

PLANNING COMMITTEE – 10 SEPTEMBER 2019

Application No:	19/01356/FUL	
Proposal:	Conversion of store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion. Amendment to planning permission 15/01060/FUL to insert additional lower and upper windows to the south elevation and alter approved window on east elevation	
Location:	Former Public Conveniences, Forest Corner, Edwinstowe	
Applicant:	Newark and Sherwood District Council	
Registered:	24 July 2019	Target Date: 16 September 2019

This application is being referred to the Planning Committee for determination in line with the Council's Scheme of Delegation because the site is owned by this Council.

The Site

The site consists of a single storey brick building which was originally built as a public toilet block but was last used as storage in association with the adjacent cricket club. The building is 60 sq m in footprint and has been vacant since June 2014. There is a car park adjacent to the building which is used by the applicant.

The site is located within the Open Countryside with the Principal Village Envelope Boundary running along the opposite side of the road, Forest Corner. The Conservation Area boundary also runs along the opposite side of the road. Edwinstowe District Centre is located approx. 267 metres south of the site.

The site is adjacent to the Sherwood Forest Local Wildlife Site 1/91. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). The site is also in the area recognised as a potential Special Protection Area for Woodlark and Nightjar.

There is a bridle path running close to the building and crossing a small part of the adjacent car park.

There is a mix of neighbouring land uses including a Youth Hostel further along the road and a Care Home opposite the site located within the grounds of Edwinstowe Hall, a Grade II listed building which is set back from the road.

Relevant Planning History

15/01060/FUL – Planning permission was granted for the 'Conversion of store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion' by the Planning Committee in line with the officer recommendation in August 2016. The development is currently under construction.

04/02937/FULR3 - Planning permission was granted in 2005 for a change of use of the building from public conveniences to storage.

The Proposal

This application seeks full planning permission for the conversion of the store building to a Craft Centre Annexe for an additional craft workshop with associated sales. This would be an annexe to the existing craft centre on the opposite side of the road. The existing craft centre on the opposite side of the road consists of individual units of craft workshops with a retail element where the goods made on site are sold to visiting members of the public.

The applicant has confirmed that the retail floor area will be ancillary to the workshop floor area and will be no more than 40% of the total floor area. A disabled toilet facility is also proposed within the building.

Members will note that the application has been submitted for full planning permission albeit reference is made to a previous permission which exists and appears to be well underway with construction on site. The difference between the current application and the previous approval is the alteration of fenestration details notably through the introduction of glazing on the south elevation (facing the road) and the increase in window proportions on the east side elevation.

The windows on the south elevation (clarified as not being doors despite their design) would be approximately 5.7m in width. There would also be a projecting glazed roof dormer of approximately 6m in width to match the approved arrangement on the north elevation. The width of the window on the east elevation is now proposed to be approximately 1.8m (the previous scheme showed narrower proportions of approximately 1m).

The application has been considered on the basis of the following plans:

- Site Location Plan received 19th July 2019;
- Proposed Elevations and Plan G033/15 received 19th July 2019.

Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

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 6 – Shaping our Employment Profile
Core Policy 7 – Tourism Development
Core Policy 8 – Retail & Town Centres

Core Policy 9 - Sustainable Design
Core Policy 11 – Rural Accessibility
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment
ShAP3 – Role of Edwinstowe

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM8 – Development in the Open Countryside
DM9 – Protecting and Enhancing the Historic Environment
DM11 – Retail and Town Centre Uses
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance

Consultations

Edwinstowe Parish Council – Support (unanimous)

NSDC Conservation – Support

“Site analysis

The proposal site is in the setting of Edwinstowe Hall, a grade II Listed Building. The site is also in close proximity to the Edwinstowe Conservation Area boundary. However, the building in question is a former public conveniences dating to the 1950s of no historic or architectural significance. Planning permission was granted by way of 15/01060/FUL for the conversion of this building into an additional craft workshop for the business opposite. Conservation had no concerns with that scheme, subject to conditions.

Assessment of proposal

The scheme would see windows, false glazed doors and a dormer added to the south elevation of the building, to match the windows, doors and dormer previously approved on the north elevation. Whilst this would make the building more prominent in the vicinity, Conservation is minded that the existing building is of no historic or architectural merit and the building has already been approved to receive cladding all around, arguably increasing that prominence. In addition, the current appearance of the building, being unused for a considerable period of time and in need of maintenance, is also a material factor here. In terms of the setting of Edwinstowe Hall, that building is a considerable distance from this site and is well screened behind several rows of trees and hedges, in addition to the boundary wall. This structure is also seen more in the context of 20th century buildings on the north side of the road adjacent to the cricket field, rather than being visually related to the historic buildings on the south side of the road.

Summary

With the above analysis in mind, it is considered that the proposed amendment would preserve the setting of Edwinstowe Hall and the nearby Conservation Area. Therefore, Conservation has **no concerns, subject to a condition requiring the windows and doors to match those previously approved in 2015.**

In reaching these views, Conservation has had regard to Section 66(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, Policy CP14 of the Amended Core Strategy (March 2019), Policy DM9 of the Allocations & Development Management DPD (July 2013) and Section 16 of the Revised NPPF (Feb 2019)."

No other representations have been received.

Comments of the Business Manager

Principle

Despite being on the opposite side of the road to the defined village envelope for Edwinstowe, the site itself is within the open countryside where development is strictly controlled by Policy DM8 and limited to certain types of development.

However, the planning history referred to in the description of development is materially relevant to the current application insofar as the change of use of the building as proposed has already been accepted and indeed implemented on site through the previous permission. However, having reviewed the approved file it appears that pre-commencement conditions have not been discharged. Technically speaking therefore, the ongoing development is in breach of the original conditions (namely seeking approval of materials and details of features and fixing). This need not be considered fatal to the current application given that it forms a fresh application. At the time of agenda going to print, the previous application remains extant. However, by the time Members consider the application on September 10th the application will technically have expired (decision dated 6th September 2016).

For completeness, the following italicised text is taken from the previous Committee Report presented in 2016:

Although directly opposite the Village Envelope of Edwinstowe, the site does lie outside of this Envelope and therefore is located within the Open Countryside. Although the proposed primary use of the building would be a workshop with ancillary retail sales, planning guidance suggests that this falls under Use Class A1 (retail) as it involves retail sale of goods to visiting members of the public. As such, this proposal should be assessed as a retail use in the Countryside.

Core Policy 8 sets out the retail hierarchy for the District. This aims to steer new retail development towards town centres or district centres with some convenience retail in local centres.

Policy DM11 restricts retail development in rural areas to:-

"New or enhanced retail development of a scale proportionate to its location that increases rural sustainability, supports local agriculture or farm diversification in accordance with the aims of Core Policy 11 will be supported."

Policy DM8 relates to development in the Open Countryside and states that in the interests of sustainability, consideration should be given to the conversion of existing buildings before proposing replacement development and alternative uses should present a case for the most beneficial use in accordance with the aims of the Spatial Strategy. The policy goes on to state that small scale employment development will only be supported where it can be demonstrated that there is a need and contributes to providing rural employment to meet local needs and proportionate expansion of existing businesses will be supported that contribute to local employment. In terms of visitor based tourist development, facilities for the expansion of existing attractions that are based on site specific natural environment characteristics will also be supported.

This proposal is very small scale – 60 sq m of floorspace - which is considered to be proportionate to its countryside location, albeit adjacent to the main built up area of Edwinstowe. The small scale nature of the use and building would be self-regulating and will not result in retail floor space that would compete and detrimentally affect the vitality and viability of the village centre. The use represents the proportionate expansion of an existing business (the Sherwood Forest Area and Craft Centre) that will contribute to local employment and represents the expansion of existing visitor based tourism development that should also be supported.

However, this proposal is not for an open retail use, but as an annexe to the existing craft centre, located approx. 44 metres away from the site. The applicant has submitted supporting information to demonstrate a need for an expansion to the adjacent craft centre. This includes that since January 2016, NSDC has had 23 emails and up to 60 telephone enquiries regarding interest in the existing craft centre. At the time of writing, two units within the existing craft centre were vacant but both were expected to be occupied by mid-August. I have also been informed that there has been prospective interest for the proposed annexe.

As an annexe to the existing craft centre, I consider that this use does need to be close to the existing craft centre and therefore for this reason, I do not consider there to be any more sequentially preferable sites located within the existing retail centre in the High Street. The proposal would also bring back into use a vacant building adjacent to the conservation area. Furthermore, I do not consider that this proposal will take visitors away from Edwinstowe District Centre as it is a specialist expansion of an existing craft/tourist use in this area.

With regards to the impact of the proposal on the open character of the Countryside, I consider this to be extremely minimal. The building and associated car parking facilities are already there and do not require extending to facilitate the use. Whilst strictly, in the Open Countryside, the site is adjacent to the built development within the Village Envelope on the opposite side of the road. There is further built development on the same side of the road as the site, outside of the Village Envelope, including buildings connected with the adjacent cricket club and car parking for the adjacent Sherwood Forest.

For the reasons stated above, on balance, I do consider that this specific proposal for a Craft Centre Annexe for an additional craft workshop with associated sales is acceptable. It is for an extension of the existing craft centre just 44 metres away from the site. The existing craft centre will be operating at full capacity by mid-August and I am not aware of any suitable buildings or sites on the opposite side of the road (within the Village Envelope) that could be utilised instead. The buildings within Edwinstowe District Centre (of which some are vacant) are considered to be too far away from the existing craft centre to be used as an annexe. As such, I consider that this specific proposal does comply with guidance contained in Chapter 2 (Ensuring the vitality of town centres) of the NPPF as well as the broad principles of Core Policy 8 and Policy DM11, along with Policy DM8.

The very recently expired permission is still considered to attach material weight given that, had the conditions been formally discharged, it would have been commenced in time to form a strong and reasonable fall-back position such that the principle of the change of use described in the proposal above is acceptable. Nevertheless the application has been submitted for full planning permission (rather than through a Section 73 minor amendment route) and therefore it remains necessary to assess all other material planning considerations albeit with a strong focus on the changes in comparison to the previous permission.

Impact on Character

The site is located outside of, but adjacent to the boundary of Edwinstowe Conservation Area. There is also a Grade II listed building in close proximity to the site namely Edwinstowe Hall.

The existing building was built in the 1950s and until the recent conversion works, remained vacant for some time. The building is not considered to have any special architectural or historic interest.

As with the previous permission, the materials proposed to the exterior include horizontal cladding and large expanses of glazing. The current application seeks to increase the elements of glazing further notably through the introduction of fenestration details on the south elevation and within the southern roof pitch. The extant approval did not include any fenestration details on this elevation. The window on the eastern elevation will also be increased in width.

Having assessed the revised proposal, the additional windows would correspond well with the approved scheme and enhance the visual appreciation of the building from the public realm alongside the road. The additional prominence has been discussed through the comments of the Conservation Officer detailed in full above and found to have no harm to the setting of the nearby listed building or the designated Conservation Area. I would concur entirely with this assessment and find that the changes presented overall are marginal in the context of the extant approval.

As is referred to above, the previous permission sought exact details of materials and finishing. The Conservation Officer comments seeks the details to be in line with those agreed in the previous permission but as confirmed above, the applicant never formally sought to discharge the conditions. The application form submitted to accompany the current application states that the walls would be horizontal clad and the roof would re-use the existing pan tile. Windows are proposed to be timber glazed. At the time of the Officer site visit the cladding was in place but the colour finish was not applied. On the basis that the full details have not been agreed through the previous permission Officers find it reasonable to attach conditions seeking final clarification of the material finish and further details of the fenestration. It is not plausible to attach a pre-commencement condition given that the works are already on going on site and therefore it is necessary to impose a specific timescale for the submission of the required details.

Ecology

The ecological constraints of the site are described in the description of the site area above. It is notable that the current submission has not been accompanied by updated ecological reports which ordinarily would form a validation requirement noting that the original surveys are now more than two years old. However, in taking a pragmatic approach noting the site history, and indeed acknowledging the works ongoing on site, in this case it is not considered reasonable to

insist on further ecological works at this time. For completeness, the following represents the ecological discussion undertaken within the previous Committee Report:

Habitat Regulations Assessment

The Habitats Directive requires competent authorities to decide whether or not a plan or project can proceed having undertaken the following “appropriate assessment requirements” to:-

- *Determine whether a plan or project may have a significant effect on a European site*
- *If required, undertake an appropriate assessment of the plan or project*
- *Decide whether there may be an adverse effect on the integrity of the European site in light of the appropriate assessment*

Natural England has commented that the application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. The application site is in close proximity to the Birklands and Bilhaugh Special Area of Conservation (SAC) which is a European site.

Natural England has advised that;-

- *The proposal is not necessary for the management of the European site*
- *The proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment*

Natural England has not provided any detailed advice with regards to what issues the LPA should have regard to for this specific proposal. However, taking a pragmatic view, the proposal is small scale in nature and relates to an existing building. As the proposed use of the building is an annexe to an existing nearby use, I consider that additional footfall and traffic in the area will be minimal.

As such, I do not consider that the proposal is likely to have any significant effects on the Birklands and Bilhaugh Special Area of Conservation (SAC).

Site of Special Scientific Interest (SSSI)

This application is in close proximity to Birklands & Bilhaugh Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. Natural England has therefore advised the authority that this SSSI does not represent a constraint in determining this application.

Protected Species

Birds

NWT has advised that;- “With respect to birds, timing works to avoid the breeding season would be sufficient to avoid disturbance to nesting birds. We recommend a suitably worded condition.”

Potential Special Protection Area (pSPA)

The Rufford Energy Recovery Facility Public Inquiry the Secretary of State considered that the Sherwood Forest area should be, as a precaution, considered as a potential Special Protection Area (pSPA) for nightjar and woodlark. This has been taken into account as part of the applicant's Ecology Survey. NWT has stated that;- "We are also pleased to note that the possibility of the area being designated as an SPA due to populations of nightjar and woodlark has been taken into account and concur with the conclusion that impact on these species would be unlikely."

Bats

A Protected Species Report was submitted with the original application. This survey identified evidence of previous and current use of the building by protected species. The report noted that evidence of bat activity was discovered. As such NWT advised that a European Protected Species (EPS) licence would be required. An EPS licence is covered by separate legislation outside of the planning system. However, prior to granting planning permission, the LPA need to be satisfied that an EPS licence would be likely to be granted. As such further survey work was requested.

NWT raised no objection to the amended surveys stating that;- "We are satisfied that two bat activity surveys have now been carried out which enables a more thorough assessment of the status of the roost, in line with best practice guidance. The letter from EMEC Ecology confirms that ... mitigation for the roost would be possible."

Strict statutory provisions apply where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation of Habitats and Species Regulations 2010. An EPS licence will be required from Natural England prior to any works commencing. As such, it is necessary to consider the likelihood of a license being granted as part of the determination of this application by applying three tests which are the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety; there must be no satisfactory alternative; and favourable conservation status of the species must be maintained.

In this case, the conversion of the vacant building adjacent to the Conservation Area is in the public interest and would bring some social and economic benefits and prevent the building falling into a state of disrepair. There is no satisfactory alternative, without the conversion the building it would be left vacant and its fabric would deteriorate to the detriment of the visual amenities of the area. It is considered possible that a favourable conservation status of species will be maintained though a condition ensuring a bat box to be provided.

Having assessed the impacts of the proposal upon nature conservation and protected species, it is considered that subject to conditions securing bat and bird boxes and works being undertaken outside the bird breeding season, the proposed development is unlikely to have any adverse impact upon the favourable conservation status of bats or birds.

An informative should be added to the grant of any planning permission stating that no work can take place on the building before the above-mentioned EPS licence has been received from Natural England.

Overall, for the reasons stated above, the proposal is considered to comply with CP12 of the Core Strategy and DM7 of the ADMDPD.

Despite the adoption of the Amended Core Strategy since the previous approval, I find that the assessment above remains relevant. The conditions referred to can be attached to this permission too if Members are minded to approve.

Impact on Amenity

The majority of surrounding land uses are commercial, although there is a care home directly opposite the site. Due to the minimal nature of this proposal and its compatibility with nearby uses, I do not consider that the amenity of the occupiers of neighbouring properties will be significantly affected in terms of noise and disturbance or loss of privacy. The additional windows proposed on the south elevation not previously considered in the previous permission would be orientated towards the road and therefore would not cause concern in respect to overlooking of any private amenity areas. As such the proposal complies with Policy DM5 of the Allocations and Development Management DPD.

Impact on Highways Network

The Highways Authority have not been specifically consulted on the current application albeit it is material that they did not object to the previous permission and the current application would not alter the highways arrangements and provisions previously agreed. The proposal is therefore considered to comply with the requirements of Spatial Policy 7 and Policy DM5.

Conclusion and Planning Balance

The application relates to development in the open countryside side to allow the expansion of an established craft centre close to, but outside of the defined extent of Edwinstowe. It is material that the building has already been granted planning permission for this change of use and the current application represents minor changes to the fenestration details of the previous approval. Nevertheless, as is explored above, the current application seeks full planning permission and technically speaking the previous application will fall on September 6th 2019 due to an unlawful implementation without formally discharging the material and detailing conditions.

Members will appreciate that this permission will have expired between the time of agenda going to print and Members consideration and thus will only have very recently expired. Officers therefore consider it reasonable to attach significant weight to the previous decision. Notwithstanding this, the above assessment has not identified any specific harm which would warrant resistance of the current proposal against the Development Plan and therefore the recommendation remains one of approval subject to the conditions outlined below.

RECOMMENDATION

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

Conditions

01

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

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

02

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

- Site Location Plan
- Proposed Elevations and Plan G033/15

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

Reason: To define this permission, for the avoidance of doubt.

03

Within three months of the development hereby approved, prior to the application of any colour finish to the timber cladding, exact details of the finish by reference to the RAL colour chart shall be submitted to and approved in writing by the local planning authority. The development permitted shall be carried out within three months of approval and retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

04

Within three months of the development hereby approved, details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 shall be submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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

Treatment of window and door heads and cills.

Reason: In the interests of visual amenity and in order to preserve the setting of the adjacent conservation area.

05

The use hereby approved shall not be brought into use until details of both a bat box and bird box have been submitted to and approved in writing by the local planning authority. The boxes shall then be installed, prior to the use commencing, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintaining and enhancing biodiversity.

06

No works to buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate

measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: In the interests of maintaining and enhancing biodiversity.

Notes to Applicant

01

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

02

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

Background Papers

Application case file.

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

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Lisa Hughes

Business Manager – Planning Development