

## **PLANNING COMMITTEE - 2 APRIL 2019**

<b>Application No:</b>	<b>18/02159/FUL</b>
<b>Proposal:</b>	<b>Conversion and extension of existing outbuilding to form one dwelling and the erection of four further dwellings</b>
<b>Location:</b>	<b>Land Adjacent Fish Pond Farm, Main Street, Eakring, Nottinghamshire</b>
<b>Applicant:</b>	<b>Mr Beckett and Mrs Trebble</b>
<b>Registered:</b>	<b>30 November 2018      Target Date: 25<sup>th</sup> January 2019</b>
	<b>Extension of time agreed until 5 April 2019</b>

**This application is being heard by Members again following a deferral from February Committee to seek amendments to scale, layout and house type. An update since that committee is provided for in the appropriate sections below.**

**This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the Parish Council has objected to the application which differs to the professional officer recommendation.**

### **The Site**

The site is situated on the north-eastern edge of the settlement of Eakring to the north of Main Street. The site is elevated above the road and contains a brick and pantile L plan cart and a timber clad storage building. The site historically was covered with a number of trees which have been removed. There is a dwelling set close to the eastern boundary with further dwellings to the west. To the south the highway intervenes and housing is set further to the south. There is countryside to the north.

The character of the immediate area is residential; however, the Church of St Andrew is visible to the south and open agricultural land to the north. The site is within the designated Eakring Conservation Area and the Environment Agency mapping confirms it is located within Flood Zone 1, being at low risk of fluvial flooding.

### **Relevant Planning History**

Detailed history includes:

98/50505/FUL – Erection of 5 dwellings, 4 garages & conversion of part of existing workshop to form garage. Refused 1998.

97/50518/OUT – Residential development. Refused 1997.

93/50472/FUL – Conversion of existing joinery workshop and builders store into 5 residential units. Refused 1993.

66791127 – Extend builders yard and storage and stable. Approved 1979.

6678860 – Local builder's yard. Approved 1979.

### The Proposal

The proposal comprises the conversion and extension of the existing barn/cart shed to form a dwelling and the erection of four further dwellings. The barn to be converted is to the south-east part of the site with the proposed four dwellings sited to form an inner courtyard. The garden to the converted barn would be to the west of the building, adjacent to the courtyard; gardens serving the new build dwellings would be to the side and rear of these buildings. Access would be from Main Street to the west of the existing farm building with parking and turning in the courtyard.

Amended plans have been submitted in March 2019 to address the comments of the Members of Planning Committee and Parish Council and now relates to a mix of dwellings formed around a courtyard. The mix comprises of the following:

House no.	No. of bedrooms	Storey height
1	5	2 storey
2	3	2 storey
3	3	2 storey
4	4	1 storey
5	3	1 – 1.5 storey

The proposal relates to the following plans:

- DRWG no. D1-A1 - Site plan;
- DRWG no. D2-A3 – Site location & block plan;
- DRWG no. D3-A3 – Roof plan;
- DRWG no. D4-A3 – House 1 GF plan;
- DRWG no. D5-A3 – House 1 FF plan;
- DRWG no. D6-A3 – House 1 NE elevation;
- DRWG no. D7-A3 – House 1 SW elevation;
- DRWG no. D8-A3 – House 1 NW elevation;
- DRWG no. D9-A3 – House 1 SE elevation;
- DRWG no. D10-A3 – House 2 GF plan;
- DRWG no. D11-A3 – House 2 FF plan;
- DRWG no. D12-A3 – House 2 NW & SE elevations;
- DRWG no. D13-A3 – House 2 SW & NE elevations;
- DRWG no. D14-A3 – House 3 GF plan;
- DRWG no. D15-A3 – House 3 FF plan;
- DRWG no. D16-A3 – House 3 SE & NW elevations;
- DRWG no. D17-A3 – House 3 SW & NE elevations;
- DRWG no. D18-A3 Rev A – House 4 GF plan;
- DRWG no. D19-A3 – House 4 NE & NW elevations;
- DRWG no. D20-A3 – House 4 SW elevation;

- DRWG no. D21-A3 Rev A – House 4 SE elevation;
- DRWG no. D22-A3 – House 4 NW elevation;
- DRWG no. D23-A3 – House 4 NE elevation;
- DRWG no. D24-A3 – House 5 GF plan;
- DRWG no. D25-A3 – House 5 FF plan;
- DRWG no. D26-A3 – House 5 SW & NE elevations;
- DRWG no. D27-A3 – House 5 NW & SE elevations;
- DRWG no. D28-A3 – Garage floorplans to houses 3 & 5;
- DRWG no. D29-A3 – Garage NW & NE elevations to houses 3 & 5;
- DRWG no. D30-A3 – Garage SE & SW elevations to houses 3 & 5;
- DRWG no. 0001 – Topographical survey (sheet 1 of 2);
- DRWG no. 0001 – Existing carport elevations (sheet 2 of 2);
- Site location plan;
- Arboricultural Impact Assessment, method statement and tree protection plan (ref: RSE\_1564\_02-V2) November 2018;
- Ecological appraisal (ref: RSE\_1564\_PEA\_V1) October 2018;
- Heritage Impact Assessment (ref: MJD/BECKE/17/1545) October 2018;
- Planning & Design & access statement (ref: MJD/BECKE/17/1545) November 2018;
- Structural engineers report (ref: P18-303) 29 November 2018;

#### Departure/Public Advertisement Procedure

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

Further rounds of neighbour consultations have taken place on 12 March 2019 in light of amended plans received.

#### Planning Policy Framework

##### **Development Plan**

##### *Newark and Sherwood Amended Core Strategy DPD (March 2019) (CS)*

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 13 – Landscape Character

Core Policy 14- Historic Environment

##### *NSDC Allocations and Development Management DPD (July 2013) (ADMDDPD)*

Policy DM5 – Design

Policy DM8 - Development in the Open Countryside

Policy DM9- Protecting and Promoting the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Considerations**

National Planning Policy Framework 2019

Planning Practice Guidance 2014  
Conversion of Traditional Rural Buildings SPD  
Landscape Character Assessment SPD 2013  
Section 72 of Planning (Listed Buildings and Conservation Area Act) 1990  
Eakring Conservation Area Appraisal

### Consultations

***The following comments were received on the original submission not the amendments received March 2019, which are set out further below.***

**Eakring Parish Council** – Object on the following grounds: Much has been made in the application of the likely need for executive 4/5 bed housing for the National Grid Academy. National Grid have been in the village for many years and in all that time, despite many ‘executive’ 4/5 bed properties coming onto the market, to our knowledge, only one National Grid manager moved into the village some years ago. The need in the village is for three-bedroom bungalows to enable older residents to downsize, releasing larger four/five-bedroom houses onto the market. The Conservation Appraisal describes our characteristic sunken lanes as an important feature; this development would harm this feature with housing coming up to the street edge. Open spaces and views into and out of the village are also mentioned within the Appraisal, again this development would harm these much-prized features. Core Policy 13 states that new development should be consistent with the landscape conservation and enhancement aims for the areas ensuring that landscapes, including valued landscapes, have been protected and enhance. The development is also contrary to policy NE8 as it would impinge on the character of the MLA, and again this is stated in the Conservation Area Appraisal to need protection. The site was outside the village envelope, and thus protected from development whilst the envelope was in place, many applications having been refused over the years. The larger scale and cumulative effect of this development would be harmful to the Conservation Area and the MLA. The proposed amendments, in the recent review, to Core Strategy Policy SP9 would read ‘Not lead to the loss of locally important open space and views..’ This development would lead to this loss.

**NCC Highway Authority** – The access onto Main Street, as shown on the site plan, dwg. no. C2-A2, is to have a width of 5m and is to be surfaced in a bound material for the first 5m into the site. The parking provision within the site curtilage is sufficient for the size of development. The visibility splays from the access have not been adequately demonstrated on the site plan. Therefore, whilst there are no highway objections in principle to this development, it is recommended conditions should be imposed as part of any permission granted.

**NSDC Conservation Officer** – The Council has produced a Conservation Area Appraisal for Eakring which stresses the importance of farming to the history of Eakring and specifically that of Pond Farm as a former important historic farmstead.

### Significance of heritage asset(s)

Tindalls Yard is located in the Eakring Conservation Area, first designated in 1974, and most recently re-appraised in 2001. The site was formerly land that belonged to Fishpond Farm, which is identified on the 1875 OS Map. This historic map identifies a courtyard plan of agricultural outbuildings, of which only an L-plan cart shed remains at the present day. The original farmstead layout was an irregular shaped courtyard that had probably developed over time rather than a designed plan in accordance with the period recognised as the ‘golden age of farming’ when best

practice methods were developed and outbuildings designed to accommodate new innovations.

Fishpond Farm was historically located on the edge of the historic village core, and the large linear north-south fish ponds are identified on the 1875 map and remain in situ today. The original curtilage of Fishpond Farm has been divided into two parts, with a separate dwelling located adjacent to the builder's yard that forms the basis of this pre-application.

To the south of the site there are a cluster of local interest buildings that are identified as non-designated heritage assets, including the former Methodist Church, Old Church Farmhouse, The Gables and The Coach House. These range from red brick mid-Georgian high-status houses to late C19 arts & crafts cottages built in red-brick with blue brick banding.

The site is visible from the street scene when travelling along Newark Road away from Eakring, with the gable-end of the cart-shed and the perpendicular wing viewed most prominently. The traditional red brick and pantile buildings make a positive contribution to the character of the conservation area, although the redundant site is noticeable for the detritus that has accumulated over time and undermines the traditional built form of the cart-sheds. The modern timber sheds on site are of no architectural or historic interest and there is no objection to their demolition as part of this proposal.

#### Assessment of proposal

Conservation recognises the historic precedent of the original built form that was still in situ until the 1960s and since been demolished. As such, the proposal to reinstate the loosely-aligned courtyard plan is considered to be an innovative approach to new built form in a conservation area, as this has the possibility of re-establishing the footprint of the site as identified on the 1875 Ordnance Survey map.

However, as the site is located on land that rises to the rear of the curtilage, the new built form will be prominent when viewed from the street scene of the conservation area. As such, the detailing of the new dwellings would need to employ high quality materials to achieve the stated aim of returning the site to its original footprint.

A facsimile approach would need to be adopted that included reclaimed brickwork with a traditional bond and non-interlocking pantile roofs. Furthermore, the appearance of unsightly modern chimney / extractor flues would need to be avoided on the street facing elevations, while further historical research would be required to determine the original form and function of the former courtyard buildings.

Having looked at the proposed plans the overall plan form is broadly right but the creation of the faux barns has led to some unnatural compositions and the architectural detailing is also not quite right in places. This is particularly important when going for a facsimile design like this proposal. I would strongly recommend that more attention is paid to creating more realistic historic barn types, which had discrete forms and functions. One type of barn can adjoin another, but to combine their separate feature within a barn is what is looking cluttered and unnatural. Our SPD outlines the main types of historic barns and their typical features. The main issue arising here seems to be where a large threshing barn opening, being a wide two storey opening, is run alongside other large vehicular openings, which was not traditionally seen, or sited in the gable of a threshing barn, also not seen.

House 1 – The ‘reinstated farmhouse’ (and notes generally on materials and architectural features repeated throughout site). The main body of the front façade of this house is generally well detailed (though see notes below), emulating an attractive and quite high-status Georgian farmhouse.

However, the single storey add-on becomes a little confused as it seems to include an almost full height former cart shed opening. It is unlikely that there would have been vehicular access here so the arrangement looks rather unnatural. I would suggest a simpler arrangement of domestic flush casements, making this look like an ancillary wing to the main house. I am less concerned about the rear elevation of this main body of the house.

I notice sprocketed eaves for this ‘farmhouse’ and site generally but a brick eaves detail is generally much more traditional and would look better here I feel. This should be paired with rise and fall rainwater brackets. I note the Heritage Statement refers to dentillated eaves but I do not think this is what the plans show.

I also note that the main house is proposed to be roofed in plain tiles. While there are examples locally of these tiles they are not the dominant local roofing material and tend to be seen in either much earlier or later buildings. A building of this appearance would more likely to have been roofed in either pantile or slate and I think this amendment would look better. I also see a reference for this house, in the key at least, to ‘Welsh slate type roofing slates’. I do not think they are actually being proposed for this building but I would not want to see artificial slates used and would want a natural product used at this or the other house types.

I note the window sill detail has been revised to stone sills, which is acceptable.

The front door design is also not right for a faux Georgian farmhouse of this status which would more traditionally have had a six-panel raised and fielded door and this detail should be changed.

The sash window details for the main façade of the ‘farmhouse’ are also not quite right. Traditionally (although I accept not always) the ground floor would usually show a 6 over 6 arrangement. This would be carried over to the upper floor, or if there were not the same floor to ceiling height this would be reduced to a 3 over 6 arrangements typically. Could they try and re-draw with more traditional proportions and see how it looks please?

In terms of the projecting rear wing of the house the concept is clearly that this is a faux barn, but I am concerned about the unnatural composition of some of the features. Most notable is the large cart opening at first floor on the south east elevation, which is an arrangement that could not have realistically ever existing. Also looking uncomfortable underneath is the horizontal boarded treatment of the garage openings, which would look better as vertically boarded openings, as if a pair of side hung timber doors to former vehicular openings.

On the North West elevation, the three matching ground floor headers is undermined by the single door and side light combination in the final one, which would look better if more consistently and less domestically treated.

## House 2

The window sill detail here and on the other new build (apart from the ‘farmhouse’) is shown as a ‘double red plain clay roof tiles window cill’. I am not entirely sure what this means but a tile

window sill detail is not generally traditional and this should be changed for timber. South-east elevation requires a redesigned first floor wide opening to smaller opening.

The north-east elevation has a double height segmental opening, as if this was a former threshing barn, but this looks unusual as the large threshing entrance was not seen on the gable end. A glazed former cart shed opening on the ground floor with an independent smaller opening above would look more natural. The north-west elevation is very confused with a large former opening as if it was a threshing barn opening, but almost entirely infilled apart from two small openings, paired with four other varying large former cart style openings. A threshing barn would not have also contained directly within it cart openings so the arrangement looks unnatural.

### House 3

South-west elevation is it a faux threshing barn? In which case it would only have had one full height opening. The horizontal boarding for the garages should be amended as above. North-east elevation again double height (but blocked) opening suggest threshing barn, which then looks odd against other large openings. South-east elevation shadow of very tall and thin arched opening is not something found in a barn, looks almost ecclesiastical in appearance.

### House 4 – Barn Conversion

This is the conversion of the historic barn on the site, which was a former cartshed. North-east elevation seems to be infilling one of the cart entrances with solid brick and then putting narrow windows in the pillars either side. This then gives a very odd appearance. The scheme would also look better with a more consistent infill of the larger cart openings in the middle. The street facing elevation (south-west), is actually a blank elevation. The insertion of a faux carriage arch and breather here are not appropriate as the building already has the cart arches on the reverse side and cart sheds rarely had breathers owing to their function. On the south-east elevation can be the bricks piers be left expressed in some way? I note there is breeze block infill but in the final scheme the historic piers need to be left legible. Why do the plans say it is proposed to add a brick course above the timber lintel over the cart openings – are they proposing to raise the eaves? This is not normally acceptable and I am not sure why this is specified.

### Curtilage treatment

In the main this is acceptable, being soft green boundaries, but I feel what looks to be a curved brick wall around the former cartshed is not an appropriate boundary treatment, this being a rather hard and somewhat domestic division, divorcing the one historic building from its former farmyard.

### Summary

For clarity I do not think there will be any adverse impact on nearby listed buildings or positive buildings. I think the conversion of the historic barn needs to be revised to make better use and better reveal the cartshed form of the building. Not all new openings proposed here are acceptable. The design of the new build has become confused and inevitably incongruous by combining generic barn features within one build, creating an unrealistic faux barn. This approach needs to be rethought and rationalised. Small changes to the 'farmhouse' design would greatly improve this design.

**NSDC, Consultant Archaeologist** – This site lies within an area of potential medieval archaeology; however, it is clear from the plans that the majority of the proposed development is in an area that has been previously disturbed. Given this, no archaeological input is required.

**NSDC Environmental Services (Contaminated Land)** - This application is for residential dwellings at a former agricultural site which has more recently been used as a builder's yard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including non-bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then request that the standard phased contamination conditions are attached to the planning consent.

**NSDC Access Officer** – As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating accessible and adaptable dwellings in the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined and on all floors. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed 'vehicular free' access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc. With regard to the conversion and extension of the outbuildings, it is recommended access provisions be incorporated as far as is reasonably practicable.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.

**Trent Valley Internal Drainage Board** – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be



increased as a result of the development. The design, operation, and future maintenance of site drainage systems must be agreed with the Lead Local Flood Officer and Local Planning Authority.

**Five letters of representations** have been received from local residents or other interested parties on the original submission objecting on the following grounds;

- Previous refusals still relevant
- Impact on neighbouring properties; increase in noise, overshadowing, overlooking and loss of privacy, too close to adjoining properties, doesn't comply with distance separation, overbearing impact, loss of light and loss of amenity.
- Impact on character of area; overcrowding of plot, out of keeping with village, four large buildings clustered together, not in keeping with open aspect of neighbourhood, large houses next to road is out of character
- Increase in vehicle activity
- No need for further housing
- Unnecessary and inappropriate
- Harm to Conservation Area, the setting of the former Cart Shed and the sunken lane
- Loss of hedgerows and trees in Conservation Area
- Adverse impact on Conservation Area
- Mature Landscape Area will be compromised
- Impact on Flora and Fauna
- Harmful to landscape Character Zone

One letter has been received from County Councillor John Peck who has objected on; the site is a Green Space in the Conservation Area, there is no need for executive housing in village or Conservation Area, harm to village landscape and Conservation Area, harm to character of sunken lane and no consideration to amenity of neighbours.

**The following comments relate to the amended plans in March 2019**

**Eakring Parish Council** – No comments received at the time of writing the report.

**NSDC Conservation officer** - The Conservation Officer has confirmed that the amended plans are acceptable subject to conditions.

**One letter has been received by a neighbour/interested party still objecting due to the lack of significant change to the plans to deter from their original objection which were based on neighbour amenity, impact on mature landscape area, design and ecology impacts.**

**Comments of the Business Manager**

*Principle of Development*

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional

Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). Eakring is identified as falling within the 'other village' category identified within the Core Strategy and has a limited range of services and facilities.

The application therefore falls to be assessed against Spatial Policy 3 (Rural Areas) in the first instance and Policy DM8 (Development in the Open Countryside) where this becomes necessary.

As SP3 villages do not have defined village envelopes, it is a critical consideration in the determination of this application as to whether the application site is located in the village or in the open countryside. The site is located north of Main Street and surrounded by other residential properties to the east, west and south. The site is also in reasonably close proximity to bus stops which provide access to wider settlements. It is therefore considered to be in the village and the proposal for the new build development falls to be assessed against the five-criterion contained within Spatial Policy 3 of the Core Strategy, namely location, scale, need, impact and character. The proposal also includes the re-use of a former farm building. SP3 states that consideration is given to schemes where developments secure the environmental enhancement of areas by the re-use or redevelopment of former farmyards/farm buildings or the removal of businesses where the operation gives rise to amenity issues.

#### Location

The first criterion states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs.' As detailed above it is considered the site is in the village given its central location and proximity of a number of other residential dwellings. In terms of local services, residents in Eakring have access to a number of facilities and are reasonably well served by a bus service which provides connections to larger settlements. It is considered the proposed development site can be said to accord with the first criterion of Policy SP3.

#### Need

The newly amended Policy SP3 states that new housing will be considered where it helps to support community facilities and local services and reflects local need in terms of both tenure and house types. Supporting text to this policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area. Spatial Policy 3 is intended to serve the public interest rather than that of individuals and consequently the requirement to reflect local need in relation to new dwellings to which it refers must be that of the community rather than the applicant. No information has been submitted with the application to demonstrate housing need in the area however, Eakring does have an independently undertaken assessment which illustrated a preference for smaller accommodation for people looking to downsize.

The Council has conducted a detailed assessment of the types of housing needed within different parts of the district and applicants should refer to this for guidance. The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. Eakring is located within the Sherwood Sub Area which identifies a demand for 335 2-bed properties, 247 3-bed properties and 65 4-bed

properties. Some of this demand has already been met through existing completions and commitments. However, this survey does assert a greater preference for 2 and 3-bed dwellings.

The revised proposal following its last presentation at February committee comprises the provision of five dwellings of which there would be three x three-bedroom units, one x four-bedroom unit and one x five bedroom unit. Therefore even though the proposal includes the provision of a four and five bedroomed unit which doesn't accord with the housing need survey, I consider that there is now a greater emphasis on smaller properties at the site of both single and two storey which help to meet the identified local need. In addition the one four bedroomed unit is the converted cart shed building which has an established footprint and scale and the other new build is the 5 bedroomed dwelling. There are also heritage benefits to the development which are taken in to consideration and which are explained in later sections of this report. However in brief the Agent has stated the design proposal is to recreate the lost farm yard layout to reflect the buildings lost to the site. This requires buildings of a sizeable footprint to faithfully replicate the layout. They also state the proposals would provide family homes to boost the community facilities in the local area.

Therefore it is considered that the revised proposal for three x 3 bedroomed units, one x 4 bedroomed unit and one x 5 bedroomed unit is acceptable and meets an identified housing need. This is seen as a positive change from the previous proposal which was for 2 x four bedroomed dwellings and 2 x five bedroomed dwellings.

#### Scale & Impact

The scale of the dwellings appear to be acceptable in terms of their footprint compared to that of neighbouring properties and the dwellings, subject to design and siting, would not appear out of place within the surrounding area. The proposal is for 5 new dwellings (one of which is a conversion) which are considered modest in scale, on a previously developed site and as such the proposal would have a limited impact upon the existing settlement.

Subject to detailing which will be considered below, it is considered the proposed development could be deemed to comply with the relevant criteria highlighted above.

#### Character

New development should not have a detrimental impact on the character of the location or its landscape setting. Policies DM5 and CP9 seek to achieve a high standard of design. 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.

It is considered that the proposal would not harm the general character of the area and would ensure a positive enhancement to the character of the surrounding area. The impact upon the conservation area is further explained in the Heritage section below. However it is considered that the principle of development is acceptable and the proposal accords with Spatial Policy 3 of the Adopted Core Strategy.

### *Impact on character and appearance of Eakring Conservation*

Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm. The courts have ruled that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF 2019). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably HEGPA2 and HEGPA3). HEGPA2 for example reminds us that both the NPPF (section 16) and PPG contain detail on why good design is important and how it can be achieved, and that the significance of nearby assets and the contribution of their setting is a dynamic concept. The general character and distinctiveness of the area should be understood in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size.

The site is located within the defined Eakring Conservation Area and as such the Local Planning Authority has produced a Conservation Area Appraisal which stresses the importance of farming to the history of Eakring and specifically that of Pond Farm as a former important historic farmstead.

Tindalls Yard is located in the Eakring Conservation Area, first designated in 1974, and most recently re-appraised in 2001. The site was formerly land that belonged to Fishpond Farm, which is identified on the 1875 OS Map. This historic map identifies a courtyard plan of agricultural outbuildings, of which only an L-plan cart shed remains at the present day. The original farmstead layout was an irregular shaped courtyard that had probably developed over time rather than a designed plan.

Fishpond Farm was historically located on the edge of the historic village core, and the large linear north-south fish ponds are identified on the 1875 map and remain in situ today. The original curtilage of Fishpond Farm has been divided into two parts, with a separate dwelling located adjacent to the builder's yard.

To the south of the site there are a cluster of local interest buildings that are identified as heritage assets due to their location within the Conservation Area, including the former Methodist Church,

Old Church Farmhouse, The Gables and The Coach House. These range from red brick mid-Georgian high-status houses to late C19 Arts & Crafts cottages built in red-brick with blue brick banding.

The site is visible from the street scene when travelling along Newark Road away from Eakring, with the gable-end of the cart-shed and the perpendicular wing viewed most prominently. The traditional red brick and pantile building makes a positive contribution to the character of the conservation area and is to be retained. The application has been accompanied by a Structural report by HWA Consulting Engineers which states that the building is structurally capable of conversion, subject to some alterations namely the removal of the roof. However the main loadbearing masonry walls and piers appear suitable to remain in situ and there would be no significant structural need for demolition of the existing building. It is therefore considered that the existing building is foremost capable of conversion.

The original built form of the site was still in situ until the 1960s until it was demolished. As such, the proposal to reinstate the loosely-aligned courtyard plan is considered to be an appropriate approach to new built form in a conservation area, as this has the possibility of re-establishing the footprint of the site as identified on the 1875 Ordnance Survey map.

However, as the site is located on land that rises to the rear of the curtilage, the new built form would be prominent when viewed from the public realm and the conservation area. As such, the detailing of the new dwellings needs to employ high quality materials to achieve the stated aim of returning the site to its original footprint.

The overall revised plan form showing the 5 dwellings is considered acceptable in design and detailing and has not raised any objections from the Council's Conservation officer and follows the design of the traditional rural buildings which would be expected in this area.

In light of the amendments made to the scheme, the scale, design and location of the proposal is such that it is considered to form acceptable development that would preserve the character and appearance of the Conservation Area. As such, I am satisfied that the proposed development would accord with the aims of Core Policy 9 and 14, Policy DM5 and DM9 of the ADMDPD and would be consistent with Section 72 of the Planning (LB and CA) Act and the NPPF.

#### *Impact on Landscape Character*

Concern has been expressed with regards to the impact on the Landscape Character Zone and Mature Landscape Area. 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. It is worth noting that Mature Landscape Areas formed part of the former Local Plan which was adopted in 1999 and the means of assessing landscape character now is through the Landscape Character Assessment SPD 2013.

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 relevant Landscape Policy Zone for the site is Mid-Nottinghamshire Farmlands Regional Character Area Policy Zone 25: Maplebeck Village Farmland with Ancient Woodland. Landscape condition is defined as very good with a high landscape sensitivity overall. Landscape actions for the area are to conserve the landscape by limiting development.

The site falls within the built form of the village which has previously been occupied by farm buildings and as stated above, the application proposes to reinstate the loosely-aligned courtyard plan to reflect traditional farmstead layouts within new built form in the conservation area. Therefore whilst the development would change the character of the site in its current form, it respects the historic built form of the site and as such reinforces the traditional character of the settlement. I am therefore satisfied that it would not conflict with the landscape policy aims for the area and indeed would not result in harm to the wider landscape character or setting.

### *Impact on Amenity*

Policy DM5 seeks to provide a high standard of amenity to residents. Consideration needs to be given to the amenity of the current residents of the neighbouring properties and that of future occupants of the proposed converted building and new builds. This includes both new openings and garden areas. At Planning Committee in February, it was the impact on amenity which Members considered to be the most significant impact from the development especially from the two storey unit closest to Fish Pond Farm (formerly House 3) to the east of the site. It was suggested that this unit (now House 5), should be made single storey to reduce the impact and to be moved further away from the shared boundary.

To the east the site borders an existing neighbouring property, Fish Pond Farm. Fish Pond Farm is separated from the existing outbuilding, to be converted into House 4, by a distance of approximately 9 metres. The conversion of the cartshed to a dwelling on the east elevation, facing Fish Pond Farm, includes a number of existing openings at ground floor level which are now being blocked up with brick despite one window serving a bathroom and a new window in the small extension serving a utility. Four new conservation rooflights are proposed in this elevation which are sited at high level and beyond the realms of providing a direct outlook. The outbuilding is set in from the boundary marginally and is single storey, with the separation and boundary treatment there would be no undue loss of privacy from the south-east elevation which faces Fish Pond Farm.

To the rear of the site is House 5, which again is just off set from the boundary with Fish Pond Farm. Fish Pond Farm is set back from the road and has a large rear garden which extends some 36 metres to the rear of the property. House 5 would be sited to the northwest of Fish Pond Farm along the boundary with the rear/side garden area. House 5 is now sited approximately 8.2m from the shared boundary with Fish Pond Farm and is single storey only (with no accommodation in the roofspace) along the range which faces east. The east elevation of House 5 contains ground floor windows only which given the boundary treatments of a high timber fence between the two properties, would not result in harmful degrees of overlooking to the detriment of the amenities of occupiers of Fish Pond Farm. House 5 does contain accommodation at first floor however this is sited away from the eastern boundary and is close to house 3 within the site. It does not contain any windows which would overlook Fish Pond Farm or any other existing dwelling around the site. It is considered that given the scale of the revised house no.5, the revised siting and internal layout, the proposal would not harm the amenities of the neighbouring occupier from overbearing impacts, loss of light or privacy.

There is open countryside to the north, and to the west the gardens serving houses 1 and 2 would separate the houses from neighbouring properties. The use of the site for residential purposes would replace the historic agricultural use and more recent builder's yard and would be of benefit to local amenity by seeking an environmental enhancement.

The amenity of future occupants of the new builds would be acceptable with the level of privacy secured by reason of siting, design and layout. Adequate garden areas would also be provided to serve each dwelling.

Due to the siting of house 4, the amenity space is provided to the front which is within the courtyard. This amenity space is defined by a hedgerow from the courtyard. However due to the amended design and scale of the surrounding proposed dwellings, it is considered that there would be no direct harm to the future occupiers of house 4 by siting the amenity space in the proposed location.

Following receipt of the amended plans the relationship of the proposed dwellings is considered to be acceptable and there would be adequate privacy and amenity for the future occupiers of the proposed dwellings. Adequate amenity space has been provided to serve each dwelling.

Overall, the proposal complies with the requirements of Policy DM5 of the DPD in respect to residential amenity.

#### *Impact on Highway Safety*

Policy DM5 requires the provision of safe access to the highway and parking provision should be based on the scale and location of the specific location of the development.

The access onto Main Street is as existing and is to have a width of 5m which is surfaced in a bound material for the first 5m into the site. The parking provision within the site curtilage is considered sufficient for the size of development. The visibility splays from the access have not been adequately demonstrated on the site plan however and whilst there are no highway objections in principle to this development, it is recommended that conditions should be imposed as part of any permission granted.

Subject to satisfactory details being secured via the conditions, the proposal complies with the above policies.

#### *Archaeology*

This site lies within an area of potential medieval archaeology; however, it is clear that the majority of the proposed development is in an area that has been previously disturbed. Given this, no archaeological input is required.

#### *Contamination*

Policy DM10 of the DPD also states that where a site is highly likely to have been contaminated by a previous use, investigation of this and proposals for any necessary mitigation should form part of the proposal for re-development.

This application is for residential dwellings at a former agricultural site which has more recently been used as a builder's yard. Agriculture is a potentially contaminative land-use and such land can possibly be used for a wide variety of potentially contaminative activities including non-

bunded fuel storage, repair and maintenance of agricultural machinery/vehicles, storage of silage and other feed, slurry tanks/lagoons, disposal of animal waste and disposal of asbestos. There is clearly the potential for the site to have been contaminated from this former use. As it appears that no desktop study/preliminary risk assessment has been submitted prior to, or with the planning application, then request that the standard phased contamination conditions are attached to the planning consent. This would ensure the site is suitable for its new use in accordance with the requirements of the NPPF and Policy DM10 of the DPD.

### *Ecology*

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law.

Paragraph 175 of the NPPF (2019) states that when determining application, authorities should apply the following principles;

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

An extended Phase 1 Ecology Survey has been undertaken with further bat and great crested newts (GCN) surveys carried out. The extended cart shed was considered to have moderate potential to support roosting bats.

### *Great Crested Newts*

There are no ponds on the site but nine ponds were identified within 500m of the site boundary and there is one record of a GCN identified approximately 500m south of the site. Not all the ponds were accessible for survey, yet all of those surveyed were assessed as providing below average potential for GCN. A pond located just 30m east of the site was considered to provide good potential; however, an eDNA survey (GCN Environmental DNA Analysis), a Natural England approved means of determining GCN presence within a waterbody, of this pond revealed it as 'negative' for GCN eDNA, meaning that they were not present within the waterbody. It is therefore considered that GCN are unlikely to be present on the application site.

The habitats on site were however considered suitable for GCN, and contained potential refugia and hibernacula habitats. Due to the current presence of these habitats on site and low residual risk of GCN present, some limited and precautionary mitigation measures are considered



appropriate during site clearance, including production of a precautionary method of works detailing an appropriate timing of works along with site induction training.

### *Bats*

The cartshed building to the front of the site was considered to have moderate potential to support roosting bats. Nocturnal surveys confirmed the existing building as a bat roost for low numbers of common pipistrelle and brown long-eared bat. The existing apple tree to the north-west of the site was also identified as a moderate bat roost and should be retained however should it be deemed necessary to remove then a further tree climbing assessment or nocturnal activity survey is required. The building to the rear of the site was considered to have a negligible-low potential to support roosting bats. The hedgerow and trees within the site are considered to provide primary foraging and commuting routes for bats and it is the intention that these are retained.

A European Bat Licence is required. Local Planning Authorities are required to consider the likelihood of a licence being granted when determining a planning application and should have in mind the three tests set out in Regulation 53 of the Habitats Regulations, namely:

- i. The consented operation must be for “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”; and
- ii. There must be “no satisfactory alternative”; and
- iii. The action authorised “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range

In this instance, the principle of development is considered acceptable and the conversion of a dilapidated heritage asset to ensure its long term viability is considered to be in the public interest. As such, it is not considered that there is a satisfactory alternative. Proposed mitigation measures include bat boxes on existing trees and within the renovated cartshed building.

Subject to appropriate mitigation being secured by planning condition, it is considered that the favourable conservation status of the bats would be maintained in this instance.

### *Birds*

The cart shed building was also noted to support several nests of Barn Swallow. It is recommended that works to this building should be completed outside of the bird nesting season (March-September). One of the trees to be retained on site in the north-west corner, a mature apple, has been used as a roost for a Little Owl and it is proposed that this is retained in situ. If not then it should be removed outside of bird nesting season. Provision should be made on site for a variety of bird nest boxes to ensure no net loss of nesting potential on site.

It is considered the potential ecological interests of the site could be effectively managed through a condition to ensure an ecological enhancement of the site is achieved and that the existing ecology of the site is appropriately mitigated for. As such the proposal is considered to accord with policy DM5 of the ADMDPD and the Chapter 15 of the NPPF (2019).

### *Trees*

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development site should, wherever possible, be protected and enhanced. An arboricultural survey has been submitted with the application which shows the protection area for each tree identified

on the site. The majority of the trees are category B with one category A (yew) located within the curtilage of House 1. A tree protection fencing area has been shown within the arboricultural survey and although this shows the former layout I am satisfied that the same principle has been applied to the new layout and that there would be no development within this area from constructing the dwellings. In addition it is considered that the proposal would have no harmful impact upon the longevity of the trees. There is one tree (T5 Sessile Oak) to the north of the site which has been classified as a category B tree of fair quality which is now located where the amended siting of a carport structure is for houses 3 and 5. This tree would now be removed however it is considered that this would not be harmful to the general character and a betterment can be achieved through the imposition of a landscape condition which the Council would seek for more trees to be planted.

It is therefore considered that the proposal would not have a harmful impact on the character of the area through the loss of poor quality trees and a category B tree and an enhancement can be achieved through the submission of landscaping details to improve the biodiversity of the site.

### Conclusion

It is considered that the principle of residential development on the site is acceptable and in accordance with the criteria of the amended and adopted SP3. It is considered that the revised layout addresses the comments raised by Members of the Planning Committee in February 2019 and that the agent has taken these on board. Visually the revised scheme is acceptable and as it seeks to reinstate a former historic farmyard arrangement which is a positive to the historical character of the conservation area. The revised proposal would provide adequate amenity to existing and future occupants and adequate access, parking and turning can be provided within the site. The proposal is also acceptable in terms of residential amenity, ecology, archaeology and contamination. The proposal is therefore considered to accord with national and local planning policies, the NPPF and Section 72 of the 1990 Act.

### RECOMMENDATION

**That planning permission is approved subject to the following conditions:**

#### Conditions

01

The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out in complete accordance with the following approved plan references:

DRWG no. D1-A1 - Site plan;

DRWG no. D2-A3 – Site location & block plan;

DRWG no. D3-A3 – Roof plan;

DRWG no. D4-A3 – House 1 GF plan;

DRWG no. D5-A3 – House 1 FF plan;  
DRWG no. D6-A3 – House 1 NE elevation;  
DRWG no. D7-A3 – House 1 SW elevation;  
DRWG no. D8-A3 – House 1 NW elevation;  
DRWG no. D9-A3 – House 1 SE elevation;  
DRWG no. D10-A3 – House 2 GF plan;  
DRWG no. D11-A3 – House 2 FF plan;  
DRWG no. D12-A3 – House 2 NW & SE elevations;  
DRWG no. D13-A3 – House 2 SW & NE elevations;  
DRWG no. D14-A3 – House 3 GF plan;  
DRWG no. D15-A3 – House 3 FF plan;  
DRWG no. D16-A3 – House 3 SE & NW elevations;  
DRWG no. D17-A3 – House 3 SW & NE elevations;  
DRWG no. D18-A3 Rev A – House 4 GF plan;  
DRWG no. D19-A3 – House 4 NE & NW elevations;  
DRWG no. D20-A3 – House 4 SW elevation;  
DRWG no. D21-A3 Rev A – House 4 SE elevation;  
DRWG no. D22-A3 – House 4 NW elevation;  
DRWG no. D23-A3 – House 4 NE elevation;  
DRWG no. D24-A3 – House 5 GF plan;  
DRWG no. D25-A3 – House 5 FF plan;  
DRWG no. D26-A3 – House 5 SW & NE elevations;  
DRWG no. D27-A3 – House 5 NW & SE elevations;  
DRWG no. D28-A3 – Garage floorplans to houses 3 & 5;  
DRWG no. D29-A3 – Garage NW & NE elevations to houses 3 & 5;  
DRWG no. D30-A3 – Garage SE & SW elevations to houses 3 & 5;

Reason: So as to define this permission.

03

All external joinery including windows and doors (including garage doors) shall be of a timber construction only which shall be retained for the lifetime of the development. Details of their design, specification, method of opening, method of fixing and finish, in the form of drawings and sections of no less than 1:10 scale, shall be submitted to and agreed in writing by the Local Planning Authority before the windows and doors hereby approved are installed. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

04

In relation to condition 03, trickle vents shall not be inserted into the windows/doors hereby permitted.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

05

Before any of the following external architectural elements are constructed/installed, details of their design, material and construction, in the form of scale drawings and material

samples/specifications, shall be submitted to and agreed in writing by the Local Planning Authority:

- Roof lights;
- Window/door headers and sills;
- Eaves and verges;
- Chimneys;
- Flues/vents;
- Meter boxes;
- Rainwater goods;
- Any other external accretion

The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and to ensure the development preserves the character and appearance of the Conservation Area.

06

Before any construction occurs above slab level, samples or detailed specifications of all external materials to be used on the development hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

07

Before the new roof(s) hereby approved are installed, samples or detailed specifications of the new roof tiles/slates, which shall be natural red clay non-interlocking pantiles/natural slates, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed roof materials.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

08

Before any construction occurs above damp proof course (DPC)/ slab level, a brick sample panel, showing brick, bond, mortar and pointing technique, shall be provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

09

Prior to any repair works being undertaken to the existing barn, a detailed methodology shall be submitted to and agreed in writing by the Local Planning Authority. This shall include a full schedule of works which comprehensively addresses all external structural repairs including the extent of masonry and roof repairs and the means of blocking up the windows on the south-east elevation.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

10

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

Reason: In the interests of residential and visual amenity.

11

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. New trees shall be in accordance with the recommendations contained within the Ecological Appraisal (ref: RSE\_1564\_PEA\_V1 October 2018) paragraph 6.4i. The details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.

car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

12

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

13

No part of the development hereby permitted shall be brought into use until the access to the site has been completed to a standard that provides a minimum width of 5m and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with plan D1-A1.

Reason: In the interests of highway safety.

14

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan, D1-A1. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles.

Reason: In the interests of highway safety.

15

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

16

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

17

The development shall be undertaken in full accordance with the recommendations contained within paragraphs 6.3.4 x and xi, 6.3.6 xix, 6.3.7 xxii of the Ecology Appraisal dated October 2018 by RammSanderson (ref: RSE\_1564\_PES\_V1) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintain and enhancing biodiversity.

18

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

#### **Part A: Site Characterisation**

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

findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

#### **Part B: Submission of Remediation Scheme**

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

#### **Part C: Implementation of Approved Remediation Scheme**

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

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

#### **Part D: Reporting of Unexpected Contamination**

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

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

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

19

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal.

20

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

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: Porches
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class G: Chimney, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: gates, fences walls etc.

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation) in order that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location within the Conservation Area.

21

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that Order), no new window or door openings shall be inserted, no window and door openings shall be altered and no windows or doors shall be replaced (other than on a like-for-like basis) in the buildings hereby permitted, without the prior approval of the Local Planning Authority.



Reason: The site is located within the Eakring Conservation Area. The alterations to the approved buildings may cause harm to the character and appearance of the Conservation Area.

22

No building demolition, tree management works or vegetation clearance (including works to hedgerows) shall be carried out during the bird nesting season (1st March to 31st August) unless a thorough check has been carried out by a suitably qualified ecologist. If no nests are found written evidence of this search must be submitted to and approved in writing by the local planning authority prior to any works being carried out. If nests are found no works shall be carried out until the young have flown the nests.

Reason: In the interests of maintaining and enhancing biodiversity.

23

Prior to occupation of each dwelling, details of bird and bat boxes shall be submitted to an approved in writing by the local planning authority. The approved boxes shall be installed prior to the occupation of any of the dwellings hereby approved. The boxes shall be retained in perpetuity for the life of the development unless otherwise approved in writing by the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

24

No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS) (that builds upon the ecological enhancements and mitigation measures as set out within the submitted ecological Appraisal RSE\_1564\_PEA\_V1 October 2018) has been submitted to and approved in writing by the Local Planning Authority. The approved BMS shall be implemented in full prior to any development taking place on site and shall be retained on site for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. The BMS shall include:

- Details of compensatory bat boxes and roost features to be installed on the renovated structure and elsewhere on site and other compensatory features including their design, quantum and precise positions including the height and timings of installation;
- Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.

Reason: In order to afford appropriate protection to bats that occupy the existing buildings on site.

25

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers .
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works shall be carried out on the site in full accordance with the approved tree/hedgerow protection scheme.

Reason: To protect trees in the interests of visual amenity and biodiversity in accordance with in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

26

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

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

Reason: To protect trees in the interests of visual amenity and biodiversity in accordance with in accordance with Core Policy 12 and Policies DM5 and DM7 of the DPD.

#### Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in

accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

The development makes it necessary to alter a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA East Midlands, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

04

As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended you consider Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating accessible and adaptable dwellings in the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined and on all floors. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed 'vehicular free' access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc. With regard to the conversion and extension of the outbuildings, it is recommended access provisions be incorporated as far as is reasonably practicable.

05

The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation, and future maintenance of site drainage systems must be agreed with the Lead Local Flood Officer and Local Planning Authority.

06

The applicant is advised to note the following;

Dentil fillers shall not be used on any pantile roof at the ridge;  
Ventilation of the roof space shall not be provided via tile vents; and  
Guttering shall be half round in profile and fixed by rise and fall brackets with no fascia board fitted.

## **BACKGROUND PAPERS**

### **Application case file.**

For further information, please contact Lynsey Tomlin on ext 5329.

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**

**Director Growth and Regeneration**

Committee Plan - 18/02159/FUL



