

## PLANNING COMMITTEE – 30 JUNE 2020

<b>Application No:</b>	19/01022/FUL
<b>Proposal:</b>	Conversion and extension of the former stables to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link and repair and conversion of cart shed to form a garage to serve the stable conversion.
<b>Location:</b>	Former Stables, Rolleston Mill, Rolleston, Newark
<b>Applicant:</b>	Ms Lisa Barker
<b>Agent:</b>	Mr Paul Ponwaye - John Roberts Architects Ltd
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PSDDJT LBJQ000">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&amp;keyVal=PSDDJT LBJQ000</a>
<b>Registered:</b>	03.06.2019 <span style="float: right;"><b>Target Date: 29.07.2019</b> Extension agreed until 03.07.2020</span>

Members will recall this application was presented at the meeting of 10<sup>th</sup> September 2019. Members considered the application and commented on a previously approved application at the site which included the demolition of the new stables which the applicant was arguing was not viable. The applicant had been invited to submit a viability report to be tested but had chosen not to do so. Members chose to defer the application in order for the applicant to be invited again to submit a viability report and consider a more sympathetic application in consultation with the Conservation Officer.

Since the previous meeting, the applicant has used the opportunity to undertake a viability appraisal of the previously approved application and appraise the viability of the scheme advanced within the application at hand. Following discussions with the Conservation Officer the design of the scheme has been amended and the applicant has chosen to include the restoration of an additional building on the site. The revisions to the scheme are discussed in the relevant sections below and where text is altered from the previous agenda report, it is shown through bolded text.

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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 **four** 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.

**The glazed link walkway has been negotiated throughout the course of this application. The northern face will be treated with feature hit and miss fence panels to screen views from the golf course into the site and the SE elevation will be treated with a solid masonry wall to link the corridor facing into the crew yard such that from within the site is would not be immediately visible.**

**The existing cart shed which lies to the SE of the main stables, across the access track, has been included within this application for restoration and conversion to garage use to serve the new dwelling. The restoration includes the rebuilding of failed elements of the building back to its original form which has three open bays facing north. The open bays are proposed to be enclosed with side hung solid timber doors.**

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 (not inclu. superseded documents):

- Amended Site Location Plan (7614J-01 **REV C**)
- Block Plan (7614J-02 **REV B**)
- Existing Floor Plans and Elevations (7614J-03 **REV B**)
- Proposed Site Layout (7614J-04 **REV E**)
- Proposed Ground Floor Plan (7614J-05 **REV F**)
- Proposed First Floor Plan (7614J-06 **REV C**)
- Proposed Roof Plan (7614J-07 **REV C**)
- Proposed Elevations (7614J-08 **REV D**)
- Proposed Elevations – Replacement Block (7614J-09 **REV D**)
- Proposed Glazed Link (7614J-10)
- **Open Fronted Cart Shed Existing Plans and Elevations (7614J-12 REV A)**
- **Open Fronted Cart Shed Proposed Plans and Elevations (7614J-13 REV A)**

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
- **HWA Consulting Structural Report – Stable Block – dated 14 April 2020 Ref. P20053**
- **HWA Consulting Structural Report – Cart Shed – dated 17 March 2020 Ref. P20053**
- **Viability Report – dated 8<sup>th</sup> June 2020 undertaken by Whitehead & Partners**

- **Viability Assessment**
- **Block 2 Estimated Costs**
- **Block 5 Estimated Costs**
- **Stable Block and Link Estimated Costs**
- **Cart Shed Estimated Costs**

#### *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>

**Cart Shed: 49m<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.

**15.6.20** – “The Parish Council expressed concern with regards to the scale of the proposed dwelling relative to its existing nature and footprint as well as the impact of this on adjoining

**protected buildings. Further concerns echoed those of Network Rail with regard to dangers of increased traffic across the railway crossing.”**

**NSDC Conservation Officer – Extensive discussions have taken place with the Conservation Officer, only the most relevant comments have been included in this section for clarity.**

Initial Comments – “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.”

**Additional Comments 4.10.19 – “[...] In terms of the options now suggested, I think Option 1 would be suitable. This would see the existing solid boundary on the edge of the crew yard used to ‘hide’ a discrete link behind. This would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a glazed link, which having looked on site would not fit ‘neatly’ onto the building’s facade. The opportunity could also be taken here to upgrade the plank fence with a brick wall. I would anticipate that the glazed link on the golf course side would need some form of solid side, probably weather board planking, which would give a similar visual impact to the existing fence here, would weather back and could be softened by landscaping. It is accepted that a new opening would need to be made through the gable of the historic barn in order to make the link, but think this is the best option to create a connection. [...]”**

**13.02.2020 – “[...] Following negotiations on site and over informal revised plans I now comment formally on the revised plans submitted 7th February 2020.**

**Re-imagining of the modern stables:**

**The principle of the latest scheme rests on the idea of ‘re-imagining’ the existing modern stables and creating a link to add this accommodation to the main barn conversion. I reiterate that the modern stables are of no architectural or historic merit such that I do not object to their demolition, but also note that, depending on the plans, their rebuilding would potentially have a neutral impact on the setting of the barn.**

**We would normally expect barns that are to be converted to residential to be: worthy of retention in terms of historic merit; in a good state of repair; and capable of conversion within their own footprint and without significant extension. This proposed new replacement structure is essentially a significant addition and intervention, for which we would expect some justification in terms of viability.**

**If it is demonstrated that some element of additional floor space is required to make the conversion of the barn viable, then I actually think the scheme for its re-imagining and connection to the existing barn is likely to be acceptable.**

**The new building reflects the existing modern stables in overall form and impact and in this respect maintains the current setting of the listed building. While the form is overtly modern it**

is simple, reflects an agricultural building in its character, materials and form and is positioned to form a fairly typical crew yard type arrangement in relation to the historic barn.

I think the replacement stables structure will not harm the setting of the historic barn and listed mill.

The link to the new build:

The concept now submitted is to use the existing solid boundary on the edge of the crew yard to 'hide' a discrete link behind, leaving the principal elevations of the barn visually unaltered. This would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a link, which even in a glazed form was an awkward addition to the historic façade. The opportunity is then taken with this proposal to upgrade the existing plank fence with a brick wall, which is more in character with a historic crew yard than a modern close boarded fence and would bring about an improvement to the quality of the barn's setting. At this point, especially given that viability and costings are to be discussed, I would note that it is important to have an attractive coping to this wall and would not want to see a brick on edge detail, for example, but maybe a saddle back or triangular brick coping detail would be suitable.

The golf club elevation would have an interpretation of the of the existing timber fence, using a 'hit and miss' plank screen, with glazing essentially hidden in the roof of the link. This would give a very similar impact to the existing timber fence. I appreciate there will a sense of volume to this link in a way that there is not with the fence, but this would be seen in conjunction with the plain gable elevation of the barn and could be softened with a small revision to the landscaping plan.

It is accepted that a new opening would be made through the gable of the historic barn in order to enter the link, but this is a relatively limited intervention in a later part of the barn, does not disturb the distinctive pattern of stable doors or cart shed openings and could be justified if the principle of the link is justified.

Details of the historic barn conversion:

Generally this is acceptable but I think the proposed treatment of the north east elevation needs to be rethought. These openings here are actually cart shed openings and not stable doors, so the introduction of stable doors in an otherwise open cart bay is confusing and to the form and function of the barn. I also think the asymmetry of the large bays needs to be rethought and would suggest looking at a simple three light division of the open bays.

With regards to the rooflights, which I was concerned about previously, I have the following advice.

I am now aware of how low the roof height is in the lean-to, in combination with retaining the historic wall enclosure to the pig-stys, means that this will have extremely low light levels, as such I am willing to accept that these rooflights are justified.

I do also appreciate the first floor bedrooms will have very limited natural light and would be willing to accept new rooflights here, which as shown should be limited to the north east elevation.



However, I reiterate my general reluctance to approve rooflights for rooms which do not need natural light and note there are three rooflights in total for bathrooms and a stairwell. While I appreciate the desire for natural light in these areas in homes generally, it is not uncommon for these to be omitted from even purpose-built homes and in any event are a very usual compromise when trying to put a residential use into a barn. This view is supported in our SPD guidance. If these additional rooflights were removed the front/south west elevation this would then be rooflight free and little altered in appearance. This is particularly important, not just to the host building, but also given its relationship to the main listed mill building. This would seem to be a reasonable compromise, based in policy and best practice.

In my comments in July 2019 I drew attention to the following query which I am not sure has been addressed:

*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."*

20.02.20 – "Having had a look at the revised plans I think these almost address my concerns. I am pleased to see the removal of the rooflights from the front elevation and this is much improved. With regards to the treatment of the cart shed bays I would just note the following bay where the door has lost the symmetry of the glazing divisions. If a single pane is not wide enough to make a proper entrance, can it not be a double door? This seems easy to overcome and would make a big difference to the overall façade."

27.02.20 – Multiple conditions suggested for viability costing exercise to be undertaken accurately to reflect an acceptable scheme.

04.06.20 - "I have now looked through the viability information for Rolleston mill.

To clarify this is not required as part of a heritage Enabling Development argument, as Conservation has found the proposed replacement of the modern stable and link corridor scheme (as revised) not to be harmful, but is required for non-heritage reasons to justify this amount of new build in the countryside.

The overall approach taken to seeking the costings seems to be clear and sensible

I have not looked at the actual costings other than to look at the spec, which does not seem to include any concerning items and which we know already has been drawn up against a list of 'conservation items' that should be costed for.

Re the structural report for the cartshed – despite the obvious collapse the report confirms that what is left could form the basis of a rebuild, rather than needing to demolish and rebuild from scratch, therefore there is heritage merit in rebuilding off the structure and I would be happy that the cartshed be included in the costings re viability. Its use as garaging and store for the converted barn would also prevent the often inevitable request for a new garage structure for this purpose, so overall a positive element.

**Structural report for stables – I note the use of a concrete slab floor which is clearly not the ideal substrate for a historic building but I do note the structural justification for this and we have allowed this kind of floor for similar reasons in other barns. I also note three significant changes to the amount of structural intervention required, being the proposal to rebuild one of the half gable walls – would this mean we need revised proposed plans? The suggested replacement of the floors is regrettable and I also note the replacement of the roof is now suggested. This is a significant additional structural loss/intervention, albeit with justification. I believe it was concluded in correspondence from Clare Walker several years ago that the stables were not curtilage listed, so this internal alteration is often beyond our control anyway in such buildings.**

**The report seems to confirm that the submitted and amended link corridor scheme is justified in terms of viability and seeing as Conservation does not object to this scheme I have no further comments to make.”**

**09.06.20 – “I have no objections as these [revised plans] seem to follow the advice from our negotiations and reflect the amount of rebuilding required. The only thing I note is that we discussed having natural landscaping up against the timber screen to the glass link to soften the impact from the golf course and there is no such landscaping shown here. I wouldn’t insist upon this as there is already a fence here which is not especially attractive, but it was discussed as something that could be included and it would improve the scheme.”**

**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 04.09.2019 – “I have reviewed the amended Flood Plan and note that the reliance upon the emergency services has been removed. Whilst this correctly places the responsibility on the occupant the emergency services would always request that we avoid future development in flood areas. I recognise that this address has had planning applications granted [previously].

The plan, if followed, should provide a measure of safety for the occupants but may still leave the building liable to significant damage from a foreseeable future flood event.”

**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 06.09.2019 – ““The red line of the location plan has been amended to demonstrate the existing access point at the south east of the application site. This is acceptable to the Highway Authority, therefore, there are no highway objections to this proposal.”

**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  
YO1 6JT

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

Independent Viability Assessor - (*Conclusion included only*) – “We have prepared a review of the viability prepared by Ian Whitehead of Whitehead and Partners Ltd of the proposed two bed scheme at Rolleston Mill, Rolleston.

We summarise our approach and findings below:

- We have reviewed the market evidence supplied by B&K Property Management Ltd and, utilised in the viability assessment prepared by Whitehead & Partners, and consider it appropriate market evidence. However, for the purpose of our valuation, we have assumed a higher end value £350,000, which we consider in line with the market.
- We have benchmarked the costs provided by Whitehead and Partners Ltd against a combination of those supplied by BCIS and the current industry standard assumptions. Our all in build costs amounted to fractionally more than those included in Whitehead and Partners Ltd.
- Our appraisal approach fixes the Existing Use Value at a level considered to be appropriate and we then consider whether the scheme generates an appropriate profit level after deducting all costs from the end value.
- Our appraisal assumes an end value of £350,000 and total costs, to include professional fees and finance of £478,769.
- The appraisal results generates a loss of -£128,769, which equates to -36.79% of GDV. In summary, a two bed house at the Property does not generate a sufficient, or any, profit level to warrant it viable, even as a self-build.”

Comments have been received from two neighbouring/interested parties that can be summarised as follows:

- The stable building has historical value to Rolleston and such a building bought to be developed for a profit and not for the protection of such a building should not be overlooked.
- The building should be respectfully preserved as it is closely associated to the old mill cottage and the mill building itself. The building has close ties to the 2 properties that were once part of the same parcel of land dating back hundreds of years.
- Flood Risk: This is a health and safety risk given the cottage and the mill have no Bedrooms on the ground floor.
- Access Constraints: The property is accessed by a private road that passes over an unmanned level crossing, this will be creating more traffic crossing the line potentially causing a safety issue, as well as wear and tear on the road.
- Waste disposal: Increase in vehicle activity posing a risk to children as well as the waste from the sewage system that will be released into the river Greet.
- Wild life: Because the building has been left untouched, bats and birds have taken up residence.
- Design: The current design is not sensitive to Old Mill Cottage and the Mill. Some material being proposed is not in keeping with the period of the building. The property is over bearing and out of scale to the other properties.

- **Noise: With the proposed design old mill cottage will lose its tranquil setting by being over looked and an increase of people a 5 bed house, the noise level during construction as well as when it is habituated will change the serenity of the location.**
- **Disturbance : During proposed build as well as future living of Old Mill Cottage**
- **Over Development: The building will lose all its historic heritage making Old Mill Cottage and the mill look out of place.**
- **Visual Impact: The design will be detrimental to the character of the local area.**
- **Viability Report: This document is misleading. There are always direct costs associated with a build or renovation regardless of its size, connection of services whether it be 2 bedroom or 5, windows, mobilisation of builders, trade rates. For example the connection of services the owner has choices, and it seems that the most expensive option has been chosen every time, its highly doubtful that gas will be connected as it is probably more than 250 M away and servitudes have not been agreed and it would have to cross a railway line, single phase power is less than 10 M from the building. The labour hourly rate has been over emphasised and the total build costs are questionable.**
- **The proposal represents the overdevelopment of the stable block and is not sympathetic to its heritage**
- **The applicant has forgotten this is a grade II listed building which should be converted with conservation in mind rather than profit.**

#### Comments of the Business Manager

Consent was granted for the conversion of the traditional stable building 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 **amended** structural survey details that the condition of the stable block is relatively good, despite having some significant but localised 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. **The Conservation Officer has discussed the extent of the proposed structural works to the stables and concluded that whilst there is more significant structural intervention/loss proposed now than when this application was first considered in September 2019 given the deterioration of the building over time, that the level of intervention has been justified and they raise no objections to the structural works proposed.**

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 (which has excessive timber decay to the sole plates) 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 policy compliant. I appreciate that



efforts have been made to re-create the existing footprint of built form on the site so as to minimise impact on the openness of the countryside, however I also note that permission has already been 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 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.”

**At the request of Members the applicant has undertaken a viability appraisal of the previously consented 2 bed scheme. The conclusions of the Council’s independent viability assessment of this appraisal are set out in the ‘Consultations’ section above. In summary the applicant’s viability assessment identifies that the previously approved 2 bed scheme would result in a negative deficit of -£248,928. The independent assessor has reviewed the assessment and undertaken their own viability appraisal, concluding that the scheme would result in a negative deficit of -£128,769 based on using a higher end value than the applicant, slightly higher build costs, a lower Existing Use Value and a lower developer profit to take into account this being a self-builder scheme. Ultimately the independent assessment concludes that even with their adjustments the 2 bed scheme would be unviable, resulting in a loss of -36.79% on GDV which would be unacceptable for a self-builder to deliver. Therefore on the basis of the conclusions of the viability assessment of the 2 bed scheme, it is clear that this would not be financially viable.**

**However, the applicant has also assessed the viability of the 5 bed scheme including the extension and linking structure which also results in a negative deficit, in this case of -£197,416. This additional assessment undertaken by the applicant has not been validated by the independent assessor. However, even taking into account the adjustments made by the independent assessor to the appraisal of the 2 bed scheme the 5 bed conversion still would not turn a profit. Both schemes would remain in significant deficit. In view of this outcome, I have considered what scale of development might be required to make the scheme viable, however the constraints of the site have already dictated the scheme that has been arrived upon, which is considered to be at the very limit of what would be acceptable in both heritage and open countryside policy terms.**

**The 5 bed scheme, whilst still in deficit, would result in less of a deficit than the 2 bed scheme. However, in this case the financial risk lies entirely with the applicant in that there would be no opportunity in the future to seek amendments to increase the size of the replacement structures to make the scheme ‘viable’ for the foregoing reasons. I am mindful of the resolution made by Members at the September Planning Committee which sought for the *unviability* of the 2 bed scheme to be robustly evidenced prior to negotiating a more suitable extension to the building with the Conservation Officer. The applicant has demonstrated that the 2 bed scheme is not**

viable and thus the parameters set by Members have been met. As will be explained further in the following section, the 5 bed scheme put forward is considered to be the least intrusive to achieve a sustainable use for the building, and the scheme when considered as a whole, would contribute significantly to the viability and character of the development and thus I am satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy parameters.

In coming to this conclusion I am also mindful that the applicant has chosen to include the cart shed to the south of the main stable block to provide garaging for the new dwelling conversion. The Conservation Officer noted in her initial comments on this application that this is a significant structure in poor condition and that securing the long term use of this building should be tied up with the potential re-use of the stables. Whilst this element of the scheme has been separated out of viability discussions so as not to skew the figures it now forms part of the application. The additional survey submitted that appraises the cart shed details that, despite the obvious collapse, what is left could form the basis of a restoration, rather than needing to demolish and rebuild from scratch. The principle of converting this building to a separate residential unit has already been explored and refused under 11/01810/FUL on the grounds that the level of structural intervention required to facilitate the residential conversion was excessive and constituted a 'new build dwelling' in an isolated, unsustainable countryside location, contrary to the Development Plan and the NPPF. However there is considered to be heritage merit in rebuilding off the remaining structure and restoring it back to its original form. The structural condition of the cart shed is such that in principle its 'conversion' to residential use would not be supported in policy terms given the scheme would amount to a rebuild, however, the restoration of the building with more limited structural intervention to form ancillary garaging facilities (in comparison to the significant works that would be needed to make this structure suitable for residential occupation) is considered to be acceptable when balanced with the heritage benefit of restoring this dilapidated non-designated heritage asset as it would contribute significantly to the wider site. Its use as garaging and store for the converted barn would also prevent the often inevitable request for a new garage structure for this purpose to serve the new dwelling. The cart shed element of the proposal has not been included in the aforementioned viability assessment, but from a cursory assessment of its cost of restoration at £48,515, compared with the additional sales value of £25,000 the scheme remains in a deficit position.

The cart shed and the main stable block are the remaining non-designated heritage asset buildings on the wider Rolleston Mill Site that have not been restored or re-developed. Having discussed with the Conservation Officer our view is that the inclusion of the cart shed within the scheme would tie up the restoration of the Rolleston Mill site and bring about a wider heritage benefit that would see the complete restoration of these heritage assets which have fallen in to states of disrepair. Should Members agree with this conclusion I would recommend that, if this heritage benefit of restoring the cart shed is to be weighed into the balance as a significant benefit of the scheme it would be reasonable to attach a condition to this consent to ensure that this restoration is delivered prior to the occupation of the converted stable block and that the stable block itself must be restored at the same time or before the construction of the glazed link and extension to prevent a situation where the consent is part implemented and the full heritage benefits of the scheme are not forthcoming.

With the aforementioned conditions and on the basis of the viability appraisal I am satisfied that the applicant has demonstrated the scheme put forward is the least intrusive to achieve a viable use for the building and, when considering the application as a whole, would contribute

**significantly to the viability and character of the development. I am therefore satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy and SPD parameters and clear guidance from Members which is material in coming to this decision.**

#### 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 the 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. **The CO raised concerns regarding the number of proposed rooflights and the glazing approach to the former cart shed openings however these elements have since been amended to reflect the CO's advice.**

**Previously**, in considering the extension to the building the CO 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 concluded that the structure would have a reflective quality and would create an unusual and incongruous add-on in this traditional setting.

In light of the resolution of Members in September 2019 the applicant has sought to amend this element of the scheme to come to the least intrusive option possible in order to secure the future viable use of the building. Multiple options were put forward for the linking structure however in appraising the final plans submitted the CO concluded that the use of a solid boundary on the inside of the crew yard used to 'hide' the discrete link behind would retain the visual integrity of the crew yard and avoid bisecting the cart bays of the historic barn by a glazed link. The repositioning of the link to the gable ends of the buildings means that a new opening would need to be made through the gable of the historic barn. This was considered to be the best option to create a connection as, having explored other options, a linking structure would not have fit neatly onto the building's façade. From the golf course side looking into the site it is proposed to use a hit and miss plank screen to 'screen' the link and give the same visual appearance as the existing on site arrangement. Whilst I appreciate that there will be a sense of volume to this link which is not replicated with the fence, I do not consider this would be fatal to the development, and with landscaping any potential impact could be softened.

Turning now to the re-imagining of the modern stables, in terms of landscape impact I acknowledge that an effort has been made to only replace existing built form on the site rather than extending built form further within the open countryside. The CO has commented on this element of the scheme advising that the rebuilding of this structure would have a neutral impact on the setting of the stable, which is a non-designated heritage asset. The new building reflects the existing modern stables in overall form and impact and in this respect also maintains the current setting of the listed building. While the form is overtly modern, it is simple, reflects an agricultural building in its character, materials and form and is positioned to form a fairly typical crew yard type arrangement in relation to the historic barn. It is therefore considered that the scheme will not result in any harm to the setting of the historic barn or listed mill.

The scheme put forward in the final plans is acceptable, however it is considered important to prevent/minimise a 'watering down' of the scheme. As such the CO has provided some conditions and advice to the applicant through the course of this application in order for them to accurately cost the proposed conversion/re-build scheme for the viability assessment. I am therefore satisfied that the viability exercise reflects accurate costings based upon an appropriate construction /restoration specification.

Turning now to the cart shed, the CO has confirmed they are supportive of the like-for-like repair to the cart shed which lies to the south of the stable block. The cart shed, which is also a non-designated heritage asset, is currently in a semi parlous condition. The applicant seeks to include this within the current application to reinstate its former appearance/form and ultimately function as a cart shed to serve the dwellinghouse that would be created from the conversion scheme. The proposal would see the reconstruction of the building with traditional and mostly reclaimed materials, restoring the heritage value of the structure. This is overall considered to be a heritage benefit to the scheme which would improve the appearance of the wider Rolleston Mill site and ultimately result in no harm to the setting of Rolleston Mill or other non-designated heritage assets on the site.

Maintaining the rural character of this former agricultural building is important to help preserve the character and appearance of this non-designated heritage asset and the conversion of traditional rural buildings is strictly controlled through the SPD. However the applicant has demonstrated that the conversion of the building within its own confines is unviable and following the resolution of Members to negotiate a scheme that is acceptable to the

**Conservation Officer, which is a material to the judgement of this application, the scheme proposed is considered to respect the historic context of this site. The proposed extension (following from the demolition of the modern stable) would result in a neutral impact on the non-designated heritage asset stables and would not harm the setting of surrounding listed buildings and the restoration of the cart shed to the south, which is a non-designated heritage asset, would also bring about an overall heritage benefit. I therefore conclude that the application is in accordance with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8 and DM9 of the DPD, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.**

### Flood Risk

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

**As part of the amended scheme a garage would be provided in the restored cart shed. Whilst I note only two car parking spaces are to be provided for a five bed house, where normally three spaces would be required,** given the distance from the public highway and external space available, 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. 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 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.

**I note comments have been received from neighbour occupiers in relation to noise disturbance through construction, however this would only be experienced in the short term and would be inevitable as part of the redevelopment of this stable block. I do not consider this short term impact would be sufficient to warrant the refusal of this application.**

**The edged red line for this application as initially submitted was extensive, including land to the north-east of the Stables as well as land to the south of the access road. It was considered that the extent of the curtilage in the original red line was too generous and that the curtilage (garden area) for the Stables should ideally be contained to the north of the access road to avoid the domestication of the wider complex, however given the cart shed across the access track has been included within this application the red line has been re-drawn tightly around this structure so that access to this building would be provided only and to ensure that residential use of the wider paddock upon which this structure sits is not permitted.**

### 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.

**Following the submission of the viability assessment and amended plans neighbouring residents have been reconsulted on the scheme. I note that comments from two interested parties have been received which have been duly taken on board throughout this assessment. However I would like to clarify the following in relation to the comments received. Firstly, the application building (the existing brick build stables) and the cart shed are not listed buildings as cited in one objector's comments. Both buildings are non-designated heritage assets and are not listed in association with Rolleston Mill. Matters raised relating to access, flood risk, waste disposal, design, ecology and amenity have been thoroughly appraised throughout this report. Comments have however been submitted regarding the costings used within the viability report not reflecting an accrual depiction of the cost of undertaking the works. To this I would note that the independent viability assessor has appraised the viability assessment undertaken by the applicant and despite assuming slightly higher build costs, still drew the same conclusion that the 2 bed scheme would be unviable. On the basis of the independent assessors professional appraisal I have no reason to disagree with this conclusion.**

#### 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 227.1m<sup>2</sup> **and the cart shed is c. 49 m<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 £28,201.04**

#### 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 to facilitate a conversion to residential use which ultimately does not accord with our policies. However the applicant has submitted a viability assessment that has been independently examined that demonstrates that a conversion within the confines of the existing building would not be viable. The resolution made by Members at the September Planning Committee sought for the *unviability* of the conversion of the existing non-designated heritage building (without any need to extend it) to be robustly evidenced prior to negotiating a more suitable extension to the building with the Conservation Officer. The applicant has demonstrated that the 2 bed scheme is not viable and thus the parameters set by Members have been met. The scheme put forward is considered to be the least intrusive to achieve a viable use for the building, and when considering the development as a whole, would contribute significantly to the viability and character of the**



development and thus I am satisfied that this approach is the optimum for securing the future reuse of this non-designated heritage asset in accordance with the policy and SPD parameters and clear guidance from Members which is material in coming to this decision.

The final scheme proposed is considered to respect the historic context of this site. The proposed extension (following from the demolition of the modern stable) would result in a neutral impact on the non-designated heritage asset stable building and would not harm the setting of surrounding listed buildings. The restoration of the cart shed to the south, which is also a non-designated heritage asset, would also bring about an overall heritage benefit of the scheme. I therefore conclude that the application is in accordance with Core Policies 9 and 14 of the Core Strategy in addition to Policies DM5, DM8, DM9 and DM12 of the DPD, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

In addition to the above I also note the positive conclusions relating to highways impact, ecological constraints and flood risk (subject to conditions) and I therefore conclude that this application should be approved.

### **RECOMMENDATION**

That planning permission is approved subject to the following conditions:

#### **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 accordance with the following approved plans:

- Amended Site Location Plan (7614J-01 REV C)
- Block Plan (7614J-02 REV B)
- Proposed Site Layout (7614J-04 REV E)
- Proposed Ground Floor Plan (7614J-05 REV F)
- Proposed First Floor Plan (7614J-06 REV C)
- Proposed Roof Plan (7614J-07 REV C)
- Proposed Elevations (7614J-08 REV D)
- Proposed Elevations – Replacement Block (7614J-09 REV D)
- Proposed Glazed Link (7614J-10)
- Open Fronted Cart Shed Proposed Plans and Elevations (7614J-13 REV A)

Reason: So as to define this permission.

**03**

**No development above damp proof course shall take place until manufacturers details (and samples upon request) of the following materials (including colour/finish):**

- Reclaimed or New Bricks
- Reclaimed or New Pantiles
- Timber Cladding
- Timber Panelling for the Glazed Link
- Roof Covering
- Wall Coping
- Oak Pillars

**have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.**

**Reason: In order to safeguard the special architectural or historical appearance of the building.**

**04**

**No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.**

- External windows including roof windows (which shall be conservation style rooflights set as flush as practicable within the roof slope), doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Bat bricks (which should be inserted into the south gable end wall of any new / renovated building)
- Soil and vent pipes

**Reason: In order to safeguard the special architectural or historical appearance of the building and in the interests of maintain and enhancing biodiversity.**

**05**

**No development shall be commenced until a methodology for undertaking repair works to the former stable building and cart shed has been submitted to and approved in writing by The Local Planning Authority. This shall include a full schedule of works which addresses the repair and**

rebuild of external walls and the roof and the extent and specification of repointing. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

06

No development shall be commenced until a brick work sample panel showing brick work, bond, mortar mix and pointing technique has been provided on site for inspection and approval has been received in writing by the Local Planning Authority. The brick work shall be flush jointed using a lime based mortar mix. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the special architectural and historic interest of the building.

07

No repointing shall be undertaken until details of the details of the extent of the re-pointing of the buildings and mortar to be used for re-pointing (including materials and ratios, colour, texture and pointing finish) has been submitted to and agreed in writing by the Local Planning Authority. The raking out of loose mortar for the purpose of re-pointing shall be carried out by tools held in the hand and not by power-driven tools. Development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest of the building.

08

Prior to occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. 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;
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

09

The approved soft landscaping shall be completed during the first planting season following the first occupation/use 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. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

10

The development shall be carried out in accordance with the submitted flood risk assessment (deposited 21 August 2019). All recommended mitigation measures shall be implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to facilitate recovery from flooding.

11

Immediately prior to the commencement of repair works or removal of any structure/building as part of the development hereby permitted the structures shall be checked for any nesting birds. If nesting birds are identified within a structure then it shall not be removed until the chicks have fully fledged.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

12

No works shall be carried out as part of the development hereby permitted during the bat activity season (between 01 May and 01 September inclusive) unless a precautionary inspection has first been undertaken by a suitably qualified professional, evidence of which shall be submitted in writing to the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of bats on site.

13

The dwelling hereby approved shall not be occupied until the cart shed, identified on plan ref. Block Plan (7614J-02 REV B), has been fully restored in accordance with the approved schedule of works required by condition 05.

Reason: To ensure the cart shed is brought back in to use in the interests of securing the heritage benefits of the scheme, visual amenity and to preserve the character and appearance of the area.

14

The dwelling hereby approved shall not be occupied until the Main Stables (traditional brick built structure), identified on plan ref. Block Plan (7614J-02 REV B), has been fully restored and converted in accordance with the approved plans in condition 02.

Reason: To ensure the Main Stables is brought back in to use in the interests of securing the heritage benefits of the scheme, visual amenity and to preserve the character and appearance of the area.

15

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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: The enlargement, improvement or other alteration of a dwellinghouse.
- Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.
- Class C: Any other alteration to the roof of a dwellinghouse.
- Class D: The erection or construction of a porch outside any external door of a dwellinghouse.
- Class E: Buildings etc. incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc. on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.
- Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

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) (England) Order 2015 or any amending legislation) in order to ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the

countryside and to ensure that any proposed further alterations or extensions are sympathetic to the fact that the building is a converted agricultural building.

16

The conversion hereby approved shall be used as a dwellinghouse and for no other purpose, including any other use falling within Use Class C3 (such as a holiday let) of the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that Class in an statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of highway and railway safety at the request of Network Rail.

17

No development shall be commenced, including any works of demolition or site clearance, until a Construction Management Plan has been submitted to, and approved in writing by, The Local Planning Authority. The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of operational railway safety at the request of Network Rail.

**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 2015 (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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

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Dev Types (use class)	Proposed floorspac e (GIA in Sq. M)	Less (Demolition Change of Use) (GIA in Sq. M) Includes % splits	Existing or	Net Area (GIA in Sq. M)	CIL Rate	Indexati on at date of permissi on	CIL Charge
Residential	276.1	-		276.1	100	334	£28,201.04
<b>Totals</b>							<b>£ 28,201.04</b>

### 03

All new works unless specified on the approved plans and works of making good, whether internal or external, should be finished to match the adjacent work with regard to the methods used and to material, colour, texture and profile.

### 04

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted on (tel: 0300 060 3900).

### 05

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.

### 06

#### Advice from Network Rail:

**Construction Traffic:** 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 and enter and leave the crossing areas safely and in a timely manner at all times.

**Level Crossing Safety:** Railway safety is of paramount importance, level crossing safety leaflets should therefore be included in information/welcome packs provided to the new homeowners at the site. These can be provided by Network Rail 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.

07

**Advice from the Environment Agency:**

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.

08

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.



**Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.**

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**

Committee Plan - 19/01022/FUL

