



Report to Planning Committee 9th November 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Amy Davies, Planner, Ex 5851

Report Summary			
Application No.	22/01504/FUL		
Proposal	Proposed new dwelling and cart shed		
Location	Glebe Cottage, Main Street, Norwell, NG23 6JN		
Applicant	Mrs Alison Mellors	Agent	Jackson Design Associates - Mr Darren Turner
Web Link	22/01504/FUL Proposed new dwelling and cart shed Glebe Cottage Main Street Norwell Nottinghamshire NG23 6JN		
Registered	01 August 2022	Target Date	26 September 2022
		Extension of Time	17 November 2023
Recommendation	That planning permission be REFUSED for the reason(s) set out in Section 10.0 of this report		

This application is being referred to the Planning Committee for determination by the Local Ward Member, Councillor S Saddington, who considers it would appear that in view of the lack of objection from local people to the development, notwithstanding the Conservation objection, that the development might not be harmful to character or heritage of the village due to the revisions that have been made, and as such, the development might comply with policies SP3, CP9, CP13, CP14, DM5, DM8 and DM9 of the DPD and would like to have a wider debate regarding this at Planning Committee. Norwell Parish Council Support the application, which is contrary to the Officer’s Recommendation to Refuse.

1.0 The Site

The application site relates to garden land to the rear of Glebe Cottage located on the north side of Main Street at the eastern edge of the village of Norwell. Glebe Cottage is an extended farmhouse constructed in red brick under a clay pantile roof. Access is via a gated entrance to the east side of the cottage leading onto a compacted stone driveway/turning area. There is a garden area and a 3-bay cart shed/garage with log store to the rear of the cottage beyond which lies

garden areas laid to lawn (i.e., the application site). Adjacent to the northeast is a field/paddock containing a stable building within the same ownership. Boundaries are mostly demarcated by mature hedgerows and there are several mature trees within and surrounding the site.

The site is located within Norwell Conservation Area and opposite the Church of St Laurence, which is a Grade I Listed Building. A Scheduled Ancient Monument is located to the south of the Church and is formed by the Old Hall Moat and two fishponds.

The site has the following constraints:

- Conservation Area
- Within the Setting of a Grade I Listed Building
- Trees
- Surface water

2.0 Relevant Planning History

23/00164/LDCE - Lawful development certificate for continued use of the northern part of the plot for residential use (garden). Certificate Issued 24.03.2023.

The evidence provided is sufficiently precise and unambiguous to satisfy the Local Planning Authority that, by reasonable probability, the application site has been used as garden land as part of the residential use of Glebe Cottage for a continuous period of 10 years or more, thus complying with Section 171B(3) of the Town and Country Planning Act 1990 and therefore constitutes lawful development.

22/00370/FUL - Proposed dwelling (related to the current application site and land to the east). Application Refused 19.04.2022.

01

In the opinion of the Local Planning Authority, the development constitutes a new dwelling in the open countryside, which the development plan advocates should be avoided, except in special circumstances. The proposed new dwelling with associated curtilage, access and areas of hardstanding is considered inappropriate development in the open countryside which cannot be justified by any special circumstances i.e., there is no essential need for the dwelling and the design is not innovative nor of exceptional quality. The proposed new dwelling, by virtue of its overtly large scale and contemporary appearance, would also erode the rural character of the area and cause harm to the setting of the Grade I listed St Laurence's church and the character and appearance of Norwell Conservation Area.

02

In the opinion of the Local Planning Authority, the proposed development fails to demonstrate it can secure safe means of access in accordance with current highway design standards.

03

In the opinion of the Local Planning Authority, it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of

the area. No ecological appraisal has been submitted with the planning application, as such, the potential ecological impacts of the development in relation to any protected species are unknown. The Applicant has therefore failed to demonstrate that there would be no adverse ecological impacts arising from the development

The wider site also has a number of planning records relating to the expansion of the cottage and provision of ancillary outbuildings (see the Delegated Report for 22/00370/FUL for details).

3.0 The Proposal

The application proposes the erection of a large, detached dwelling of a broadly inverted L-shape design, comprising of several distinct elements with various roof heights and alignments. It is a revised version of a previously refused scheme (22/00370/FUL – see ‘Relevant Planning History’ for details).

The ‘front’ section, linked to the ‘rear’ section by a flat roof glazed porch/hall/corridor, would comprise of a linear building, orientated at a right angle to a rear section slightly larger linear building, measuring approximately 6.8 metres wide by 12.0 metres in length, with a clay pantile pitched roof measuring approximately 2.9 metres to eaves and 6.5 metres to the ridge. This part would include ground floor accommodation only comprising of 3-bedrooms, one with an en-suite shower room and walk-in wardrobe, and a separate bathroom. There would be a timber-clad cart shed projection to the front of this building measuring approximately 6.5 metres by 6.2 metres, with a slate pitched roof measuring approximately 2.2 metres to eaves and 4.3 metres to the ridge.

To the rear/right-hand-side, when viewed from the south, would be a larger two-storey linear building measuring approximately 6.8 metres wide by 15.0 metres in length, with a clay pantile pitched roof measuring approximately 3.2 metres to eaves and 6.8 metres to the ridge. This part would include an open plan kitchen/dining/living space, pantry, plant room/store and WC to the ground floor and a bedroom with en-suite and walk-in wardrobe to the first floor within the roof space. There would also be an integrated contemporary flat roofed single storey and predominantly glazed ‘living room’ projection measuring approximately 8.2 metres by 7.6 metres and 2.6 metres in height, concealed behind a c.3.2-metre-high brick ‘garden’ wall along to the eastern boundary.

The proposed new dwelling would wrap around a courtyard garden and be accessed via the existing driveway, which would be extended to go around an existing walnut tree to the front, which is proposed to be retained.

The proposed new dwelling would include facing brickwork, clay pantiles, slate, elements of timber cladding, timber garage doors, aluminium framed doors and windows including a predominantly glazed gable end to the east elevation of the main two-storey linear building.

Revised Plans

Revised/additional plans and supporting information have been submitted in response to comments received during the course of the application. For the avoidance of doubt, the assessment outlined below is based on the following plans and supporting information:

21 2365 02 001 REV E Amended Proposed Site Layout *received 23 June 2023*

21 2365 02 002 REV C Proposed Layouts *received 17 May 2023*

21 2365 02 004 REV D Proposed Elevations *received 17 May 2023*

JD129 100A P Proposed New Access with Visibility Splay *received 17 May 2023*

21 2365 VIS 001-005 B Artists Impression *received 17 May 2023*

Arboricultural Report and Impact Assessment prepared by AWA Tree Consultants dated May 2023 (Ref: AWA5428)

Supporting Statement prepared by Jackson Design Associates (JDA) dated November 2021 (Ref: 21/2365/SS REV B)

Revised Description

The description of development has been amended from 'Proposed dwelling on land within the curtilage of Glebe Cottage (Resubmission)' to be more precise. The revised scheme has been subject to full consultation and, as such, it is not considered that anyone has been prejudiced by this change, which has been agreed with the applicant's agent.

4.0 Departure/Public Advertisement Procedure

Occupiers of one property have been individually notified by letter on the submitted and revised schemes. A site notice has also been displayed near to the site and an advert placed in the local press.

Site visits were undertaken on 18 August 2022 and 08 June 2023.

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy Development Plan Document (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations and Development Management DPD (adopted 2013)

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 Considerations

- National Planning Policy Framework 2023

- Planning Practice Guidance
- Newark and Sherwood Landscape Character Area SPA (December 2013)
- Planning (Listed Buildings and Conservation Areas) Act 1990

6.0 Consultations and Representations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Statutory Consultations

Historic England – Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

NCC Highways – No objections (following revisions and subject to conditions)

Further to previous highway comments provided, the Highway Authority is now in receipt of an amended proposed site layout plan (Drawing No. 21-2365-(02)001 Rev E).

The amended plan now details the access improvements to include widening of the access to 5.8m for the first 8m, together with boundary alterations to provide 2.4m x 43m visibility splays. The access arrangement as proposed is now considered acceptable to serve the proposed development.

(b) Parish Council

Norwell Parish Council – Support

Do not feel that the proposal would have a detrimental effect on the Parish Church and consider that the design was a sympathetic one.

(c) Representations

Conservation – Due to the scale and planform the proposed dwelling does not preserve or enhance the character and appearance of the conservation area as required by s.72 of the act. In addition, the proposal does not adhere with policy and advice contained within s16 of the NPPF, and CP14 and DM9 of the Council's LDF DPDs.

Tree Officer –

Glebe Cottage borders on a number of historical living features of importance to the character and setting of the conservation area. The submitted arboricultural impact assessment has grossly underestimated the medium to long-term impact of the proposed development on retained trees. The request to reduce trees to enable development is a strong indication of the inappropriateness of either the trees retention or the dwelling's construction. There is an avenue of trees extending from St Laurence's Church to the Vicarage (that borders the application site). This avenue forms a material part of the character of the conservation area and setting of the church. It is strongly suggested that the development will negatively impact on this feature through loss of trees due to future impact on the proposed dwelling. The proposal does not appear to address/acknowledge

the future impact of trees on residents of the proposed dwelling, excepting that trees will grow, have associated wildlife and occasionally in high winds drop branches.

Trent Valley Internal Drainage Board –

The Board maintained Beck Bridge Feeder, an open watercourse, exists to the North of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies. The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.

No third party/local resident comments received.

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Preliminary Matters
2. Principle of Development
3. Impact on Designated Heritage Assets
4. Trees, Landscaping, and Ecology
5. Impact on Residential Amenity
6. Highway Safety and Parking
7. Flood Risk and Drainage
8. Other Matters

Preliminary Matters

In determining planning application 22/00370/FUL, the Local Planning Authority (LPA) considered the northern part of ‘garden land’ to the rear of Glebe Cottage (outlined in yellow on the image below) fell outside of the built extent of the village and, as such, regarded the proposal as a form of development in the open countryside as the new dwelling was proposed to be built on this part of the application site and accessed separately off Norwell Lane.



Following the refusal of planning application 22/00370/FUL, the applicant submitted this application for a new dwelling on garden land closer to the cottage (outlined in green on the aerial image above). However, following an initial assessment and site meeting, the applicant was

advised to apply for a Lawful Development Certificate to establish the lawful use of the northern part of the site (the area outlined in yellow), as they expressed their intention to continue using it as garden land as it had been sold them in 2014. Determination of this application for a new dwelling was therefore delayed, with the applicant's agreement, to allow time for a Lawful Development Certificate application to be submitted and determined. A Lawful Development Certificate was subsequently issued following the submission of sufficient evidence to demonstrate that the northern part of the site had been used as garden land as part of the residential use of Glebe Cottage for a continuous period of more than 10 years. Determination of this application for a new dwelling was then further delayed to allow time for the proposal to be amended and reconsulted upon, including an enlarged red line boundary to include the garden land outlined in yellow (a revised Site Location Plan was received on 4th October). Discussions regarding heritage and tree impacts have also been ongoing as outlined under the relevant headings below.

Principle of Development

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a settlement hierarchy that directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 'Rural Areas' (hereafter referred to as SP3).

Norwell is defined within that policy as an 'other village'. Proposed developments within these villages are assessed against SP3. The locational criteria outlined in SP3 supports the development of sites in sustainable accessible villages. In decision making terms this means locations within the existing built extent of the village, which includes dwellings and their gardens, commercial premises, farm yards and community facilities. It would not normally include undeveloped land, fields or paddocks or open space which form the edge of built form.

Norwell, along with many other villages in the District, does not have a village envelope. Following the refusal of planning application 22/00370/FUL, the proposed new dwelling has been repositioned to an area of garden land closer to the rear of Glebe Cottage, which is considered to fall within the built extent of the village. Also, following the issue of a Lawful Development Certificate, garden land to the north is now considered to fall within the built extent of the village, which SP3 infers includes dwellings and their gardens. The proposal is therefore required to be assessed against of the location, scale, need, impact, and character criteria within SP3.

Location

In terms of location, as noted above, the site falls within the village of Norwell, which has some local services and facilities including a primary school, village hall, church, and public house. There are also regular bus services to Ollerton, Newark, and Retford with a bus stop located on Main Street outside the village store (which closed in 2021). The closest sustainable settlements to Norwell are Sutton on Trent (approx. 4-miles north) and Newark (approx. 6-miles south). The proposal would therefore meet the locational criterion of SP3.

Scale

The scale criterion of SP3 relates to both the amount of development and its physical characteristics, the latter of which is covered in other parts of this assessment (see 'Character' and

'Impact on Designated Heritage Assets' sections below). The scale of the development in terms of quantum is considered appropriate to the size of the village, resulting in one additional dwelling in the settlement.

Need

SP3 is supportive of new housing where it helps to support community facilities and local services. The supporting text to SP3 confirms that for schemes of one or two dwellings it will not be possible to require a particular type or mix of dwellings as is usually required by Core Policy 3. Notwithstanding this, the Council's latest District Wide Housing Needs Assessment 2020 (hereafter referred to as 'the 2020 HNA') identifies Norwell as being within the Sutton on Trent sub-area, which the 2020 HNA outlines needs more 4 or more-bedroom family housing than the district as a whole, which this scheme would contribute positively towards.

Impact

The proposed new dwelling would, by virtue of being located within the village and within walking distance of facilities such as the public house and church, help support community facilities and local services in accordance with this criterion.

Character

SP3 states new development should not have a detrimental impact on the character of the location or its landscape setting. Core Policy 9 'Sustainable Design' of the Amended Core Strategy (2019) requires new development proposals to, amongst other things, "*achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments*". In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD.

The site is located within the 'Mid-Nottinghamshire' Landscape Character Area and the 'Caunton Meadowlands' policy zone (ref: MN PZ 29) identified within the Newark & Sherwood Landscape Character Assessment Supplementary Planning Document (2013). The condition of the landscape is defined as 'very good', while its sensitivity to change is defined as 'high' due to there being a moderate sense of place and high visibility. Landscape actions require, amongst other things, new development to conserve the rural character of the landscape by limiting any new development to within the settlements of Caunton and Norwell and promoting use of vernacular materials, style, and scale in any new developments.

In policy terms, the application site falls within the built extent of Norwell, despite being on the edge of eastern edge of the village. Notwithstanding this, the proposal would create an uncharacteristic form of backland development to the rear of Glebe Cottage comprising of a large, detached dwelling that would noticeably deviate from the local vernacular in terms of scale and design. Furthermore, it is considered the proposal would detrimentally impact the landscape setting by introducing new built development on the rural eastern fringe of the village (see 'Impact on Designated Heritage Assets' for further commentary). Policy DM5 states the following regarding backland development:

“Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.”

The proposal would not be in-keeping with the general character and density of existing development in the area, which has a more open and lower density character than the historic core of the village. Consequently, it would constitute inappropriate backland development that fails to positively address the implications of the ‘Caunton Meadowlands’ policy zone. The proposal would therefore have a detrimental impact on the character of the location and its landscape setting contrary to the character criterion of SP3 and relevant provisions of Core Policies 9 and 13 of the Amended Core Strategy DPD and Policy DM5 of the Allocations & Development Management DPD as well as guidance contained within the NPPF.

Impact on Designated Heritage Assets

Core Policy 14 ‘Historic Environment’ of the Newark and Sherwood Core Strategy DPD (adopted March 2019) requires the continued conservation and enhancement of the character, appearance and setting of the District’s heritage assets and historic environment, in line with their identified significance; and the preservation and enhancement of the special character of Conservation Areas including that character identified through Conservation Area Character Appraisals which form the basis for their management.

In accordance with Core Policy 14, development proposals should take account of the distinctive character and setting of individual conservation areas including open space and natural features and reflect this in their layout, design, form, scale, mass, use of materials and detailing (Policy DM9 ‘Protecting of the Historic Environment’ of the Allocations & Development Management DPD). Development proposals for development affecting or within the curtilage of listed buildings will be required to demonstrate that the proposal is compatible with the fabric and setting of the building (Policy DM9 ‘Protecting of the Historic Environment’).

The site is located in Norwell Conservation Area and the setting of the Grade I listed St Laurence’s Church (LEN 1369970). Consequently, special regard should be given to the desirability of preserving or enhancing the character or appearance of that area in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, for development which affects a listed building or its setting, preserving the building or its setting or any features of special architectural or historic interest which it possesses in accordance with the duty contained within Section 66(1) of the 1990 Act.

Norwell Conservation Area was first designated in 1972 and runs in historic linear form east-west. The Council’s Conservation Officer has described the character of the Conservation Area as follows:

“The conservation area is predominantly characterised by large, detached dwellings on plots of various sizes, which are spacious and typically with mature landscaping. The village has organically evolved, with variations in grain of development, sized and design. As a rural village, the surrounding open countryside makes a positive contribution to the character and appearance of the conservation area. The most prominent listed building within the conservation area is the

Grade I listed church of St Lawrence, which makes an important contribution to Norwell, in particular when approached from the east."

The existing cottage is of traditional design and makes a positive contribution to the character and appearance of the conservation area. The original cottage can be identified on the 1832 Enclosure Map (image enclosed below). The Conservation Officer notes that, over time, the cottage included detached outbuildings, which can be seen on the 1899 OS Map (image enclosed below).



Extract from 1832 Enclosure Map

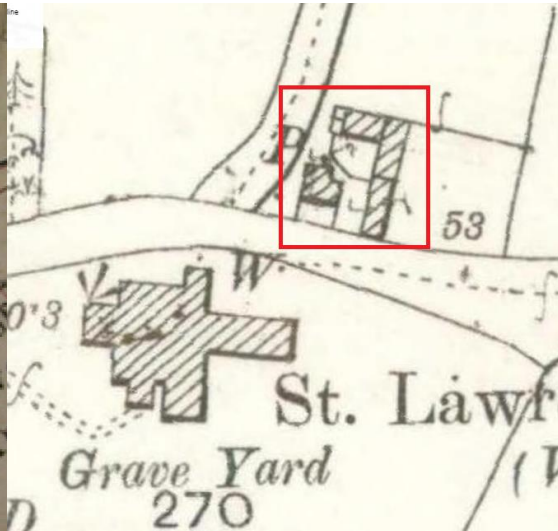


Image from 1899 OS Map

However, these buildings would have been modest, to reflect the modest cottage, and likely to have included a stable, piggery, and store. The cottage has been significantly altered and extended, and now includes a number of outbuildings associated with it (including the stable building in the field/paddock to the northeast). Notwithstanding this, the cottage still makes a positive contribution to the character and appearance of the Conservation Area, which should be preserved in accordance with the duty contained within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Conservation Officer considers the proposed new dwelling, in its submitted and revised forms, would not preserve the character and appearance of the Conservation Area, contrary to the abovementioned duty, for the following reasons:

"The proposed dwelling is an 'L' plan dwelling with an attached open garage. The dwelling is largely single-storey, with a two-storey section. The dwelling has been designed to reflect a modern interpretation of an agricultural building which includes a large amount of glazing. The glazing, in particular the highly glazed gables do not reflect an agricultural building. The unusual location of the garage creates an unusual planform and adds alternative pallet of materials that do not respond to the vernacular character of the area of brick and pantile.

The scheme has been amended including the reduction in ridge height. However, the proposed dwelling will be still of a significant scale and will be highly visible when approaching the conservation area and from its immediate surroundings. Reviewing the proposed site plan, the dwelling will be considerably bigger footprint than the dwellings within vicinity.

The scheme has been reorientated from a previous submission, which means the highly glazed gable is not as prominent. This does assist with reducing the visual impact on the Church of St

Lawrence when entering Norwell of the east. Therefore, it is not considered that the proposed dwelling causes harm to the setting of the listed building.

Although the design is attractive it is considered that the design does not respond to the site's context and its relationship with the host dwelling Glebe Cottage. Traditional hierarchy of development within a site would expect ancillary structures and structures located behind the host dwelling are more modest in form and design and smaller in scale. The plot of the proposed dwelling will be considerably larger than that of Glebe Cottage. Due to the scale the proposed dwelling it will not appear subservient or ancillary to the host dwelling."

The applicant's agent submitted a statement in response to earlier Conservation comments, asserting that the proposal would reflect farmstead groupings in the village. However, the examples identified are located within and adjacent to the historic core of the village, which has a different, more built-up character to the application site which is located on the eastern fringe of the village. I agree with the Conservation Officer's views that the design approach is not successful in reflecting a traditional farmstead and barn grouping due to its scale, siting, unusual plan form, and highly glazed design. Although the design could be considered attractive in its own right, it is not considered the right design approach for this site or context for the foregoing reasons. It is therefore considered the proposal would cause harm to the character and appearance of the designated Conservation Area contrary to the relevant provisions of the abovementioned planning policies and guidance. There must be clear and convincing justification for any harm to the significance of a designated heritage asset, such as a conservation area, from development within its setting (para. 200 of the NPPF). In this case, no such justification has been provided nor are there material considerations that outweigh the harm identified.

Trees, Landscaping, and Ecology

Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy DPD requires proposals to consider the need for continued protection of the District's ecological assets. Policy DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

There are several mature trees and hedges within and around the application site, which may be adversely affected by the proposed development. The application is supported by an Arboricultural Report and Impact Assessment prepared by AWA Tree Consultants (dated May 2023). This report identifies four trees for removal to facilitate the proposed development – T25 Apple, T7 Hornbeam, T28 and T33 Cherry – which are all identified as category C trees with little arboricultural value. In addition, three trees – T24 Walnut, T28 Cherry, and T32 Hornbeam – would require pruning works to facilitate the proposed development, reducing their crowns by around 1-metre each. The report also identifies potentially damaging activities are proposed in the vicinity of retained trees, with new development encroaching close to and into the edges of the root protection area (RPA) of T24. Whilst the report identifies that this encroachment is likely to be very minor, the Council's Tree Officer has raised concerns regarding impacts on existing green infrastructure through loss of trees and irrevocable damage to tree roots, particularly as the submitted tree report appears to fail to address/acknowledge the future impact of trees on residents of the proposed dwelling, excepting that trees will grow, have associated wildlife and occasionally in high winds drop branches.

In terms of mitigation to cover the loss of trees, the submitted tree report suggests “the site provides an excellent opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme”, however, no such scheme has been submitted for consideration as part of the application. In addition, the tree report suggests retained trees would require protection by fencing, which could be outlined within an Arboricultural Method Statement detailing protective fencing specifications and construction methods close to retained trees. However, no such Method Statement has been submitted for consideration as part of the application. Whilst it can sometimes be appropriate to impose conditions to secure such details, in this case, the absence of details of tree protection measures and replacement tree planting, coupled with the Tree Officer’s concerns about potential future impacts of trees on residents of the proposed dwelling, means it is unclear whether adverse effects of the development can be appropriately mitigated. Consequently, it has not been adequately demonstrated that features of natural importance would be conserved, enhanced and/or restored in accordance with the abovementioned policy framework.

The Arboricultural Report submitted in support of the application acknowledges that trees provide a wide range of habitats for many species including some that are legally protected but does not address the potential for such species to be present on the application site. Consequently, it has not been adequately demonstrated that the proposal would lead to no harm arising to trees and thus biodiversity.

Overall, the proposal fails to maximise opportunities to conserve, enhance, or restore existing trees on site and it has not been demonstrated that root protection areas of trees that could potentially be retained would not be indirectly harmed by the development. In addition, it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Amended Core Strategy DPD and Policy DM7 of the Allocations & Development Management DPD.

Impact on Residential Amenity

Policy DM5 requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The proposed new dwelling would comprise of a mix of two-storey and single-storey elements and be sited approximately 30 metres from the rear elevation of Glebe Cottage, which is the nearest neighbouring dwelling. The existing 3-bay cart shed/garage with log store to the rear of the cottage would sit between the existing cottage and proposed new dwelling, which is orientated to face away from the cottage towards the open countryside to the north. Treatment of the boundary between the two dwellings is unclear, although the proposed site layout indicates there would be a hedge along the rear boundary of the cottage, which could enhance privacy subject to appropriate management. Due to existing and proposed separation distances and boundary treatments, it is not considered the proposed development would have an adverse impact on neighbouring amenities. External amenity space for the existing cottage would be significantly reduced as a result of the proposed development, with the majority of existing green garden space handed over to accommodate the proposed new dwelling and its own private amenity space. However, given the relatively modest size of the cottage, it is not considered a significantly smaller external amenity space would be detrimental to the amenities of future occupants. Overall, it is considered the external amenity spaces for the proposed dwelling and existing cottage would be reasonable and proportionate to their size. Consequently, the proposal would accord with the

relevant provisions of Policy DM5 of the Allocations & Development Management DPD in this regard.

Highway Safety and Parking

Policy DM5 requires the provision of safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities.

The site is located on the north side of Main Street to the rear of Glebe Cottage at the eastern edge of the village of Norwell. The National Speed Limit applies to this part of the road and reduces to 30mph after the existing access to Glebe Cottage.

The application proposes to utilise the existing residential access to Glebe Cottage to serve both the existing and proposed dwellings. Nottinghamshire County Council Highway Authority considered the application as submitted and recommended revisions to ensure sufficient width of and visibility from the site access and provision of an adequate number of parking spaces on site. Following a couple of revisions, the amended proposed site layout plan (Drawing no. 21-2365-(02)001 REV E) details the appropriate widening of and visibility splays from the site access, which would be achieved by repositioning the existing boundary wall and gate pillars. The Highway Authority has raised no objections, subject to conditions to secure the provision of the above measures prior to occupation of the proposed new dwelling.

Consequently, following revisions and subject to recommended conditions, the proposal would secure safe means of access in accordance with current highway design standards and therefore would accord with the relevant provisions of Policy DM5 in this regard.

Flood Risk and Drainage

According to Environment Agency Flood Risk Maps, the site is within Flood Zone 1 which has a low probability of flooding from rivers and the sea. However, the site is at high to medium risk of flooding from surface water, as illustrated by the image enclosed below.



Core Policy 10 'Climate Change' of the Amended Core Strategy DPD aims to steer new development away from those areas at highest risk of flooding, applying the sequential approach to its location. In accordance with the requirements of Core Policy 10 'Climate Change', Policy DM5 'Design' of the Allocations & Development Management DPD clarifies that development proposals within Environment Agency Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the sequential test, that there are no reasonably available sites in lower risk flood zones. The NPPF (2023) clarifies that "a sequential approach should be used in areas known to be at risk now or in the future from **any form of flooding**" (para. 162) (emphasis added). It has been recently confirmed to the LPA that the Sequential Test should be applied to developments in locations where there is a current or future medium/high risk of ground or surface water flooding. Consequently, application of the sequential test is therefore required in this instance.

For individual planning applications, the area to apply to the sequential test is the administrative boundary of Newark and Sherwood District. The Local Planning Authority has many sites available and allocated for housing that are in lower flood risk areas and, as such, it is considered unlikely that the proposal would pass the sequential test. Although applicants are usually given the opportunity to identify whether there are any other 'reasonably available' sites within the area of the search, that have not already been identified by the planning authority, it was not considered reasonable to request such information in this case, as the need to apply the sequential test was not raised previously, and as it is also unlikely to change the overall recommendation to refuse planning permission. Indeed, requesting further information at this late stage would risk giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

Notwithstanding the above, consideration has been given to how surface and foul water drainage would be managed as part of the development. Policy DM5 'Design' of the Allocations & Development Management DPD requires new development proposals to pro-actively manage surface water including the use of Sustainable Drainage Systems.

The proposed new dwelling would cover permeable garden land with impermeable built form and thus increase the amount of surface water on site. It is preferable to keep the extra volume on site, in order to avoid increasing flood risk elsewhere. The application form indicates a soakaway would be installed to dispose of surface water, although there is no indication of type, capacity or where this would be installed on site. There is also insufficient detail regarding foul sewage disposal, with the application indicating such details are unknown. However, it is noted that a sewage pumping station is sited on the opposite side of Main Street/Norwell Lane i.e., within close proximity to the site, so it is likely the development would connect to the existing foul drainage network.

Other Matters

It is recognised that determination of this application has been significantly delayed, however, such delays have been clearly communicated and agreed with the applicant via their agent throughout the application process. Officers have worked positively and proactively with the applicant to make some revisions to the proposal, which have successfully overcome some of the previous reasons for refusal. Therefore, whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The site falls within the built extent of the village of Norwell, which is an 'Other Village', where the principle of new development is assessed against the criteria of Spatial Policy 3 'Rural Areas' (SP3). SP3, amongst other things, requires new development to not have a detrimental impact on the character of the location or its landscape setting. However, the proposed development, by virtue of its scale, siting, unusual plan form, and highly glazed design, would constitute inappropriate backland development that would be uncharacteristic and harmful its landscape setting as well as the character and appearance of the designated Conservation Area. No clear and convincing justification has been provided or heritage/public benefits identified that outweigh the harmful impacts identified.

Furthermore, the development fails to maximise opportunities to conserve, enhance, or restore existing trees on site and it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of the area. The potential ecological impacts of the development in relation to its impacts upon any protected species are unknown. Consequently, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development.

There are no benefits to outweigh the demonstrable harm identified and a recommendation of refusal is offered.

10.0 Reasons for Refusal

01

In the opinion of the Local Planning Authority, the proposed new dwelling and cart shed, by virtue of its scale, siting, unusual plan form, and highly glazed design, would constitute inappropriate backland development that would be uncharacteristic and harmful its landscape setting as well as the character and appearance of the designated Conservation Area. No clear and convincing justification has been provided or heritage/public benefits identified that outweigh the harmful impacts identified.

The proposal is therefore contrary to the Development Plan namely Spatial Policy 3 and Core Policies 9, 13 and 14 of the Amended Newark and Sherwood Core Strategy Development Plan Document (March 2019), Policies DM5 and DM9 of the Newark and Sherwood Allocations and Development Management Development Plan Document (July 2013) as well as Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and the National Planning Policy Framework which are material considerations.

02

In the opinion of the Local Planning Authority, the development fails to maximise opportunities to conserve, enhance, or restore existing trees on site. Furthermore, it has not been adequately demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development, which could result in a negative impact upon the character and biodiversity of the area. No ecological appraisal has been submitted with the planning application and, as such, the potential ecological impacts of the development in relation to any protected species are unknown. The Applicant has therefore failed to demonstrate that there would be no adverse ecological impacts arising from the development.

The proposal is therefore contrary to the Development Plan namely Core Policy 12 'Biodiversity and Green Infrastructure' of the Amended Core Strategy Development Plan Document (adopted March 2019) and Policies DM5 'Design' and DM7 'Biodiversity and Green Infrastructure' of the Allocations & Development Management Development Plan Document (adopted July 2013) as well as the National Planning Policy Framework which is a material planning consideration.

03

The site is at high to medium risk of flooding from surface water and the proposal to erect a new dwelling requires the application to pass the Sequential Test as set out in the National Planning Policy Framework 2023. In the opinion of the Local Planning Authority, through the provision of a deliverable 5-year housing land supply, there are many other sites within the District at lower risk of flooding. Consequently, the proposal fails the Sequential Test and is contrary to Core Policy 10 (Climate Change) of the Newark and Sherwood Amended Core Strategy Development Plan Document (2019) and Policy DM5 (Design) of the Allocations & Development Management (DPD 2013) and the NPPF and the National Planning Practice Guidance, which are material considerations. National Planning Policy Framework.

Informatives

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

03

Refused drawings:

21 2365 02 LP C Location Plan *received 04 October 2023*

21 2365 02 001 REV E Amended Proposed Site Layout *received 23 June 2023*

21 2365 02 002 REV C Proposed Layouts *received 17 May 2023*

21 2365 02 004 REV D Proposed Elevations *received 17 May 2023*

JD129 100A P Proposed New Access with Visibility Splay *received 17 May 2023*

21 2365 VIS 001-005 B Artists Impression *received 17 May 2023*

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/01504/FUL



