

PLANNING COMMITTEE – 6 OCTOBER 2020

A:- Application No:	15/00784/FULM	
Proposal	Full Planning Application and Listed Building Consent for a development comprising 56 residential units (Use Class C3) and community building (Use Class D1) through the conversion of a Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated parking and landscaping. To be read in conjunction with application ref: 17/02325/FULM	
Applicant	Mr John Tootle, Northern Trust Company Ltd	
Agent	Savills	
Link to planning application	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage	
Registered:	11th May 2015	Target Date: 10 August 2015
	Extension of time agreed 9th October 2020	
B.- Application No.	and	
Proposal	17/02325/FULM	
	Development comprising 9 residential units (Use Class C3) associated with Planning Application 15/00784/FULM and Listed Building Consent 15/00785/LBC for the Conversion of Grade II Listed Farm Complex "Bulcote Steading" and associated enabling residential development, with associated infrastructure, parking and landscaping.	
Location:	Bulcote Farm Old Main Road Bulcote Nottinghamshire	
Applicant:	Mr John Tootle, Northern Trust Company Ltd	
Agent	Savills	
Link to planning application	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/advancedSearchResults.do?action=firstPage	
Registered:	5th January 2018	Target Date: 6th April 2018
	Extension of time agreed 9th October 2020	

Background

These applications were presented to Planning Committee on 5th February 2019. The minutes of the meeting state *"Members considered applications No. 15/00784/FULM and 17/02325/FULM and whilst they were not against some development to bring back to use the old buildings the scale of development now proposed was called into question. The site values for this site were*

commented upon. The problems with the railway junction were discussed and the need for an emergency evacuation plan. Building in the green belt was also discussed. It was commented that the terrace block did not add any value to the development. Some Members were not in support of the proposals, feeling that levels of return and overall scale were too far. It was suggested that the application be deferred to enable officers to discuss with the applicant a reduction in amount of enabling development”.

It was unanimously agreed that the application be deferred to enable officers to discuss with the applicant viability, provision of developer contributions and reduction in the amount of enabling development.

These applications are referred to Planning Committee by the Business Manager – Planning Development given their departure from the local plan, complexity and scale.

There are two separate applications which form a comprehensive residential development on Old Farm Road. For ease of reference both applications are assessed within this report. There is also a listed building consent application which Members resolved to grant consent for at Planning Committee in February 2019. However the decision has not been issued and whilst the policy position and considerations have not changed in the intervening time, it forms part of this agenda as there is a requirement to tie the listed building application in to the two applications under consideration within this report, via a Section 106 Planning Obligation.

Since the report was previously presented there have been a number of changes to the scheme itself as well as amended guidance from Historic England regarding enabling development. This report has therefore been written afresh without the usual bold and underline text to assist with clarity.

The Sites

A. 15/00784/FULM

The application relates to circa 2.7 hectares of land on the south eastern edge of Bulcote Village comprising the site of Bulcote Steading, a model farm building constructed in 1904 which is Grade II Listed and the site of associated former outbuildings (demolished in the 1960s) used for housing animals and storage purposes. There remain some associated barns/outbuildings in situ. Although predominantly redundant there are still some small areas being rented out for stabling and storage.

The site is adjoined by arable land to the east (including 2 large agricultural barns) south and west. On the eastern side of Old Main Road is a grass verge separated from the highway by a drainage ditch. North of the site, beyond the adjoining field, there is a ribbon of development comprising Corporation Cottages, a terrace of Grade II Listed residential properties. Beyond these is a further Grade II Listed Building, Bulcote Crossing Cottage.

The site lies within the Conservation Area.

B. 17/02325/FULM

This application relates to land on opposite sides of Old Main Road of circa 2.3 hectares to the south eastern edge of Bulcote Village as well as the access road (Old Main Road) up to the junction adjacent to Kings Barn and Holly Nook.

The main parcel of land and where the development is proposed is on the opposite side of the road directly opposite the Bulcote Farm complex and is currently occupied by two substantial barns with associated hardstanding and structures and is surrounded to the north east and west by arable land. This land falls outside of the Conservation Area.

The other parcel of land lies immediately to the south of Corporation Cottages, a terrace of Grade II listed dwellings and north of the Bulcote Farm complex. This land falls within the Conservation Area.

Both sites are accessed from Old Main Road which runs through the village from the A612. On the eastern side of Old Main Road is a grass verge, separated from the highway by a drainage ditch. Both sites are separated from the main village by the railway line which has a level crossing (Bulcote Crossing). Field House a Grade II Listed Building lies to the south of application 15/00784/FULM.

Both sites also fall within the Nottinghamshire Derbyshire Green Belt and within Flood Zones 1 and 2 as identified within the Environment Agency Flood Zone map.

Relevant Planning History

15/00785/LBC – Listed Building Consent for the conversion of a Grade II Listed Farm Complex "Bulcote Steading" into 24 residential units (Use Class C3) and community building (Use Class D1). Members resolved to grant consent subject to the conditions detailed within the report. The decision has not yet been issued, awaiting the outcome of the two application under consideration as part of this agenda item.

14/SCR/00059 – Screening Opinion - Demolish existing agricultural buildings, convert existing buildings to provide 25 dwellings and erect 24 dwellings – Environmental Impact Assessment not required

The Proposal

Full planning permission is sought for the following:-

A. 15/00784/FULM

The restoration of the Grade II Listed Model Farm Building and conversion to provide 24 dwellings comprising:-

- 1 no 1 bed
- 8 no. 2 beds;
- 14 no. 3 beds;
- 1 no. 4 bed; and

- The provision of a new community unit of circa 95 sqm within the retained dairy on the south eastern side of the building.

Circa. 1168 sq. m of shared amenity space is proposed within the courtyard and circa 1934 sq. m of public open space is proposed to the north east of the farm buildings

In order to part fund the proposed restoration works to convert the building this application also

proposes 'enabling' development to bridge a reported conservation deficit. This comprises the erection of 32, two storey dwellings comprising:-

- 27 no. 3 beds; and
- 5 no. 4 beds.

These would be arranged as follows:-

- 4 terraces to the south-west of the Listed Building. Each terrace would contain 7 dwellings and would have maximum dimensions of 36m width, 12.3m depth and would have a ridge height of 7.5m. They would be sited in two rows facing one another with an access road running through the middle, parking to the front of the dwellings and at the end of the cul-de-sac. Pedestrian access is available through the central gap of each block; and
- A terrace of 4 properties to the north western boundary which would have maximum dimensions of 21m width, 11.4m depth and would have a ridge height of 8.3m .

B. 17/02325/FULM

In order to part fund a conservation heritage deficit resulting from the proposed restoration works to convert the Bulcote Farm Listed Building, this application seeks (in conjunction with the associated planning application ref. 15/00784/FULM) full planning permission for the erection of the following residential enabling development:-

- 9 detached 4 bed dwellings on the site of the barns and associated hard standing and structures on the opposite side of Old Main Road. Each dwelling would have maximum dimensions of circa 10.6m width (including a two storey side projection with garage), 10m depth (including a single storey rear projection) and would have a ridge height of circa 9m.

Both applications propose a combined total of 155 parking spaces (within the quadrangle, private driveways and parking courts).

The following supporting documents have been deposited with the applications:-

- Bulcote Conservation Deficit – received 19.09.18
- Enabling Development Executive Summary – received 31.07.18
- Revised Design and Access Statement = received 05.01.18
- Revised Ecology Assessment – received 05.01.18. Addendum Ecological Assessment – October 2019
- Revised Heritage Statement – received 05.01.18
- Transport Statement (TS) dated April 2015.
- Revised Transport Statement – received 05.01.18
- Flood Risk and Drainage Design – received 27.12.17
- Property Review – received 27.12.17
- Historic Building Record
- Bat Mitigation Strategy – received 12.05.15
- Statement of Community Involvement (and appendices) received 12.05.15.
- Road Safety Audit and Road Improvement Plan – received 19.11.18
- Road Safety Audit – November 2018
- Highway Technical Note – January 2019, October 2019 and July 2020

- Summary of Highways Position – October 2019
- Viability Assessment April 2015, Viability Assessment Addendum together with information relating to the marketing of the site; Viability Addendum Report October 2019
- Geo-Environmental Site Assessment
- Details of mothballing and alternative sites have also been deposited
- Planning Statement and Planning Statement Addendum (latter dated October 2019)
- Transport Summary Report (July 2020)
- VISSIM Vehicle and Pedestrian Video Model (July 2020)
- A raft of drawings have been deposited with both applications for the proposed conversion works and enabling development:

Existing Site Location Plan (02)001 rev D

Existing Site Layout (02)002 rev D

Proposed Site Layout (02)003 rev H

A. 15/00784/FULM

Ground Floor Plan Existing Layout (02)004 rev A

First Floor Plan Existing Layout (02)005 rev A

Existing Roof Layout (02)006 rev A

Conversion Properties Proposed Ground Floor Layout 02(009) Rev D

Conversion Properties Proposed First Floor Layout 02(010) Rev D

Site Elevations and Sections Proposed Layout (02) 016 Rev B

Site Elevations and Sections Proposed (02) 017 Rev B

Site Elevations and Sections Proposed (02) 018 Rev C

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref G and Ref J Proposed Elevations (02)045 Rev C

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref I Proposed Elevations (02)048 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Typical Conversion Methodology (02) 055 Rev #

Proposed Drainage Strategy (02) 100 Rev C

Proposed Services Strategy (02)0101 Rev C

Proposed community building (04) 001 Rev C

House Type 2 (04)002 Rev C

Retained Stable Units (04) 003 Rev C

House Type 4 (04)004 Rev C

House Type 5 (04)005 Rev B

House Type 6 (04)006 Rev B

House Type 7 (04)007 Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B
House Type 13 (04)015 Rev B
House Type 14 (04)016 Rev B
House Type 15 (04) 017 Rev B
House Type 16 (04)018 Rev B
House Type 17 (04)019 Rev B
House Type 18 (04)020 Rev B
House Type 11 (04)021 Rev B
House Type 20 (04)022 Rev B
House Type 21 (04)023 Rev B
House Type 22 (04)024 Rev B
Typical House Types Services Strategy (04)050 Rev A

Enabling Development

New Terrace Proposed Elevations (02)051 #
New Short Terrace Proposed Elevations (02)052 #
New Terrace Proposals Floor Layouts (02)060#
New Short Terrace Floor Layout (02)061#

B. 17/02325/FULM

Site Location Plan and Detached House Floor Plans (02)063 rev A
Detached House Proposed Elevations (02) 054
Proposed Road Improvements 0398-02 rev G

Departure/Public Advertisement Procedure

Occupiers of nearby properties have been individually notified by letters and re-consultation has been undertaken with those originally notified together with any additional third parties who submitted comments. Site notices have also been displayed near to the site and a notice posted in the press.

Planning Policy Framework

The Development Plan

Newark and Sherwood District Council Core Strategy Development Plan Document (DPD) (adopted March 2019)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 3: Rural Areas
Spatial Policy 4A: Extent of Green Belt
Spatial Policy 4B: Green Belt Development
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 1: Affordable Housing Provision
Core Policy 3: Housing Mix, Type and Density
Core Policy 6: Shaping our Employment Profile
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

Policy DM1: Development within Settlements Central to Delivery the Spatial Strategy
Policy DM3: Developer Contributions and Planning Obligations
Policy DM5: Design
Policy DM7: Biodiversity and Green Infrastructure
Policy DM9: Protecting and Enhancing the Historic Environment
Policy DM12: Presumption in Favour of Sustainable Development

Submission Draft Bulcote Neighbourhood Plan 2019-2033

The Examination of the Bulcote Parish Council has concluded, with the Independent Examiner reaching the conclusion that the Plan, as modified, meets the basic conditions that it would be appropriate for it to proceed on to referendum. This has been delayed in view of Covid-19 with legislation (Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020) until 6th May 2021. Planning Practice Guidance details that where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application. This is the case that applies to the Bulcote Plan and therefore significant weight can be applied to the following policies:

NPP 1: Sustainable Development and the Built Form of Bulcote Village
NPP 2: Protecting the Landscape Character of Bulcote Parish and Enhancing Biodiversity
NPP3: Importance of Energy Efficiency and High-Quality Design
NPP5: Protecting or Enhancing Heritage Assets
NPP6: Enhancing the provision of community facilities
NPP7: Improving Access to the Countryside

Nottinghamshire Minerals Local Plan, December 2005

M6.6 Gunthorpe Allocation

Nottinghamshire Minerals Local Plan, Draft 2019

SP7 The Nottinghamshire Green Belt
SP8 Minerals Safeguarding, Consultation areas and Associated Minerals Infrastructure

Nottinghamshire and Nottingham Waste Local Plan, January 2002

W.3.17 Green Belt

Nottinghamshire and Nottingham Replacement Waste Local Plan, December 2013

WCS2 Waste Awareness, Prevention and Reuse
WCS10 Safeguarding waste management sites

Other Material Planning Considerations

National Planning Policy Framework 2019
National Planning Practice Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
Historic England Good Practice Advice Note 2 Making Changes to Heritage Assets (2016)
Historic England – Enabling Development and Heritage Assets (2020)
Historic England – Vacant Listed Buildings (2018)
Bulcote: An Appraisal of the Character and Appearance of the Conservation Area (2001)
Newark and Sherwood Developer Contributions SPD (2013)
Newark and Sherwood Conversion of Traditional Rural Buildings SPD (2014)
Newark and Sherwood Landscape Character Assessment SPD
Burton Joyce Neighborhood Plan 2017-2028

Consultations

A number of consultations have been undertaken following receipt of the applications and subsequent amendments. Consultee comments are appended at Appendix 1. However, to assist, a summary has been provided.

Bulcote Parish Council

Object to the proposal – inappropriate development within the Green Belt; does not comprise affordable housing nor small scale in nature; does not consider the proposal complies with enabling development exceptions; question the viability report, change in figures and the amount of new build; highways impacts; location fails to meet criteria for sustainability – Bulcote has no shops, healthcare etc., would fragment the village with the provision of community facility and green space; flooding and surface water issues will likely arise. However, they support the renovation of the existing farm buildings.

Burton Joyce Parish Council

Good use of a site, but object in relation to public safety of bridleway users, capacity of roads. Support Wildlife Trust comments and concerns on primary school provision as well as all concerns raised by Bulcote Parish Council.

Severn Trent

No objections subject to informatives.

Nottinghamshire County Council Heritage (Archaeology, Historic Environment Record)

No objection subject to a condition requiring archaeological work.

Natural England

No comments to make on this application.

NSDC Conservation

Previous comments apply with no objection to the proposal. However, the removal of the dwellings to the south of Corporation Cottages improves the overall relationship of the proposed development with the existing residential properties.

Historic England

Has concerns regarding the applications on heritage grounds, their representations should be taken into account and amendments, safeguards or further information should be sought.

Nottinghamshire Wildlife Trust

No objection subject to conditions.

Environment Agency

An updated FRA is required as a result of the change in number of dwellings.

Nottinghamshire County Council Rights of Way

Object due to reduced public safety for users of the bridleway

Nottinghamshire County Council Lead Local Flood Authority

Object in respect to 15/00784/FULM– detailed surface water management is required.

22.11.19 - No comment on 17/02325/FULM as the site is not a major proposal.

Network Rail

No further observations, subject to the previous responses being met. This requires a number of works to ensure the safety of the highway network and people crossing the network lines.

Association for Industrial Archaeology

No objection. Identify the site's history and that minimal alterations to existing buildings proposed to take place. Suggest information boards are provided detailing the site's history.

NSDC Parks and Communities

Public open space should be provided in accordance with Policy.

Nottinghamshire County Council Highway Authority

Object to the proposal and recommend refusal.

Nottinghamshire County Council Strategic Policy

Request further information in relation to archaeology. Request that matters relating to minerals, as well as need for Planning Obligations are considered. A contribution of £243,964 should be sought towards primary education.

Independent Viability Assessor

Concludes the level of enabling development proposed is appropriate as the residual land value generated by the enabling development does not exceed the conservation/heritage deficit.

NSDC Planning Policy

Proposal would represent inappropriate development within the Green Belt. In addition, parts of the site are within Flood Zone 2 and the wider site is located outside the settlement leading to sustainability concerns. All of the identified harm needs to be judged against whether these issues are outweighed by the desirability of retaining the Listed Buildings.

Ramblers

No objection.

Trent Valley Drainage Board

No objection. Consent is required to erect buildings/structures within 9m of the top of a board maintained watercourse. Informatives are suggested.

NSDC Strategic Housing

Development triggers the need for affordable housing.

NSDC Environmental Health

Condition relating to contamination is required.

Gedling Borough Council

Development is likely to have impact upon Gedling BC's area. Would support the development if open space, affordable housing, financial contributions, sympathetic design are secured.

Primary Care Trust (Clinical Commissioning Group)

£106 contributions sought.

NSDC Parks and Communities

Public open space and amenity green space should be sought. Unclear what is being proposed as part of the application.

NSDC Waste

Query refuse arrangements and treatment of the highways within/around the site.

Office of Road and Rail

No comments.

NSDC Access Officer

Inclusive access should be provided throughout the development. Proposal would need to comply with relevant parts of Building Regulations in relation to access.

Nottinghamshire Building Preservation Trust

Concerned the amount of development will place unacceptable pressure on the highway and community of Bulcote.

Victorian Society

Support the concerns and objections raised by Historic England.

20th Century Society, Society for the Protection of Ancient Buildings, Council for British Archaeology and Ancient Monument Society –

No comments received.

Archaeology

No objection subject to conditions

Neighbour Representations

A number of residents have responded:

- (a) to both planning applications and the listed building application;
- (b) in their sole name as well as jointly with one or more other respondents; and/or

(c) to each, or one or more of the [four] consultation events undertaken in June 2015 (in relation to application 15/00784/FULM); January 2018 (in relation to application 17/02325/FULM) and following receipt of amendments in August 2018 and October 2019. The numbers provided below therefore reflect this.

June 2015

15/00784/FULM – 41 representations have been received on behalf of 48 residents on the original rounds of consultation.

January 2018

17/02325/FULM – 2 representations received.

15/00784/FULM and 17/02325/FULM – 90 representations have been received. Of these, 83 were petition style letters signed by 98 different people plus 7 individually written letters.

Of all responses received as part of both the June 2015 and January 2018 consultations, these have been from 119 different signatories.

The petition wording is:

“I write to object to the above planning application [17/02325/FULM and 15//0784/FULM].

The basis for my objection is as follows:-

- *The extended development into the Green Belt does not comply with the National Planning Policy Framework or the Newark & Sherwood Local Development Framework (Local Plan) which makes a strong presumption against new development outside of the village envelope.*
- *The case for additional Enabling Development has not been supported by evidence made public and the Enabling development is not considered to be necessary in order to restore the farm buildings.*
- *The development is likely to put severe pressure on schools, health facilities, and drainage provision.*
- *The design of the new buildings is urban and there is a lack of garaging/storage provision. The parking of a potential 152 vehicles will be detrimental to the setting within the Conservation Area and there is no provision for the storage of wheelie bins.*
- *The access road is inadequate for the number of proposed dwellings. The farm road from the junction of Old Main Road to the railway crossing is narrow with no footpath and is restricted in width by parking for residents of the new cottages that front the road. The railway crossing is narrow and there is little facility or hope of widening it and is, hence, a potential danger point.”*

August 2018

15/00784/FULM – 1 representation received

17/02325/FULM – 1 representation received

15/00784/FULM and 17/02325/FULM – 67 representations received, signed by 108 respondents in addition to 1 anonymous response. Of these, 66 were petition style letters and 2 individually written letters. The petition wording is:

“I/we object to the proposals for enabling development as outlined in the Enabling

Development Executive Summary on the basis that the Policy statements in Historic England's guidance document to justify the need for enabling development have not been proved. I/we therefore support Bulcote Parish Councils objections to the proposals."

Of all responses received as part of the three consultations undertaken up to and including August 2018, these have been from 164 different signatories.

October 2019

17/02325/FULM – 1 representation received.

15/00784/FULM and 17/02325/FULM – 63 petition style letters signed by 96 signatories in addition to 5 letters and a note attached to one of the petition letters.

Of all responses received as part of the four consultations, these have been from 175 different signatories, comprising 271 petitions and letters from 99 different households.

This petition letter states objections are raised in relation to the:

"...extensive enabling development and other matters as summarized:

- *Overdevelopment in the Green Belt.*
- *The development is not in keeping with the character of the existing buildings and its location within the Conservation Area – this is supported by Historic England*
- *Inadequate highway access and any improvement to which would be contrary to its setting within the Conservation Area.*
- *Increased traffic through the village which would also increase the risk of the current level crossing – already borderline "high risk". Travel distances to bus stops and facilities in Burton Joyce etc. exceed the guidelines for access by pedestrians. This will inevitably lead to a greater number of journeys by car. The proposed development has provision for 139 car parking spaces.*
- *The development cannot be sustained by current local facilities. Local schools are already full and access to healthcare is already stretched. The latter will be compounded by the 42 retirement apartments already under construction in Bulcote."*

The individual letters received raise the following objections:

Highways

Affect safety of users of highway and footpath

Site is currently inaccessible by vehicles from village but accessible on foot

Lack of footpaths on access road

Lack of off-street parking facilities along access road (for existing dwellings)

Concern with impact upon railway crossing including congestion

Significant increase in vehicle numbers/traffic

Facilities are a long distance away – unlikely to be accessed on foot

Concern regarding two junctions with A612 including congestion

Dangerous bend within village along access road

Access road is regularly closed at railway crossing

Access road inadequate and cannot be redesigned to be safe

Damage to unadopted road

No footpath to the bus stop

Lack of parking for community centre and number of dwellings

Loss of on street parking serving existing cottages as a result of the proposed road improvements
Loss of verge to create footway as part of the proposed road improvements

Heritage

Adverse effect on character and appearance of conservation area
Adverse effect on the listed buildings (enabling development self-defeating)
Seriously damage the heritage asset
No objection to conversion of farm buildings

Character

High density, overbearing and out of scale with rural setting
Negative impact on neighbourhood/rural character
New build design out of character with listed buildings
Double the population/ out of proportion with size of village
Within the Green Belt (adverse effect)
Increased traffic result in increased noise
Outside the village envelope
Village would lose its tranquil character

Flood

Site is a flood plain – increase risk of flooding
Site regularly floods
Impact on drainage, particularly the culvert
Exacerbate existing drainage issues

Infrastructure

No local services in Bulcote
Pressure on existing schools – Carlton-le-Willows Academy and the Burton Joyce Primary School
Doctors cannot cope with more patients (compounded by retirement apartments being constructed in Bulcote)

Ecology

Impact on protected nesting birds and wildlife

Miscellaneous

Way for owners to maximize profit
Notice has not been taken by developers of residents comments from consultation
Pollution from increased traffic
More suitable use of the building would be as a museum or educational facility
Impact on amenity during construction

Comments of the Business Manager – Planning Development

There are both legislative requirements and policy tests to consider in relation to the proposed development.

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable

development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

As the applications concern designated heritage assets of a listed building and the conservation area, sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') are particularly relevant. Section 16(2) requires the decision maker in considering whether to grant listed building consent for any works, to *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess."* Section 66 outlines the general duty in exercise of planning functions in respect to listed buildings stating that the decision maker *"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."* Section 72(1) also requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

The duties in s.66 and s.72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

In this case it is necessary to have consideration to and balance a number of other issues in addition to heritage to which the decision-makers should have regard. For ease of reference, these are addressed in turn below and comprise the following matters:

1. Settlement Hierarchy
2. Five Year Housing Land Supply
3. Heritage Impacts
4. Impact on the Green Belt
5. Enabling Development
6. Developer Contributions
7. Impact on Landscape Character
8. Housing Mix and Density
9. Design and Layout
10. Impact on Residential Amenity
11. Impact on Highways including Railway
12. Impact on Flood Risk and Drainage
13. Impact on Trees and Ecology
14. Land Contamination
15. Other Matters

1. Settlement Hierarchy

Bulcote is located to the north east and on the edge of the village of Burton Joyce, a large settlement which falls within Gedling Borough Council's (GBC) administrative area. Bulcote is a small historic village, although it has no services or facilities other than a community building located within the model farm complex. At the 2011 census Bulcote had a published population of 309 dwellings.

GBC and Newark and Sherwood District Council (NSDC) have fully endorsed the plan-led approach to planning insofar as both promote, through their own Core Strategies, a hierarchical approach to development. In the case of GBC, Burton Joyce has been allocated two small housing sites, both of which have been granted permission one for 14 dwellings, the other for 15 dwellings (outline permission).

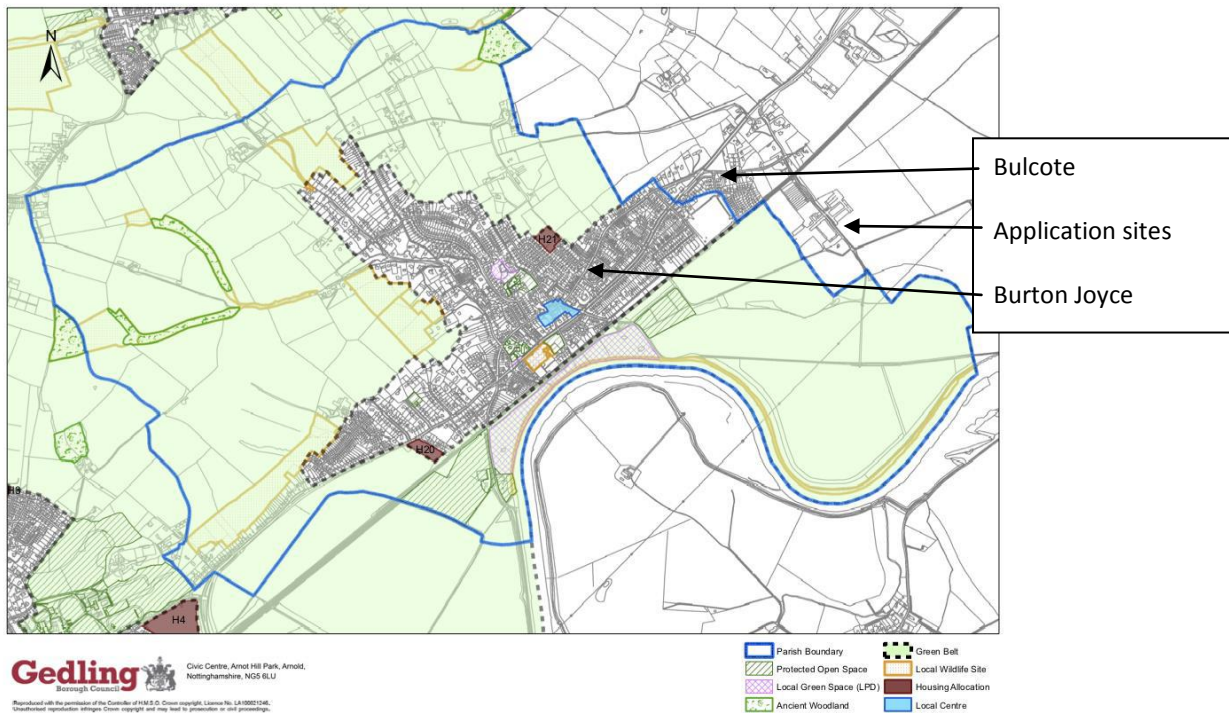
The settlement hierarchy for NSDC is set out in Spatial Policy (SP) 1 of the Council's Core Strategy. Spatial Policy 2 goes on to deal with the distribution of development, identifying that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the lowest tier of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. The Bulcote settlement is an 'other village' within this hierarchy which therefore is not identified to have allocated additional sites for housing over the plan period. SP1 is clear that development within the Green Belt will be considered against Spatial Policy 4B Green Belt Development, as opposed to SP3 (Rural Areas).

Defining whether the proposed development is within or outside of the 'main built up area of the village' as SP3 would require is therefore largely academic in this instance. So too is whether the proposals are to be of an appropriate scale in the sense of scale referred to in SP3. It seems perverse that a decision-maker should only have regard to Green Belt impacts in establishing the principle of a development (noting there are two applications) of this type. In this particular case the number of dwelling proposed (65) represents a 51% increase compared to 127, being the number in existence in 2011 according to the Bulcote Neighbourhood Plan. This is a significant number and is in excess of the order of percentage increase (as outlined in Spatial Policies 1 and 2 of the Amended Core Strategy) envisaged in the Core Strategy for all Service Centres and Principal Villages.

However, the proximity of the site to Burton Joyce is noted. One could walk from Bulcote (from Old Main Road) to the centre of Burton Joyce (approx. 1 mile) in approximately 20 minutes along a footpath which is lit beyond the railway. Burton Joyce has a range of services and facilities including recreational, retail, educational and medical services (as identified within the adopted Burton Joyce Neighbourhood Plan), as captured within the following table:

Village Hall	Post Officer Counter service within gift shop
3 village pubs (2 inc. restaurants)	Recreation Ground play area for younger children and multi-use games area
Recreation Ground incl. range of sports pitches	Community Church
Grove Recreation Area	3 cafes (1 includes bakery)
Super market	Estate agents
Primary School	Millennium Memorial Site
Parish Church of St Helens	Riverside Land
Charity Shop	Old school building
2 no. Hot Food takeaways	Old Church Hall
Allotments	2 no. Doctors surgeries
Pharmacy	Dentist
2 Recycling centres	Physiotherapy Clinic
Library	Cemetery and Garden of Rest

There is no physical or visually noticeable ‘break’ on the ground between the end of Burton Joyce and the beginning of Bulcote (see figure below). There is, however, a more noticeable physical difference with where the application sites are located.



The NPPF provides advice regarding proximity to facilities in rural areas and references to isolation (paragraph 79) as well as case law such as Braintree ([2018] EWCA Civ 610). This High Court judgement essentially sought to define the term “isolated”. It did not state, or seek to state, that development plan policies aiming to restrict development beyond defined areas are inconsistent with national policy. Indeed they cannot be, when national policy clearly requires development plans to set out strategies to direct new development to sustainable locations. The Council’s Development Plan is clear in directing new development to the settlement hierarchies and within villages. This is clear in SP1, SP2, SP3 (specifically the ‘location’ criteria) and DM8.

This stance has been supported on appeal (16/00033/OUTM) whereby it was concluded that even if a site were not physically or geographically ‘isolated’ from a settlement, a conclusion on acceptability solely on these grounds would not mean conformity with the Development Plan in a clear plan-led system where the LPA has set a clear spatial strategy and a set of Development Management criteria to guide the location of new development. In this case there is harm insofar as the proposals will significantly increase the size of the village beyond that anticipated in setting a very clear spatial development strategy for the District. Such harm must then be weighed in a planning balance.

2. Five Year Housing Land Supply

The Authority is confident that it is able to demonstrate a five year housing land supply (currently reported at 6.34 years) and that the policies of the Development Plan are afforded appropriate weight in the overall decision-making. It is noted that any approval on this site would contribute to the Council’s land supply position, albeit such a contribution need not, in itself, be determinative when weighed against all other material planning considerations.

3. Heritage Impacts

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area (CA). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's Local Development Framework (LDF) Development Plan Documents (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. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in Section 16 of the NPPF. Paragraph 193 of the NPPF, for example, advises that great weight should be given to the asset's conservation. In decision making, the LPA has to give great weight to the conservation of the designated heritage asset and to the desirability of preserving listed buildings and their setting as well as conserving or enhancing the character and appearance of the CA. If harm is identified then the same weight has to be attached whether it is limited or less than substantial harm as substantial harm. LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 200).

The significance of the Listed Building is detailed and illustrated within the Conservation Officer's comments attached at Appendix 1 of the Agenda and is also defined within the Listing which states:-

'Farm buildings. Designed by the Nottingham City Engineer Arthur Brown. Red brick with blue brick bands and cill bands plus ashlar dressings. Plain tile roofs with various ridge stacks. Quadrangular plan. Metal framed windows with central opening casements. Segment headed windows throughout. Fire-proofed brick arched floor construction throughout with concrete floors. North-west and north-east ranges two storeys. North-east stable range has recessed centre with 20 bays divided by pilaster strips. Every fourth bay has a tall glazing bar window with a smaller window above, and every intermediary bay has a single smaller window above. Three windows projecting block to left has large glazing bar windows with smaller window above, five window projecting block to right has five large glazing bar windows with above a central taking-in door with a single smaller window to left and two to right. To south a set of ornate iron gates with gabled iron gate piers linking to single storey office building. Office building has two tall brick chimneystacks, a metal roof ventilator and plate-glass sash windows throughout. Street front has a double and two single sashes. Gabled south-east facade has two pairs of sashes and a door to left gable and a large triple sash to right gable. Main courtyard front has octagonal corner bay window topped with an iron weather vane. To left a door flanked by single sashes and beyond a pair of sashes. In front of this façade a 15 ton weighbridge made by W & T Avery Ltd, London & Birmingham. South east stable range two storey and single dairy range to right. Stable range has 12 bays with alternating doors and windows from left, above a taking-in door and three small

columns. Seven bays, from left a glazing bar sash then a doorway, two further sashes, another double door and another two sashes beyond. Two ten bay pig sty ranges to south-west, single storey with slate roofs. Both main fronts have ten small glazing bar windows and ten roof-lights. Rear facades have ten small segment arched doorways. Gable ends have irregular roofline with single doorways, these doorways lead into corridors which serve the individual styles. These corridors have narrow gauge railway-lines for feeding trucks. Both these ranges have similar facades to inner courtyard. North-west storage range has 20 bays with 13 large glazing bar windows which alternate irregularly with three cart entrances and a broad entrance to the inner courtyard. Beyond to right a later C20 extension, not of special interest. To north-west two specialist single storey buildings with large glazing bar windows with segmental heads. This is an important example of an industrial farmyard. It was constructed specifically by Nottingham City Corporation in order to assist with the disposal of the solid waste produced by their new sewage works at Stoke Bardolph.'

As the proposal also affects the heritage asset of the designated CA, it is also necessary to identify its significance. The setting of the CA is also detailed within the Conservation Officer's comments at Appendix 1. Of particular relevance to this application is that the CA has a distinctive character which is derived from the spaces between buildings as much as from the buildings themselves. The Heritage Statement identifies a number of key views within the village, typically encompassing green spaces and topography contributing to the setting of the CA which includes views along Old Main Road towards the Model Farm, and of countryside glimpsed between Corporation Cottages and the Model Farm. It is clear that the relationship between Bulcote Steading and its rural hinterlands is an important element of significance in this case, and views between and through the site reinforces this significance.

The Bulcote Neighbourhood Plan, Policy NPP5 (as modified by the Examiner) states:

"The reuse of the Grade 2 Listed Bulcote Farm Buildings for their optimum viable use consistent with their conservation is supported where the proposal preserves the significance of the setting of the Listed Buildings and the landscape character of the area."

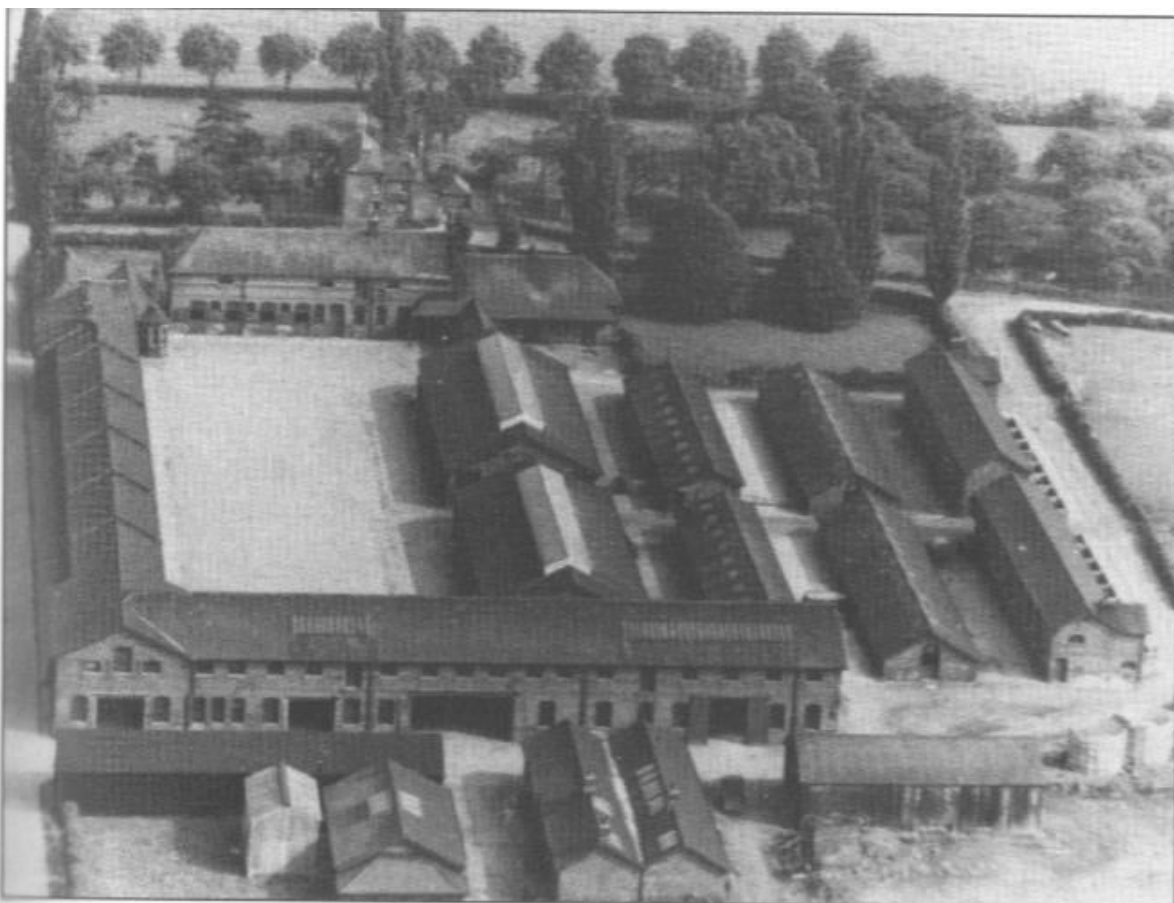
The applicant has demonstrated that residential use of the buildings is their optimum viable use and will ensure their long-term retention whilst preserving the setting of the buildings. The viability argument has demonstrated that new build is needed to meet the heritage deficit. Therefore if the new build elements is considered to respect both the setting of the listed buildings and landscape character, the proposal will meet this policy. These aspects are discussed below and in following sections.

The proposal will involve the demolition of a number of modern farm buildings which are unattractive and obtrusive when compared to the aesthetics of the model farm. The Conservation Officer and Strategic County Officer's responses identify the renovation of the historic farm buildings including the removal of modern extensions and portal elements within its setting, would result in an enhancement to the significance of the listed buildings. The removal of the grain dryer to the end of the granary range for example, and reinstatement of matching period windows will help better reveal the significance of the main range.

New Build Assessment

The enabling development comprises the two storey terraced properties to the south-west and north-west of the site within application 15/00784/FULM. Although new build these would be located where important historic buildings were once sited and would reinstate the historic plan form of the Model Farm. Furthermore their scale, design and external materials would reflect the vernacular of the buildings that were demolished in the 1960s.

The terrace of four two storey dwellings proposed to the northwest boundary of the site have also been designed to be of a scale and vernacular to reflect the historic form and layout of the model farm (see image below) . The Conservation Officer's response to the proposed dwellings in this location reports the *"...intensity of development in this part of the site is consistent with the historic plan-form of the model farm, furthermore, and the scale and design of the new build reflects aspects of the vernacular farm buildings previously there. The design approach is positive, although careful consideration will need to be given to the subdivision of garden plots (hedges and post and rail fences should be utilised rather than standard panel fences for example)"*. There is therefore clear historic rationale for allowing replacement buildings to be constructed, subject to appropriate detailing.



An aerial view of Bulcote Farm buildings

Since the application was presented to Planning Committee, the semi-detached dwellings proposed between Corporation Cottages and the Bulcote Farm have been removed from the proposal for application 17/02325/FULM. This will ensure that the existing spacing will be retained meeting the aspirations of the CA Appraisal.

With regards to the proposed development on the site of the modern substantial barns and associated land to the opposite side of Old Main Road, it is considered that the demolition of these unattractive and obtrusive structures would improve the setting of the Listed Model Farm complex and the setting of the CA. It is acknowledged that the proposed dwellings would be completely different in character and layout to the existing farm buildings. However, again officers have worked with the applicant to secure a scale, design and layout to respect the former listed labourer's cottages [Corporation Cottages], also taking into account matters raised by Members during the previous presentation in February 2019. Conservation advice details that given the setting back of the properties from the highway, which reduces their prominence, it is not considered that these would be harmful to the setting of the listed cottages or the Model Farm.

Historic England has responded to the proposal on a number of occasions. A number of their earlier comments have been addressed following the publication of for example, the viability assessment and Bulcote Conservation Deficit. Their advice, whilst they have concerns, considering the proposal to be harmful to the significance of the heritage asset, is that it will be for the LPA to determine whether there is an enabling development case to repair and bring into use the vacant farmstead with uses compatible to its special interest. This case must also demonstrate the amount of new build is the minimum necessary.

It should be noted that the applicant has made a concerted effort to contact and engage Historic England in discussions with regards to viability. However Historic England has not offered them any further advice. As detailed earlier, Historic England has reiterated that it is for the LPA to decide whether the enabling scheme is justified and that there is sufficient evidence to support the enabling assumptions. They did query whether a domestic type of housing on the modern dairy farm site was appropriate within the setting of the model farm, but advised that they did not want to offer any formal advice beyond that already given.

A detailed and full impact upon the character and setting of the listed buildings has been undertaken by the Council's Conservation Team as detailed within Appendix 1. In summary, they raise no objections. They are satisfied that the proposed redevelopment of the listed buildings at Bulcote Steading and the new development within their setting, sustains their overall special interest and causes no harm to the setting of Corporation Cottages or Field House. No harm is perceived to the character and appearance of the Bulcote CA. The revised plans fully address concerns raised in previous advice regarding the conversion strategy, and overall the conversion scheme is considered to be acceptable.

The full impact upon the listed buildings and CA are considered within the associated listed building report (reference 15/00785/LB). Taking the above into account, it is concluded that the application has been accompanied with clear and robust supporting information (including a Viability Assessment which has been robustly and independently reviewed and discussed in the next section) that is sufficient to enable a thorough assessment of the proposals, and to allow a considered determination of the scheme before Members. In terms of heritage impact, the proposal would preserve the special interest of Bulcote Steading and the character of the Conservation Area. The enabling development as proposed is required to resolve the inherent needs of the place. The proposal would therefore accord with Section 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy and policy DM9 of the ADMDPD together with Section 16 of the NPPF.

4. Impact on the Green Belt

Spatial Policy 4B of the Core Strategy advises that within the extent of area covered by the Green Belt, new housing and employment development will be focused in the principal villages of Blidworth and Lowdham, and the part of Bulcote which is attached to Burton Joyce. These locations are excluded from the Green Belt and defined by village envelopes. For clarity both application sites are located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy, which directs the decision-maker to Green Belt policies within the NPPF.

Paragraph 133 of the NPPF identifies five purposes of including land in Green Belts:

1. To check the unrestricted sprawl of large built up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 143 of the NPPF goes on to confirm that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 144 adds that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' shall not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations. Paragraphs 145 and 146 identify a number of developments that are the exception to this definition i.e. they are appropriate development. These aspects are discussed below.

In this case the applicants have elected, partly due to the evolution of negotiations throughout an iterative process, primarily in terms of the extent and design of 'enabling development', to submit two separate planning applications. Each proposal must be assessed on its own merits in planning terms although many of the overall considerations apply to both schemes individually and combined. Members are able to tie the schemes together in the event of an approval via a S106 Agreement including the associated listed building application.

Application 17/02325/FULM (9 new build units)

Paragraph 145 of the NPPF is clear in stating that the construction of new buildings in the Green Belt is considered inappropriate but sets out some exceptions. None of which are considered to apply to this development. In this case the lawful use of the site is for agriculture, which is excluded from the definition of previously developed land. The proposal does not involve the conversion of a building and thus represents inappropriate development which, in accordance with the NPPF, substantial weight is attached. Only 'very special circumstances' in an overall planning balance would be sufficient to outweigh such harm.

Application 15/00784/FULM (32 new build and 24 'conversion' units)

The 32 new build properties represent inappropriate development for the reasons set out for the 9 new units. With respect to the conversion work, it is noted that the buildings in question are

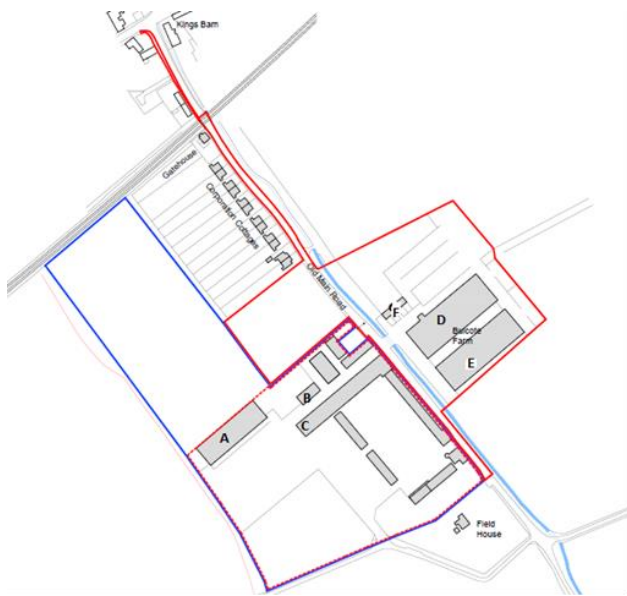
listed and clearly worthy of protection as a matter of principle. Paragraph 146 of the NPPF defines the re-use of buildings is not inappropriate provided the buildings are of permanent and substantial construction. Additionally, the re-use needs to preserve the openness and not conflict with the purposes of including land within the Green Belt. The re-use itself is considered would meet these aims and thus, there is an element of the scheme which would be appropriate in Green Belt terms.

However, as each application comprises inappropriate development in itself or includes a significant amount of inappropriate development, substantial weight must be attached to the harm to the Green Belt and very special circumstances need to outweigh this harm. There are no set definitions of what does or might constitute a very special circumstance. It is for the decision maker to assess whether the factor, or indeed multiple factors, carry sufficient weight to outweigh the harm.

The applicant has also presented a case as part of their very special circumstances that the total build form of the proposals when considered in the context of the existing, would offer a net reduction in built form. Therefore in terms of openness, there would be a positive benefit to the Green Belt. There is some sympathy for this argument in overall volume and footprint terms, albeit a concentrated residential-grain development of domestic scale will have a different character impact to the current more organic and agricultural/industrial scale development.

For clarity, the existing and proposed footprints and volumes for each application have been calculated separately. These are then considered in terms of the impact of the development as a whole on the Green Belt setting of the sites.

The plan below indicates the buildings to be demolished across the comprehensive site.



Buildings to be demolished (A, B, western end of C, D, E and F)

A.15/00784/FULM

EXISTING

	Footprint of Existing	Volume Of Existing Buildings
--	-----------------------	------------------------------

	Buildings to be demolished (m ²)	To Be Demolished (m ³)
Large Hay Barn (A)	1,098	6,851
Open Barn 2 (B)	145	739
Grain Store (C)	336	2682
TOTAL	1,579	10,002



Proposed dwellings (A and B)

PROPOSED

	Footprint Of Proposed Buildings (Enabling Development) (m ²)	Volume Of Proposed Buildings (Enabling Development) (m ³)
Long Terrace (A)	1,712	11,592
Short terrace (B)	248	1,732
TOTAL	1,960	13,324

As can be seen both the footprint and volume of the enabling development is greater than the buildings to be demolished on this particular site.

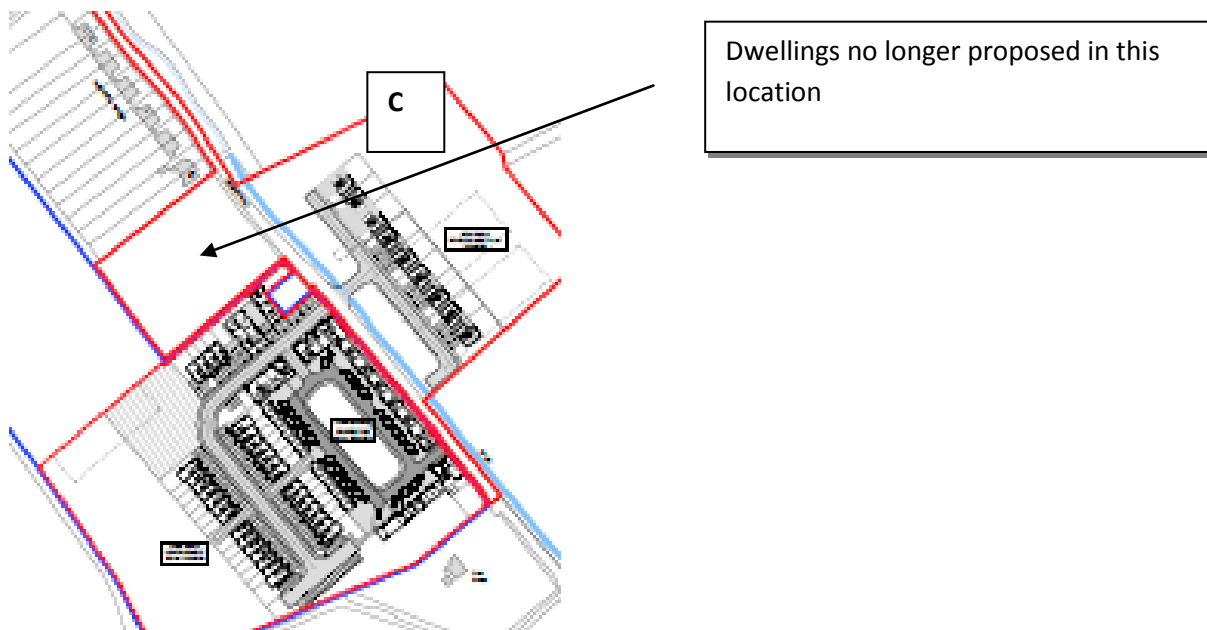
B. 17/02325/FULM

EXISTING

	Footprint of Existing Buildings to be demolished (m ²)	Volume Of Existing Buildings To Be Demolished (m ³)

Barn D	2,020	10,177
Barn E	1,789	10,578
Building F	115	370
TOTAL	3,924	21,125

PROPOSED



Proposed Dwellings (C)

	Footprint Of Proposed Buildings (Enabling Development) (m ²)	Volume Of Proposed Buildings (Enabling Development) (m ³)
Detached (C)	868	5,285
TOTAL	868	5,285

The footprint and volume has been reduced since the application was presented to Planning Committee in February 2019 by omitting the dwellings that had previously been proposed to the south of Coronation Cottages.

Bringing all of the calculations above together, the total amount of floor area and volumes to be demolished and proposed are:

	Footprint of Existing Buildings to be Demolished (m ²)	Footprint of Proposed Buildings (Enabling Development) (m ²)	Volume of Existing Buildings to be Demolished (m ³)	Volume of Proposed Buildings (Enabling Development) (m ³)
2015	1579	1,960	10,002	13,324

2017	3,924	868	21,125	5,285
TOTAL	5,503	2,828	31,125	18,609
NET REDUCTION		2675		12,516

Taking a pragmatic approach, comparing the total amount of development across both sites A and B which form the comprehensive development, the total amount of enabling development in terms of both footprint and volume can be seen to be significantly less than that of the buildings to be demolished. However, as advised earlier, regard also needs to be given to the buildings being demolished (agricultural) which comprise development that is appropriate within the Green Belt compared to the new build housing.

The applicant has also submitted a case of enabling development to justify the need for the new build housing. In other words, if new build is required to justify the financial shortfall resulting from the cost to secure the long-term repair and use of the buildings, then this could outweigh the harm to the Green Belt and thus represent the 'very special circumstances' required.

5. Enabling Development

It is necessary to firstly satisfy that the scheme warrants a need for enabling development. Once, and only if this need is satisfied, an assessment of whether what is proposed is a genuine 'enabling' development must be taken, before determining whether the benefit of the enabling development i.e. the preservation of the listed buildings represents a very special circumstance case in Green Belt terms in itself or cumulatively with any other very special circumstances advanced.

The Historic England (HE) document Enabling Development and Heritage Assets (2020) offers guidance and criteria to be used in the assessment of enabling development proposals. This document is quite a significant update on HE's previous 2012 document advising on enabling development. Paragraph 202 of the NPPF makes it clear that decision-makers will still need to assess whether the heritage and any other public benefits enabling development would provide, would secure would outweigh the disbenefits of departing from planning policy. As part of that assessment it is also necessary to ensure that the asset is preserved not just for now but also into the future. The guidance details it is good practice to take the decision in the light of a realistic view of the consequences of refusal.

The guidance provides guidance to a developer on making a case for enabling development. Whilst these applications and the supporting information were submitted before the publication of the 2020 HE document, a significant amount of the first document its thrust are still present in the latest version. The document suggests following a number of steps, which can be one approach to providing a full case that meets the requirements within paragraph 202 of the NPPF. They are:

- Conservation needs/works assessment
- Alternative solution
- Repair and maintenance costs assessment
- Market value assessment
- Scheme design
- Development appraisals
- Delivery plan

Step 1 - Conservation needs/works assessment

This assessment evaluates the condition of the heritage asset in need of conservation repairs. As part of this survey, the importance of the asset as a whole and the part played by subsidiary elements will be established. It will identify a desired reasonable level of conservation that will sustain the asset in the long term.

The model farm was last surveyed by Nottinghamshire County Council conservation colleagues in 2013 when it was part occupied. At that time NCC advised that the overall condition was fair (although the condition of the architectural detail was poor). The building was classified in the Historic Buildings at Risk survey at that time to fall within risk category 4 (vulnerable). However, this survey was undertaken some 7 years ago and the buildings are now predominantly vacant and have further deteriorated. They have subsequently been inspected on several occasions by the District Council's Conservation officer who is satisfied that they are now at risk in the context of the Historic England methodology unless an appropriate and viable use is implemented. This 'risk' has not been driven by any neglect or poor management but rather by the issues associated with having a vacant building of this type over a significant period of time.

Following detailed discussion and negotiation with the Council's Conservation Officer a revised scheme was submitted in relation to the proposed conversion works. These are detailed within the Bulcote Conservation Deficit Summary, received September 2018. The repair schedule largely includes:

- *Internal sub division*
- *New/repaired staircases*
- *Some infill of existing openings*
- *Minimal new openings*
- *Repair/replacement of windows and Secondary glazing*
- *Repair to existing external and internal walls (including glazed brick walls in community building)*
- *Repairs and reroofing of existing roof tiles (new tiles to match)*
- *Repairs to or new internal fixtures and fittings*
- *Retention of architectural elements including winches, pulleys, belt drive system, trap doors and external light*

The proposals have been assessed by a number of heritage bodies including Historic England and the Council's Conservation Officer. Historic England has raised concerns with regards to the proposed renovation and conversion scheme considering that notwithstanding the revised scheme, which they accept has made some changes and subsequent improvements to the internal layout and which work with historical structural components, the proposed works would be harmful to significance of the designated heritage asset. They have however recommended that it is for the LPA to be satisfied that it has sufficient information to justify the amount of enabling development and that the proposal meets the tests within the NPPF. This was confirmed via conversation with the Principal Buildings Officer at Historic England in order to clarify the concerns raised in their last letter. They advised that they did not want to offer any formal advice beyond that already given. If the LPA is minded to approve then robust conditions should be imposed to cover all areas of external and internal works required to meet good conservation practice.

In relation to the works to the listed buildings, the Conservation Officer raises no objection to the significantly revised scheme of works. It is accepted that the most significant internal intervention would be the introduction of the new staircases. However new internal walls have been kept to a minimum and have been positioned on existing structural lines. Intervention has been kept to a minimum and has been clearly justified, there are minimum new external openings and accretions and the previously proposed new roof lights have been removed from the scheme. The replacement or alteration to existing concrete floors to enable flood resilience is considered acceptable and would not in the Conservation Officer's opinion affect the industrial character of the buildings. Minimal alterations to the fabric of the building are proposed. The roofs are to be repaired or re roofed with existing salvageable slate coverings where ever possible and any new slates will be sourced to match existing.

It is of significant relevance that the associated application for listed building consent was resolved to be approved at Planning Committee in February 2019. This application assessed the proposed works to the listed buildings themselves i.e. the repairs, alteration and impact of conversion. Therefore, unless there are any changes to planning policy (locally or nationally) which enable a different decision to be reached in relation to these works, the same decision should be reached. It is confirmed there has not been any change in relation to policy. The determination therefore in relation to the heritage aspect is whether the new build element complies with policy i.e. whether it respects the setting of the listed building.

It is acknowledged that the car parking within the courtyard will significantly impact on the setting of the listed farm complex. However, with consideration to the existing extent of hardstanding and the industrial character of the site this is not considered to be fundamentally harmful, particularly as landscaping is proposed to the central area. The proposal will therefore preserve the stack yard setting of the listed building range.

Officers are satisfied that the application has been accompanied by sufficiently detailed plans and information to allow a thorough and robust assessment of the proposed scheme in terms of the works required to the listed building, to ensure its preservation but also of the impact on its setting as well as the setting impacts resulting from the proposed development. It is considered, and supported by Conservation (refer their response), that the repair schedule which proposes repair and renovation as far as practicable, follows good conservation values, and is a well-considered and positive conservation approach to the development which would sustain the special heritage interest of this important Listed Building complex, securing its long terms retention and its contribution to the heritage setting of the site without causing any significant harm to the asset or its setting.

Step 2 - Alternative solution

In order to establish if enabling development can be justified and therefore unavoidable, a range of possible alternatives need to be explored. Historic England's guidance details this may include public or charitable ownership, grant funding, alternative uses or ownership and enforcement remedies. It is important that a wide range of realistic possibilities is considered, not just the original or most recent uses although the original use may still be the most appropriate one. Evidence of attempts made to find alternative uses or owners through appropriate marketing and the efforts made to find alternative sources of funding, for example from charitable foundations, is necessary.

The Property Review deposited with the application assesses the suitability, appropriateness and need for the site as an agricultural holding. The report identifies with mechanism and advances in stock husbandry, the [historical] buildings are inadequate and uneconomical for modern agriculture. Modern agriculture requires larger, better ventilated buildings. A review of comparable buildings on the market was undertaken which evidenced they usually come available for alternative uses – residential or commercial. As such, a return to the existing agricultural use is therefore considered to be unviable.

A marketing strategy has been deposited with the application. The site was actively marketed for a minimum of 12 months (2014/2015) as stated in the Marketing Summary Document (2015) deposited with the application in 2015. The marketing of the site included sales brochures, sales boards, national, regional and national advertising and mailshots. Only two parties have followed up initial enquiries with viewings progressing to just one offer for a residential scheme rejected on the grounds of value and a less sensitive conversion of the Listed Buildings. There was no interest received with regards to any agricultural or commercial use. The site and proposal can be viewed on the Northern Trust website.

It is considered that from the evidence put forward by the applicant and in line with Historic England enabling development guidance that the marketing undertaken for the site has investigated and sufficiently demonstrated that there is no realistic prospect of the buildings being occupied for their existing use, or indeed other potential uses other than residential.

As noted within the submitted Enabling Development Executive Summary document, the applicant has explored a number of alternative sources of funding and concludes no third party or heritage funding has been identified or is available. According to the applicant public funding streams were not available for a residential development by privately owned companies. The applicant has referred to attempts made to achieve alternative funding sources without success.

The applicant advises, alternative potential funding sources have been explored and although there are many sources of grant aid for historic buildings, most donors do not deal with privately owned companies, so the availability is extremely limited as well as being extremely competitive.

The Heritage Lottery Fund (HLF) is currently the main provider of grants to historic buildings in England but does not typically fund any privately owned projects. Other grants are extremely limited and tend to be such a small sum in relation to the total amount of works that need to be undertaken. Contact has been made with the Grants Funding Team who has confirmed that obtaining funding for heritage projects is almost wholly dependent upon the involvement of and provision for “not for profit” organisations as part of the development proposal. In summary, no third party has been identified that could provide funding to meet the conservation deficit. It is appreciated that grant aiding for historic buildings is extremely competitive and often lengthy, with funds being limited and finite.

An alternative solution that officers have required the applicants to assess is mothballing. This has the aim of maintaining more limited ‘enabling’ development in order to secure the building over the short-to-medium term. As stated in the Enabling Development Executive Summary this would comprise minimal works required to make buildings structurally sound and wind and water tight. It must be noted that such intervention does not alone prevent further dereliction of the building but it does ‘buy time’.

The Elemental Defect Appraisal (EDA) submitted as part of the applications has identified the remedial works that would be required. Given that this was undertaken in 2012 the applicant has carried out a review of works they consider are required to mothball the building to keep it structurally sound and wind and water tight for a sustainable period of time as summarised below:-

Table 1

Item	2016 Cost Plan £	2019 Costs based on Inflation £
Repairs to frame (as identified in EDA)	52,370	64,263
Repairs to upper floors (as identified in EDA)	86,250	105,837
Roof repairs (inc. rainwater pipes which typically you would need in mothballing as they can perpetuate / introduce new damage if the situation if not resolved)	342,232	419,953
Repairs to external walls (as identified in EDA)	177,430	218,061
Windows and external doors	189,117	232,065
Repairs to internal wall (as identified in EDA)	86,870	106,598
Repair Total	934,269	1,146,777
Preliminaries at 12%	112,112	137,614
Overheads and Profit at 1.5%	14,014	17,202
Subtotal	1,060,395	1,301,593
Contingency at 5%	53,019	65,080
Grand Total	1,113,414	1,366,673

The applicant has advanced that mothballing in itself would require some form of enabling development to fund the deficit. The costs of the comprehensive mothballing works have been broadly agreed as substantial and in the region of £1.4 million. In considering mothballing at this cost, market circumstances are of relevance (as set out in Historic England's Enabling Guidance), particularly as in lower markets more enabling development may be necessary. Waiting for a more buoyant market may mean less enabling development.

In this particular case it is clear that irrespective of changes in the market (if one assumes sales values go up but costs do not for example (which the latest viability assessments demonstrates is not the case) there is a need for significant enabling development. It is not considered that a pause to allow market conditions to change will alter this need and level of intervention significantly.

Alternative sites

Enabling development need not necessarily be required to be on the same application site as the heritage asset. This, as the sites are designated as being Green Belt. This has been explored by the applicant. Information has been submitted with regard to the investigation of whether there are alternative viable sites available which could accommodate some or all of the proposed enabling development. This reports that the applicant and landowner do not own any other land within the Newark and Sherwood District Council boundary. Therefore any potential alternative sites would need to be purchased at market value before they could be considered a legitimate option.

Notwithstanding this, a search has been undertaken of Severn Trent Water owned land within the locality and whilst a number of sites have been identified they are currently operational sites, necessary for the continued core operations of the business and as a result are not currently able to be considered for sale.

It is the applicant's opinion therefore that a requirement to purchase alternative sites at market value is not appropriate or viable in this instance.

Taking account of the supporting information submitted with the application and the viability argument put forward by the applicant, discussed within Steps 3 to 6, it is considered that the proposed residential conversion represents an optimum viable use for the heritage assets given that it would not be suitable for modern agricultural practices as evidenced by the marketing strategy deposited with the application. It is considered that the proposals, including the new build, would result in a comprehensive development that secures the long term use of existing important heritage buildings which is comprehensive, avoids fragmentation and is sensitive to its heritage setting. Additionally, with regard to the comments from Historic England, Officers are satisfied that in considering the proposed scheme appropriate weight has been given to the significance of the heritage asset and that the applicant has a) demonstrated that no alternative viable uses have been found through the marketing of the site and b) that there is no available funding which would enable the conservation of the buildings.

Step 3 - Repair and maintenance costs assessment

Step 4 - Market value assessment

Step 5 - Scheme design

Step 6 - Development appraisals

These steps are all considered below.

In order to understand if the amount of enabling development is the minimum amount necessary, it is necessary to examine the anticipated costs and receipts associated with the development. The applicant has submitted a number of viability assessments during the consideration of the applications. The most recent takes account of Members' request in February 2019 for a contribution to be paid toward Primary Education. The cost of primary education as well as Community Infrastructure Levy contributions need to be considered under this section although are addressed in full later in the report under Section 6

Viability

A viability case has been submitted that seeks to demonstrate the need for the proposed enabling development and in light of the need for this to deliver the conversion of the Listed Building to secure its long term viable use, the scheme cannot afford to contribute to all of the normal expected developer contributions noted above, with the exception of education, as doing so would render the scheme unviable.

The Government has issued detailed viability guidance within its Planning Practice Guidance (PPG) as well as the guidance with HE's document. Within these two sets of guidance are details of costs that might be included; how land value should be calculated (which should be established on the basis of the existing use value i.e. as farm buildings/land); and the profit a developer should expect from a scheme. The PPG indicates for the purpose of plan making an assumption of 15-20% of

gross development value (GDV) may be considered a suitable return to developers (paragraph: 018 Reference ID: 10-018-20190509).

The Council has commissioned an independent expert to provide independent advice to the Council in respect of viability in accordance with HE guidance. Their advice to the Council is contained within the consultation section of Appendix 1.

The initial Appraisal submitted with application ref. 15/00784/FULM in May 2015 concluded that 39 dwellings, rather than the 31 put forward by the applicant were required to bridge the conservation deficit that would exist in order to undertake the residential conversion of the existing Listed Buildings. In March 2016 the applicant subsequently submitted a revised Viability Appraisal taking account of increased building costs. The increased building costs arose due to discussions with the Council's Conservation Officer. Due to the site's importance as a heritage asset, it is necessary (and a requirement) to ensure that all materials and works to the listed buildings (schedule of works) as well as any new build are of a very high quality. As a result of these discussions, the associated costs increased. The schedule of works were extensively scrutinised and considered to be conservation led and the applicant's Viability Assessment was independently and robustly reviewed and reassessed. This subsequently concluded that 48 dwellings would be required to meet this deficit leading to the 2017 application as originally submitted.

Following this, and the deferment by Planning Committee, the applicant has further reviewed the proposal. The scheme now proposes 7 fewer dwellings (i.e. 9 new dwellings are proposed as part of the 2017 application and 41 overall) as well as a financial contribution towards primary education of £243,964. The earlier viability report was amended which has, once again, been assessed by the Council's independent viability consultant. There are changes in the sums arising within the latest appraisal compared to previous which is a result of changing market conditions including an increase in build costs, professional fees and contingency.

The Historic England Guidance establishes that there is a presumption against enabling development unless it is demonstrated that it is the absolute minimum required to secure the future of the heritage asset. Notwithstanding this, in this case, following the previous considerations by Members, the assessment has been advanced on the basis of the minimum necessary but also including financial contributions towards primary education.

It is also of note, that with the latest viability assessment the applicant has run profit margins at 17.5% as opposed to the 20% previously advanced. Members may recall that a hearing for the Highfields (reference 17/00357/FULM) development was adjourned in September 2018 following the Inspector inviting the applicant to re run profit margins at 17.5% rather than 20% in light of the revised NPPF and updated PPG, which essentially advocated a plan-led approach. All of our plan and CIL work has been produced on a 17.5% profit. However, it will be noted on pp.15-16 of the Independent Assessors report that it is considered that *"...in our opinion, we believe that it is too low for development of this complexity and risk (particularly in light of the significant uncertainty in the market currently being created by the current Coronavirus pandemic and the impact this is having on the property markets and wider economy."*

The Viability Assessment Addendum Report Revision A provides detail of the key elements that make up the appraisal. These are summarized within tables 2 and 3 below.

Table 2 shows the costs associated with converting the listed buildings together with the expected

sales value as submitted by the applicant and appraised by the Council’s independent assessor. The schedule of works and costs provided within the applicant’s Viability Appraisal and subsequent revised Viability Appraisal received October 2019 and updated February 2020 indicates that the extent of the restoration works to the Grade II Listed Building amounts to circa. £2.5 million. This figure does not factor in a return for the risk (i.e. profit) for the Developer. The applicant assumes a GDV (sales value) of circa £7.1 million which would give an estimated profit of £1.2 million resulting in an overall conservation/heritage deficit of just under circa £3.8 million. Whilst the applicant’s assessment does not include the costs associated with a profit, the tables below includes this profit on the basis no one would undertake this development without a reward. These figures also include the request by Members for a contribution towards Primary Education [in addition to the Community Infrastructure Levy cost].

Table 2 (All figures within both tables have been rounded to the nearest £100).

Conversion Costs (24 units)		
	Applicant £	Independent Appraisal £
Existing Use Value (EUV)	993,400	993,400
Conversion Costs	6,989,400	6,644,000
Contingency	349,500	332,200
Professional fees	699,000	664,400
Marketing	131,000	130,600
Disposal	106,200	82,600
Finance	331,700	309,600
Profit	1,238,600	£1,235,200
Total (debits)	10,838,800	10,392,000
Anticipated Sales	7,077,700	7,058,000
Loss (difference between sales and costs)	3,761,100	3,334,000

It will be noted that there are some differences in the figures between the parties, with a resulting conservation/heritage deficit by the applicant of just over £3.7 million and just over £3.4 million by the Council’s assessor. The enabling development therefore needs to address the heritage deficit being the overall loss in the conversion of the listed buildings.

The applicant has progressed the scheme on the basis of a 41 new dwellings. This reduces the numbers of dwellings by 7 compared to the previous presentation to Members, whilst also taking account of the primary school education contribution. The enabling development comprises new build of 2 rows of 14 terraced dwellings to the southwest of the Model Farm building and a terrace of 4 properties to the northwest as part of application 15/00784/FUL, as well as the 9 units within application 17/02325/FULM on the eastern side of Old Main Road.

The summary of costs and sales value of the new build are:

Table 3 (All figures within both tables have been rounded to the nearest £100).

	Savills £	Independent Appraisal £
41 New Build Units		
Residual land value*	3,684,000	2,983,500

Acquisition costs	229,500	192,378
Construction Costs	4,885,700	5,460,300
Contingency	146,600	163,800
Demolition	75,000	75,000
S106	243,000	243,000
CIL	83,600	83,600
Professional fees	390,900	436,800
Marketing	230,900	230,700
Disposal	145,300	145,200
Finance	184,000	274,200
Profit	2,184,500	2,182,400
Total (debits)	12,483,000	12,470,900
Anticipated Sales	12,483,000	12,471,000

*Residual land value (RLV) is a method for calculating the value of development land. This is done by subtracting from the total value of a development, all costs associated with the development, including profit but excluding the cost of the land. In this case, the sum is in effect the heritage deficit identified within table 2. It will be noted in both the assessment by the applicant and the Council that the RLV is a lesser sum than the heritage deficit reported.

As in the previous table, it can be seen there are difference in sums for some of the elements between the applicant's submission and the Council's independent assessment. However, the outcome in both cases demonstrates that the overall costs of undertaking the conversion works and the enabling development is approximately equivalent to the expected sales values. The Council's assessor reports the assessment actually indicates the development is approximately £160,000 less than the conservation/heritage deficit, thus would be constructed at a loss.

The Independent Viability Assessor is satisfied that that the applicant has demonstrated that the additional enabling development (41 dwellings) proposed is the minimum necessary to bridge the identified heritage deficit whilst providing for the primary education contribution. However, it should also be noted that the sum within the above table of £243,000 for education is £1,000 less than requested by County and CIL payment of £110,005 (plus indexation) is due whereas £83,580 has been costed in the report. Officers are mindful that the applicant has not proposed any developer contributions aside from the education contribution. However, bearing in mind the Historic England Guidance, should the developers be required to meet the other contributions set out in Table 4, the number of enabling dwellings would significantly increase beyond the current number. This has been confirmed by the Independent Viability consultant in their previous assessments. Such an increase in levels of enabling development would also have the potential of adverse consequences in terms of unacceptable harm to the heritage assets, the Model Farm complex and the Conservation area and also consequential adverse impact on the Green Belt and the landscape character of the area.

Given the independent scrutiny of the figures and notwithstanding the change (reduction) in the amount of enabling development, there is no reason to question these latest figures. The independent assessment concludes that the proposed enabling development is the minimum necessary to address the heritage deficit. As discussed in previous and subsequent sections of this report, in relation to impact on the nearby heritage assets, the Green Belt and landscape it is considered that the proposed enabling development would predominantly reflect the historic scale, form, layout and setting of the site particularly in relation to that proposed under

application ref. 15/00784/FULM. It is also considered the removal of proposed built development between the model farm and Coronation Villas, as presented in February 2019, is an overall benefit, both to the Green Belt but also the historical settings of the buildings.

Taking the above into account, it is concluded the viability submissions have been through a robust and proper process and analysis with professional, independent, consultants advising us that the findings are sound. The Conservation Officer is satisfied that the case for enabling development has demonstrated that the proposed additional dwellings are necessary and justified to bridge the heritage deficit arising from the renovation and conversion of the Listed Building. There is nothing before the LPA to dispute the quantum of enabling development proposed. The design approach will preserve the special interest of Bulcote Steading and the character and appearance of Bulcote Conservation Area.

Step 7 - Delivery plan

Where a case for enabling development has been advanced and accepted, it is necessary to ensure the benefits are properly secured via an enforceable legal arrangement. Historic England guidance advises that in most cases, it is preferable that these benefits are secured as early as possible within the time period of implementation of the development, prior to completion or occupation. Occasionally, the conservation works approved to the asset will be dependent on funds only available at a late stage of the enabling development. In these cases the justification of delayed payment(s) and works will need to be set out at an early stage and the agreed arrangement secured in advance. Where a phased approach to the enabling development is planned, agreed and enforceable trigger points should be identified.

Negotiations are underway with the applicant's agent regarding the contents of the s106 which will be very carefully considered by the Council's solicitor. However, it will include measures such as:

- ensuring the land the listed buildings are situated on are not severed from the other land;
- that phasing of the development ensures the works necessary (and permitted as part of this and the listed building application, if approved) to the listed buildings are completed whilst enabling a number of the enabling dwellings to be constructed and sold to provide funding for the heritage works;
- having a clerk of works (or similar) to monitor the works to the listed buildings to ensure they are undertaken correctly; and
- a management company to oversee the wider development once completed.

In summary, the proposed enabling development will bridge the conservation heritage funding gap and would facilitate the conversion of the Listed Building to secure its long term viable use.

Taking all of the above into account, there is a clear enabling case in this instance. Whilst this is the case, this still need not be determinative, needing to be weighed against all other material planning considerations including whether the new build enabling development itself will cause harm to the character and setting of the listed buildings and conservation area.

Overall Green Belt Assessment

To enable a conclusion on the Green Belt to be made, a balancing exercise of the above discussion needs to be undertaken in relation to any harm that might arise to the Green Belt's openness and

purposes for including land within the Green Belt. Very special circumstances shall not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations.

It has clearly been evidenced and checked by the Council’s independent viability assessor in line with Historic England guidance that the amount of new build development is the minimum necessary to ensure the long-term conservation of the listed buildings. It has also been evidenced that alternative sources of funding are not available, nor alternative uses to secure their retention. The very fact the buildings are listed demonstrates their quality and desire to ensure their retention. This is given significant weight. A very limited amount of weight can be attributed to the overall footprint and volume of the resulting development which will overall, with the two schemes implemented be significantly less than is currently on site. This is due to the proposed use not being an appropriate use within the Green Belt compared to the existing use. It is also noted that they are on the local Heritage at Risk Register on the basis of vacancy and deterioration of fabric (the local Register is managed by Notts County Council using the national Historic England methodology).

Overall, it is therefore considered there will be harm to the Green Belt, but a case of very special circumstances has been provided which outweighs the harm.

6. Developer Contributions (Section 106 and Community Infrastructure Levy)

Spatial Policy 6 ‘Infrastructure for Growth’ and Policy DM3 ‘Developer Contributions and Planning Obligations’ set out the approach for delivering the infrastructure necessary to support growth. The Developer Contributions and Planning Obligations Supplementary Planning Document provides additional detail on the Council’s policy for securing planning obligations from new developments and how this operates alongside the Community Infrastructure Levy (CIL). The SPD is a useful starting point for the applicant in setting out the approach to resolving negotiable elements not dealt with by the CIL and of the site specific impacts to make a future development proposal acceptable in planning terms.

The NPPG makes clear that where the viability of a development is in question, the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. It is also clear that where enabling development is required within a Green Belt context that the amount of enabling development should be the minimum necessary to preserve the heritage asset in the longer-term. Developer contributions fall outside of this criteria as they would not in themselves benefit the heritage asset. However, if it is deemed contributions are required in order to provide a sustainable development, then an argument may be put forwards.

In terms of the starting point, the contributions that would ordinarily be sought are as follows:

Table 4

Contribution	Expectation	Based on 56 dwellings
Affordable Housing	30% on site for 10 houses or more usually with a tenure split of 60% social rent/40% affordable home ownership as per CP1.	None provided

Community Facilities	£1,384.07 per dwelling (figure includes indexation as at 2016)	£77,507.92
Education	Triggered at 10 dwellings; this scheme would generation the need for 14 primary school places equating to £17,426 each	£243,964.00
Library	Provision triggered at 10 dwellings £236.86 (indexed at 2016) per dwelling	£13,264.16
Library	(Stock) Triggered at 10 dwellings £47.54 (indexed at 2016) per dwelling	£2,662.24
Amenity Open Space	Triggered at 30 dwellings, AOS of 14.4m ² per dwelling would normally be expected on site. Where this is not possible (or only provided in part on site) a financial contribution for the shortfall would be expected based on £282.94 (indexed at 2016) per dwelling.	1934sq.m provided on site And quadrangle of 1682sq.m
Amenity Open Space (Maintenance)	Triggered at 30 dwellings £282.79 (indexed at 2106) per dwelling	Management Plan to be secured by S106 as agreed with the applicant
Children's Play Space	Triggered at 10 dwellings, As a development for 65 dwellings this application would normally need to make provision for such open space at 18m ² per dwelling as set out in the SPD. This would equate to 1296m ² . As no provision is proposed it would be expected that a financial contribution be provided at a cost of £927.26 per dwelling.	£51,926.56
Sustainable Transport	Bus Stop Infrastructure	£17,000
TOTAL		£406,324.88

Planning obligations may only be sought where they are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

From the consultation responses, it will be noted that Bulcote Parish Council and a number of residents have responded raising concerns regarding the capacity of local doctor's surgeries taking on more patients. In addition, the Primary Care Trust (PCT) has responded advising the level of development triggers the need for section 106 funding. However, the PCT has not provided justification for the sum requested nor provided definitive detail of where any money sought would be provided. Their request has therefore not been included within the above table.

If a requested contribution meets the tests within the 3 bullet points above, it demonstrates that the contribution is needed to contribute towards providing sustainable development. However, in this case there needs to be the balance between the requested financial obligations and providing only the minimum necessary in terms of enabling development. Members previously considered this issue and were of the opinion that only primary education was required in order to make the development acceptable. If the additional financial contributions were sought, it would likely mean that a minimum of three additional dwellings would be required. In this case, whilst the development does not provide all the contributions above, it is considered the impact both on the heritage asset and Green Belt has greater weight in Policy terms, and thus, in this instance is acceptable. It is also of note that Members in their deliberations at the February 2019 Planning Committee requested fewer dwellings to be provided.

In addition, it will be noted within Bulcote Parish Council's responses, they request within their email of 14th February 2018 that if planning permission is granted they would like a parcel of land given, at no cost, to the north-west beyond the proposed play area where a community building might be constructed. Their email of 20th September 2018 requests a parcel of land to the rear of Corporation Cottages for community use in the absence of Community Infrastructure Levy.

The latter request is understood to be land which could be used for open space as opposed to the siting of a building. However, open space is being provided on the site, significantly in excess of what is required in order to be policy compliant (1934m² compared to 936m²) which is accessible for residents within the area for recreation and play. There is therefore no justification for this request. Additionally, the internal quadrangle will be landscaped to create 1168m² of greenspace for the residents.

In relation to the community building, such a building is being provided on site within the converted listed building to the south-east of the site,, complying with Policy NPP6 of the Bulcote Neighbourhood Plan by not having impact upon the openness of the Green Belt. Whilst this is to the opposite side of the site to that preferred by the Parish, it should be noted that the community building is currently located in a similar position, albeit at the other end of this stretch of buildings, within the complex. As such its relocation within the converted building would not be entirely different to the current situation. They also question the size of the building which they cite is 50% smaller than the existing building. However, the Council's Planning Obligation SPD required the provision of community facilities at 0.75m² per dwelling which equates to 48.75m². The building being proposed is 95m² and therefore exceeds requirements.

Community Infrastructure Levy

Spatial Policy 6 (Infrastructure for Growth) outlines the application of CIL which will be used for the provision of improvements to the strategic highway network and other highway infrastructure, contribution towards secondary school and Sports and Leisure Facilities within the Newark Urban Area and towards local Infrastructure, including facilities and services that are essential for development to take place.

The applicant has confirmed by email that at present all buildings except for the piggeries are currently in use for storage in association with the wider farming operation, or have been for 6 months out of the last 36 months. From various site visits it did appear that the buildings were being used, including for storage of farm vehicles, equipment and other materials.

A 15/00784/FULM

Bulcote falls within the high zone of the CIL Charging Schedule which amounts to a payment of £70 per internal m² (plus indexation).

The agent has confirmed that the GIA of the buildings proposed to be demolished or converted on this site equates to 5133.5m² and GIA of the proposed enabling development to be constructed on the site to equate to 6705m². This would result in an increase in GIA across the site of 1571.5m²

The latest Viability Assessment deposited in 2019 includes a CIL payment of £83,600. This has been robustly assessed and the conclusion reached that although the development would be unviable if all developer contributions were to be paid it could viably afford the aforementioned CIL payment. At the current time the CIL payment with indexation would equate to £110,005 which significantly exceeds the figure contained within the latest Viability Assessment. The applicant's agent has confirmed they do not wish to update their viability report and notwithstanding any impact on viability and are aware CIL would be required to be paid in full should Members be minded to grant permission.

B - 17/02325/FULM

The agent has confirmed that the GIA of the buildings proposed to be demolished on this site equates to 3924m² and GIA of the proposed enabling development to be constructed on this site to equate to 868m². There would therefore be no increase in GIA across this site and therefore the development proposed by this application would not incur CIL charges.

Section 106

As discussed previously, a s106 agreement is required to ensure the necessary works to the historic asset, in order to maintain the building in the long-term, are undertaken. In addition the obligation would need to secure the primary education

7. Impact on Landscape Character

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context, complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

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

Paragraph 117 of the NPPF states that: '*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions*'. The paragraph then goes on to encourage the use of brownfield previously developed land. Whilst the NPPF states

that the effective use of land should be encouraged by re-using land that has been previously developed, the NPPF does not promote a sequential approach to land use and there is no presumption that Greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is the thread running through the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land. Paragraph 170 of the NPPF indicates that local planning authorities should take into account economic and other benefits of the best and most versatile agricultural land.

The District Council has undertaken a Landscape Character Assessment (LCA) to assist decision makers in understanding the potential impact of proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The application sites fall within TW06 Bulcote Village Farmlands Policy Zone. The landscape condition is described as moderate with some detracting features (including the A612 to the western boundary and the large scale Bulcote Farm) which are noted as being out of scale and character. The visual unity of the area is described as being coherent. This Policy Zone has moderate landscape sensitivity. Landscape actions are defined as being Conserve and Create.

The sites also adjoin the western edge of TW51 Stoke Lock River Meadowlands, again the landscape condition is defined as moderate and a landscape action of 'Conserve and Create' as overall policy.

The Bulcote Neighbourhood Plan refers to Bulcote Farm's Character Area providing commentary from the Bulcote Design Guide. This highlights the *"distinctive arrangement of buildings,... surrounded by industrial/'working' structures with long edges to the space...."*. It then provides commentary *"The scale and massing of buildings, the way they contain spaces within the farm and the way the farm provides a hard perimeter all contribute to the farm as feeling very much its own entity rather than something that is woven deeply into the wider village."* It is noted that the application has not been accompanied by a specific Landscape Appraisal.

A 15/00784/FULM

Nottinghamshire County Council has provided comments in their assessment of impact on the Landscape Character of the site and the surrounding area.

The proposal will result in the loss of some later additions to the Farm Building and will remove some outbuildings. As noted within the Impact on the Green Belt section of this report it is accepted that the additional dwellings would result in additional built form on the site, however these would predominantly be located on the site of former buildings which were of a similar scale and vernacular design and would reinstate the historic layout of the Bulcote Farm Steading. Taking this into account it is accepted that the additional enabling development would have some impact on the landscape character of the setting of the site. However, in accordance with NCC's comments, the development would reinforce the traditional layout and character of the model farm site and the existing buildings and would be contained within existing field boundaries, forming a cluster of buildings viewed against the backdrop of the existing Steading and its historic

context. This would also ensure continued compliance with Policy NPP2 of the Bulcote Neighbourhood Plan.

B 17/02325/FULM

The enabling development proposed on this application would predominantly be linear in nature and would be located on the site of the large modern dairy farm. Again it is accepted that this would be new development within the landscape setting. However, it replaces the much larger dairy buildings which extend further north east into the open countryside than the proposed detached houses.

Nottinghamshire County Council Strategic Policy has responded to the proposal in terms of its impact upon the landscape character. They advise the new buildings are of vernacular design, and the development reinforces the traditional character of the retained buildings.

Overall, it is concluded that the impact of the comprehensive development, particularly now the development between the farm buildings and Coronation Cottages has been removed, on the landscape character would be between neutral and positive by virtue of a number of the large scale modern Bulcote Farm buildings being removed. The proposal would maintain the aspirations defined within Bulcote Parish Plan, whilst securing the future long term viable use of the Grade II Listed building. This would be in line with the requirements of the enabling policies of the NPPF, Historic England Guidance and Community Objective 1 of the Bulcote Neighbourhood Plan. Additionally, in accordance with Neighbourhood Plan Policies NPP2 and NPP3, the suggested soft landscaping condition can encourage native trees and shrubs to be planted as well as wild flowers within the open areas.

8. Housing Mix and Density

Core Strategy Core Policy 3 indicates that housing developments should be no lower than an average 30 dwellings per hectare and that sites should provide an appropriate mix of housing types to reflect local housing need. The housing mix, type and density will be influenced by the Council's relevant development plan policies at the time and the housing market at the time of delivery. Bulcote Neighbourhood Plan policy NPP1 requires developments to be compatible with, amongst other matters, the density of the character in which it is located.

In terms of density the comprehensive development equates to circa 15 dwellings per hectare, which falls below the recommended density outlined in Core Policy 3. However, in this case the density is being driven by heritage discussions. It is therefore considered that the proposed density is not detrimental to these applications. Indeed, if either the density were increased or the housing were located to just one of the application sites, this would likely lead to significant harm to both the heritage assets and the landscape character.

The District Council commissioned David Couttie Associates Ltd to undertake a district wide housing needs, market and affordability study in 2014. In the absence of more detailed localised information presented by the application, it is considered reasonable to rely on the outcomes of the 2014 Survey in terms of the housing mix and types which should be promoted.

Bulcote falls within the Nottingham Fringe Area where the results of the assessment showed that in the market sector the greatest demand for market dwellings is for two and three bedroom

properties with a limited demand for 4 and 5 bedroom dwellings. In terms of housing mix the proposal comprises

Table 5:

Type	Total Units	Mix	
New Build	41	3 beds	27 units
		4 beds	14 units
Conversion	24 units	1 bed	1 unit
		2 beds	8 units
		3 beds	14 units
		4 beds	1 unit

The proposal predominantly provides 2 and 3 bed dwellings for which there appears to be the greatest market demand in this sub region. The proposal also comprises a number of 4 bed dwellings, which is noted would meet the more limited demand for such properties. In terms of the listed building conversion, the mix of units has been arrived at following discussions with the Council’s Conservation Officer which has sought to minimize internal and external works as far as possible to retain the integrity of the building.

Gedling Borough Council also undertook a Local Housing Need Study in 2016 which identified that smaller homes are required in Burton Joyce as noted in the Burton Joyce Neighbourhood Plan. As noted previously, it is considered that the development, given its location and lack of separation from Burton Joyce, would have the potential to meet a local demand for smaller terraced or semi detached housing in the wider settlement area.

Taking this into account, the proposed housing mix is considered to be acceptable and meets the aims of local policy as well as Bulcote Neighbourhood Plan Policy NPP1.

9. Design and Layout

As detailed in the previous section, good design is a key aspect of sustainable development in accordance with the NPPF. Applicable local policies are Core Policy 9 of the Core Strategy and DM5 of the DPD. In addition, Policy NPP1 of the Neighbourhood Plan requires development to be of a scale, density, layout and design compatible with the character, appearance and amenity of the character area in which it is located. Appendix F (Bulcote Village Design Guide) please Bulcote Farm within Area 1 which has a number of future management aims:

- Keep courtyard spaces uncluttered and open.
- Preserve existing built structures and resist the loss of period detailing.
- Maintain the sense of rural heritage, with minimal lighting, uncluttered lanes and a simple architectural detailing.
- The visual connections beyond the edge of the village to the Trent Valley should be maintained and protected.

These aspects are discussed within the relevant sections of the report.

A. 15/00784/FULM

The proposed layout of this site would reflect the historic layout of the Bulcote Steading complex. The converted building would enclose a courtyard to the rear comprising open space and parking areas.

Whilst parking is proposed within part of the courtyard, this is somewhat reflective of the current situation with agricultural vehicles and associated paraphernalia. The central part of the site would be landscaped and a condition is recommended to enable full and appropriate consideration to be given to its appearance. The scheme also meets c) of NPP1 as the development would provide for full conversion of the listed buildings.

There would be two linear terraces of two storey properties on the site of the former piggeries to the rear of the main building. These would face onto the access road with private gardens to the rear. An additional terrace of 4, two storey dwellings would be sited towards the north western boundary of the site overlooking the access road with private rear gardens

The proposed enabling dwellings themselves have been the subject of detailed discussions between officers and the applicant in terms of their scale and design. It is considered these would reflect the scale and agricultural vernacular of the site through use of external materials (red brick and blue slate tiles) and detailing (brick details, stone cills and segmental arches).

B. 17/02325/FULM

The design scale and layout of the proposed dwellings have been the subject of extensive discussions between officers and the applicant. The detached dwellings are considered to reflect the linear layout and architectural form of the Corporation Cottages and pay respect to the vernacular of the Model Farm complex.

Indicative external materials are noted within the application. However, given the sensitivity of the location of the two sites, should Members be minded to grant planning permission a condition requiring the submission and written approval of external materials would be reasonable, as well as details of measures to sub-divide plots, for example by hedgerow or post and rail fencing. In addition, it is, as discussed recommended the s106 includes a requirement to have the development overseen during construction by either a clerk of works or Conservation Officer appointed by the Council, at the developer's expense.

Lastly, in view of the development if approved being allowed on the basis of the very special circumstances advanced by the applicant, it would be reasonable to remove a number of permitted development rights. This would give the Council control over any further development and enable consideration to the impact upon the Green Belt as well as to the historical setting of the development.

Taking the above into account, the design and layout of the proposed development accords with Core Policy 9 and DM5.

10. Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

A. 15/00784/FULM

Turning firstly to the proposed new build terraces. These would have private rear gardens with a depth of circa 9m which is considered to be proportionate to the size of the dwellings.

The proposed units within the converted farm building would be served by a communal area of open space within the courtyard. This is also considered appropriate to the size and nature of the units and their setting.

The separation distances and relationship between the new build terraces and the converted farm buildings would provide appropriate levels of amenity in terms of overlooking, loss of light and overbearing impacts and is acceptable.

With regards to existing neighbouring amenity, the proposed new dwellings to the south of the existing terrace of cottages on Old Main Road are sited some 60m from these existing dwellings. This proposal would therefore not result in any undue overbearing, overshadowing or overlooking impact.

Lastly, dwellings would be sited close to the proposed community building although only one property would share a party wall with it. No concerns regarding noise have been raised by Environmental Health in this regard. Notwithstanding this, due to the close proximity of the attached dwelling, in particular, it would be reasonable to attach a condition in respect to noise.

B. 17/02325/FULM

The proposed detached dwellings on the opposite side of Old Main Road are set back from the highway and would face the converted Model Farm building. Given separation distances, there would be no undue overlooking or overbearing impact for future occupiers of this or the converted development.

The dwellings would also be served by appropriate private rear gardens proportionate to the size of the dwellings.

It is accepted that the proposals would result in additional, primarily vehicular, activity within and to and from the site. However consideration needs to be given in the planning balance to the conversion of the farm buildings which would secure the long term viable use of this important heritage asset together with the accepted justification for the amount of enabling development

proposed. Taking these matters into account, together with the existing levels of activity it is not considered there would be harm to sustain a refusal.

11. Impact on Highway including Railway

Parking Provision

In terms of parking provision the applicant has confirmed that proposal provides the following:-

- 1 space per unit for 1 bed unit
- 1.5 spaces per unit for 2 bed unit
- 2 spaces per unit for 3 bed unit
- 3 spaces per unit for 4 bed unit

Community Building (95m²) – 5 spaces
Additional visitor– 7 spaces

The Highway Authority has raised no objection to the proposed parking provisions but recommend that should Members be minded to grant permission that a condition is attached requiring the parking spaces serving the residential conversion and the community centre are allocated prior to the development being brought into use.

Impact on Railway

In considering the impact on the highway network consideration has to be given to the impact on the railway and most notably the level crossing to the north west of the site, which is a significant concern for local residents. Traffic movements to and from the site will be over the railway crossing on Old Main Road. Network Rail originally objected to the application. However, their latest responses in January and August 2018 as well as November 2019 raise no objections subject to a number of conditions/informatives being attached to any grant of planning permission. The Office of Road and Rail has also responded advising they have no comment to make.

Network Rail advise one of the key requirements is for the developer to commit to the full costs of the provision of matters associated with ensuring the safety of the railway. This comprises yellow box markings to prevent vehicles becoming stationary on the level crossing. The provision of such markings will have some impact on the character of the Conservation Area. However, such markings on roads across the country and within Newark and Sherwood district are a common feature. It is considered that the impact of the markings would be fairly minimal and their provision would not be a reason for refusal of the 2017 planning permission.

Other aspects raised relate to soundproofing of dwellings to mitigate the impact of trains. However, due to distances involved, it is not considered that a condition is required in this regard. They request a condition is imposed to direct any surface or foul water away from Network Rail property. Foul water is not an issue due to the location of the houses, however, there is the possibility that works required to the highway could result in surface water flow directions being altered. A condition in this regard is considered reasonable.

Lastly, a condition is required in connection with abnormal loads. This is to ensure the rail network is kept safe from damage. Construction traffic would most likely need to utilize the level crossing to access the site. It would be reasonable in the context of this request as well as

consideration to the wider development proposed, to attach a condition requiring a construction management plan should planning permission be granted. All other matters have been requested are dealt with via informative.

Impact on Highway

Spatial Policy 7 encourages and supports development proposals which promote an improved and integrated transport network and an emphasis on non-car modes as a means of access to services and facilities. Development proposals should minimise the need for travel and provide safe, convenient and attractive accesses for all. Proposals should be appropriate for the highway network in terms of volume of traffic generated and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. Appropriate and effective car parking provision should be made.

Policy CP9 of the Core Strategy and Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development and that parking provision should be based on the scale and specific location of development.

One of the most significant and understandable concerns raised by local residents is that of impact of the proposal on the highway network given the scale and nature of the development. Clearly assessing such impacts are a well-established material planning consideration. In policy terms such a requirement is underpinned in the NPPF, PPG and Development Plan Policies.

The initial comments of the Highway Authority received on the 15th June 2015 raised a number of highway safety issues with application 15/00784/FULM as submitted in relation to the width of the access road, lack of footways and the site being in an unsustainable location. Subsequently a number of meetings were held between the applicant and the highway authority where various suggestions were put forward by the applicant in relation to possible highway improvements including potential widening of existing footways, creation of formal footways and widening sections of the highway in order to try and address the concerns raised.

Revised plans and statements have been submitted following receipt of application 17/02325/FULM including a Revised Transport Statement (TS). Further updated transport technical notes have been provided in response to matters raised by NCC Highways.

The revised TS has assessed and compared likely traffic generation of alternative uses within the converted buildings, namely (B1 (Business) [noting that this now falls within a new Use Class E (Commercial, Business and Services) following enactment of the amended Use Class Order which came into effect on 1st September 2020], B2 (General Industry) and B8 (Storage & Distribution) as shown in table 6 against the trip generations of the proposed development as shown in table 7:-

Table 6: Potential Traffic Generation of Alternative Uses against Residential Development

Peak Hour	Business Park				Industrial Estate				Warehousing (Storage)			
	Trip Rates		Trip Generation		Trip Rates		Trip Generation		Trip Rates		Trip Generation	
	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
AM Peak	1.185	0.258	43	9	0.817	0.452	30	16	0.138	0.093	5	3
PM	0.186	1.155	7	42	0.219	0.615	8	22	0.061	0.118	2	4

Peak												
Daily	6.075	5.951	221	216	6.221	6.120	226	222	1.360	1.367	49	50

The report concludes that the level of traffic generated by the alternative uses (with the exception of warehousing (storage)) would likely be generally higher than that generated by the proposed residential use. Calculations of existing traffic movements within this report have been taken as zero, although later statements report a study undertaken on Monday 21st January 2019 that there were 94 traffic movements including HGV and agricultural vehicles along Old Main Road.

The applicant has provided an update paper which has reviewed the amount of traffic (including pedestrian) resulting from residential development if only the conversion took place (24 units) and the proposal now under consideration (65 units). The figures are reported in table 7. It can be seen if comparison is made with table 6 and the arrival and departure trips are aggregated for each of the use types that residential use of the site for 65 units has fewer traffic movements than business park and industrial use of the existing buildings. It is also of particular note that the number of traffic movements is just marginally in excess of 1 in every 2 minutes during peak times for the 65 units. In addition, the traffic movement data provided does not make any allowance for any existing traffic associated from the farm buildings at present. Therefore, the overall increase in movements will be less than is detailed in the table below.

Table 7: Comparison of Vehicle and Pedestrian Flows

Vehicle						Pedestrian	
Total Movements		Peak Hours				Total Movements	
24 units	140	AM Peak	12 trips	two-way	0.20 movements per minute	45	
		PM Peak	13 trips	two-way	0.21 movements per minute		
65 units	379	AM Peak	33 trips	two-way	0.55 movements per minute	123	
		PM Peak	35 trips	two-way	0.58 movements per minute		

The TS comments that the impact of the proposal on the level crossing, which is generally lowered 2 to 3 times an hour at the busiest times of the day for less than a minute each time, would be minimal.

Following the submission of the revised TS, a revised red line site plan (drg no. (02) 003 Rev H) was provided which includes land along Old Main Road and beyond towards the drainage ditch on the northern side of the road. Alongside this, a number of potential works to allow for potential off site highway improvements to address the concerns raised by the Highway Authority have been included:

- Widened carriageway to the eastern side of Old Main Road, between the Site Access and the level crossing, to ensure that a 5.5m. width is provided.
- Creation of a 1.8m. footway on the western side of Old Main Road between the Site Access and the level crossing.
- Potential creation of a 1.2m. to 1.8m. wide footway on the western side of Old Main Road between the level crossing and the junction to the north of the level crossing.

- Coloured surfacing to provide a more conducive environment for pedestrians and motorised traffic to travel safely and efficiently (this has been put to effect in Cheshire East and was adopted by the highway authority).
- Road markings to denote SLOW markings along this section of Old Main Road

Further discussions with the Highway Authority resulted in a number of additional suggested off site highway improvements on land to the north of the railway crossing including a 1.2m. footway for approx. 14m. (excluding the railway line crossing (drawing 0398-02 Rev G)).

However, the Highway Authority remained unconvinced that adequate and safe access was being offered for the type, size and development proposed. It is noted that the Highway Authority in these comments conclude that although some flexibility may be acceptable, in this instance too many compromises had to be reached.

Further discussions resulted in additional proposed road improvements shown on plan 0398-02 Rev F. Included are:

- Widening of the footway along Old Main Road between the site and the listed cottages to the north-west,
- localised strip widening to maintain a 5.5m. wide carriageway,
- markings to reinstated road humps,
- widening of the existing footway margin to western side of the highway approaching the level crossing,
- dropped kerbs and paving to either side of the level crossing,
- provision of hand rail and aco channels to the western section of Old Main Road to the front of the cottages, and
- creation of a new footway beyond this section.

These proposals have been safety audited by both the applicant and NCC Highways but Highways maintain their objection. Further safety audits have been undertaken by both parties with Highways advising of further concerns relating to the potential for vehicles to block the railway crossing, pedestrian safety in relation to the vertical drop at the back of the footway immediately north of the railway crossing and a wider concern in relation to pedestrians in conflict with vehicles in the carriageway. A number of recommendations are also proposed in the applicant's audit which include removal of parking to both sides of the railway crossing and to provide box junction or parking restrictions on Old Main Road, the removal of the drop adjacent to the footway immediately to the north of the crossing or provision of a handrail together with treatments of the existing steps and increase in footway widths in line with current standards.

Following receipt of revised plans, reducing the number of dwellings, Highways reiterate their earlier concerns, again recommending the application is refused due to the traffic generated by the scheme served by a substandard access road and not supporting sustainable travel. In terms of safety of the highway at the present time, information has been sought regarding any personal injury collisions that may have taken place along this stretch of highway. Between 1st Jan 2013 and 31 December 2019 (the December date being the most up to date data), no collisions have occurred.

The applicant has provided a final response in July 2020 together with a video of the transport movements described above within Table 7 at its busiest 10 minute period as well as a video of the access to the site and the site itself pre and post development.

The images below show the highway after the proposed works to the highway. The first image shows the provision of the footway, box markings and rail fencing along the footway. The orange highlighted area shows a stretch (of 14 metres) of where the path is restricted in width. However, it is also acknowledged that this area immediately adjoins the railway crossing, which acts as a traffic calming measure in itself. The second gives the view from the opposite direction.

The third image shows the provision of a footpath in front of Coronation Cottage and the view up to Bulcote Farm.



BULCOTE STEADING, NOTTS
DIAGRAMATIC VISUAL (LOOKING SOUTH
EAST) TO BE READ IN CONJUNCTION
WITH DRAWING: 0398-02 REV G

YELLOW BOX IN ADVANCE OF
LEVEL CROSSING



BULCOTE STEADING, NOTTS
 DIAGRAMATIC VISUAL (LOOKING NORTH WEST) TO BE READ IN CONJUNCTION WITH DRAWING: 0398-02 REV G

YELLOW BOX IN ADVANCE OF LEVEL CROSSING

VERGE SIDE MARKER POSTS WITH REFLECTIVE BANDING TO BE INSTALLED AT INTERVALS ADJACENT TO ROAD



BULCOTE STEADING, NOTTS
 DIAGRAMATIC VISUAL (LOOKING SOUTH EAST) TO BE READ IN CONJUNCTION WITH DRAWING: 0398-02 REV G

LOCALISED STRIP WIDENING TO MAINTAIN 5.5m ALONG LENGTH OF CARRIAGEWAY

FOOTPATH IMPROVED AND WIDENED TO 1.8m

In terms of the works to the highway and Bulcote's Neighbourhood Plan, the red line within the application drawing slightly overlaps with the Local Green Space designation as defined in the submitted Plan. Notwithstanding this, the Examiners direction is clear requiring the Council to amend the extent of the designation so that it falls outside of the red lines for the planning applications. Importantly the red lines on the applications were in place both at the time of the Parish Council's response in November 2019 and the Examiners modification letter of 16th December 2019. The definitive boundary for Local Green Space Site 4 within the referendum Neighbourhood Plan, once (and if) adopted will be to adjoin, but not cross into, the red lines of the

planning applications There would therefore be no loss of land within the Local Green Space designation.

Impact on Public Right of Way

In accordance with Policy CP9 of the Core Strategy, Policy DM5 of the ADMDPD also requires that provision should be made for safe and inclusive access to new development.

The Ramblers Association has raised no objections subject to the development not impeding pedestrian access to the river. The public right of way is not proposed to be altered in any way and rights of access along it will not be impeded. The comments of NCC Rights of Way are also noted. These comments reflect the concerns raised by the Highway Authority with regards to the level of vehicular traffic generated as the result of the development which the Rights of Way team consider would compromise the safety of the users of the Bridleway no. 1 which runs through the application site and Old Main Road and which is used by pedestrians, cyclist and riders.

Policy NPP7 of the Bulcote Neighbourhood Plan requires developments to demonstrate how they protect and where possible enhance existing provision. The proposal will provide additional formalized footpaths as a result of the development thus meeting the aims of this policy.

Summary of Highway Considerations

The proposal has strong objection from NCC Highways and their concerns cannot be overcome via conditions or planning obligations, albeit the measures proposed by the applicant will be of significant benefit. However, their objection needs to be considered in the context of the number of additional traffic movements resulting from the development which at peak hours will be approximately 2 additional vehicles an hour. There is also the possibility, in view of Covid-19 that traffic movements in the future will be lower with a greater number of people working from home [more frequently] that these additional movements will be fewer than projected.

There are benefits from the scheme such as the provision of footways along Old Main Road which existing residents will be able to utilise as well as future residents. Additionally, Old Main Road to the south of the railway will be widened which will be of benefit to equestrians and cyclists as well.

Additionally, significant weight needs to be given to the long-term preservation of the listed building. The Green Belt assessment has demonstrated that the only viable use of the listed buildings is as residential. It is also demonstrated that 41 new build residential dwellings are needed to meet the heritage deficit. It is therefore not possible to reduce the number of units (and thus the number of vehicular movements) and have sufficient funding for the scheme to go ahead. There therefore needs to be a compromise between preserving the listed buildings and the consequential traffic movements and concerns raised by Highways or refusing the application with the very likely results. As mentioned previously (page 37), the building complex is identified as being at risk due to its vacancy and poor condition (notably the roofs and masonry are showing signs of decay). Without finding a viable long term solution to the use of the listed buildings, it is likely that decline will become more pronounced in the short term. Whilst it is acknowledged that the Council has powers under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to intervene and enforce urgent works, the need for a long-term solution remains paramount. Further decline of the buildings will only make this task more difficult, as well as detracting from the visual amenity of the Conservation Area.

12. Impact on Flood Risk and Drainage

SITE A 15/00784/FULM and SITE B 17/02325/FULM

Flood Risk

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. Development proposals will only be considered in Flood Zone 2 where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available site in lower risk Flood Zones. Where development is necessary within areas at risk of flooding, it will also need to satisfy the Exception Test by demonstrating it would be safe for the intended users without increased flood risk elsewhere.



Taken from Environment Agency Flood Maps.

The sites fall within Flood Zones 1 and 2 (as shown above) as identified in the Environment Agency Flood Mapping. Residential development is classed as more vulnerable in the Flood Risk Vulnerability Classification of the PPG (applies to Flood Zone 2 in this case). As such, it is necessary to apply a sequential approach to new residential development. The sequential approach need not be applied for changes of use of an existing building.

A specific sequential assessment has not been undertaken. There are clearly sites at lesser risk of flooding that could be found District-wide. However, as discussed within the enabling development section of this report, it is accepted that this would be at a purchase cost, which in itself would affect the enabling and viability discussions.

In this case, it cannot reasonably be concluded that there are no sites at lesser flood risk where the number of units proposed within Flood Zone 2 could be located. Notwithstanding this, through the flood risk assessment and drainage work undertaken, and from the Environment

Agency's comments, it is clear that the development can be made safe for its lifetime through appropriately worded planning conditions. The measures within the Flood Risk Assessment (FRA) include:

- All finished floor levels, electrical sockets, internal services and ducting should be set above the design flood level of 19.10m AOD;
- All service entries into the building should be set above the design flood level of 19.10m AOD or fully sealed;
- Surface water and foul water drains should be fitted with non-return valves;
- Creation of a flood action plan including details and confirmation of the site's inclusion into and operation of the EA's flood warning system and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered;
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary areas free from uncontrolled surface water run-off and intercept overland flow before entry into the site area;
- Maintain levels at the site boundary where levels are elevated in relation to the remainder of the site; and
- Attenuation of surface water discharge from the proposed development.

Development being safe for its lifetime is one of two requirements within the exception test. The other is the development is required to demonstrate wider sustainability benefits to the community that outweigh the flood risk. The benefits of the development is the long-term preservation of the listed buildings. In addition, as discussed, a community building would be provided for the village as well as much needed housing.

Overall, subject to conditions requiring both developments to comply with the Flood Risk Assessment, the development in terms of flood risk, on balance is considered acceptable.

Sustainable Drainage

Both applications comprise major developments and therefore sustainable drainage needs to be considered. The Flood & Water Management Act 2010 recognises the need for engineered management of the flooding risks from surface water and much work has been undertaken by DEFRA, Lead Local Flood Authorities (LLFAs), the Environment Agency and many other organisations to consider the appropriate approaches to reducing the flooding risk to existing properties from existing pluvial & fluvial sources. In addition to this, the mitigation of any increase in flood risk arising from new development or redevelopment has been recognised as a priority for local planning authorities and Lead Local Flood Authorities. The LLFA has responded to both applications. Their most recent response to application 17/02325/FULM advises they do not need to be notified/respond to this proposal in view of the number of dwellings. However, due to the site being more than 1 hectare, it falls within their remit. The comments previously provided will therefore be considered.

They identify their comments are based on the source-path-receptor methodology to manage the flood risk from the proposed development to third party properties both adjacent and at distance from the proposed sites. The risk to new properties within the proposed development are also considered. The LLFA provide a detailed response identifying that infiltration is likely to be possible, as is permeable paving, that drainage should not be off-site as a first resort and subject

to detailed design documentation, which can be subject to a condition attached to both permissions. Subject to this, they are satisfied with the information provided.

13. Impact on Trees and Ecology

Core Policy 12 (Biodiversity and Green Infrastructure) states the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application site does not fall within an international or nationally designated site. The nearest Local Wildlife site is to the east at Gunthorpe (0.54km away) and Local Nature Reserve at Gedling House Wood (3.29km to the west). Given the separation distances it is not considered that the proposal would result in any significant adverse harm.

Since the original Ecology Assessment Report dated April 2015 was submitted, further evaluations have been undertaken with updated reports submitted in January 2018 and October 2019.

The latest Assessment concludes that the development would not have any significant adverse impacts on any designated sites. In summary, it also concludes the following:-

- Roosting suitability of some of the buildings have increased from Moderate to High; and feeding roosts from Low to Moderate.
- Trees within and outwith the site were found to have features to support roosting, foraging and commuting bats.
- There are no protected or invasive plant species on the site.
- The site has low structural diversity and low suitability for reptiles.
- There are no records of Greater Crested Newts.
- The site has low suitability for reptiles although hedges and wood/brush piles may provide refuge.
- No setts or signs of badger were present.
- A ditch within the site has limited potential to support water vole.
- The buildings, trees and hedgerow provide good quality nesting habitat for birds which future development has the potential to affect thorough loss nesting habitat. Measures would need to be implemented to avoid the potential disturbance or destruction of nests [during the breeding season].
- There is some potential for habitats to support brown hare during breeding season. Sensitive working methods would need to be implemented.
- The site has the potential to support hedgehog.

The Survey makes a series of recommendations to mitigate any impacts which include:

Habitats – standard pollution prevention and dust control measures should be set out in a Construction Environmental Management Plan (CEMP) during site clearance and construction

works. Retained trees and hedgerows should be protected from accidental damage.

Fauna – as bat roosts have been confirmed a European Protected Species License from Natural England (NE) will be required. Trees should be retained wherever possible. A sensitive lighting strategy, to minimize light spill on to the retained hedgerow and trees within the site, should be employed. This should minimize unnecessary lighting, minimizing spread of light, timers to ensure illumination is reduced during core night-time hours and low intensity. Mitigation and enhancement measures should also be employed.

Badgers – are legally protected under the Protection of Badgers Act 1992. A pre-check for badgers is required prior to works commencing. If badgers are present, further investigation will be required to establish if a license is required from NE. Precautionary measures will also be required.

Water Vole – if development is proposed within 5m of the top of the bank, further survey work may be required. Otherwise, measures within the CEMP should detail how run off or debris will be prevented from entering the ditch.

Nesting Birds – any vegetation clearance or demolition should take place outside of the bird breeding season (March to April inclusive). Works undertaken during the breeding season will require a nesting bird check by a suitably qualified ecologist.

Other Species – brown hare and hedgehogs are each Section 41 of the 2006 Natural Environment and Rural Communities (NERC) Act. It is recommended that grassland in the northwest of the site is cut in mid-January to discourage breeding within this area by hares. To protected hedgehogs, it is recommended that a Reasonable Avoidance Measures Method Statement is prepared and complied with.

Habitat Enhancements – under the NPPF, developments should aim to minimize impacts on biodiversity and pursue opportunities for securing measureable net gains. Proposed planting should aim to use a range of native wildlife friendly species as well as create structural diversity and maximize connectivity. Hedgerows should be retained and enhanced with public open spaces planted with, for example, species-rich grassland.

The southern and eastern facades of the new buildings could be fitted with integral or built-in bat roosting bricks. Wetland habitat (SuDS) could also provide potential amphibian breeding habitat. Artificial bird nesting habitat through integrated nest boxes and Swift boxes could be provided.

Gaps under hedges to enable movement for hedgehogs, together with hibernation boxes. The chipping or composting of vegetation following clearance works, with the deposits left to the periphery will enhance biodiversity and also provide additional refuge areas for hedgehogs. A bug hotel could also be provided in the vicinity of semi-natural habitat.

The presence of protected species is a material consideration, in accordance with section 15 of the National Planning Policy Framework, Regulation 43(1) of the Conservation of Habitats and Species Regulations 2017 (the Conservation Regulations 2017), Natural Environment and Rural Communities (NERC) Act 2006, Wildlife and Countryside Act 1981 and ODPM Circular 06/05.

Protected species such as bats benefit from the strictest legal protection. These species are known as European Protected Species ('EPS') and the protection afforded to them derives from

the EU Habitats Directive, in addition to the above legislation. Water voles, badgers, reptiles, hedgehogs, brown hare and all wild birds, are protected to a lesser extent under UK domestic law through the NERC Act and Wildlife and Countryside Act 1981).

In the UK the requirements of the EU Habitats Directive is implemented by the Conservation Regulations 2012 and as amended through the 2017 Conservation Regulations. Where a European Protected Species ('EPS') might be affected by a development, it is necessary to have regard to Regulation 9(1) of the Conservation Regulations 2017, which states:

“a competent authority must exercise their functions which are relevant to nature conservation, including marine conservation, so as to secure compliance with the requirements of the Directives.”

The Conservation Regulations 2017, (Regulation 43) contains the main offences for EPS animals. These comprise a person who:

- (a) deliberately captures, injures or kills any wild animal of a European protected species,
- (b) deliberately disturbs wild animals of any such species,
- (c) deliberately takes or destroys the eggs of such an animal, or
- (d) damages or destroys a breeding site or resting place of such an animal is guilty of an offence.

For the purpose of 1(b), disturbance of animals includes in particular any disturbance which is likely -

- (a) to impair their ability –
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or,
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
- (b) to affect significantly the local distribution or abundance of the species to which they belong

In some circumstances a person is permitted to 'derogate' from this protection via the licensing regime administered by NE. The approval of such a license by NE may only be granted if three strict "derogation" tests can be met:

- the activity to be licensed must be for imperative reasons of overriding public interest of a social or economic nature or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime the Council, as Local Planning Authority (LPA), has a statutory duty to have regard to the requirements of the Habitat Directive and therefore should give due weight to the presence of an EPS on a development site. NE has provided guidance to assist LPAs in determining planning applications in such circumstances. These comprise ensuring mitigation will ensure that

- (a) there isn't a net loss of quantity or quality of habitat;
- (b) habitat links will be kept;
- (c) there is a long-term management strategy for the site for the benefit of the species;
- (d) replacement sites are:
 - within the home range of the existing population
 - free from future development threats

The comments from Nottinghamshire Wildlife Trust and NCC Ecology are noted and acknowledged. The Wildlife Trust, in respect to the latest Ecological appraisal, has confirmed they are happy with the results, methodology and recommendations within the report. They recommend the following measures are secured via a condition:

- Construction Environmental Management Plan (CEMP), as recommended within the Ecology report.
- Timings for vegetation clearance in relation to nesting birds
- 8m standoff 'no development' area either side of the ditch to protect any water voles
- A pre-construction check for badgers
- In addition a Landscape Environmental Management Plan (LEMP) is recommended is secured through a planning condition for both of the applications, as this would pull together all of the recommendations within the ecology report as well as provide suitable management for the retained habitats and provide more details, such as locations and numbers of bat and bird boxes as well as the other biodiversity enhancements within the Ecology Report.
- As bats are present within the application site, we also recommend a wildlife friendly lighting scheme in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) is secured through a planning condition.

In addition they suggest that an appropriate bat mitigation strategy is secured via condition detailing new roosting opportunities. It is considered that should Members be minded to grant permission the implementation of the recommendations and mitigation measures noted in the Ecology Survey will be required to be secured by condition in order to comply with the Habitats Directive and the Council will meet its duty. This will also meet Policy NPP2 of the Bulcote Neighbourhood Plan

14. Land Contamination

NPPF paragraph 178 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

Development Management Policy DM10, sets out that ground and surface water issues, which have the potential for pollution should be taken account of, and their potential impacts addressed. The Policy goes on to state that proposals should include 'necessary mitigation as part of the development or through off site measures where necessary.'

A Phase 1 Geo Environmental Site Assessment (desk top study) has been undertaken and deposited with the application. The study notes that historically the Bulcote Model Farm was built to dispose of sewage from Nottingham as part of the Stoke Adolph Sewage Works and also to operate as a mixed arable and livestock farm. The development of the farm was intended to utilise the treated sewage to fertilise the arable farm land. Treated sewage from the Stoke Bardolph Sewage works is still pumped directly onto the land at Bulcote Farm and the treated water discharged into the River Trent.

A number of possible source of contaminants have been identified including sewage, an electricity substation, asbestos within the farm buildings, chemicals associated with the agricultural use and

made ground associated with the construction of former and existing buildings.

Given the historic and current use of the site, the following have been identified as possible contamination issues that require further investigation and may require remediation prior to commencement of the proposed development:

Human Receptors

Contaminants and gases associated with made ground that may be present may be of a moderate /high risk.

The heavy metal and contamination associated with sewage is considered to be potentially high.

An above ground fuel storage tank presents a low risk given its good condition.

Asbestos is present in the buildings however given controlled removal the risk is considered low.

Groundwater

Given that a number of contaminants may be present on site the risk of contamination to the underlying ground water is considered to be moderate/high.

Surface Water

The risk posed to a land drain to the east of the site is considered to be moderate/high.

Ecology

There are mature hedgerows and semi mature and mature trees on site. Based on the number of potential sources of contamination the potential risk posed both on and off site is considered to be moderate.

Additionally it has been noted that there may be some risk posed to the proposed buildings, foundations and services.

The Study concludes that the preliminary risk to the site is identified as being moderate to high.

The Phase 1 Desk Top Study has been assessed by colleagues in Environmental Health and they have raised no objections subject to the inclusion of a phased contamination condition should Members be minded to grant permission. Given that the Phase I Study identifies that the site may also fall within an area that may be affected by historic mining any condition should secure that the Phase 2 investigation should include a mining report and more detailed evidence to provide justification that radon protection is not required at the site.

On this basis, any adverse impacts arising from geo-environmental and land contamination factors could be readily mitigated by suitably worded conditions and appropriate planning and design.

15. Other Matters

Bins and Waste Management Plan

Individual properties within gardens will be provided with internal and external storage for recyclable and non-recyclable waste. Those not having gardens will have recyclable and non-recyclable facilities within each dwelling. Bins stores and provision for the converted units are proposed to rear of the garage to the north of the site. These will serve plots 22-26. A store for plots 14-21 will be provided to the south side of the internal access road as it bends to the south. Lastly, provision for the remaining plots (1-13) will be to the eastern end of the access road at the south of the side. Details of these have not been provided and to ensure their design is appropriate for a setting, a condition is recommended requiring submission of details for approval and for these to be available prior to the first occupation of the converted buildings. The size of each of the facilities is appropriate for the scale of development. I

In terms of road surfacing, drawing number (02) 009 rev A shows the access road as being tarmac and thus adoptable and the internal courtyard as being Tegula paving. Refuse lorries are able to safely travel along tarmac roads and the refuse facilities are to be sited alongside these. It is therefore considered that refuse can be safely and easily collected.

Construction Works

Concerns have been raised with regards to the impact of the development during construction. Given the scale and location of the development it is considered that it would be reasonable to require as part of the construction management plan details to secure good working practices, which is also required as part of the ecological considerations.

Setting of precedent

Concerns have also been raised with regards to setting of precedent should permission be granted for the proposed development. However this proposal is unique and an exceptional situation given that the enabling development is proposed in order to bridge the heritage deficit gap for the conversion and the subsequent securing of the long term viable use of an important heritage asset which is at some risk. The very special circumstance of the proposed development therefore has to be assessed and weighed with all other material planning considerations in the planning balance. Any future applications for development in the village (or elsewhere in the District) would, as with any planning application, be assessed on their own planning merits.

Land Ownership

Concern has been raised with regards to the proposed highway improvements and areas of land which do not fall within the ownership of the applicant or NCC. Land ownership in itself is not a planning matter. However, if works to facilitate the development are outside of the applicant's control i.e. outside any red or blue line on the site location plan, and those works are essential to the determination of the application, it is possible through a section 106 or a Grampian condition to secure the works. Should permission not be given, it could mean the development is unable to go ahead.

Minerals

NCC confirm that the site lies within a Minerals Safeguarding and Consultation Zone for sand and gravel. The Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. They advise that as the proposal comprises a re-use of an existing building and farm site, the provisions of this policy are not relevant in this instance and so there is no mineral safeguarding objection to raise.

Archaeology

The District's Archaeology Officer notes the site lies in the middle of Bronze Age funerary landscape with evidence of barrows on either side. It also lies next to a probable Iron Age settlement and again there is evidence for this on either side of the farm. Additionally, it is noted that heritage issues relating to redevelopment of the model farm have been comprehensively addressed by the Conservation Officer and the detailed and extensive Historic Building Recording report that accompanies the applications.

No objections are raised with the application but an archaeological condition for a mitigation strategy to effectively deal with the site is recommended. This is suggested 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. Such a condition would 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. A condition based on current guidance from the Association of Local Government Archaeological Officers and the Lincolnshire Handbook (2019) is recommended is attached.

Statement of Community Involvement

In accordance with the Council's adopted Statement of Community Involvement, the applicant has endeavored to engage with the Parish Council and local community. Engagement commenced in 2012 with the Parish Council and a public exhibition held in March 2015. In addition, ongoing discussions have taken place with Nottinghamshire County Council Highways and the Council during the course of the application.

Emergency evacuation plan

Planning Committee requested details of emergency evacuation plans in the context of the railway crossing being closed. There is a lane that extends from the southern end of Old Main Road and connects to Lowdham Road in Gunthorpe. However, this lane is not within the ownership of the applicant and emergency access can therefore not be facilitated by them. This also needs to be put into context with the other dwellings that exist to the south of the railway line who will encounter the same problem as and when it might arise. It is anticipated that emergency measures are likely to be in place for the existing dwellings and the same could apply to the proposed.

Conclusion and Overall Planning Balance

In order to understand and assess this criteria, it is necessary to consider each application as a whole taking account of all the material planning conditions associated with the proposals as well as in combination. It is evident from the responses from the Council's Conservation Officer and Historic England these buildings are important and it can also be seen that it is highly unlikely to secure the long-term future of these buildings by conversion alone, due to the cost of works. Temporary renovation alone (reference moth balling discussion) has demonstrated that some form of enabling development would be required.

The applicant has demonstrated that the amount of development required to facilitate the conversion and preservation of these important buildings is the minimum necessary. However, the site is within the Green Belt wherein the NPPF defines that inappropriate development should not be permitted unless very special circumstances have been advanced that outweigh that harm. The application discusses the harm and the very special circumstances in full and concludes that significant weight should be attached to the long-term protection of these buildings, such that the harm is outweighed by the very special circumstances.

The works to the listed building as well as the enabling development have both been assessed in terms of their impacts upon the character and setting of the listed buildings as well as the Conservation Area. Historic England raise concerns at the amount of enabling development, but advise that the assessment of the overall impact should be one for the Council's Conservation Officer (CO). The CO concludes the works are acceptable and will not cause harm subject to a number of conditions being attached and the completion of a s106 legal agreement to ensure the works to the listed buildings are completed to the Council's satisfaction in full.

There is a strong objection from Nottinghamshire County Council Highways and Public Rights of Way teams in terms of the impact on the highway the development will create. However, this needs to be weighed in the balance of the retention of the listed buildings, the fairly limited number of additional traffic movements and measures that the applicant has advanced to improve the highway. These measures will be for the benefit of both future occupiers and existing residents. Overall, in this instance, as there is no identified alternative funding for the preservation of the listed buildings and the amount of enabling development is the minimum required, greater weight is given to this consideration, such that it overcomes the highways objection.

In terms of other matters, these have all been addressed within the report and where appropriate planning conditions or s106 planning obligation clauses are recommended to ensure the development that is constructed ensures the longevity of the listed buildings and results in a well-designed scheme for the benefit of residents and the locality.

As the site is within the Green Belt, the provisions of Circular 02/2009 'The Town and Country Planning (Consultation) (England) Direction 2009' issued by Communities and Local Government Circular applies. This requires Local Planning Authorities to notify the Secretary of State of schemes that are a departure from the local plan in certain instances. For Green Belt development this comprises:

development which consists of or includes inappropriate development and which consists of or includes- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or (b) any other development which, by

reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The development therefore would need to be referred to the Secretary of State in relation to application 15/00784/FULM as the floor area is in excess of 1000m². However, as the proposal needs to be considered in the round with the 17/02325/FULM proposal, both applications should be referred.

RECOMMENDATION

That planning permission be granted for both applications subject to

- (a) referral to the Secretary of State,
- (b) completion of a section 106 agreement for the following:

- ensuring the land the listed buildings are situated on are not severed from the other land;
- binding contract for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents.
- that phasing of the development ensures the works necessary (and permitted as part of this and the full planning application, if approved) to the listed buildings are completed in full whilst enabling a number of the enabling dwellings to be constructed and sold to provide funding for the heritage works;
- having a clerk of works (or similar) to monitor the works to the listed buildings to ensure they are undertaken correctly;
- a management company to oversee the wider development once completed;
- the development proposed under the listed building consent is tied into the agreement;
- the highway works as shown on drawing number 0398-02 rev G or as may be agreed through negotiation;
- Primary education contribution of £243,964; and
- recommendations proposed by the Council's solicitor and agreed with by the Business Manager – Planning Development.

and (c) the following planning conditions. (Each application's conditions are reported under their respective application number).

15/00784/FULM:

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 and retained except in accordance with the following approved plans and reports, reference:

Existing Site Location Plan (02)001 rev D in so far as it relates to land to the west of Old Main Road
Proposed Site Layout (02)003 rev H in so far as it relates to development to the west of Old Main Road only

Ground Floor Plan Existing Layout (02)004 rev A

First Floor Plan Existing Layout (02)005 rev A

Existing Roof Layout (02)006 rev A

Conversion Properties Proposed Ground Floor Layout 02(009) Rev D

Conversion Properties Proposed First Floor Layout 02(010) Rev D

Site Elevations and Sections Proposed Layout (02) 016 Rev B

Site Elevations and Sections Proposed (02) 017 Rev B

Site Elevations and Sections Proposed (02) 018 Rev C

Proposed community building (04) 0001 Rev C

House Type 2 (04)002 Rev C

Retained Stable Units (04) 003 Rev C

House Type 4 (04)004 Rev C

House Type 5 (04)005 Rev B

House Type 6 (04)006 Rev B

House Type 7 (04)007 Rev B

House Type 8A (04)008 Rev B

House Type 8B (04)009 Rev B

House Type 8C (04)010 Rev B

House Type 9 (04)011 Rev B

House Type 10 (04)012 Rev B

House Type 11 (04)013 Rev B

House Type 12 (04)014 Rev B

House Type 13 (04)015 Rev B

House Type 14 (04)016 Rev B

House Type 15 (04) 017 Rev B

House Type 16 (04)018 Rev C

House Type 17 (04)019 Rev B

House Type 18 (04)020 Rev B

House Type 11 (04)021 Rev B

House Type 20 (04)022 Rev B

House Type 21 (04)023 Rev B

House Type 22 (04)024 Rev B

Ref K Proposed Elevations (02)042 Rev B

Ref K and J Proposed Elevations (02)043 Rev B

Ref J and Ref K Proposed Elevations (02)044 Rev B

Ref G and Ref J Proposed Elevations (02)045 Rev C

Ref A and Ref B Proposed Elevations (02)046 Rev B

Ref L Proposed Elevations (02)047 Rev B

Ref I Proposed Elevations (02)048 Rev B

Ref E and Ref F Proposed Elevations (02)049 Rev B

Ref D Proposed Elevations (02)050 Rev B

Proposed Drainage Strategy (02) 100 Rev C

Proposed Services Strategy (02)0101 Rev C

Proposed Bin Store Location (02)102 rev A

New Terrace Proposed Elevations (02)051 #
New Short Terrace Proposed Elevations (02)052 #
New Terrace Proposals Floor Layouts (02)060#
New Short Terrace Floor Layout (02)061#

Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17

Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details and samples of all the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In order to safeguard the special architectural and setting of the Listed Building and Conservation Area.

04

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

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

05

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

- External windows and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimneys

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

06

Prior to the occupation of any of the dwellings hereby permitted, the buildings labelled D and H and the western end of building G where it is sited beyond the furthest western elevation of building F as shown on drawing number (02)331 rev # shall be demolished in their entirety and all materials removed from the site.

Reason: In the interests of the visual amenity of the Green Belt and historical character and setting of the development.

07

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. 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;
- proposed finished ground levels or contours;
- means of enclosure (close board fences will not be permitted);
- all hard surfacing materials including permeable paving for parking areas;
- minor artefacts and structures for example, furniture and play equipment
- 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, biodiversity, openness of the Green Belt and climate change.

08

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

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

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive).

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

11

No development shall commence until a Landscape Environmental Management Plan (LEMP) has been submitted for approval in writing. The LEMP shall build upon the recommendations within the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019. Details to be included but not limited to within the LEMP are:

- an 8m standoff 'no development' area either side of the ditch to protect any water voles. Details shall be provided as to how the ditch will be protected during construction.
- How a pre-construction check for badgers and hedgehogs will be undertaken. A reasonable avoidance measures method statement (RAMMS) shall be included
- Details of precautionary working measures during site clearance to avoid impact on local wildlife
- suitable management for the retained habitats
- locations and numbers of bat and bird boxes
- other biodiversity enhancements.

No development shall be undertaken other than in accordance with the approved LEMP.

Reason: In the interests of the ecological value of the area in accordance with the Wildlife and Countryside Act 1981, Conservation Regulations 2017 and National Planning Policy Framework.

12

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise wildlife friendly lighting in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) as well as location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and protection of ecology within the locality.

13

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.

Class H: Microwave antenna 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.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

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 B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

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 this sensitive location and with consideration to the very special circumstances advanced to allow this inappropriate development within the Green Belt.

14

The use of the community hall hereby permitted shall only take place during the following hours:-

09:00 to 23:00 Monday - Saturday

10:00 to 18:00 on Sundays

And not at all on Public or Bank Holidays

Reason: In the interests of residential amenity.

15

The community building premise shall be used solely as a community hall/meeting place and for no other purpose, including any other use falling within class F2 of the Schedule to the Town and Country Planning (Use Classes Order) 1987 (as amended) or in any provision within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or equivalent to that Class or Order or in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential and visual amenity.

16

The use of the community building hereby permitted shall not be begun until a scheme for protecting the adjoining residential unit shown as 2 on drawing number (02)009 rev D from noise from the community building has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before this dwelling is occupied. The scheme as approved shall be retained for the lifetime of the development.

Reason: In the interests of residential amenity.

17

No new build dwelling shall be occupied until bin storage facilities have been provided for that dwelling;

No converted dwelling within the listed buildings shall be occupied until bin storage facilities have been provided for the dwellings as shown on drawing (02) 102 rev A;

The community building shall not be occupied until bin storage facilities have been provided for that building;

in accordance with design and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The stores for plots 1 to 13 and 14 to 21 shall be finished in brickwork, bond, mortar and pointing finish to match the new build dwellings hereby approved. The bin storage facilities shall be provided prior to occupation of those dwellings to which the provision relates in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

18

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

- a. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- b. A methodology and timetable of site investigation and recording
- c. Provision for site analysis
- d. Provision for publication and dissemination of analysis and records
- e. Provision for archive deposition
- f. 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.

19

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.

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

20

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 approved being commenced.

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

21

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Parts A to

D of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Part D has been complied with in relation to that contamination.

Part A: Site Characterisation

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

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

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the

remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Part D: Reporting of Unexpected Contamination

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

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

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

22

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

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity and ecological value of the area.

23

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

24

The retained stables shall be used for storage purposes incidental to the use of the development (dwellinghouse and community building) and for no other purpose including any other use that

might be permitted through the Town and Country Planning (Use Classes Order) 1987 (as amended) or within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In the interests of the amenity of nearby occupiers.

25

The converted piggeries shall be used for purposes incidental to the dwellinghouses and for no other purpose including any other use that might be permitted through the Town and Country Planning (Use Classes Order) 1987 (as amended) or within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Reason: In the interests of the amenity of nearby occupiers.

26

Prior to the commencement of the development hereby approved, details shall be provided of the following for approval in writing by the Local Planning Authority:

- a) Drainage layout plan with model references as appropriate.
- b) All infiltration areas with supporting specification, calculations and construction details.
- c) Any attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- d) Full specification and general arrangement drawings for inlet/outlet structures and flow control structures. The details shall also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- e) Full documentary evidence of the rights to discharge to any watercourse.

The approved works/scheme shall be carried out prior to first commencement of the use hereby approved and shall then be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of drainage.

27

The development shall be completed in accordance with the Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17:

- All finished floor levels, electrical sockets, internal services and ducting shall be above the design flood level of 19.10m AOD
- All service entries into the building shall be set above the design flood level of 19.10m AOD or fully sealed
- Completion of a flood action plan comprising details and confirmation of the site's inclusion into and operation of the Environment Agency's flood warning systems and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary

areas free from uncontrolled surface water runoff and intercept overland flow before entry into the site area

- Maintain levels at the site boundary where levels are elevated in relation to the remainder of the site
- Attenuation of surface water discharge from the proposed development.

Reason: To minimise the risk of flooding of the development.

28

Notwithstanding the approved drawing numbers, the internal and external works hereby approved to the listed building shall be subject to agreement with the Local Planning Authority in writing within the schedule of works.

Reason: In the interests of the character and setting of the listed building and amenity of future occupiers.

29

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the [prospective] highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

30

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

31

No part of the development hereby permitted shall take place until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure access to the development is constructed to adoptable standards.

Informatives

01

The applicant is advised that the decision notice should be read in association with the legal agreement made under Section 106 of the Town and Country Planning Act 1990.

02

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 will be unauthorised.

03

You are advised that protected species are present on site. Any species that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992, all construction or other site work affecting the species shall not commence (or cease if discovered) until a license has been obtained from Natural England at the following address - Block 6 & 7 Government Buildings, Chalfont Drive, Nottingham, NG8 3SN (acting on behalf of DEFRA (Department for Environment, Food and Rural Affairs)).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

04

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

05

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards consent is required to erect any building or structure (including walls and fences) whether temporary or permanent or plant any tree, shrub, willow or other similar growth within 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the Environment

Agency.

06

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of

any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

07

With respect to the attached archaeological conditions, please contact the archaeology team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email Matthew.Adams@lincolnshire.gov.uk to request preparation of a brief for the works. It is recommended the resulting specifications are approved by Lincolnshire Archaeology prior to commencement. Ten days' notice is required before commencement of any archaeological works.

08

With reference to the drainage condition (26) above, it is requested that all calculations are provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

09

This application has been the subject of pre-application discussions and has been approved in accordance with that advice and following submission of a very special circumstances case which outweighs the harm to the Green Belt. 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).

10

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less 100 square metres when taken with the amount of floor area to be demolished.

11

Sustainable Drainage Systems (SuDS involve a range of techniques and SuDS methods can be implements on all sites. SuDS are a requirement for all major development as set out within paragraph 165 and 163 of the NPPF.

The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

12

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottscc.gov.uk for details.

The proposed access & off-site highway works require a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk for this to be arranged.

13

In respect to conditions 03 and 04 above, the bond for the new build dwellings (and bin stores) is recommended is English Garden Wall bond. Materials proposed for development may be provided on site and made available for viewing.

17/02325/FULM:

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 and retained except in accordance with the following approved plans, reference

Existing Site Location Plan (02)001 rev D in so far as it relates to development to the east of Old Main Road only

Proposed Site Layout (02)003 rev H in so far as it relates to development to the east of Old Main Road only

Site Location Plan and Detached House Floor Plans (02)063 rev A

Detached House Proposed Elevations (02) 054#

Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17

Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details and samples of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: In order to safeguard the special architectural or historical appearance of the listed building and its setting.

04

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

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

05

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. 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;
- proposed finished ground levels or contours;
- means of enclosure (close boarded fences will not be permitted);
 - all hard surfacing materials including permeable paving for parking areas;
- 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.

06

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

- External windows and door heads and cills
- Verges and eaves
- Rainwater goods
- Coping
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes
- Chimneys

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

07

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

Reason: In the interests of visual amenity and biodiversity.

08

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.

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive).

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

09

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.

Class H: Microwave antenna 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.

Class D: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles.

Class E: The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

Class F: The installation, alteration or replacement on a building of a closed circuit television camera to be used for security purposes.

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 B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

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 this sensitive location and with consideration to the very special circumstances advanced to allow this inappropriate development within the Green Belt.

10

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

- a) An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
- b) A methodology and timetable of site investigation and recording
- c) Provision for site analysis
- d) Provision for publication and dissemination of analysis and records
- e) Provision for archive deposition
- f) 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.

11

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.

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

12

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 approved being commenced.

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

13

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

Part A: Site Characterisation

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Part B: Submission of Remediation Scheme

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

Part C: Implementation of Approved Remediation Scheme

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

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

Part D: Reporting of Unexpected Contamination

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

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

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

14

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

- i. the parking of vehicles of site operatives and visitors;

- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of residential amenity and ecological value of the area.

15

Prior to the occupation of any of the dwellings hereby permitted, all buildings within the application site to the eastern side of Old Main Road shall be demolished in their entirety and all materials removed from the site.

Reason: In the interests of the visual amenity of the Green Belt and historical character and setting of the development.

16

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution.

17

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. 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;
- proposed finished ground levels or contours;
- means of enclosure;
- all hard surfacing materials including permeable paving for parking areas;
- minor artefacts and structures for example, furniture and play equipment.

Reason: In the interests of visual amenity, biodiversity, openness of the Green Belt and climate change.

18

Prior to the commencement of the development hereby permitted, full details of the existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction shall be submitted to the Local Planning Authority for

approval in writing. Hedgerows and trees shall be retained in accordance with the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019;

Reason: In the interests of visual amenity and biodiversity.

19

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive).

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

20

No development shall commence until a Landscape Environmental Management Plan (LEMP) has been submitted for approval in writing. The LEMP shall build upon the recommendations within the Bulcote Steading Nottinghamshire, Ecological Assessment by The Environment Partnership dated October 2019. Details to be included but not limited to within the LEMP are:

- an 8m standoff 'no development' area either side of the ditch to protect any water voles. Details shall be provided as to how the ditch will be protected during construction.
- How a pre-construction check for badgers and hedgehogs will be undertaken. A reasonable avoidance measures method statement (RAMMS) shall be included
- Details of precautionary working measures during site clearance to avoid impact on local wildlife
- suitable management for the retained habitats
- locations and numbers of bat and bird boxes
- other biodiversity enhancements.

No development shall be undertaken other than in accordance with the approved LEMP.

Reason: In the interests of the ecological value of the area in accordance with the Wildlife and Countryside Act 1981, Conservation Regulations 2017 and National Planning Policy Framework.

21

Prior to first occupation details of any external lighting to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall comprise wildlife friendly lighting in accordance with guidance from the Bat Conservation Trust and Institute of Lighting Professionals (2018) as well as location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity and protection of ecology within the locality.

22

No dwelling shall be occupied until bin storage facilities have been provided for that dwelling in accordance with design, siting and materials details, which have been first submitted to and approved in writing by the Local Planning Authority. The bin storage facilities shall be provided prior to occupation of that dwelling in accordance with the approved details and retained for the lifetime of the development.

Reason: To ensure that adequate bin storage is provided for occupiers in the interests of residential and visual amenity.

23

Prior to the commencement of the development hereby approved, details shall be provided of the following for approval in writing by the Local Planning Authority:

- a) Drainage layout plan with model references as appropriate.
- b) All infiltration areas with supporting specification, calculations and construction details.
- c) Any attenuation pond/tank details including volumetric calculations, geotechnical & slope-stability calculations as appropriate, specification of materials used to construct any berms.
- d) Full specification and general arrangement drawings for inlet/outlet structures and flow control structures. The details shall also include the access arrangements for clearing and maintenance including in times of flood/failure of the infrastructure.
- e) Full documentary evidence of the rights to discharge to any watercourse.

The approved works/scheme shall be carried out prior to first commencement of the use hereby approved and shall then be retained for the lifetime of the development in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the provision of satisfactory means of drainage.

24

The development shall be completed in accordance with the Flood Risk Assessment and Drainage Design Strategy by Fairhurst, reference 98927/01D dated December 2017– received 27.12.17:

- All finished floor levels, electrical sockets, internal services and ducting shall be above the design flood level of 19.10m AOD
- All service entries into the building shall be set above the design flood level of 19.10m AOD or fully sealed
- Completion of a flood action plan comprising details and confirmation of the site's inclusion into and operation of the Environment Agency's flood warning systems and safe access and egress routes from the site to areas of higher ground;
- Maintain flow from existing land drains if encountered
- Installation of suitable land and highway drainage as required to control surface water runoff to open space areas away from dwellings and site access points, maintain boundary areas free from uncontrolled surface water runoff and intercept overland flow before entry into the site area
- Maintain levels at the site boundary where levels are elevated in relation to the remainder

of the site

- Attenuation of surface water discharge from the proposed development.

Reason: To minimise the risk of flooding of the development.

25

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the [prospective] Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

26

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

27

No part of the development hereby permitted shall be occupied until details of any new road and any improvement to existing privately owned/maintained highways have been submitted to and approved in writing by the Local Planning Authority including long- and cross-sections, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with these details to the satisfaction of the Local Planning Authority.

Reason: To ensure access to the development is constructed to adoptable standards.

Informatives

01

Sustainable Drainage Systems (SuDS involve a range of techniques and SuDS methods can be implements on all sites. SuDS are a requirement for all major development as set out within paragraph 165 and 163 of the NPPF.

The LLFA does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, with a preference for above ground solutions.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards written consent will be required prior to the alteration of flows to any receiving watercourse at the site.

Infilling or culverting of any watercourse at the site must not be undertaken without the Boards prior written consent. If not already done so the Board recommends that the LLFA is consulted on the application in regards to the management of surface water run off.

The Boards consent is required to erect any building or structure (including walls and fences) whether temporary or permanent or plant any tree, shrub, willow or other similar growth within 9m of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Boards consent is required for any works whether temporary or permanent in over or under any Board maintained watercourse or culvert.

The Board's written consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Boards district (other than directly to a main river for which the consent of the EA will be required).

Under the Land drainage act the board are permitted to deposit arising from the watercourse on adjoining land. Any occupier of adjacent land wishing to remove the spoil should note that an exemption under the Waste Management regulations may be required from the Environment Agency.

04

Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local

Council and Water Company regulations.

3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.
4. Attenuation ponds, next to the railway, should be designed by a competent specialist engineer and should include adequate storm capacity and overflow arrangements such that there is no risk of flooding of the adjacent railway line during either normal or exceptional rainfall events.

It is expected that the preparation and implementation of a surface water drainage strategy addressing the above points will be conditioned as part of any approval.

Abnormal Loads

From the information supplied, it is not clear if any abnormal loads will be used in the construction of the development and therefore be accessing the site via the level crossing. We would have serious reservations if during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contact our Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect our asset(s) from any potential damage caused by abnormal loads. I would also like to advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Noise/Soundproofing

The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application. Network Rail will require steps to be taken and paid for by the Developer to mask any light on the site, or to prevent dazzle to trainmen from road vehicle lights.

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. No part of the development shall cause any existing level crossing road signs or traffic signals or the crossing itself to be obscured. Clear sighting of the crossing must be maintained for the construction/operational period and as a permanent arrangement. The same conditions apply to the rail approaches to the level crossing. This stipulation also includes the parking of vehicles, caravans, equipment, and materials etc., which again must not cause rail and road approach sight lines of the crossing to be obstructed.

Railway Maintenance

Network Rail reserves the right to provide and maintain existing railway signals/signs (whistle boards etc.) and level crossing equipment along any part of its railway. It should be noted that this has been the subject of several complaints recently where householders have said that, by stopping trains outside their houses, we are invading their privacy, and by trains whistling creating a noise nuisance.

05

With respect to the attached archaeological conditions, please contact the archaeology team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1XX, 01522 554823, email Matthew.Adams@lincolnshire.gov.uk to request preparation of a brief for the works. It is recommended the resulting specifications are approved by Lincolnshire Archaeology prior to commencement. Ten days' notice is required before commencement of any archaeological works.

06

You are advised that protected species are present on site. Any species that is protected under Schedule 1* or 5** of the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats) Regulations 1994*** or the Protection of Badgers Act 1992, all construction or other site work affecting the species shall not commence (or cease if discovered) until a license has been obtained from Natural England at the following address - Block 6 & 7 Government Buildings, Chalfont Drive, Nottingham, NG8 3SN (acting on behalf of DEFRA (Department for Environment, Food and Rural Affairs)).

* Includes nesting birds

** Includes great crested newts, bats, reptiles and water voles

*** Includes great crested newts and bats.

07

With reference to the drainage condition (23) above, it is requested that all calculations are provided using contemporary drainage software (Windes or similar). If possible electronic files should be provided to support paper and pdf outputs. Information can be provided in common software packages and formats including PDS, Windes, xyz, genio, word/excel/autocad etc. All documents should be referenced with a unique identifier – drawing number, document number/revision etc. Calculations and drawings should be cross-referenced and issue sheets provided to enable tracking of revisions to information.

08

This application has been the subject of pre-application discussions and has been approved in accordance with that advice and following submission of a very special circumstances case which outweighs the harm to the Green Belt. 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).

09

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

The proposed development has been assessed and it is the Council's view that CIL is payable on the development hereby approved as the gross internal area of new build is in excess of 100 square metres.

10

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Please contact david.albans@nottsc.gov.uk for details.

The proposed access & off-site highway works require a Traffic Regulation Order before the development commences to provide safe access/off-site mitigating works. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact mike.barnett@viaem.co.uk for this to be arranged.

11

In respect to condition 04, the bond for the new build dwellings is recommended is English Garden Wall bond. Materials proposed for development may be provided on site and made available for viewing.

BACKGROUND PAPERS

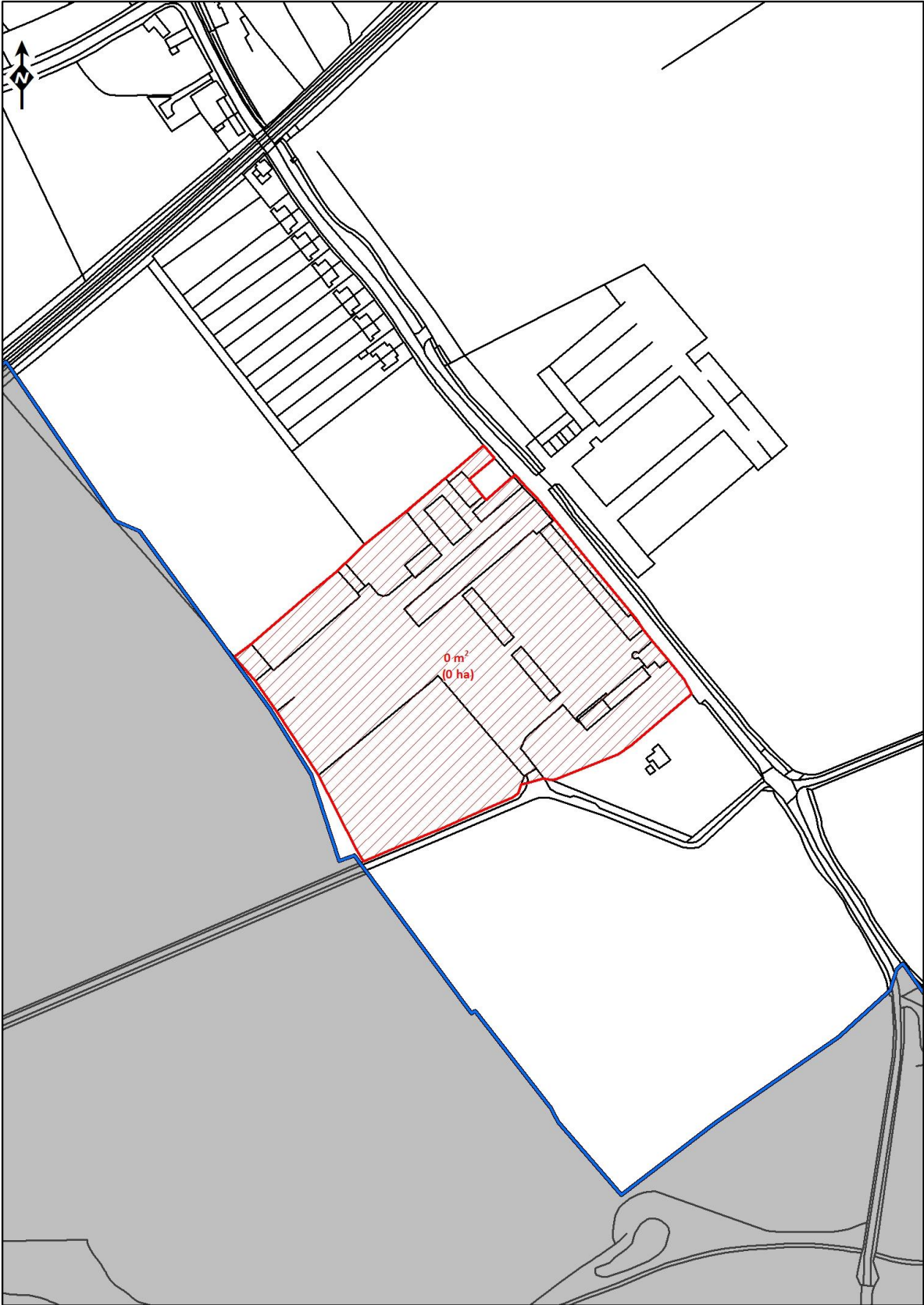
Application case file.

For further information, please contact Lisa Hughes on ext 5565.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 15/00784/FULM



Committee Plan - 17/02325/FULM

