

Date: 23<sup>rd</sup> December 2015

Dear Sir/Madam,

**PLANNING COMMITTEE**

Notice is hereby given that a meeting of the **Planning Committee** will be held in the Council Chamber, Kelham Hall, Newark on Tuesday, 5<sup>th</sup> January 2016 at **4.00 pm**.

Yours faithfully,



A.W. Muter  
Chief Executive

**AGENDA**

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1. Apologies	
2. Declarations of Interest by Members and Officers	
3. Declaration of any Intentions to Record the Meeting	
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<b><u>PART 1 - ITEMS FOR DECISION</u></b>	
5. Balderton Hydro Pool, Gilbert Way, Fernwood (15/00846/OUT) <b>(Site Visit: 9.20am)</b>	11 - 21
6. Former Piano School, Mount Lane, Newark on Trent (15/01260/FULM) <b>(Site Visit: 9.45am)</b>	22 - 44
7. Land to the South East of former A46, Syerston (15/00912/FULM)	45 - 66

8. Update on Planning Committee Working Party 67 - 69  
(23<sup>rd</sup> November 2015 Planning Committee Working Party Minutes attached)

**PART 2 – ITEMS FOR INFORMATION**

- 9(a). Appeals Lodged 70 - 71
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**PART 3 - STATISTICAL AND PERFORMANCE REVIEW ITEMS**

None

**PART 4 - EXEMPT AND CONFIDENTIAL ITEMS**

The following items contain exempt information, as defined by the Local Government Act, 1972, Section 100A(4) and Schedule 12A, and the public may be excluded from the meeting during discussion of these items.

None

**NOTES:-**

A Briefing Meeting will be held in Room G21 at 3.00 pm on the day of the meeting between the Business Manager - Development, the Chairman and Vice-Chairman of the Committee to consider late representations received after the Agenda was published.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Wednesday, 9<sup>th</sup> December 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)

Councillors: D.M. Batey, R.V. Blaney, D. Clarke, R.A. Crowe, G.P. Handley, Mrs P.J. Rainbow, Mrs S.E. Saddington, Mrs L.M.J. Tift, I. Walker and B. Wells.

ALSO IN

ATTENDANCE: Councillors: R.J. Jackson, R.B. Laughton, J.D. Lee and A.C. Roberts.

99. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors: Mrs C. Brooks, Mrs M. Dobson and N.B. Mison.

100. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED that the following Members and Officer declared an interest in the items shown below:

<u>Member/Officer</u>	<u>Agenda Item</u>
Kirsty Cole – Deputy Chief Executive	Agenda Item No. 12 – Top Lock Studio, Navigation Yard, Mill Gate, Newark (15/01893/FUL). Disclosable pecuniary interest, current owner of the property.
Councillor D.R. Payne	Agenda Item No. 12 – Top Lock Studio, Navigation Yard, Mill Gate, Newark (15/01893/FUL). Disclosable pecuniary interest, current owner of the adjoining property.
Councillor L.M.J. Tift	Agenda Item No. 11 – Land North of Rainworth Former Rufford Colliery adjacent Clipstone Forest, Nottinghamshire (15/01008/FULM). Disclosable pecuniary interest, as she had been working with Harworth Estate and land owners for three years.

101. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

102. MINUTES OF THE MEETING HELD ON 3<sup>RD</sup> NOVEMBER 2015

AGREED that the Minutes of the meeting held on 3<sup>rd</sup> November 2015 be approved as a correct record and signed by the Chairman.

103. ORDER OF BUSINESS

The Chairman with the permission of the Committee changed the order of business. Agenda item No. 8 was taken after item No. 5 and item No. 12 was taken after item No. 14.

104. LAND AT JUNCTION BETWEEN WELLOW ROAD AND NEWARK ROAD, WELLOW (15/00457/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission for a proposed traveller site including short term transit pitches and utility block.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the following: Anonymous leaflet distributed to local residents; Nottinghamshire Fire Service; Governors and Trustees of Wellow House School.

Councillor R.B. Laughton spoke against the application for the following reasons: The need for provision within the Local Development Framework was 21 pitches and was believed to be flawed. There were many undeveloped sites around the Tolney Lane site in Newark. The criteria should be fit for the villages and damage could be created in small rural communities by developments such as this. It was commented that the Governments recent changes in the Gypsy/Traveller status would affect the number of sites the Local Planning Authority would need to secure. The local community were not happy with the situation. The Planning Committee should not use the reason of losing at appeal to turn down the application. The Planning Committee needed to support the views of the local community.

Councillor A. Baugh, representing Wellow Parish Council spoke against the application in accordance with Wellow Parish Council's views as contained within the report.

The local Member informed the Committee that she had been working with Wellow Parish Council but still had an open mind but had not been reassured by the information provided at that mornings site visit. She questioned whether the adjacent sites were monitored and whether they were full to capacity. It was commented that the further site was an unfair burden on the settled rural community.

Members considered the application and a Member commented that he was satisfied that there was a need for the traveller site on the basis of the work that the Authority had done to establish need. By 2018 there was a set requirement for 25 permanent pitches of which the Authority had a shortfall of 21 pitches. The Local Planning Authority had a duty to allocate traveller sites. Clarification was sought as to whether an additional condition could be included stipulating the number of permanent and

short stay pitches, a maximum of 2 permanent pitches and minimum of 6 short term transit pitches was suggested.

The Chairman of Wellow Parish Council stated that he believed that no planning consent for traveller sites had been granted in the country in the conservation area. Members therefore suggested that the item be deferred to allow further consideration of the impact on the designated conservation area and investigate if any other gypsy and traveller sites had been allowed in the conservation area nationwide, either by Local Planning Authorities or on appeal in order to judge whether less than substantial harm impact on a conservation area has been considered to be a determinative factor.

A vote was taken to refuse planning permission and was lost with 4 votes for and 6 votes against.

AGREED (unanimously) that the item be deferred to the 5<sup>th</sup> January 2015 Planning Committee, to allow further consideration of the impact on the designated conservation area and investigate if any other gypsy and traveller sites have been allowed in the conservation area nationwide, either by Local Planning Authorities or on appeal in order to judge whether less than substantial harm impact on a conservation area has been determinative.

*(Councillor R.A. Crowe arrived during the presentation of the following item).*

105. RAILWAY LAKE, HOVERINGHAM LAND, HOVERINGHAM (15/01537/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought the change of use of the existing lake for water sport and scouting use, incorporating installation of a portacabin for changing/training room and installation of a septic tank.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from Thurgarton Parish Council and Hoveringham Parish Council.

Councillor Turton representing Hoveringham Parish Council and Councillor Parker representing Thurgarton Parish Council spoke against the application in accordance with Hoveringham Parish Council and Thurgarton Parish Council's views as contained within the report.

Councillor R.J. Jackson, local Member for Dover Beck Ward spoke against the application for the following reasons. Two villages have had to put up with gravel quarrying from the beginning of the second world war. It was agreed in the Nottinghamshire County Council (NCC) planning conditions that when the gravel quarrying had finished the lakes would be restored and made available for local people to enjoy and be a natural habitat for wildlife. It was felt that the application was very vague and no consultation had taken place with the community. He questioned the need for an additional sailing club when there was already one on the neighbouring lake. He asked that no land based activity be included as a condition.

The Business Manager Development suggested that the item be deferred in order to seek clarification from NCC regarding the aftercare conditions.

A Member raised concern regarding the extent of use of the lake by Notts Sailing Club as the report did not include that information. Concern was also raised that there were no hours of operation included in the conditions. A Member further commented that he felt uncomfortable in denying 50 youngsters use of the lake.

*(Councillor R.A. Crowe took no part in the vote).*

AGREED (unanimous) that the item be deferred to the 2<sup>nd</sup> February 2015 Planning Committee, to ascertain:

- (i) what the NCC agreed remediation was and clarity as to the remaining requirements of the NCC aftercare programme;
- (ii) to confirm the intended usage and control of the Notts Sailing Club; and
- (iii) to allow discussions with the applicant regarding appropriate hours of operation to be tied by condition.

106. SOUTHWELL GREEN SF CONNECT, UPTON ROAD, SOUTHWELL (15/01569/ADV)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought advertisement consent for the display of 1 illuminated Fascia Sign and 23 illuminated and non-illuminated signs. Since the application submission all of the signs had been displayed. The description of the development had been altered accordingly to include retrospective.

Councillor P. Storer, representing Southwell Town Council spoke against the application in accordance with Southwell Town Council's views as contained within the report.

The local Member raised concern regarding the retrospective planning permission when the applicant was a large corporate company who would be aware of the planning process. He felt that the signage was too large and out of proportion for the locality and the application should therefore be refused. It was further commented that the signage on the site to the rear of the garage should also be looked into.

A vote was taken to refuse the application and was lost with 2 votes for and 9 votes against.

AGREED (with 9 votes for and 2 votes against) that advertisement consent be approved subject to the conditions and reasons contained within the report.

*(Councillor G.P. Handley left the meeting at this point).*

107. CORNER COTTAGE, MAIN STREET, OXTON (15/01455/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought retrospective planning permission for the erection of a first floor and single storey rear extensions and alterations to the front porch. The Local Planning Authority had approved a similar scheme with a smaller footprint in December 2014. This application also sought permission for an additional rear extension and the erection of a front porch.

Councillor R.J. Jackson, local Member for Dover Beck Ward spoke in support of the application as there was no detrimental harm to the village from the extension.

Members considered the application and agreed with the local Member that the extension had no detrimental harm to the village.

AGREED (unanimously) that contrary to officer recommendation full planning permission be approved subject to a legal agreement to secure the removal of permitted development rights and any reasonable conditions delegated to the Business Manager Development in consultation with the Planning Committee Chairman and Vice-Chairman to control the extent of the development.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
D. Batey	For
R.V. Blaney	For
Mrs C. Brooks	Absent
D. Clarke	For
R.A. Crowe	For
Mrs M. Dobson	Absent
G.P. Handley	For
N. Mison	Absent
D.R. Payne	For
Mrs P.J. Rainbow	For
Mrs S.E. Saddington	For
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For
Mrs Y. Woodhead	Absent

108. LAND TO THE SOUTH EAST OF FORMER A46, SYERSTON (15/00912/FULM)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of two large agricultural sheds with associated hardstanding.

Members considered the information before them and it was suggested that further information was required and the item therefore be deferred.

AGREED (unanimously) that the item be deferred to seek the following additional information:

- (i) whether the proposed sheds were new build and a plan to show which sheds would be removed from the existing sites; and
- (ii) the applicant be asked to confirm why any new sheds could not be reduced in scale and the elevations revised from those currently before the Authority for a decision.

109. PLOTS 1 – 10 GREEN PARK, TOLNEY LANE, NEWARK (14/01640/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission to remove/vary condition 5 and 6 attached to the temporary planning permission issued by the Planning Inspector at appeal.

The Business Manager Development informed the Committee that as a s73 application the entirety of the development could be reconsidered. However given the relatively recent appeal which granted the original permission and the limited changes in material circumstances, officers raised no objection to the principle of the time limited development established by the previous Inspector.

Councillor A.C. Roberts, representing Newark Town Council and Chairman of the Town Council's Planning Committee, spoke against the application in accordance with Newark Town Council's views as contained within the report.

*(Councillor I. Walker did not take part in the vote as he was not present for the whole of the presentation).*

AGREED (unanimously) that:

- (a) full planning permission be refused for the reasons contained within the report; and
- (b) appropriate enforcement action be taken by the Deputy Chief Executive, in consultation with the Chair and Vice Chair of Planning Committee.

110. RULE NO. 30 – DURATION OF MEETINGS

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting.

AGREED (unanimously) that the meeting continue.

*(Councillor Mrs L.M.J. Tift having declared a disclosable pecuniary interest left the meeting for the duration of the following minute).*



111. LAND NORTH OF RAINWORTH FORMER RUFFORD COLLIERY ADJACENT CLIPSTONE FOREST, NOTTINGHAMSHIRE (15/01008/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission to construct a solar farm of up to approximately 5MW. Planning permission was sought for a 27 year period allowing a two year period for construction and decommissioning and 25 years of operation. The total site area was approximately 16ha which included the access tracks.

A schedule of communication was tabled at the meeting which included correspondence received after the agenda was published from the Applicant and Nottinghamshire Wildlife Trust.

AGREED (with 7 votes for, 1 vote against and 1 abstention) that full planning permission be refused for the reasons contained within the report.

112. APPEALS LODGED

NOTED that the report be noted.

113. APPEALS DETERMINED

NOTED that the report be noted.

*(The Deputy Chief Executive – Mrs K. Cole and Planning Committee Chairman - Councillor D.R. Payne, having both declared disclosable pecuniary interests left the meeting at this point).*

Councillor B. Wells Chaired the meeting for the following item.

114. TOP LOCK STUDIO, NAVIGATION YARD, MILL GATE, NEWARK (15/01893/FUL)

The Committee considered the report of the Business Manager Development, which sought the replacement of existing timber windows and doors on the building to powder-coated aluminium windows and doors. The frames would be a dark grey colour (RAL colour 7021). The application also sought to replace an existing ground floor window on the SE elevation with a new entrance door and replace a Juliet balcony in the NW elevation with a glass balustrade.

The Committee was informed that the application had been referred to the Planning Committee for determination as the owner of the property was a member of staff within the Corporate Management Team.

Members were informed that the reference to ‘Kirsty Cole Deputy Chief Executive’ at page 175 of the Agenda was included in error, and that the Deputy Chief Executive took no part in the determination of the application or the writing of the report.

AGREED (unanimously) that full planning permission be granted subject to the conditions contained within the report.

The meeting closed at 7.06pm

Chairman

<b>Application No:</b>	<b>15/00846/OUT</b>	
<b>Proposal:</b>	<b>Residential development</b>	
<b>Location:</b>	<b>Balderton Hydro Pool Gilbert way Fernwood Nottinghamshire</b>	
<b>Applicant:</b>	<b>Nottinghamshire Healthcare NHS Foundation Trust Mrs B Henson</b>	
<b>Registered:</b>	<b>21<sup>st</sup> July 2015</b>	<b>Target Date: 15<sup>th</sup> September 2015</b>
	<b>Extension of time agreed until 8<sup>th</sup> January 2016</b>	

### The Site

This application relates to the site of the now redundant hydrotherapy pool at the former Balderton Hospital site. The existing building on the site has been demolished and the site cleared. The site comprises approximately 0.135 ha of land accessed off Gilbert Way within the Fernwood residential development. The site is bounded by 1.8m high wooden fencing to the boundaries with the properties on Rosefield Close and no. 9 Gilbert Way and 1.8m high mesh fencing to the other boundaries.

To the north, south and east of the site are two storey residential properties. To the west the site is immediately adjoined by an area of woodland beyond which is an area of open space and footpaths serving the residential development.

The adjacent dwellings to the east on Rosefield Close are two storey properties with principle ground and first floor windows directly overlooking the application site. No. 9 Gilbert Way which adjoins the front of the site is a two storey dwelling with windows to the rear elevation.

### Relevant Planning History

Outline planning permission was granted in November 2012 for the demolition of hydrotherapy building and the erection of a residential development – application ref. 2012/01273/OUT. Condition 3 of this permission restricted the number of dwellings to a maximum of 2. No reserved matters application has been submitted and the application has expired. The hydrotherapy building has been demolished.

### The Proposal

Outline planning permission is sought for the residential development of the site with all matters reserved. Indicative layout plans have been deposited with the application which indicate that the access would be from Gilbert Way. The indicative layout plan also shows 2 no. detached dwellings sited approximately 18m from the highway with 4 no. parking spaces to the front. An email has also been received from the agent stating that the dwellings would be two storey in height.

A revised indicative layout plan has been deposited on the 14<sup>th</sup> October 2015 which shows an increase in the depth of the application site and setting back of the dwellings further into the site resulting in a rear garden depth of 20m.

#### Departure/Public Advertisement Procedure

Occupiers of 7 neighbouring properties have been individually notified by letter. Site notices have also been displayed near to the site.

#### Planning Policy Framework

##### The Development Plan

##### **Newark and Sherwood Core Strategy DPD (adopted 29 March 2011)**

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 6: Infrastructure for Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 3: Housing Mix, Type, and Density
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment

##### **Newark and Sherwood Publication Allocations & Development Management DPD (Adopted July 2013)**

- Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy
- 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

#### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Policy Guidance (on line resource)

#### Consultations

**Fernwood Parish Council** – Concern is raised with regards to the 1m distance from the proposed build to the neighbouring boundary which is too close;

It is questioned as to whether the proposal is keeping with the area as it is a wooded area and what will happen to the cherry trees;

It has previously been thought that the properties would be bungalows, would this not be a better option as it will be less intrusive for the existing properties and as the hydro pool building was

originally a building providing a service could the land not be used to provide some sort of service again.

**NCC Highways Authority** – The principle of a small residential development at this site is acceptable. However, at the 'reserved matters' stage, the design of the access is required with particular attention to its relationship with the public footpath that runs from Gilbert Way to Rubys Avenue. Speed humps are likely to be required.

Parking and turning areas will also be scrutinised when a final detailed design is submitted.

**4 no.** letters have been received from local residents or other interested parties, 3 from the same respondent. These raise the following issues:-

- The length of time from submission is the application is questioned and the lack of details contained within the application:
- Existing boundary fencing not within the ownership of the applicant is shown to be replaced by the wall of the proposed dwelling. No maintenance access is given to the remaining section of fencing;
- The proposal would result in the loss of light and loss of open aspect;
- The proposal would be overbearing;
- The proposal would result in a loss of privacy;
- Question is raised with regards to the design of the proposal and whether it would be in keeping with the surrounding area and to the height of the proposed dwellings
- Following the submission of revised plans further comments have been received which are summarized as follow is:-
- The revised pans reposition the proposed dwellings slightly further from the side boundary but the proposal would still be overbearing and result in loss of light, overshadowing and loss of privacy It is questioned as to whether the dwellings could be sited nearer to the front boundary or be 2 no. semi detached properties which would reduce the proximity to the neighbouring boundaries.
- There is no mention of the cherry trees within the site which are used as a nesting ground and which if were removed would greatly change the outlook of the area.
- It is requested that the application be presented to planning committee.

Additional consultation has been carried out following the submission of revised site plans which expires on the 24<sup>th</sup> December 2015. Two emails have been received to date which raises the following concerns:-

- The revised plan does not offer any major change.
- The revised layout brings the proposed dwellings close to existing residential properties.

- Being only slightly displaced backwards, the dwellings are still in close proximity to boundaries which will block light and encroach on privacy.
- The dimensions shown on the plan are inaccurate as they do not show neighbouring extensions;
- It is suggested that one constructive way would be to resite the dwellings to have one in line with the property on Gilbert Way and the other dwelling could then be resited further back without any impact on amenity.
- It was understood that the replacement buildings would be of a similar height to the Hydro Pool building. Could the proposal be for two bungalows.

Any further additional comments received will be reported to Planning Committee.

### Comments of the Business Manager

#### Principle of the development

The application is in outline form with all matters reserved for a development comprising 2 no. detached dwellings.

I am mindful that the principle of the loss of the hydro pool and the erection of a residential development comprising 2 no. two storey dwellings on this site has previously been established following the granting of outline planning permission in November 2012. The general thrust of Development Plan policies has not changed materially since this time and the principle of development remain acceptable, subject to other considerations.

The main planning considerations in the determination of the application currently before members are the impact of the proposals on the character and appearance of the street scene and the wider area, the impact on the amenity of the occupiers of neighbouring dwellings and whether the proposals raise any highway safety issues.

#### Impact on the character of the area

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. CP9 states that new development should achieve a high standard of sustainable design 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.

The application site falls within a residential area comprising two storey modern dwellings of varying appearances. This redundant site, although cleared of the hydro pool building, has, in my opinion, a negative impact on the appearance and nature of the surrounding area.

I am mindful of the previous outline approval for two dwellings on this site, and am of the view that there have been no significant changes in policy or site circumstances since the granting of this permission in 2012. I remain satisfied that taking account of the parameters of the site, it could readily accommodate 2 no. detached dwellings set within plots that would be

commensurate with other plots in the immediate vicinity without it appearing cramped and over intensive development.

I note the comments with regards to the positioning of the proposed dwellings. Given that the application is in outline form and all matters are reserved for later approval, the layout plan deposited with the application is purely indicative. It shows 2 no. detached dwellings set some distance back from the highway with relatively deep rear gardens and set in from the side boundaries of the site. Consideration of any reserved matters submitted in relation to layout would ensure that the proposed dwellings would sit well within the context of the site and the character of the area layout and would also ensure that the final siting of the dwellings would secure an acceptable separation and relationship with existing dwellings on Gilbert way and Rosefield Close.

Taking these factors into account I consider that subject to appropriate details on the design and layout of the proposed development being secured through a reserved matters application, the proposal can have an acceptable relationship in terms of its scale and layout with the character of the area in accordance with Core Policy 9 and Policy DM5.

#### Impact on Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

I note the comments received with regards to overbearing, overshadowing and overlooking impacts. Again I am mindful that all matters are reserved for later approval. Notwithstanding this I consider that the indicative plan for the proposal site demonstrates that appropriate separation distances could be achieved between the dwellings such that there would no detrimental impacts in terms of overbearing or overlooking.

A detailed assessment of the impact on the amenity of occupiers of neighbouring properties and those future occupiers of the proposed properties would be undertaken at reserved matters stage where details such as positioning of buildings, windows and boundary treatments would be given due consideration.

Taking these considerations into account I am satisfied that the proposed development can be designed to ensure it does not result in any undue impact upon the residential amenity of neighbouring dwellings a suitable standard of amenity can be achieved for occupants of the proposed dwelling and therefore the proposal complies with Policy DM5.

#### Highways

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The means of access is a reserved matter although on the block plan it is shown as being taken from off Gilbert Way, which is the only realistic way to access the site without encroaching

through woodland and open space. NCC Highways Authority raise no objections to the scheme and I am therefore satisfied that in principle an appropriate access to the site could be achieved without compromising highway safety subject to the submission of satisfactory access details.

Taking account of the above, on this basis I am satisfied that the proposal will comply with Spatial Policy 7 and Policy DM5.

### Other Matters

With regards to concerns raised with regards to trees within the site and impact on ecology, the site has been substantially cleared following the demolition of the Hydro Pool building. Mature trees exist within the southern section of the site and there are mature trees outside of the site which are adjacent to the southern and western boundaries.

The trees surrounding the site which form part of the woodland and parkland will be retained. Matters of landscaping within the site, which would include tree retention and protection would be considered as part of the detailed landscaping scheme at reserved matters stage in order to safeguard the character of the area. Any proposed landscaping scheme could be designed so as to enhance the nature conservation value of the site to ensure that the development would not result in any undue ecological impacts in this respect.

I note the issues raised in relation to the length of time from submission of the application to consultations being carried out and the lack of details submitted. The application was initially invalid on receipt and the outstanding information not received until the beginning of August 2015. The proposal was submitted as an outline application with all matters reserved and therefore the detail of the scheme such as layout, scale, design and appearance and landscaping will be assessed at reserved matters stage.

Similarly comments received regarding ownership of boundaries and future access for maintenance, who would construct the dwellings and who would occupy them are not material planning considerations and as such could only be afforded limited weight in the determination of the application.

I note that alternative suggestions regarding the layout, house type and scale of the dwellings have been put forward. As outlined above these matters would be considered in detail at reserved matters stage. Moreover it is noted that the principle of 2 no. two storey dwellings on the site has, in my opinion, previously been established in the granting of the outline permission in November 2012.

### Conclusion

To conclude, in my view there would be no significant harm caused from the loss of a redundant community facility. Indeed its demolition and redevelopment of the site for two dwellings would reuse a brown field site and bring about some environmental improvements. I am also satisfied that a detailed scheme could be designed to positively improve the appearance of the area, avoid detrimental impacts on residential amenity and highway safety. I find that the proposals accord with the Development Plan and recommend approval.



## **RECOMMENDATION**

**That outline planning permission is granted subject to the conditions below:**

### Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the access, appearance, landscaping, layout and scale ('the reserved matters') shall be submitted to and approved in writing by the local planning authority before development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

No development shall be commenced until [details] samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Facing Materials

Bricks

Details of any render or cladding

Roofing tiles

Reason: In the interests of visual amenity.

04

No part of the development shall be brought into use until precise details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:-

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; and

hard surfacing materials including to the proposed driveway, parking and turning areas approved under condition 7.

Reason: In the interests of visual amenity and biodiversity.

06

The approved landscaping shall be completed during the first planting season following the commencement 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.

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

07

No part of the development hereby permitted shall be commenced until precise details of the access width, parking and turning facilities as well as means of surfacing to these areas have been submitted to and approved in writing by the Local Planning Authority. Once approved in writing the access, parking, turning facilities shall be provided before the dwelling is first brought into use and shall be retained in accordance with the approved details at all times.

Reason: In the interests of Highway safety.

08

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved 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.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, including extensions to the property and the insertion or replacement of doors and windows.

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: Development within the curtilage of 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) Order 1995 or any amending legislation) in the interests of residential amenity and preserving the character and appearance of the area.

### **Note to Applicant**

01

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

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

02

As part of any reserved matters the submission shall include the following matters; parking and turning facilities, access widths, gradients, surfacing, street lighting, structures, internal visibility splays and drainage (to the highways).

03

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

<b>Officer</b>	Bev Pearson.	<b>Manager</b>	
<b>Date</b>	16.12.15	<b>Date</b>	
<input checked="" type="checkbox"/>		<input type="checkbox"/>	
<b>I confirm that the conditions set out in the delegated report are identical to the conditions in Uniform.</b>			

**BACKGROUND PAPERS**

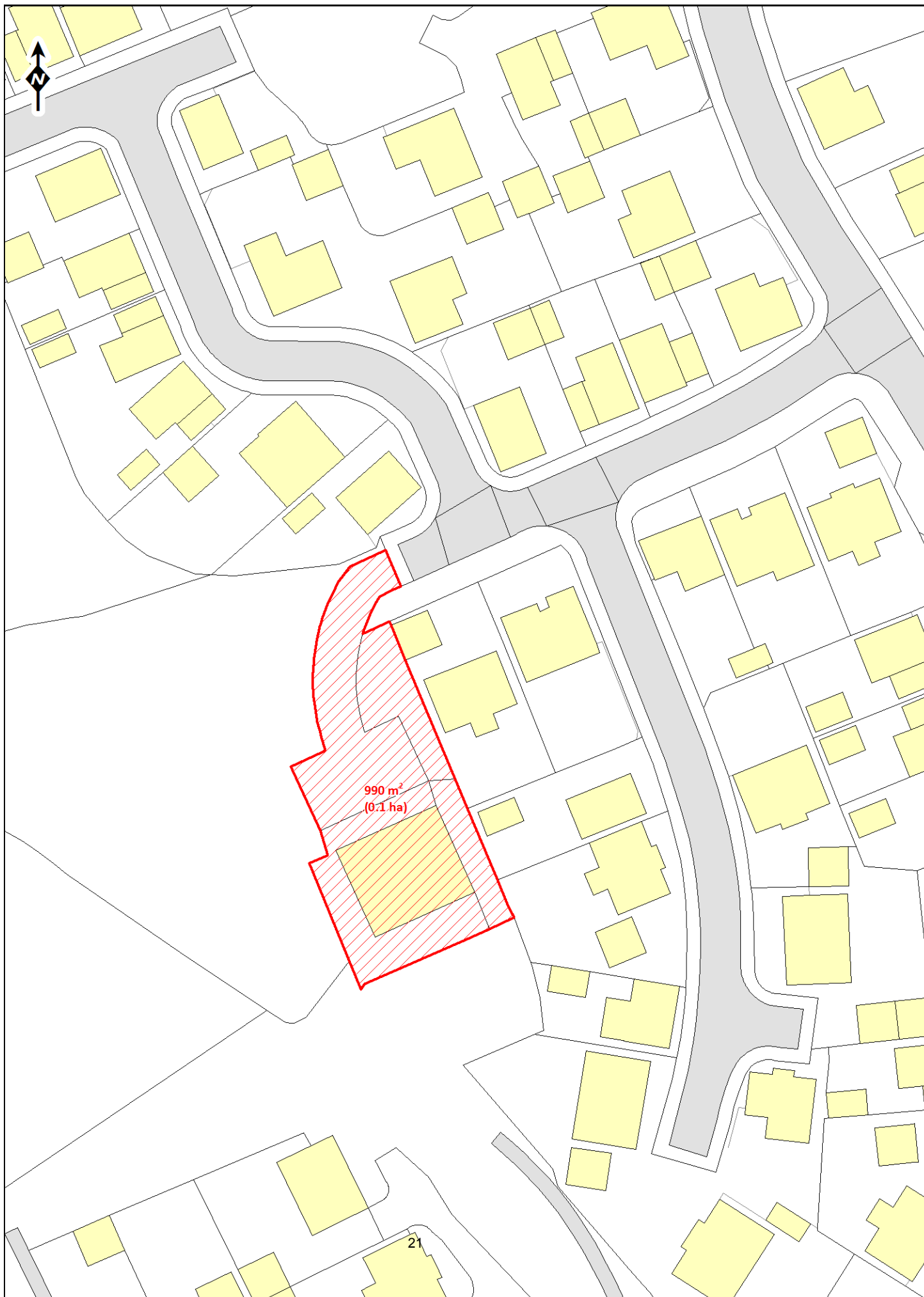
Application case file.

For further information, please contact Bev Pearson on ext 5840.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 15/00846/OUT



<b>Application No:</b>	<b>15/01260/FULM</b>	
<b>Proposal:</b>	<b>Conversion into 15 rooms, 6 self contained studios, 2 x 1 bedroom apartments and 1 x 2 bedroom apartment</b>	
<b>Location:</b>	<b>Former Piano School Mount Lane Newark on Trent Nottinghamshire</b>	
<b>Applicant:</b>	<b>Unity Holdings Ltd Mr s Grace</b>	
<b>Registered:</b>	<b>17<sup>th</sup> July 2015</b>	<b>Target Date: 16<sup>th</sup> October 2015</b>
	<b>Extension of time agreed in principle</b>	

The application has been called in at the request of Councillor Keith Girling.

#### The Site

This application relates to 0.0647 hectares of land comprising the former Piano School, a range of Edwardian single and two storey buildings located within Newark Town Centre and the Conservation Area.

The site is accessed from Mount Lane a narrow lane providing vehicular access from Appleton Gate which serves residential properties on Mount Lane and which has very limited off street parking provision and is also subject to parking restrictions. There is also pedestrian access from The Mount to the north west.

To the north west the site is adjoined by the Former Mount School, a Grade II Listed Building which now forms part of the St Leonard's Trust sheltered housing scheme. To the south west lies St Mary Magdalene's Church, a Grade I Listed Building and associated church grounds. To the south and north the site is bounded by two storey dwellings on Mount Street and Jallands Row, a Grade II Listed terrace. To the east there is a commercial yard and commercial/residential properties fronting Appleton Gate.

#### Relevant Planning History

10/00482/FUL 10/00483/LBC – planning and Listed Building Consent were refused in May 2015 for the conversion of the Piano School into five dwellings, the demolition of single storey piano practice rooms, workshop and external stairs and the erection of one dwelling, on the grounds that the building to be demolished made positive contribution to the conservation area, no justification had been put forward for any demolition and the proposal would unduly impact on the character and appearance of the conservation area and the amenity of the occupiers of neighbouring properties.

09/01231/FUL – an application was received in September 2009 for the conversion of piano school building to 6no. town houses together with demolition of single storey lean to building, workshop and external stairs. This application was subsequently withdrawn.

## The Proposal

As originally submitted full planning permission was sought for the conversion of the existing buildings to form a residential development comprising 15 no. rooms with shared kitchen facilities and some shared bathroom facilities, 6 no. self contained studios, 2 no. 1 bedroom apartments and a 1 no. 2 bedroom apartment.

Revised plans have been received on the 14<sup>th</sup> December 2015 which amend the scheme as follows:

- Apartment A/15 from the HMO has been omitted from the scheme.
- Wall mounted cycle stands have added within the courtyard area
- The internal ground floor layout of the HMO has been amended to feature a fire escape door to the west elevation
- The existing ground floor north gable window apertures (Elevation GG) are to be partially bricked-up to feature new high-level windows, in order to give privacy to the neighbouring gardens.
- The proposed new roof light above apartment B/3 has been omitted.
- The proposed new window opening to apartment B/2 has omitted.
- New external lighting and security PIR lighting was added has been added within the courtyard area.
- All kitchenette units have been removed from bedrooms within HMO
- The HMO kitchen was expanded to comply with DASH guidelines.
- New bin stores were added for each apartment and a secure refuse store added for the HMO.
- The existing windows along the southern elevation to Apartment B/9 are to be fully bricked-up and the roof-lights removed, in order to give total privacy the neighbouring property. The internal layout of apartment has been rearranged to utilise the existing windows along the northern elevation.
- The refuse store area for the HMO has been extended.

The amendments to the scheme result in the provision of 14 no. bedrooms with shared communal facilities (i.e kitchens and some bathrooms) and 5 no. self-contained rooms (or studio apartments), 3 no. 1 bed apartments and 1 no. 2 bed apartment totalling 23 units.

A further revised plan has been deposited which shows the ground floor windows serving rooms A/4 and A/5 on the gable elevation facing Jallands Row to be partially bricked up and obscured with only high level window sections being retained as clear glass.

Additional waste management comments and security measures were received on the 28<sup>th</sup> October 2015.

A number of enabling works are proposed in the form of modification to some existing window openings, either to create new door openings, blocking up of some existing openings or reinstatement of some former openings to form new door openings, repointing and structural repairs, repairs and replacement of some existing roofs, replacement rooflights, replacement staircases, repair and redecorate existing windows, repair and replace some existing rafters, replace existing rainwater goods, external landscaping and erection of a porch. These works are detailed within the Heritage Statement deposited with the application.

A Design and Access Statement, Heritage Statement and a Bat Survey prepared by EMEC Ecology also accompanies the planning application.

#### Departure/Public Advertisement Procedure

Occupiers of 47 neighbouring property have been individually notified by letter. A site notice has also been displayed near to the site and a notice has been published in the local press.

#### Planning Policy Framework

##### The Development Plan

##### *Newark and Sherwood Core Strategy Adopted March 2011*

- Spatial Policy 1 - Settlement Hierarchy
- Spatial Policy 2 - Spatial Distribution of Growth
- 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 9 -Sustainable Design
- Core Policy 10 – Climate Change
- Core Policy 12 – Biodiversity and Green Infrastructure
- Core Policy 14 – Historic Environment
- NAP1 – Newark Urban Area

##### *Allocations and Development Management DPD Adopted July 2013*

- Policy DM1 - Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 – Development on Allocated Sites
- Policy DM3 - Developer Contributions
- Policy DM4 - Renewable and Low Carbon Energy Generation
- 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



### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Affordable Housing SPD (June 2013)
- Newark and Sherwood Developer Contributions and Planning Obligations SPD (December 2013)

### Consultations

**Newark Town Council** – No objections were raised to this application, however the committee expressed some concern with regards to the possible over intensification of the site and the potential for noise disturbance given the number of units being proposed.

**Newark Civic Society** - Object to the proposal pending clarification of the number of units. This appears to be advertised as 'conversion into 10 residential units' but the supporting statement seems to indicate there would be x 15 rooms [mixture of en-suites and shared facilities], 6 self-contained studios, 2 x 1 bed apartments and 1 x 2 bed apartment. So in other words there would be **15** bedrooms in a communal/shared living arrangement with common rooms and shared bathrooms etc- registered as a HMO -House in Multiple Occupation and **9** individual apartment making 15 bedsits = 1 unit.

We have concerns about the density of this proposal and the amenity impact for people living on Mount Lane or in the St Leonard's sheltered housing.

**NCC Policy** - One of the core principles of the National Planning Policy Framework (NPPF) is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of and the need to protect and enhance the natural, built and historic environment, biodiversity and also include the need to adapt to climate change.

A key aspect of the NPPF is that it includes a presumption in favour of sustainable development which means that, for decision-taking, local planning authorities should approve development proposals that accord with the development plan without delay or where a development plan is absent, silent or out of date, grant permission unless any adverse impacts of the proposal outweigh the benefits, or specific policies in the NPPF indicate that development should be restricted.

The NPPF also discusses the weight that can be given in planning determinations to policies emerging as the local authority's development plan is being brought forward. The weight given to these policies will be very dependent on; their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the NPPF.

The Government is committed to securing economic growth, with the planning system encouraging sustainable growth, as set out in paragraphs 18 and 19 of the NPPF.

Paragraphs 29-41 of the NPPF address the issue of sustainable transport. The NPPF requires all major planning applications to be supported by an appropriate Transport Assessment (TA) and

concludes that new development proposals should only be refused on transport grounds where the residual cumulative impacts would be severe.

The National Planning Policy Framework (NPPF) seeks to promote healthy communities. Paragraphs 69-78 of the NPPF sets out ways in which the planning system can play an important role in facilitating social interaction and create healthy inclusive environments. To support this Local Planning Authorities are tasked with involving all sections of the community in the development of Local Plans and in planning decisions. Planning policies should in turn aim to achieve places which promote:

- Safe and accessible environments
- High quality public spaces
- Recreational space/sports facilities
- Community facilities
- Public rights of way

Paragraph 72 of the NPPF states that,

*“The Government attached great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- *Give great weight to the need to create, expand or alter schools; and*
- *Work with school promoters to identify and resolve key planning issues before applications are submitted”*

Paragraph 171 of the NPPF relates to Health and well-being and encourages Local Planning Authorities to work with public health leads and organisations to understand and take account of the health status and needs of the local population, including expected future changes, and any information about relevant barriers to improving health and well-being.

### County Planning Context

#### *Waste*

In terms of the Nottinghamshire Waste Core Strategy (December 2013), there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding the existing waste management facilities (as per Policy WCS10).

As a large development the County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 ‘Waste awareness, prevention and re-use’ of the Waste Core Strategy, the development should be ‘designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.’

#### *Minerals*

The site does not lie within a Mineral Safeguarding and Consultation Area and as such the mineral safeguarding policy set out in the emerging Minerals Local Plan does not need to be considered.

The County Council therefore does not wish to raise any objections to the proposal from a minerals perspective.

## **Strategic Planning Issues**

### Strategic Highways

The County Council do not have Strategic highways objections to the proposed development.

### Travel and Transport

### Heritage

This application is accompanied by a Heritage Statement that has identified the history of the site and explains how the proposals respond to the conservation of the fabric of the historic building envelopes. The approach to the conversion does take account of the heritage interest of the conservation area in terms of the treatment of the fabric and the significance of the buildings, but makes little reference to the impact on the setting of the adjacent listed buildings.

The proposed new use for the main proportion of the site as HMO introduces various issues, this may be the most viable use for this particular site which appears to be particularly limited in space for parking. The Design and Access Statement refers to the low level of car ownership of likely tenants and provision of storage for bicycles. The County Council could not identify any such storage facilities on the plans and it is unclear where refuse bins would be accommodated. It is not clear from the information provided if the site has been marketed for alternative uses since the 2009 application referred to in the Heritage Statement. The Design and Access Statement states that within the town centre 'commercial properties are becoming increasingly difficult to rent due to their size and ongoing maintenance commitments', there is no further discussion or evidence offered to support this.

### Ecology

Given that the structure to be refurbished is early 20<sup>th</sup> century in age, with a roof that has fallen into disrepair, it is recommended that a **bat scoping survey** is carried, prior to the determination of this application, along with any subsequent, more detailed surveys that may be required. The unit has been vacant for over 18 months and is in close proximity to areas of parkland and mature gardens, increasing the likelihood of roosting bats being present in the area.

In addition, it is apparent from aerial photos that there is a mature tree adjacent to the northern edge of the site boundary. There is some overhang of the canopy into the site area, thus if there are any arboricultural works required to this tree, then it should also be checked with regards to roosting bats.

### Developer Contributions

Should the applications proceed, Nottinghamshire County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Newark and Sherwood District Council to ensure all requirements are met.

**NCC Conservation Support Officer** – Confirm that no library or education contributions would be sought in this instance.

**NCC Highway Authority** - As this is a town centre development, with adequate public car parking facilities in close proximity, there is no insistence on the provision for off street parking. Therefore, there are no highway objections to this proposal.

**NSDC Environmental Health Contaminated Land** - This proposal includes refurbishment of buildings/structures which are of an age where asbestos may have been used in the construction and/or insulation materials. There are no soil screening values for asbestos; it is considered that there is no safe exposure level for human health. Where the existing or previous land use(s) indicate that there is a potential for asbestos to be present at the site, the applicant/developer will need to have a contingency plan to effectively deal with these materials. Should the construction/conversion phase reveal the presence of asbestos, please notify the Health and Safety Executive (HSE) on 0845 3450055 and the Proactive Team in the Environmental Health at Newark and Sherwood District Council on 01636 650000.

Under the Control of Asbestos Regulations 2012, in the majority of cases anyone working with asbestos will require a licence; it is an offence to work with asbestos without one and could result in prosecution. In addition, there have been some changes to what is required for non-licensed asbestos work. Details of the changes are available from the HSE website at <http://www.hse.gov.uk/asbestos/regulations.htm>.

**NSDC Environmental Health** - It appears from the application that the accommodation comprises of self-contained units and also accommodation that will share facilities.

The applicant should ensure that the facilities provided for the shared accommodation complies with the attached DASH guidance on amenities and space standards. Such provisions should be in consultation with this Department.

**NSDC Planning Policy** – Relevant policy background is outlined:-

NPPF In terms of housing, this requires LPA's to maintain deliverable 5 year supply of housing land in sustainable locations. In terms of heritage, requires LPA's to set out a positive strategy for the conservation and enjoyment of the historic environment. Planning Practice Guidance offers advises on decision taking in respect of the historic environment.

NSDC Core Strategy 2011 Addresses NPPF housing requirement by defining a settlement hierarchy in Spatial Policy 1 and allocating proportionate amounts of housing development to it through Spatial Policy 2. Addresses NPPF heritage requirement through the priorities set out in Core Policy 14. Core Policy 3 sets the requirement for affordable housing provision on 10 or dwellings in the Newark Urban Area.

Allocations & Development Management DPD 2013 Allocates housing sites to meet the targets set out in the Core Strategy and establishes the principal of windfall development within settlements such as Newark through Policy DM1. It contains other Development Management Policies that deal with Historic Environment (DM9) and Design (DM5) that will be relevant to assessing the detailed proposal.

## ASSESSMENT

The site lies in the Newark Urban Area where Policy DM1 facilitates housing development appropriate to the size and location of the settlement, its status in the settlement hierarchy and in accordance with other relevant policies.

As a sub-regional centre the LDF intends Newark to be the main location for new housing. Within this context the provision of 10 residential units is entirely appropriate for this location. The type of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may) however as this would certainly result in a greater number of units and therefore more efficient use of land than more conventional self-contained dwellings and offers a range of affordable market accommodation I consider it is to be welcomed. My understanding is that as the proposal would create 1 no. House in Multiple Occupation and 9 no. dwelling houses it would fall below the threshold for provision of affordable housing.

The other relevant policies to consider this proposal against are DM5 – Design and DM9 - Protecting and Enhancing the Historic Environment. I defer your and the Conservations teams assessment of these matters.

## CONCLUSION

If the detail of the proposal satisfies Policies DM5 and DM9 and there no material considerations arise that indicate otherwise, the proposal would be in accordance with the development plan and its approval would result in the delivery of dwellings in a sustainable location and maintenance of the 5 year housing land supply.

**NSDC Conservation** – It is understood that the site has been the subject of pre application discussions and that this identified the significance of the building and the need for its overall appearance and form to remain and be conserved as a building of local interest within the conservation area and it also forming part of this designated heritage asset.

The principle of the porch area has already been identified as being acceptable at pre application stage.

Overall the form and appearance of the building is we'll maintained with this scheme and my only comments relate to joinery details.

The new rooflights on elevation BB and DD need to have a vertical, rather than horizontal emphasis. On elevation BB the infill of a door to a window in the large opening on the right hand of this elevation could be better done as the new lintel sits uncomfortably within the larger aperture. Can the existing arrangement essentially be retained, with the door overlight kept and glazing in the top half of the door opening and block in the lower part of the door opening?

The door design on elevation EE with the plank lower half and four panel upper half if perhaps a little modern domestic in appearance, could this perhaps be a plank door with a small light within the top half of the door, as seen on elevation GG?

Perhaps these points could be controlled by a 'not withstanding' type condition given the limited time to negotiate revised plans?

While I note that letter boxes have been specifically sited (and their location in an inner courtyard is acceptable), can we make sure we condition meter boxes and other features like vents please?

**Nottinghamshire Wildlife Trust** – the following comments have been made:-

According to the Bat Conservation Trust's Bat Survey Good Practice Guidelines (Hundt, 2012), conversion, modification, demolition or removal of certain buildings should trigger a requirement to carry out a bat survey. Such structures include agricultural buildings, older properties with gable ends and/or slate roofs and buildings in proximity to woodland or water. Building features likely to be used as bat roosts include lead flashing, box eaves, cavity walls, ridge tiles, slates, hanging tiles, large uncluttered roof spaces and ridge beams. It should be noted that this list is not exhaustive and that bats are often found in seemingly unlikely situations and also that roost sites can change frequently.

It is therefore advised that in order to ensure that all material considerations have been addressed the LPA requests a Preliminary Roost Assessment (bat survey) is carried out before the application is determined, by a licenced bat ecologist with the report submitted for review.

On receipt of the bat survey it is understood that the building was considered to have negligible bat roost potential. Whilst this has been supported by evidence (photographs and descriptions), precautionary measures are provided within Annex 2 of the report, in the unlikely event that bats should be found during works – It is advised that these measures are included within a **condition**.

Further to this, as old bird nests were found within the building, Section 5.2. of the report recommends works to be undertaken outside of the bird breeding season, or a survey to be taken immediately prior (no more than 2 days) to works commencing. Again, this should be included in a condition.

**NCC Ecology** – No comments have been received.

**NSDC Parks and Amenities** - Given the nature of this development, with some single rooms and 1bedroom apartments, there is no requirement for a contribution towards children's playing space.

**NSDC Strategic Housing** – The proposal to develop 9 self contained units does not meet the qualifying thresholds detailed in the District Councils Core Strategy (ten units and above in Newark). The remaining 15 units are designated HMO and therefore the application will be exempt from any affordable housing contribution.

With regards to housing need to cite the Housing Need in Newark specifically for the smaller home (1 bed) and in the private rented sector is as follows:-

The DCA Housing Needs Survey (2014) provides an assessment of housing need (for social housing) and housing preference (for market housing) across the district of Newark and Sherwood. *The Tables below provide evidence of demand for the size of property in Newark.* For the Newark area, market sector housing, the majority of demand is for 2 and 3 bedroom homes (722 combined total). The DCA survey does not assess demand for HMO's per se therefore I refer to demand for 1 bedroom dwellings in this instance. There is a small demand for 1 bedroom property (79 homes) in the market sector. The application states that the properties are of a rental tenure. The survey reports that demand for private rented accommodation in the district is small for households moving in the next three years at 31 units (compared with owner occupation

at 570) and in terms of property type there is no demand for bedsits but 266 flats are required for both existing and concealed households.

Since the survey however, it is reported that demand in the private rented sector has increased (National Association of Estate Agents – June 2015). Savills (July 2015) also report increase in demand for private rent across the East Midlands.

**NSDC Access** - As part of the developer's consideration of access to and use of the buildings, with particular reference to access and facilities for all, it is recommended that the developer's attention be drawn to BS8300:2009, BS 9266:2013 – as well as Approved Document M of the Building Regulations which contains further useful information in this regard.

In particular access to, into and around the proposals together with provision of suitable accessible facilities and features should be carefully considered to ensure these are equally convenient to access and use and carefully designed to meet accepted standards. Easy access and manoeuvre for all should be considered throughout the proposals.

It is recommended that the developer make separate enquiry regarding Building Regulations approval requirements.

**NSDC Waste Management** – Following discussions with the applicant and agent it is noted that there are 6no. 240 bins from neighbouring properties that are moved to Appleton Gate on collection day. These properties were built quite a while ago and as such were not subject to the same conditions as those of today, both for planning and waste management. Our current policy for developers is, as stated, 8 metres and I did comment on site that we would be flexible to an extent. However pulling 6 240 bins that are already on site and have been done that way under historical arrangements for many years, is slightly different to adopting the number of bins that are now proposed for this new development. (some are Euro containers).

I have revisited the site this morning and the only possible solution is that the developer arranges for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. I have already drawn up plans to alter collection routes to allow for a smaller vehicle to access that area.

Unfortunately that is the only solution. It would be untenable that that amount of bins could be pulled down and back to the main road whilst a truck is blocking off Appleton Gate. In addition if I schedule the small vehicle there is only two operatives to fetch bins. This would mean that far too much time would be spent walking backwards and forwards to the "30 metre" collection point. Obviously all this has been taken into account when the new guidance was developed.

**17 written representations** have been received from local residents or other interested parties raising the following concerns:-

- The scheme lies within a Conservation area and is therefore unsuitable;
- The development is cramped overcrowded and overbearing;
- The density is too high – 24 letting rooms creating a 48 bed hostel;
- Shared toilet and showers, common living rooms and kitchens are unsuitable for a residential building in a Conservation Area;
- The only adjacent recreational area will be the precinct and the burial grounds of St Mary Magdalene Church;
- The development will blight the Conservation Area where millions of pounds have been spent to establish it as an important historic part of Newark;

- A Conservation Area is an area of architectural historic and environmental interest or importance which is protected by law against undesirable changes;
- The site location plan submitted with the application is inaccurate – a building is shown adjacent to no. 35 Appletongate which does not exist which give the impression that the site can be accessed from Appletongate by a narrow opening. This is in fact wide enough to allow vehicles to drive through and there are often cars parked in the area adjacent to the site;
- Title deeds exist which restrict to the enlargement of windows or apertures, and the nature of openings and opaque glazing to windows facing some residential properties;
- Lack of consultation;
- Will access be from Mount Lane as the lower section of Jallands Row is believed to be unadopted;
- Forms deposited with the application state that there are no trees immediately adjacent to the development. There is in fact a large sycamore;
- Although the description states 10 units will be created the application proposes for 24 separate units of accommodation these all have double beds. This means that there could be up to 48 residents using one access from Mount Lane which will result in impact on amenity in terms of noise;
- Issues are raised with regards to waste bins being left on Mount Lane for collection.
- The access to the site is limited and more traffic would cause congestion and cause damage to property;
- There is no parking provision;
- The proposal is out of character with the area;
- There is a lack of vehicular access to the site is a long standing vehicular access from Appletongate which is not correctly shown and is ignored in the application. The access from Mount Lane is not suitable for vehicular use. The high density site cannot be managed and maintained without vehicular access which cannot be provided;
- The assessment that only 10% of owners have cars is inaccurate. In reality professional people will require a vehicle and the scheme does not allow for this. Residents will be forced to park on the road which will put pressure on other locations within the town centre;
- There are no vehicle storage spaces;
- The level and type of accommodation does not appear to be luxury. It is too cramped;
- The tenancy of the accommodation;
- The potential for disturbance and anti-social behavior;
- The level of activity will be greater than that of the previous use;
- There are no designated pedestrian footways along most of the length of Mount Lane;
- The number of potential residents and their modes of transport will radically alter the character of the area to the detriment of current residents;
- The proposal will impact on the Listed Building Conservation Area and the Almshouses;
- Responsibility for repair and maintenance of the highway;
- Impact on the access for emergency vehicles;
- The development may not meet the County Councils space standards or waste policy guidance;
- Comments in the Design and Access Statement with regards to the development being positive for local property and the accuracy of the comments regarding the conditions of the buildings deteriorating over the last 18 months as a result of being empty are questioned;
- The proposal will damage the growing cultural appeal of Newark;



- Development should be for family housing;
- There is a lack of external amenity space;
- The proposal does not provide an adequate level of amenity;
- No identifiable need for such accommodation has been evidenced;
- No Heritage Statement has been deposited with the application which is essential to assess any harm;
- The owners do not have control over the access to the property from Mount Lane nor do they have control of access for the connections to services;
- The building has windows facing residential properties and although these will be obscure glazed there will be night light spill. Also if these were to be opening this would trespass over neighbouring properties;
- Windows facing the St Leonards scheme will create overlooking issues and opening lights would trespass;
- No spaces are shown for bins, cycles or mobility aids. There is inadequate bin and cycle storage provision. The Local Authority have no right to cross the private drive for collection;
- There are no rights for postal or delivery services to the site.

A letter of representation has also been received from the local MP who requests that local resident concerns are taken into account.

A further letter has been received which reiterates previous comments and adds that that occupation levels should be imposed to ensure that only one person occupies each room at all times . Overcrowding is controlled by license.

The development would have an excessive largely uncontrolled occupation which would impact on the area and the Civil war Centre which will have a deleterious impact on the reputation of Newark.

Although one letter of support has been received with regards to the principle of the development it raises concern with regards to the lack of parking provision and requests that the existing spaces on Mount Lane are made restricted to residents parking only.

### Comments of the Business Manager/ Appraisal

#### Principle of Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises that it is the duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the development plan they will be approved without delay unless material considerations indicate otherwise. One of the core principles of the NPPF is to support and deliver economic growth to ensure that the housing, business and other development needs of an area are met. The NPPF looks to boost significantly the supply of housing. The principles and policies contained in the NPPF also recognise the value of encouraging the effective re-use of previously developed land (provided it is not of high environmental value).

Policy DM12 of the Allocations and Development Management DPD equally sets out a positive approach to considering development proposals. Where appropriate this will involve the District Council working alongside applicants to seek solutions which mean that proposals can be

approved where possible and to secure development which improves economic, social and environmental conditions. The policy further details that applications which accord with the District's Development Plan will be approved without delay, unless material considerations indicate otherwise.

The application site is within Newark Urban Area, as defined under Spatial Policy 1 of the Core Strategy as the Sub Regional Centre. Policy DM1 of the Allocations and Development Management DPD refers to proposals being supported for housing within the Sub Regional Centre provided it is appropriate to the size and location of the settlement hierarchy and in accordance with the Core Strategy and other relevant Development Plan Documents.

Spatial Policy 2 states that the spatial distribution of the District should focus on supporting the Sub-Regional Centre of Newark Urban Area which will be the main location of, amongst other things, for new housing.

Taking account of the above policies, the principle of this proposal is considered acceptable in this location given that it falls within the Sub Regional Centre of the District, a highly sustainable location served by good transport links and services and facilities. Moreover, the proposal would redevelop a current vacant brownfield site and would bring about the retention of an important building within the conservation area which would be of significant benefit to the character and appearance of the area. However, notwithstanding the principle of the proposal other site factors and local and national policy considerations need to be weighed in the planning balance and these are set out and assessed below.

### **Housing Mix, Type and Housing Density**

The National Planning Policy Framework which seeks to ensure sites '*deliver a wide choice of high quality homes....and.... plan for a mix of housing...*'.

Core Policy 3 of the Core Strategy states that housing densities should normally be no lower than an average of 30 dwellings per hectare net and should seek to address the housing need of the District, namely:

- family housing of 3 bedrooms or more;
- smaller houses of 2 bedrooms or less;
- housing for elderly and disabled population.

The mix will be dependent on the local circumstances of the site, the viability of the development and any localised housing need information.

The proposal seeks permission for:-

1 no. HMO comprising 14 rooms with shared communal kitchen and some bathroom facilities

5 no. self-contained rooms

3 no. 1 bedroom apartments and

1 no. 2 bed apartment

It is acknowledged that the density of the development is high given the nature of the proposal. However, this need not be fatal in itself, subject to other considerations. The site is within a sustainable urban setting and within the town centre where high density development would not

be out of context. I am satisfied that the proposal makes an efficient use of the site and offers a mix and type of accommodation within the private rental sector for which the latest housing needs report produced National Association of Estate Agents and Savills in 2015 has identified is a growing market. Within this context the provision of this type of residential accommodation is entirely appropriate for this location.

The nature of the occupancy of accommodation proposed does not require justification to satisfy any policy (although the impacts arising from it may) however this would certainly result in a greater number of units and therefore more efficient use of brown field land than more conventional self-contained dwellings and would offer a range of affordable market accommodation.

I would therefore conclude that the density and mix of housing units proposed would accord with the aims of the NPPF, Core Policy 3

### **Impact on the Conservation Area and Heritage Assets**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Paragraph 131 of the NPPF states that in determining planning applications local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets and putting to viable uses consistent with their conservation, the positive contribution that the conservation of the asset would make to sustainable communities and to the character and distinctiveness of the area.

The NPPF adds at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 137 of this document states that local planning authorities should look for opportunities for new development in Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the significance of the asset should be treated favourably.

Policy CP14 of the Core Strategy reflects this guidance and requires continued preservation and enhancement of heritage assets.

Core Policy 9 also reflects the NPPF and requires new development proposals to demonstrate a high standard of sustainable design that both protects and enhances the natural environment.

Policy DM5 requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Local planning authorities need to have special regard to the desirability of preserving the heritage significance of a listed building including that derived from its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas.

I am of the view that the Piano School buildings, although non designated heritage assets in themselves, form a positive and historic group within the conservation area setting of the site. The proposal seeks to predominantly retain the external features and integrity of the site which in my opinion would preserve the heritage quality of the buildings and consequently would preserve and enhance the character and appearance of the Conservation Area.

I am mindful that the site has been vacant for a number of years. Although more recent planning applications have sought to bring the site back into a viable use, permission has subsequently been refused as the proposals sought to demolish some of the buildings and to intervene to an unacceptable degree.

Taking account of the current proposal, it is noted that the existing buildings are to be retained and generally in good repair and form a positive and historic group within the conservation area setting of the site. Notwithstanding this the saw tooth elements of the buildings fronting the unadopted lane are in fairly poor repair, much of the roofing materials are damaged or missing and the roof is currently protected by polythene sheeting. I am mindful that the proposal seeks to repair and retain this important element.

Given that the proposed works do not involve any demolition, are modest in scale and nature and would retain the overall form and appearance and the historic integrity of the site, I am satisfied that the proposal would bring back into a viable use these currently vacant buildings and preserve their heritage significance and their contribution to the Conservation Area. Furthermore I am satisfied that the proposal would retain its relationship with and positive impact on the character and integrity of the nearby Listed Buildings and do not consider that the proposed use of the buildings would unduly impact on these historic heritage assets.

It is noted that the Conservation Officer raises no objections to the proposal subject to conditions. Given that scheme seeks to preserve the important elements of the asset the proposals are considered positive in conservation terms. This carries significant weight in the planning balance.

### **Impact on 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, anti-social behaviour.

### **Neighbouring Amenity**

Dealing firstly with the former, I acknowledge that the site is adjoined by residential properties. Windows to western elevation of Block A will serve ground floor bedrooms and the common room which overlook the lane (which continues north east towards Jalland Row) and the secondary windows serving the communal lounge and the entrance door and small secondary ground floor window serving the wardens accommodation of the elderly residents housing on the opposite side of the lane. There is a maximum 7m separation between the two buildings at this point. I have

given very careful consideration to this modest separation. However, given the tight urban grain of this town centre location, I am mindful that it is not unusual for residential properties to face each other across narrow lanes. There is some planting to the boundary treatments to the curtilage of the St Leonards sheltered housing complex which affords some modest screening. I acknowledge that the proposal would result in a level of overlooking. However, I am mindful that these windows are at ground floor level and am of the view that, on balance, this would not be such an incongruous situation with an urban setting to justify refusal on these grounds, particularly when balanced against the limited ability to use these windows for anything else as part of a residential conversion.

I note that existing windows exist to the ground and first floor of the gable elevation of Building A which forms the boundary with the rear garden of 5 Jallands Row which directly face this private garden and the high level windows to the rear elevations of the other properties forming this terrace. I note that revised plans have been deposited which propose to block up the lower panes of glass with brickwork to match the existing building, obscure the central areas of glazing and clear glaze the upper sections of these windows. I am satisfied that providing that the glazing within the central section of these windows is of sufficiently strong obscurity to prevent any views into or out of the rooms which these windows serve, then the privacy and amenity of occupiers of the properties on Jallands Row and any future occupiers of the Piano School building would not be unduly compromised. I consider it reasonable, should permission be granted, to secure this by condition.

It is noted that revised plans have been received which propose to block up existing windows serving the first floor apartment B/9 on the elevation facing the rear gardens of properties on Mount Lane and Appleton Gate to safeguard the amenity of the occupiers of these properties. These are secondary windows, the primary windows serving this apartment facing into the inner courtyard.

Taking the above into account I am satisfied that, on balance, the proposed development would not result in such significant overbearing, overshadowing or overlooking impact to justify refusal on these grounds.

#### *Amenity of future occupiers*

With regards to the level of amenity for the proposed occupiers, I am mindful that although some of the rooms within the HMO seem to have a modest floor space they do generally meet the relevant space standards set out in the Housing Act 2004 Guidance entitled Amenities and space in HMO's.

The minimum room size for the HMO rooms (which comprise a bedroom with adequate lounge and dining facilities and cooking facilities not provided in the bedroom) as identified within the above guidance as being between 8-12 sq.m All rooms meet the minimum required standard.

With regards to the self contained units, the Government has produced a Technical Housing Standards (March 2015). However the National Planning Policy Guidance (online tool) is clear is stating that if an LPA "wishes to require an internal space standard, they should only do so by reference in their Local Plan to the Nationally Described Space Standard." Provision in a local plan must also be predicated on evidence, as the NPPG goes onto describe.

“Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.” (Paragraph: 020 Reference ID: 56-020-20150327)

In the case of NSDC we have not adopted the national space standards and thus the guidance is that one should not *require* (emphasis added) them for decision making. The standards however do exist and must be material in some way. The performance of this scheme against the standard is detailed in the table below:

SC Units	✓	X	Sq.m short
3 x 1 bed apartment	2	1	-5 sq.m
1 x 2 bed apartment		1	-10 sq.m
5 Studio		5	-13 sq.m
			-13 sq.m
			-15sq.m
			-12 sq.m
			-4 sq.m
TOTAL	2	7	

Whilst falling below the threshold is clearly not ideal I am mindful of the NPPG guidance that any requirement from the LPA should be provided by the LDF, that the rooms are to a large degree dictated by the current built form (in terms of utilising the existing buildings and the openings), and that units of the size proposed will meet a need. Taking careful consideration of this I am of the view that given the nature of the development and on balance, this would not result in such a modest level of amenity for future occupiers of these rooms or apartment to justify refusal on these grounds. I also weigh this against the heritage benefits of the scheme.

I note that the applicant has confirmed that they have DASH accreditation. This is a scheme for accredited landlords with proven record of good management with their tenants. Whilst this cannot be guaranteed for perpetuity (or if another landlord were to take control) I consider that the DASH scheme and the applicants track record in Lincolnshire does offer a degree of comfort.

I am mindful that relationships and separation distances between some facing windows overlooking the internal courtyard are also modest. However these are existing windows and an existing situation. At ground floor level direct views would be partially obscured by the proposed

planting to the central courtyard. At first floor level there is a 6m separation between windows serving Bed A/13 and AptB/5. I am also mindful that the ground floor windows serving Apt B/4 and Apt B /6 directly face the ground floor windows serving Bed A/9 and Bed A/8 and similarly at first floor level windows serving Apt B/5 directly face those serving Bed A13.

A balanced judgement has to be taken as to whether this situation would result in such a significant impact to be detrimental to the amenity of future occupiers the building. In this instance I am mindful of the tight urban grain within town centres particularly in relation to residential developments such as that as proposed. Such modest separation and relationships between units of accommodation is not unusual and would not, in my opinion, be so detrimental to future occupiers of the proposal development to justify refusal. Furthermore I am also mindful that the retention of these windows in these positions is an existing situation. It would allow the conversion of the building without its historic integrity being unduly compromised or lost through alteration or harm. Taking account of this I am of the view that the level of any impact would not cause such harm to the level of amenity for future occupiers to warrant refusal on these grounds.

With regards to comments received in relation to the lack of provision of open space and recreational areas, an internal courtyard area is proposed with a central seating and landscaped area. Given the nature of the development, I am of the view that amenity space to serve the residents of the development would be provided. There are also public recreational areas and open spaces within the area.

#### Other amenity matters

It is acknowledged that the proposal would result in an increase in the level of activity to that of previous use of the buildings. I note comments received with regards to the potential number of residents should the proposed development be fully occupied. Again I am mindful that this is a town centre location and that a residential development of this density would not be unusual. I am also of the view that such a level of activity would not be so significantly harmful within the urban centre to justify refusal on these grounds.

I note the comments received with regards to potential light pollution. In terms of planning considerations I am of the opinion that by virtue of the proposed residential use of the site, the level of lighting would not be such to unduly impact on neighbouring amenity. I note that external lighting is proposed to the inner courtyard and consider it reasonable should permission be granted that a condition be attached requiring the submission of precise lighting details.

In terms of concerns raised with regard to anti-social behavior, the proposal would bring into residential use a currently vacant building with windows that would overlook the unadopted lane and the internal courtyard. This would provide optimum natural surveillance of these areas and would in my opinion discourage anti-social activity.

Having carefully assessed the scheme I am satisfied that, on balance, the proposal could be developed such that there will be no significant or unacceptable detrimental impacts upon the amenity of future occupiers of the proposed development or dwellings adjacent to the application site in accordance with the Policy CP9 and DM5.

#### Highway Issues

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not

create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I acknowledge the comments received with regards to the lack of vehicular access to the site, off street parking provision requirement for such a high density development, potential damage to property and highway and pedestrian safety concerns.

The highway authority has not requested provision for off street parking and have consequently raised no objection to the proposal. Taking account of these comments, I am of the view that the site lies within a highly sustainable location being within the Town Centre close to town centre employment, facilities and services and is well served by public transport. There are car parking facilities in close proximity to the north east of the site. Cycle storage has also been included within the scheme.

I therefore consider that the proposed development would not result in any significant parking or traffic problems or highway safety issues to justify refusal in this instance and is therefore in accordance with the requirements of Spatial Policy 7 and DM5.

### **Impact on Ecology**

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

An ecological survey has been deposited with the application which concludes that no evidence of roosting bats was found and no features were considered suitable for roosting bats. As a small amount of very old nesting material was found during the survey, building works may be constrained by the bird breeding season.

Nottinghamshire Wildlife Trust are satisfied with these results subject to conditions to secure the precautionary measures outlined in the survey relating to bats and birds.

Overall and subject to conditions, I consider the proposed development to comply with the aims of Core Policy 12 and Policy DM5 of the DPD.

### **Developer Contributions**

Spatial Policy 6 'Infrastructure for Growth' and Policy DM3 'Developer Contributions and Planning Obligations' sets 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.



### Affordable Housing

I note the comments from Housing Strategy in that the proposal to develop 9 self contained units does not meet the qualifying thresholds detailed in the District Council's Core Strategy (ten units and above in Newark). The remaining 14 units are designated HMO and therefore the application will be exempt from an affordable housing contribution.

### Other contributions

I note that the NCC Highway Authority, NCC Education and Libraries, NSDC Parks and Amenities and Community Sports and Arts Development have confirmed that no developer contributions would be requested in this instance.

### **Other Matters**

#### Consultation

Consultation has been undertaken in accordance with legislative requirements. A site notice was posted, a press notice placed in the local newspaper and adjoining neighbours have been notified of the proposal.

#### Rights of Access and boundaries

The comments received with regards to rights of access and servicing together with trespass over boundaries are noted. The agent has completed Certificate B on the application forms stating that they have notified land owners/interested parties of the proposal. Moreover the agent has confirmed by email that there is right of access along Mount Lane to the entrance to the Piano School as proposed. Taking this into account and from the information put forward I consider that this would be a private legal matter to be resolved by both parties. As Members will be aware issued of ownership and/or rights of access are private legal matters not material to the determination of the application. Equally a planning permission does not over-ride any private legal rights.

#### Accuracy of plans

A comment has been received which expresses concern that the plans deposited with the application are out of date, particularly in relation to no. 35 Appletongate. However, this property does not form part of the application site. From my site visits I am satisfied that the details and plans deposited with the application allow full consideration of the proposal.

#### Deeds and Covenants

I note the comments received with regards to deeds which restrict the enlargement of windows, the nature of openings and opaque glazing to windows facing residential properties. Should planning permission be granted this would not override any deeds or covenants. This would not be a material planning consideration but would be a private legal matter to be resolved between parties.

#### Nature of tenancy

Issues raised with regards to the nature of tenancy of the residential units would not be a material planning consideration and would therefore carry limited weight in the determination of this

application. The use and numbers of units proposed (and the associated activity) is material, and has been addressed above.

### Trees

The concerns raised with regards to the presence of a large tree immediately to the boundary of the site with the rear garden of 5 Jallands Row which has not been identified within the application are noted. This tree lies just outside of the application site boundary. Any works to this tree would require consent as it is afforded protection by virtue of it being within the Conservation Area. For the avoidance of doubt this application does not consent for the tree to be removed.

### Waste Management

I note the comments received with regards to matters of waste management. The applicant has undertaken lengthy discussions with the District Council with regards to the types and numbers of bins required and the storage and collection of waste. Revised details of household waste and recycling bin types and have been deposited and a meeting held to discuss bin storage and collection. Following these discussions I note that a solution to bin collection arrangements has been suggested by NSDC Waste Management which would require the developer to arrange for all bins (whichever collection type and day it is) to be presented at the top end of Mount Lane, at the top of the slope going down past the old school. Then following collection the same arrangements would need to be done in reverse. Plans have been drafted to alter collection routes to allow for a smaller vehicle to access that area.

Notwithstanding this I consider it reasonable that should permission be granted, a condition be attached requiring the submission and written approval of precise details of the management of bin collection arrangement and bin collection points to secure appropriate measures are implemented to the satisfaction of the District Council.

### Conclusion and Planning Balance

As the site is located within Newark Urban Area, the principle of residential development on this site is considered to be acceptable.

The application is not considered to result in any adverse impacts on highway safety, residential amenity, ecology, or heritage assets subject to conditions.

Proper consideration has been given to all material planning considerations and the appropriate weight afforded to each matter. On balance, I consider that the applicant has done enough in each area to persuade me that the recommendation should be an approval. Subject to the requested conditions from consultees I consider that the scheme is acceptable in accordance with the Development Plan and all other material considerations.

### RECOMMENDATION

**That full planning permission is granted subject to the following conditions:**

#### Conditions

To follow.

## BACKGROUND PAPERS

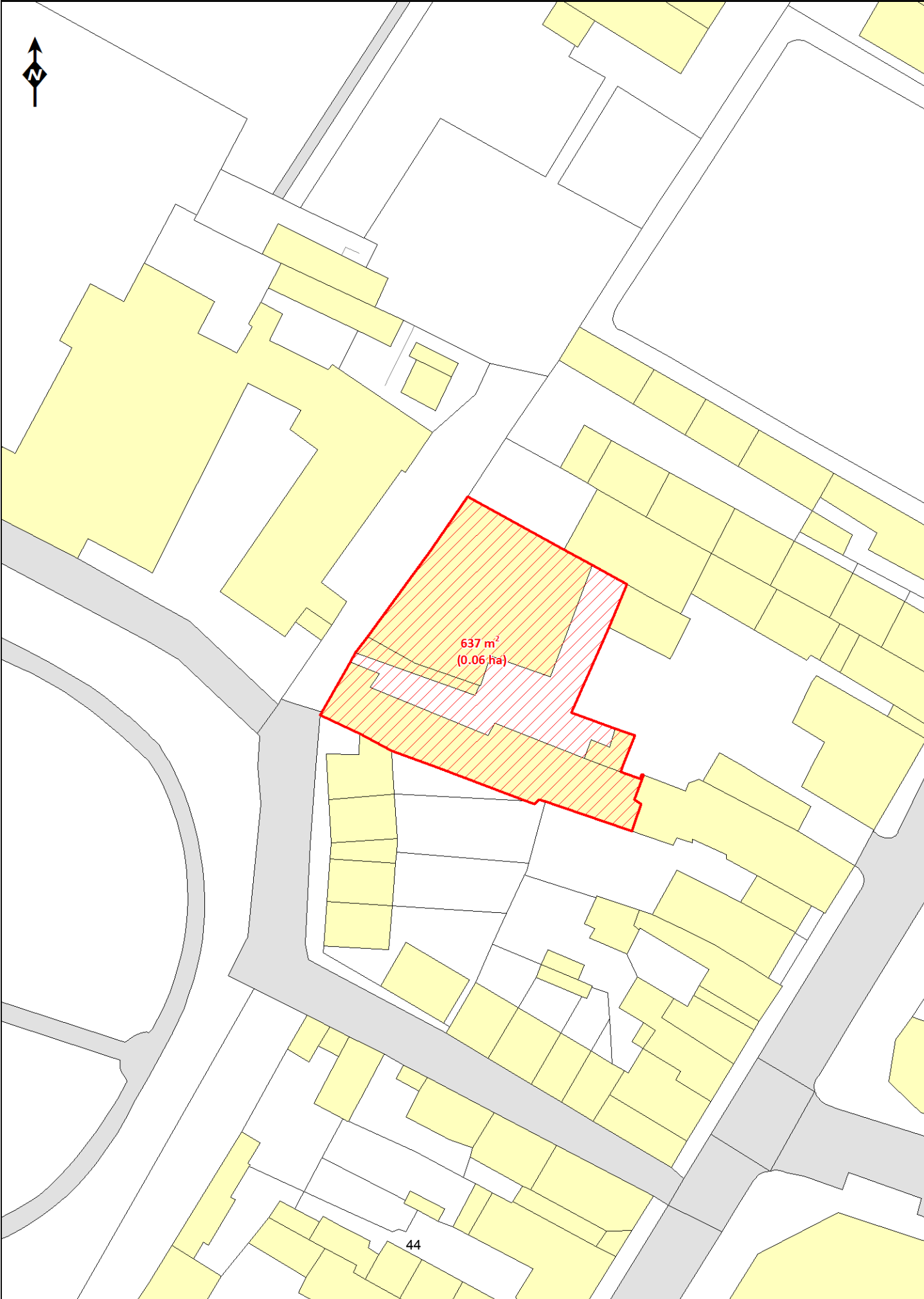
Application case file.

For further information, please contact Bev Pearson on ext 5842.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 15/01260/FULM



<b>Application No:</b>	<b>15/00912/FULM</b>	
<b>Proposal:</b>	<b>Erection of two agricultural storage buildings</b>	
<b>Location:</b>	<b>Land To The South East Of Former A46, Syerston</b>	
<b>Applicant:</b>	<b>M and C Sheldon</b>	
<b>Registered:</b>	<b>27<sup>th</sup> May 2015</b>	<b>Target Date: 22<sup>nd</sup> July 2015</b>
	<b>An extension of time has been agreed until 11<sup>th</sup> December 2015</b>	

**Members will recall that this application was deferred at the last meeting in order to obtain greater clarity on the buildings which were to be relocated. The information has now been provided. For the avoidance of doubt additional clarification is detailed in bold below.**

The application has been called in at the request of Councillor Ivor Walker.

The application is before the Committee at the request of the Business Manager, Development in consultation with the Planning Committee Chair and Vice Chair on the basis that local employment could be affected if planning permission is refused as recommended.

### **The Site**

This application site lies within the open countryside and relates to an area of relatively level agricultural land situated on the south eastern side of the former A46 Fosse Way between this highway and the new A46 to the south east.

The site is currently used for arable purposes, with some livestock present and is bounded by paddock fencing and hedgerow.

The application site is located opposite the Lady Pitt Farm complex on the other side of the former A46.

### **Relevant Planning History**

None of relevance

### **The Proposal**

Full planning permission is sought for the erection of 2 large agricultural sheds with associated

hardstanding.

Shed 1, the larger of the two buildings would be located a minimum of 13m from the boundary of the site with the former A46 and would have maximum dimensions of 45.6m depth and 30.7m width. The building would have an eaves height of 7.6m and a ridge height of 12.5m. Roller shutter doors are proposed to the south western and south eastern elevations which measure 7.5m in height and 7.3m in width and 6.5m in height and 6.1m in width respectively. The lower sections of the building would comprise 4m high concrete panels between steel columns. The upper sections of the building comprise corrugated metal profile sheeting with a Jupiter green finish.

Shed 2 would be located at right angles to Shed 1 and would have maximum dimensions of 39.4m in depth and 22.9m in width. The building would have an eaves height of 4.2m in height and a ridge height of 8.4m. Roller shutter doors are proposed to the western elevation of the site measuring 6.4m in height and 6.8m in width and 4m in height and 6m respectively. The building incorporates an open area for storage of machinery to the western elevation and would be constructed of the same materials as shed 1.

The existing access from the former A46 is to be retained and widened to serve the proposed buildings and the neighbouring field to the south west.

A secondary access is proposed to be created to the north western corner of the field accessed from the former A46.

Approximately 4056sq.m of hardsurfacing to create a hardstanding and turning areas is proposed to the front of the buildings.

A Design and Access Statement has been deposited with the application.

Additional information and photographs have been deposited on the 10<sup>th</sup> September 2015 with regards to operational requirements and the physical impact of the building on the visual amenity of the landscape.

The applicant reports that this submission has arisen following notice being served to vacate land on which the buildings are currently located. There is a need to re-provide the buildings close to the existing land holding and having explored all options within the existing land within the applicants control the site represents the best available in terms of its impact.

Further additional information has been deposited on the 11<sup>th</sup> November which outlines the operational need for the development in terms of safe storage of valuable agricultural equipment and material and crops. This includes an employment and viability impact assessment together with a sequential assessment of alternative sites. It concludes that the cost of not being able to secure a new site for the yard would result in the likely reduction in the number of jobs provided the applicant. The business would have to downsize operations as a result and thus threaten long term viability. Ultimately, the fear therefore is that the business would fold. The applicant is not a

large local employer but nonetheless (along with other smaller local farmers) plays their part in supporting the district's rural economy. The new yard would provide safe and secure storage for expensive vital machinery and also produce off the field ensuring that profits remain at a level that would sustain the operation of the business in the longer term.

An email received on the 13<sup>th</sup> November confirms that the applicant is to undertake a Written Scheme of Investigation as requested by Historic England.

**Following the deferral of the application at planning committee on the 9<sup>th</sup> December 2015 pending further clarification of the proposal, additional details have been submitted to the Council in the form of aerial photographs, photographs and details of the machinery to be stored within the proposed buildings together with photographs of the extent of grain storage and a statement which reiterates previous comments in relation to need, location and archaeology and which outlines the following matters:-**

### **Shed 1**

The larger building identified as Shed 1 was purchased some time ago to replace a dual pitched roof building on the Hall Farm site (identified as building C on the aerial view photograph) lost through storm damage. Shed 1 is currently stored in Building A (identified on the aerial view photograph). It has been confirmed in writing by the agent that the design and scale of this dismantled Shed 1 is as shown on the layout and elevation drawings deposited with the application. (Drg. Refs L-SHE-075-PAS#1FPS Rev C and L-SHE-075-PAS#1E Rev C).

### **Shed 2**

The smaller of the 2 buildings identified as Shed 2 comprises the two wings (shown on the aerial photograph as E and F) attached to the main body of building A. It has been confirmed in writing by the agent that the design and scale of Shed 2 when erected would be as shown on the layout and elevation drawings deposited with the application.(Drg. Refs L-SHE-075-PAS#2E Rev B and L-SHE-075-PAS#2FPS Rev A).

The lower sections of both building would comprise concrete panels between steel columns. The upper sections would be reclad in corrugated metal profile sheeting with a Jupiter green finish.

### **Departure/Public Advertisement Procedure**

Occupiers of 2 neighbouring properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice published.

### **Planning Policy Framework**

#### **The Development Plan**

#### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

## Core Policy 14: Historic Environment

### **Allocations & Development Management DPD**

Policy DM5 – Design

Policy DM8 – Development in the Open Countryside

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

### Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Newark and Sherwood Landscape Character Assessment SPD 2013

### Consultations

**Syerstone Parish Council** – The Syerston Consultation Meeting believes that app. 15/00912/FUL should not be approved. It wished the Development Committee to consider the adverse impact of proposals on the rural community; to reject the notion that the former A46 can become an even greater hazard to walkers, cyclists and horse riders, in part, because it used to be a busy trunk road. It was felt that the introduction of a large commercial enterprise (albeit agricultural) in that location is inappropriate and potentially completely unnecessary.

It wanted Members to take account of the adverse impact that warehouses, of this size, will have on views from buildings and sites of significant interest. It wanted Members to consider the adverse impact on nearby dwellings and wildlife throughout the day and especially at night.

The Syerston Consultation meeting respectfully requests that the application be rejected on clear planning grounds and that the open countryside is protected from such a large scale development.

### **The minutes of the meeting were also been received which details the following concerns:-**

The Syerston Planning consultation meeting was not content that the statement made in support of the application properly or fully addressed the requirement for a considered Design and Access Statement or the concerns of the rural community affected by the proposal. There had been no consultation.

The meeting felt that the mass and scale of the proposed buildings were out of proportion to the rural setting. In particular but not exclusively;

- i. The height of the buildings and the surface area of the hardstanding are completely inappropriate.
- ii. The impact of the proposal on the visual aspect from, for instance, the nearby listed Eden Hall and the site of the battle of East Stoke are ignored completely in the PDAS or are dismissed unacceptably.



- iii. The application takes no real account of the impact of the assumed associated activity on the highway and neighbouring domestic dwellings.
- iv. There is no acceptable reference to the level or timing of vehicle movements and, unlike in their present location, there is neither any automated traffic control nor any reduction proposed or required from the national speed limit, and
- v. The meeting saw no evidence to confirm that “a lease was coming to a cessation”.

The meeting was not persuaded that the application necessarily contributed to requirements of The National Planning Policy Framework (NPPF 2012) in so far that there is no immediate and measurable beneficial effect on social, environmental and economic sustainability. The question posed by the lack of evidence regarding the lease (v. above) left open the future of the extant site and its possible intended use, if this application were to be approved.

The Parish of Syerston, in general, and the proposed site in particular should not, the meeting felt, become part of a planning policy framework justification for some unstated economic advantage to be achieved elsewhere. In short the meeting queried in respect of the net community economic gain, the alternative uses for the land that it is proposed to vacate.

The meeting felt that this application will clearly have an adverse effect on the environment. Visual aspects will be compromised, a significant area of land will be lost and boundary hedges will be grubbed up, initially to provide a large access gateway and then potentially later, and more significantly, as security fencing and maintenance become difficult to manage. It was felt that lighting and the inevitable night time use of the site will create disturbance to neighbours and to wildlife and that the PDAS failed to address these issues adequately or at all.

The meeting noted that the PDSA made no mention of the development’s use being limited to storage of only the product of the applicant’s own holding (as is said to be required by a neighbouring authority in similar circumstances) or that there would be any restrictions on the maintenance of vehicles parked on the site. The meeting also expressed concern that there was no written undertaking to restore the land and to dismantle and take away the buildings, when they are no longer required.

## Decision

The Syerston Planning Consultation Meeting did not believe that application 15/00912/FUL should be approved and asked the Chair of the Meeting to convey that view to the Council.

It wished the Newark and Sherwood Development/Planning Committee to consider carefully, the adverse impact that the proposals will have on the rural community and to reject the notion that a road that was formerly the A46 can once more become an even greater hazard to walkers, cyclists and horsemen and horsewomen, in part, simply because it used to be a busy trunk road. The consultation meeting felt that the introduction of such a large commercial enterprise (albeit agricultural) in that location is and will be inappropriate and potentially completely unnecessary.

It wanted members of the committee to take account of the adverse impact that warehouses, of the size proposed, will have on views from buildings and sites of special or significant interest. And, it wanted Councillors to consider carefully the adverse environmental impact on nearby dwellings and wildlife throughout the day and especially at night.

The Syerston Consultation meeting respectfully requests that the application be rejected on clear planning grounds and that the open countryside is protected from such a large scale development.

**NCC Highways Authority** – The application site is located on the former A46 single carriageway, on which traffic flows have significantly reduced due to the construction of the A46 dual carriageway. The information submitted indicates that the proposed access into the site is an existing access, however, from my site visit it appears to have not been used for some considerable time.

The layout as shown on drawing. No. L-SHE-075-SLPP is acceptable to the Highway Authority. Therefore, there are no highway objections to this proposal subject to the following condition being imposed requiring the access to be constructed and surfaced in a bound material in accordance with the site layout plan (L-SHE-075-SLPP) and no other part of the development shall be commenced until the access has been completed in accordance with that plan. The applicant should be advised that 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.

**Highways England** – No objections are raised.

**NSDC Access** – No observations are raised.

**NSDC Conservation** – By virtue of its scale, form, location and appearance, the proposed development is capable of affecting a number of heritage assets within the vicinity, including:

- The Battle of Stoke Fields, a Registered Battlefield. The verge and boundary of the proposal site appears to be included within the Battlefield designation (see attached);
- The Grade II\* listed Elston Towers (now known as Eden Hall, and formerly Middleton House). The associated coach house is Grade II listed;
- Syerston Hall. The Hall is Grade II listed, as is the associated dovecote and stable range. The surrounding former parkland is identified on the Notts Historic Environment Record (HER) as an unregistered Park & Garden (a non-designated heritage asset therefore).

### Preliminary

The proposal may affect the wider setting and experience of Elston Towers, a Grade II\* listed building. The proposal is also likely to affect a Registered Battlefield. In accordance with Regulation 5A(3) of the Town and Country Planning (Listed Buildings and Conservation Areas)

Regulations 1990 (as amended) and Schedule 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, Historic England must be notified of the proposal.

### Legal and policy considerations

In accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), special regard must be given to the desirability of preserving the special architectural and historic interest of listed buildings, including their setting. In this context, the objective of preservation means to cause no harm, and is a matter of paramount concern in the decision-taking process.

A designated Battlefield is a site included on the non-statutory Register of Battlefields in England, maintained by Historic England. Registered battlefields are designated heritage assets and subject to the planning policies within the National Planning Policy Framework (NPPF). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Paragraph 132 of the NPPF states that significance can be harmed or lost through alteration or development within the setting of a heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Fundamentally, the NPPF makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development within the setting of designated heritage assets (paragraph 137).

The setting of a heritage asset is defined in Annex 2 of the NPPF. Setting is the surroundings in which an asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not (see paragraph 13 of the PPG for example (ref: 18a-013-20140306)). The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. In addition, please note that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Additional guidance on development affecting the setting of heritage assets is contained within The Historic Environment Good Practice Advice in Planning Note 3: *The Setting of Heritage Assets*.

In addition, the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application (paragraph 135 of the NPPF). In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policies CP14 and DM9 of the Council's LDF Core Strategy and Site Allocations DPDs are also relevant in this context. These policies seek, amongst other things, 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 affecting heritage assets are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.

### Significance of the heritage assets

#### *Battle of Stoke Fields*

The Battlefield was Registered on 6<sup>th</sup> June 1996.

East Stoke is first mentioned in the Domesday Book of 1086 where it is recorded that 'Stoches' belonged to Ilbert de Laci and Berenger de Toden and was worth a total of 25 shillings. 'East' was added to the name by 1340. East Stoke is perhaps best known as being the site of the last pitched battle of the Wars of the Roses the victory of which finally established King Henry VII and the Tudor dynasty. On 16 June 1487, King Henry VII offered battle to Yorkist rebels at East Stoke. Stoke, not Bosworth, was the last pitched battle of the Wars of the Roses, and therein lies its significance. Victory strengthened the grip of the Tudor dynasty on the crown.

The 1796 Enclosure map for East Stoke gives an indication of how the landscape had looked at the time of the battle. The village of East Stoke extended along Church Lane towards St. Oswald's church, which had been built in the 13th and 14th centuries. The remains of the former village survive as earthworks on both sides of the lane, where they are surrounded by the ridge-and-furrow topography of the open fields. Close by stood an almshouse, the Hospital of St. Leonard, which was founded in the early 12th century and not dissolved until 1573. The land extending from the top of the escarpment to the Fosse Way was largely unenclosed, forming arable open fields for the villages of East Stoke, Elston and Syerston. The escarpment and the gully known as 'Red Gutter' were not wooded but were more open with scrub woodland.

The prominent roads would have been the Fosse Way and, connecting it with the River Trent, Longhedge Lane, Trent Lane and Church Lane. By 1796 there is no evidence as to whether or not the Upper Foss was still in use.

Enclosure by hedges increased in intensity from the late 18th century. The landscape had assumed much of its modern appearance by 1850. Stoke Hall was built close to the church in the late 18th century and with it an area of parkland was created on either side of Church Lane, which included Red Gutter and the escarpment now known as Stoke Wood. Syerston Hall (listed Grade II) was also built at this time to the south-west of the battlefield area. The village of East Stoke had shrunk back to Humber Lane by 1887.

The battlefield area boundary defines the outer reasonable limit of the battle, taking into account the positions of the combatants at the outset of fighting and the focal area of the battle itself.

From the River Trent in the west the south-western edge of the battlefield area follows the former line of Longhedge Lane to the Fosse Way. The Battlefield encompasses the Earl of Oxford's deployment (King Henry VII's forces) off the Fosse Way a safe distance from the rebels on the hill to the north. Oxford's men also approached the rebels along the edge of the Trent Hills to the north (i.e. across the length of Syerston Airfield), but that the vanguard approached along the Fosse Way. The south-eastern boundary to the battlefield follows the line of the Fosse Way into the centre of modern East Stoke (the spring at Willow Rundle, by Elston Lane, where legend has it the Earl of Lincoln was buried, is excluded from the battlefield area). Proceeding north-west from East Stoke along Church Lane, the battlefield area boundary incorporates part of Stoke Hall Park where, in 1825, Sir Robert Bromley, the then occupant, informed Richard Brooke that mass graves had been recently discovered. Thereafter the line of the battlefield area follows the footpath along the foot of the steep slope to re-join the river. This means that the Red Gutter, focal point of the rout of the rebels, is included in the battlefield area but the extended line of retreat towards Fiskerton Ford, where Lord Lovell, amongst others, is reputed to have either drowned or escaped, is not.

During the widening of the modern A46 a burial pit was discovered in the field to the west of the road and opposite Foss Way Farm. The pit contained the entangled remains of at least 11 articulated inhumation burials which are thought to date to the time of the battle.

### *Elston Towers*

Eden Hall (historically known as Middleton House, then Elston Towers) is Grade II\* listed. Grade II\* buildings are particularly important buildings of more than special interest in the context of all listed buildings, noting that they comprise only 5.5% of all listed buildings.

The principal building at Eden Hall dates to the 1870s when it was built for Robert Middleton. The architecture is predominantly Tudor Gothic with quirky Italianate detailing. The result is a hugely unique building. Robert Middleton was born near Thirsk in Yorkshire in 1814 and died at Elston on 2nd June 1885. The house was built from stone salvaged from the old Trent Bridge at Newark and its furniture included tables from the Tuileries Palace originally used by Napoleon III. It was constructed at a cost of nearly £30,000 and contained a Baptist chapel in the centre, complete with organ and baptistery. There was a tower in the courtyard with 10 bells and a clock which chimed the quarters. A clockwork mechanism operated the bells, which played popular tunes, and was still in working order in 1925. The clock was removed altogether in the 1960s following a fire. The conservatory at the south end once held 2000 plants and was accidentally destroyed in 1942 together with the clock when a Lancaster bomber exploded on Syerston airfield. The conservatory was rebuilt in 2005 (this is a prominent feature at the southern end of the building).

The house has had many varied uses over the years starting as a private house, and being at various times since, a chicken farm, the offices of a water softening firm, of the British Sugar Corporation, of a Rolls Royce motor agents, kennels, an electronics and communications research centre, a maggot breeding factory, the Coeur de Lion restaurant, and now Eden Hall health spa.

### *Syerston Hall*

Syerston Hall is a large country house with attached outbuildings and garden walls. The main building is Grade II listed, and is red brick with ashlar dressings and hipped slate roofs. The original building dates to 1793-6 and was built for the Fillingham family who were agents of the Duke of Rutland. The rear extensions date to 1812. The stable block, adjacent pump and attached hen house, which are also Grade II listed, are early 1800s, and in red brick with hipped slate roofs. The detached pigeoncote to the east of the Hall is also Grade II listed, and is contemporary with the early 19<sup>th</sup> century phasing of the Hall, and is likewise red brick. The pyramidal slate roof topped with a single central glazed lantern is a distinctive feature. The structure is single storey, 2 bays and set on a plinth. There were entrances for birds around the base of the west side. The architectural form of the building references the classical detailing of the house complex with the double round arched blind recessed panels with archivolt and continuous impost band. The brick detailing includes dentil eaves. The north side, left panel, has a doorway under a segmental arch, the west side left panel has a doorway under cambered arch with panelled door and the right panel a single louvered wooden opening with glazing bar over light under a cambered arch. The east side right panel has a single similar louvered opening.

The hall, rear service outbuildings and wider parkland are intrinsically linked. The park is identified on historic mapping and has been identified on the HER. The dovecote and the land around it, including the woodland to north and east form part of the historic park. Historic buildings appear to have been located to the east of the dovecote, although there is no physical remains to demonstrate what these might have been. Given the location and context, agricultural or animal structures might have stood here (e.g. deer barns etc).

#### Assessment of proposal

The proposal seeks to erect 2 detached pre-fabricated agricultural storage sheds on agricultural land to the south of the Fosse Way at Syerston (this is the former A46). Shed 1 measures approximately 13m to the ridge, and has a foot print of approximately 30m by 47m. Shed 2 is smaller, being 8.5m to the ridge, and with a foot print of 40m by 23m. Shed 1 is orientated perpendicular and back from the road (with gable facing the Fosse Way). Shed 2 is laid out towards the south east end of the site. The sheds will be utilitarian in design comprising a steel frame with grey concrete and corrugated metal profile sheet cladding. The roof will be fibre cement sheeting. The landscaping around the site will largely be maintained as existing other than changes to the access and potential security measures. The application states that the sheds are necessary to relocate farm machinery from sheds at Hall Farm, East Stoke.

Having reviewed the submitted plans and visited the site and surrounding area, Conservation objects to the proposed development.

The Registered Battlefield at Stoke Field was the site of the last pitched battle of the Wars of the Roses and the royal victory finally established King Henry VII and the Tudor dynasty. The site is of significant national importance. The Fosse Way is an important element of the Battlefield, and the designated site includes the Roman road adjoining the proposal site. In this context, I disagree with the applicant's assertion that the road provides a break from the landscape of the Battlefield. The Lancastrian forces marched along the Fosse Way before engaging with the Yorkists, and the route offers an important means of experiencing the Battlefield. Moreover, the landscape in 1487

was one of open fields crossed by lanes and few trees, much as it is today. The proposal site, therefore, provides setting to the designated area. By virtue of its huge scale, modern manufactured appearance and layout in close proximity to Stoke Field, the proposal will harm the significance of the Battlefield. Shed 1 is over 12m in height, which combined with such a large foot print and a further large shed, will result in a dominating and incongruous development when viewed from the Fosse Way.

It is acknowledged that the nearby Lady Pitt Farm, which is a 20<sup>th</sup> century farmstead and located within the Battlefield, contains modern portal structures of this type (although not as large in scale (as expressed in height, length and width)). Since these structures predate the Battlefield designation, I do not consider them to provide a basis for further encroachment into the Battlefield or its setting. The proposed development, furthermore, does not sustain or better reveal the significance of the Battlefield, and must otherwise be seen as an alien landscape feature within this particular context.

Although separated by a small field to the north, the proposal is also proximal to Eden Hall (Elston Towers). This Grade II\* listed building is an important large polite house which enjoys prominence along Fosse Way. Despite intervening tree coverage, the proposal will be moderately inter-visible with the Hall in aspect along Fosse Way, and the proposed sheds will otherwise be a dominant landscape feature within the wider setting and experience of the Hall.

Due to extensive tree coverage at Syerston Hall along the Fosse Way and on its north-easterly boundary, the proposal is not likely to be significantly adverse to the Hall, although when the trees are at their most denuded, the Hall will potentially be inter-visible with the sheds from Fosse Way. The trees, furthermore, form part of the unregistered park and garden around the Hall, and in this context, the proposal will be unduly prominent.

The recently constructed new A46 is a major highway just to the southeast of the proposal site. It is accepted that the cutting of this new road ensures that views of the proposal will be limited from the south and south east other than in longer views and from the bridge over the A46. No significant receptors have been identified in this aspect.

### Summary of opinion

Overall, the proposed development is harmful to the significance of Stoke Fields Battlefield, a designated site of unique national interest. The proposal is also considered to be harmful to the setting of Eden Hall, and moderately harmful to the setting of Syerston Hall. As such, the proposal is considered to fail to preserve the setting of listed buildings in accordance with Section 66 of the Act. Harm to the setting and significance of designated heritage assets is not sustainable, and is therefore contrary to the objective of conservation as advocated within CP14 and DM9 of the Council's LDF DPDs and within Section 12 of the NPPF (notably paragraphs 131, 132, 134, 135 and 137). Whilst it is recognised that removing large portal buildings from Hall Farm at East Stoke is potentially beneficial to heritage assets there, this is not considered to provide a sufficiently clear and convincing justification that might otherwise outweigh the perceived harm identified above. Whilst we recognise that agricultural development is an intrinsic part of the rural countryside of the District, it must be recognised that Stoke Field is a truly unique and nationally significant

heritage asset. It should be noted that whilst we recognise that reducing the scale of the proposed sheds will likely lessen the harm identified, it is likely that industrial scale sheds of any type will likely cause harm in this particular context.

In addition, the Battlefield has archaeological interest. Due to its proximity and the inclusion of at least the roadside boundary within the Battlefield designation, the proposal site has the potential to include heritage assets with archaeological interest. In accordance with paragraph 128 of the NPPF, the developer may be required to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Further advice should be sought from the County Archaeology Team and/or Historic England.

**Historic England** - The principal of new functional agricultural buildings in this location appears uncontroversial, however the placing of such structures in relation to below ground archaeological remains requires some knowledge of the presence and position of features contributing to the significance of the adjacent registered battlefield (Stoke Field 1487) and associated Roman Roman Road (Fosse Way). If harm to the nationally important designated heritage asset is to be managed on the basis of sufficient information, then knowledge is required pre-determination since this is an application for full consent.

The Battle of Stoke Field at very end of the War of the Roses was crucial to the cementing of Tudor power, the landscape of the battlefield and associated remains including shot, arrows and of those themselves who fought and died, all contribute to the significance of the asset. Burials on the margins of the Fosse Way are known from the County Historic Environment Record and the risk of new works disturbing human or other important remains should be appropriately managed, most readily in this case by locating buildings and access to avoid harm. As set out in National Planning Policy Framework paragraphs 128 / 129 there should be sufficient information provided by the applicant and used by the Planning Authority to underpin an evidence based decision. We do not believe that there is as presented sufficient information to tell whether the proposed layout is or is not harmful to the significance of the Battlefield and associated remains, hence the requirements of Para's 128/9 are not fulfilled and Para's 132,133, 134, 135 and 139 cannot be properly engaged with by the decision maker. We do not consider that a post consent condition could appropriately address these matters in the absence of pre-determination archaeological investigation to inform design and access.

It is therefore recommended that the applicant is invited to withdraw the application pending with the detailed advice of the county archaeologist towards a programme of archaeological investigation to inform the location of new buildings and access such that harm to significance of the designated heritage asset and associated features is minimised and mitigated. Should sufficient information to inform appropriate revised plans not be forthcoming we recommend refusal on the basis of Para's 128/129 of the NPPF.

Further comments have been received which are outlined as follows:-

Further to our planning advice on this case we suggest the following solution to ensure that sufficient archaeological understanding (NPPF 128/9) is in place in advance of the case going to committee. The risk we are seeking to manage is that the agricultural buildings fall upon sub-



surface remains or artefact scatters associated with the Battle of Stoke Field (including roadside burial pits whose removal would require Ministry of Justice Licence) , Roman or later remains associated with the Fosse Way (whose line may have shifted) or prehistoric remains / deposits associated with the River Trent.

As this is a full consent application the locations of the buildings would, should it be consented, be broadly fixed by the application and whilst small shifts in location and issues such as service lines and footing / roadway bed / floor detailing may be adjusted post determination on the basis of archaeological investigations, the actual building positions cannot as I understand it be significantly adjusted post-consent by use of a condition.

So, we advise the best way forwards given time constraints may be for the applicant to secure the services of a professional archaeological contractor, to in advance of the case going to committee carry out the following work on the basis of a Written Scheme of Investigation (WSI) including details of reporting and archiving of finds.

We would be happy to comment upon a draft WSI.

- 1) Conduct metal detector survey of the field at 10m transect intervals (treating finds in a manner set out in the WSI – all finds to be individually point located and numbered).
- 2) Carry out a magnetometry survey of the field (this would not be a substitute for metal detector survey and area stripping (see items 1 & 4), but having this additional information upfront would assist in finding alternative locations for the proposed buildings as quickly as possible if that becomes necessary).
- 3) If significant finds are recovered locally at 10m transects re-detect the proposed building footprints and areas for spoil stacks (see item 4) at 2m intervals.
- 4) Supervise and control the machine stripping of the proposed building footprints with a smooth ditching bucket to a depth where any archaeological features are visible, mapping and sampling those features as set out in the WSI, excepting in the case of human remains which should be retained and protected in context and in situ, and the county archaeological curator and coroner informed.
- 5) Rapidly submit an initial report on the archaeological significance and importance of archaeological remains with regard to the proposed building footprint locations such that the LPA can take advice on, and form a view as to, the sustainability of the building positions and whether or not alternative locations within the field should be sought (with suitable further investigations) ideally in advance of the determination the application with appropriate amendments.

**Nottinghamshire Wildlife Trust** - NWT reviewed the documents available and provide the following advice:

#### **Additional Information**

Whilst it is noted that the proposed development is of a small footprint, it is not possible to fully determine ecological constraints regarding protected species due to a lack of information provided. From aerial photography, the photographs provided and brief descriptions within the

Planning Statement, the proposed site appears to be arable farmland with a native hedgerow boundary. Arable farmland is generally considered to be of lower ecological value, however, field margins, grasslands and hedgerows do provide habitats for a variety of species. Therefore, we would advise a Phase 1 and/or Preliminary Protected Species Survey, if the development is to impact field margins, grassland or hedgerows. Arable farmland also has the potential to support UKBAP species such as brown hare, and priority species listed under the Natural Environment and Rural Communities (NERC) Act 2006, which should be considered during the planning process. A survey would allow the LPA to be fully informed of onsite habitats and of any ecological constraints.

### **Conditions**

If the proposal does not significantly affect hedgerows, habitat margins or adjacent habitats, and you therefore do not believe the proposed warrants an ecological survey (due to its small footprint), we would advise the following to be set as conditions:

- Clearance of vegetation shall be undertaken between September to February inclusive, outside of the bird-breeding season. If it is not possible to carry out works during this time, then a suitably qualified ecologist will need to be on site to survey for nesting birds, with a copy of the survey undertaken at the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development at the site.
- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include the creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and open pipework greater than 150 mm outside diameter being blocked off at the end of each working day.

### **Enhancements**

Under paragraph 118 of the National Planning Policy Framework, developments are to prevent a decline in biodiversity and should be encouraged to contribute to the enhancement of the natural world. BS42020 also advises developments to seek a net gain in biodiversity.

We note within the Planning Statement that the applicant wishes to seek the opportunity to include enhancements. This could be achieved by planting native species of a local provenance, the creation of a new native hedgerow and/or the installation of bird/bat boxes.

**No individual representations** have been received from local residents or other interested parties.

## **Comments of the Business Manager**

### **Principle of Development**

Given that the application site is located in the open country side the proposal therefore falls to be considered against the sustainability criteria of Spatial Policy 3 relating to Rural Areas. This policy makes clear that development away from the built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting. It refers to policy detail being provided within the Allocations and Development Management DPD.

Policy DM8 of the Development Management and Allocations DPD contains guidance on such applications and focuses on strictly controlling and limiting development in the open countryside to certain types of development. Agricultural and forestry development requiring planning permission falls within such types of development. Criterion 1 of this policy requires that proposals need to explain the need for the development and its siting and scale in relation to the use it is intended to serve.

The sub text of this policy recognises that those proposals for agricultural development not dealt with under the prior approval procedure will often be large or intensive and will therefore have the potential for visual or environmental impact. Whilst it is accepted that a degree of impact is inevitable, in order to minimize this, the scale of proposals should be limited to that necessary to sustain the operation it is intended to serve. The operational requirement for such proposal will need to be evidenced in order to balance agricultural need against any visual impact. Furthermore development should be so sited and designed to minimize its impact on the surrounding countryside wherever possible. It is the degree of impact, given the size and siting of the units which is of concern in this instance.

Supporting information has been deposited with regards to the operational need for the proposed relocation of these buildings with regards to the operation and viability of the business. The buildings are currently sited within a yard at East Stoke, to the north east of the application site. The tenancy for the land on which the yard is located is nearing expiry and therefore a new site is required. The buildings are existing pre made structures which would be difficult to be structurally altered. They are used to securely store crops, expensive agricultural machinery, chemicals and fertilizers and need to be of such a scale to allow safe clearance height for the larger agricultural machinery. Although the buildings are utilitarian in design and appearance the applicant would consider alternative treatments to the external walls.

With regards to need in terms of the viability of the business supporting information has also been deposited which outlines that the business employs five staff. Being able to store crops from the fields for preparation and sell from the building is more profitable than selling direct from the field. If this storage space were not available this would affect the income of the business and it is likely that jobs would be lost if profit were affected in this way. An increased risk of vandalism or theft of agricultural machinery if the storage buildings were to be lost would also have a financial

consequence on the viability of the business. It is also noted that fertilizers and other chemicals used by the business mandatorily have to be stored inside a secure building.

**Clarification has been received with regards to the proposal. The proposed buildings comprise one currently dismantled building stored at Hall Farm whilst the smaller of the two will comprise two sections of one building attached to the body of another existing building on the site. Notwithstanding this, the scale of the buildings remains as indicated on drawings deposited with the application.**

It is accepted that any landscape impact given the significant scale of the proposed buildings within the open countryside must be balanced against the operational need.

### Visual impact

Core Policy 13 of the Core Strategy addresses issues of landscape character. A Landscape Character Assessment (LCA) was adopted as a Supplementary Planning Document in December 2013 to inform the policy approach identified within Core Policy 13. 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 site is identified within the LCA as falling within the South Nottinghamshire Farmlands character area, and character zone SN PZ 07, Elston Village Farmlands, a landscape area considered to be of moderate condition and sensitivity.

In ecological terms the area provides a moderate habitat for wildlife, with a relatively intensive arable land use with good hedgerow networks. Cultural integrity is variable in that the field pattern is generally intact, with hedgerows sometimes fragmented, although generally well maintained.

The landform is apparent with intermittent tree cover giving a generally moderate visibility value within the Policy Zone. Views are intermittent due to the networks of generally mature hedgerows. The LVA identifies the policy action in this zone to conserve and restore.

Taking account of the above policy aims, given the nature and scale of the proposal, its impact on the open countryside, which in my opinion would be substantial, has to be balanced against the evidence put forward to justify that the operational and economic need for the relocation of both buildings would clearly outweigh any undue impact.

In terms of the intended use, and as per the questions posed by DM8, it is noted from the supporting documentation deposited with the application that the proposals have been borne out of the need to relocate two existing large agricultural buildings which are currently sited on land at Hall Farm in East Stoke as a result of the existing lease coming to an end and redevelopment at the site. The relocation of the buildings is required to provide continued secure storage space for

machinery and other farm equipment as well as grain and to enable the existing agricultural business to be fully operational.

I am mindful that supporting information has been deposited which identifies a sequential assessment that has been undertaken to identify possible alternative site and that these have been discounted for reasons of impact on important heritage assets, flood risk and operational issues.

It is acknowledged that large scale agricultural buildings are not uncommon within the countryside. It is also accepted that the A46 to the south east significantly impacts on the rural landscape setting of this area. However, in this instance the proposed buildings and associated areas of hardstanding are set within a proportionately fairly modest sized field. I am mindful that the buildings will be set at a slightly lower than the level of the former A46, that the site will be excavated to make it the same level for the yard and vehicles to turn and that there are existing boundary hedgerows etc which in parts would partially obscure views of the buildings, although I do not consider this to be so substantial that it would significantly reduce the visual impact of the development. Furthermore the proposal would be clearly visible from a number of view points to the south and southwest and from nearby highways serving the village of Syerstone. I note that it has been suggested that existing boundary landscaping could be enhanced to further screen the development, but that consider that this would need to be so substantial in height that this may further impact on the fairly open landscape character along this stretch of the former A46 and the immediately adjoining landscape to the north east towards East Stoke. I also note that the use of alternative external treatments could be considered to soften the utilitarian design of the buildings. However, given the scale of the buildings I do not considered that this would significantly or sufficiently reduce the impact of the structures on the landscape area and rural setting of the site.

Photographs to demonstrate the visual impact of the proposal have been deposited in support of the application. However, these have been taken from viewpoints looking from the A46 looking northwards and do not in my opinion take account of the impact when viewed from the former A46. I note that comment has been raised by the agent who considers that the extent of the visual impact from the former A46 would not be extensive. I would contend that given the height and design of the buildings this would not be the case.

Taking this into account I am of the view that the siting of such large scale buildings in this location together with the associated areas of hardstanding would have a significant and adverse impact upon the open countryside and landscape character of the area.

It therefore remains to balance this impact against operational need. Taking account of the supporting information deposited as part of the application, I am of the view that, on balance, a clear justification has not been evidenced that the operational and economic need for the relocation of both buildings to this site would clearly outweigh the identified harm.

The proposal therefore fails to accord with policies SP3 and CP13 of the Core Strategy and DM8 of the Development Management and Allocations DPD.

### Impact on Heritage Assets

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Sections 66 and 72 states in determining any planning application, special attention shall be paid to the desirability of preserving listed buildings and preserving or enhancing the character or appearance of conservation areas as set out in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

I note the comments of both the NSDC Conservation Officer and Historic England. By virtue of the setting of the application site and the scale of the agricultural buildings it is considered that the proposal has the capacity to impact upon a number of heritage assets in the area which include a registered Battlefield and Grade II Listed Buildings at Eden Hall and Syerston Hall. The significance of these heritage assets are noted in the comments of the Conservation Officer.

It is noted that the application, by virtue of its proximity, is considered to provide an historical setting for the Registered Battlefield and therefore by virtue of the scale and utilitarian appearance of the proposed buildings and layout of the site, the development would not sustain or reveal the significance of the Battlefield and would be an alien feature within the context of this landscape. The proposal is therefore considered to cause harm to the significance of this asset.

Moreover, the Battlefield also has archaeological interest. Due to its proximity and the inclusion of at least the roadside boundary within the Battlefield designation, the proposal site has the potential to include heritage assets with archaeological interest. I note that Historic England have recommended that the application should not be determined without the detailed advice of the county archaeologist towards a programme of archaeological investigation to inform the location of new buildings and access such that harm to significance of the designated heritage asset and associated features is minimised and mitigated. Historic England has subsequently advised by email that they are to take the lead on this application. A metal detector survey of the site has been undertaken and a Written Scheme of Investigation (WSI) including details of reporting and archiving of finds has been deposited with Historic England. Given that the survey has uncovered some pits a further detection exercise has been requested and is to be carried out and an additional WSI is to be submitted. At the time of writing this report the comments from Historic England with regards to further surveys has not been received. Any additional comment will be verbally reported to members at Planning Committee.

Notwithstanding this should the findings of the survey result in the change in the orientation of the buildings which may mitigate any impact on the Battlefield, given the extent of the application site and the scale of the buildings, I do not consider that this would so materially alter the proposal to require further consultations to be carried out. Moreover I do not consider that this

would change my opinion with regards to the impact of the proposal on the landscape character of the site and the surrounding area as outlined above.

With regards to other heritage assets within the vicinity of the site, I note that the proposal is considered to be harmful to the setting of Eden Hall by virtue of its dominance within the wider setting and moderately harmful to the setting of Syerston Hall. Although a reduction in the scale of the proposed buildings may reduce the level of harm in this situation, the agent has advised that given that the buildings are existing pre made structures it would be very difficult for them to be structurally altered.

Taking account of the above comments, it is considered that the proposal fails to preserve the setting of listed buildings in accordance with Section 66 of the Act. Harm to the setting and significance of designated heritage assets is not sustainable, and is therefore contrary to the objective of conservation as advocated within the NPPF and policies CP14 and DM9.

#### Impact on Highways

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

It is acknowledged that the Highway Authority have raised no objections to the proposal. I therefore consider it reasonable that should permission be granted that the suggested conditions requiring the access to be constructed and surfaced in a bound material in accordance with the site layout plan (L-SHE-075-SLPP) and no other part of the development shall be commenced until the access has been completed in accordance with that plan.

It is therefore considered that the proposal accords with policies SP7 and DM5.

#### Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity upon neighbouring development.

Although of substantial scale, I am mindful of the agricultural setting of the site and given the distance between the application site and the nearest dwellings and buildings I am satisfied that the proposal would not result in any undue impact on the amenity of the occupiers or uses of nearby sites.

The proposal therefore accords with Policy DM5.

## Other Matters

### Ecology

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity and Policy DM4 seeks to ensure no detrimental impact upon the ecology of the local or wider area.

The comments of the Wildlife Trust are noted. I am mindful that although arable farmland is generally considered to be of lower ecological value the adjoin hedgerow may provide some ecological habitats. Given the overriding concerns with regards to the impact on the rural landscape setting of the site and the impact on the significance of the Battlefield and other heritage assets ecological surveys have not been requested.

However, being mindful that the development does not propose any significant hedgerow removal I do not consider that the proposal would have an adverse impact on the ecological habitat of the site. Any impact could be adequately mitigated to safeguard any ecological habitats.

Overall it is considered that the proposal would not have any adverse impact upon protected species in accordance with the requirements of Core Policy 12 and Policy DM12 of the DPD.

### Balancing Act and Conclusions

Taking account of the above considerations, I am of the view that the proposed buildings by virtue of their substantial scale and footprint together with the associated areas of hardstanding would result in an adverse impact on the open countryside and that, on balance, the supporting evidence put forward with regards to operational need and the sequential assessment of other areas of land does not in my opinion sufficiently override or outweigh such harm. Furthermore, notwithstanding the results of the surveys and WSI in relation to the East Stoke Battlefield and any subsequent mitigation measures, the proposal is harmful (**less than substantial**) to the setting of Eden Hall, a Grade II\* Listed Building, and moderately harmful to the setting of Syerstone Hall, a Grade II Listed Building, by virtue of its scale and its dominance within the wider setting.

The proposal would therefore be contrary to the National Planning Policy Framework and its associated Guidance, Spatial Policy 3, Core Policy 13 and Core Policy 14 of the Core Strategy, and Policy DM8 and DM9 of the Allocations and Development Management Development Plan Document.

### **RECOMMENDATION**

**That full planning permission is refused for the reasons set out below.**

In the opinion of the Local Planning Authority, the proposed buildings would result in an adverse impact upon the open countryside by virtue of their siting, scale and appearance. The operational and economic requirements of the proposal are not considered to sufficiently override or



outweigh such harm. The proposal therefore fails to accord with the requirements of the National Planning Policy Framework, the aims policy SP3 and CP13 of the Newark and Sherwood Core Strategy and policy DM8 of the Newark and Sherwood Development Management and Allocations DPD and would directly contradict the landscape actions of the Newark and Sherwood Landscape Character Assessment. Furthermore the Local Planning Authority considers that the proposal would erode and result in harm to the significance of nearby designated heritage assets and that sufficiently clear and convincing justification that might otherwise outweigh the this harm has not identified. As such the proposal is therefore also contrary to CP14 of the Newark and Sherwood Adopted Core Strategy DPD and policy DM9 of the Newark and Sherwood Adopted Allocation and Development Management DPD and the National Planning Policy Framework.

#### BACKGROUND PAPERS

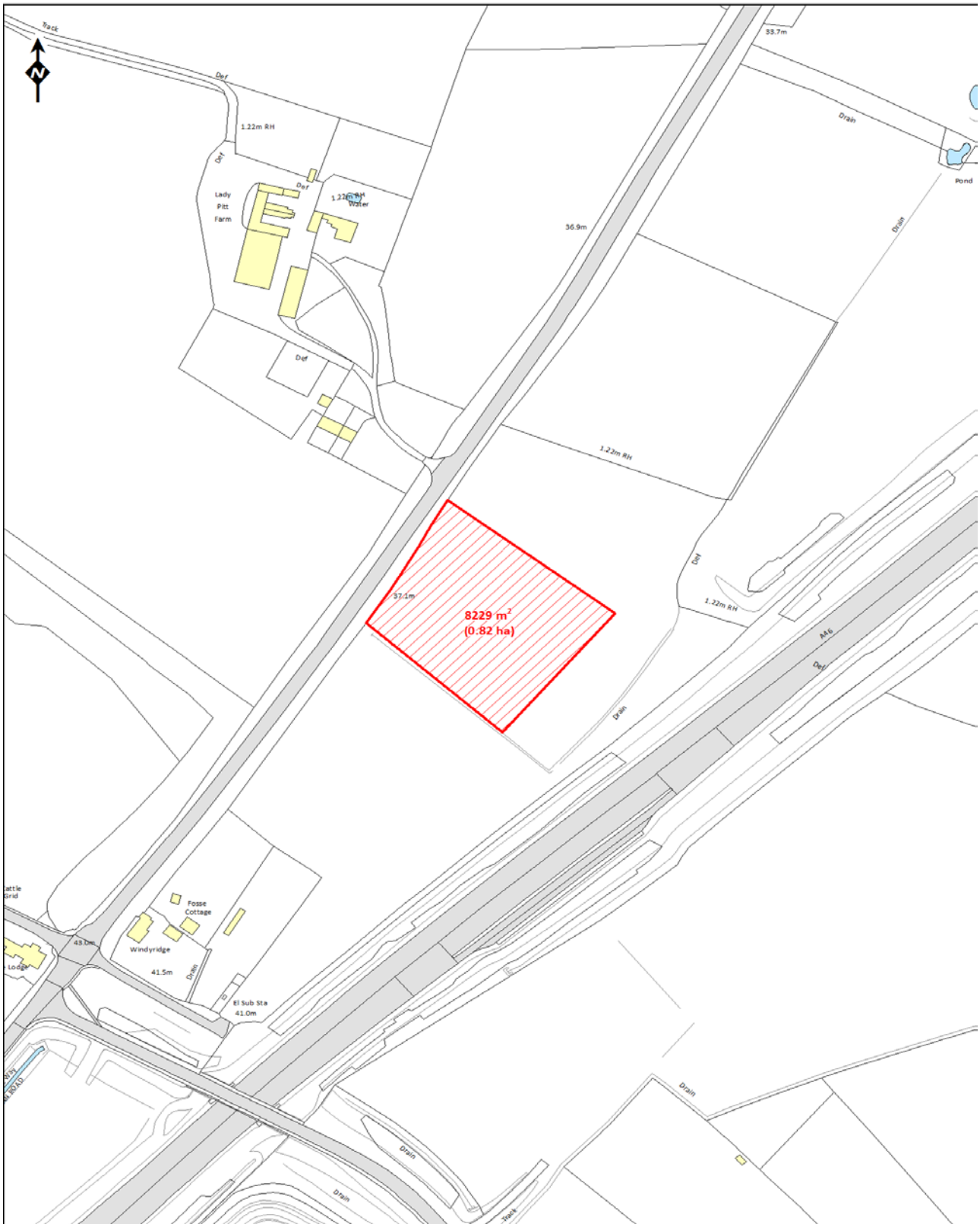
Application case file.

For further information, please contact Bev Pearson on ext. 5840.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Kirsty Cole  
Deputy Chief Executive

Committee Plan - 15/00912/FULM



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**NEWARK AND SHERWOOD DISTRICT COUNCIL**

Minutes of the meeting of the **PLANNING COMMITTEE WORKING PARTY** held in Room G23, Kelham Hall, Newark on Monday, 23<sup>rd</sup> November 2015 at 1.00pm.

PRESENT: Councillors: R.V. Blaney, Mrs M. Dobson, G.P. Handley (Chairman) and B. Wells

Officers: Kirsty Cole (Deputy Chief Executive)  
Matt Lamb (Business Manager Development)

1. **APOLOGIES FOR ABSENCE**

There were none.

2. **(i) UPDATE ON THE VOLUME AND TYPE OF PLANNING APPLICATIONS RECEIVED OVER THE PAST 2-3 YEARS**  
**(ii) CONFIRMATION ON GOVERNMENT TARGETS FOR DETERMINING PLANNING APPLICATIONS**  
**(iii) REVIEW OF EXISTING SCHEME OF DELEGATION**  
**(iv) REVIEW OF NUMBER OF PLANNING COMMITTEE MEETINGS SCHEDULED FOR 2016/17**

ML advised the Working Party of the difference of 'minor', 'major' and 'other' applications. 'Minor' applications being no more than ten houses and not including house extensions, 'major' applications consisting 10 or more houses, and 'other' applications being house extensions, listed building consents, adverts, etc.

The major applications had fluctuated in the last quarter which had led to concern due to the measured performance of the major applications. The type of major applications being submitted were fifty plus large housing schemes. It was confirmed that the time period for 'major' applications was 16 or 13 weeks (the former for EIA development) and 'minor' and 'other' applications being 8 weeks, unless agreed by the applicant to increase the deadline. Whilst this latter step is sensible it makes forecasting in terms of targeting Committee dates more challenging.

ML confirmed that pre-application discussions took place for major applications if the applicant was in agreement. However it did not always follow that decisions would take 16 or 13 weeks given public consultation and the need for legal agreements.

MD raised concern regarding the narrow roads on housing developments being submitted for major applications and felt that the width of the roads on new developments should be considered by the district and county council as there were considerable problems resulting from parking issues on those developments.

ML explained that there were two levels for recording performance, locally and nationally. The national performance was contained within 'Revision 3 DCLG Improving Planning Criteria', which stipulated that if the Authority failed to reach two performance

criteria for the 'major' application category (one speed of decision and the other how many appeals were lost) any applicant could by-pass the Planning Authority and go to the Planning Inspectorate direct. In a two year time period if the Planning Authority failed to determine 50% of applications in the agreed timetable the Authority could be put into special measures and the decision process removed from the Planning Authority. The Housing Bill had also stipulated that the levels of performance would be extended to 'minor' and 'other' applications, which would be introduced April/October 2016.

RB commented that in order to achieve the national targets the Authority needed to prevent any delays. MD also commented that Planning Officers also needed to condense their presentations to the Planning Committee with the view that Planning Committee Members had read the reports included on the agenda.

KC confirmed that the Planning Committee reports had to be very detailed in order to prevent challenge.

ML confirmed that the percentage rise for applications across Nottinghamshire was similar to other local authorities, although this Authority had received a greater amount of major applications compared to Gedling Borough Council. This impacted on officer's time as major applications required greater detailed reports, which was necessary whether the application was being presented to the Planning Committee or delegated to officers. Two additional planning officer posts had been advertised in order to address the increase in planning applications.

RB suggested that the presentation of reports to the planning committee be streamlined and that only the key points be reiterated in committee to satisfy objectors. It was also suggested that the Chairman should also inform the public at the beginning of each planning committee that hard copies of reports were available at the meeting.

PH suggested that training could be provided to all Members of the Council regarding the planning process. It was suggested that Members should have a meeting with the Case Officer before any planning application was referred to Planning Committee.

Members considered whether additional Planning Committee meetings should be included in the schedule of meetings with the view to being cancelled, or whether special meeting should be arranged on an ad hoc basis. Members felt that it would be beneficial to have additional meeting dates in their diaries to prevent apologise of absence due to short notice of special meetings.

ML informed Members of a report which had been considered by the Councillors Commission. The report had suggested a change to the scheme of delegation, removing the requirement, except for major application, to automatically take a matter to Committee if the Officer recommendation differed to the Town or Parish Councils wishes. Local Members ability to ask that a case go to Committee would still be retained, allowing local Members to intervene only as they felt necessary. The Councillors Commission after much debate decided to refer the item to the Planning Committee.

Members commented on the need to speed up and streamline the planning process given the Governments proposals to both tighten existing performance targets but also

given that other performance targets for 'minors' and 'others' would be introduced.

KC raised two further issues, the first being an officer planning application submission and whether there was any scope to change the procedure for this. KC had personal experience of this on two occasions for minor applications to her own house which required Planning Committee authorisation under the current procedure rules. It was suggested that if the application was not controversial then the application be signed off by an authorised officer or the Chief Executive for applications made by the Deputy Chief Executive under the scheme of delegation. The second issue was site visits and whether there was a need for the amount of site visits being undertaken. It was confirmed that this was not a constitutional change and was for the Chairman, Vice Chairman, and Business Manager, Development to carefully consider.

RB sought clarification as to whether the Government was increasingly moving towards allowing objectors to have their voice heard at Planning Committee. ML confirmed that guidance had been provided stating the need to speed up the planning process and the need for local people to have their input (the two not always being compatible). There however was no specific pressure for objectors to have their input at Planning Committee.

AGREED that a report be submitted to the 5<sup>th</sup> January 2016 Planning Committee recommending the following actions be undertaken for a six month trial in consultation with the Planning Committee Chairman and Vice-Chairman;

- (a) training be provided to all Members of the Council regarding the Planning process including the weekly lists (which shall be split to make clear which applications were 'major' and Member requirement to liaise with Town and Parish Councils and the Case Officer before a referral of an application is made to the Planning Committee;
- (b) the Planning Officers presentation to the Planning Committee be condensed to include the key points only;
- (c) additional Planning Committee meetings be included in the schedule of meetings with the view to being cancelled if not required;
- (d) the scheme of delegation be amended in order to remove the automatic referral of a non-major application to the Planning Committee following the objection/request from the Town and Parish Councils. The Local Member to liaise with the Town and Parish Councils and make the decision in consultation with the Case Officer whether an application is referred to the Planning Committee; and
- (e) subject to the agreement of the Planning Committee the Scheme of Delegation be amended. A letter be sent to the Town and Parish Councils explaining the change and the six month trial. This item to be included on the Parish Council conference requesting feedback form the Town and Parish Councils.

The meeting closed at 2.10pm

**APPEALS A**

**APPEALS LODGED (received between 20th November 2015 and 14<sup>th</sup> December 2015)**

**1.0** Members are advised that the appeals listed at Appendix A to this report have been received and are to be dealt with as stated. If Members wish to incorporate any specific points within the Council's evidence please forward these to Planning Services without delay.

**2.0 RECOMMENDATION**  
That the report be noted.

**BACKGROUND PAPERS**

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant appeal reference.

Matt Lamb  
Business Manager Development

<b>Appeal reference</b>	<b>Application number</b>	<b>Address</b>	<b>Proposal</b>	<b>Procedure</b>
APP/B3030/W15/3138019	15/00383/FUL	Lowfield Farm 111 Gainsborough Road Langford Newark On Trent Nottinghamshire NG23 7RN	Application to removal of Conditions 1 and 3 of planning permission 10/01031/FUL to enable continued operation of centre for Heavy Goods Vehicles following retirement of current operator.	Written Representation
APP/B3030/W/15/3138083	15/01405/CPRIOR	Fern Hollow Greaves Lane Edingley Nottinghamshire NG22 8BJ	Notification of prior approval for a proposed change of use of existing agricultural building to Class C3 dwellinghouse including creation of a domestic curtilage.	Written Representation
APP/B3030/F/15/3138276		49 Castle Gate Newark On Trent Nottinghamshire NG24 1BE	Appeal against: Extra Large Sign on Exterior Wall blocking view and covering/hiding all other signage hanging past.	Written Representation

**PLANNING COMMITTEE – 5 JANUARY 2016**

**AGENDA ITEM NO. 9(b)**

**APPENDIX B: APPEALS DETERMINED (between 20<sup>th</sup> November 2015 and 14<sup>th</sup> December 2015)**

<b>App No.</b>	<b>Address</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision date</b>
14/02027/FUL	The Nook Main Street Weston Newark NG23 6ST	Demolish existing dwelling and construct a 4 bedroom dwelling with single garage to the rear	DISMISSED	08.12.2015

**RECOMMENDATION**

That the report be noted.

**BACKGROUND PAPERS**

Application case files.

For further information please contact our Technical Support Business Unit on 01636 650000 or email [planning@nsdc.info](mailto:planning@nsdc.info) quoting the relevant application number.

Matt Lamb  
Business Manager Development