

<b>Application No:</b>	<b>17/02135/FUL</b>	
<b>Proposal:</b>	<b>Proposed residential development of four new dwellings for the over-55's market. This application also includes for the Change of Use of the Grade II listed Threshing Barn, (from an annex for the farmhouse to an independent dwelling). The rear barn, which is currently used for storage, is proposed to be converted into an annex to the Threshing Barn dwelling.</b>	
<b>Location:</b>	<b>Old Manor Farm Main Street Farnsfield Nottinghamshire NG22 8EA</b>	
<b>Applicant:</b>	<b>Capla Developments Ltd - Mr Chris Richardson</b>	
<b>Registered:</b>	<b>23.11.2017</b>	<b>Target Date: 18.01.2018</b>
	<b>Extension of Time Agreed Until 9<sup>th</sup> February 2018</b>	

**This application is being referred to the Planning Committee for determination by the County Councillor for Muskham and Farnsfield Cllr Laughton in line with the objection from the Parish Council. The officer recommendation differs from the views of the Parish Council and thus the application would in any case be referred to Members in line with the adopted scheme of delegation.**

**The Site**

The application site is a broadly rectangular plot of land approximately 0.24 hectares in extent to the south of Main Street within the village of Farnsfield. The site is within the designated conservation area for Farnsfield. The site is bounded by residential curtilages to the east and west; Main Street to the north and open land to the south characterized by overgrown vegetative cover.

The site as existing forms the residential curtilage of Old Manor Farm with the property itself along the western boundary of the site set back approximately 12m from Main Street. Old Manor Farm is a two storey painted brick dwelling with a tile roof and gable chimney stacks. The front garden is separated from Main Street by an existing attractive brick wall. The house itself is not listed although it is referenced in the Conservation Area (CA) Appraisal as making a positive contribution to the character and appearance of the CA.

There are also a number of outbuildings within the site including a Grade II listed barn which directly abuts Main Street. The barn is a two storey threshing barn of red brick with a hipped pantile roof. As discussed further in the relevant planning history section this has recently been granted planning permission and associated listed building consent for the conversion to annexed living accommodation in association with Old Manor Farm. There is also a barn running perpendicular to the threshing barn (but separated by part of the barn in separate ownership) along the eastern boundary of the site. The site features a number of dispersed trees and areas of

vegetation.

### Relevant Planning History

**17/00919/FUL** - Proposed residential development of eight bungalows for the over 55's, and the conversion of the rear barn into a dwelling, including a small single storey extension, Old Manor Farm, Main Street, Farnsfield. *Application withdrawn prior to determination owing to concerns raised by officers on numerous matters including highways implications, character impacts and impacts to tree cover within the site. The site to the application included the current application site but also incorporated further land to the south.*

**16/01615/TWCA** - Ash tree - reduce height of crown by approximately 30% and reduce the remaining crown by 20% to rebalance. *Tree works agreed.*

**16/00226/TWCA** - To undertake the following works: Beech Tree - Remove damaged limb. *Tree works agreed.*

**13/01276/FUL and 13/01277/LBC** - Convert Existing Grade II Listed Building Barn to Annexed Living Accommodation. *Applications approved October 2013.*

**12/01193/FUL** - Resubmission of proposed erection of 2 dwellings and garages and replacement garage incorporating demolition of existing garage. *Application refused November 2012 and subsequently dismissed at appeal September 2013.*

**10/01592/FUL** - Proposed erection of 2 No. dwellings and garages and replacement garage (incorporating demolition of existing garage to serve Fox Hollow). *Application refused August 2011.*

**09/01680/TWCA** - Felling of 1no tree and remedial pruning of 2no trees. *Tree works agreed.*

**99/50643/FUL** – Residential development consisting of road extension and 7 dwellings. *Application refused March 2000.*

**68900885** – Erect Single Dwelling. *Application refused September 1990.*

The appraisal below also refers to planning history in close proximity to the site, notably the following application:

**12/01193/FUL** - Resubmission of proposed erection of 2 dwellings and garages and replacement garage incorporating demolition of existing garage. *Application refused 2<sup>nd</sup> November 2012 and appeal dismissed 17<sup>th</sup> September 2013.*

There have also been previous refusals for development on land to the south but given the passage of time (decisions 2000 and before) their reference is not considered directly relevant to the current determination.

### The Proposal

The proposal seeks full planning permission for the residential delivery of the site which is summarised by the submitted Design and Access Statement as follows:

The application proposes a total of 6no. dwellings, comprising of:

- **PLOT 1:** Farmhouse - This is to remain as existing.
- **PLOT 2:** Threshing Barn - This resubmission includes for the Proposed Change of Use of the listed threshing barn from an Annex (previously permitted and implemented) into an independent dwelling. This plot will also include the proposed conversion of rear barn to form annex.
- **PLOTS 3 & 4:** Creation of 2no. new bungalows for the over-55's market.
- **PLOTS 5 & 6:** Creation of 2no. new 2 storey dwellings for the over-55's market.

The application has been amended during its lifetime through the submission of revised plans received 31<sup>st</sup> December 2017. The plans were accompanied by a covering email to detail the main elements of the revisions which are summarised as follows:

- Clarification of roof lights to Plot 2;
- Revised design of Plots 5 and 6 including through introduction of a cat slide roof and increase in the pitch height of the main roof;
- Amendments to car parking arrangement moving spaces for Plots 3 and 4 together to the north of Plot 3 and repositioning Plots 5 and 6 southwards;
- Removal of additional trees including:
  - 2 no. apple trees (G2);
  - Walnut tree (T13) with subsequent replacement further northwards;
- Changes to hardstanding areas and driveway alignment.

A further revised site location plan was received on January 17<sup>th</sup> 2018 which demonstrates an additional tree to be planted in the garden of Plot 3 and further annotation details of the replacement tree to be planted in the garden of Old Manor Farm.

#### Departure/Public Advertisement Procedure

Occupiers of 126 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. The revised plans referred to above have been subject to an original round of consultation on the basis of all original neighbours and consultees consulted as well as any contributors to the original scheme.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12 Biodiversity and Green Infrastructure  
Core Policy 13: Landscape Character  
Core Policy 14: Historic Environment

### **Allocations & Development Management DPD**

Policy DM1 – Development within Settlements Central to Delivery the Spatial Strategy  
Policy DM5 – Design  
Policy DM7 – Biodiversity and Green Infrastructure  
Policy DM9 – Protecting and Enhancing the Historic Environment  
Policy DM12 – Presumption in Favour of Sustainable Development

### **Farnsfield Neighbourhood Plan**

FNP1: Housing Development within the Village Envelope of Farnsfield  
FNP2: Infill Development within the Village Envelope  
FNP3: Affordable Housing  
FNP5: Creating a Thriving Parish  
FNP7: The Quality of Development  
FNP8: Landscape  
FNP9: Access to the Countryside  
FNP10: Community Facilities

### **Other Material Planning Considerations**

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

### **Consultations**

**Farnsfield Parish Council** – Farnsfield Parish Council has considered its response to the above application and has taken views from the local community during a recent meeting, including the Parish Council meeting on 19 December at which the item was discussed by Councillors. As a result, the Parish Council voted not to support the proposed development on the following grounds.

#### *Farnsfield Neighbourhood Plan*

Neighbourhood Plans provide opportunities for communities to set out a positive vision for how they want their community to develop over the next 20 years in ways that meet identified need and make sense for local people. Paragraphs 183-185 of the NPPF state that where a planning application conflicts with a NP, planning permission should not normally be granted.

The Neighbourhood Plan reflects the fact that the community is not opposed to development per se, it simply seeks to ensure that appropriate, sustainable and sensitive development occurs within the settlement boundary. The independent examiner's review of the Neighbourhood Plan resulted in comments and recommendations that the Parish Council firmly believe support its case for the rejection of the Appeal, including:

*“Recommendation: to meet the Basic Conditions I recommend modification to Policy FNP5 to read as follows:*

*Development will be supported for uses that will contribute to the vitality and viability of Farnsfield through the creation of new opportunities for community, retail cultural, leisure and tourism, where:*

- *It is within the Village Envelope;*
- *It is of a scale appropriate for a village location;*
- *It can be satisfactorily accommodated within the existing highway infrastructure of the village having had regard to proposed mitigation and/or improvement measures, including drainage, education and health in particular;*
- *It would not adversely impact on the availability of public car parking within the village. Contributions towards increased public car parking capacity – including through making its facilities available outside of operating hours, would be supported;*
- *Is sympathetic to the residential environment of the village;*
- *Respects the character of the village as defined within the Farnsfield Character Appraisal (2017);*

The proposed development does not integrate into the natural, built and historic environment. Paragraph 61 of the NPPF requires new development to demonstrate how it has taken account the character of the village and we would also argue, has responded to the Farnsfield Conservation Area Appraisal, Character Appraisal and Design Principles. The Parish Council's view is that the proposal will have a negative impact on the conservation area and the character of the village.

The Parish Council is also of the view that the development will add to traffic congestion in a village that is already blighted by over-development and increased traffic flows.

With reference to Spatial Policy 9 and allocated sites within Farnsfield. There are a number of general policies within the Core Strategy that inform the approach to development within the District that are of relevance to the planning policy context for the Farnsfield Neighbourhood Plan. Sites allocated for housing, employment and community facilities, as part of the Allocations & Development Management DPD will:

- Be the most sustainable in terms of impact on existing infrastructure, or demonstrate that infrastructure can be provided to address sustainability issues. Doctors, schools, parking, and sewers were comments raised in the consultation as being overburdened.
- Not impact adversely on the special character of the area, including not impacting on important open spaces and views, all designated heritage assets including listed buildings or locally important buildings, especially those identified in Conservation Area Character Appraisals. The development will impact adversely in the opinion of the Parish Council.

### *Local Housing Need*

The District Council allocated sites in a number of settlements, Farnsfield being one of them. This proposal does not feature in NSDC's Strategy either numerically or geographically.

The District Council's Local Development Framework originally allocated a development figure for Farnsfield of 142 dwellings between 2006 and 2026. The combined housing figure for the allocated development at Ash Farm (FA/MU/1) and Greenvale/The Ridgeway (Fa/Ho/1) already provide more than enough dwellings to meet (and in fact exceed) that requirement with a total of 166 new dwellings between those two sites. That number excludes the development on Southwell Road, which adds an additional 48 dwellings, giving a total of 214.

According to Census data, the village has already seen an increase in the number of dwellings from 1108 in 2001 to 1193 in 2011 and with all current and sought permissions completed, would result in a total of 1436 – an increase of over 29% in only 16 years.

#### *Previous applications and NSDC assessment*

In a previous feasibility assessment of the site for housing development by Newark and Sherwood District Council, the site was rejected on the grounds that access and egress were not suitable. There is nothing in this application to demonstrate that the situation has changed in favour of development.

The Parish Council has considered and opposed a number of previous applications for development on land to the rear of Fox Hollow, the latest of which was in 2013. The Parish Council would wish to draw the Officer's attention, all of the Planning inspector's comments in relation to that refusal on the basis that much of that information is of direct relevance to this proposal.

#### *Access*

The access is not satisfactory for the number of properties involved and the potential number of cars emerging from and turning into the development, from a narrow and busy section of Main Street, with cars parking either side of the access road, and a bus stop nearby. Drivers emerging from the access would have inadequate visibility. The access as proposed would be located on a narrow stretch of Main Street where vehicles are often parked making two-way traffic flow impossible. In addition to the potential danger associated with the proposed access, the development would result in increased congestion on Main Street on a daily basis.

Experience elsewhere in the village would suggest that, combined with the access issue raised above, refuse lorries would not access and egress the development which will lead to the lorry idling in Main Street whilst the bins are wheeled from individual houses to the Main Street kerbside, which is neither safe nor environmentally friendly.

#### *Bungalows for the over 55s*

The proposed development is described as being *bungalows for the over 55s*. Previous housing needs analysis and the Neighbourhood Plan process did not identify this as being a demographic group requiring specific housing. The Parish Council do not believe that such a requirement could be enforced in future property sales. The over 55 age factor would not preclude any or all residents having at least one car per household, adding to congestion and environmental impact.

#### *Character and Conservation*

The proposed development does nothing to protect or enhance the character within the conservation area. There is a statutory duty on the planning authority to give "*considerable importance and weight*" to the desirability of preserving or enhancing the character and appearance of the conservation area. The proposal does neither.

#### *National Planning Policy Framework (NPPF)*

The National Planning Policy Framework (NPPF) states that sustainable development requires three interlinked and mutually dependent strands to be satisfied: economic, social and

environmental. In fact, the Government argues that all paragraphs from 18 to 219 of the NPPF constitute the Government's view of what sustainable development means. The NPPF says that the benefits of development must outweigh the adverse impacts if it is going to be accepted. The Parish Council is of the view that the negative impacts of the proposed development outweigh the benefits for a number of reasons, as expressed in this submission.

### *Backland Development*

The Parish Council has historically opposed Backland Development and will continue to do so in the future. The Parish's position supports the Government's view that, since 2000, has been in place order to resist proposals that constitute 'garden grabbing.' The proposed development of the garden to Old Manor Farmhouse falls into this category. The definition of 'previously developed land' in the Government's National Planning Policy Framework excludes 'private residential garden'.

### *Local Planning Policy*

Core Policy 9: Sustainable Design states *"the District Council will expect new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District. Therefore all new development should (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"*.

A&DMDPD Policy DM5: Design states in relation to 'Local Distinctiveness and Character' that *"proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted"*.

DPD Policy DM9: Protecting and Enhancing the Historic Environment states that *"all development proposals concerning heritage assets will be expected to secure their continued protection or enhancement"*.

### *Summary*

As stated in the opening paragraph, the Parish Council does not support this application.

**NSDC Conservation** - The proposal site is located within Farnsfield Conservation Area (CA). The barn at Old Manor Farm is Grade II listed. There are other listed buildings nearby, including Smith's Cottage, Straw's Cottage, Charnwood House, Jasmine Cottage and The Grange (all Grade II listed).

We provided advice on a scheme for residential development on this site in July 2017 (ref 17/00919/FUL) and raised concerns about the intensity and design of new dwellings.

### Main issue(s)

The main historic environment issue in this case are:

- i) What impact the proposal has on the character and appearance of Farnsfield CA; and

- ii) Whether the proposal preserves the special interest and setting of listed buildings, notably the barn range at Old Manor Farm.

### Legal and policy considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, including their setting and any architectural features that they may possess. Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas or within their setting (paragraph 137).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

### Significance of heritage asset(s)

Farnsfield CA was designated in 1977. The designated boundary includes the historic core of the village. The long linear form of Main Street with tightly packed cottages is an important thoroughfare within the CA. The Parish Church of St Michael is a landmark building.



The Council approved an Appraisal of the CA in 2000. Although this was published some time ago, the character analysis within the Appraisal remains useful as background information. The Appraisal notes that Farnsfield derives much of its significance from its agricultural origins during the late medieval and post-medieval era, with remnants of crofts legible on Main Street and Quaker Lane. A well-established arrangement of fields and farmsteads emerged after Enclosure in 1777, resulting in a distinctive pattern of late 18<sup>th</sup> and early 19<sup>th</sup> century farmsteads and cottages in the vicinity of the proposal site, including Old Manor Farm itself.

Old Manor Farmhouse is not listed, but the associated barn fronting the road is Grade II listed. The group of historic buildings comprising Old Manor Farm, including the farmhouse, barns and boundary wall, are all considered to contribute positively to the character and appearance of the CA.

The farmhouse is 19<sup>th</sup> century, being 2 storeys in painted brick, with a plain tile roof, chimney stacks and 2 over 2 sash windows. The garden enclosure to the road, including the boundary wall, is well-defined with the entrance to the crew yard directly adjacent to the barn gable wall, away from the main façade of the farmhouse. In addition, the land enclosure to the rear of the yard remains legible (see historic map extracts below for example). In this context, the spaciousness of the rear field is considered to contribute to the setting and significance of the farmstead, making a positive contribution to the CA. In addition, the dense copse of trees to the southeast help reinforce the rural setting of the heritage assets comprising the former farmstead.

The listed barn is early 19<sup>th</sup> century, and is 2 storeys in red brick with a hipped clay pantile roof, a moulded brick dentil course and a large central doorway with double timber plank door. The barn is prominent to the road.

The perpendicular range which abuts the end of the main barn and includes a pigeoncote at its southern end is historic, comprising typical rural vernacular details such as plank doors. Historic maps suggest that this range was associated with the adjacent plot to the east. This separation has presumably led the applicant to conclude that this barn range is not curtilage listed. I have no reason to dispute this, and acknowledge that the listed building curtilage of the principal barn may well be limited to its footprint and the crew yard (in accordance with section 1(5) of the Act). Nevertheless, as set out in both the PPG and in HE Good Practice Notes, the setting of a heritage asset is typically more extensive than the curtilage. In this case, the openings in the western side of the perpendicular barn range, as well as its architectural interest, ensure that it contributes positively to the setting and significance of the listed barn, particularly in its arrangement around the crew yard.

Smith's Cottage which adjoins the farmhouse on the western side is also Grade II listed. This cottage is early 19<sup>th</sup> century, being 2 storeys in red brick with a pantile roof, chimney stacks, Yorkshire sliders and wedge lintels above ground floor openings. Straw's Cottage sits at the junction to Quaker Lane beyond Smith's Cottage, and is a later 18<sup>th</sup> century building that is also Grade II listed. Opposite on the north side of Main Road is the Grade II listed Charnwood House which is early 19<sup>th</sup> century. Combined with Old Manor Farm, this is a distinctive cluster of historic buildings. The tight layout of buildings on this part of Main Street, as well as along Quaker Lane gives a strong sense of enclosure, with buildings laid out directly onto the street. The enclosure of gardens and the occasional remnants of old orchards contribute to this significance.

To the west of the proposal site along Quaker Lane is the Grade II listed Jasmine Cottage, which is mid-18<sup>th</sup> century. This building is an example of pre-Enclosure vernacular.

To the east is The Grange, a significant Grade II polite house set within large grounds (now truncated by modern development). This focal building is early 19<sup>th</sup> century, comprising a two storey house in stone ashlar with a hipped slate roof. The Appraisal identifies The Grange as a handsome building on approach to the CA from the east (para.15). The Appraisal goes on to mention the boundary walls, former outbuildings and mature trees at The Grange, advising that these features contribute significantly to the CA (para.26). Stone is not commonly used within the CA, other than St Michael's Church, Farnsfield Hall and The Grange, so the status of this building must have been significant in the context of the village.

### Assessment of proposal

The proposal seeks permission for residential development comprising four new dwellings for the over-55's and the change of use of the Grade II listed former threshing barn to a dwelling. The further rear barns will be converted into an annex to the main barn which already benefits from listed building consent for conversion to a residential annex, ref 13/01277/LBC. Although relevant conditions have been discharged, no detail has been offered on how this has been implemented (this should be clarified by the applicant).

Having reviewed the submitted plans and details, Conservation objects to the proposal in its current form.

There seems to be some slight confusion on the annotations for units 3-6. Unit 1 is the farmhouse and other than landscaping works and changes to the access (including partial demolition of the front garden wall), no works are proposed to this. Unit 2 is the main barn (for which consent is already in place) and the annex (identified on plan as the 'rear barn'). Units 3-6 comprise four new dwellings. On the block plan, unit 3 and 4 is identified as the single storey range running perpendicular to the farmhouse when viewed from the road. Plots 5 and 6 are given as the 2 storey dwellings facing the courtyard behind Manor Barn. However, the elevation plans refer to 3 and 4 on both sets of elevation plans. This should be amended.

The conversion of the dovecote range to form an annex to the main barn will cause no harm to the setting of the adjacent listed barn. The external alterations proposed are relatively minor and the use appears to be compatible with the plan form and fabric of the building. I note that there does not appear to be a proposed rear elevation drawing for the annex. Given that the block plans indicate roof lights on the rear roof slope, a relevant plan should be provided. In addition, the internal plans for the annex show the roof lights to be level, whereas on the block plan the guest bedroom rooflight is in a different position. This should be clarified. This element of the scheme is otherwise acceptable. A number of matters will need to be conditioned if the scheme is approved, including level 1 recording (to record matters of archaeological significance and to submit them to the HER in accordance with paragraph 141 of the NPPF) and further details on facing materials (notably replacement roof tiles), renovations (schedule of works), joinery details and all external accretions (roof lights, rainwater goods, flues, vents etc).

The single storey range proposed reflects rural vernacular architecture. Conservation has no objection to this element of the scheme and finds the design to be well-considered and positive.

The 2 storey range however is not acceptable in its current form. Although it is clear that the design seeks to reference the threshing barn, the extent of openings presents an overly domestic appearance which is at odds with its farmyard pretensions. Moreover, in this scale of historic farmstead, there is typically only a single threshing barn, so a further large barn of this type is incongruous. To address this concern, the elevation should be revised. One option would be to present a granary/cart shed style building, with arched openings at ground floor and

corresponding small square casements above which reference the hit and miss types typical in this area. The gable is overly wide, furthermore, and would benefit from a reduction (to make it more consistent with the scale and form of the main historic barn).

In addition, the car parking arrangements would benefit from a slight revision. The car park space allocated to unit 4 results in a fragmentation of the amenity areas in front of the single storey range. By reducing the gable width of the 2 storey element, it might be possible to keep all of the spaces together (on the boundary adjoining unit 6), improving the landscaping around units 3 and 4.

Notwithstanding the above concerns, Conservation accepts that the alterations to the roadside boundary wall are driven by optimising highways access. Whilst partial demolition of the wall as proposed is not desirable from a heritage perspective, we are content that this represents a fair compromise from the original scheme, and that on balance, the alteration is not unduly harmful to the character and appearance of the CA or setting of the listed barn at Old Manor Farm. If the scheme is approved, further details and a schedule of works will need to be agreed for this aspect of the proposal.

### Summary of opinion

In its current form, the design of units 5 and 6 (the 2 storey dwellings) results in harm to the CA and setting of the listed barn. As such, the proposal is currently contrary to the objective of preservation required under sections 66 and 72 of the Act.

*Revised comments received 23<sup>rd</sup> January 2018:*

Many thanks for consulting Conservation on amended plans for the above proposal.

We provided advice on the 19<sup>th</sup> December 2017, raising concerns about the design of the two storey element and making suggestions about improving parking arrangements.

The applicant has sought to address our concerns. The two storey element now takes the form of a granary with appropriate detailing, and the gable width has been reduced in scale by utilising a catslide type roof addition on the rear. The parking arrangements have been amended in-line with advice.

Overall, we feel that revised drawings result in a scheme which preserves the character and appearance of the conservation area. Fundamentally, there is benefit to the re-use of the redundant historic barns in a sensitive manner, and the proposal otherwise maintains the farmyard character of the site. Whilst it is acknowledged that the scheme results in new buildings within a back land context, the proposed layout and architectural appearance of the new dwellings appropriately references the rural setting in which it is located, and on balance, I do not consider the proposal to be harmful.

**NCC Highways Authority** – I refer to drawing 102/A.

This proposal is a result of a series of iterations including a reduction in the number of new dwellings and alterations to the access layout.

The scale of the development is now proposed at a level that is considered to be commensurate with the access arrangements, given the existing traffic conditions on Main Street.

Visibility splays of 2.0m x 43m, as shown, is considered to be acceptable. In this instance the fact that on-street parking generally occurs in this area helps to restrain vehicle speeds. The 43m 'y' distance is, however, commensurate with traffic travelling at 30mph and falls in line with local and national guidance.

It is understood that the access will remain privately maintained. The Planning Authority may wish to consider whether or not lighting is appropriate. Also, it is recommended that details of how the access is to be maintained in the future should be submitted and agreed. The LPA may also wish to consider whether or not the bin collection point is appropriately located since the carry distance exceeds the recommended 25m.

Whilst it would be desirable to see the scheme include one or two more visitor car spaces, it is believed that there is adequate room outside of the access road, turning head and identified car spaces to park additional cars and avoid on-street parking as suggested in the Transport Assessment.

In conclusion, no objections are raised subject to the following conditions:

No part of the development hereby permitted shall be occupied until the existing dropped kerbed vehicular footway crossing is modified and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety; to protect the structural integrity of the highway and to allow for future maintenance.

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 102/A are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9m in height.

Reason: In the interests of Highway safety.

Note to Applicant:

The development makes it necessary to alter a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Highways Area Office tel. 0115 977 2275 to arrange for these works to be carried out.

**Tree Officer** – Although this proposal is a much reduced scheme than the previous application for the site there is still an element of high tree loss and potential impact on remaining trees.

The current proposals note the removal of 9 individual trees and parts of 2 groups which have not been addressed or mitigated by any proposed new plantings.

I have concerns that some remaining trees may have unsustainable impacts on their rooting areas by hard surfacing proposals.

T1 will suffer root loss as a result of the new access arrangements and further potential adverse impact by a new wall and paving within the RPA.

T6 already has a significant area of its RPA under hard surfacing and within the existing building footprint. It is unclear what the proposals are for any removal/reinstatement for proposed parking or if any new flooring/foundation specifications or service runs for plot 2 dwelling may have to be implemented to ensure that the building is brought up to habitable status. Proposed new surfacing is likely to further reduce favourable rooting environment for this tree which will result in it having less than 50% of the calculated RPA unsurfaced.

Similar concerns are expressed for T13 which is likely to lose up to 50% of its rooting area under hard surfacing and potentially suffer further adverse impact from foundation construction on the south side.

Services to serve the proposed dwellings to the south have not yet been considered but it is likely that service runs and drainage options may also further impact trees 6,7 and 13.

Proposed no dig construction specifications have not been fully assessed but it is likely that in order for construction traffic to clear and access the site that a deep cell web would be required to support such vehicles. It is unclear how this would be achievable within the timescales of service installations/construction and finished services or how any such raised areas would be incorporated into existing /retained hard surfacing and site ground levels.

*Revised comments received 12<sup>th</sup> January 2018:*

Revised site plan broadly reflects recent discussions regarding acceptable amendments.

However the loss of a further tree to south of site was not previously discussed or the removal of the grassed area adjacent to T21 which now appears to have additional hard surfacing within the RPA.

While the removals of both trees result in further reduction of site biodiversity above previous removals compensatory planting proposals only seem to amount to a single tree.

*Further comments received 24<sup>th</sup> January 2018:*

Amended proposal is acceptable.

Recommend any approval has attached conditions:

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
  - a. A plan showing details and positions of the ground protection areas.
  - b. Details and position of protection barriers.
  - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
  - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).

- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g. Details of any scaffolding erection within the root protection areas
  - h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme/arboricultural method statement

3. Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
  - b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
  - c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
  - d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
  - e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
  - h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.
4. No works or development shall take place until the District Planning Authority has approved in writing the 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.

5. The approved 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 7 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.

**Nottinghamshire Wildlife Trust** – No comments received.

## **NSDC Strategic Housing –**

### Policy

The District Council's Core Strategy (2011), Core Policy 1 (CP1), seeks to secure 30% affordable housing provision as defined in national planning policy (National Planning Policy Framework 2012) on all new housing development proposals on qualifying sites. The site does not meet the threshold requirements of 10 units and above and therefore there is no requirement for affordable housing (subject to size threshold tbd by Planning Officer).

### Market Housing Requirements

- The DCA Housing Market and Needs Assessment (2014 sub area report for the Southwell area, of which Farnsfield forms part of) indicates that there is demand for smaller properties (2 bedrooms constitute the greatest demand – 139 dwellings) in this location and in particular bungalows for the highest demand in terms of type of property (100 dwellings). However, demand or preference does not constitute a housing need.
- The Examiners report for the Farnsfield Neighbourhood Plan (2017) further justifies the evidence in terms of requirement for older persons accommodation (bungalows) in this location. Item 64 refers. <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/neighbourhoodplanning/farnsfieldneighbourhoodplan/Farnsfield%20Neighbourhood%20Plan%20Examiner%27s%20Report.pdf>
- There is clearly a strong evidence base for smaller dwellings to meet the affordable housing needs for older people. Some of this need has been met through the delivery of 6 affordable bungalows. There is evidence of a preference for smaller dwellings (i.e. bungalows) in the market sector but in general this does not constitute a need. Whilst I am of the view that smaller dwellings in this location proposed by the applicant will meet the preferences of many people, in general it does not constitute a housing need only demand.

### Housing Demand for the Market Sector

The District Council commissioned a district wide housing needs survey in 2014 and accompanying the report is the DCA Housing Market and Needs Assessment (2014 sub area report for the Southwell area, of which Farnsfield forms part of) (Appendix A refers). The sub area report details that in the market sector, demand in the Southwell area is for 176 one and two bedroom homes. Bungalows for older people are also sought after in this location (100 dwellings). The last independent housing needs survey for Farnsfield was undertaken in 2008. In planning terms this would not provide a strong evidence base in terms of affordable housing need. The results from the 2008 survey are as follows:-

Thirty three respondents identified a need for alternative housing, either in Farnsfield or within 10 miles of the village. A further three households stated they required accommodation elsewhere.
Nineteen households identified themselves as being in need of accommodation immediately.
Eighteen households would consider renting a property
Eight would consider shared ownership

Six would consider both options
Nineteen respondents would be looking for a house, nineteen would be looking for a bungalow, twelve a flat or apartment and eleven sheltered/retirement accommodation.
Twenty two respondents wanted 2 bedrooms, seven wanted 3 bedrooms, some would consider a number of options but only one respondent stated he/she wanted 1 bedroom.

### Farnsfield Neighbourhood Plan

The Farnsfield Neighbourhood Plan was adopted in 2017. The Parish did not initiate a new housing needs survey as part of the submission but relied on secondary data from the 2011 Census. Of note the Examiner's report makes reference to the evidence in terms of requirement for older persons accommodation (bungalows) in this location. Item 64 refers. <http://www.newark-sherwooddc.gov.uk/media/newarkandsherwood/imagesandfiles/planningpolicy/pdfs/neighbourhoodplanning/farnsfieldneighbourhoodplan/Farnsfield%20Neighbourhood%20Plan%20Examiner%27s%20Report.pdf>

**64. Supporting text for Policy FNP3 refers to a Housing Needs Survey undertaken in 2007. I asked for this document as part of my clarification email and asked for it to be available via the Council's web site. The survey identified a high level of need for 2 bedroom properties for young adults and older residents wishing to remain in the village. These included the need for bungalows. Since the survey, there have been new affordable dwellings built. In the background evidence to this Plan it is stated that the NSDC Housing Officer is of the view that the majority of the housing need identified in the Housing Needs Survey has now been met. In addition, the background evidence indicates that a demand for bungalows still exists. I understand that nineteen people identified this as a priority in the Housing Needs Survey and only eight bungalows are proposed to be delivered through recent permissions. This indicates to me that there is justified evidence for the requirement for older people's accommodation in Policy FNP3.**

The evidence indicates that whilst there is an identified evidence of housing need in the area, much of this affordable housing need has been met through the recently completed development at Ash Farm (31 affordable units) and at the appeal site on Southwell Road (proposed delivery of 13 affordable units 2018/19). Land to the rear of the appeal site (The Ridgeway) has a permission which includes a further additional 13 units of affordable housing). Of these only 6 are affordable bungalows to meet the needs of older people.

### Conclusion

There is clearly a strong evidence base for smaller dwellings to meet the affordable housing needs for older people. Some of this need has been met through the delivery of 6 affordable bungalows. There is evidence of a preference for smaller dwellings (i.e. bungalows) in the market sector but in general this does not constitute a need. Whilst I am of the view that smaller dwellings in this location proposed by the applicant will meet the preferences of many people, in general it does not constitute a housing need only demand.

**NSDC Waste, Litter & Recycling** - The plans for waste management look adequate. I am not sure if the properties have their own garden areas or if all of the grassed areas are communal. If the individuals have gardens it would be wise to allow extra space in the bin store for a 3rd (Garden Waste Bin). In addition although the turning circle looks adequate for a freighter to turn round I



would point out that previous areas such as this that are made of tarmac can suffer damage (particularly in hot weather) when refuse freighters are carrying out tight turns. If this does happen and the tarmac is damaged, or even ripped up, we would not be held responsible.

In itself not a reason to withhold support but more of a point for the future.

**NSDC Environmental Health (contaminated land)** - This application includes the conversion of farm buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

**NSDC Environmental Health (noise)** - I refer to the above application and confirm that I have no comments to make.

**NCC Rights of Way Officer** – No public rights of way are recorded on or directly adjacent to the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date.

*Further comments received 5<sup>th</sup> January 2018:*

Thank you for your consultation for the above proposal, following the submission of updated plans. I have no further comments to add to those that I have previously submitted.

**Ramblers Association** – The nearest public rights of way appear to run well outside the curtilage of Old Manor Farm and we therefore have no objection to this development.

**NSDC Access and Equalities Officer** – Observations in relation to Building Regulations.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

**At the time of going to print a total of 102 letters of representation have been received. The comments submitted on the basis of the original proposal are summarised as follows:**

*Principle of Development*

- Dismayed at an application for yet more development within the village at a time when there is the already unprecedented building of two new estates on Southwell Road and land off the Ridgeway as well as the recently completed Cocket Lane estate

- The Neighbourhood Plan should give the village residents a voice
- 77% of the population expressed the view that the village does not require further housing, other than the planned 142 houses
- Unclear why over 55s is being targeted – S106s have not been successful in other areas
- The proposal development relies on the neighbourhood plan to rationalize the need but the village has undergone a number of developments that have expanded the village meaning it has already gone over its quota
- The neighbourhood plan does not stipulate what the bungalows are for nor the numbers justifying the need
- There is no mechanism to secure the occupation to over 55s
- The village has already exceeded its quote of new builds
- There has been a 20% increase in the village in the last 2 years
- This modest development will not solve the housing shortages
- The hard landscaping could be planned access for future building in the southern field
- If committed to over 55s market then the homes should be equipped as such now, not put the cost to the resident
- There are currently bungalows unsold in Farnsfield
- The FNP identifies that where employment sites are no longer suitable that may have change of use to accommodate dwellings and care of the elderly
- 2 storey properties wouldn't rationally support the over 55 population
- There is concern that there will be further applications to develop land to the south

### *Impact on Highways*

- The access and road layout fall short of the duty to care owed to highway users both vehicles and pedestrians
- Main Street is heavily populated and often becomes gridlocked
- Main Street is dangerous for pedestrians to walk along
- The road is not wide enough
- There are dangerous blind spots
- In order to achieve a safe visibility it would be necessary to ban parking on Main Street both sides
- A large van is regularly parked in the same location which would obscure visibility completely
- The DfT statistics indicate that the over 55 group make as many if not more trips than the 39-50 or 29-40 age groups
- Retired residents make a significant number of trips and regularly have two cars
- Farnsfield does not support a frequent bus service and it is not the preferred choice for most people
- It would be difficult for fire engines and bin lorries to turn
- The bus stop nearby would create further problems with traffic
- Over 55s can be primary child carers – creating additional road safety concerns and traffic in an already congested area
- There will be an accident at the access due to the volume and speed of the traffic
- The semi detached properties would be suitable for a family and therefore the assumptions that they will generate less traffic are incorrect
- Parking and speed of vehicles are both local priorities in the neighbourhood plan
- The reports submitted to accompany the application are inaccurate with assumptions being made

- The scenario is that drivers do not adhere to the road markings and speed limits etc. and vehicles mounting pavements has been observed
- There are issues of parking at any time of day
- There have been more accidents than recorded by the supporting documents including serious accidents
- Guessing has become part of the driving experience on Main Street
- An additional access will only increase the potential for more near misses and accidents
- When taking account of other developments, traffic flows will be greater than those referred in the supporting documents – drivers will have to use Main Street to get to the A617
- Bus passes aren't issued until the age of 65 in Nottinghamshire
- The SHLAA discounts this site on the basis of an unsuitable access
- The developers splays are inaccurate
- No mention is made of the bus stop for school children within 15m of the entrance / exit
- There is insufficient parking for residents and visitors
- It is assumed that the road will not be private if a refused vehicle is expected to access the development
- The splays shown cross the front garden of the Mayfield Cottage
- Visibility from 2.4m back as required by the 6Cs Design Guidance would be blocked by Straw's Cottage and Old Manor Farm Barn – neither of which can be altered to improve the level of visibility
- The swept path diagrams are difficult to read but shows vehicles on the wrong side of the road
- The proposed access conflicts with the 6Cs Guidance for junction spacing
- The Highway Authority and the LPA have a duty of care that they owe to all road users
- It is unclear why Highways are not objecting on the current application given that they must have been involved in the conclusions of the SHLAA that the access isn't suitable

### *Impact on Character*

- The Conservation Area should be protected
- The footpath network running to the rear forms a unique and interesting environment for residents and visitors as well as supporting wildlife
- The development would result in an incongruous urbanization of a substantial open back land area within the Conservation Area
- The proposed access would be harmful to the setting of at least four grade II listed and other historic buildings
- The last large open green area of the village should be protected
- The character and quality of the setting around the listed building and wall would be adversely affected
- The development would set a precedent for the further erosion of the CA lying at the historical heart of the village
- The area of the site has been open land for many years
- No objection to the development of the barn or the modernization of the property
- The destruction to the setting in Farnsfield's Conservation Area will be out of proportion to the benefits
- The reduction from nine dwellings to four does not alter the backland nature of the development
- FNP is against backland development

- The development does not fulfil the objectives of FNP for infill developments
- The Waldeck Report refers to other developments along Main Street which have been permitted in the past but this does not mean that they would be approved today
- The Landscape Character Appraisal for the surrounding woodland is to 'Conserve'
- Previous applications have been refused for the green space immediately to the south of the site based on scale and mass to the established character
- The development is garden grabbing
- The 5.3m access road is out of character with the surrounding listed buildings and wider than the withdrawn scheme
- The damage to the existing attractive garden and the removal of a large part of the frontage wall will have a detrimental effect on the street scene
- The front garden of the existing property contains a large beech tree which is a key component of the scene
- Section 72 of the Planning Act 1990 gives a legal duty to preserve the Conservation Area meaning doing no harm
- The DAS does not identify all listed buildings
- The proposal does not satisfy Policy DM9 in that it is not compatible with the setting of the four nearby listed buildings
- The proposal will transform the character into an urbanized character dominated by buildings and hard-surfaced areas – small scale domestic planting would not offer any mitigation
- A previous dismissed appeal to build two dwellings to the south of the site is a material consideration and includes a number of conclusions that support the objections ref: APP/B3030/A/13/2194790, September 2013)
- The design of the development is cramped and awkward
- The detail of the two storey dwellings appears to be a crude attempt to mimic a converted barn with no empathy for its traditional context
- The site is one of the only areas that remains of Farnsfield origins with the Conservation Area Appraisal marking it of particular note
- The impact to the conservation area including the removal of the wall would be irreparable

### *Impact on Trees and Ecology*

- The removal of a number of trees cannot be fully mitigated by replanting
- The development cannot be introduced without impacting on neighbouring wooded areas which support a range of wildlife and birds including nesting owls
- The new foundations and urbanization around the properties would affect the remaining trees and the hydrology of the site
- Fauna will be lost which has been established in the area over many years
- Older residents may want to remove more trees if they find them to be too much maintenance
- Perfectly healthy and substantial trees would be felled without adequate justification
- The access road would impact on the root zones of T1, T6, T7 and T13
- Trees would need to be pruned to allow for vehicular clearance
- Trees are positioned too close to buildings
- Neighbouring hedges have not been identified on the plan and permission would not be given for any changes to the hedge
- The trees, hedges and shrubs provide a diverse environment for wildlife

- A full environmental assessment should be carried out on land surrounding the site as well as the site itself
- There is a mulberry tree on adjacent land which has not been taken into account by the developers

#### *Impact on Amenity*

- The proposal will cause disturbance and disruption to neighbouring residents
- There would be an unacceptable loss of privacy and overshadowing to neighbouring properties
- There would be direct visibility from bedroom windows and private amenity space
- The distance of 19m would be substandard
- The neighbouring dwelling known as Fielding is incorrectly identified as a 'neighbouring barn'
- The proposed two storey dwelling would be immediately adjacent to the rear garden of the neighbouring property and would cast shadows
- Trees would block light to the new occupants leading to a demand for their removal
- Permission will not be given for maintenance of properties against the boundaries

#### *Other Matters*

- The reduction in site area leaves opportunity for further development in time
- The decision should be deferred for at least 24 months to allow current development to be completed and the virgin cable works to be done
- Planning decisions seem to be made with very little regard for the village and its residents
- The infrastructure is already overloaded (Doctors Surgery; schools; sewage disposal; parking and drainage) and will be put under more strain by the largescale developments taking place
- The lighting would significantly increase light pollution in the village and surrounding properties
- The proposed rear barn is attached to neighbouring properties by a party wall and there is a cellar below the party wall – the neighbouring property is not sufficiently sound enough to withstand any under pinning work required for the barn renovation
- No permission would be given for works to take place to the party wall
- Bringing plant and machinery into the area will cause danger to the general public including the users of nearby footpaths
- Hard landscaping may exacerbate the existing flood problem experienced on both Main Street and Quaker Lane

***Following the submission of the revised plans received by email dated 31<sup>st</sup> December 2017 an additional round of consultation was undertaken on 4<sup>th</sup> January 2018 (overall expiry for comments 28<sup>th</sup> January 2018). The following additional comments have been received on the basis of the revisions:***

#### *Principle of Development*

- Support for development for the over 55s but reservation about this specific site

- There is no mechanism to secure over 55s development
- Opposition to backland development
- There is no need for additional housing in Farnsfield
- The infrastructure of the village cannot cope with additional development
- The original objections stand and have not been overcome by the revised plans
- The documents of the application referred to in relation to over 55s development are selective generalisations
- Farnsfield has already exceeded its allocations
- Backland development could lead to further development
- It is a case of shutting the stable door after the horse has bolted – almost every piece of land has been built on so there is already backland development
- Support the application - it would create reasonably priced dwellings in Farnsfield
- Farnsfield needs affordable accommodation for the elderly and for young people to allow them to stay in the village
- There is no need for further bungalows in the village – there are plenty already

#### *Impact on Character*

- The amended plans still make a mockery of the conservation area
- Two storey development increases the impacts on the development
- The impact that the visual development will make to the central conservation and heritage part of the village including the removal of the heritage wall would be irreparable
- Previous applications on the land have been resisted on the basis of heritage concerns referred to as the 'green lungs' of Farnsfield
- The revised plans are worse to the conservation area because Old Manor Farm garden has been reduced for a car parking space which will amount to the loss of the tree
- The development would result in an incongruous urbanization
- The development will harm listed buildings nearby
- The changes to the two storey proposed building do not resemble a farmyard setting
- The application presents the opportunity to save the two barns in a sensible way
- There is no justification for the harm to the conservation area
- The revised comments of the conservation officer are very disappointing – the original comments refer to the alteration of the wall as 'not unduly' harmful – the objective of preservation is to cause no harm
- The scale of the new development dominates the original asset of the threshing barn
- The revisions incorporate more hard paving

#### *Impact on Tree Cover and Ecology*

- The revised plans show additional tree removal without sufficient mitigation
- Mature trees cannot be instantly replaced by new planting
- Wildlife would be disturbed by this development
- The revised scheme is worse in tree quality
- There is a boundary hedge not shown on the plans - permission would not be given for any changes to the hedge
- The neighbouring black mulberry tree has not been taken into account
- There is a diverse environment for wildlife on the site and a full environmental assessment should be carried out on the site and neighbouring land
- The grassed area has been re-designed showing more hardstanding

- The latest plans ignore the fact that the Beech Tree will have to be severely cut back to provide vehicular headroom

#### *Impact on Highways*

- There are near misses at the access every day
- There isn't enough parking for visitors which will exacerbate existing parking issues on the high street and compromise safety for pedestrians
- Anyone approaching from the east would be unable to see vehicles leaving the site and would be turning into the site 'blind'
- The access even though it has been tweaked is still dangerous
- The traffic on Main Street has increased significantly due to recent building works
- Adding another T-junction is highly dangerous with poor visibility
- NSDC have a duty of care which would not be met by allowing this application
- Photograph submitted demonstrating traffic issues on Main Street taken 19<sup>th</sup> January 2018 but stating that it represents a typical morning
- No objection to plans but yellow lines will have to be in place between Old Manor Farm and Quaker Lane
- Large vans make it very difficult to see
- The proposed access would be sub-standard and dangerous in without parked cars on Main Street

#### *Impact on Amenity*

- There appears to be no regard to the serious overlooking problem which is contrary to policy
- The neighbouring property has been incorrectly labelled as a barn
- The development would affect the peace of neighbouring gardens – such disruption will affect health and mental wellbeing
- No attempt has been made to eliminate the overlooking through the revised plans – it is unclear why officers have encouraged such a sub-standard form of development

#### *Other Matters*

- The infrastructure in the village is already overloaded and will be put into strain from other developments
- Supporters of the scheme have been unwilling to comment publicly for fear of retribution
- Severn Trent have acknowledged that the infrastructure is not fit for purpose and some properties along Main Street have already suffered flooding

#### Comments of the Business Manager

#### Principle of Development

Paragraph 14 of the NPPF confirms that a presumption in favour of sustainable development is at the heart of the document, outlining that for decision-taking this means “*approving development proposals that accord with the development plan without delay*”.

In determining applications, the LPA are therefore required to pay due regard to the current development plan which comprises of the Core Strategy DPD; the Allocations and Development Management DPD; Farnsfield Neighbourhood Plan and other associated Supplementary Planning Documents.

The Core Strategy was adopted in March 2011 and thus predates the adoption of the NPPF in March 2012. Nevertheless the DPD remains fundamentally compliant with the NPPF, as evidenced through a review undertaken by the Planning Advisory Service in February 2015. The review sets out details on a policy by policy basis the extent to which the Core Strategy is in conformity with the NPPF. Where it has been identified that details of non-conformity exist for specific policies then this is being addressed through the emerging Plan Review process. For the avoidance of doubt the assessment of the Settlement Hierarchy outlined by Spatial Policy 1 and the Spatial Distribution of Growth defined by Spatial Policy 2 identified no issues in respect of non-conformity.

The Allocations and Development Management DPD was adopted in July 2013 post-dating the NPPF publication. Importantly the Inspector who led the Examination considered the issue of conformity and in finding the Plan, as modified, sound concluded that its policies and proposals were consistent with national policy.

Spatial Policy 1 confirms that Farnsfield is a Principal Village with a function of acting as a secondary focus for service provision. As clarified by Spatial Policy 2, the intention was for Farnsfield to deliver 10% of the growth in Principle Villages (with Principle Villages intended to deliver 10% of the overall housing growth of the District). Utilizing the figures stated within Spatial Policy 2, the original expectation was for Farnsfield to accommodate 142 additional dwellings over the plan period.

As is acknowledged through the comments received during representation Farnsfield now has 3 no. sites progressing. Site allocation Fa/MU/1 is under construction with Barratt/David Wilson Homes for 106 dwellings (the site was allocated for around 70 dwellings with employment). Site allocation site Fa/Ho/1 has been granted outline planning permission and reserved matters for 60 homes by Miller Homes. The site allocation for Bellway Homes secured reserved matters approval (following Planning Committee on the 6<sup>th</sup> June 2017) for an additional 48 dwellings. In addition to this, the LPA are awaiting the decision of the Secretary of State following a public Inquiry for residential development of up to 60 units on land off Mansfield Road (outside of the village envelope).

Whilst the LPA fully acknowledge that the housing figures referenced by the Core Strategy were not intended as a ceiling figure, it is relevant to note that taking account of the above figures (discounting the pending appeal) Farnsfield has already seen the grant and progression of 214 units as opposed to the 142 units allocated up to 2026. This represents a 51% increase on planned growth some 9 years before the end of the plan period. This has been acknowledged by the amended Core Strategy which at Publication Amendment stage in July 2017 increases the growth in Farnsfield from 10% to 24% of the growth in Principle Villages (with Principle Villages intended to deliver 10% of the overall housing growth of the District).



Nevertheless, the site is within the defined village envelope of Farnsfield and thus the principle for residential development within the site is acceptable subject to a site specific assessment against the remainder of the development plan.

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review with examination scheduled for later this year. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Farnsfield in principle. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account. This rationale is supported by the Neighbourhood Plan Policies FNP1 and FNP2 which state that developments within the village envelope / in infill plots will be supported where they respect matters such as the character of the village; the amenity of neighbouring properties and there are no other identified adverse impacts. In this case, the Parish Council clearly dispute that these requirements have been met by the proposed development – Officers stance on this is discussed in further detail in the relevant sections below.

The site lies within the Conservation Area for Farnsfield. As such any proposed development must comply with the principles of Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area.

#### Housing Mix, Type and Density

Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

The proposal would lead to the site delivering a total of 6 separate residential curtilages. On the basis of the site area of approximately 0.24hectares, the proposal would deliver a housing density of approximately 25 dwellings per hectare. It is acknowledged that this would be below the aspirations of CP3, but it is equally acknowledged that the site represents a land locked site where additional dwellings would have additional implications to the acceptability of the scheme, particularly in amenity terms. It is therefore considered wholly unreasonable to insist on a greater development density in this case (and indeed the density has been negotiated down since the withdrawn proposal).

As confirmed by the submitted Design and Access Statement (D&AS) the proposal has been presented on the basis that the 2 new bungalows and 2 new houses at the rear of the site (Plots 3-6 inclusive) would all be two bedrooms directed towards the over 55's market. The suggestion of the D&AS is that this could be secured through condition or an associated S106 agreement. The LPA have imposed such restrictions in the past (notably on extra-care unit schemes which are specifically designed for the retirement population). I am therefore satisfied that there is a realistic prospect of securing the properties for the over 55's market if necessary.

As acknowledged by the D&AS, the neighborhood plans comments on matters of housing needs specifically in relation to bungalow accommodation:

*'Research undertaken through the public consultation to support the Neighbourhood Plan confirmed that this need for bungalows remained'*

Reference is also made to statistics compiled through 2011 census data which are relevant to the current application in terms of the aforementioned intention for the scheme to be promoted for the over 55's:

*'The outcomes of the consultation and position in relation to outstanding housing need is supported by the 2011 census data. This revealed that the population profile of Farnsfield is characterised by an older population than the national picture (over 65s), which also includes a greater proportion of single pensioner households.'*

Notably not entirely relevant to the current application (given that the current scheme relates to market dwellings rather than affordable units) Policy FNP3 (Affordable Housing) confirms an identified local need for:

- Older people's accommodation, including bungalows;
- Smaller properties (2 bedrooms or fewer); and
- Starter homes for local people.

Whilst the above indicates an overall support for accommodation for an older generation and smaller units, the comments of the Parish Council on the current application (listed in full above) seem to dispute this:

*'the Neighbourhood Plan process did not identify this {over 55s} as being a demographic group requiring specific housing.'*

It is unclear where the appeared contradiction arises from, other than again confirming that Policy FNP3 is explicitly in reference to affordable housing.

I note the comments of the Strategic Housing Officer that, affordable need in the village has largely been met by the delivery of units on other sites. To clarify, the current proposal would not meet the threshold for affordable housing delivery and relates to market housing. It is nevertheless confirmed that there is a preference for smaller dwellings (i.e. bungalows) in the market sector. In this respect the current proposal would improve the choice for a certain section of the community, and potentially meet a housing demand rather than a specific identified need. Indeed I remain to be convinced that there is a robust specific need to restrict occupation by age.

Officers have no objection to the developer promoting the accommodation to the over 55's market and the design modifications to do this (notwithstanding the comments received suggesting that two storey dwellings are not suitable for over 55s occupation) are welcomed. These include wider car park spaces and increased internal layouts. It is the view of Officers that some, albeit limited, weight can be attached to the delivery of smaller units marketed for an older generation in the overall planning balance.

To clarify, I do not consider it reasonably necessary for the LPA to control the age occupation of the dwellings for the lifetime of the development. In reaching this conclusion I am mindful of Paragraph 206 of the NPPF which is clear in stating that:

*'Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.'*

Without evidence of a robust need for over 55's accommodation, and indeed in acknowledgement that residential development would be supported in principle in Farnsfield, I do not consider that a condition to restrict occupation to the over 55's generation would be necessary.

### Impact on the Highways Network

One of the key objections to arise from the consultation process (indeed in some cases linked to the aforementioned discussion on over 55's occupation) is the impact of the proposal on the highways network.

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities. FNP2 states that new dwellings on infill plots within the village envelope will be supported subject to a number of criteria including that, *'access and car parking requirements of the proposal can be appropriately addressed without the potential for adverse impact in the locality.'*

The application has been accompanied by a Transport Statement dated November 2017 undertaken by Waldeck Consulting. The D&AS confirms that the applicant has not taken the opportunity to undertake formal pre-application advice with the LPA. It is acknowledged that pre-application discussions took place with NCC as the Highways Authority however what carries weight in the determination of the application are the formal comments received as part of the consultation process to the application. These are listed in full in the consultation section above.

The comments fully acknowledge that the proposal is a result of a series of iterations making reference to the previously withdrawn scheme which would have totalled 10 dwellings utilising the access. To add context to the current scheme, officers consider it worthy of note that on the previous scheme, NCC Highways placed great weight on the likely traffic generation from the development on the assumption that it would be reduced for an over 55s market. The Highways Authority suggested a condition which would restrict occupiers to the retired population. At the time, officers raised significant concerns to this approach not least because any proposed mechanism to secure retired occupation was not considered enforceable.

It is noted that the Transport Statement submitted to support the application discusses in detail the implications of trip generation if the development were delivered as intended with 4 no. dwellings orientated towards the over 55's market:

*'An over 55's, older people's residential property is unlikely to have a commitment to daily school runs, AM and PM trips to drop off and collect children would therefore be obsolete.'*

*'An over 55's residential property is less likely to have a commitment to a work commute 5 days a week, and this criteria is set to target those approaching or in retirement. From the age of 50, employment rates decline and more people go into part time work or retirement (appendix 'K'). Therefore AM and PM trips to and from work in the peak hours would be less likely.'*

In line with the concern raised during the previously withdrawn application, officers do not

consider that these statements constitute robust demonstrable evidence that over 55's would in reality generate less vehicle movements. In acknowledgement of the above site history, officers have sought clarification from NCC Highways that the comments listed in full above for the current scheme (which notably make no reference to age restrictions) would still be relevant if assessing the scheme for 'market housing.' Whilst a 'preference' for over 55's dwellings has been stated, it has been confirmed that the comments would be relevant even in the context of market dwellings not promoted for over 55's occupation. Therefore the above discussed stance in reference to not securing an age occupation remains appropriate.

Moving then to discuss matters of visibility and overall access safety which I appreciate is a significant concern to numerous interested parties. Having visited the site on more than one occasion it is evident that on street parking along Main Street, including at the point of the site access, is an ongoing issue at numerous times of the day. The presence of a bus stop outside the site and on the opposite side of the road is also acknowledged in terms of the potential for parked buses to cause further obstruction.

NCC Highways in their comments describe how the on-street parking experienced actually aides in restraining vehicle speeds. In any case the visibility distances shown by the proposal are commensurate with traffic travelling at 30mph and falls in line with local and national guidance. I fully acknowledge that there are existing traffic issues in Farnsfield which make the proposed development for additional residential development unpalatable for numerous interested parties. However, officers are mindful that it does not fall to the current developer to alleviate existing issues provided that their development can be considered safe in highways safety terms. Taking the expertise of NCC Highways into the overall balance, it would appear that the proposal as submitted is acceptable in highways safety terms and compliant with Spatial Policy 7. It would therefore be inappropriate (and indeed difficult to defend at appeal without the support of relevant expertise) to resist the current proposal purely on highways safety grounds.

In reference to the other issues raised in respect to the construction and maintenance of the private access and refuse collection, the agent has attempted to address these matters throughout the life of the application through the following statement:

*'In response to your queries regarding the maintenance of private access, we anticipate that the maintenance will depend on a legal agreement between the owners of the properties and that this will be written into the sales deeds. With regards to refuse collection, we are proposing an arrangement which is in accordance with adoptable standards, with a site access and turning area suitable for refuse vehicles (as is demonstrated in the tracking diagram in the submitted Transport Statement). We understand that this arrangement will rely on an agreement to be made between the developer and the council.'*

Colleagues in the Council's waste team have been consulted on the proposals with comments listed in full above. It has been confirmed that the turning circle within the site would be adequate for a waste freighter to turn. I have therefore identified no reason to resist the application on this basis.

Impact on Character including in the Heritage Context

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Moreover Policy DM5 makes explicit reference to backland development stating that *'proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area.'*

Core Policy 14 relates to the historic environment and states that the District has a rich and distinctive historic environment and that the Council seeks, *'the continued preservation and enhancement of the character, appearance and setting of the Districts heritage assets and historic environment....including archaeological sites...(and) Conservation Areas...'* Paragraph 5.71 states that the Council will ensure that any proposals concerning these heritage assets will secure their continued protection and enhancement, contributing to the wider vitality, viability, regeneration of an area, reinforcing a strong sense of place.

Old Manor Farmhouse is not listed, but the associated barn fronting the road which forms part of the proposals insofar as it is sought to change the use to an independent dwelling is Grade II listed. The group of historic buildings comprising Old Manor Farm, including the farmhouse, barns and boundary wall, are all considered to contribute positively to the character and appearance of the Conservation Area. The spaciousness of the rear field is considered to contribute to the setting and significance of the farmstead, making a positive contribution to the CA. In addition, the dense copse of trees to the southeast help reinforce the rural setting of the heritage assets comprising the former farmstead.

In this respect it is considered necessary to reference an appeal scheme which has been mentioned through the consultation process. This relates to the site to the south of the application site (which was included in the previously withdrawn scheme) and was an application for 2 dwellings accessed by Quaker Lane to the south. The main issue in determining the application was whether the proposal would preserve or enhance the designated Conservation Area.

Officers consider that, despite the close proximity of the appeal site to the current application site, the decision carries limited material weight having considered in full the content of the Inspectors decision. The appeal scheme was materially different to the current application in that the proposed dwellings of the appeal scheme would have been accessed from Quaker Lane. The Inspector therefore makes numerous references to the frontage along Quaker Lane and the sense of enclosure which this provides. Objection is also raised to the impacts of the proposed access track which was considered to be, *'particularly intrusive.'*

What is however significant to the current decision is the acknowledgement that:

*'the open and undeveloped nature of the site forms part of the balance of built and undeveloped space that is characteristic of this part of the conservation area.'*

This was one of the reasons why officers raised issue with the previously withdrawn scheme and for the avoidance of doubt it remains the case that if an application were to be submitted on this land in the future it would be highly likely to be strongly resisted. Members will be acutely aware

however that each application must be assessed on its own merits and in this context I would refer again to the Inspectors decision which explicitly stated that:

*'The identified loss of openness, the incongruous pattern of development, the effect on the enclosed frontage of Quaker Lane, and the intrusive nature of the access in relation to the public footpath, if taken in isolation would not be so harmful as to be decisive in themselves.'*

Thus to resist the current application purely on the basis of the Inspectors decision on an adjacent site would be wholly inappropriate. In this instance the issues in terms of effect on Quaker Lane frontage and impact on the public footpath does not apply.

It is fully conceded that the development proposed constitutes backland development which as referred to above is generally resisted in principle by Policy DM5. This has been raised as a concern by the Parish Council referring to the development as 'garden grabbing.' It is noted that the Neighbourhood Plan does not explicitly refer to backland development albeit Policy FNP2 in relation to infill development is inferred to be relevant in this respect in that it requires proposals to respect the scale and character of the village. This matter has not been explicitly addressed by the submitted Design and Access Statement and thus officers have been provided with no justification on which to balance the harm created by the backland nature of the proposal. In this respect the proposal is contrary the element of Policy DM5 which refers to backland development. In order to assess whether this would be sufficient to resist the application it is necessary to undertake a comprehensive assessment of the overall character impacts of the proposal including in the heritage context.

It is noted that conservation colleagues raised objection to the previously withdrawn scheme identifying harm to the character and appearance of Farnsfield Conservation Area as well as the Barn at Old Manor Farm. The current re-submission attempted to overcome these concerns. The D&AS contends that the design approach responds to the historic farmyard character of the application site with particular reference being made to traditional stables and granary buildings. The layout and associated areas of hardstanding is intended to echo the former crew yard adjacent to the barns.

The resubmitted proposals have been fully assessed by colleagues in Conservation with comments listed in full above. It is noted that the original comments received objected to the proposals in its original form making a number of suggestions and recommendations for potential revisions. These comments were passed to the agent during the life of the application and it is partially on this basis which revised plans received 31<sup>st</sup> December 2017 were submitted. For the avoidance of doubt these have been subject to an additional round of consultation. The revised comments of the Conservation Officer are listed in full above. In summary the comments consider that the revised proposal preserves the character and appearance of the CA. The following statement is considered pertinent to discussion and worthy of direct repetition:

*Fundamentally, there is benefit to the re-use of the redundant historic barns in a sensitive manner, and the proposal otherwise maintains the farmyard character of the site. Whilst it is acknowledged that the scheme results in new buildings within a back land context, the proposed layout and architectural appearance of the new dwellings appropriately references the rural setting in which it is located, and on balance, I do not consider the proposal to be harmful.*

The layout of the revised proposal maintains the farmyard character of the site and allows retention of the legibility through the site to the open character which would remain to the south

of the site (not readily interpreted from the proposed block plan which doesn't show all the land to the south). Any application for approval could be robustly conditioned to require the submission of further details in respect of materials and detailing etc. Subject to such conditions, the proposal is considered to be compliant with the relevant elements of Policy DM5, Core Policy 14 and Policy DM9 as well as the NPPF in respect of its stance on heritage assets.

### Impact on Trees and Ecology

The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

To deal firstly with the potential impact of the proposed development on the tree cover within the site, the application has been accompanied by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan undertaken by RammSanderson dated November 2017. The survey assessed 27 individual trees and 4 groups of trees commenting that:

*'In general, the majority of trees within the surveyed area were of mixed quality consisting of low and moderate quality with most of the arboricultural merit coming from the northern end of the site (T1, T6 and T7). Overall, the site has a good amount of tree cover throughout.'*

The original proposal required the removal of 9 Category C trees and a section of 2 groups identified as G1 and G2. In addition, the survey identified 4 trees which are unsuitable for retention due to their condition and as such these trees are recommended for removal in the interests of good arboriculture management.

Officers have sought assistance from relevant expertise in terms of the assessment of the proposal in respect to impacts on trees. Clearly the site is within the designated Conservation Area and therefore the trees are protected by virtue of this and indeed contribute significantly to the character of the site. The original comments of the Tree Officer are listed in full above. In summary concern was raised that some of the trees marked for retention may have unsustainable impacts on their rooting areas by hard surfacing proposals. The agent has taken the opportunity to address these concerns during the life of the application through a supporting email dated 15<sup>th</sup> December 2017 and again through the revised plans received 31<sup>st</sup> December 2017.

It is key to note that the revised scheme actually proposes the removal of additional tree cover as detailed by the covering email accompanying the revised plans. The revised scheme now includes the removal of 2 no. apple trees (group G2) towards the south of the site classed as Category C

and the removal of a Category B Walnut Tree (T13) positioned in the rear garden of the Old Manor Farm rear amenity space. It is stated that this tree would be replaced by a specimen further northwards to allow avoidance of the driveway encroachment.

The original response email received by the applicant on 15<sup>th</sup> December 2017 contended that:

*'If any new development is to take place within the site, it is necessary that the access be improved, in line with Highways advice.'*

The implication being that some level of impact to the existing tree cover is in some respects inevitable. Nevertheless the revised scheme has attempted to balance the impacts of the loss of T13 through an alignment of the proposed access and revised parking arrangements. The re-aligned driveway moves proposed hardstanding further away from the root protection area (RPA) of T6 (Category B Beech Tree) and almost entirely out of the RPA of T7 (Category B Cedar Tree). The revised plans also demonstrate an additional grass verge in the RPA of T6 which the agent has calculated reduces hard landscaping within the RPA to 23% (an improvement to the existing arrangement where tarmac covers 32% of the RPA).

The Council's consultant Tree Officer has been consulted on the revised proposals. It is confirmed that the revisions submitted have been subject to discussions between the applicant and the Tree Officer albeit not in reference to the full extent of the revised proposals now submitted. The comments raise concern in respect to the removal of G2 and the increased level of hardstanding in the RPA of T21. Whilst these impacts are undesirable, given the positioning of these specimens at the rear of the site officers do not consider that the loss of G2 and the potential for an increased impact on T21 (Category C) would be sufficient to uphold a refusal of planning permission in its own right. What is perhaps more notable is the assertion of the comments that the level of proposed planting is inadequate to mitigate against the tree loss proposed. It is appreciated that any approval could be subject to a condition requiring further landscaping details to be submitted in due course but I have in any case taken the opportunity to request consideration of further landscaping during the life of the application. The agent has responded to this request through a revised plan received on 17<sup>th</sup> January 2018 which proposes an additional tree in the rear garden of Plot 3 (annotated as a small growing species such as a fruit tree or Sorbus) and further detail as to the replacement tree to be provided in the rear garden of Old Manor Farm. The covering email to accompany the plan identifies an issue in the capacity for new planting given the associated potential for overpopulation leading to suppressed trees. It is clear that this is a considered response submitted in discussion with the applicant's tree consultants. Officers consider it would be difficult to dispute this stance and concur that there is some merit in a 'quality over quantity' approach. Indeed the latest comments of the Tree Consultant consulted by the LPA are noted in respect of accepting the proposal subject to conditions.

I accept that any negative impacts on tree cover will need to be weighed in the overall balance against the benefits of the scheme. Officers consider that the applicant has made best endeavors to address the concerns raised whilst maintaining the level of residential development sought. However, even with the mitigation measures suggested which could be secured by condition, the very nature of the proposal requiring the removal of 12 trees for development (and 4 on the basis of their condition) means that there would be an adverse impact to the tree cover within the site. This is an aside from the acknowledgement that the retained trees could have their RPA's adversely affected as development comes forward in the future. This is considered to weigh negatively in the overall balance of the determination.



The application has also been accompanied by Preliminary Ecological Appraisal undertaken by EMEC Ecology and dated November 2017. The conclusions of the report state the following:

*'It is considered ecological impacts of the proposed works are likely to be minimal (on the basis that the recommendations provided are undertaken). The only habitats which will be lost to the new residential development will be short mown amenity grassland and the interior of the buildings proposed to be converted. Proposed enhancements include the planting of native species of a local provenance which will allow continued use of the site by foraging bats and nesting birds.'*

The mitigation measures referred to include that storage of materials should not take place under the 'drip-zone' of mature tree and that the planting on the eastern boundary should contain nature shrubs to replace the scrub habitat which would be lost. The measures outlined could be secured by an appropriately worded condition and on this basis I have identified no demonstrable harm to the ecological value of the site (notwithstanding the issue of tree removal discussed above) which would warrant a resistance of the proposal.

#### Impact on Infrastructure including Flooding

The site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk. Having reviewed surface water data from the Environment Agency, it is also confirmed that the risk to surface water flooding is low. I am therefore satisfied that if the application were to be approved, appropriate conditions could be imposed to secure matters of drainage which would alleviate risk to both the occupiers and surrounding neighbouring properties.

I note the comments received in respect of the level of facilities in Farnsfield, specifically the ability of the doctors surgery and schools to cope with the development. The number of dwellings proposed through the application would not meet the thresholds required to allow the LPA to reasonably seek contributions towards these matters. As such it would be inappropriate to resist the development on the basis of impacts on infrastructure and village facilities.

#### Impact on Amenity

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighboring residents but also to the proposed occupiers.

To deal firstly with the latter the site layout plan demonstrates an area of outdoor amenity provision for each of the six separate residential curtilages. It is noted that the amenity provision for Old Manor Farm would reduce significantly through the proposals but clearly the existing plot is of a significant size such that even the remaining amenity provision is considered commensurate to the size of the dwelling.

Whilst the quantity of outdoor amenity space is considered appropriate, officers raised concern to the initial proposals in respect to its 'quality' given the level of tree cover which would have affected Plot 5 in particular. Notwithstanding the negative impacts on tree cover discussed above, the removal of G2 on the revised plans which would have occupied the majority of the rear garden of Plot 5 is beneficial to the level of useable amenity space for this plot.

Moving then to assess the likely impacts to existing neighbouring residents, I am conscious that the majority of the impacts will arise from the new build dwellings to the south of the site. Plots 1 and 2 are existing built form with any minor fenestration amendments to Plot 2 relating largely to the western elevation which faces towards the internal courtyard arrangement. There are additional rooflights proposed to the eastern roof slope but given the height of these and their purpose as secondary fenestration to the main windows on the west elevation, I do not consider that the rooflights themselves would lead to detrimental amenity impacts in terms of overlooking or loss of privacy which would warrant resistance of the proposal.

I consider that the most likely affected neighbours would be those immediately east and west of the site, namely (but not limited to); the properties known as Fielding to the east and Larchmont and Aysgarth to the west. Plots 3 and 4 are proposed to be single storey in height which assists in mitigating their amenity impacts. The separation between the proposed rear elevations at Plots 3 and 4 and the rear elevations of the majority of the existing dwellings (noting the distance would be reduced at the point of a conservatory at the property known as Aysgarth) to the west are approximately 12m. Whilst this distance is notably modest, and probably at the cusp of an appropriate separation distance, in this instance it is considered appropriate particularly when taken in the context of the existing boundary treatment which features a fence of an approximately 1.8m in height and the retention of two trees which will reduce the opportunity for a loss of privacy through overlooking.

Perhaps of more concern are the amenity impacts which would arise from Plots 5 and 6 given that these dwellings are two storey. The very nature of the backland development proposed means that the principal elevations of Plots 5 and 6 would be orientated towards the rear elevation of the nearest property to the east known as Fielding House. On the basis of the revised proposals, as the crow flies (i.e. at an oblique line given plot orientation) there would be an approximate window to window distance of 21m. I note that matters of overlooking and loss of privacy have been raised as a concern during the consultation process. Indeed I have taken the opportunity to view the site from the neighbouring property in order to fully assess the amenity implications. I note that the dwelling to the east has a 1.5 storey rear projection with full height glazing serving a principle room. On this basis I do consider that there may be some opportunity for overlooking from the bedroom windows on the principle elevations (particularly of Plot 6) towards the neighbouring dwelling and its private amenity space.

I have carefully considered whether or not this would amount to a loss of privacy which would lead to the proposal being contrary to Policy DM5. It is my view that the scenario presented in plan form appears worse than the actual site circumstances. Having visited the neighbouring garden (and indeed as is apparent from aerial photography) the neighbouring plot features a considerable level of tree cover. I appreciate that this may not provide year round screening but I still feel that this, and the oblique nature of the line of view, would be enough to mitigate against the amenity impacts being significant to a degree which would be harmful enough to refuse the application. On this basis the proposal is considered compliant with the relevant elements of Policy DM5.

## Other Matters

The site area has been reduced since the previously withdrawn scheme such that it no longer abuts the public footpath. I therefore do not consider that the proposal would have an adverse impact on the usability of the designated Right of Way and note that there is no objection from the relevant consultees in this respect.

During the life of the application there was some concern raised that the annexe to Plot 2 had a basement in separate ownership. It is not clear from further correspondence whether or not this is the case but the applicant has irrespectively served notice on the neighbouring party. I note that reference is made to a reluctance to allow works from neighbouring boundaries in the consultation section but this would be subject to private legal agreements outside of the planning process.

### CIL

The application site falls within the CIL charging zone 3 (High Zone) where additional residential development is charged at a rate of £70 per m<sup>2</sup> subject to indexing.

Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
C3	304.4			70	278	<b>£21,308.00</b>

### Overall Balance and Conclusions

The proposal relates to the opportunity to deliver an additional five residential units (six in total when taking account of the existing dwelling to be retained) in a sustainable village. The benefits of this in terms of aiding housing delivery cannot be disputed and must afford significant positive weight in the overall balance. Moreover, officers have attached limited positive weight to the intentions of the application in terms of a promotion of the site for over 55s occupation (albeit this is not sought to be secured through the application).

However, as is clear from the above detailed discussion, there are other site specific factors which require careful consideration and assessment.

Officers fully appreciate that Main Street already suffers congestion from on street parking causing issues to the efficiency of the highways network. Indeed concerns in this respect feature heavily in the comments received during the consultation process. However, as Members will be aware, the expertise of Highways colleagues should not be discounted. It is their position that the proposal as revised would be suitable in highways safety terms including in respect of visibility. I appreciate that this will not be a palatable response to the local residents however without robust justification and the support of the relevant expertise, it would be difficult to resist the current application on highways safety grounds.

The applicant has worked with the LPA during the life of the application in an attempt to address a number of concerns which were originally raised in respect of a number of matters including character and heritage impacts; impact on tree cover and impact on amenity. As is rehearsed

above, despite amendments there remains a degree of imperfection with the scheme as presented. Notably, the proposal would still amount to an overall loss of tree cover within the site (with little opportunity for mitigation by re-planting) and there are still less than desirable amenity implications. It is a careful balance to strike and one that officers have not taken lightly. However, on the basis of the above discussion, officers do not consider that the harmful impacts identified would be sufficient enough to uphold a refusal of the application. A balanced recommendation is therefore made that the application be approved subject to the suite of conditions outlined below.

## **RECOMMENDATION**

**That full planning permission is approved subject to the conditions and reasons shown below.**

### Conditions

01

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

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

02

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

- Proposed Site Plan – Dwg No 102 Rev. C
- Plot 2 + Annex Proposed Floor Plans and Elevations – Dwg No 104 Rev. A
- Plots 3 and 4 Proposed Floor Plan and Elevations – Dwg No 105 Rev. A
- Plots 5 and 6 Proposed Floor Plan and Elevations – Dwg No 106 Rev. A

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The building referred to as 'Rear barn (Plot 2 Annexe)' on the Proposed Site Plan reference Dwg No 102 Rev. C shall not be occupied at any time other than for purposes ancillary to the residential use of Plot 2 (Threshing Barn).

Reason: To prevent the creation of a separate dwelling which would require further assessment through a separate planning application.

04

No development shall be commenced until details and samples of the materials identified below 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 unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Roofing Tiles (including replacement roof tiles where relevant)

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

05

In respect of Plots 2 to 6 inclusive, 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 in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof lights, doors and their immediate surroundings, including details of glazing and glazing bars;

Treatment of window and door heads and cills;

Verge and eaves;

Rainwater goods;

Coping;

Extractor vents;

Flues and chimneys;

Meter boxes;

Soil and vent pipes.

For the avoidance of doubt the details in relation to window and door detailing should be timber.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

06

In respect of Plots 3 to 6 inclusive, no development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the local planning authority. The *brick*

*work* shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

07

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved boundary treatment for each individual plot on site shall be implemented prior to the occupation of each individual dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

09

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the local planning authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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

10

No development shall be commenced until a scheme detailing the works to secure the safety and stability of the wall at the site access which is to be retained in accordance with the details shown on Plan Reference 'Proposed Site Plan – Dwg No 102 Rev. C' has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

11

No development shall be commenced in respect of Plot 2 (for the avoidance of doubt including the Annexe) until details of a programme of historic building recording have been submitted to and approved in writing by the local planning authority. Recording shall thereafter be carried out prior to the commencement of development in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

12

No development shall be commenced in respect of Plot 2 until a scheme detailing the works to secure the safety and stability of the building and all associated renovations and repair works (for the avoidance of doubt including the Annexe) has been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

13

No part of the development hereby permitted shall be occupied until the existing dropped kerbed vehicular footway crossing is modified and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety; to protect the structural integrity of the highway and to allow for future maintenance.

14

No part of the development hereby permitted shall be occupied until the visibility splays shown on 'Proposed Site Plan – Dwg No 102 Rev. C' are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9m in height.

Reason: In the interests of Highway safety.

15

Notwithstanding the landscaping demonstrated on 'Proposed Site Plan – Dwg No 102 Rev. C' no development shall be commenced until 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 have been submitted to and agreed in writing by the local planning authority. The works shall be carried out as approved.

Reason: In the interests of the visual amenity and ecological value of the site.

16

The approved 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 7 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.

17

The development shall be carried out in complete accordance with the mitigation recommendations contained in Section 7.2 of the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan undertaken by RammSanderson dated November 2017 (with the exception of the mitigation works proposed to T13 which will have subsequently been agreed for removal) and the follow up measures outlined by email dated 15<sup>th</sup> December 2017 and accompanied by the document entitled 'Cellweb TRP The Contractors Guide' unless otherwise agreed through approval of a non-material amendment to the permission. For the avoidance of doubt the works relate to the protection of trees marked for retention throughout the site with specific mitigation measures in relation to T1; T6; T7 and T21.

Reason: In order to afford protection to protected species and to achieve ecological enhancements in line with the Core Strategy and the NPPF as submitted by the applicant.

18

Notwithstanding the measures outlined by the Arboricultural Impact Assessment, no works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection within the root protection areas



h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: In the interests of the visual amenity and ecological value of the site.

19

The following activities must not be carried out under any circumstances.

a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.

b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,

c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.

d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.

e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: In the interests of the visual amenity and ecological value of the site.

20

In respect of Plots 3 to 6 inclusive, notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

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

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class D - porches

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Class G - chimneys, flues etc on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand along solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

Reason: In the interests of visual amenity and to preserve the character of the designated conservation area and the setting of the listed building within the site as well as listed buildings in close proximity to the site.

21

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

22

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

### Notes to Applicant

01

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

This application includes the conversion of farm buildings to residential use and there lies the potential for these to have been used for a variety of activities. It would depend on what specific activities have been carried out to consider the implications, if any, for contamination of the site. The applicant/developer will need to have a contingency plan should the construction/conversion phase reveal any contamination, which must be notified to the Pollution Team in Environmental Health at Newark and Sherwood District Council on (01636) 650000.

04

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Kirsty Cole**

**Deputy Chief Executive**

