to be retained to form Plot 3 and the garage block) and Plot 2 is a modern breezeblock agricultural building. Only the stone range of Plot 1 is considered to be a NDHA and the remaining red brick buildings, whilst attractive, are not NDHAs. Nevertheless, they are reflective of traditional agricultural vernacular and possess some architectural merit, despite their alterations. Plot 2, however, does not have any architectural or historic merit.
- 7.9. In terms of their structural condition, the application has been accompanied by an updated Structural Survey which shows the extent of retention of the buildings, elements of proposed demolition and areas of localised rebuilding. Overall, the survey concludes that the buildings are of robust and permanent construction and in a good structural condition, fit for conversion into dwellings without structural alterations.

The plans also show that the buildings would remain in their existing form (with modern portal elements/add-ons removed), albeit with some alterations including the addition of windows, doors, and a glazed linking extension for Plot 1. Given Plots 1 and 3 contain some historic and architectural merit, the principle of their conversion is considered to be acceptable subject to assessing the site-specific impacts, including the impact on the character of the buildings which will follow in a subsequent section of this report.

- 7.10. In relation to Plot 2, given this 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 Policy 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.
- 7.11. 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'*.
- 7.12. In this case, the site is situated along Priory Road where there are sporadic properties including the Farmhouse to the north-east and properties adjacent to Thurgarton Priory further east. Therefore, whilst the buildings themselves are not considered to be *isolated* given they are sited around other dwellings, the buildings are 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 judgments.
- 7.13. 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 giving weight to the NPPF's stance on the conversion of rural buildings which is up to date and taking into account the Plan Review intention to align DM8 with the NPPF, it is concluded that this should be given more weight than the current

version of DM8. That is, 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.

- 7.14. In this respect, Plot 2 is not currently in use and is no longer required for agricultural purposes, given the building has been sold off from the wider farm site and has not been in use for agricultural purposes in recent years. 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 windows and doors, but otherwise utilise the building's existing structural walls, it is considered that the building is capable of conversion without significant re-building etc.
- 7.15. 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, will follow, however it is noted that the proposal would look to enhance the exterior of the building through cladding the existing materials and using good quality glazing and architectural details to enhance the exterior of the building. The proposal also includes additional planting and soft landscaping throughout the scheme to enhance the visual amenity of the site. The proposal also includes the creation of a wildflower meadow in place of the buildings on the eastern side of the site which are proposed to be demolished (in light of highways comments which will be discussed below) and this would enhance the setting of Plot 2, the site complex as a whole, and the site's overall biodiversity value.
- 7.16. The overall improvement of the exterior of the building (upgrading it to a higher quality finish), landscaping, and biodiversity enhancements 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 Plot 2, adjacent to other buildings proposed for conversion and the Farmhouse to the east, where a residential use would be more appropriate than a redundant or vacant building, that the changes proposed would meet the requirements of para.80c of the NPPF.
- 7.17. Therefore, whilst on the basis of the information submitted with this application it is not considered that the conversion of Plot 2 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.
- 7.18. As mentioned above, the buildings on the eastern side of the site are proposed to be demolished as part of the application to overcome highways concerns in relation to potential trip generation. These building are of no particular architectural or historic merit to warrant their preservation and therefore their demolition is considered to be acceptable subject to securing the biodiversity enhancements proposed.

- 7.19. Overall, in light of the assessment above, it is therefore considered that the proposed development would be acceptable in principle.

Housing Mix

- 7.20. Core Policy 3 of the adopted Development Plan states that the LPA will seek to secure new housing which adequately addresses the local housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of two bedrooms or less and housing for the elderly and disabled population. Policy 2 of the Thurgarton Neighbourhood Plan sets out that development of market housing should suit the specific needs identified in a current Housing Needs Survey. In 2015 a Parish Housing Needs Survey was undertaken but given the passage of time this is somewhat outdated. However, a District Wide assessment was produced in 2020 which is considered to be the most up to date housing need data for the area.
- 7.21. The District Wide Housing Needs Survey (2020) identifies that within the Southwell Sub-Area (of which Thurgarton is a part) that the greatest need for additional housing is for 3-bed properties (33.3%), followed by 4 or more bedrooms (24%). This proposal is for three large dwellings (one 4-bed, one 5-bed and one 6-bed) that would provide three generous sized dwellings. This would contribute to meeting the need for larger houses within the sub-area and is therefore considered to accord with Core Policy 3.

Impact on the Character and Appearance of the Area and Heritage Matters

- 7.22. The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 (Sustainable Design) 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 (Design) states that the rich local distinctiveness of the District's landscape and character should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.
- 7.23. In relation to heritage matters, one of the buildings on site is noted to be a NDHA and the site is in close proximity to Thurgarton Priory (Grade I and II* along with Thurgarton Priory Parkland) and Scheduled Monuments as identified in the Archaeological section of this report. Policies CP14 (Historic Environment) and DM9 (Protecting and Enhancing the Historic Environment) of the Council's LDF DPDs are therefore relevant which, 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 (for example nearby listed buildings), furthermore, is expressed in section 16 of the NPPF which 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).
- 7.24. Core Policy 13 (Landscape Character) of the Core Strategy is also relevant and addresses issues of landscape character. It states that development proposals should

positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

- 7.25. The site falls in Policy Zone MN PZ 39 'Thurgarton Village Farmlands with Ancient Woodlands'. The Landscape Character Area (LCA) identifies the area to be gently undulating with rounded topography that allows for medium distance views frequented by wooded skylines. There is a mixture of arable fields with defined headlines leading to being considered as having a high landscape sensitivity and visibility value. This then translates into a 'conserve' action where development is expected to conserve the rural character of the landscape by concentrating new development around existing settlements and respect the local architectural style and local vernacular.
- 7.26. The Council also has an SPD relating to the Conversion of Traditional Rural Outbuildings which is of relevance and applies to traditional rural buildings, which possess some architectural or historic value. The SPD supports the conversion of such buildings and explains that to retain the character and architectural integrity of traditional rural buildings, alterations to existing fabric must be kept to the minimum necessary to facilitate the new use. Features out of keeping with the character of traditional rural buildings such as dormer windows, windows and doors of domestic or suburban character, masonry chimneys and external meter boxes fixed to the building should also be avoided. Where the introduction of new windows is unavoidable, they should be sensitively positioned so that the overall character of the building is not compromised.
- 7.27. Considering each of the plots in turn, Plot 1 comprises an amalgamation of agricultural buildings that have undergone various modifications and additions over time. This proposal would see the retention of the existing stone (NDHA) portion of the building and brick-built range, while removing the portal frame additions to the south. The proposed design looks to preserve and integrate the original stone structure and small contemporary linking structure to the brick barn. Existing openings would be glazed with wooden shutters pinned back (where appropriate) and other new, contemporary additions are proposed to provide rooms with sources of natural light (see figs. 3 & 4 below). Rooflights are also proposed (and have been reduced in quantum during the course of the application). The Council's Conservation Officer (CO) has provided advice on the proposed conversion approach and the Applicant has amended the scheme throughout the lifetime of the application to address concerns relating to the extent of proposal alterations. Whilst noting that additional openings are proposed, the CO has advised that the amended proposal is acceptable in this context given the heavily altered nature of the barn ranges at present and the benefit of securing the future re-use of the NDHA stone barn.

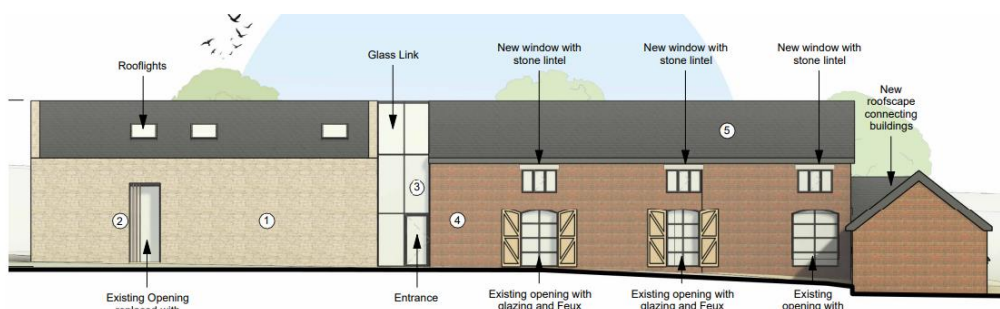


Fig. 3 – Plot 1 Proposed Front (S) Elevation

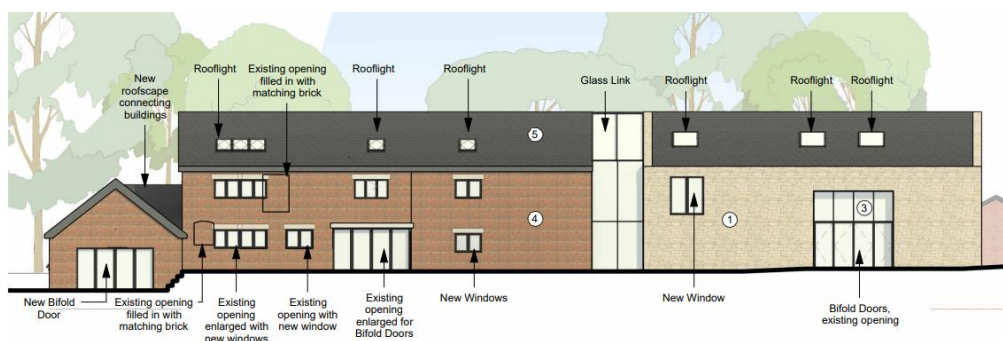


Fig. 4 – Plot 1 Proposed Rear (N) Elevation

7.28. Turning now to Plot 2, this is a modern agricultural building which possesses no architectural or historic merit. The conversion approach would see the retention of the existing stone exterior and addition of metal cladding panels above as well as the insertion of contemporary glazing (see fig. 5 below). Given this is a modern building it is not appropriate to apply the Council’s Conversion SPD and therefore whilst new windows and modern glazing is proposed throughout the building to facilitate the conversion, this is considered to be acceptable in this context. Whilst the appearance of the building would be overtly modern and would contrast with the traditional appearance of the other plots on site, the proposal seeks to materially enhance the appearance of the existing building and given the remoteness of the site this is unlikely to have any appreciable impact on the wider character and appearance of the area.



Fig. 5 – Plot 2 Proposed Front (E) Elevation

7.29. Plot 3 is proposed to be formed by the two-storey red brick building with adjoining single-storey red brick projecting gable ranges. The modern portal structures with corrugated sheeting roofs are proposed to be removed from between the two single

storey ranges and around the buildings which would better reveal the brick-built structures. Existing windows would be re-glazed and larger openings would be infilled by glazing to provide a contemporary appearance. Black composite cladding is proposed on elements of the building to reference the former agricultural use of the site and provide a contemporary aesthetic. Whilst new window openings are proposed, these are mostly at first floor on the side elevation (within the cladding infill panels).



Fig. 6 – Plot 3 Proposed Front (E) Elevation



Fig. 7 – Plot 3 Proposed Rear (W) Elevation

- 7.30. The garage block would be retained in its existing form and existing openings would be infilled by grey garage door openings. The roof would be replaced with grey pantiles. The image below shows the indicative 3D overview of the site:

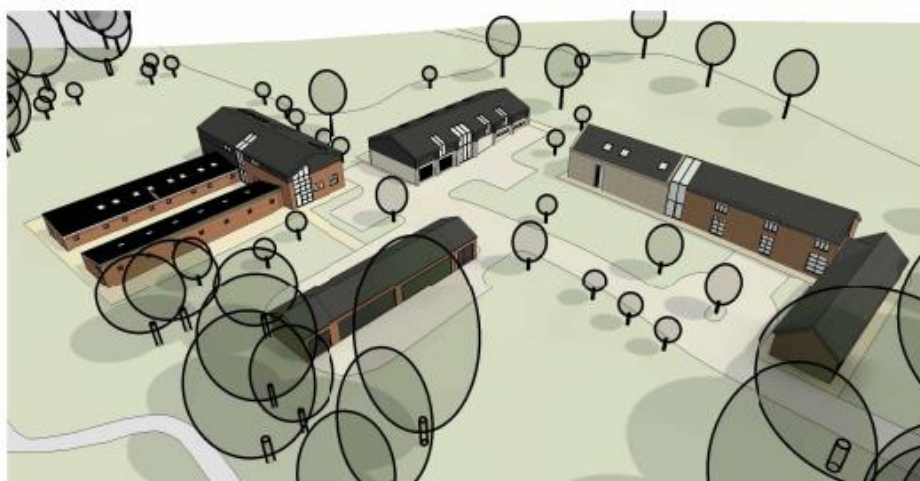


Fig. 8 – Indicative 3D Overview of Site

- 7.31. The CO has reviewed the proposal and has raised no objection to the development subject to a number of conditions relating to materials and architectural details to

ensure the development is delivered to a high quality and preserves the character of the site. The CO also recommends a condition requiring the conversion of Plot 1 to be completed prior to the occupation of Plots 2 and 3 to secure the heritage benefit of preserving the NDHA as part of the wider development. This is considered to be reasonable in the context of enhancing the wider setting and securing the heritage benefits of the scheme.

- 7.32. The proposal would result in three large dwellings and an associated garage on the site, however, there would not be an increase in built development. The proposed site plan notes that there would be a 61% reduction in built footprint across the site and where buildings are proposed for demolition, the land would be either incorporated into the respective curtilages for each plot or landscaped as part of the biodiversity enhancements. Native hedgerow, shrub groups and existing and proposed woodland are proposed to delineate boundaries with some open aspects. The Illustrative Masterplan submitted shows considerable new planting proposed including large blocks of hawthorn scrub to the west of the plots and the addition of 58 native trees.
- 7.33. The Application has been accompanied by a Landscape Visual Impact Assessment (LVIA) which explains that, upon completion, the proposal would have a *negligible adverse* impact upon the local landscape (in respect of landscape effects). The nature and scale of the changes are reported to be small with the overall mass of built form reduced. When planting matures any glimpsed views that may be available, along one section of southern local public right of way, would be heavily filtered and views largely unchanged. The proposal is therefore noted to result in a *neutral change* and not detracting to local character within the immediate environment.
- 7.34. In respect of visual effects, sensitive visual receptors are public rights of way users in the immediate vicinity of the site. The LVIA notes that foreground views of fields in the immediate environment would not change, and the Proposals would not reduce the largely undeveloped view experience for those nearby receptors. From local PRow and from the wider footpaths, there will be *negligible adverse* impact arising from the proposals, due to local topography, and intervening vegetation. Once planting matures any higher adverse impacts due to construction would be mitigated. The planting would introduce a greater wooded character, in keeping with relevant key characteristic of the local landscape, with a more parkland aesthetic towards the west of the site. The planting would provide an informal grassed landscape, and ultimately any interior views of landscaping at plot boundaries would be screened from public views.
- 7.35. Whilst it is not a requirement for this proposal to provide on-site Biodiversity Net Gain (BNG) (due to the date of submission being prior to the legislation coming into effect), the proposed landscaping would result in a 16.6% increase in habitats and 18.75% increase in hedgerow habitats across the site. The additional planting and landscaping proposed, coupled with the sensitive design of the conversions and significant reduction in built form is considered to result in a material enhancement to the character and appearance of the site and its setting which would align with the Landscape Character Aims and the previously mentioned requirements of para. 80c of the NPPF. This, coupled with the preservation of the NDHA on site weighs in favour of the proposal and would accord with the aims and objectives of the abovementioned

design, heritage and landscape character policies. The development is therefore considered to be acceptable in this regard.

Impact on Flood Risk

- 7.36. Core Policy 10 (Climate Change) aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of CP10, Policy DM5 (Design) clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. Para. 167 of the NPPF advise that more vulnerable uses such as new dwellings (Table 2 of the PPG) should not be permitted in these areas unless both the Sequential Test and Exception Test are passed.
- 7.37. Whilst the buildings themselves lie in FZ1, the site access lies in land identified as FZ3a by the Environment Agencies Flood Mapping and as such is in an area at high risk of fluvial flooding (land identified as having a 1 in 100 or greater annual probability of river flooding). The land surrounding the line of the Dover Beck is also identified by the EA as being an area at risk of surface water flooding.
- 7.38. The proposal would result in a change of use from a 'less vulnerable' use to a 'more vulnerable' use in flood risk terms. Whilst change of use proposals do not require the application of the sequential test, a site-specific flood risk assessment is nevertheless required to assess the flood risk to future occupiers and third parties. An FRA has been submitted (and subsequently amended) to consider the flood risk to future occupiers and whether any flood resilience or resistance measures would be required to ensure the properties are safe for their lifetime.
- 7.39. The EA have reviewed the application and raised no objection to the development subject to a condition requiring the development be carried out in accordance with the submitted flood risk assessment (FRA). The EA have confirmed that they have no modelling data for the site and the Ordinary Watercourse that runs along the southern site boundary and therefore flood levels are not available. The FRA provides LiDAR data which demonstrates that the existing land levels at the extent of Flood Zone 2 are approximately 34.00m AOD. Therefore, in order to take account of climate change and the lack of detailed flood levels the minimum ground floor level of the proposed dwellings would be set 600mm above this level (i.e., 34.60 m AOD). Given the positioning of the dwellings on higher land than the adjacent watercourse and the actual land levels assessed within the FRA the actual risk to the properties themselves would be very low, as such no extra flood resistance and resilience measures are proposed to the buildings other than the finished floor level and EV charging points being located on land within FZ1.
- 7.40. Turning now to access and escape, it is noted that the extent of the land in FZ3 covers an approx. 120m section of the access road (see fig. 9 below). In a flood event, access to the properties may therefore be prohibited by foot and car, however the EA have confirmed that they do not hold any modelled data for the watercourse and therefore

have no information on what the flood depths could be along this track during a flood event. The FRA recommends that future occupants sign up to the EA flood warning service and a flood warning and evacuation plan (FW&EP) be the requirement of a planning condition. Given the potential risk to future occupiers a FW&EP has been requested upfront and submitted as part of this application.



Fig. 9 – Access Track affected by Flooding

- 7.41. The FW&EP explains that future occupiers would sign up for the EA’s flood forecasting and warning service and the Flood Warnings Direct service. The FW&EP sets out that given the dwellings are outside of any flood risk area, staying within the dwellings will be safe in flood events. The length of the access road effected by potential flooding is not in an area at risk of rapid inundation and the onset of flooding is slow. Therefore, once warnings are received, residents would have time to consider whether to leave their properties or stay within the properties (which are not at risk of flooding themselves) and wait for flood waters over the access track to subside.
- 7.42. Regarding surface water, the Council’s Strategic Flood Risk Assessment identifies a low potential for infiltration in this area. However, the demolition of buildings on site, removal of hardstanding and planting with wildflower meadow areas would reduce the amount of impermeable surfaces on site and therefore improve surface water drainage across the site.
- 7.43. Officers are aware that NCC Flood Risk, the TVIDB and the EA are in discussions regarding a flood prevention scheme which would involve nearby watercourses, Officers have sought advice from these parties on the proposed development and whether there would be any implications for the flood alleviation scheme of vice versa, however neither of these consultees have raised any concerns in this regard. This development does not propose any alterations to the nearby watercourse or ground levels and therefore would not impact any future alleviation plans.
- 7.44. Overall, in light of the conclusions above it is considered that the development would comply with CP10, Policy DM5 and the NPPF in this regard.
- 7.45. Impact on Highway Safety

- 7.46. Spatial Policy 7 (Sustainable Transport) of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.
- 7.47. Firstly, considering parking provision and the site layout, NSDCs Residential Cycle and Car Parking Standards Design Guide SPD sets out recommended minimum car parking standards which would require 3 car parking spaces and 3 cycle parking spaces for a 4+bed dwelling in this location. The proposed plans show at least 3 car parking spaces per plot within the site (noting additional garage spaces) in addition to space for turning/manoeuvring and storage space for cycles. As such the proposal is considered to accord with the requirements of the SPD.
- 7.48. The internal site layout has also been amended during the course of the application to provide adequate space for the turning and manoeuvring of vehicles, including adequate swept paths for refuse and delivery vehicles. The Highway Authority (HA) have reviewed the proposed site plan and have commented that the internal layout and parking arrangement is acceptable. They also recommend the imposition of a Construction Management Plan to address matters relating to construction access and to include measures to mitigate construction traffic impacts on Priory Road which is considered to be reasonable.
- 7.49. Turning now to access, the applicant has submitted revised proposals during the course of this application which proposes three dwellings within the site, along with demolition of existing farm buildings which would not be converted as part of the scheme. The proposed development is served by a narrow private track which joins the adopted highway at Priory Road some 700m to the east of the main part of the site. Priory Road then continues for some distance before reaching the A612 Nottingham Road in Thurgarton. The applicant proposes improvements to the access track to include a passing place to the southern side of the track (shown in Fig. 10 below), widening of the track on entry to the main body of the site and a commitment to improve the surface of the track within the application site.

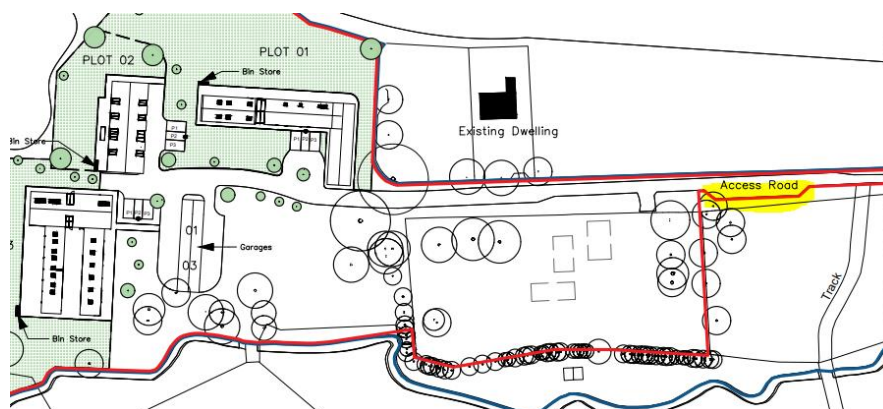


Fig. 10 – Proposed Site Plan Extract showing Passing Bay (highlighted yellow)

- 7.50. The site is occupied by buildings associated with the former Checkers Farm. Whilst not currently in use, the extant use of the site is agricultural, and this would attract associated traffic. The application proposes three dwellings. The supporting Transport

Note (TN) confirms that demolition of redundant buildings that are not required for the proposed development will be undertaken to prevent them being brought back into use. The HA note that this will assist in offsetting the potential trip generation of the proposed development (i.e., will remove any potential for agricultural traffic from the site **in addition** to the proposed dwellings) and is welcomed – the demolition of these buildings prior to occupation of the dwellings could therefore be conditioned to secure this trip offsetting. The TN also confirms that there have been no recorded personal-injury accidents in the study area during the most recent 5-year period for which data is available.

- 7.51. In light of concerns raised by local residents, the TN assesses the suitability of the access track and includes an assessment of passing places along that section of the access track between the site and the adopted Priory Road. Third party representations challenge the ownership/control of these passing places and, hence, the legality of vehicles generated by the proposed development being able to use such passing places. However, notwithstanding the fact that land ownership and rights of access are not material planning considerations, the applicant has supplied proof of rite of passage over the land during the course of the application.
- 7.52. The HA comments noted that the estimates of traffic generation for the proposed dwellings, as presented in the TN, are not accepted by the highway authority. However, based on the highway authority's own assessment of the potential trip generation of the established and proposed site uses, the highway authority considers that the proposal for three dwellings, along with demolition of those not converted as part of the scheme, is unlikely to give rise to a material traffic impact on the capacity of the local highway network when compared to the traffic generation which could arise from the established use of the site. The HA therefore concluded that that the proposed development, particularly with the measures proposed by the applicant, would have no material impact on road safety. The Highway Authority therefore raises no in-principle objection to the proposed development on highway capacity or safety grounds.
- 7.53. The proposed phasing plan indicates improvements to the internal site access road, including the proposed passing place, and the demolition of redundant buildings during the first phase of development. The HA noted that the implementation of the access improvements and demolition of redundant buildings would be necessary prior to commencement of construction of the proposed dwellings to ensure adequate access for construction traffic and no scope for use of the redundant buildings to add to site traffic flows. Phasing could also be addressed in detail in the proposed CMP.
- 7.54. Overall, given the support of the Highway Authority and particularly considering the extant use of the site, the proposal would not have any adverse impact on highway capacity or safety. The development is therefore considered to accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Impact on Residential Amenity

- 7.55. Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that

the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

- 7.56. Taking into account the remoteness of the site, the external alterations to facilitate the conversions of the buildings would not result in any adverse impact on the amenity of any neighbouring property. The closest dwelling is the existing farmhouse to the east of the site, however, given the separation distances and relative positioning of the buildings to this property it is not considered that there would be any adverse overlooking, overshadowing or overbearing impacts as a result of the proposed operational development. Furthermore, it is noted that concerns have been raised about the potential use of the land to the south of the farmhouse for commercial purposes, however it is noted that the buildings are proposed for demolition and the land planted for biodiversity benefits which would alleviate these concerns.
- 7.57. Consideration has been given to the use of the buildings as dwellinghouses and whether this would result in any material disturbance to the closest dwelling to the east, however given the lawful agricultural use (which could re-commence at any time without consent) and separation distances between the properties it is not considered that any unacceptable impact would arise.
- 7.58. Turning now to consider the impact on the amenity of future occupiers – it is noted that the internal floorspace of the dwellings would exceed the national space standards for units of these sizes and all habitable rooms would be served by adequate sources of natural light and outlook. The buildings would also be served by external amenity areas that would be commensurate with the size of the units they would serve and owing to the relative positionings it is not considered that there would be any adverse overlooking impacts between plots.
- 7.59. The proposal would therefore accord with Policy DM5 and the guidance in the NPPF in this regard.

Impact on Ecology

- 7.60. Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.
- 7.61. The Site supports some arable land and a farm courtyard with agricultural buildings and a belt of woodland to the south. The surrounding landscape is rural with a minor watercourse south of the Site. The wider landscape is dissected by woodland, trees, hedgerows, roads and watercourses.

Habitats and Protected Species

- 7.62. Given the proposal would result in the demolition and conversion of existing buildings that have the potential to support protected species a Preliminary Ecology Appraisal (PEA) and a Protected Species Report (PSR) have been submitted to accompany the application.

- 7.63. The Reports explain that the proposal would not have any adverse impacts on any statutory or non-statutory sites of nature conservation, however, recommend some mitigation measures due to the site being adjacent to the Thurgarton Beck Dumble Local Wildlife Site such as adoption of standard pollution control measures during construction and construction worker awareness.
- 7.64. Bats – The reports identified two common pipistrelle non-maternal day roosts involving a small number of individuals within the buildings referred to as B4 and B10 within the reports. The development would result in the loss of these roosts. Therefore, to be lawful, a European Protected Species Licence (EPSL) will be required to allow a derogation from the legislation that affords protection to all UK species of bats and their places of shelter. Because these are classed as low conservation status roosts, and there are only two, the Council’s Ecologist has advised that this meets the criteria for the use of the Bat Mitigation Class Licence (BMCL) approach. However, it is nevertheless reasonable to consider the derogation tests that would be required by the EPSL route in the event that the BMCL approach could not be followed to give confidence that a License would be granted for the development in any event.
- 7.65. Government guidance has set out the legal duty of a LPA when determining a planning application for a development that might have an impact on a European Protected Species (EPS). When Natural England consider a EPSL application they must consider three derogation ‘tests’, and case law has established that a LPA must consider the likelihood of an ESPL being granted when determining a planning application. The three tests are:
- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
 - ii. There must be “no satisfactory alternative”; and
 - iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 7.66. In terms of the first of these tests relating to overriding public interest, due to the small-scale nature of the proposal the public benefits are limited. However, the proposal does promote the opportunity to utilise and secure the future use of a building with some heritage value (the NDHA) and convert other buildings of merit for housing thus contributing towards, albeit minimally, the available housing stock within the District. If the current proposal was resisted there is potential that the NDHA building and the site generally would remain underutilised and fall into further disrepair, with potential loss of the NDHA. In relation to the second test, given the proposal is to convert existing buildings there would be no satisfactory alternative.
- 7.67. In order for a EPSL to be granted it must be demonstrated that proposals will minimise any potential impacts upon roosting bats and that the favourable conservation status of bat species is met. To ensure this is the case a series of mitigation measures are recommended within the survey which can be found at Section 5.4-5.7 of the Protected Species Survey Report which form the broad principles of mitigation

measures to ensure the favourable conservation status of bats. The Council's Ecology Officer has confirmed that the outline mitigation measures would achieve this requirement which would pass the third test.

- 7.68. Subject to the mitigation and compensation measures being secured by planning condition, in addition to an application for a EPSL, it is considered that the favourable conservation status of the bats could be maintained in this instance in accordance with the aims of Core Policy 12.
- 7.69. Birds – The reports have identified the presence of nesting barn owl. Mitigation measures are set out in paragraphs 5.12-5.21 of the Protected Species Survey Report. These include measures for little owl and tawny owl, which although not protected or priority species, could suffer adverse effects from the proposals. The Council's Ecology Officer has advised that these measures are proportionate and appropriate and are therefore acceptable.
- 7.70. Other Species – The reports consider the potential for impacts on other protected and priority species such as otter, badger, hedgehog, amphibians and reptiles and conclude that there would be no unacceptable impact on any of these species subject to appropriate mitigation measures and good working practices. The Council's Ecologist has agreed that this is proportionate and acceptable to this application.

Trees and Hedgerows

- 7.71. Turning now to the potential impact on trees and hedgerows – it is noted that the proposed development would be limited the confined of existing buildings and no trees are proposed to be removed or impacted by the development proposals. The ecology reports refer to some localised removal of saplings as part of the overall biodiversity enhancement plan for the site, however as these trees are self-set saplings that do not have any significant public amenity value and could be removed from the site without prior consent of the LPA, this is considered to be acceptable. Tree planting is also proposed across the site (resulting in a measurable net gain, see below), which would be secured as part of the biodiversity enhancements, which would offset this localised removal.
- 7.72. Overall, it is therefore considered that the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Biodiversity Net Gain (BNG)

- 7.73. In England, BNG became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for major developments from 12 February 2024 and 'minor sites' on 2 April 2024. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. However, where an application was submitted before the relevant dates listed above BNG is not mandatory. This application was submitted in October 2023 which means that BNG is not applicable in this case.

- 7.74. However, irrespective of this, the application proposes a number of biodiversity enhancements across the site and is supported by a voluntary BNG metric and report which details that with additional planting (including the planting of 58 trees and hedgerows, scrub planting and wildflower and lawn seed planting) that the development would result in an overall net gain of 16.6% for habitat units and 18.75% for hedgerow units. The BNG report details how this BNG would be achieved across the site with the supporting landscaping strategy, however the report also recommends a Biodiversity Management and Monitoring Plan (BMMP) is required by condition to provide prescriptions associated with habitat creation/enhancement and long-term management so secure the benefits of this net gain. It is noted that the BNG Report details a 30 year management plan, however as this relates to mandatory BNG the Council's ecologist has advised that this is not reasonable for this application and instead a monitoring schedule will be agreed as part of the BMMP condition (condition 07) that is proportionate to the agreed management plan.
- 7.75. Whilst this BNG is not a legislative requirement of this development, the applicant is voluntarily proposing such enhancements to support the principle of development which requires such schemes to enhance their immediate setting. The Council's Ecology Officer has reviewed the metric calculation and advised that the proposed habitats and target conditions are appropriate and realistic and therefore if implemented, would represent a biodiversity gain. Subject to conditions securing a detailed soft landscaping plan and BMMP the Ecologist has raised no objection to the proposal.
- 7.76. Overall, given the conclusions reached above and the support from the Council's Ecology Officer it is considered that, subject to conditions, the proposal would comply with Policy DM7 of the DPD and Core Policy 12 of the Core Strategy in this regard.

Impact on Archaeology

- 7.77. Core Policy 14 of the Core Strategy requires the continued preservation and enhancement of the District's heritage assets including archaeological sites. Policy DM9 of the DPD states that where proposals are likely to affect sites of significant archaeological potential, the applicant is required to submit an appropriate desk-based assessment and, where necessary a field evaluation. This is supported by para. 194 of the NPPF.
- 7.78. The site lies in an area of archaeological potential associated with Roman, medieval and post-medieval activity. Several significant Roman sites including a villa complex and bath house are recorded to the west of the proposed site. Cropmarks that may relate to Roman or pre-historic activity are also noted to the west and north.
- 7.79. The medieval Thurgarton Priory is located to the east of the site, with the associated historic park bounding the development site. Castle Hill is located to the east of the site and is a Scheduled Monument (SM) thought to contain the remains of a castle, although the site can only be confirmed as an extensive area of medieval earthworks. Crop marks showing a track extending from the SM towards the proposed site have recently been confirmed during geophysical investigation for a neighbouring scheme.

- 7.80. Given the proposal does not include any new buildings/ground intrusion it is not considered reasonable or necessary to require any archaeological investigation as part of this application, however given the proposal includes alterations to a NDHA it would be reasonable to condition a historic building record to be undertaken. A Historic Building Record has been provided throughout the course of this application and the Conservation Officer has advised that this is acceptable, removing the need for any further conditions in this regard.

Other Matters

- 7.81. Community Infrastructure Levy – The proposal is for the conversion of existing buildings on site to residential use. Given none of the buildings on site have been in lawful use for at least 6 months out of the last 3 years all the gross internal area is CIL liable. The site is located within Housing Very High Zone of the CIL Charging Schedule where residential development in this area is rated at £100m². The development would result in 1780m² of residential GIA across the site, therefore the CIL charge on the development is £207,394.50.
- 7.82. Contaminated Land – The Contaminated Land Officer has provided general advice in relation to the potential for contamination from the previous agricultural use of the land which can be attached via an informative note to the Applicant.

8.0 Implications

- 8.1. 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

- 9.1. The principle of the conversion of plots 1 and 3 is supported by policy DM8 given the buildings possess architectural and historic merit and they are capable of conversion without significant alteration. However, plot 2 is a modern agricultural building. Whilst the principle of the conversion of plot 2 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 it has been concluded that the proposal would enhance its immediate setting (though operational development and landscape/biodiversity enhancements), and the conversion can be undertaken without significant re-building or alteration.
- 9.2. Furthermore, given the amendments made throughout the course of the application it is considered that the proposal would enhance the visual amenity and character and appearance of the wider area and secure heritage benefits through the reuse of a NDHA and retention of traditional farmstead 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 impacts on amenity, flood risk, ecology or highways safety, subject to conditions.

- 9.3. 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 which are materials considerations, this, along with support from para.80c of the NPPF is considered to outweigh the initial conflict with the Development Plan in respect of plot 2.
- 9.4. It is therefore recommended that the application is approved, 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 except in complete accordance with the following plans, reference numbers:

- SITE LOCATION PLAN, TEH ARC S1 XX DP A 1200 P2, 22 Apr 2024
- PROPOSED SITE PLAN, TEH-ARC-S1-XX-DP-A-1203-P3, 26 Jun 2024
- PROPOSED DEMOLITION PLAN, TEH-ARC-S1-XX-DP-A-1202-P2, 22 Apr 2024
- PLOT 1 - PROPOSED GROUND FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2210-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FIRST FLOOR PLAN, TEH-ARC-B1-XX-DP-A-2211-P2, 09 Jul 2024
- PLOT 1 - PROPOSED FRONT ELEVATION, TEH-ARC-B1-XX-DE-A-3710-P2, 09 Jul 2024
- PLOT 1 - PROPOSED REAR ELEVATION, TEH-ARC-B1-XX-DE-A-3711-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 01 ELEVATION, TEH-ARC-B1-XX-DE-A-3712-P2, 09 Jul 2024
- PLOT 1 - PROPOSED SIDE 02 ELEVATION, TEH-ARC-B1-XX-DE-A-3713-P2, 09 Jul 2024
- PLOT 2 - GROUND FLOOR PLAN, TEH-ARC-B5-00-DP-A-2250-P1, 01 Aug 2024
- PLOT 2 - FIRST FLOOR PLAN, TEH-ARC-B5-01-DP-A-2251-P1, 01 Aug 2024
- PLOT 2 - PROPOSED ELEVATIONS, TEH-ARC-B5-XX-DE-A-3750-P1, 01 Aug 2024
- PLOT 3 - PROPOSED GROUND FLOOR GA, TEH-ARC-B2-00-DP-A-22201 P1, 02 Apr 2024
- PLOT 3 - PROPOSED FIRST FLOOR GA PLAN, TEH-ARC-B2-01-DP-A-2221 P1, 02 Apr 2024
- PLOT 3 PROPOSED FRONT ELEVATION, TEH-ARC-B2-XX-DE-A-3750 P1, 02 Apr 2024
- PLOT 3 PROPOSED REAR ELEVATION, TEH-ARC-B2-XX-DE-A-3751 P1, 02 Apr 2024

- PLOT 3 PROPOSED SIDE 01 ELEVATION, TEH-ARC-B2-XX-DE-A-3752 P1, 02 Apr 2024
- PLOT 3 PROPOSED SIDE 02 ELEVATION, TEH-ARC-B2-XX-DE-A-3753 P1, 02 Apr 2024
- GARAGE - PROPOSED GROUND FLOOR GA PLAN, TEH-ARC-B3-00-DP-A-2230 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 1 OF 2), TEH-ARC-B3-XX-DE-A-3730 P3, 01 Aug 2024
- PROPOSED ELEVATIONS (GARAGE SHEET 2 OF 2), TEH-ARC-B3-XX-DE-A-3731-P3, 01 Aug 2024
- ENHANCEMENT PLAN, N1064 (03) 001 REV C, 23 May 2024
- PROPOSED PHASING PLAN, TEH-ARC-S1-XX-DP-A-1208 REV P2, 01 Aug 2024
- PROPOSED PARKING PLAN, TEH-ARC-S1-XX-DP-A, 26 Jun 2024

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

Pre-Commencement Conditions

03

The access road passing place and improvements to the width and surface of the access driveway within the site, between the eastern site boundary and the access to Plot 1 (as illustrated on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3), shall be undertaken in accordance with a detailed scheme to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the commencement of the remainder of the development hereby approved and shall be maintained for the life of the development.

Reason: In the interest of highway safety.

04

The existing buildings noted as being demolished (on the eastern side of the site) as shown on the Proposed Phasing Plan (ref. THE-ARC-S1-XX-DP-A-1208 Rev P2) and identified on the Proposed Demolition Plan (ref. THE-ARC-S1-XX-DP-A-1202 Rev. P2) shall be demolished prior to the commencement of any other part of the development hereby approved. The remaining buildings to be demolished (as shown on the demolition plan) shall be demolished prior to the occupation of any of the dwellings hereby approved.

Reason: In the interest of highway capacity and highway safety and the amenity of future occupiers.

05

Prior to the commencement of development, a methodology of external repairs for Plots 01 and 03 (as identified on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) shall be submitted to and approved in writing by the local planning

authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the historic interest of the buildings and secure the heritage benefits of the development.

06

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Construction Environmental Management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of maintain and enhancing biodiversity.

07

Prior to the commencement of the development, a Biodiversity Management Plan (BMP) shall be submitted to and be approved in writing by the Local Planning Authority. The content of the BMP shall include the following:

- a. The location and summary description of the features to be maintained and/or enhanced, or created;
- b. The proposed actions to maintain and/or enhance or create the features, and the timing of those actions;
- c. The proposed management prescriptions for those actions;
- d. An annotated plan providing a summary of the elements covered by items a, b, and c;
- e. An annual work schedule covering a 5-year period (with the view that the management proposals would be reviewed every 5 years);
- f. Identification of who will be responsible for implementing the BMP; and
- g. A schedule for monitoring the implementation and success of the BMP, this is to include a timetable for monitoring reports to be submitted to Newark and

Sherwood District Council at agreed intervals and the implementation of any recommendations of the monitoring reports.

Reason: In the interests of maintaining and enhancing biodiversity and to secure the mitigation, compensation and enhancement measures detailed in the Ecology reports that support this application.

Pre-Installation Conditions

08

No development above damp-proof course or installation of any external facing materials shall take place until manufacturers details (and samples upon request) of all external facing materials following materials (including colour/finish) including but not limited to:

- Bricks or Stone
- Wall Cladding materials
- Render
- Roofing materials

have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and in recognition of the heritage benefit of the proposed development.

09

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 glazing bars
- Glazed Link to Plot 1
- Timber Shutters/Faux Doors
- Treatment of window and door heads and cills
- Ridge, verges and eaves
- Rainwater goods
- Chimney(s)/Flue(s)
- External Vents
- Metre boxes
- Airbricks
- Soil and Vent pipes

Reason: In the interests of visual amenity and in recognition of the heritage benefit of the proposed development.

Pre-Occupation Conditions

10

The conversion of Plots 1 and 3 (as identified on the Proposed Site Plan, Ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) must be completed and the dwellings made available for residential occupation prior to the occupation of Plot 2, in accordance with the Proposed Phasing Plan (ref. THE-ARC-S1-XX-DP-A-1208 Rev P2).

Reason: Due to the reasons that justified the principle of the development and securing the heritage benefits of the scheme.

11

Prior to first occupation of the development hereby approved full details of both hard and soft landscape works (which must be informed by the Biodiversity Management Plan as required by condition 07) 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;
- all boundary treatments/means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- details of external bin and cycle stores.

Reason: In the interests of visual amenity and biodiversity.

12

No part of the development hereby permitted shall be brought into use until the site access and driveway/parking/turning areas are provided in accordance with the scheme illustrated on the approved site plan (drawing number THE-ARC-S1-XX-DP-A-1203 Rev P3). The driveway/parking/turning areas shall not be used for any purpose other than parking/turning/loading/unloading of vehicles.

Reason: In the interest of highway safety.

13

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and shall include provision for:

- a) Routing of vehicles of site operatives, construction traffic and visitors.
- b) Timings of vehicular arrivals and departures.
- c) Measures to manage/mitigate two-way traffic conflicts at the site access and along Priory Road.
- d) Advanced warning and route signage on Priory Road.
- e) Parking of vehicles of site operatives and visitors.
- f) Loading and unloading of plant and materials
- g) Wheel washing and road sweeping facilities.
- h) Development phasing.

Reason: In the interest of residential amenity and highway safety.

14

No part of the development hereby permitted shall be brought into use until provision has been made within the application site for the secure parking of cycles in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall not thereafter be used for any other purpose and shall be maintained for the life of the development.

Reason: In the interest of supporting sustainable transport modes.

Compliance Conditions

15

The approved hard and soft landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 5 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.

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

16

The submitted archaeological mitigation strategy (ARCHAEOLOGICAL MITIGATION STRATEGY Checkers Farm, Thurgarton - RPS 10/10/2023) shall be implemented in full and the site work must be undertaken in full accordance with the approved strategy and any subsequent written schemes of investigation required. The applicant must notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

17

All archaeological and historic building recording reports shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved mitigation strategy/written scheme of investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.

18

The development shall be carried out in accordance with the Recommendations made at Section 6 (pages 25-28) of the Preliminary Ecological Appraisal (Ref. JME_2081_PEA_01_V2, dated April 2024, produced by JM Ecology) and the mitigation measures it details. These mitigation measure shall be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of nature conservation.

19

The development shall be carried out in accordance with the Mitigation Measures detailed at Section 5 (page 12) of the Flood Risk Assessment & Outline Sustainable Drainage Strategy, ref. RLC/1292/FRA+OSDS01 Rev. 3 dated 25/03/2024. These mitigation measure shall be fully implemented prior to occupation and retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

20

The development shall be carried out in accordance with the Flood Warning and Evacuation Plan, ref. RLC/1292/FW&EP01, dated 25/07/2024 and the plan shall be complied with throughout the lifetime of the development.

Reason: To safeguard residents against the risk of flooding.

21

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

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class C: The painting of the exterior of any building.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not undermine the positive design elements of the approved scheme or adversely impact upon the openness of the countryside or heritage significance of the buildings on site.

22

The garages hereby permitted (as shown on the Proposed Site Plan, ref. THE-ARC-S1-XX-DP-A-1203 Rev P3) shall be used solely for purposes incidental to the enjoyment of the dwelling houses and not for any commercial, industrial or business purpose.

Reason: In the interests of highways safety, residential amenity and in recognition of the sites location in the open countryside.

Informatives

01

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

02

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

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

03

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, to discuss the requirements and request preparation of a brief for the works.

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 - 23/01779/FULM

