

## **PLANNING COMMITTEE – 10 SEPTEMBER 2019**

<b>Application No:</b>	<b>19/01022/FUL</b>
<b>Proposal:</b>	<b>Conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link.</b>
<b>Location:</b>	<b>Former Stables, Rolleston Mill, Rolleston, Newark</b>
<b>Applicant:</b>	<b>Ms Lisa Barker</b>
<b>Registered:</b>	<b>03.06.2019</b>
	<b>Target Date: 29.07.2019</b> <i>Extension agreed until 13.09.2019</i>

**This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation of refusal is contrary to the view of the Parish Council who support the scheme.**

### **Description of Site and Surrounding Area**

The site lies in the open countryside within the parish of Rolleston. The site is remote from the village and divorced from the settlement by the Nottingham to Lincoln railway line. To the north is a public golf course and Southwell Racecourse. The site lies within flood zone 2 & 3 in accordance with Environment Agency mapping with the River Greet running to the west of the site.

There is no explicit evidence that the stable block is curtilage listed, however I note the planning history for a number of listed building consents that have been determined. The Mill and Granary are the primary listed buildings and lie to the west of the application site. However the Stables and Barn would have been unlikely to have been erected in association with the Mill and are more likely to have been curtilage buildings to the Cottage, which itself is only a curtilage listed building by virtue of its physical attachment. As such and in the absence of any evidence to the contrary it is not considered appropriate or necessary to pursue the listed building application. However as the site is in close proximity to the listed Mill the impact on the setting of this building is a material consideration.

The application building lies to the north-east of the complex of buildings in close proximity to Mill Cottage, used as a holiday let. The main aspect of the Stables faces this. This former Stable building comprises a two storey building with a narrow gable with single storey lean to additions to the rear, which were last used for the keeping of pigs. To the east of the traditional stable building is a modern timber mono-pitched building. The historic stable building is red brick in construction; however, the structure is in poor condition in comparison to the Mill House. There are two floors on the western section of the building, where a hayloft sits above the stables. The interior is comprised of several sections. There are several stables on the ground floor with a hayloft above. At the east of the building is an open fronted stable with two sections and the southern side appears to be failing with elements of the brickwork missing and vegetation growing throughout.

Access to the site is via the entrance of Southwell Racecourse by bearing right onto an unmade track that leads to the Mill Farm complex. On approach from Rolleston you have to go over the manned railway crossing to get to the site. There is another unmanned 'occupational crossing' via a gate over the railway that leads to the site within the ownership of the applicant.

Consent was granted for the change of use of the historic stable building a residential unit in 2015; however this consent has now expired and was not implemented.

### **Site History**

**04/00164/FUL** – Change of use from residential (cottage) to holiday lets. Approved 24th May 2004. This permission has been implemented.

**05/02436/FUL & 05/02437/LBC** - Conversion, alterations and extensions of Mill to form restaurant, conversion, extensions and alterations to stables and barn to form dwellings and erection of two houses. Applications withdrawn.

**10/01706/FUL & 10/01707/LBC** - Conversion and repair of barn to create dwelling. Applications refused on 7th March 2010 under delegated powers due to (1) flood risk, (2) failure to demonstrate that the barn was capable of conversion and (3) due to large unjustified extension.

**10/1708/FUL & 10/01709/LBC** – Conversion and repair of Mill to form dwelling. Applications refused on 7th March 2010 under delegated powers due to flood risk and the failure to demonstrate that the building could be converted without substantial alterations, rebuilding and significant harm to the listed building.

**10/01710/FUL & 10/01711/LBC** - Conversion and repair of Stables to create dwelling. Applications refused on 7th March 2010 due to (1) flood risk, (2) failure to demonstrate that the stable block was of generally sound structural condition and capable of conversion without substantial rebuilding and alterations; and (3) relationship between this and the cottage would not create a satisfactory standard of amenity.

**11/01810/FUL & 11/01811/LBC** – Rebuild of barn to create dwelling. The full application was refused on 2nd April 2012 under delegated powers for the following reasons; (1) the proposal constituted a new build dwelling in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF and (2) the application (being a new building) failed the Sequential Test for flooding as set out in the NPPF. *The application for listed building consent has not been determined because it is not required.*

**11/01807/FUL & 11/01808/LBC** - Conversion and repair of stables to create dwelling. Includes the demolition of modern stable structure opposite (of no architectural merit).(Revised access and emergency access details) – **Approved** 08.01.2015 *The application for listed building consent has not been determined because it is not required.*

**11/01805/FUL & 11/01806/LBC** - Conversion and repair of Mill to create dwelling (revised access and Emergency access details) – Approved 07.03.2011

**18/00766/FUL & 18/00767/LBC** - Repair the existing roof to the Mill and carry out extensive structural works. The internal part of the mill will be converted into a residential dwelling. Approved 27.07.18

## **Description of Proposal**

The application seeks planning permission to undertake various elements of work to the historic stable building in order to convert it to a residential dwelling. The proposal includes the removal of the existing modern timber stable block and reconstruction of an extension in its place that would be linked to the historic stable building with a glazed link. Access would be provided to the site across the unmanned level crossing to the south of the site.

At ground floor the property would comprise an open plan snug and hallway area, three bedrooms and a bathroom linked with a full height glazed link corridor with a minimal stainless steel frame planar glazing panels linking to the new extension which would house an open plan lounge kitchen dining area and separate utility. At first floor in the historic stable there would be two further bedrooms with a bathroom and ensuite.

The proposal requires the insertion of 7 conservation roof lights into the historic stable building and complete re-roofing with reclaimed clay pantiles. No new apertures are proposed to the stable building save for the reglazing of existing openings.

The existing mono-pitched timber stable would be demolished and replaced with an extension of 13 m x 4.6 m (3 m in height decreasing to 2.6 m) in the same footprint which would be constructed out of vertical larch boarding with sinusoidal profiled sheet metal roofing with metal eaves and verge profiles. The NE elevation that would face into the curtilage would have a high level window and a vertical window along with a rear door. The SW elevation that would face the historic barn would have full height glazing with sliding doors. The supporting documents state that “the proposed extension allows the retention of the traditional crew yard form evidenced in the historic mapping since 1919”.

A new boundary hedge is to be introduced to the south-western boundary adjacent to the existing public right of way. The pigsties are proposed to be converted to gravelled garden space which would also be provided to the north. Parking would be provided to the south of the new dwelling within the blocked paved courtyard area.

### **Materials:**

- Reclaimed clay pantiles
- Conservation rooflights
- Cast iron rainwater goods
- Painted timber stable doors
- Aluminium framed windows
- Vertical larch boarding
- Red facing brickwork
- Sinusoidal profiled metal sheet roofing

### **Plans deposited with this application:**

- Amended Site Location Plan (7614J-01 REV A)
- Block Plan (7614J-02 REV A)
- Existing Floor Plans and Elevations (7614J-03 REV B)
- Proposed Site Layout (7614J-04)
- Proposed Ground Floor Plan (7614J-05 REV A)
- Proposed First Floor Plan (7614J-06)
- Proposed Roof Plan (7614J-07)

- Proposed Elevations (7614J-08)
- Proposed Elevations – Replacement Block (7614J-09 REV A)
- Proposed Glazed Link (7614J-10)

Documents deposited with this application (not incl. superseded documents):

- Protected Species Survey undertaken by CBE Consultants
- Arboricultural Survey carried out by CBE Consulting
- Amended Flood Risk Assessment (21.8.19)
- Heritage statement undertaken by Austin Heritage Consultants
- Financial Appraisal carried out by John Roberts Architects

*CIL Floor Areas*

GF – existing: 113 m<sup>2</sup> + Extension 57.2 m<sup>2</sup> = 170.2 m<sup>2</sup>

FF: 46.9 m<sup>2</sup>

Total Floor Area: 217.1 m<sup>2</sup>

**Publicity**

Occupiers of 5 neighbouring properties have been consulted on the application. A site notice has been displayed near to the site and an advert has been placed in the local press.

**Planning Policy Framework**

*Newark and Sherwood Amended Core Strategy DPD Adopted March 2019*

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- Spatial Policy 3- Rural Areas
- Spatial Policy 7 - Sustainable Transport
- Core Policy 3- Housing Mix, Type and Density
- Core Policy 9 - Sustainable Design
- Core Policy 12 - Biodiversity and Green Infrastructure
- Core Policy 14 - Historic Environment

*Newark and Sherwood Allocations & Development Management DPD Adopted July 2013*

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

Other Material Planning Considerations

*The National Planning Policy Framework (NPPF) 2019*

*Planning Practice Guidance 2019*

*Conversion of Traditional Rural Buildings Supplementary Planning Document 2014*

## Consultations

**Rolleston Parish Council** – Support the proposal – “The parish council commented on parishioners’ concerns over intensification of vehicular traffic during and following development across an unmanned railway crossing.

**NSDC Conservation Officer** – “Rolleston Mill Stables conversion and extension 19/01077/LBC & 19/01022/FUL

Conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link. I am familiar with this site having been involved in previous schemes (full and pre-app) at all the buildings at this mill site.

The stables are a historic former outbuilding, probably dating to the earlier C19, and associated with the complex of buildings here at the Grade II listed mill. Together they make an attractive and interesting heritage asset and are of significance individually and as a group.

I have concerns about the principle of this proposal. The proposal sees an incongruous glass tube added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building.

I believe there was a previous approval granted for this stable as an independent unit, and I have no reason to believe it cannot be converted as a suitable unit within its own footprint. I therefore cannot see any justification in that respect to consider an extension and addition as being necessary to bring about the re-use of the building.

I do appreciate the effort to create as frameless a structure as possible with the glazed link, but it will of course not be invisible - it can accumulate any manner of domestic accretion inside, will have a reflective quality, will be illuminated at night and is an overall form that creates an unusual and incongruous add-on in this traditional setting.

Generally I have no objection to the other elements of the conversion.

Structurally the main part of the stable is capable of conversion with minimal rebuilding but the structural report does detail the need to essentially rebuild the lean-to element of this building, although their plan suggests this structure is to be retained. This seems at odds with the structural report and could perhaps be clarified. While this is clearly a later add on, it is still of some historic and architectural interest and in any event its rebuilding seems to be preferable to its demolition and loss.

In terms of the rooflights I have been unable to see what has been approved previously or when for comparison, but do not think there is any clear justification for all the rooflights now submitted. I am not convinced the rooflights are necessary on the lean-to roof on the south east elevation as these light a ground floor room which already has three windows, two of which are full height floor to ceiling windows. The two new rooflights on the south west elevation also light bathrooms which do not have to have natural light and could be removed from the scheme also.

The proposed rooflights to the north east elevation include two triple rooflights which seems excessive in size. Their report suggests these are the only alternative to something like a dormer, but I would contest that while a dormer is not acceptable either this fact alone does not then by default make any number and size of rooflights either necessary or justified. Converting barns is always a challenge in terms of daylight and this is an accepted compromise in trying to put such a use in such a building.

Given that rooflights are a domestic feature they are only allowed on barn conversions where absolutely necessary and I am not convinced this is the case here.

I note the red line includes the cart shed but does not include any plans for its repair. This is a significant structure in poor condition and is part of the same land parcel as the stables. Unless its use is looked at alongside the stable I think this is as good as making this a redundant building which would be extremely hard to re-use and I think the long term use of this building should be tied up with the potential re-use of the stables.”

**The Environment Agency** – “The site is located in flood zone 2 and the change of use from stables to residential will class the development as 'More Vulnerable' to flood risk. The proposal therefore falls within our standing advice (see below link) with regard to flood risk. <https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>

We also note that the applicant proposes to connect to a septic tank with regards to foul drainage. Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)

### 3. Septic Tank

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.”

**Trent Valley Internal Drainage Board** – “The site is within the TVIDB district. There are no Board maintained watercourses in close proximity to the site, however the Environment Agency River Greet is in close proximity and they should be consulted if any buildings, fencing or hedges are to be constructed within 9 metres.

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 LLFRA and the LPA.

**Ramblers Association** – “While we have no objection to the development, the public footpaths that run on either side of the mill stream must be safeguarded - i.e. remain safe to use and unobstructed during and after the construction process.”

**NCC Rights of Way** – No comments received.

**Emergency Planner** – “My principle concerns relate to the flood risk assessment prepared by the applicant. The document refers to existing plans that will be replicated for the new dwelling and indicates that evacuation will be part of the Newark and Sherwood District Council Flood Plan and that the emergency services will support or action the evacuation. This expectation is not correct.

Whilst the police can if in extreme circumstances direct that an evacuation is required the responsibility for pre-emptive evacuation remains with the occupant. The emergency services have communicated their concern that planning decisions are increasing the number of properties that may expect or require support from their services.

My secondary concern is that the applicant states they will fit demountable barriers to protect the property from flooding. This of course assumes they are present at the time of the flood risk and that they are physically able to do so. Future occupants may not be able to carry out these actions and may therefore face the risk to their dwelling.

Therefore I believe the flood contingency plans for the proposed dwelling should be amended to reflect and address the concerns I have presented.”

### Additional Comments -

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

**LCC Historic Environment Officer - *Archelogy*** – “This site and these buildings are important and should be recorded prior to any conversion. However the Heritage Statement that has been submitted as part of the supplementary planning documents (Austin Heritage Consultants) is of sufficient high quality to negate a further requirement for building recording. It is very likely that significant archaeological finds and features are present beneath this site. However the groundworks required for these proposals are minimal and it is unlikely that any meaningful results would be produced if archaeological monitoring was to take place on this site. Given this no archaeological input required.”

**NCC Highways** – “This proposal is for the conversion and extension of the former stables to one dwelling. It is unclear from the plans submitted which access point is to be used for this proposal – two accesses are shown within the red line. Could this please be clarified on a suitable plan by the applicant/agent. It should be noted that the access shown to the south east of the application site is also a public Right of Way (footpath), therefore, the applicant must contact the Rights of Way Officer for VIA/NCC for advice/approval prior to any permission being granted.”

### Additional Comments -

**National Rail** – “With reference to the protection of the railway, Network Rail has concerns in relation to the development of this site for residential purposes due to the access being over the Rolleston Mill Level Crossing which we consider would increase risk on the crossing and impact on operational railway safety.

We note from the submitted documents that the initial location plan submitted included access along the north side of the railway which would have been much more suitable to in terms of impact on the Rolleston Mill crossing. We require clarification from the developer as to why this has now changed to indicate that the Rolleston Mill crossing will be the sole means of access to the site.

**In terms of construction work at the site, we would object to construction traffic accessing the site via the Rolleston Mill crossing. We also have concerns over future use of this site and the potential for the site to be leased as a holiday let which would give rise to the number of ‘vulnerable users’ who are unfamiliar with the operation of the crossing which would again increase usage and the chance of misuse.**

If the council is minded to approve this application, we require that conditions are included to discuss and agree a construction management plan with Network Rail Asset Protection (details below) to ensure that construction traffic is not of a frequency and nature that presents a risk to operational railway safety. We also require a suitably worded condition that prevents the **future use of the property for holiday lets or similar use** on grounds of impact on operational railway safety. We would find the development to be unacceptable without these provisions.

## **Construction Traffic**

From the information supplied, it is apparent that construction traffic will be accessing the site via Rolleston Mill Crossing which will have an impact on operational railway safety. Network Rail requires that the applicant contact our Asset Protection Project Manager to confirm that the access is viable and to agree a strategy to protect our asset(s) from any potential damage and obstruction to the railway caused by construction traffic. I would also like to advise that where any damage, injury or delay to the rail network is caused by traffic (related to the application site), the applicant or developer will incur full liability.

## **Access to Railway**

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. It is imperative that access over the railway level crossing and the crossing approaches and signage remain clear and unobstructed at all times both during and after construction to ensure that crossing users can enter and leave the crossing areas safely and in a timely manner at all times.

## **Level Crossing Safety**

Railway safety is of paramount importance to us and as stated above the proposed development is sited the Rolleston Mill railway crossing. We would ask that level crossing safety leaflets are included in information/welcome packs provided to the new homeowners at the site. These can be provided by ourselves upon request from the developer or information is available at [www.networkrail.co.uk/communities/level-crossing-safety/](http://www.networkrail.co.uk/communities/level-crossing-safety/).

Network Rail is required to recover all reasonable costs associated with facilitating these works.

I would advise that in particular as stated above the **method statements/construction traffic and holiday let use** should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

The above will need to be agreed with:

**Asset Protection Project Manager  
Network Rail (London North Eastern)  
Floor 3B  
George Stephenson House  
Toft Green  
York  
Y01 6JT**

Email: [assetprotectionlneem@networkrail.co.uk](mailto:assetprotectionlneem@networkrail.co.uk)

## Comments of the Business Manager

### *Principle of Residential Conversion*

Consent was granted for the conversion of the stable in 2015 subject to a number of conditions. This consent expired in 2018 but still forms a material consideration in the planning balance.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

### Principle of Development

The settlement hierarchy for the district is set out in Spatial Policy 1, whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration. It goes on to say that development away from the main built-up areas of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting such as agricultural and forestry and directs readers to the Allocations and Development Management DPD for policies that will then apply. As such Spatial Policy 3 is the relevant starting point for considering the scheme.

The first criterion 'Location' states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' This application site is not within the main built up part of Rolleston. The site as such cannot be regarded as being within the settlement and is therefore within an open countryside location in planning policy terms. SP3 states that '*Development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which required a rural setting such as Agriculture and Forestry....The Allocations and Development Management DPD will set out policies to deal with such applications.*' The application therefore falls to be considered under Policy DM8 (Development in the Open Countryside) of the A&DM (DPD).

Policy DM8 of the DPD sets out criteria to deal with such applications. This states that planning permission will only be granted for new dwellings where they are of exceptional quality or innovative nature of design, reflect the highest standards of architecture, significantly enhance their immediate setting and be sensitive to defining characteristics of the local area. DM8 goes on to say that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development. Planning permission will only be granted for conversion to residential use where it can be demonstrated that the architectural or historical merit of the building warrants their preservation and they can be converted without significant re-building, alteration or extension.

I am mindful that the building was granted consent in 2015 where the principle of the conversion of the historic stable building in isolation and within the existing fabric was considered to be acceptable. The building is considered to be of historical interest and notwithstanding the location, worthy of retention and conversion. The modern stable building to the east of the site is not considered to be of any historic merit and therefore in principle is not worthy of conversion, and as reported earlier this is proposed to be demolished and rebuilt.

The structural survey details that the condition of the stable block is relatively good, despite having some localised significant structural issues which are associated with foundation movement. The first floor of the building is noted to be in poor condition with some collapse due to long term rainwater ingress. There has been a collapse to the main roof structure which is partially propped off the first floor at present. Despite this the survey concludes that this building could be converted into domestic use with relatively limited rebuilding if suitable structural strengthening work is undertaken. However the survey does also state that the rear lean-to would need significant rebuilding as the north-west gable and the rear wall at the south east end have rotated away from the stable block, although the proposed plan suggests this structure is to be retained. The applicant has clarified that this element is to be retained with works to stabilise this element. The structural survey also discusses the condition of the modern timber stable and explains that there is excessive timber decay to the sole plates sitting on the blockwork plinth walls due to long term water ingress. The base of the structure would need to be replaced if the building was retained which in any event does exhibit some leaning – the roof is a lightweight structure and would need to be replaced to facilitate conversion.

The proposal seeks to demolish the modern stable block and rebuild an extension that would be linked to the historic stable by a glazed linking corridor. The structural survey advises that the modern stable block would not be capable of conversion and in any event it has been identified that the building does not have any merit that would warrant its preservation through conversion. Nevertheless the historic stable is considered to be worthy of preservation and the extent of works required within the structural survey are considered to be appropriate to secure a viable use for this heritage asset. Notwithstanding this however, concern has been raised with the applicant regarding the demolition and construction of an extension to this building. DM8, which is considered to be NPPF compliant, details that conversion to residential use will only be permitted on buildings that can be converted without significant re-building, alteration or extension – based on this it is considered that the demolition and extension as proposed, to facilitate this conversion, is not supported. I note that permission was granted for the conversion of the stable in its own right to a two bedroom dwelling and as such I am confident that the conversion of this building is capable without the requirement to significantly alter or extend the building. However the applicant has argued that the Stables could not viably be converted based upon a scheme within its own confines and therefore an extension is a necessity to achieve a viable development proposal for the site.

In this respect I note the guidance in paragraph 197 of the NPPF which states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” In addition this is addressed in the council’s Conversion of Traditional Buildings Supplementary Planning Document (2014) which at paragraph 4.19 advises “Permission will not normally be given for the reconstruction of previously demolished buildings or parts of buildings in rural areas. Exceptions may be made where the applicant can provide compelling evidence of the previous existence and scale of the demolished

structure and its restoration contributes significantly to the viability or character of the development.”

I note that photographic evidence of the barn structure and initial calculations to establish costs to convert and resultant values compared with surrounding properties have been submitted which put forward a viability argument that the proposal to convert the stable building would not be financially feasible without the extension and alterations to increase the size of the future new dwelling. However, it is considered that the initial financial appraisal fails to demonstrate a convincing argument for the proposal that robustly justifies the costs used and price paid for acquisition. The applicant has been advised that a more robust financial appraisal would be required (that would need to be independently examined) along with evidence that the proposal is the least intrusive to achieve a viable use (for residential and other uses), that the rebuilding of the stable “contributes significantly to the viability or character of the development” in order for the Council to accept that this approach is the optimum for securing the future reuse of this non-designated heritage asset. The applicant has failed to provide further details in this regard and as such I am unable to conclude that the scheme put forward satisfies the requirements of the NPPF and the Councils SPD. I therefore conclude that the principle of converting this building as put forward within this proposal, which includes the demolition and rebuilding of the modern stable range and connection to the historic stable with a glazed link fails to accord with the requirements of policy DM8 in that the proposal includes significant demolition, rebuilding and extension and therefore the proposal is not acceptable in principle.

#### Impact on Visual Amenity including the Impact on the setting of Listed Buildings

The historic stable building is considered to be a non-designated heritage asset. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 197 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other matters, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). The NPPF 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 one element of achieving sustainable development (paragraph 8.c).

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing.

The site is also close to listed buildings, as explained within the description of development - Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... 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”.

I am of the opinion that the most important consideration in the assessment of this application is the heritage impact to this non-designated heritage asset and the wider impact on the setting of adjacent listed buildings such as the Mill. The Conservation Officer has appraised the historic context of the site in her comments above and as such I do not intend to rehearse these points. I concur entirely with the comments of the Conservation Officer (CO) which are broadly in support of the conversion approach of the historic stable building despite the discrepancies with the structural report and the proposed plans. The CO raises concerns regarding the number of proposed rooflights, I note that in comparison to the previously approved scheme for the stable conversion (11/01805/FUL) there are three additional rooflights proposed— two on the SE elevation and once centrally in the NE elevation. The two rooflights on the SE elevation would serve a bedroom which is already served by two full height windows such that I concur with the CO's view that these are excessive in this instance. The additional rooflight on the NE elevation would serve the stairwell which I do not consider necessarily represents the least intrusive option to light this space, however, given the in principle objection to this scheme no amendments have been sought.

In considering the extension to the building the CO has concluded that the link would present as an incongruous glass tube “added to a rustic historic former stable building, in order to connect to a new build, which is itself a reimagining of a building which has no architectural or historic interest and which is not capable or worthy of conversion. There is therefore no conservation imperative to consider this harmful glass addition as being acceptable in the planning balance to bring back into use this other smaller stable building.” Whilst appreciating the efforts made to create a lightweight linking structure the CO has concluded that the structure would have a reflective quality and would create an unusual and incongruous add-on in this traditional setting. Overall it is therefore considered that the proposal does not respect the historic context of this site and that the proposed extension (following from the demolition of the modern stable) would be incongruous to the non-designated heritage asset resulting in harm. Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. I therefore conclude that the application fails to accord with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD and the provisions of the NPPF.

#### Flood Risk (pending revised comments from the emergency planner on revised FRA)

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF adopts a sequential approach to flood risk advising that development should first be directed towards less vulnerable sites within Flood Zone 1. Where these sites are not available new developments will be required to demonstrate that they pass the exception test by demonstrating that the development provides wider sustainability benefits to the community that outweigh flood risk and that, through a site specific Flood Risk Assessment (FRA), the proposed development can be considered safe for its lifetime and not increase flood risk elsewhere. Both elements of the exception test must be passed for development to be permitted.

However, the National Planning Practice Guidance (NPPG) states that the sequential test does not need to be applied for minor development or changes of use (exception for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site). Conversions of buildings are not specifically considered although the NPPG states that the creation of a separate dwelling within a curtilage of an existing dwelling (for instance the subdivision of a house into flats) cannot be considered ‘minor development’.

Given the proximity of the River Greet, the site lies within Flood Zones 2 & 3, at highest risk of flooding. As a residential use is classed as 'more vulnerable', the development is required to pass the Exception Test as set out in the NPPF.

The requirements of the exception test are outlined at para. 160 of the NPPF, confirming that in order for the test to be passed it should be demonstrated that:

- 'the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

Both elements of the test have to be passed in order for the development to be considered acceptable.

With regard to the first criterion, the proposal would create an additional residential unit. In an area where new build development is generally limited by flood risk, this is considered to support the provision of new homes and helps to sustain existing rural services and facilities. Furthermore, the conversion would help sustain this building of interest. With regard to the second criterion, however, a site specific Flood Risk Assessment (FRA) has been submitted which discusses the flood warning and evacuation plans for the dwelling in the event of yellow, amber and red warnings. The approach taken under the 2015 consent, which was accepted by the EA and the Emergency Planner subject to conditions that a flood warning scheme for the application site was submitted, was that the occupiers of the property apply to the Environment Agency to be placed on the appropriate flood warning system and that they evacuate the premises when a severe flood warning is issued. The same approach is advanced in this application.

The existing floor level within the stable is 14.75 AOD and the 1:100-year flood level has been established as 15.46 AOD. Flood resilient measures have been incorporated within the proposal in addition to design and construction measures to prevent water ingress. Given the site falls to be assessed under the EA's standing advice the EA have not formally commented on this application. However in following their standing advice there is a general acceptance that developments within FZ2 are susceptible to flooding, and so flood resistance/resilience measures are required to prevent inundation of flood water and/or salvaging the development after a flood event. Para 059 of the NPPG advises that any development with flood levels of more than 600mm should be built with resilience measures in place and allow the free flow of flood waters through the development during a flood event. The approach advanced by the applicant takes on these considerations and I therefore consider that, **without the benefit of any objection from a statutory consultee the conversion, subject to conditions**, would be acceptable in terms of flood risks and would not increase the risk of flooding elsewhere.

#### Highway and Access (pending formal comments from NCC Highways on revised SLP)

I observe that only two car parking spaces are to be provided for a five bed house, where normally three spaces would be required. However given the distance from the public highway this **would not cause any issues and as such NCC Highways have raised no objections to the scheme**. I am therefore satisfied that the level of parking for the dwelling is satisfactory.

The applicant is advancing the previously approved access arrangement, to which National Rail have submitted similar comments. Network Rail has requested a condition on any permission that ensures that the property is not used as a holiday let. The application has been submitted on the basis of a new dwelling and therefore has been assessed as such – however planning permission would not be required to use the property as a holiday let given both a dwelling and a holiday let fall within the same use class (C3) therefore I consider it appropriate to condition that the premises is not used for this purpose without prior consent.

National Rail has also expressed concerns over the use of the unmanned crossing for construction traffic, for which their prior approval would be required – it is considered reasonable that a condition could be imposed requiring a construction management plan to be submitted and agreed with National Rail.

This access route across the unmanned crossing is currently used by Field Cottage and Mill Field Cottage and the recently approved Mill conversion (18/00766/FUL). The safety of the residents of this new dwelling which would result through the conversion of the stable has been considered and given the former and current acceptance (albeit with conditions) of Network Rail for the use of the crossing Officers have no objection to this proposal.

Given that the highways position has not changed from that previously approved under 11/01805/FUL and in the absence of any objections from statutory consultees I conclude this proposal meets with Policy SP7 of the Development Plan and there are no grounds for refusal on this basis.

#### Impact upon Neighbouring Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM6 of the DPD state planning permission will be granted for householder development provided it would not adversely affect the amenities of the adjoining premises, in terms of loss of privacy or overshadowing.

The site is relatively well removed from other properties with the exception of the adjacent cottage which is used for holiday lets. With regards to amenity, I consider the stable building would be capable of creating an attractive living environment that meets the needs of privacy. The adjacent cottage, rented for holiday lets, would not have an adverse impact on a permanent residential use here given that the relationship between the two buildings enables the creation of private amenity space and without any loss of privacy. I do not consider that the reglazing of existing apertures would have any adverse impact in terms of loss of amenity. I am therefore satisfied the proposal accords with policy DM6 as originally approved in 2015.

It should be noted however that the edged red line for this application is extensive and includes land to the north-east of the Stables as well as land to the south of the access road. I consider that the extent of the curtilage is too generous and that the curtilage (garden area) for the Stables should be contained to the north of the access road to avoid the domestication of the wider complex. Given the in principle objection to this application a revised plan has not been sought, however it would be possible to impose a condition to restrict the extent of the curtilage should the application be approved.

## Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The Protected species report submitted with this application concludes that there is no evidence of nesting bats or birds found within the buildings and they are considered to have low roost potential. However, given the open nature of parts of the building it is possible that bats could utilise the building for foraging potential. As such the survey recommends that work should be undertaken outside of the bat and bird breeding season and that a precautionary inspection should be completed immediately prior to work starting. It was also recommended that as part of any conversion work, an integral bat brick should be inserted into the south gable end wall of any new / renovated building where this will receive maximum warmth from the sun to provide an alternative roost location for any bats in the area. As such, subject to conditions it is considered that the proposal would accord with CP12.

## Other Matters

I note that comments have been made by the Nottinghamshire Ramblers referring to the intimate relationship between Rolleston Footpaths 8 & 9 and the application site. The comments refer to how the footpaths will be safeguarded during and after the development. There are no proposals to make alterations on or near to the footpaths that would inhibit or alter their function and as such it is not considered that this would warrant a refusal of the application.

## Community Infrastructure Levy

The site is located in the 'Housing Very High Zone 4' which is charged at £100 per sq metre. The floor space for the conversion/new dwelling is 217.1m<sup>2</sup>.

For residential conversions the existing floor space is usually not included in the calculation as CIL is usually only payable on any new floor space created through extensions to the building etc. However, for the existing floor space to not be included in the calculation, the building has to be in lawful use. Part 5, Regulation 40 Paragraph 7 of the CIL regulations states that "a building is in use if a part of that building has been in use for a continuous period of at least six months within the period of 36 months ending on the day planning permission first permits the chargeable development." From my knowledge of the site history, the building has been vacant for more than 36 months and therefore does not meet the above criteria. The onus would be on the applicant to demonstrate otherwise if necessary.

As such the charge on the development including current indexation equates to £21,710.00

## Conclusions

This proposal includes the conversion of a traditional rural outbuilding in the open countryside where development is strictly controlled to appropriate uses. The proposed conversion would involve substantial demolition and rebuilding works which the applicant argues is required to facilitate the residential conversion to make the scheme financially viable. The applicant has not presented a robust viability case that substantiates this claim and in this case I note that the principle of demolition and rebuilding to facilitate a conversion would conflict with the parameters of policy DM8 of the Allocations and Development Management DPD. Permission was granted in 2015 for the conversion of this traditional building without any extension such that I cannot see any justification to consider an extension and addition as being necessary to bring about the re-

use of the building. The proposed development is therefore considered to constitute an unsustainable form of development in the open countryside and contrary to the aims of the NPPF (a material planning consideration) and Policy SP3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and Policies DM8 (Development in Open Countryside) and DM12 (Presumption in Favour of Sustainable Development) of the adopted Allocations and Development Management DPD which together form the Development Plan.

The proposed extension and glazed link, by virtue of the design would also represent an unusual and incongruous addition in this traditional setting that would result in harm to the character and appearance of this non-designated heritage asset and the site complex which contains listed buildings. Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. I therefore conclude that the application fails to accord with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD and the provisions of the NPPF.

Notwithstanding the positive conclusion regarding the highways impact, ecological constraints and flood risk, given the above I conclude that this application should be refused.

## **RECOMMENDATION**

**That planning permission is refused for the following reasons:**

01

In the opinion of the Local Planning Authority the proposed conversion would involve substantial demolition and rebuilding works to facilitate the conversion to residential use which by virtue of the design would also represent an unusual and incongruous addition to a traditional barn. The development goes beyond the re-use of a rural building of architectural merit and conflicts with the policy provisions of DM8 of the Allocations and Development Management Development Plan Document (2013) and therefore fails to be acceptable in principle. In addition to this, the design of the extension and glazed link are considered to be incongruous in this traditional setting and would result in harm to the character and appearance of this non-designated heritage asset, the site complex and the setting of adjacent listed buildings. The proposed development is therefore considered to constitute an unsustainable form of development in the open countryside and contrary to the aims of the NPPF (a material planning consideration), as well as Policies SP3, CP9 and CP14 of the adopted Newark and Sherwood Core Strategy and Policies DM8 and DM12 of the adopted Allocations and Development Management DPD which together form the Development Plan.

## **Notes to the Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website [www.newark-sherwooddc.gov.uk/cil](http://www.newark-sherwooddc.gov.uk/cil)

### Background Papers

Application case file.

For further information, please contact Honor Whitfield on Ext 5827.

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).

**Lisa Hughes**  
**Business Manager - Planning Development**