

## PLANNING COMMITTEE – 15 FEBRUARY 2019

<b>A:- Application No:</b>	<b>15/00784/FULM</b>
<b>Proposal</b>	<b>Full Planning Application and Listed Building Consent for a development comprising 56 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM</b>
	<b>and</b>
<b>B:- Application No.</b>	<b>17/02325/FULM</b>
<b>Proposal</b>	<b>Development comprising 16 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.</b>
<b>Location:</b>	<b>Bulcote Farm Old Main Road Bulcote Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr John Tootle Northern Trust Company Ltd</b>
<b>Registered:</b>	<b>11<sup>th</sup> May 2015</b> <span style="float: right;"><b>Target Date: 10<sup>th</sup> August 2015</b></span>
	<b>Extension of time agreed in principle</b>

**These applications have been referred to Planning Committee by the Business Manager for Growth and Regeneration given their complexity and scale.**

**There are two separate applications (in addition to an LBC) which form a comprehensive residential development on Old Farm Road. For ease of reference both applications are assessed within this report.**

### The Sites

#### **A. 15/00784/FULM**

The application relates to circa 2.7hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

The site is accessed from Old Main Road which runs through the village from the A612.

The site is adjoined by arable land to the east (including 2 large agricultural barns) south and west.

On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch.

To the north of the site there is ribbon of development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage

Field House a Grade II Listed Building lies to the south.

The site lies within the Conservation Area.

### **B. 17/02325/FULM**

The application relates to two parcels of land on opposite sides of Old Main Road of circa 2.3 hectares to the south eastern edge of Bulcote Village.

Site 1 - The parcel of land immediately to the south of Corporation Cottages, a terrace of Grade II Listed residential properties is an open field with open fields beyond to the east. This falls within the Conservation Area. The predominantly redundant Grade II Listed Bulcote Farm complex to the south which forms the proposed development site for a planning application 15/00784/FUL and Listed Building Consent application 15/00785/FUL, for a comprehensive development site and are also before Members for consideration.

Beyond the Listed Corporation Cottages is a further Grade II Listed Building, Bulcote Crossing Cottage

Site 2 - The other parcel of land which forms part of this application is on the opposite side of the road directly opposite the Bulcote Farm complex is currently occupied by two substantial barns with associated hardstanding and structures and is surrounded to the north east and west by arable land. This land falls outside of the Conservation Area.

Both sites are accessed from Old Main Road which runs through the village from the A612.

On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch.

Both sites are separated from the main village by the railway line which has a level crossing (Bulcote Crossing) at this section of Old Main Road.

Field House a Grade II Listed Building lies to the south.

Both sites also fall within the Nottinghamshire Derbyshire Green Belt and within Flood Zones 1 and 2 as identified within the Environment Agency Flood Zone map.

## **Relevant Planning History**

15/00785/LBC – Listed Building Consent has been deposited in conjunction with this application seeking consent for a development comprising 64 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping.

## **The Proposal**

Full planning permission is sought for the following:-

### **A. 15/00784/FULM**

The restoration of the Grade II Listed Model Farm Building and conversion to provide 24 dwellings comprising:-

- 1 no. 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and
  
- The provision of a new community unit of circa 95 sqm is proposed within the retained dairy on the south eastern side of the building.

Circa. 1168 sq. m of shared amenity space is proposed within the courtyard and circa 1934 sq. m of public open space is proposed to the north east of the farm buildings

In order to part fund the proposed restoration works to convert the building this application also proposes 'enabling' development sufficient to bridge a reported conservation deficit. This comprises the erection of 32 two storey dwellings comprising:-

- 27 no. 3 beds; and
- 5 no. 4 beds.

These would be arranged as follows:-

- 2 no. terraces to the rear of the Listed Building. Each terrace would contain 14 dwellings and would have maximum dimensions of 36m width, 12.3m depth and would have a ridge height of 7.5m; and
- A terrace of 4 properties to the north western boundary which would have maximum dimensions of 21m width, 11.4m depth and would have a ridge height of 8.3m .

### **B. 17/02325/FULM**

In order to part fund a reported conservation heritage deficit resulting from the proposed restoration works to convert the Bulcote Farm Listed Building, this application seeks (in

conjunction with the associated planning application ref. 15/00784/FULM) full planning permission for the erection of the following residential enabling development:-

- Site 1 -3 no. pairs of semidetached two storey 3 bedroom properties on land between Corporation Cottages and the Bulcote Farm site. Each pair of semi-detached properties would have maximum dimensions of circa 12.1m width, 9m depth and would have a ridge height of circa 8m. Each dwelling would have off street parking provision.
- Site 2 -10 no. detached 4 bed dwellings on the site of the barns and associated hard standing and structures on the opposite side of old Main Road. Each dwelling would have maximum dimensions of circa 10.6m width (including a two storey side projection with garage), 10m depth (including a single storey rear projection) and would have a ridge height of circa 9m.

Both applications propose a combined total of 167 parking spaces (within the quadrangle, private driveways and parking courts) as confirmed by email on the 5<sup>th</sup> November 2018.

The following supporting documents have been deposited with the applications:-

- Bulcote Conservation Deficit – received 19.09.18
- Enabling Development Executive Summary – received 31.07.18
- Revised Design and Access Statement = received 05.01.18
- Revised Ecology Assessment – received 05.01.18
- Revised Heritage Statement – received 05.01.18
- Revised Transport Statement – received 05.01.18
- Flood Risk and Drainage Design – received 27.12.17
- Property Review – received 27.12.17
- Bat Mitigation Strategy – received 12.05.15
- Statement of Community Involvement (and appendices) received 12.05.15.
- Road Safety Audit and Road Improvement Plan – received 19.11.18
- Road Safety Audit received
- Highway Technical Note – received 23<sup>rd</sup> January 2019
- The applicant has also submitted a Viability Appraisal (focusing on the conversion of the listed building, the developer contributions sought and on the new building element) and a Viability Assessment Addendum together with information relating to the marketing of the

site.

- Details of mothballing and alternative sites have also been deposited
- A raft of drawings have been deposited with both applications for the proposed conversion works and enabling development : –
- Proposed site layout – drg no. 02 003 REV E – received 27.12.18
- Associated plans:

#### **A. 15/00784/FULM**

##### **Proposed Conversion:-**

Proposed community building (04) 0001 Rev C

House Type 5 (04)005 Rev B

House Type 2 (04)002 Rev C

House Type 4 (04)004 Rev B

House Type 7 (04)007 Rev B

8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 11 (04)021 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

House Type 14 (04)016 Rev B

House Type 6 (04)006B Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B

House Type 13 (04)015 Rev B

House Type 16 (04)018 Rev B

House Type 17 (04)019 Rev B

House Type 18 (04)020 Rev B

Typical House Types Services Strategy (04)050 Rev A

Retained Stable Units (04) 003 Rev C

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Typical Conversion Methodology (02) 055 Rev F

Proposed services Strategy (02)0101 Rev A

### **Enabling Development**

New Short Terrace 129/01 (02) (052) #  
New Terrace Proposed Elevations (02) (051) #  
New Terrace Proposals Floor Layouts (02)060#  
New Short Terrace Floor Layout (02)061#

### **B. 17/02325/FULM**

Semi Detached House Proposed Elevations (02) 052 #  
Detached House Proposed Elevations (02) 054#  
New Semi Detached House Floor Layouts (02)062#  
Proposed Detached Floor Plan (02)063#

### Departure/Public Advertisement Procedure

Occupiers of nearby properties have been individually notified by letters and reconsultation has been undertaken with those originally notified together with any additional interested 3<sup>rd</sup> parties who have submitted comment. Site notices have also been displayed near to the site and a notice posted in the press.

### Planning Policy Framework

#### The Development Plan

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

Spatial Policy 1: Settlement Hierarchy  
Spatial Policy 2: Spatial Distribution of Growth  
Spatial Policy 3: Rural Areas  
Spatial Policy 4A: Extent of Green Belt  
Spatial Policy 4B: Green Belt Development  
Spatial Policy 6: Infrastructure for Growth  
Spatial Policy 7: Sustainable Transport  
Core Policy 1: Affordable Housing Provision  
Core Policy 3: Housing Mix, Type and Density  
Core Policy 6: Shaping our Employment Profile  
Core Policy 9: Sustainable Design  
Core Policy 10: Climate Change  
Core Policy 12: Biodiversity and Green Infrastructure  
Core Policy 14: Historic Environment

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

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy  
Policy DM3: Developer Contributions and Planning Obligations  
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

### **Other Material Planning Considerations**

National Planning Policy Framework 2018  
Planning Practice Guidance 2014 including updates 2018  
Newark and Sherwood Amended Core Strategy DPD 2017  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Historic England Good Practice Advice Note 2 Making Changes to Heritage Assets (2016)  
Historic England – Enabling Development and the Conservation of Significant Places (Revised 2012)  
Historic England – Vacant Listed Buildings (2018)  
Bulcote: An Appraisal of the Character and Appearance of the Conservation Area. (2001)  
Newark and Sherwood Developer Contributions SPD (2013)  
Newark and Sherwood Conversion of Traditional Rural Buildings SPD (2014)  
Newark and Sherwood Landscape Character Assessment SPD  
Burton Joyce Neighborhood Plan

### **Consultations**

**Comments received during consultation have been appended in full as follows:**

#### **Appendix 1.**

##### **Consultee Comments**

#### **Appendix 2**

**15/00784/FULM (including 15/00785/LBC) - Representations have been received from 56 local residents/interested parties on the original rounds of consultation. A further 174 representations have been received following reconsultation (albeit these additional comments also relate to application 17/02325/FULM and some multiple letters/emails have been received from the same households.)**

**17/02325/FULM – The 174 representations noted above also make reference to this application.**

### **Comments of the Business Manager – Growth and Regeneration (Appraisal of the Applications)**

There are both legislative requirements and policy tests to consider in relation to the proposed development:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *“if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

As the application concerns designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the

'Act') are particularly relevant. Section 16(1) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* This stance is mirrored by Section 66 which outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) also requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

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

In this case it is necessary to balance a number of issues which for ease of reference are addressed in turn below.

### **Principle of Development**

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

In this case there are a number of matters of Green Belt, land use, and conservation principles to assess, in addition to the raft of other material planning considerations to which decision-makers should have regard.

### **Five Year Housing Land Supply**

Members are aware of the current position in respect to the Council's ability to demonstrate a five year housing land supply, as now confirmed via appeal and notably the Secretary of State. It is not considered necessary to rehearse the full position in the context of the current application save to say that the Authority is confident that it is able to demonstrate a five year housing land supply and that the policies of the Development Plan are afforded appropriate weight (as assessed) in the overall decision-making. It is noted that any approval on this site would contribute to the Councils land supply position, albeit such a contribution need not, in itself, be determinative when weighed against all other material planning considerations.

## **Settlement hierarchy and scale of development**

Bulcote is located to the north east and on the edge of the village of Burton Joyce, a large settlement which falls within Gedling Borough Councils (GBC) administrative area. Bulcote is a small historic distinct village, although it has no services or facilities other than a community building located within the model farm complex. At the 2011 census Bulcote had a published population of 309 dwellings.

GBC and NSDC have fully endorsed the plan-led approach to planning insofar as both promote, though their own Core Strategies, a hierarchical approach to development. In the case of GBC, Burton Joyce has allocated 2 no. small housing sites (expecting to yield approximately 35 dwellings over their plan period 2011-2028).

The settlement hierarchy for NSDC is set out in Spatial Policy 1 of the Council's adopted (2011) Core Strategy. Spatial Policy 2 goes on to deal with the distribution of development, identifying that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the lowest tier of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries.

The Bulcote settlement is an 'other village' within this hierarchy which is not therefore identified to have allocated additional sites for housing over the plan period. SP1 is clear that development will be considered against Spatial Policy 4b Green Belt Development as opposed to Spatial policy 3 Rural Areas.

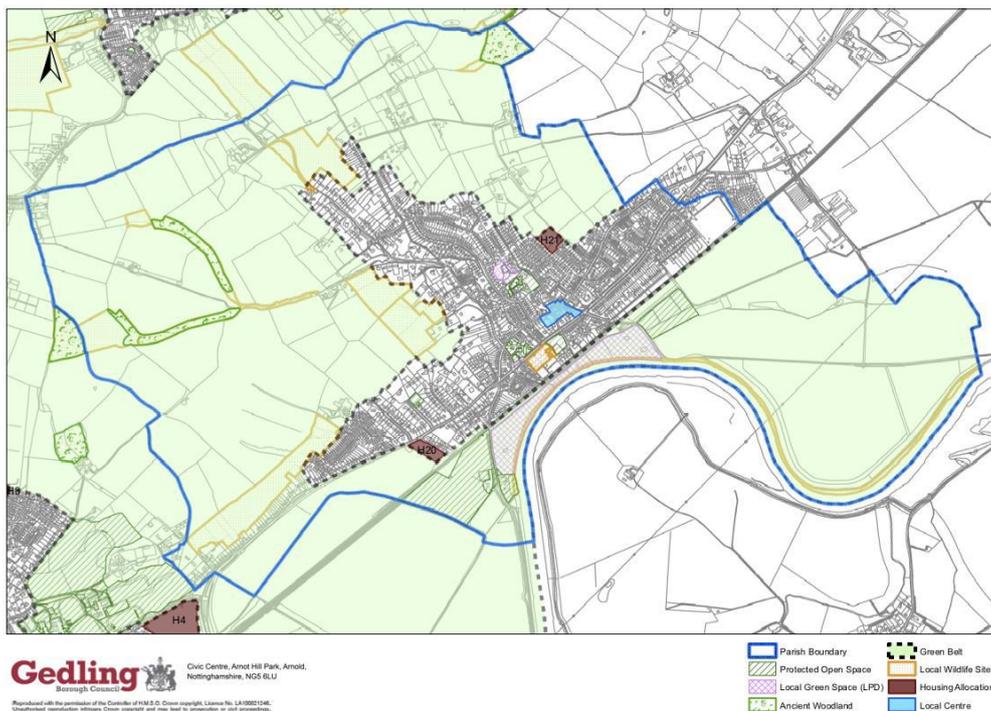
Defining whether the proposed development is within or outside of the 'main built up area of the village' as SP3 would require is therefore largely academic in this instance. So too is whether the proposals are to be of an appropriate scale in the sense of scale referred to in SP3. It seems perverse that a decision-maker should only have regard to Green Belt impacts in establishing the principle of a development (noting there are 2 no. applications) of this type. In this particular case the number of dwelling proposed will represent a 23.5% increase of housing within the village of Bulcote. To any reasonable observer this is significant and is of the order of percentage increase (as outlined in Spatial Policies 1 and 2 of the Amended Core Strategy) envisaged in the Amended Core Strategy for two service centres (Clipstone and Edwinstowe) and the majority of Principal Villages.

I do note the proximity of the site to Burton Joyce. One could walk from Bulcote (from Old Main Road) to the centre of Burton Joyce (approx. 1 mile) in circa 20 minutes along a footpath which is lit beyond the railway. Burton Joyce has a range of services and facilities including recreational, retail, educational and medical services (as identified within the Adopted (via GBC) Burton Joyce Neighbourhood Plan), as captured on the attached table:

Village Hall	Post Officer Counter service within gift shop
3 village pubs (2 inc. restaurants)	Recreation Ground play area for younger children and multi-use games area
Recreation Ground incl. range of sports pitches	Community Church
Grove Recreation Area	3 cafes (1 includes bakery)
Super market	Estate agents
Primary School	Millennium Memorial Site
Parish Church of St Helens	Riverside Land
Charity Shop	Old school building
2 no. Hot Food takeaways	Old Church Hall
Allotments	2 no. Doctors surgeries
Pharmacy	Dentist
2 Recycling centres	Physiotherapy Clinic
Library	Cemetery and Garden of Rest

Burton Joyce Neighbourhood Plan 2017-2028

There is no physically or visually noticeable ‘break’ on the ground between the end of Burton Joyce and the beginning of Bulcote (see figure below). There is, however, a more noticeable physical difference with where the applications sites are located which are physically different.



I am mindful of the advice in the NPPF regarding proximity to facilities in rural areas and references to isolation (paragraph 79), including in legal cases such as Braintree. This high court judgement essentially sought to define the term “isolated”. It did not state, or seek to state in my opinion that development plan policies aiming to restrict development beyond defined areas are inconsistent with national policy. Indeed, they cannot be when national policy clearly requires development plans to set out strategies to direct new development to sustainable locations. The

Council's Development Plan (emerging and proposed) is clear in directing new development to the settlement hierarchies and within (villages. This is clear in SP1, SP2, SP3 (specifically the 'location' criteria) and DM8. This does not change.

This stance is supported on appeal (16/00033/OUTM) whereby it was concluded that even if a site were not physically or geographically 'isolated' from a settlement a conclusion on acceptability solely these grounds would not mean conformity with the Development Plan in a clear plan-led system where the LPA has set a clear spatial strategy and a set of Development Management criteria to guide the location of new development. In this case there is harm insofar as the proposals will significantly increase the size of the village beyond that anticipated in setting a very clear spatial development strategy for the District. Such harm must then be weighed in a planning balance.

### **Impact on the Green Belt**

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, new housing and employment development will be focused in the Principal villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by village envelopes. For clarity both application sites fall sites are therefore located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy (which directs the decision-maker to Green Belt policies within the NPPF).

Paragraph 133 of the revised National Planning Policy Framework (NPPF) identifies five purposes of including land in Green Belts:

1. To check the unrestricted sprawl of large built up areas ;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The development proposals do not contribute to any of the 5 purposes referenced.

Paragraph 143 of the NPPF goes on to confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 adds that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' shall not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm resulting from the proposal is **clearly** (emphasis added) outweighed by other considerations.

In this case the applicants have elected, partly due to the evolution of negotiations throughout an iterative process (primarily in terms of the extent and design of 'enabling development') to submit 2 no, separate planning applications. Thus, each proposal must be assessed on its own merits in planning terms. Members are able to tie the schemes together in the event of an approval via a S106 Agreement.

Taking the sites both individually and cumulatively it is considered that both proposals represent inappropriate development in Green Belt terms for the following reasons.

**Application 17/02325/FULM (16 new build units)**

Paragraph 145 of the NPPF is clear in stating that the construction of new buildings in the Green Belt is considered inappropriate but sets out some exceptions. Of particular relevance to this application is point g) of this paragraph which identifies that 'limited infilling or partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or not or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development' may be appropriate. Paragraph 146 of the NPPF goes on to recognise certain other forms which may not be inappropriate which includes 'the re-use of buildings provided that the buildings are of permanent and substantial construction;'

In this case the lawful use of the site is for agriculture, which is excluded from the definition of previously developed land. The proposals do not involve the conversion of a building(s) and thus represent inappropriate development, to which I attached, in accordance with the NPPF, substantial weight. Only 'very special circumstances' in an overall planning balance would be sufficient to outweigh such harm.

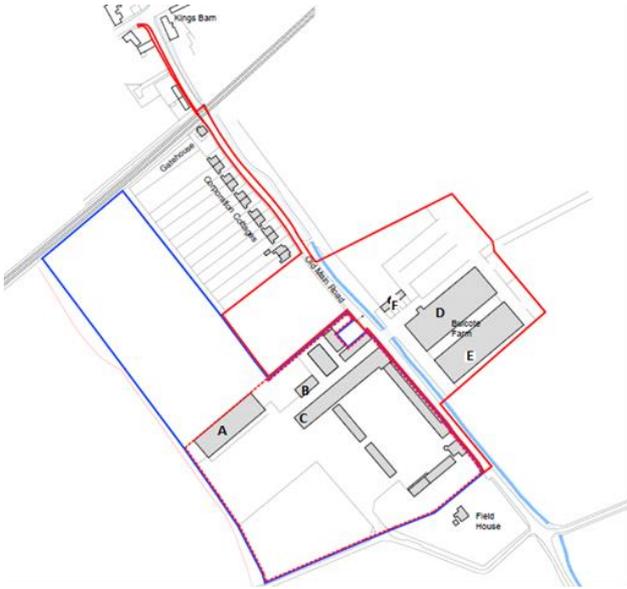
**Application 15/00784/FULM (32 new build and 24 'conversion' units).**

The 32 new build properties are representing inappropriate development for the reasons set out for the 16 new units proposed. With respect to the conversion works I note that the buildings in question are listed and clearly worthy of protection as a matter of principle. They are of permanent and substantial construction and capable of re-use. Thus, there is an element of the scheme which would clearly be appropriate in a Green Belt context.

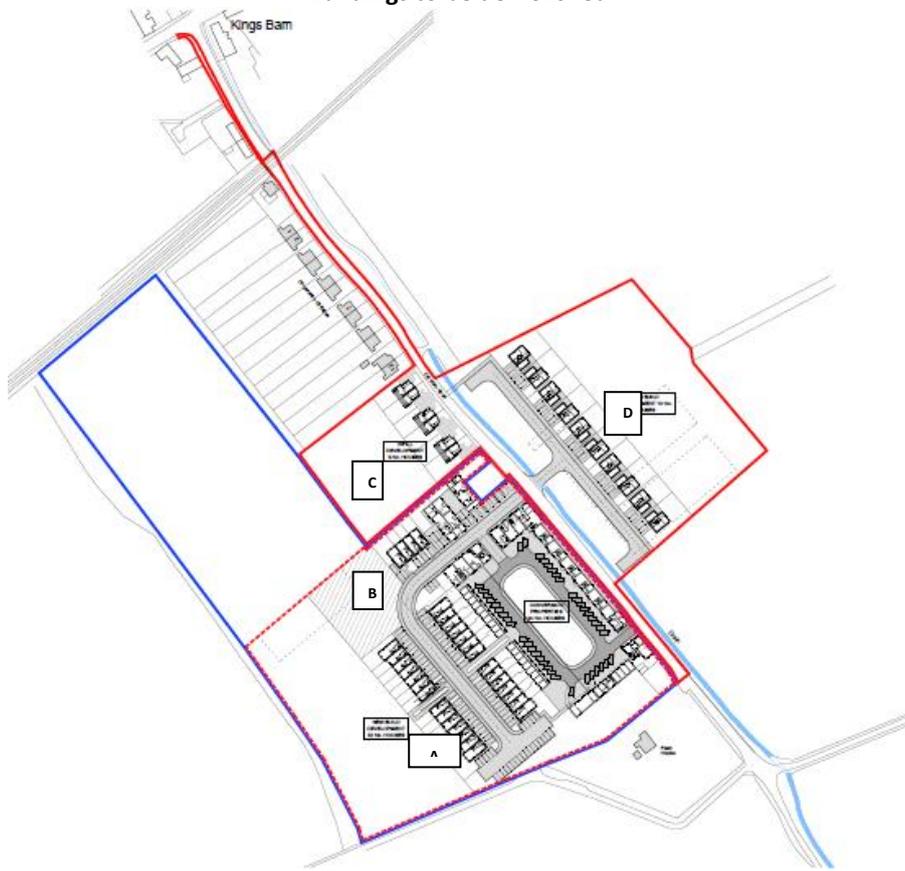
The applicant has presented a case that the total build form of the proposals when considered cumulatively is less than the level currently existing, offering a net reduction in terms of openness. I have some sympathy for this argument in overall volume and footprint terms, albeit a concentrated residential-grain development of domestic scale will have a different character impact to the current more organic and agricultural/industrial scale development.

For clarity I have calculated existing and proposed footprints and volumes for each application separately and then consider the impact of the development as a whole on the Green Belt setting of the sites.

The plan below indicates the buildings to be demolished across the comprehensive site.



**Buildings to be demolished**



**Proposed dwellings**

**A.15/00784/FULM**

**EXISTING**

	Footprint of Existing Buildings to be demolished (m2)	Volume Of Existing Buildings To Be Demolished (m3)
Large Hay Barn (A)	1,098	6,851
Open Barn 2 (B)	145	739
Grain Store (C)	336	2682
<b>TOTAL</b>	<b>1579</b>	<b>10,002</b>

**PROPOSED**

	Footprint Of Proposed Buildings (Enabling Development) (m2)	Volume Of Proposed Buildings (Enabling Development) (m3)
Long Terrace (A)	1,712	11,592
Short terrace (B)	248	1,732
<b>TOTAL</b>	<b>1,960</b>	<b>13,324</b>

As can be seen both the footprint and volume of the enabling development is greater than the buildings to be demolished on this particular site.

## B. 17/02325/FULM

### EXISTING

	Footprint of Existing Buildings to be demolished (m2)	Volume Of Existing Buildings To Be Demolished (m3)
Barn D	2,020	10,177
Barn E	1,789	10,578
Building F	115	370
<b>TOTAL</b>	<b>3,924</b>	<b>21,125</b>

### PROPOSED

	Footprint Of Proposed Buildings (Enabling Development) (m2)	Volume Of Proposed Buildings (Enabling Development) (m3)
Semi detached (C)	354	2267
Detached (D)	965	5872
<b>TOTAL</b>	<b>1,319</b>	<b>8,139</b>

In this instance the footprint and volume of the proposed enabling development is significantly less than the existing buildings to be demolished.

Taking a pragmatic approach, comparing the total amount of development across both sites A and B which form the comprehensive development, the total amount of enabling development in terms of both footprint and volume is less than that of the buildings to be demolished.

That said, the proposals still represent inappropriate development, which are by definition harmful to the Green Belt. It is therefore necessary to demonstrate very special circumstances that would need to outweigh harm by reason of inappropriateness. The applicant argues that an 'enabling' heritage argument is sufficient to be a very special circumstances of such importance that should weigh favourably in an overall planning balance.

## **Principle of the Proposed Enabling Development**

I firstly satisfy myself that what is proposed is a genuine 'enabling' development as opposed to a 'cross subsidy' development, before then assessing whether an enabling scheme can represent a very special circumstance in Green Belt terms.

The enabling development in relation to this particular application comprises 2 no. rows of 14 terraced dwellings to the southwest of the Model Farm building and a terrace of 4 properties to the northwest.

The schedule of works and costs provided within the Viability Appraisal and subsequent revised Viability Appraisal deposited with the application indicates that the extent of the restoration works to the Grade II Listed Building amounts to circa. £2.86 million. This has been extensively reviewed by the District Councils independent assessors who have concluded that the level of proposed enabling development agreed by both parties as being 48 new dwellings is the minimum to address this heritage deficit. I note that the Conservation Officer agrees with this conclusion. I would therefore defer to their expertise and professional judgement on this matter.

## **Enabling development**

The Historic England (HE) (formerly English Heritage) document Enabling Development and the Conservation of Significant Places offers technical guidance and criteria to be used in the assessment of enabling development proposals. Paragraph 202 of the National Planning Policy Framework (NPPF; revised July 2018) makes it clear that the benefits of an enabling development proposal should simply outweigh the disbenefits of departing from other policies. This differs from the guidance within the HE document which sets out tests aimed at assessing whether a proposal 'decisively' outweighs disbenefits. Given the up-to-date position of the NPPF, this is the test which should be applied in this context, although the guidance contained within the extant HE document remains a useful framework for discussion.

As defined by Historic England in the Enabling Development and Conservation of Significant Places document – 'Enabling development is development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long-term future.'

This document outlines criteria where enabling development which would normally contravene planning policy objectives would be considered acceptable:-

### **It will not materially harm the heritage value of the place or its setting**

As discussed in detail below within the Heritage Impact section of this report the Conservation Officer has concluded that the proposals would preserve the special interest of Bulcote Steading, is not harmful to the character and appearance of the Conservation Area and considers that no significant harm would be caused to the setting of the Grade II listed Corporation Cottages and Field Farm or the character and appearance of the Conservation Area. Importantly (in order to be considered enabling) the conservation officer is of the view that any more development, which may deliver more contributions and mitigation, would tip into a heritage harm category. This

would then mean the scheme could not be considered as 'enabling' in heritage terms and would rather be cross-subsidising.

### **It avoids fragmentation of management of the place**

Taking account of the supporting information deposited with the application and the viability argument put forward by the applicant it is considered that the proposed residential conversion represents an optimum viable use for the heritage assets given that it would not be suitable for modern agricultural practices as evidenced by the marketing strategy deposited with the application. It is considered that the proposals would result in a comprehensive development that secures the long term use of existing important heritage buildings which is comprehensive, avoids fragmentation and is sensitive to its heritage setting.

### **It will secure the long term use of the place and its continued use for a sympathetic purpose**

The proposed enabling development will bridge the conservation heritage funding gap and would facilitate the conversion of the Listed Building to secure its long term viable use which would be sympathetic to the heritage setting of the site.

### **It is necessary to resolve problems arising from the inherent needs of the place rather than the circumstances of the owner or the purchase price paid**

The model farm was last surveyed by Nottinghamshire County Council conservation colleagues in 2013 when it was part occupied. At that time the NCC advised that the overall condition was fair (although the condition of the architectural detail was poor). The building was classified in the Historic Buildings at Risk survey at that time to fall within risk category 4 (vulnerable). However, this survey was undertaken some 5 years ago and the buildings are now predominantly vacant and have further deteriorated. They have subsequently been inspected on several occasions by the District Councils Conservation officer who is satisfied that they are now at risk in the context of the Historic England methodology unless an appropriate and viable use is implemented. This 'risk' has not been driven by any neglect or poor management but rather by the issues associated with having a vacant building of this type over a significant period of time. The Property Review deposited with the application concludes that the buildings are 'inadequate and uneconomical for modern agriculture'. A return to the existing agricultural use is therefore considered to be unviable.

The site was actively marketed for a minimum 12 months (2014/2015) as stated in the Marketing Summary Document (2015) deposited with the application in 2015 as detailed in Other Matters section below. There was no interest received with regards to any agricultural or commercial use; the only interest was in relation to potential residential use of the site.

It is accepted that the costs of the proposed conversion works to the buildings would be significant. It is also accepted that, following an independent review as noted within the Viability Section of this report below, the applicant has robustly and satisfactorily demonstrated the conversion works would result in a conservation deficit of circa £2.86 million which would need to be met by the minimum amount of enabling development of 48 dwellings as proposed.

It is therefore considered that the enabling development as proposed is required to resolve the inherent needs of the place.

### **Sufficient subsidy is not available from any other source**

As noted within the Enabling Development Executive Summary deposited during the lifetime of the applications the applicant has explored a number of alternative sources of funding and has concluded that no third party or heritage funding has been identified or is available. According to the applicant public funding streams were not available for a residential development by privately owned companies. The applicant has referred to attempts made to source alternative funding sources without success.

I do appreciate that grant aiding for historic buildings is extremely competitive and often lengthy, with funds being limited and finite. Nevertheless I cannot reasonably say that all avenues have been assessed and concluded in this particular case. No draft submission has been forward to a grant body, such as the HLF.

That said, grant funding need not be sought if the level of enabling development proposed is acceptable in any event. In this case, Officers conclude (in consultation with our heritage and viability advisors) that the level and type of enabling development proposed is acceptable.

### **It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place and its form minimises harm to other public interests**

The applicant has undertaken a Viability Appraisal to support the requirement for the proposed enabling development. The initial Appraisal submitted with application ref. 15/00784/FULM in May 2015 concluded that 39 dwellings, rather than the 31 put forward by the applicant were required to bridge the conservation deficit that would exist in order to undertake the residential conversion of the existing Listed Buildings. In March 2016 the applicant subsequently submitted a revised Viability Appraisal taking account of increased building costs. The schedule of works have been extensively scrutinised and are considered to be conservation led and the applicants Viability Assessment has been independently and robustly reviewed and reassessed. This subsequently concluded that 48 dwellings would be required to meet this deficit. Given the independent scrutiny of the figures, I have no reason to question this figure. The independent assessment concludes that the proposed enabling development is the minimum necessary to address the heritage deficit. As discussed in the subsequent sections of this report in relation to impact on the nearby heritage assets, the Green Belt and landscape it is considered that the proposed enabling development would predominantly reflect the historic scale, form, layout and setting of the site particularly in relation to that proposed under application ref. 15/00784/FULM.

### **The public benefit of securing the long term future of the significant place through such enabling development outweighs the disbenefits of breaching other public policies.**

This is discussed in detail below.

### **Other Enabling Matters**

A marketing strategy has been deposited with the application. In line with the requirement for market testing in Historic England's Enabling Development Guidance the site has been robustly marketed for at least 6 months. The marketing of the site included sales brochures, sale boards, national, regional and national advertising and mailshots. Only two parties have followed up initial

enquiries with viewings progressing to just one offer for a residential scheme rejected on the grounds of value and a less sensitive conversion of the Listed Building.

It is considered that from the evidence put forward by the applicant and in line with Historic England enabling development guidance that the marketing undertaken for the site has investigated and sufficiently demonstrated that there is no realistic prospect of the buildings being occupied for their existing use, or indeed other potential uses other than residential.

### **Alternative sites**

I am mindful that enabling development is not necessarily required to be on the same application site as the heritage asset. This has been explored by the applicant and information has been submitted with regard to the investigation of whether there are alternative viable sites available which could accommodate some or all of the proposed enabling development. This concludes that the applicant and landowner do not own any other land within the Newark and Sherwood District Council boundary. Therefore any potential alternative sites would need to be purchased at market value before they could be considered a legitimate option.

Notwithstanding this, a search has been undertaken of Severn Trent Water owned land within the locality and whilst a number of sites have been identified they are currently operational sites, necessary for the continued core operations of the business and as a result are not currently able to be considered for sale.

It is the applicant's opinion therefore that a requirement to purchase alternative sites at market value is not appropriate or viable in this instance.

### **Mothballing**

Officers have required the applicants to assess mothballing as an option, with the aim of maintaining more limited 'enabling' development in order to secure the building over the short-to-medium term. As stated in the Enabling Development Executive Summary deposited with the application this would comprise minimal works required to make buildings structurally sound and wind and water tight. It must be noted that such intervention does not alone prevent further dereliction of the building but it does 'buy time'.

The Elemental Defect Appraisal (EDA) submitted as part of the applications has identified the remedial works that would be required. Given that this was undertaken in 2012 the applicant has carried out a review of works they consider are required to mothball the building to keep it structurally sound and wind and water tight for a sustainable period of time as summarised below:-

<b>Item</b>	<b>2016 Cost Plan</b>
Repairs to frame (as identified in EDA)	£52,370
Repairs to upper floors (as identified in EDA)	£86,250
Roof repairs (inc rainwater pipes which typically you would need in mothballing as they can perpetuate / introduce new damage if the situation if not resolved)	£342,232
Repairs to external walls (as identified in EDA)	£177,430
Windows and external doors	£189,117
Repairs to internal wall (as identified in EDA)	£86,870
<b>Repair Total</b>	<b>£934,269</b>

Preliminaries at 12%	£112,112
Overheads and Profit at 1.5%	£14,014
<b>SubTotal</b>	<b>£1,060,395</b>
Contingency at 5%	£53,019
<b>Grand Total</b>	<b>£1,113,414</b>

The applicant has argued that mothballing in itself would require some form of enabling development to fund the deficit. The costs of the comprehensive mothballing works have been broadly agreed as substantial and in the region of £1m. In considering mothballing at this cost market circumstances are of relevance (as set out in the Historic England Enabling guidance), particularly as in lower markets more enabling development may be necessary. Waiting for a more buoyant market may actually mean less enabling development.

In this particular case it is clear that irrespective of changes in market (if one assumes sales values go up but costs do not for example) there is a need for significant enabling development. It is not considered that a pause to allow market conditions to change will change this need and level of intervention significantly.

Taking all of the above into account, there is a clear enabling case in this instance. Whilst this is the case, this still need not be determinative, needing to be weighed against all other material planning considerations.

#### Heritage Impacts in detail.

The significance of the affected heritage assets namely the Grade II Listed Model Farm and the Conservation Area is detailed within the Conservation Officer comments contained within the Appendix 1..

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

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 (paragraph 137).

In decision making the LPA has to give great weight to the conservation of the designated heritage asset and to the desirability of preserving listed buildings and their setting as well as conserving or enhancing the character and appearance of the Conservation Area. If harm is identified then the same weight has to be attached whether it is limited or less than substantial as substantial harm.

The significance of the Listed Building is detailed and illustrated within the Conservation Officers comments attached at Appendix 1 of the Agenda and is also defined within the Listing which states:-

Farm buildings. Designed by the Nottingham City Engineer Arthur Brown. Red brick with blue brick bands and cill bands plus ashlar dressings. Plain tile roofs with various ridge stacks. Quadrangular plan. Metal framed windows with central opening casements. Segment headed windows throughout. Fire-proofed brick arched floor construction throughout with concrete floors. North-west and north-east ranges two storeys. North-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. Three windows projecting block to left has large glazing bar windows with smaller window above, five window projecting block to right has five large glazing bar windows with above a central taking-in door with a single smaller window to left and two to right. To south a set of ornate iron gates with gabled iron gate piers linking to single storey office building. Office building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and two single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham. South east stable range two storey and single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styles. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right a later C20 extension, not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads. This is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by their new sewage works at Stoke Bardolph.

As the proposal also affects the heritage asset of the designated conservation area it is also necessary to identify its significance. The setting of the Conservation Area is also detailed within the Conservation Officers comments at Appendix 1. Of particular relevance to this application is that the Conservation Area has a distinctive character which is derived from the spaces between buildings as much as from the buildings themselves. The Appraisal also identifies a number of key views within the village, typically encompassing green spaces and topography contributing to the setting of the Conservation Area which includes views along Old Main Road towards the Model Farm, and of countryside glimpsed between Corporation Cottages and the Model Farm. It is clear

that the relationship between Bulcote Steading and its rural hinterlands is an important element of significance in this case, and views between and through the site reinforces this significance.

#### **A. 15/00784/FULM**

Turning firstly to the proposed renovation and conversion works to the Listed Building. Following detailed discussion and negotiation with the internal Conservation Officer a revised scheme has been submitted in relation to the proposed conversion works. These are detailed within the Bulcote Conservation Deficit Summary. The repair schedule largely includes:

*Internal sub division*

*New/repaired staircases*

*Some infill of existing openings*

*Minimal new openings*

*Repair/replacement of windows and Secondary glazing*

*Repair to existing external and internal walls (including glazed brick walls in community building)*

*Repairs and reroofing of existing roof tiles (new tiles to match)*

*Repairs to or new internal fixtures and fittings*

*Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light*

The proposals have been assessed by a number of heritage bodies including Historic England and the internal Conservation officer.

I note the comments of the internal Conservation Officer and that they raise no objection to the significantly revised scheme of works. It is accepted that the most significant internal intervention would be the introduction of the new staircases. However new internal walls have been kept to the minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed new roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable and would not in the Conservation officer's opinion affect the industrial character of the buildings. Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re roofed with existing salvageable slate coverings where ever possible and any new slates will be sourced to match existing.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However being mindful of the existing extent of hardstanding and the industrial character of the site this is not considered to be fundamentally harmful, particularly as landscaping is proposed to central area. Officers are satisfied that this will preserve the stack yard setting of the listed building range.

Historic England have raised concerns with regards to the proposed renovation and conversion scheme considering that notwithstanding the revised scheme, which they accept has made some changes and subsequent improvements to the internal layout and which work with historical structural components, the proposed works would be harmful to significance of the designated heritage asset . Historic England has however recommended that it is for the LPA to be satisfied that it has sufficient information to satisfy that the proposal meets the tests within the NPPF -if

the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works to meet good conservation practice.

The Conservation Team has spoken with the Principal Buildings Officer at Historic England on the 12th November in order to clarify the concerns raised in their last letter. Historic England agreed that the methodology and strategy for conversion of the listed buildings has significantly evolved from the original 2015 iteration of the plans, and that it was for the LPA to decide whether this resulted in the optimum conservation strategy.

Officers are satisfied that the application has been accompanied by sufficiently detailed plans and information (including financial information) to allow a thorough and robust assessment of the proposed scheme. I would concur with the internal Conservation Officer that the repair schedule which proposes repair and renovation as far as practicable, follows good conservation values, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Taking the above into account and the latest comments from Historic England, officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Turning to the enabling development, the internal conservation officer is satisfied that it has been demonstrated that the proposed additional dwellings are necessary and justified to bridge the heritage deficit arising from the renovation and conversion of the Listed Building. The enabling figures have been robustly scrutinised and there is nothing before the LPA to dispute the quantum of enabling development proposed. It is therefore considered that

On this application site the enabling development comprises the two storey terraced properties to the south west and northwest of the site. Although new build these would be located where important historic buildings were one sited and would reinstate the historic plan form of the Model Farm. Furthermore their scale, design and external materials would reflect the vernacular of the buildings that were demolished in the 1960s.

The terrace of four two storey dwellings proposed to the northwest boundary of the site have also been designed to be of a scale and vernacular to reflect the historic form and layout of the model farm.

Taking this into account the internal conservation officer is satisfied that the case for enabling has been made and that the design approach will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote Conservation Area.

## **B. 17/02325/FULM**

The comments of the internal Conservation Officer are acknowledged. In assessing the impact of the semi-detached proposed to be located between Corporation Cottages and the Bulcote Farm complex officers have worked with the applicant to secure a form scale and design of these new

dwelling to reflect that of the existing listed former labourer cottages and to be commensurate with their significance and the significance of the Model Farm site to the south. The loss of views from the road to the west towards the open countryside is not considered to be significantly harmful as the sense of space and views between the buildings would be retained. Furthermore the existing hedgerow to the roadside boundary currently restricts such views.

I would concur with the Conservation Officer that having considered and discounted any form of tandem or backland development in order to protect the plot arrangement of Corporation Cottages, the linear infill of this land would respect the linear layout of the Cottages and lessen impact.

With regards to the proposed development on the site of the modern substantial barns and associated land on the opposite side of Old Main Road, it is considered that the demolition of these unattractive and obtrusive structures would improve the setting of Listed Model Farm complex and the setting of the Conservation Area. Officers acknowledge that the proposed dwellings would be completely different in character and layout to the existing farm buildings. However, again officers have worked with the applicants to secure a scale, design and layout to respect the former listed labourer's cottages. Given the setting back of the properties from the highway which reduces their prominence, it is not considered that these would be harmful to the setting of the listed cottages or the Model Farm.

Historic England have raised concerns with regards to the proposed enabling development on both application sites as noted in consultation responses attached as Appendix 1, based on lack of transparency in terms of the justification for the heritage deficit and the minimum quantum of enabling development required to bridge the shortfall particularly given that the viability documents and financial information were not publicly available on line and therefore it was not evident that there was a conservation deficit or that the enabling development would facilitate the benefit (i.e. the long term viable use of the Listed Building) that would outweigh any harm.

The applicant has subsequently submitted a public 'Bulcote Conservation Deficit' document which summarises the financial information assessed by the independent viability consultant.

The latest comments received from Historic England now just raise general concerns based on their previous comments and again recommend that it is for the LPA to be satisfied that sufficient information has been submitted to justify the viability argument that has been put forward.

It should be noted that the applicant has made a concerted effort to contact and engage Historic England in discussions with regard to this matter. However Historic England has not offered them any further advice.

The Conservation Team has spoken with the Principal Buildings Officer at Historic England on the 12<sup>th</sup> November in order to clarify the concerns raised in their last letter. Historic England reiterated that it was for the LPA to decide whether the enabling scheme was justified and that there was sufficient evidence to support the enabling assumptions. In addition, Historic England advised that they did not have a fundamental issue with the prospect of new build constructed on the foot print of historic buildings within the site. They also did not have an issue with the infill adjacent to Corporation Cottages. They did query whether a domestic type of housing on the modern dairy farm site was appropriate within the setting of the model farm, but advised that they did not want to offer any formal advice beyond that already given.

For the reasons already set out, it is felt that the new build components cause no harm to the setting of the listed buildings forming the model farm complex.

Taking the above into account Officers are satisfied that the application has been accompanied with clear and robust supporting information (including a Viability Assessment which has been robustly and independently reviewed) that is sufficient to enable a thorough assessment of the proposals, and to allow a considered determination of scheme before Members. In terms of heritage impact I would concur with the Conservation officer in that the proposal would preserve the special interest of Bulcote Steading and the character of the Conservation Area. The proposal would therefore accord with S16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy and policy DM9 of the ADMDPD together with Section 16 of the NPPF.

### **Impact on Landscape Character**

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout 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.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

Paragraph 117 of the NPPF states that: 'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed; the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application sites fall within TW06 Bulcote Village Farmlands Policy Zone. The landscape condition is described as moderate with some detracting features (including the A612 to the western boundary and the large scale Bulcote Farm) which are noted as being out of scale and character. The visual unity of the area is described as being coherent. This Policy Zone has moderate landscape sensitivity. Landscape actions are defined as being Conserve and Create.

The sites also adjoin the western edge of TW51 Stoke Lock River Meadowlands, again the landscape condition is defined as moderate and a landscape action of 'Conserve and Create' as overall policy. It is noted that the application has not been accompanied by a specific Landscape Appraisal.

### **A 15/00784/FULM**

I am mindful of the comments of the Nottinghamshire County Council comment in their assessment of impact on the Landscape Character of the site and the surrounding area.

The proposal will result in the loss of some later additions to the Farm Building and remove some outbuildings. As noted within the Impact on the Green Belt section of this report it is accepted that the additional dwellings would result in additional built form on the site, however these would predominantly be located on the site of former buildings which were of a similar scale and vernacular design and would reinstate the historic layout of the Bulcote Farm Steading. Taking this into account it is accepted that the additional enabling development would have some impact on the landscape character of the setting of the site. However, I would concur with the NCC that it would reinforce the traditional layout and character of the model farm site and the existing building and would be contained within existing field boundaries, forming a cluster of buildings viewed against the backdrop of the existing Steading and its historic context.

### **B 17/02325/FULM**

The enabling development proposed on this application would predominantly be linear in nature and would be located on the site of the large modern dairy farm buildings and would continue the row of the Corporation Cottages towards the Model Farm complex. Again it is accepted that this would be new development within the landscape setting. However, it replaces the much larger dairy buildings which extend further north east into the open countryside than the proposed detached houses and the proposed semidetached dwellings would be viewed in context with the Corporation Cottages and the Model Farm complex.

Taking both sites into account it is therefore considered that the impact of the comprehensive development on the landscape character would be considered to be neutral and therefore would not outweigh the public benefits of the proposal in securing the future long term viable use of the Grade II Listed building in line with the requirements of the enabling policies of the NPPF and Historic England Guidance.

### **Housing Mix and Density**

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.

In terms of density the comprehensive development equates to circa 15 dwellings per hectare, which does fall below the recommended density outlined in Core Policy 3. However I am mindful that such a density is driven by heritage discussions. It is therefore considered that such a density would not be fatal to the application.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. In the absence of more detailed localised information presented by the application, Officers consider it a reasonable approach to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted. Bulcote falls within the Nottingham Fringe Area where the results of the assessment showed that in the market sector the greatest demand for market dwellings is for two and three bedroom properties with a limited demand for 4 and 5 bedroom dwellings.

In terms of housing mix the proposal comprises 1no. 1 bed property, 8 no. 2 bed properties, 47no. 3 bed properties, 16no. 4 bed properties. I am of the view that this would predominantly provide 2 and 3 bed dwellings for which there appears to be the greatest market demand in this sub region. The proposal also comprises a number of 4 bed dwellings again which is noted would meet the more limited demand for such properties.

I am also mindful that the Gedling Borough Council undertook a Local Housing Need Study in 2016 which identified that smaller homes are required in Burton Joyce as noted in the Burton Joyce Neighbourhood Plan. Given as noted above that it is considered that Bulcote, given its location and lack of separation from Burton Joyce, the proposal would have the potential to meet a local demand for smaller terraced or semi detached housing in the wider settlement area.

Taking this into account I am satisfied that the proposed housing mix is acceptable.

### **Design and Layout**

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout 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.

### **A. 15/00784/FULM**

The proposed layout of this site would reflect the historic layout of the Bulcote Steading complex. The converted building would enclose a courtyard to the rear comprising open space and parking areas.

There would be 2 no. linear terraces of two storey properties on the site of the former piggeries to the rear of the main building. These would face onto the access road with private gardens to the

rear. An additional terrace of 4 two storey dwellings would be sited towards the north western boundary of the site overlooking the access road with private rear gardens

The proposed enabling dwellings themselves have been the subject of detailed discussions between officers and the applicant in terms of their scale and design. It is proposed that these would reflect the scale and agricultural vernacular of the site through use of external materials (red brick and blue slate tiles) and detailing (brick details, stone cills and segmental arches).

## **B. 17/02325/FULM**

The design scale and layout of the proposed dwellings on the sites to which this application relates have been the subject of extensive discussions between officers and the applicant. The linear layout of the dwellings proposed on Site 1 is considered to reflect the form, massing and layout of the adjoining Corporation Cottages. A front gable projection together with wide window openings and the proposed external materials would also echo the design and appearance of the Cottages.

Turning to the detached dwellings proposed on Site 2 these again are considered to reflect the linear layout and architectural form of the Corporation Cottages and pay respect to the vernacular of the Model Farm complex.

Indicative external materials are noted within the application. However, given the sensitivity of the locations of the site it is considered reasonable that should Members be minded to grant planning permission a condition requiring the submission and written approval of external materials would be reasonable.

Taking the above into account I am satisfied that the design and layout of the proposed development accords with Core Policy 9 and DM5.

### **Impact on Highways.**

#### **SITE A 15/00784/FULM AND SITE B 17/02325/FULM**

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made. This is reflected within the emerging Spatial Policy 7.

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of development.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, NPPG and Development Plan Policies.

The initial comments of the Highway Authority received on the 15<sup>th</sup> June 2015 raised a number of highway safety issues with application 15/00784/FULM as submitted in relation to the width of the access road, lack of footways and the site being in an unsustainable location. Subsequently a number of meetings were held between the applicant and the highway authority where various suggestions were put forward by the applicant in relation to possible highway improvements including potential widening of existing footways, creation of formal footways and widening sections of the highway in order to try and address the concerns raised.

Revised plans and statements were submitted in relation to application 15/00784/FULM and a further application 17/02325/FULM submitted in relation to the proposed additional enabling development. These were accompanied by a Revised Transport Assessment (TA).

The revised TA has assessed and compared likely traffic generation of alternative uses (B1, B2 and B8) as shown in table 4.1 below against the trip generations of the proposed development as shown in the table 4.2 below:-

Peak Hour	Business Park				Industrial Estate				Warehousing (Storage)			
	Trip Rates		Trip Generation		Trip Rates		Trip Generation		Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
AM Peak	1.185	0.258	43	9	0.817	0.452	30	16	0.138	0.093	5	3
PM Peak	0.186	1.155	7	42	0.219	0.615	8	22	0.061	0.118	2	4
Daily	6.075	5.951	221	216	6.221	6.120	226	222	1.360	1.367	49	50

Table 4.1 - Potential Traffic Generation of Alternative Uses

Time Period	Trip Rates (per unit)		Number of Trips	
	Arr	Dep	Arr	Dep
AM Peak	0.150	0.368	11	26
PM Peak	0.359	0.187	26	13

Table 4.2 – Trip Rates for Proposed Residential Development

It concludes that the level of traffic generated by the alternative uses (with the exception of storage) would be likely to be generally higher than that generated by the proposed residential use and that the proposal is generally likely to generate lower levels of additional traffic during the general peak periods of a typical week day – substantially fewer HGC+V and agricultural vehicles along Old Manor Road as currently exists.

The TA comments that the impact of the proposal on the level crossing, which is generally lowered 2 to 3 times a day for less than a minute each time, would be minimal.

It includes an assessment of the accessibility of the site by foot, cycle, bus and rail and concludes that the pedestrian and cycle infrastructure in the vicinity of the site will be substantially improved and that the site is accessible by public transport.

Following the submission of the revised TA the applicant subsequently submitted a revised red line site plan on the 27<sup>th</sup> December 2018 (drg no. (02) 003 Rev E) which now includes land along Old Main Road and beyond towards the drainage ditch on the northern side of the road and has put

forward a number of potential works to allow for potential off site highway improvements to address the previous concerns raised by the Highway Authority which included:

- Widened carriageway to the eastern side of Old Main Road (between the Site Access and the level crossing) to ensure that a 5.5m width is provided.
- Creation of a 1.8m footway on the western side of Old Main Road between the Site Access and the level crossing.
- Potential creation of a 1.2m to 1.8m wide footway on the western side of Old Main Road between the level crossing and the junction to the north of the level crossing.
- Coloured surfacing to provide a more conducive environment for pedestrians and motorised traffic to travel safely and efficiently (this has been to effect in Cheshire East and was adopted by the highway authority).
- Road markings to denote SLOW markings along this section of Old Main Road

Following further discussions between the applicant and the Highway Authority in April 2018 the applicant again put forward a number of additional potential off site highway improvements on land to the north of the railway crossing to include a pinchpoint in front of the cottages. This would provide a 1.2m footway for approx. 14 m (excluding the railway line crossing (drg no. 0398-02 Rev E).

However the Highway Authority comments received 23<sup>rd</sup> April 2018 continued to raise significant concern that the proposed improvements failed to address their initial comments noted within the Consultation Section of this report. In summary the Highway Authority remained unconvinced that adequate and safe access was being offered for the type, size and development proposed.

It is noted that the Highway Authority in these comments conclude that although some flexibility may be acceptable in this instance too many compromises had to be reached. The proposal failed to meet the minimum highway design guide figures in terms of footway, verge and carriageway widths, (for example general footway widths of 1.8m not 2m minimum, minimum footway widths of 1.2m along the 14m pinch point which should only extend 6m along this section, sections of carriage widths of 4.8m rather than 5.5m minimum and verge widths of 0.2m rather than 1.0m min) the access geometrically substandard for the type and size of development being proposed and as such, it is considered that Old Main Road is unsuitable to support a development of this scale. Furthermore access to bus service provision remains poor. The Highway Authority therefore requested that the application be refused on highway safety grounds.

Following further discussions and correspondence with the Highway Authority the applicant has submitted further proposed road improvement plans revised plans (ref. 0398-02 Rev F). These included a raft of further suggested improvements along Old Main Road including widening of the footway between the site and the listed cottages to the north west , localised strip widening to maintain a 5.5m wide carriageway, markings to reinstated road humps, widening of the existing footway margin to western side of the highway approaching the level crossing, dropped kerbs and paving to either side of the level crossing, provision of hand rail and aco channels to the western section of Old Main Road to the front of the cottages and the creation of a new footway beyond this section.

A Stage 1 Road Safety Audit has also been submitted In November 2018 by the applicant which identifies 7 problem areas and recommended 'proportionate and viable' means to remove the problems identified within the Audit. These can be summarised as follows:-

- Problem 1 - The extension of the southern extent of proposed footway into the site and an uncontrolled crossing point added to the layout to convey pedestrians across Old Main Road to resolve lack of continuity in provision for pedestrians.
- Problem 2 - Markings to existing speed humps on Old Main Road re-laid as part of the detailed design together with verge side marker posts to replace existing boulders and provision of verge marker posts.
- Problem 3 - Provision of verge marker posts within north eastern verge on the eastern side of Old Main Road to indicate reduced width footway and drainage channel
- Problem 4 - Provision of corduroy paving to delineate the termination of the footways adjacent to the level crossing and highlight the presence of the level crossing.
- Problem 5 - Provision of a handrail to be provided to the rear of the footway immediately to the north of the level crossing and provision of Aco Channel with heelguard grating upstream of the stepped access.
- Problem 6 - Provision of crossing point at northern end of footway to provide suitable transition/crossing arrangements where footway terminates
- Problem 7 - Realignment of post and rail fence to the verge on NE side of Old Main Road to prevent potential misdirection of traffic in the vicinity of the level crossing.

The Highway Authority also submitted their own Safety Audit in November 2018 which identifies potential issues:-

- Problem 1 - The section of highway both sides of the railway recommending removal of parking and the introduction of parking restrictions (although this would be likely to be enforced)
- Problem 2- the Footway immediately to the north of the crossing and the vertical drop at the back of the footway, recommending the removal of the vertical drop or erection of protected fencing; and more generally
- Problem 3 - the conflict of pedestrians with vehicles in the carriageway, recommending that footway widths should be in line with current standards.

Further re-consultation has been undertaken with regards to the Safety Audits and the associated road improvement plans. The Highway Authority, although accepting that some of the issues may not be considered critical to the determination of the application, as noted in their comments of the 7<sup>th</sup> December 2018, there remain issues which, in the Highway Authority's opinion, are significant and they therefore retain their objection.

Although the development may not fully meet the operational highway guidance, this in itself may not be fatal to the proposal before you. However the safety or endangerment of road users and pedestrians would weigh against development.

Taking account of both independent Audits and their recommendations, the Highway Authority consider in their comments of the 7<sup>th</sup> December 2018 that some of the issues raised have the potential to be resolved. However, issues with regards to the following continue to exist:-

### Go Safety Audit

Problem 5 – this would reduce the width of the footway to 1.0-1.1m which would raise concerns with regards to lack of room for passing pedestrians. (the applicant has advised that the footpath reduces to 1.1m for a stretch of 2m then is 1.2m for the remainder of the pinch point).

The applicant has brought to my attention that reference to the width of the footway referred to in Problem 5 above reduces to 1.1m for a stretch of 2m then is 1.2m for the remainder of the pinch point. Further comment is therefore awaited from the Highway Authority.

Problem 7 – this is may not be achievable given that there may be encroachment onto third party land, although it is noted that the applicant considers that this can be undertaken within the adopted highway, and there is a lack of space to undertake this as the fence would be located on a narrow verge between the carriage way and the ditch.

### VIA Audit

Problem 3 – issues rased with the Go Safety Audit are reiterated.

The Highway Authority have therefore concluded that objections previously raised with regards to adequate and safe access remain valid and therefore it is recommended that permission be refused on highway and pedestrian safety grounds.

Subsequent conference calls in January 2019 have resulted in both parties submitting updated Road Safety Audits in January 2019. The applicant's Road Safety Audit includes a Risk Assessment which comments that for each of the problems identified in the Road Safety Audit, the risk following the introduction of the recommended works is either removed or mitigated. The Highway Authority Road Safety Audit which they consider to raise additional concerns to those previously raised by the highway officer. These relate to the potential for vehicles blocking the railway crossing, pedestrian safety in relation to the vertical drop at the back of the footway immediately north of the railway crossing and a wider concern in relation to pedestrians in conflict with vehicles in the carriageway. A number of recommendations are also proposed in the Audit which include removal of parking to both sides of the railway crossing and to provide box junction or parking restrictions on Old Main Road, the removal of the drop adjacent to the footway immediately to the north of the crossing or provision of handrail together with treatments of the existing steps and increase in footway widths in line with current standards.

The applicant has submitted a Technical Note which includes comparisons of the proposed scheme with other developments in the country which have narrow footways ranging between 5.3 and 3.4m which they consider to be similar issues to the development proposed. The Highway Authority does not consider that these reflect the road scheme dimensions or scenarios proposed with the application before Members nor is it considered that such sub standard conditions should set a precedent for other development.

The latest comments of the Highway Authority received on the 24<sup>th</sup> January 2019 detailed within in Appendix 1 determines that the latest details and proposed mitigation measures submitted by

the applicant fail to overcome the highway and pedestrian safety concern's raised and the objections and recommendation of refusal on these grounds are consistent with the previous comments made.

Given the extent and strength of objection raised by the Highway Authority with regards to safety and endangerment which currently remain, I consider that this would strongly weigh negatively in the planning balance and would not outweigh the positive benefit of the proposal in terms of the long term safeguarding of the Listed Building.

### **Parking Provision**

In terms of parking provision the applicant has confirmed that proposal provides the following:-

#### **New Build**

2 spaces per unit for 3 bed unit

3 spaces per unit for 4 bed unit

#### **Conversion**

1 space per unit for 1 bed unit

1.5 spaces per unit for 2 bed unit

2 spaces per unit for 3 bed unit

3 spaces per unit for 4 bed unit

Community Building (95 sq.m) – 5 spaces

Additional visitor – 7 spaces

The Highway Authority has raised no objection to the proposed parking provisions but recommend that should Members be minded to grant permission condition is attached requiring the parking spaces serving the residential conversion and the community centre are allocated prior to the development being brought into use. .

Taking the above into account the level of parking is considered to be appropriate to the level of development proposed.

In considering the impact on the highway network consideration also has to be given to the impact on the level crossing to the north west of the site, a significant concern for local residents. It is noted that following the initial comment received from Network Rail which although raised objection on the grounds of increased traffic did suggest a number of conditions should the LPA grant planning permission subsequent comments received in January and August 2018 following the submission of additional information from the applicant raised no objection to the principle of the development subject to a number of provisos and recommendations which are noted within the consultation section of this report. Officers are of the view that these could be secured by condition should members be minded to grant permission. It is also noted that the Office of Road and Rail raise no objections.

Notwithstanding this given the strength of the objection from the Highway Authority it is considered that the proposal would fail to accord with Spatial Policy 7 and criteria within Policy DM5 of the DPD.

### **Impact on Residential Amenity**

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

#### **A. 15/00784/FULM**

Turning firstly to amenity provision for future occupiers, the proposed new build terraces would have private rear gardens with a depth of circa 9m which is considered to be proportionate to the size of the dwellings.

The proposed units within the converted farm building would be served by a communal area of open space within the courtyard again considered appropriate to the size and nature of the units and their setting.

Given that the separation distances between the new build terraces and the converted Farm Building it is considered that the relationship between the various elements of the proposed development would provide appropriate levels of amenity and is acceptable.

With regards to neighbouring amenity, the proposed new dwellings to the south of the existing terrace of cottages on Old Main Road are sited some 60m from these existing dwellings. I am therefore satisfied that this proposal would not result in any undue overbearing, overshadowing or overlooking impact.

#### **B. 17/02325/FULM**

The proposed dwellings on Site 1 sit in line with the front building line of the adjoining Corporation Cottages. The immediately adjacent dwelling (no. 12 Corporation Cottages) has no principle room windows to the side elevation overlooking this site.

Given this relationship I am satisfied that there would be no undue overlooking, overbearing or overshadowing impact on the amenity of the occupiers of the immediately adjoining property (no. 12 Corporation Cottages) nor the residential properties beyond.

The proposed detached dwellings on the opposite side of Old Main Road (Site 2) are set back from the highway and would face the converted Model Farm building and the proposed linear infill development. Given separation distances I am satisfied that there would be no undue overlooking or overbearing impact for future occupiers of the development.

I am also satisfied that the dwellings would be served by appropriate private rear gardens proportionate to the size of the dwellings.

It is accepted that the proposal would result in additional activity within and to and from the site. However consideration has to be given in the planning balance to the conversion of the Farm Buildings which would secure the long term viable use of this important heritage asset together with the accepted justification for the level of enabling development proposed. Taking this into account together with the existing levels of activity it is not considered on balance to be so significant to justify refusal on these grounds in this instance.

### **Impact on Flood Risk and Drainage**

#### **SITE A 15/00784/FULM and SITE B 17/02325/FULM**

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding and that development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increasing flood risk elsewhere.

Core Policy 9 requires new development proposals to pro-actively manage surface water.

The sites fall within Flood Zone 1 and 2 has identified in the Environment Agency Flood Mapping. Residential development is classed as more vulnerable in the Flood Risk Vulnerability Classification of the NPPG. As such it is necessary to apply a sequential approach to new residential development sites in Flood Zone 2. The sequential approach need not be applied for changes of use of an existing building.

Officers are mindful that a specific sequential assessment has not been undertaken. There are clearly sites at lesser risk of flooding that could be found District wide. It is accepted that this would be at a purchase cost, which in itself would affect the enabling and viability discussions.

In this case once cannot reasonably conclude that there are sites at lesser flood risk where the number of units proposed in flood zone 2 could not be located. This is not realistic in reality. That said, through the flood risk and drainage work undertaken, and from consultee comments received, it is clear that the development can be made safe for its lifetime through appropriately worded planning conditions. Subject to such conditions, the failure of the sequential test in the context of this particular application need not be fatal.

### **Impact on Trees and Ecology**

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.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application site does not fall within an international or nationally designated site. The nearest Local Wildlife site is to the east at Gunthorpe Lakes. Given the separation distances it is not considered that the proposal would result in any significant adverse harm.

In terms of ecological impacts on the site given that the initial Ecology Assessment Report dated April 2015 initially deposited with the application in 2015 would now be considered out of date taking account of the length of time that has elapsed an updated Assessment has been resubmitted in January 2018.

The updated Assessment concludes that the development would not have any significant adverse impacts on any designated sites. It also concludes the following:-

- There are no protected or invasive plant species on the site
- There is no suitable amphibian breeding habitat on the site
- There are no records of Greater Crested Newts.
- The site has low suitability for reptiles although hedges and wood/brush piles may provide refuge.
- No setts or signs of badger were present
- A ditch within the site has limited potential to support water vole but is unsuitable for otters.
- The buildings trees and hedgerow provide good quality nesting habitat for birds which future development has the potential to affect thorough loss nesting habitat.
- There is some potential for habitats to support brown hare during breeding season.
- The buildings and trees within the site have negligible bat roosting potential. The trees and hedgerow provide foraging habitat.

The Survey makes a series of recommendations to mitigate any impacts which include such measures as retention of trees and hedgerow on the site, the use of Reasonable Avoidance Construction Methods, the cessation of works should any protected reptiles or amphibians be found, the inclusion of native species in landscape design, the undertaking of a repeat badger survey 1 month prior to commencement of any construction works, the resurveying of the site if development is not expected to commence within 1 year of any permission be granted, vegetation removal being undertaken outside of the nesting bird season and the provision of a sad during the hare breeding season.

The comments and recommendations of Natural England and the Nottinghamshire Wildlife Trust noted within the consultation section of this report are acknowledged.

In response to the Wildlife Trust the applicant has confirmed that the Bat Mitigation Strategy deposited with the application states that building B6b and renovation of buildings B2, 3, 6a and 7-12 will be timed to avoid bat-sensitive periods and will be undertaken between September and October or between March and April.

It is considered reasonable that should Members be minded to grant permission the implementation of the recommendations and mitigation measures noted in the Ecology Survey could be secured by condition.

Taking the above into account I am satisfied that the ecological impact of the proposed development would not be significantly adverse and that any impact could be appropriately mitigated as noted in the recommendation of the updated Ecological Appraisal subject to condition.

### **Geo Environmental and Land Contamination**

NPPF paragraph 178 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include 'necessary mitigation as part of the development or through off site measures where necessary.'

A Phase 1 Geo Environmental Site Assessment (desk top study) has been undertaken and deposited with the application. The study notes that historically the Become Model Farm was built to dispose of sewage from Nottingham as part of the Stoke Adolph Sewage Works and also to operate as a mixed arable and livestock farm. The development of the farm was intended to utilise the treated sewage to fertilise the arable farm land. Treated sewage from the Stoke Bardolph Sewage works is still pumped directly onto the land at Bulcote farm and the treated water discharged into the River Trent.

A number of possible source of contaminants have been identified including sewage, an electricity substation, asbestos within the farm buildings, chemicals associated with the agricultural use and made ground associated with the construction of former and existing buildings.

Given the historic and current use of the site the following have been identified as possible contamination issues that require further investigation and may require remediation prior to commencement of the proposed development.

#### *Human Receptors*

Contaminants and gases associated with made ground that may be present may be of a moderate /high risk.

The heavy metal and contamination associated with sewage is considered to be potentially high.

AST presents a low risk given its good condition.

Asbestos is present in the buildings however given controlled removal the risk is considered low.

#### *Groundwater*

Given that a number of contaminants may be present on site the risk of contamination to the underlying ground water is considered to be moderate/high.

### *Surface Water*

The risk posed to a land drain to the east of the site is considered to be moderate/high.

### *Ecology*

There are mature hedgerows and semi mature and mature trees on site. Based on the number of potential sources of contamination the potential risk posed on both on and off site is considered to be moderate.

Additionally it has been noted that there may be some risk posed to the proposed buildings, foundations and services.

The Study concludes that the preliminary risk to the site is identified as being moderate to high. The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition should Members be minded to grant permission. Given that the Phase I Study identifies that the site may also fall within an area that may be affected by historic mining any condition should secure that the Phase 2 investigation should include a mining report and more detailed evidence to provide justification that radon protection is not required at the site.

On this basis I am confident that any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by suitably worded conditions and appropriate planning and design.

### **Impact on Public Right of Way**

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development.

Although I note the comments of the Ramblers association who have raised no objections subject to the development not impeding pedestrian access to the river which could reasonably be secured by condition should Members be minded to grant planning permission the comments of the Nottinghamshire County Council Rights of Way are also noted. These comments reflect the concerns raised by the Highway Authority with regards to level of vehicular traffic generated as the result of the development which would compromise the safety of the users of the Bridleway no. 1 which runs through the application site and Old Main Road and which is used by pedestrians, cyclist and riders.

Being mindful of the extent and strength of the Highway Authority's comments with regards to highway and pedestrian safety and endangerment and that they are not satisfied that the latest details and mitigation measures put forward by the applicant would overcome such concerns it is considered that the concerns raised by the Rights of Way Officer would also weigh negatively in the planning balance and would not outweigh the positive benefit of the proposal in terms of the long term safeguarding of the Listed Building.

## Developer Contributions and Viability Position

### Developer Contributions

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council's policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

In terms of the starting point, the contributions that would ordinarily be sought are as follows:

<b>Contribution</b>	<b>Expectation</b>	<b>Based on 62 dwellings</b>
Affordable Housing	30% on site for 10 houses or more usually with a tenure split of 60% social rent/40% shared ownership as per CP1.	None provided
Community Facilities	£1,384.07 per dwelling (figure includes indexation as at 2016)	£99,653.04
Education	Triggered at 10 dwellings; this scheme would equate to £11,455 each	£204,804
Library	Provision triggered at 10 dwellings £236.86 (indexed at 2016) per dwelling	£17,053.92
Library	(Stock) Triggered at 10 dwellings £47.54 (indexed at 2016) per dwelling	£3,422.88
Amenity Open Space	Triggered at 30 dwellings, AOS of 14.4m <sup>2</sup> per dwelling would normally be expected on site. Where this is not possible (or only provided in part on site) a financial contribution for the shortfall would be	1934sq.m provided on site

	expected based on £282.94 (indexed at 2016) per dwelling.	
Amenity Open Space (Maintenance)	Triggered at 30 dwellings £282.79 (indexed at 2106) per dwelling	Management Plan to be secured by S106 as agreed with the applicant
Children's Play Space	Triggered at 10 dwellings, As a development for 72 dwellings this application would normally need to make provision for such open space at 18m2 per dwelling as set out in the SPD. This would equate to 1296 m2. As no provision is proposed it would be expected that a financial contribution be provided at a cost of £927 per dwelling.	£66,762
<b>TOTAL</b>		<b>£391,677.44</b>

### Viability

A Viability Case has been submitted that seeks to demonstrate the need for the proposed enabling development and that in light of the need for this to deliver the conversion of the Listed Building to secure its long term viable use that the scheme cannot afford to contribute to any of the normal expected developer contributions noted above as doing so would render the scheme unviable.

The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability. Their advice to the Council is contained within the consultation section of this report.

In summary the initial Viability Assessment Report (dated April 2015) submitted by the applicant concluded that the minimum amount of enabling development to bridge the heritage deficit totalled 39 units. The independent analysis of this document concluded a slightly lower figure of 31 new build units.

Further viability assessment documents were deposited dated March 2016 which were again independently assessed. The revised Heritage Deficit Appraisal and Enabling Development Appraisal are outlined in the comments of the independent assessor within the consultation section of this report. These conclude that the Heritage Deficit has significantly increased to

£2.86m since the initial 2015 review undertaken by JLL due to increase in build costs, professional fees and contingency, increase in Developers Return for Risk (Profit) agreed at 20% and increase in the value of the site. The sales values in the area have not increased enough to offset these increase. The heritage deficit has been agreed between the applicant and JLL at £2,861,361m. This has resulted in between 47 and 48 enabling dwellings.

A public copy of a summary of the Conservation Deficit costs has been subsequently deposited which provides a summary of the key elements that make up the Conservation Deficit as follows:-

Summary of Conservation Deficit Costs		
A	Expected Sales Revenue for 24 converted units	£5,960,000
B	Existing Use Value / Acquisition Costs	£900,000
C	Construction / Conversion Costs (including contingency)	£5,685,000
D	Construction / Conversion Costs (including contingency)	£1,043,400
E	Developers Profit (20% of expected sales revenue for conversion elements)	£1,191,600
	Conservation Deficit A – (B+C+D+E)	£2.86 million

The applicant has progressed the comprehensive development of 48 unit scheme (this figure has taken into account the additional highway improvements put forward). Taking account of JLLs comments with regards to the sensitivity test for 47 and 48 enabling dwellings and the square footage of dwellings the applicant has confirmed that the average unit size would equate to circa 1,105sqft (based on a very simple calculation of the total sqft / 48), which seems to be broadly correlate with the accommodation schedule where units sizes range from 988sqft to 1361sqft.

The Historic England Guidance establishes that there is a presumption against enabling development unless it is demonstrated that it is the absolute minimum required to secure the future of the heritage asset.

The Independent Viability Assessment is satisfied that that the applicant has demonstrated that the additional enabling development proposed is the minimum necessary to bridge the identified heritage deficit. Officers are mindful that the applicant has not proposed any developer contributions education contribution. However, bearing this in mind in line with Historic England Guidance, should the developers be required to meet these contributions the amount of enabling development this would significantly increase beyond this minimum level. This has been confirmed by the Independent Viability consult in their assessment. Such an increase in levels of enabling development would also have adverse consequences in terms of unacceptable harm to the heritage assets, the Model Farm complex and the Conservation area and encroachment and therefore adverse impact on the Green Belt and the landscape character of the area.

Taking the above into account I am satisfied that satisfied that the Viability submissions have been through a robust and proper process with professional consultants advising us and that the findings are sound.

However I am mindful that in the Viability Appraisal the developer profit has been set at 20% GDV.

Members may recall that a hearing for the Highfields development was adjourned in September

following the Inspector inviting the applicant to re run profit margins at 17.5% rather than 20% in light of the revised NPPF and updated NPPG, which essentially advocated a plan-led approach. All of our plan and CIL work has been produced on a 17.5% profit.

The applicant has pointed out that this case involved conversion works on building of a highly sensitive and complex nature, with many 'hidden' issues which cannot be reasonably understood before stripping works take place on-site. I have sympathy with this position and consider a 20% profit margin in such circumstances is reasonable. As a Council we have taken a similar approach elsewhere when dealing with heritage assets. Notwithstanding this, a profit of 20% as opposed to 17.5% impacts on an already compromised developer contributions offer.

### **Community Infrastructure Levy**

Spatial Policy 6 (Infrastructure for Growth) outlines the application of CIL which will be used for:-

Provision of improvements to the strategic highway network and other highway infrastructure, contribution towards secondary school and Sports and Leisure Facilities within the NUA and towards local Infrastructure, including facilities and services that are essential for development to take place.

The applicant has confirmed by email that at present all buildings except for the piggeries are currently in use for storage in association with the wider farming operation, or have been for 6 months out of the last 36 months. From various site visits it did appear that the buildings were being used including for storage of farm vehicles, equipment and other materials.

### **A 15/00784/FULM**

Bulcote falls within the high zone of the CIL Charging Schedule which amounts to a payment of £70 per internal m2.

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 1535 sq.m and GIA of the proposed enabling development to be constructed on the site to equate to 3423.8 sq.m. This would result in an increase in GIA across the site of **1888.8 sq.m**

The total CIL charge for this site will therefore amount to **£154,093.47**.

I am mindful that the latest Viability Assessment deposited in 2016 included a CIL payment of £119,718. This has been robustly assessed and the conclusion reached that although the development would be unviable if developer contributions were to be paid it could viably afford the aforementioned CIL payment. At the current time the CIL payment with indexation would equate to £154,093.47 which although exceeds the figure contained within the latest reviewed Viability Assessment and notwithstanding any impact on viability would be required to be paid in full should members be minded to grant permission.

### **B - 17/02325/FULM**

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 3053 sq.m and GIA of the proposed enabling development to be constructed on this

site to equate to 1792 sq.m. There would therefore be no increase in GIA across this site and therefore the development proposed by this application would not incur CIL charges.

## **S106**

A S106 Agreement will tie the three applications together (15/00784/FULM, 17/02325/FULM and 15/00785/LBC) and will secure a detailed phasing strategy with regards to the Listed building conversion works and the phasing of the proposed enabling development to safeguard the appropriate delivery of the residential conversion and any developer contributions.

## **Other Matters**

### **Location of community building**

The comments received with regards to the location of the new community building which would be on the edge of the village are noted. However, the community building is currently located on the edge of the village within the Listed Building of the Model Farm complex and as such its relocation within the converted building would not be entirely different to the current situation. Furthermore an area of open space is also proposed for community use.

### **Bins and waste management plan**

I note the comments raised with regards to waste management. Details of waste management for the converted buildings have been requested from the applicant. Notwithstanding this this could be secured by condition should Members be minded to grant permission.

### **Construction Works**

Concerns have been raised with regards to the impact of the development during construction. Given the scale and location of the development it is considered that it would be reasonable to attach a condition should Members be minded to grant permission requiring the submission of a construction management plan to secure good working practices.

### **Setting of precedent**

Concerns have also been raised with regards to setting of precedent should permission be granted for the proposed development. However this proposal is unique and exceptional situation given that the enabling development is proposed in order to bridge the deficit gap for the conversion and the subsequent securing of the long term viable use of an important heritage asset which is at some risk. The special circumstance of the proposed development has therefore to be assessed and weighed against the material planning considerations. Any future applications for development in the village would, as with any planning application, be assessed against their own planning merits.

### **Land Ownership**

Concern has been raised with regards to the proposed highway improvements and areas of land which do not fall within the ownership of the applicant or the NCC. This would be a private legal matter.

## **Conclusion and overall planning balance**

The scheme proposes a significant and disproportionate (against the context of the Council's spatial development hierarchy) increase in dwelling numbers for Bulcote. The proposals represent inappropriate development within the Green Belt and it proposed some residential units within flood zone 2. The highways authority is additionally maintaining a long-standing objection, albeit one which the applicant has worked to resolve through their own audits, surveys, examples and advice. Finally the scheme fails to provide any developer contributions to mitigate the impacts of the development. The scheme is, however, acceptable in many other regards. It presents a very special circumstance capable of outweighing harm by reason of Green Belt inappropriateness in presenting an enabling heritage case. This case is supported by the Council's conservation advisor, who had worked to develop an 'enabling' rather than 'cross-subsidy' scheme for many years. The scheme proposes the minimum level of development required to secure the longevity of the building (having discounted a mothballing case), save for any grant funding to close the deficit further. The use of language finely balanced should not be banded too freely in offering a professional view. However, in this case officers do consider that this case is balanced. There is planning harm and clear benefits. Ultimately, if one accepts that mothballing and grant funding is unlikely (as I conclude) then one needs to weigh the harm of losing the building (even with enforcement action, repairs notices, and CPO which still creates a viability issue for any new owner) against the harm of new development. In this case, I conclude that the planning balance falls on the side of refusal given the outstanding highway objection (a matter the highway authority are prepared to defend at appeal) and the shortfall of an education contribution within an overall planning balance.

## **RECOMMENDATION**

The LPA is aware of the advice contained within the NPPF and NPPG with respect to both viability and sustainable development when the Development Plan and all material planning considerations are considered. Whilst there are clearly benefits associated with the proposals, including the heritage enabling nature of the proposals, there is equally planning harm. In the opinion of the Local Planning Authority, the inability of the scheme to provide for any developer contributions, together with the outstanding objection from the highway authority and Rights of Way on safety grounds given the unacceptable increase in danger to the users of Old Main Road, results in an unacceptable and unsustainable form of development.

The development is thereby contrary to Spatial Policy 6 (Infrastructure for Growth), Spatial Policy 7 (Sustainable Transport), Core Policy 9 (Sustainable Design) and Core Policy 12 (Biodiversity and Green Infrastructure) of the adopted Newark and Sherwood Core Strategy and Policies DM3 (Developer Contributions and Planning Obligations), and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the relevant policies of the Development Plan and does not constitute sustainable development for which there is a presumption in favour of as set out in paragraph 11 of the NPPF.

## **BACKGROUND PAPERS**

Application case file.

For further information, please contact Bev Pearson on ext 5840.

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).

**Matt Lamb**

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Committee Plan - 15/00784/FULM

