

## PLANNING COMMITTEE – 8 SEPTEMBER 2020

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|------------------------|---|--------------------------------|
| <b>Application No:</b> | <b>20/00593/FUL</b>   |                                |
| <b>Proposal:</b>       | <b>Erection of 8 no holiday accommodation with swimming pool</b>  |                                |
| <b>Location:</b>       | <b>Chapel Farm, Newark Road, Wellow, NG22 0EJ</b>   |                                |
| <b>Applicant:</b>      | <b>Miss Gair Kettles</b>  |                                |
| <b>Agent:</b>          | <b>IBA Planning Ltd</b>   |                                |
| <b>Registered:</b>     | <b>19.06.2020</b>   | <b>Target Date: 14.08.2020</b> |
|                        | <b>Extension of time agreed until 10 September 2020</b>   |                                |
| <b>Weblink</b>         | <a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a> |                                |

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Wellow Parish Council has objected to the application which differs to the professional officer recommendation. Cllr Smith has referred the application to the committee panel who agree that the application should be decided at committee. The reasons for referral are detailed within the report.**

### The Site

The site relates to an area of land located to the north east of the settlement of Wellow on the edge of the Conservation Area and within a Mature Landscape Area on land which rises to the north east.

The nearest residential properties are a range of converted farm buildings to the east beyond which is a vacant residential property known as ‘the Orchard’ and further beyond there are a number of residential properties including the Old Smithy and Stag Cottage.

Part of the site includes a development of 13 holiday lets with communal kitchen and living areas, office and staff accommodation allowed on appeal June 2018 which is currently under construction.

Access to the site is from the A616 via two tracks leading to one track past Chapel Farm (previously known as Park Farm).

### Relevant Planning History

The Wellow Farm complex as a whole has an extensive planning history. Of most relevance is:-  
**16/01638/FULM** – Erection of buildings and change of use of existing buildings to form holiday let accommodation

An appeal was lodged against a non determination of a proposal for erection of buildings and change of use of existing buildings to form holiday letting accommodation. During the appeal process the Council presented the application to Planning Committee in November 2017 in order to confirm the grounds on which to defend the appeal. Members were minded to refuse full

planning permission if they had been determining the application on the grounds that increased traffic generated by the proposal would result in an increase in danger to other users of the highway. The appeal was subsequently allowed in June 2018.

Please note that the appeal as described above is referred to throughout this report. The appeal reference is APP/B3030/W/17/3184203.

### The Proposal

The application seeks permission for 8no. holiday lets and ancillary swimming pool to the north east of the 13no. holiday lets (currently under construction) allowed on appeal under application 16/01638/FULM. The proposed development would be an expansion of this development.

The minimum sized unit would be 24m<sup>2</sup> and the largest unit would be 44m<sup>2</sup>. The units would be built into the existing grass bunds on site, with gabion walls and grass roofs. Rooms 1-4 would, in total, measure a width of 26.6m with a maximum depth of 8m and a height of approximately 3.45m. The further four rooms, changing room, plant room and swimming pool would form an L-shape. The swimming pool section would measure 23.1m in width, and 7.21m in depth, and rooms 5-8, the changing room, and plant room would measure 38m in width, a maximum of 9m in depth with a maximum height of 3.82m. Each entrance door would have full length windows either side. There would be a flat roof light to each unit, within the grass roof. There would be a shower room within each unit. There would be no building above the existing level of the bunds.

The site would be accessed from the two existing tracks off the A616 which then meet a single track alongside Chapel Farm up to the site. The proposed parking area is the same area which was approved in the appeal decision – an informal area to the north east part of the site approximately 0.25 acres in size, accessed via the same track.

### Submitted Documents

1929 (P) 01 C Revised Site Location Plan  
1929 (P) 02 B Existing Layout Plan  
1929 (P) 03 B Proposed Layout Plan  
1929 (P) 04 B Proposed Floorplan  
1929 (P) 05 B Sectional Elevation  
1929 (P) 06 B Sectional Elevation  
1929 (P) 07 A Sectional Elevation  
TCS IBA 154 1 Topographical Survey  
Design and Access Statement received 14 April 2020  
Heritage Impact Statement received 14 April 2020  
TRANSPORT STATEMENT received 14 April 2020

### Departure/Public Advertisement Procedure

Occupiers of 14 properties have been individually notified by letter. A site notice has also been displayed near to the site.

It is noted that there have been objections regarding how the application has been advertised. However, the Council has gone above the statutory requirement in this instance by notifying neighbouring properties via letter as well as placing a site notice near to the site. The statutory procedure has been carried out as well as complying with the Council's Statement of Community

Involvement.

**Planning Policy Framework**  
**The Development Plan**

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

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 7 – Tourism Development  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

**Allocations & Development Management DPD**

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

**Other Material Planning Considerations**

National Planning Policy Framework 2019  
Planning Practice Guidance

**Consultations**

**The Parish Council OBJECT to the proposal and commented:**

*Wellow Parish Council object to the proposed development on the following grounds:*

- 1. The existing foul water / sewerage system is totally inadequate to cope with the demands of the proposed development.*

*The current sewerage system is a single leg steel pipe running east to west across the Common Land connecting to the main sewer system located on Newark Road. This sewerage system services all the houses located on the Bottom Green plus those located near to the Bottom Green, a total of approximately 20+ households. Over the recent past there have been very many occasions where, due to problems along its length, raw sewerage has been discharged directly onto the 'Common Land' track and the grassed areas in addition to private driveways. Seven Trent engineers were called out to all incidents to rectify the problem and clean up the affected areas. Due to the many occasions of reported incidents it is apparent that the existing sewerage system is at or near its maximum capacity to deal with the existing households waste. The proposed development would*

therefore exacerbate this situation, presenting a serious health risk to the general public using the Common Land not to mention those living within the vicinity.

2. *The proposed development is poor, sub-standard, and totally unsuitable in its design as holiday accommodation by virtue of:*
  - a. *Access to each of the holiday accommodation rooms is by a single doorway off the common shared passageway. The rooms are windowless and as such there is no second means of egress. Such a design is contrary to current Health and Safety and Fire Regulations. A 'worst case' scenario incident would result in any future occupier being trapped.*
  - b. *All rooms of the holiday accommodation are situated underground, akin to an underground bunker, with no windows. The holiday accommodation therefore results in a loss of amenity to future occupiers due to the absence of natural daylight and scenic views.*
  - c. *The holiday accommodation is of a high energy demand design, i.e. heating and lighting will be required for the underground rooms at all times. New holiday accommodation should be designed to have a carbon neutral footprint promoting and incorporating energy efficiency schemes throughout.*
3. *The proposed development does not have a legal right of access over the Common Land. The rights of easement over the Common Land is held and granted by the Lord of the Manor.*
4. *The proposed development application form states that the car parking arrangement is for 100 vehicles. In addition Section 5.40 of the submitted Design and Access Statement states:*  
***"...car parking for the accommodation will be within the already hard surfaced parking area associated with the adjoining facility..."***

*Given that the proposed parking arrangements is for such a large number of vehicles and given that it is only hard surfaced, i.e. earth and stone, a permeable surface, full mitigation measures should be provided to prevent and capture, in the event of an accidental or otherwise discharge, any liquid from those vehicles to fully prevent contamination of the underlying ground and ground water table. A non-permeable surface with a sufficient and suitable number of liquid receptors should be specified for the dedicated parking area.*

5. *Access to the proposed development is by a single shared track running adjacent to the existing residential dwellings, i.e. Park Farm Barns (4 off). The compounded impact of the activities of the proposed development and the previously permitted development would adversely affect the amenity of those existing residential dwellings by virtue of increased noise, disturbance and further loss of privacy.*
6. *With regard to the previous permitted development (16/01638/FUL), an email sent by Oliver Scott, N&SDC Conservation Officer to the case officer on 22 June 2017 states: **"Further to our discussions on the hollow way, Mr Chapelhow has confirmed that no works or operations will be undertaken below ground on the area identified as the hollow way. This therefore offers mitigation and preservation in situ. It is important that the character of the hollow way is not further eroded."***

*The Hollow Way runs across the proposed development site. The subterranean design of the proposed holiday accommodation will result the Hollow Way ground being excavated to a substantial depth to accommodate the footings of the proposals. The character and possible archaeological remains / artefacts would therefore be lost forever. The proposed holiday accommodation will therefore cause harm to the surrounding designated / non-designated heritage assets and to the potential archaeological remains within the site and as such is in conflict with Core Policy 14 of the Core Strategy, Policy DM9 of the Allocations and Development Management DPD, and the aspirations of Section 16 of the NPPF.*

- 7. When lack of visibility of a structure is submitted as a design strength to protect the heritage asset of a conservation area it is illogical and contradictory to conclude that the proposed development would make a positive contribution to the area.*
- 8. The Applicant's Agent in his submitted 'Design and Access Statement' Report states that the application has been subject to a formal pre-application enquiry, i.e. August 2019 with Bev Pearson Ref: PREAPP/00169/19). Pre-application advice does not constitute a formal or guaranteed outcome in the determination of a planning application or other form of submission. Any views or opinions expressed are given in good faith, without prejudice to the formal consideration of any planning application, which will be subject to a period of public consultation and maybe decided at a Planning Committee. The Agents assertions that permission should be granted on the outcome of such a meeting is therefore completely illogical, false, and misleading.*
- 9. The Agent in his submitted 'Design and Access Statement' Report states that "the applicant commissioned ADC Infrastructure Ltd to undertake a review of the proposed access and parking arrangements, the findings of which are set out in the **Transport Statement**." This document has not been posted on the planning portal website and as such are unable to make comment. Request that this serious error be corrected and that additional time for comments on the application be given so that the missing document can be read, understood, and if necessary rebutted.*
- 10. The Agent in his submitted 'Design and Access Statement' Report states that "it is anticipated that the proposal will generate 6.no of (full/part time) jobs on top of the 8 equivalent full-time jobs already committed in connection with the consented overnight accommodation.". It is commercially very unlikely that any additional job will be created by the proposals. If the proposals were a standalone development then yes some jobs would be created, but this proposal is an addition to the consented accommodation. Any workers likely to be employed by the consented accommodation will service the proposals as well. The Agents assertion therefore that the proposal will generate jobs is totally false, inaccurate, and misleading.*
- 11. It is highlighted that the application is a standalone proposal and so must be treated on its own merits and so all the normal consultees should be formally informed of the proposals and asked to give their comments. As detailed at Paragraph 8 above, a formal consideration of the planning application should and must be adhered to and possibly being decided by the Planning Committee.*
- 12. Wellow Green is registered 'Common Land' in addition to being registered as a 'Main Open Area'. It is considered that the proposals would harm and erode the amenity value of this land by the increased number of vehicles likely to be generated, i.e. stated 100 vehicle parking on application site. The 'Common Land' is currently used and enjoyed daily by horse riders, rambles, fishermen (dedicated car park), local residents, and visitors, all on foot (horseback).*

**Environmental Health commented:**

*I refer to the above application and have no comments to make.*

**NCC Highways Authority commented:**

*This proposal relates to the construction of additional overnight accommodation (8 units) and guest pool. The farm site has been the subject of an appeal for 13 holiday let units (planning app. 16/01638/FUL) which was subsequently approved in 2018.*

*The appeal comments are noted particularly with respect to the access and traffic generation. The conditions recommended improvements to the access opposite Rufford Road. It is considered that if this proposal were to be approved similar conditions should be applied (see below).*

*Whilst the comments from the Planning Inspector relating to the two access points are understood, it should be noted that continual small incremental additions to the approved use of the site would, at a later stage, have an impact on vehicular movements to/from the site which may generate a highway safety concern.*

*However, in view of the Appeal decision, it is not considered that traffic movements associated with this proposal would be significant in themselves to raise concern. Furthermore, there have been no additional injury accidents recorded at the junction of Newark Road/Rufford Road/Wellow Road over the last 2½ years, since the appeal, to add to those that caused concern at that time.*

*Whilst a Transport Statement mentioned in the Design and Access Statement does not appear to be available to view, I am confident that it will not offer information that raises a Highway Authority concern.*

*In conclusion, no objections are raised subject to the following conditions:*

*No development shall commence until a scheme and details of the improvements and/or widening of the existing dropped vehicular footway crossing opposite Rufford Road have been submitted to and approved by the local planning authority in writing. The agreed scheme shall be carried out before the development hereby permitted is brought into use.*

*Reason: To make access/egress more convenient and safer.*

*No part of the development shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway (footway) boundary.*

*Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).*

**Note to Applicant:**

*The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these*

works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

#### **The Conservation Officer commented:**

*The proposal site is located on higher ground above Wellow Conservation Area (CA).*

*Pre-application advice was sought on this proposal, and Conservation raised no objections to the subterranean, landscaped design approach (ref PREAPP/00169/19). We remain of the opinion that the proposals will cause no harm to the setting of Wellow CA or any other heritage assets.*

*In reaching this view, we have considered the Council's duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as heritage advice contained within the Council's LDF DPDs and section 16 of the NPPF.*

*Further details of facing materials, as well as the specification for the green roofs might be sought via appropriately worded conditions to ensure that the development takes the form envisaged by the LPA.*

#### **The Historic Environment Officer commented:**

*The site lies in an area of high archaeological potential. A hollow way of likely medieval date bounds the site to the north-west. Another track leading to the scheduled monument at Jordan's Castle is visible in earthworks to the south-east, the site lying in a narrow strip of land between the two.*

*Gorge Dyke is also a scheduled monument and lies just to the south of the proposed site. It identifies the surviving parts of a large medieval enclosure around the village of Wellow, comprising a deep ditch and banks.*

*To the north of the site, a triple ditch, boundary and trackway (all undated) are recorded as earthworks in woods at the top end of the site.*

*The application is accompanied by a heritage statement with a very short section on archaeology (section 2.4). This serves no other reason than to try and establish a position for there being no archaeological remains on the site and is sadly not fit for purpose.*

*The heritage statement identifies the siting of a pig unit which it states cuts into the site from aerial photographs dating to 1990 – 2004. However on reviewing the APs from 2000 and 2001, the proposed site actually lies to the north-east of this, on land that had not yet been disturbed. It would also appear from closer examination of the AP's that in 2001, there were surviving ridge and furrow earthworks (likely medieval in date) on the site, extending to the south-east towards and beyond the track identified above.*

*Later APs show the proposed site to have been fenced off along the line of the current redline boundary. Any surviving earthworks seem to have been removed and the hollow way track has unfortunately been significantly altered from 2001 and appears to have been filled in and metalled.*

*This is of major concern, although I accept it may not have been undertaken by the applicant for this or any earlier approved applications.*

*However, despite the recent damage to the site, it is still likely that any buried archaeological features on the site could have survived and they will certainly be impacted by the proposed development.*

*I note that for the application (16/01638/FUL, approved at appeal) for development adjacent to the current proposals, the conservation officer did raise concerns regarding archaeology, particularly the hollow way and it was agreed that no further works would be undertaken in the vicinity of it. I also note that the location (pig unit cutting) described in the heritage statement relates to this earlier application and does not seem relevant to the current one.*

**Recommendation:**

*Despite the recent disturbance, there is still a significant potential for archaeological remains to be present on the site.*

*If permission is granted I recommend there be an archaeological condition for a mitigation strategy to effectively deal with this site. In the first instance this will be for preservation in situ of the hollow way and any related features. Secondly, this will include, but may not be limited to, a trial trench evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. **Further archaeological mitigation work may be required if archaeological remains are identified in the evaluation.***

*This should be secured by appropriate conditions to enable any remaining archaeology which currently survives on this site to be properly assessed and characterised and to allow for an informed archaeological mitigation strategy to be implemented.*

*The following condition wording is based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019):*

### **Preservation In Situ**

*Prior to works hereby permitted commencing, the applicant will provide a formal undertaking to cease and avoid any further work within the area of the hollow way, to include a detailed design and method statement, which shall be submitted to and approved in writing by the Local Planning Authority; such details to show the preservation of surviving archaeological remains which are to remain in situ.*

### **Archaeological Work**

#### **Part 1**

*No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:*

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*

2. *A methodology and timetable of site investigation and recording*
3. *Provision for site analysis*
4. *Provision for publication and dissemination of analysis and records*
5. *Provision for archive deposition*
6. *Nomination of a competent person/organisation to undertake the work*

*The scheme of archaeological investigation must only be undertaken in accordance with the approved details.*

*Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.*

### **Part 2**

*The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.*

*Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.*

### **Part 3**

*A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.*

*NPPF states that local planning authorities should **'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'** (para 199).*

*And*

***'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 directly or indirectly affect 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.'** (Para 197)*

*If planning permission is granted with an archaeological condition, please ask the developer to contact this office and we will prepare a brief for the works.*

*The resulting specifications should be approved by this department prior to commencement and we will require ten days' notice before commencement of any archaeological works.*

**Severn Trent Water were consulted.** No comments have been received to date.

**Representations have been received from 9 local residents/interested parties (8 objections, 1 in support) which can be summarised as follows:**

- One comment in support of the application noting that there are a maximum of 3no. HGVs a day and this is not every day
- Poor access to 616 – poor visibility, dangerous
- Access track – not suitable for heavy load traffic or increased traffic flow, it is unadopted, unsurfaced, potholed and unlit
- Access track currently used by walkers, cyclists, farm machinery, horse rider – increase in vehicles would cause danger to other users
- Common Land – access runs through common land and is encroaching on common land grass due to increased use which would be exacerbated further
- Threat to Pig Farming business at Woodside Farm
- Objection to notification process carried out by the Council
- Comments requesting the application is decided at planning committee
- Noise pollution (already from stag/hen dos, live bands/DJs etc) will be exacerbated by 8no further bedrooms plus swimming pool
- Light pollution which could impact negatively on wildlife in the nearby Wellow Wood which is a SSSI
- Hollow Way, an significant archeological area could be disturbed by the proposal
- Over development of site, unsightly design and not in keeping with the Conservation Area
- Comments relating to the Transport Statement not being public on the website (this has since been rectified and is publicly available to view)
- No emergency access to the site
- An 'existing building' has been annotated on the plan which does not benefit from planning permission.

#### Reasons for Referral (Cllr Smith)

- Current access is completely unsuitable for the additional vehicles this development would invite
- This development would adversely affect the unique local character of the village
- This development would not fulfil any local need for the village
- Incorrect information from highways consultation - the access track is part of Wellow Common and as such could not be altered to facilitate the highway requirements of the development
- Unresolved concerns over the adverse effect on the poor water system
- Concern over highways safety at the junction entrance to the track that leads to the development

The above issues are discussed in the next section of the report.

#### Comments of the Business Manager

#### Principle of Development

A recent appeal decision under application 16/01638/FULM has allowed the construction of 13 holiday let units on the site. This application has the same site outline as the appeal site and as such the inspector's decision is a material consideration for this application.

The site is located within the open countryside and as such the proposal falls to be assessed against Policy DM8 of the Allocation and Development Management DPD (adopted 2013), Open Countryside. Policy DM8 strictly controls development within the open countryside but allows for certain types of development, including tourist accommodation. Tourist accommodation will be supported where it is necessary to meet identified tourism needs, it constitutes appropriate rural diversification, including the conversion of existing buildings, and can support local employment, community services and infrastructure. Accommodation that is related and proportionate to existing tourist attractions will also be supported. All proposals will need to satisfy other relevant Development Management Policies, take account of any potential visual impact they create and in particular address the requirements of Landscape Character, in accordance with Core Policy 13.

Chapter 6 of the National Planning Policy Framework (NPPF) recognises the need to support economic growth in rural areas. The NPPF states that planning policies and decisions should enable 'sustainable rural tourism and leisure developments which respect the character of the countryside'. It further states that 'sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Core Policy 7 of the Amended Core Strategy (adopted 2019) states the District Council recognises the economic benefits of sustainable tourism and visitor based development (including tourist accommodation), and will view positively proposals which help to realise the tourism potential of the District, support the meeting of identified tourism needs, complement and enhance existing attractions or that address shortfalls in existing provision, subject to:

Within the open countryside a proposal represents sustainable rural tourism development if it meets one or more of the following:

- Forms part of a rural diversification scheme;
- Supports an existing countryside attraction;
- Has a functional need to be located in the countryside;
- Constitutes the appropriate expansion of an existing tourism or visitor facility;
- Supports local employment;
- Meets an identified need not provided for through existing facilities within the main built-up areas of 'settlements central to the delivery of the spatial strategy', or villages covered by Spatial Policy 3 'Rural Areas'; or that
- Supports rural regeneration through the appropriate re-use and conversion of existing buildings.

Such proposals will still however need to be acceptable in terms of their:

- Design and layout; and
- Individual and/or cumulative impact on local character (including the built and natural environments), heritage assets, biodiversity, amenity, transport infrastructure, community services and landscape character.

The proposal would expand an existing tourist accommodation facility which is one of the criteria listed. With the above in mind, the proposal is acceptable in principle (this is discussed further below) subject to a site specific assessment regarding impact.

### Sustainable Rural Tourism

A recent appeal decision (APP/B3030/W/17/3184203) has allowed the construction of 13 holiday let units adjacent to the site of this proposal. This application is for a further 8 rooms, a swimming pool and changing rooms in association with the wider site, as an expansion of the existing tourist accommodation. The submitted Design and Access statement outlines the benefits of the proposal including:

- the proposal will increase spending in the area therefore support the local economy
- the proposal will generate 6.no of (full/part time) jobs on top of the 8 equivalent full-time jobs already committed in connection with the consented overnight accommodation
- proposed development will also provide employment opportunities to local tradesmen in the area during the period of construction

In relation to the criteria set out in Core Policy 7 the Design and Access Statement states:

‘First, the proposal forms the **appropriate expansion of an existing tourism or visitor facility** and the further **rural diversification** of Chapel Farm. Both the holding of the events, festivals and weddings on the wider site and the provision of the approved holiday let accommodation comprise forms of rural diversification and the proposed additional overnight accommodation is simply a further evolution of the same. The 8 additional rooms plus ancillary swimming pool proposed is considered proportionate to the existing accommodation provided on the site and to the existing events operating within the applicant’s wider landholding and will enhance the accommodation offer to visitors of the site.’

It should be noted that the events referred to in the Design and Access Statement do not form part of this application and the uses do not currently benefit from planning permission. This is a separate issue and should not affect the outcome of this application. It is understood that festivals and some events held at the wider site currently fall under permitted development under the provisions of the General Permitted Development Order (England) 2015 (as amended), however an increase in events held at the site may require a further planning application subject to details. This application is solely to assess the acceptability of the holiday units, swimming pool and changing facility as per the description of development.

The proposed development is directly adjacent to the 13 holiday let units currently under construction. Chapel Farm is used as tourism accommodation as existing. As such I feel it is clear that the proposal is an expansion of an existing tourism facility. I consider a further 8 units and a swimming to be appropriate in scale in terms of expansion. I therefore consider that the proposal complies with Core Policy 7 and represents a sustainable location for the development.

### Impact on Visual Amenity, Character of the Area, and the Setting of the Conservation Area

Core Policy 14 of the Amended Core Strategy aims to secure the continued preservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment and the preservation of the special character of Conservation Areas – including such character identified in Conservation Area Character Appraisals. This is also reflected in Policy DM9.

Policy DM9 (Protecting and Enhancing the Historic Environment) states development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces and natural features and reflect this in their layout, design, form, scale,

mass, use of materials and detailing. Impact on the character and appearance of Conservation Areas will require justification in accordance with the aims of Core Policy 14.

Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 192 states that when determining applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Section 12 of the NPPF (Achieving Well Designed Spaces) paragraph 127 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.

When assessing applications which impact Conservation Areas, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Core Policy 9 seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

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

The site is identified within the Landscape Character Assessment as falling within the South Nottinghamshire Farmlands character area, and character zone MN PZ 17, Wellow Park Village Farmlands with Ancient Woodland a landscape area considered as being of very good condition and low sensitivity with a landscape action to conserve.

Given the topography of the site and surrounding area and that the proposed development would be incorporated into existing ground levels it is considered that the development would be unlikely to have an adverse impact on the landscape character of the site and its wider setting which would be conserved in line with the aims of the Landscape Character Assessment.

All new floorspace would be below the existing ground levels therefore there would be very limited visual impact. I do not consider that the proposal would harm the character of the area. The Conservation Officer has raised no objection to the proposal in terms of impact on the character and appearance of the Conservation Area. I concur with the comments and subject to the proposal being constructed as per the plans, I do not consider it would have any negative impacts visually. The Conservation Officer has suggested a condition requiring further details of facing materials, as well as the specification for the green roofs. I consider this reasonable to ensure there is no visual harm.

#### Impact on Residential Amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Given the distances between the proposed site and the nearest neighbouring dwellings and that the development would be set within with the topography of the site, it is considered that the proposal would not result in any overlooking, overbearing or overshadowing impacts.

The application states within the Transport Statement that the proposal would likely result in a further 16 vehicular movements to and from the site each day. The appeal decision stated that the existing dwellings likely amount to 80 movements per day and that an increase of 26 as a result of the 13 holiday lets would be a 'moderate increase'. As such I consider that the estimated additional 16 vehicle movements (as explained within the submitted Transport Statement) as a result of the proposal would not cause an unacceptable impact on residential amenity for the occupiers of the dwellings which the access track passes in terms of noise levels, particularly given the condition of the track as vehicles would have to drive slowly.

The comments from the Parish state that there are no windows for the holiday units. The plans clearly show two windows either side of each entrance door and a rooflight above each shower room. I consider this reasonable for the size of the rooms and their proposed use as tourist accommodation and do not consider this to be unacceptable in terms of amenity for the occupants.

The occupants would have access to a shared kitchen facility within the tourist accommodation. I consider this to be reasonable for the type of tourist accommodation.

#### Impact on Highways Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The parking area would be to the north east part of the site on land which is currently used for parking when the festivals are held and is the parking area approved for the 13 holiday lets. It is accessed via the same track as the proposed development. There are no proposed changes to the parking area which is informal and could easily accommodate 21 vehicles safely (1no. space per holiday let including the 13 approved). The appeal decision included a condition that the area would be retained for parking purposes for the lifetime of the development. If approved, a similar condition is recommended is attached to this permission to ensure the holiday units have adequate associated parking.

Comments from the Parish raise concern regarding the parking area and possible contamination of the underlying ground and water table due to liquid discharge from the vehicles. The Parish have requested a non-permeable surface with a sufficient and suitable number of liquid receptors should be specified for the dedicated parking area. I do not consider a condition of this nature to meet the tests set out in the NPPF, as no requirement was conditioned for the same area within the appeal decision which has been approved for parking therefore it would be unreasonable.

The Inspector concluded that the moderate increase in vehicular movements, from 80 to 106 per day, as a result of the 13 holiday lets would not cause dangerous conditions. This does not automatically mean that any further in vehicular activity on the track would be acceptable. The proposal would result in an additional 16 vehicular movements per day as estimated in the Transport Statement. NCC Highways state in their comments, *'it should be noted that continual small incremental additions to the approved use of the site would, at a later stage, have an impact*

*on vehicular movements to/from the site which may generate a highway safety concern. However, in view of the Appeal decision, it is not considered that traffic movements associated with this proposal would be significant in themselves to raise concern.'* I concur with the comments and consider that the increase from this proposal would not cumulatively amount to a dangerous increase in traffic using the tracks.

I have considered the comments made by the Parish and interested parties in regard to the use of the track and highway safety issues. The appeal decision allowing the 13 holiday let units (currently under construction) has established the principle of the access as acceptable subject to a condition to improve the first 5m from the public highway prior to occupation, which can also be attached to this permission. The Inspector found both accesses from the A616 to be acceptable. I have visited the site and note the track is not in great condition, there are pot holes and it is essentially a farm track. However, I do not feel this can be a reason to refuse the application given that the recent appeal was allowed utilizing the same access and track, and the increase in traffic would not amount to a significant increase (as discussed above), therefore the condition of the track in and of itself would not necessarily cause a danger to users. In addition, I am informed that it is the responsibility of all users who have right of access to maintain the track therefore it would be unreasonable to place the burden solely on the applicant.

NCC Highways have raised no objection to the proposal. As such I do not consider there to be a reason for refusal in relation to highway safety or the condition of the track. I consider the proposal to be acceptable and in accordance with Spatial Policy 7 and Policy DM5.

#### Drainage

There are comments suggesting that that the proposal would overload the existing foul water system. No comments have been received from Severn Trent Water to date. A condition requiring details of the drainage system prior to occupation was imposed on the appeal decision for the 13 holiday lets currently under construction. I consider it reasonable to attach the same condition to this planning permission to ensure that the proposal can sufficiently discharge foul and surface water. In any case the foul water system should comply with building regulations.

#### Impact on Ecology

Policy DM7 of the Allocations and Management DPD aims to protect, promote and enhance green infrastructure in line with Core Policy 12 of the Amended Core Strategy which seeks to conserve and enhance the biodiversity and geological diversity of the District.

There are no trees or hedgerow which would require removal for the proposal to take place. The proposed development would be built into the existing ground with a green roof. The site lies within a SSSI risk zone but not within the SSSI itself. Comments have raised concern regarding the wildlife in Wellow Park (the SSSI) due to light pollution for example. Wellow Park is approximately 70m from the location of the proposed development. Given the context of the site which lies between existing (and under construction) buildings to the south and the car parking area to the north, the underground position of the units with windows facing towards one another (aside from one roof light per unit), plus the separation distance to Wellow Park, I do not consider that the development would impact the SSSI or wildlife.

With the above in mind, I do not consider that the proposal would have a negative impact on ecology.

### Impact on Archaeology

The Historic Environment Officer has identified the site area as an area of high archaeological potential and has raised concern relating to the limited information provided relating to the site's archaeological significance. There is a significant potential for archaeological remains to be present on the site. The Historic Environment Officer has recommended conditions in order to mitigate any harm. I consider the condition with 3 parts to meet the tests set out in Paragraph 55 of the NPPF therefore it is suggested the condition is attached should the proposal be found to be acceptable in all other aspects. In relation to the Hollow Way, a condition was attached to the appeal decision restricting any work in this area which is also relevant to this application and should also be attached to the permission (if approved).

### Other Matters

The Parish and local residents have raised concern that the track is part of common land. Common land is land owned by one or more persons, where other people known as 'commoners' are entitled to use the land or take resources from it. Works to common land are restricted by Section 38 of the Commons Act (England) 2006. Consent must be granted from the Planning Inspectorate to carry out certain works on Common Land including re-surfacing of tracks. The applicant is aware that an application is required for this consent and that any permission granted would not override this requirement or any ownership rights. In any case the ownership of land is not material to the decision making process.

One comment raised concern that the Pig Farm business at Woodside Farm (to the north east) would be at risk due to the proximity of the proposed development. The comment raises concern that the development would be within 400m of the pig unit. When on site there were no noticeable smells that were cause for concern (although I appreciate levels would differ at various times). Although under 400m, the farm is still a good distance away at approximately 240m from the development site. I consider it unlikely that the development would cause issues for Woodside Farm (such as smell/noise complaints) or for the occupants of the units who would likely only be there for a few days. Environmental Health has raised no concern with the development.

The Parish have raised concern that the proposal will not be carbon neutral. Although the Development Plan encourages developments which reduce CO<sub>2</sub> emissions or which use renewable energy, it is not a requirement. The development will benefit from the green roofs which will contribute to reducing the overall CO<sub>2</sub> emissions of the tourist accommodation development.

The Parish also question the statement regarding the number of jobs the proposal will create. The application indicates a further 6 jobs would be created as a result of this proposal (it is not specified how many of these would be part time or what the full time equivalent would be). It is not overly clear how a further eight rooms and a swimming pool would create these jobs. However given that the proposal is acceptable in principle, I do not consider it necessary to question this further. In any case, any jobs created as a result of the proposal would be beneficial in accordance with Core Policy 6 of the Amended Core Strategy.

In relation to the comments regarding the Transport Statement not being available online, this has been rectified and has been available for the public to view since 21.8.2020.

As the proposal is for tourism purposes and is acceptable in principle on this basis, it is necessary to restrict it to this use and for a register of occupants to be kept. This was also a condition on the appeal decision. I consider the condition to meet the tests set out in the NPPF.

Other comments have been submitted relating to a building being shown and annotated on the plans as a former agricultural building but that this is not accurate and the building does not benefit from planning permission. The building in question is on the plans but is not part of the proposal. It is therefore not material to the decision making process. As an aside, planning history does not appear to exist for the building although it is showing on aerial images from 2009. Under Section 171 of the Town and Country Planning Act 1990, time limits apply to operational development, i.e. buildings after which planning enforcement cannot be taken (with the exception of deliberate concealment) of 4 years after substantial completion. The building would therefore appear to be immune from enforcement action – if permission had been required for it.

In addition to the concerns stated in the 'Drainage' section of the report, comments have raised concern as to why Severn Trent Water (STW) neither commented on the previous application nor this application. The local planning authority is not able to detail why STW has not responded to this or previous applications on the site – this would be a question for STW. However, many consultees are directing their responses to proposals which will have impact upon their specialist area. It could be that STW are directing their resources in a similar manner.

Concerns have also been raised regarding the plans for the appeal site, and that it has not been constructed in accordance with the approved plans. This is being dealt with separately and investigated by Planning Enforcement and is not a matter for this application.

### Planning Balance and Conclusion

The Chapel Farm/616 site as a whole is clearly contentious as can be seen from the numerous objections received.

Paragraph: 006 Reference ID: 21b-006-20190315 of the NPPG states:

'To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 – these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at paragraph 14 of the Framework. If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.'

In my assessment of the proposal for 8 proposed holiday units, swimming pool and changing room, I have found there to be no material reasons that would justify the refusal of the application. There are no impacts of the proposal which would be considered unacceptable subject to conditions such as the improvement to the access. The cumulative impacts of this proposal, alongside the allowed appeal, have been considered and found to be acceptable.

The proposal is in accordance with the Council's Development Plan and the NPPF which is a material consideration. I therefore recommend that planning permission is granted.

## **RECOMMENDATION**

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

### Conditions

1. 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.

2. The development hereby permitted shall not be carried out except in accordance with the following approved plans, reference

1929 (P) 01 C Revised Site Location Plan

1929 (P) 03 B Proposed Layout Plan

1929 (P) 04 B Proposed Floorplan

1929 (P) 05 B Sectional Elevation

1929 (P) 06 B Sectional Elevation

1929 (P) 07 A Sectional Elevation

Reason: So as to define this permission.

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

Reason: In the interests of visual amenity.

4. Prior to first 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;
- proposed finished ground levels or contours;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Reason: In the interests of visual amenity and biodiversity.

5. The parking area as shown on the proposed layout plan (drawing no. 1929 (P) 03 B) shall be retained as such for the lifetime of the development.

Reason: To ensure the development has adequate parking provision for the lifetime of the development.

6. No development shall commence until a scheme and details of the improvements and/or widening of the existing dropped vehicular footway crossing opposite Rufford Road have been submitted to and approved by the Local Planning Authority in writing. The agreed scheme shall be carried out before the development hereby permitted is brought into use.

Reason: To make access/egress more convenient and safer.

7. No part of the development shall be brought into use until the access to the site opposite Rufford Road has been surfaced in a bound material for a minimum distance of 5 metres behind the highway (footway) boundary.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

8. No part of the development hereby permitted shall be occupied until works for the disposal of sewage and surface water have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Reason: To ensure adequate drainage is installed for the development.

9. No works or operations shall be undertaken below ground in the area identified as the 'hollow way' (the access track) shown on drawing number 1929 (P) 01 C Revised Site Location Plan.

Reason: To ensure that any features of archaeological interest are protected.

10. **Part 1**

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.

## **Part 2**

The archaeological site work must be undertaken only in full accordance with the approved written scheme referred to in the above Condition. The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior permission of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

## **Part 3**

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given permission being commenced unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

11. The premises shall be used for holiday accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2015 (as amended) or any permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015).

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 or the Town and Country Planning (Use Classes) Order 2015 (as amended) or any amending legislation.

12. The owner shall maintain a register of occupiers for each calendar year, which shall be made available for inspection by the Local Planning Authority at any time upon written request.

Reason: To enable the local planning authority to monitor or check the use of the building is in accordance with Condition 11.

## **Notes to Applicant**

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

2. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.
3. The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:  
<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>
4. Section 38 of the Commons Act (England) 2006 applies as part of the site is common land. Any works to the common may require consent and should be applied for to the Planning Inspectorate.
5. This permission relates solely to the proposal as described in the description of development and does not grant permission for any other activity on, or in relation to, the site such as events and festivals. This does not affect permitted development rights for temporary uses as defined in Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Ellie Sillah on 01636 655770.

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 & Regeneration**