

PLANNING COMMITTEE – 4 SEPTEMBER 2018

Application No:	18/01258/FUL		
Proposal:	Demolish 2 no. semi-detached properties known as 37 and 39 Halloughton Road, Erect 2 no. detached replacement dwellings with garages within the boundaries of the above properties and garden		
Location:	37 And 39 Halloughton Road Southwell Nottinghamshire NG25 0LP		
Applicant:	Mr D T and Miss P A Orwin		
Registered:	04.07.2018	Target Date:	29.08.2018
Extension of Time Agreed Until 6th September 2018			

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site relates to a plot of land of approximately 0.22 hecatres in extent which as existing forms the residential curtilages of the dwellings known as 37 and 39 Halloughton Road. The existing properties are a pair of semi-detached single storey bungalows orientated towards the vehicular access which serves the site from Halloughton Road. At the time of the Officer site visit the characteristics of the site vary within the site with the eastern area of the site being less manicured than the land immediately to the rear of the dwellings.

The site is within the urban boundary of Southwell as defined by the Proposals Map of the Allocations and Development Management DPD. The site is also within the designated Conservation Area Southwell Protected Views Zone (So/PV). The Potwell Dyke shares the north eastern boundary of the site. There is a public right of way along the vehicular access to the site which then follows the southern boundary of the site. The site is within Flood Zone 1 according to the Environment Agency maps and despite its proximity to the Potwell Dyke is shown to be at very low risk of surface water flooding.

Other than the aforementioned Potwell Dyke, the site is land locked by residential curtilages. Properties to the south along Halloughton Road are typically dormer bungalows. Properties to the west also along Halloughton Road are typically two storey. The dwelling to the east; 39a Halloughton Road is a dormer bungalow with its principle elevation orientated towards the site. The dwelling to the north; 35a Halloughton Road forms a single storey bungalow with its principle elevation towards the northern boundary of the site. The access to the site also serves as the vehicular access for 35a and 39a thus serving a total of four dwellings.

Relevant Planning History

The following planning history relates to the eastern area of the site (i.e. the wider curtilage rather than the footprint of the properties themselves):

17/00771/FUL - Erection of 1 No detached dwelling with attached garage.

Application determined by Planning Committee on June 5th 2018 and refused by decision dated 6th June 2018 for the following reason:

The proposal relates to the erection of a single detached dwelling with a proposed vehicular access utilising an existing access from Halloughton Road. The access currently serves four dwellings but is also designated as a public Right of Way- Southwell Footpath Number 27. The Footpath is officially recorded on the County's Definitive Map of Rights of Way and further information recently obtained indicates that a public footpath was expressly reserved along the southern boundary of the access way over land within the ownership of No. 39, Halloughton Road. There is a need to ensure safe access by pedestrians (who have a legal right to use the route unhindered). In line with comments of Nottinghamshire County Council as the Highways Authority, officers consider that the current proposal would intensify the existing vehicular use of the access to a degree which would amount to an unacceptable level of harm to pedestrian safety of the users of the Right of Way.

In addition to the above identified harm, the access road does not meet current standards to allow for two vehicles to pass. The current physical boundary constraints prevent the potential to mitigate this impact through adequate widening to the required width of 5.25m. This presents the potential for vehicular obstruction to the public highway as vehicles are waiting to access and egress the site.

Despite best endeavors from the applicant to overcome the aforementioned harm, the Highways Authority and consequently officers of the Local Planning Authority are of the view that the proposal is unacceptable in highway terms causing demonstrable harm to both pedestrians and the efficient movement of the highways network. This is contrary to Spatial Policy 7 and the relevant aspects of Policy DM5 as well as the intentions of the NPPF which form a material consideration to the decision. No other material considerations have been identified which would sufficiently outweigh this harm.

The Proposal

The application seeks full planning permission for the demolition of the two existing bungalows which exist within the site and their replacement with two detached dwellings. The design of one of the dwellings has evolved during the life of the application owing to Officer negotiations. For the avoidance of doubt, the proposal has been considered on the basis of the following plans:

- Proposed Site Layout – DO/HRS/P2P Rev. D (received 23rd August 2018)
- Proposed Dwelling No. 37 Plans and Elevations – HRS/P2/2 Rev. C (received 8th August 2018)
- Proposed Dwelling No. 39 Plans and Elevations – HRS-P2-1 Rev. A (received 3rd July 2018)
- Proposed Access Improvement Details – DO-HRS-P2D Rev. A (received 3rd July 2018)
- Proposed Boundary Privacy Fence Plan and Elevation – HRS-P2-F Rev. A (received 3rd July 2018)

- Existing Site Layout Plan – DO/HRS/EX (received 4th July 2018)
- Site Location Plan – DO-HRS-LP2 (received 3rd July 2018)
- Topographical Survey - JPD/MSE/3673 Drawing No. 2 (received 3rd July 2018)

The application has also been accompanied by the following supporting documents:

- Design and Access Statement;
- Heritage Statement;
- Method Statement for Tree Protection;
- Flood Risk Statement.

The dwellings would be positioned perpendicular to one another such that the proposed replacement for no. 37 would be orientated towards the shared access with a detached garage to the north of the plot. This property would be positioned broadly at the point of the site where the existing semi-detached bungalows are positioned. The replacement dwelling for no. 39 would be orientated towards the southern boundary towards the access to the adjoining property at no. 39a and the public footpath beyond. This dwelling is proposed to have an attached garage projecting at a perpendicular angle to the principle elevation. No. 39 would be positioned towards to the east of the site in an area which is currently vacant of built form.

The maximum ridge height of no. 37 is approximately 6.1m with an eaves height of approximately 2.7m. The maximum ridge height of no. 39 is approximately 6.2m with an eaves height of approximately 2.6m. Materials proposed comprise a variety of facing brick, stone, render and Cedar boarding with a tiled roof. The dwellings have been designed as dormer bungalows with 5 roof dormers proposed to serve no. 37 and 3 proposed to serve no. 39.

The application also details works to the existing access including works to the verges to ensure a minimum width of 3.5m.

All trees and hedges to the boundaries are to be retained and maintained with small ornamental trees to the centre of the site to be removed.

Departure/Public Advertisement Procedure

Occupiers of 20 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made October 2016)

Policy SD1 - Delivering Sustainable Development
 Policy E2 – Flood Resilient Design
 Policy E3 - Green Infrastructure and Biodiversity
 Policy E4 - Public Rights of Way and Wildlife Corridors
 Policy E5 – Green Link
 Policy DH1 – Sense of Place
 Policy DH3 – Historic Environment

Policy TA1 – Cycle and Pedestrian Routes
Policy TA2 – Public Transport Connectivity
Policy TA3 – Highways Impact

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy So/HN/1 – Southwell Housing Need
Policy So/PV – Southwell Protected Views
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014

Consultations

Southwell Town Council – *Additional comments received 24th August 2018:*

The Council previous comments still stand.

Original comments received:

Southwell Town Council considered application 18/01258/FUL 37-39 Halloughton Rd and agreed by majority to object to this application and to ask that Cllr Bruce Laughton call in this application for the following reasons:

It is contrary to the Neighbourhood plan policies:

SD1 Sustainable Development & HE1 House Type and Density -Over intensification of site, with the design of the proposed houses being dissimilar to other in the area and the increase is Massing between 3 & 4

HE1-Loss of smaller bungalows

The designs increase the Massing at the edge of the town.

E2 & E5 Lack of 8mt buffer strip to the property and also the proposal to enclose the dumble by the planting a hedge at the rear of the garden

It was mentioned by a member of the public that the ownership certificate submitted is incorrect.

NSDC Conservation – *Demolish 2 no. semi-detached properties known as 37 and 39 Halloughton Road, Erect 2 no. detached replacement dwellings with attached garages within the boundaries of the above properties and garden*

While I have been to site and made my own assessment, for ease I repeat some elements of my colleague's comments on the previous application at this site (17/00771/FUL).

While the housing facing into Halloughton Road are not within Southwell Conservation Area Appraisal number 37 and 39 Halloughton Road and the land adjacent are within the boundary, within the Westgate Character Area, as identified in the Conservation Area Appraisal.

Number 37 – 39 are semi-detached bungalows of a mid to later C20 date. They are of no architectural or historic merit. As part of Halloughton Road they sit with other buildings of a similar age, of a mixture of one, one and half and two storey modest houses. To the north of the proposal site is one of the dumbles/dykes that are such a feature of Southwell. In this particular case there is no footpath along this part of the dumble. There is, however, a public footpath bringing people right up to the proposal site and then down a route lined with a close boarded fence, keeping wider views back into the Conservation Area constrained at this point. So while the site is set well back from Halloughton Road it has some, but limited presence in the public realm. To the north of the application site, on the other side of the dumble, the character becomes more historic with older houses and former industrial buildings being located close to the landmark Grade II listed Holy Trinity Church. From the gardens of 37-39 Halloughton Road the spire of the church is seen.

The proposal has the potential to affect the character and appearance of the Southwell Conservation Area and the setting of the Grade II listed church.

Legal and policy considerations

Southwell Neighbourhood Plan, specifically the Design and Heritage section .

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this context, the objective of preservation is to cause no harm. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

Section 72 of this Act requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. The same weight of this duty applies.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7).

Principle of demolition

Having inspected the bungalows and found them to be of no architectural or historic merit I have no in-principle objection to their demolition, which will not in itself cause any harm to the character or appearance of the Conservation Area or the setting of the nearby church.

Principle of new development here.

I have no in-principle objection to two new dwellings here, which includes not just the replacement of the existing bungalows but also the erection of a new dwelling on the land to the rear (east) of the bungalows. While this is essentially backland development, in plan form terms a new dwelling to the rear of 37-39 would not necessarily be out of character as this would essentially read as an infill between 39 and 39a, within a building line created by numbers 35a, 37-39, 39a and 65a. While I note the garden area of number 39 is somewhat run down at the moment this is immaterial to my assessment of whether this is suitable for new development, which is based on the size of the plots, size of the buildings within the plots, spacing between the buildings and the character and appearance of this area.

In area where there is already a building line established, and where there seems to be a reasonable space for new development, and where the buildings in this building line are of no specific significance, there is no Conservation objection to the principle of new development here.

Design

In terms of the design of the proposed new build, I note they are one and a half storeys compared to the single storey bungalow currently on the site. While I accept the new buildings will be taller, this is not necessarily out of character - this part of the Conservation Area being well represented with positive and neutral buildings of this scale.

While the glimpses towards the church spire would be more limited by taller development this is in relation to a limited and incidental view from a footpath which is quickly enclosed by close boarded fencing, the overall impact on the significance of the church being negligible.

In terms of the size of the proposals I note they are materially larger than the existing bungalows and the other buildings in this building line. They do have a rather uncharacteristically sprawling footprint and elevation, but this is more an issue of general planning character rather than any sustained conservation objection, owing to the limited visibility of the proposal and limited character contribution of the area generally. I note the previous Conservation Officer raised a similar point on the scale of the buildings but felt this was not materially harmful to the significance of the identified heritage assets, and I maintain this view.

Despite their elongated elevations, which could be broken up or reduced, I still believe the proposal will not harm the character and appearance of the Conservation Area or the significance of the Listed Building (through impact on its setting).

My only remaining point is that I would want to ensure a soft and green character is maintained to the boundary with the dumbie.

Southwell Civic Society - This is over intensive development of this back land site. These two properties replace two semi-detached bungalows, however the new proposal covers a much larger area.

Whilst the ownership of the site extends to the centre of the Dumbie, which is some three metres deep at this point, the planting of a yew hedge along the edge of the watercourse is completely unacceptable. The owner will have riparian rights and with a hedge in place will not be able to facilitate the maintenance of the stream. The hedge will occupy the area required in time of flood.

The strip alongside the Dumbie should be left wild and uncultivated to maintain the important wildlife corridor through this part of Southwell. Permission for any scheme on this site should be subject to a condition that this area should be left natural and uncultivated as is the case of the gardens in Westgate Mews where between 10 and 15 metres have to be left wild; re Applications 00/00952/FUL and 02/02643/FUL. The latter was subject to Appeal and the Inspector stated in his conclusions “ *I shall ensure that details are submitted that establish the locations and treatment of the site boundaries and ensure the preservation of the land at Westhorpe Dumbie*”.

The access to these properties is also a public right of way. Parking provision is proposed to be three for each house and together with on-line shopping and the postal service now using vans there will be an increase in vehicular movements to the detriment and danger of pedestrians using the shared driveway.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

NCC Highways Authority – Since this is a like-for-like replacement of two dwellings with another two, no objections are raised to the principle of this proposal since there is unlikely to be any significant increase in traffic movements.

However, the details of the footpath / access improvements shown on drawing DO/HRS/P2P/C should be amended and could be agreed by condition (see below).

Block paving should not be used as this would create a maintenance issue, and the hooped railing /barriers should be excluded.

Notwithstanding any improvements agreed, such works will not and cannot be viewed to compromise or remove any over-riding rights of way.

Subject to the above, the following condition is recommended:

Notwithstanding the details shown on drawing DO/HRS/P2PC, no development hereby approved shall commence until footpath/access improvements are firstly amended, submitted to, and approved in writing by the LPA in liaison with the Highway Authority.

NCC Rights of Way Officer – No comments received.

NCC Flood – Additional comments received 24th August 2018:

No objections subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
5. It is recommended that the applicant familiarises themselves with riparian responsibilities and maintenance requirements for the watercourse adjacent to the site and designs the boundary in a manner that will allow access to the watercourse when necessary. It is recommended that a 4m easement is provided from the centreline of the watercourse to any physical boundary. This will allow vehicular access if required.

Original Comments received:

No objections subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The Environment Agency – I refer to the above application which was received on the 9 August 2018.

According to our information the site falls in Flood Zone 1 and thereby not normally an application that we expect to be consulted on

The flood risk is contained to the watercourse at this point and the development is not immediately adjacent to the watercourse so it doesn't raise any significant concerns.

The LLFA have been consulted and provided comments on surface water flood risk.

Trent Valley Internal Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment.

There are no Board maintained watercourses in close proximity to the site, however, the development is in close proximity to the Potwell Dyke. The Board is aware of flooding problems in the Southwell area.

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

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

Cadent Gas – Should you be minded to approve this application please can the following notes be included as an informative note for the Applicant

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent
- and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 'Avoiding Danger from Underground Services' and GS6
 - Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Ramblers Association - The Design and Access Statement acknowledges the close involvement of Southwell Footpath 27 with this development. We have no objection.

Representations have been received from 13 local residents/interested parties which can be summarised as follows:

Principle of Development

- The Neighbourhood Plan has identified the need for housing to be for an ageing population with a particular need for smaller units
- This is a windfall site and in complete opposite to what is needed
- The plans should build two new bungalows in the same position or the existing bungalows should be refurbished
- The NPPF states that the policies in the Neighbourhood Plan will take precedence over exiting non-strategic policies in the local plan
- SNP HE1 seeks to increase smaller bungalows and this policy takes precedence – to approve this application would set a dangerous precedence
- Southwell has an abundance of large homes
- No objection to development per se but object to this proposal
- Very few bungalows are being built – the council are in danger of losing two sought after properties
- The site offers the elderly chance to see grandchildren using the nearby school at the moment
- If the application were to be approved it would send a message to developers that they can knock down bungalows and build houses
- The revised NPPF gives precedence to Neighbourhood Plans in the planning process

Impact on Character including the Conservation Area

- The site is within the Conservation Area because it is within a stone's throw of the Holy Trinity Church which is a listed building
- It is important to protect the sense of greenery and this development is an over intensification of the area
- The development would reduce the visibility of the Church
- The application site is visible from the public footpath
- Detritus mentioned in the previous report is the applicants own rubbish and should be dealt with by enforcement
- The design of the dwellings are executive dwellings with a sprawling footprint
- The architectural style is at odds with the established buildings around the plot, i.e. bungalows

- The Conservation Area should be protected for future generations
- The footprint is too close to the Dumble
- Views from neighbouring properties would be prevented from views towards the Church
- Poor quality design is a breach of policy
- The existing bungalows have been badly maintained and do detract from the Conservation Area
- The proposed dwellings are substantially larger and taller than the properties in the vicinity
- The Dumble is an important local feature such to SNP policies E2 and E5
- The topographical survey falls the differing gradient of the site
- The Conservation Officer opposes any incursion into the Dumble but the applicant proposes to lay a Yew hedge
- The Planning Inspectorate has made reference to the high quality design and sense of place of the area in the appeal decision for Denholme Cottage
- The dwellings would be materially higher than the adjoining properties and incorporate full dormers
- The complex roofs are inconsistent with adjoining properties
- The two dwellings would be overbearing and sprawling on the size of the plots
- The dwellings are not in keeping with the surrounding properties
- The smaller property is extremely close to all boundaries imposing on the Dumble
- The proposal will improve the existing untidy and unkempt drive
- The border to the site has already been improved with the planting already done
- The revised plans show modest reduction in mass but makes little difference to the sprawling footprint which is out of keeping and has no sense of place
- No. 39 is too large for its plot and the footprint needs to be reduced which would result in a major re-design

Impact on Trees and Ecology

- The applicant has already removed several mature trees and an established hedge in bird breeding season
- There is little room for suitable trees in the new application

Impact on Highways including Public Right of Way

- The use of the access has intensified since the bungalows were built in the 1960s which has exasperated access problems
- The application does not overcome the footpath issues which were identified by the previous refusal
- There would be a health and safety risk to the footpath which is heavily used
- The number of bedrooms would mean 3 or more cars per dwelling
- No public or private vehicular rights exist or can be acquired
- The footpath is administered by NCC Highways and neither NSDC nor the applicant, have any control or jurisdiction over this public asset
- The minimum access width required is 5.25m
- The properties footprint reduces parking and circulation
- The traffic flow for the proposed properties would be greater than the existing bungalows
- The access onto Halloughton Road has poor visibility splays
- The right of way is used by elderly and children
- Delivery vehicles frequently can't turn around so reverse out of the access

- The access off Halloughton Road is unrealistic to accommodate the volume and size of the vehicles
- Deliveries of materials would be impossible down the lane incorporating the public footpath
- Concern about comings and goings of traffic from any redevelopment of the site
- Delivery vehicles reverse down the access as they cannot turn around
- There would be conflict with vehicles getting in and out
- The proposal is not 'like for like' as suggested by the Highways Authority
- The no right turn rule to Halloughton Road from Westgate is frequently broken

Impact on Infrastructure including Flooding

- Neighbouring properties will be compromised in terms of the capability of the sewerage network
- The application proposes the enclosure of part of the Dumble and cultivation of the rear boundary hedge adjoining the watercourse with no provision for any form of buffer as required by policy E2
- SNP E2 requires an 8m buffer from the boundary of development to the top of the bank of any watercourse for maintenance and pollution reasons
- The revised position of the hedge falls well within the Dumble and on a very steep bank which is not shown on the plans
- The application should be refused as it proposes to develop within the flood zone which is contrary to planning policy at all levels

Impact on Amenity

- The dormers which face south overlook the rear gardens on Halloughton Road
- The flank elevation on no. 39 faces the front and main living rooms of 39a with a higher ridge height
- Private amenity space is reduced to 3.5m when the requirements of the SNP and the Conservation Officer are taken into account and would be north facing which is far too small for a property of this size
- The properties would cause an overshadowing of neighboring properties
- The height of the dwellings would intrude on neighbouring privacy
- The proposed property at no. 39 would lead to light pollution as there are many areas of substantial glazing situated very close to adjoining properties and existing properties which leave external lights on overnight
- The proposed property has to accept the nature of the surrounding as they exist and cannot require adaptations elsewhere to render it more habitable

Other Matters

- The original application was incorrect in signing Certificate A as there were other owners of the site than the applicant
- The application should not be entertained on the basis of the incorrect certificate
- The original plans for 39a have already been modified since it was built and it is now operated as a business
- No early consultation with the community has taken place

- Revised re-consultation letters have not been received from a number of neighbouring parties
- The changes, amendments and the council website failures have shortened the response time for revised comments – especially during the holiday period
- People may not have been persistent to approach the Council directly for the plans when the website was down
- The application remains invalid as the published contains an incorrect certificate of ownership
- The Case Officer has failed to do their job properly and are relying upon the Courts to avoid the consequence of their actions
- The front page of another applicant is a fresh application onto this application
- The public now has full reason to be confused as to the nature of this application which records two application forms with different applicants – one of which is invalid due to an incorrect ownership certificate and the other is invalid because it is incomplete
- The public do not know who the applicant is

Comments of the Business Manager

Preceding Matters

As is referenced above through both the summary of neighbouring comments but also the comments of the Town Council, concern was raised in respect to the original application submission that the signing of ownership Certificate A was incorrect in that notice was not served on all owners of the site. This has been resolved during the life of the application with a revised section of the application form and revised Certificate A being received on 9th August 2018 adding Miss P A Orwin as a joint applicant. Officers have taken the opportunity to discuss the matter with internal legal expertise and it has been confirmed that the authority may agree to amendments to the application, provided that the changes are not so substantial that the application can only be considered fairly and appropriately by requiring a fresh application to be lodged. Despite the comments that there is confusion as to who the applicant is; Officers are confident that the public facing planning file is clear in that the updated applicant details is clearly marked as 'Amended Application Form (Applicant Details)' and postdates the original form. To confirm, it is the submission of Officers that changes to the applicant does not prejudice any party and that the application has been lawfully made and thus can be considered.

Principle of Development

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

The adopted Neighbourhood Plan for Southwell outlines an overall support for residential development within the town, through meeting the strategic requirements for growth whilst maximizing the benefits for the community (Objective 6). Spatial Policy 1 of the Core Strategy outlines the settlement hierarchy for the District identifying Southwell as a Service Centre. It is intended that Service Centres will act as a focus for service provision for a large local population and a rural hinterland. As such residential development within the site is acceptable in principle provided the proposal accords with the remainder of the development plan.

It is relevant to acknowledge that at the present time, the LPA is well advanced in the process of a plan review following the Independent Examination which took place on February 1st and 2nd 2018. For the avoidance of doubt the Council does currently have a 5 year housing land supply against the only OAN available and produced independently by consultants and colleague Authorities. I do not consider it necessary to rehearse the full position in respect of this matter given the support for additional housing in Southwell in principle. Whilst the NPPF identifies that there is a presumption in favour of sustainable development, this does not automatically equate to the development being granted as other material considerations need to be taken into account.

The site lies within the Conservation Area for Southwell. As such any proposed development must comply with the principles of NP Policy DH3; Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area.

Housing Delivery

The proposal relates to the demolition of two semi-detached dwellings and replacement with two detached dwellings. Therefore numerically the proposal does not change the number of residential units within the site.

Notwithstanding this, Officers fully concur with the comments received through the consultation period that the nature of the properties which would replace the existing dwellings are materially different in their size and design. The existing properties are both three bedrooms. The proposed dwelling at No. 37 would deliver 4 bedrooms at first floor (as well as an office above the detached garage which could be converted to bedroom accommodation without the need for a separate planning application). The proposed dwelling at no. 39 is three bedrooms (although again with a spacious ground floor office which could be converted to a bedroom).

It is fully appreciated that the stance of the Neighbourhood Plan shows an encouragement for the provision of smaller homes for young people and families including through the emphasis of bungalow accommodation. It is equally acknowledged that Policy So/HN/1 of the Allocations and Development Management DPD seeks to ensure that the majority of new housing on windfall sites within Southwell will be one or two bedroom units in line with the identified housing need. However, the policy which dictates Housing Type and Density – Policy HE1 of the NP relates to developments of 11 dwellings or more and therefore would not be directly applicable to the current proposal for 2 replacement dwellings.

It is a material planning consideration that the authority has been previously challenged on its application of Policy So/HN/1 through an appeal at Brooklyn on Lower Kirklington Road (APP/B3030/W/17/3179351). The Inspectors decision allowing the appeal was dated 17th January 2018. In respect to matters of housing need the Inspector makes the following comments:

9. However, the ADMDPD was adopted in 2013 and the justified reasoning for policy So/HN/1 explains that it is based upon the Housing Needs Assessment which informed the preparation of the Core Strategy. As the Core Strategy was adopted in 2011, the data upon which this policy is based is at least 7 years old.

10. The most recent evidence on housing need is the Housing Market Needs Sub Area Report which was published in 2014. It found in Southwell that there was a greater need for houses of 3 or more bedrooms than there was for properties of two bedrooms or less. As a result, the proposed development would provide housing of a size for which the current local evidence is the greatest need exists in Southwell. This is an important material consideration which, in my judgement, given that policy So/HN/1 of the ADMDPD is based upon significantly older evidence, outweighs non-compliance with this policy. Owing to the more recent evidence on housing, I find that the proposal would comply with Core Policy 3 of the Core Strategy.

Bearing in mind the conclusions the Inspector drew regarding So/HN/1, I have therefore considered the most up to date evidence of the housing need in Southwell which is contained within the Housing Needs Survey Sub Area Report 2014 by DCA. This provides that in the Southwell Sub Area (where this site falls) the most needed type of accommodation are 2 beds (37.9%) followed by 4 beds (33%) followed by 3 beds (16.3%) followed by 1 beds (10.1%) and finally five or more beds (2.7%). It confirms that 'In the market sector the main size of property required by both existing and concealed households moving is two bedrooms.'

On the face of it therefore, the Inspectors conclusions appear to be incorrect. However, following further interrogation it appears that the Inspector was making reference to a cumulative need, i.e. the cumulative percentage need for 3, 4 and 5 beds is 52% which is greater than the cumulative percentage need for 1 and 2 beds at 48%. This does not change the position that the *greatest* need in the market sector is for 2 bed units.

Another factor which requires consideration is that the current application is for two replacement dwellings. Given that the existing dwellings are 3 bedrooms, the overall addition in bedrooms would be one. If applications were submitted to extend the existing bungalows to a three and four bed unit, it is likely that this would be acceptable under the provisions of householder planning policy. Thus, whilst it is an undesirable position in the context of the Neighbourhood Plan aspirations and comments received, when taking account of all of the matters discussed above, Officers do not consider that it would be reasonable to resist the application purely on the basis that it does not deliver one or two bedroom units as true single storey bungalows.

Impact on Character including the Conservation Area

Although the proposal relates to the replacement of two existing dwellings, given the siting of the proposed no. 39 towards the east of the site (an area which is currently an area which is void of built form being part of the wider residential curtilages of the existing bungalows), the proposed development would introduce an element of backland development. Policy DM5 states that 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. As was the case with the previous application on this part of the site (17/00771/FUL), there is an acceptance that a backland character has already been established in the immediate site surroundings both from the existing dwellings (where the proposed no. 37 would be positioned) as well as the more recent dwellings at 35a and 39a. If this proposal were to be approved, there would not be a risk of setting

a precedent in the immediate area given that the proposed dwellings would occupy the available space and essentially there would be no further vacant plots.

A number of the comments received during consultation have referred to the design of the proposed replacement dwellings both in respect to their sprawling footprint but also their substantive scale when compared to the existing properties (and in some references neighbouring plots). It is suggested that the dwellings should be replaced on a like for like basis or refurbished as existing. To confirm, despite their presence within the Conservation Area, Officers do not consider that the existing bungalows are of significant architectural merit such that their retention could be insisted upon in principle.

Officers fully concede that the replacement dwellings would significantly increase the amount of built form within the site summarised briefly by the following table:

	Existing semi-detached bungalows	Proposed dormer bungalows
Footprint	229m ²	400m ²
Floor Space	229m ²	540m ²

(Figures provided by the agent based on internal floor space measured in accordance with RICS practice (an area below 1500mm headroom is not counted as floor space)).

This amounts to a percentage increase of 75% to footprint and 135% to floor space. It is difficult to make exact calculations as to the volume increase due to the nature of the roof design with dormer windows but it is equally accepted that this is likely to be substantial. Notwithstanding the revisions which have been sought throughout the life of the application (discussed further below), Officers consider that these increases need not be fatal in principle. As outlined above, Southwell is a sustainable settlement and therefore the assessment differs significantly to one which may be undertaken in a different site context for a replacement dwelling such as an assessment in an open countryside location. Officers have already identified that it would not be reasonable to seek a reduction in bedroom numbers on the basis of the Development Plan and other material considerations and therefore, subject to the design of the dwellings meeting the remainder of the development plan, including in the context of the Conservation Area, the larger scale of the properties proposed is not considered to lead to a reason to resist the application in principle. Indeed the comments of the Conservation Officer outline that this part of the Conservation Area is well represented with positive and neutral buildings of a similar scale. In line with this judgement Officers would disagree that the proposal amounts to an over development of the site contrary to the NP policy SD1.

As identified by the Conservation Officer comments above, the sites location within the designated Conservation Area requires the decision taken to consider Section 72 of the Act and in doing so pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. It is noted that the Conservation Officer comments reference the National Planning Policy Framework 2012 which was updated since receipt of the above comments by a revised Framework dated 24th July 2018. For the avoidance of doubt, and confirmed by the material considerations outlined above, the recommendation of Officers is based on the 2018 Framework. The 2018 document deals with matters of conserving and enhancing the historic environment at Chapter 16. Paragraph 192 confirms that, in determining applications, account should be taken of (amongst other factors) the desirability of sustaining and enhancing

the significance of heritage assets. Any proposed development must also comply with the principles of Policy DH3; Policy DM9 and Core Policy 14. Criteria within these policies require proposals to take into account the distinctive character and appearance of the Conservation Area. Furthermore, the Southwell Neighbourhood Plan (SNP) seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

The original application was assessed by the Council Conservation Officer with comments received 20th July 2018 and listed in full above. It is not intended to repeat the comments here save to say that Officers concur with the conclusions that the proposal (even in its original form which as discussed below has been subsequently revised) would not harm the character and appearance of the Conservation Area or the significance of the nearby Listed Building.

A number of consultation comments have made reference to the proximity of the site to the Grade II listed Holy Trinity Church. It has been stated that the development proposed would block views of the Church both from neighbouring properties as well as to users of the public footpath. As Members will be aware, a right to a view is not a material planning consideration but the inference from these comments is that the development would affect the setting of the Listed Building which does of course form a material planning consideration. This has been addressed by the Conservation Officer as follows:

While the glimpses towards the church spire would be more limited by taller development this is in relation to a limited and incidental view from a footpath which is quickly enclosed by close boarded fencing, the overall impact on the significance of the church being negligible.

In addition to the above, it is notable that the immediately surrounding area (i.e. to the south of the Potwell Dyke) is already relatively dense such that the increase in built form is unlikely to be perceptible in the overall setting of the Church. In this context, given intervening distances and existing development built form, Officers have also identified no harm against Policy So/PV which seeks to protect the views of a number of principal heritage assets in Southwell.

Moving then to assess the design of the dwellings themselves, as is referenced by the description of the proposal, the dwellings are designed as dormer bungalows with a variety of materials. Officers raised concern in respect to the original proposals in terms of the overall bulk and scale, particularly of the proposed dwelling at No. 37. On the basis of these discussions, a revised plan for this dwelling (and an updated site block plan) has been submitted received on 8th August 2018. This now demonstrates a detached garage which has severed a link with the host dwelling assisting in breaking up the sprawling footprint and built form. Whilst this is considered to be a design improvement, the case nevertheless remains that the proposed dwellings would be of a substantial scale. Their imposition would in some respects be further exasperated by the use of pitched glazed entrances and numerous roof dormer windows. Ideally Officers would have liked to have been able to secure a greater reduction in overall scale but this has not been forthcoming and therefore it remains for Members to assess the proposal on its merits as presented.

It is notable that the dwellings occupy a setback position from the highway and therefore would not be overly imposing on the streetscene. Nevertheless, it is equally notable that there is a public right of way which follows the southern border of the site and despite the fence which borders this right of way, there will still be visibility of the proposed dwellings and their associated scale. Visibility in itself does not automatically amount to visual harm however. The neighbouring dwelling to the east; no. 39a also utilises roof dormers to which the proposed development would be read in the context of. Moreover, so too do the plots fronting Halloughton Road with their rear

elevations to the south of the site. Taking these surrounding site circumstances into account, Officers have found no justifiable reason to resist the proposal on the basis of the design of the dwellings.

The revised scheme is considered to be compliant with the requirement of Policy DH3 of the NP; Policy CP14 of the Core Strategy; and Policy DM9 of the DPD in terms of preserving the historic environment and Policy So/PV and Policy DM5 of the DPD in terms of reflecting local distinctiveness as well as policy DH3 of the SNP.

Impact on Amenity

An assessment of amenity, as confirmed by Policy DM5, relates both to an assessment in relation to existing neighbouring residents but also to the proposed occupiers.

Dealing firstly with the proposed occupiers, both plots have been afforded an area of private amenity space. Comments received during consultation have referred to the site circumstances whereby the land levels within the site fall towards the Potwell Dyke (as shown by the topographical survey) and therefore the entire garden area for no. 39 would not be useable and in any case would be north facing. It is suggested that on the basis of the NP requirements in terms of an 8m buffer strip to watercourses (notwithstanding that the Potwell Dyke is in riparian ownership as discussed below) the actual useable garden space for no. 39 would have a length of 3.5m. Officers heavily dispute that this would be the reality. Even if there were to be 8m between the dyke and development, there is nothing to prevent this space forming part of the private amenity space for the proposed dwelling. The land levels which exist within the site would be appreciable to any proposed occupiers when considering the purchase of the property. The privacy of the amenity space for the proposed dwellings between one another would be secured by a boundary treatment of 1.5m fencing with 0.3m trellis top and a beech hedge. Officers consider the amenity arrangements for the proposed dwellings to be acceptable.

It then falls to assess the impact on the development in respect to the impacts on neighbouring amenity, a matter which requires a careful degree of consideration given that the neighbouring occupiers would have the proposed development imposed upon them. Members may recall in the previous application which affected part of the site, that there were negotiations in terms of the proposed dwelling (now proposed no. 39) in terms of a reduction of footprint at the rear to reduce amenity impacts. This is now however largely irrelevant in that it was secured mostly on the basis of securing appropriate amenity provision for the existing bungalows which would clearly be demolished as part of the current proposal.

However, the distances between the proposed dwellings and existing neighbouring dwellings (as annotated on the proposed site layout plan) remains modest in some respects. Staying with no. 39, the proposed distance between the side gable of the dwelling (which features no first floor windows) and the existing property to the east would be just 12.1m. The side gable would be facing the principle elevation of the neighbouring dwelling where there are principle rooms served by roof dormer windows at first floor. Officers have considered this relationship in the context of a potential overbearing impact noting that the proposed dwelling would have a proposed ridge height of approximately 6.2m. However, it is notable that the positioning of the dwellings does not fully align. Thus, whilst the entire principle elevation of the neighbouring dwelling was face towards built form, the majority of this built form would be in respect to the single storey forward projecting garage and home office link. The boundary treatment is established by a 1.8m high fence which would assist in screening the ground floor of the proposed dwelling. There is a slight

advantage in the design of the roof which hips at the top slightly albeit the eaves height would still be approximately 4.6m just 12.1m from habitable rooms. This would of course be a fundamental change in comparison to the existing site scenario where the existing bungalows are around 35m away. Whilst the proposal is considered to be at the cusp of acceptability in respect to distances, Officers are mindful that the applicant has at least attempted some mitigation efforts to ensure that the majority of the built form in front of the neighbouring dwelling would be single storey. Noting that there would be no additional overlooking impacts envisaged, Officers do not consider that the additional overbearing impacts would be significantly harmful to neighbouring amenity to justify a refusal of the application in their own right.

In terms of the proposed no. 37, this would share a close spatial relationship with the principle elevation of no. 35a. This has been raised as a concern during the life of the application and as such has been addressed by the agent through the submitted revised plans. The revised plans annotate through red outline, the existing scenario established by the existing bungalows. The closest area of built form to the existing occupiers of no. 35a would be the proposed (now detached) garage. The plan demonstrates that, whilst the overall height would be marginally increased, the proposed development would feature a pitched roof sloping away from the neighbouring property (as opposed to a gable end as existing) and a blank wall with no fenestration details (as opposed to a side gable with windows at both ground and first floor). The footprint of the proposed garage would be set approximately 1.5m closer to the shared boundary (albeit still 2.6m away) but would also be approximately 3m further eastwards in comparison to the existing bungalows so that there would be a reduction of width of built form in front of the principle elevation. Taking all of these factors into account, Officers consider that the overall amenity impact to no. 35a would be neutral in comparison to the existing established scenario.

There are other existing properties whose outlook would be affected by the proposed development, notably those to the south of the site fronting Halloughton Road. However, as Members will be aware, visibility does not in itself amount to amenity harm. The site layout plan has annotated distances between the proposed dwellings and the neighbouring plots showing a minimum of 28m (this distance is in respect to the side gable of the proposed garage at no. 39 and the rear elevation of no. 59 Halloughton Road). These distances are considered sufficient to alleviate any potential overbearing from the development.

The principle elevation of both properties proposed would have first floor roof dormers orientated towards the rear elevations of neighbouring plots. However, in terms of overlooking and subsequent loss of privacy, the closest distance from the first floor windows to neighbouring rear elevations would be approximately 35m. This is considered to be an appropriate distance such that neighbouring properties would not be detrimentally affected by overlooking.

Concern has been raised during the consultation process that the large expanses of glazing on the proposed dwelling at No. 39 specifically would cause light pollution to neighbouring properties. It is stated that adjoining properties already have permanent external lighting which is left on during the night. In some respects this again falls to the acknowledgement that the proposed development would indeed be visible from neighbouring properties. However, Officers do not consider that the lighting from the proposed property would be materially different from an expected amenity relationship in a main built up area. It is therefore considered that this matter alone would not amount to a detrimental impact on neighbouring amenity which would warrant resistance of the application.

Therefore, whilst there is no doubt that the proposal would alter the relationship with a number of existing properties surrounding the site, on the basis of the above assessment this is not considered to be to a degree which would warrant refusal on amenity grounds. The proposal is therefore considered compliant with Policy SD1 of the NP and the relevant elements of Policy DM5 of the Allocations and Development Management DPD.

Impact on Highways including Public Right of Way

Members will recall the constraints of the site in terms of the presence of the public right of way through their consideration of the previously refused scheme referenced in the planning history section above. For the avoidance of doubt, these constraints have not changed through the current application submission and the matter remains that the proposed dwellings would have a vehicular access which would be shared with a designated right of way.

The NP includes a suite of policies in respect to matters of Transport and Access including Policy TA1 'Cycle and Pedestrian Routes' which confirms that, *'Where appropriate, proposals for new development in Southwell must demonstrate how account has been taken to improve the pedestrian and cycle network within the town, helping to provide links to the district centre'*. Furthermore, Spatial Policy 7 of the Core Strategy seeks to ensure safe, convenient and attractive accesses for all and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected.

The weight attached to the safety of the highways network including the affected public footpath is significant as demonstrated by the refusal of the previous application affecting part of the site as referenced above. Nevertheless, Members will be aware that each application must be considered on its own merits and clearly the current application is materially different to the previous application which was refused.

The application relates to the demolition of two existing bungalows which already have an established use of the access for vehicles and have done for many years. Officers note that, as existing, the vehicular access to the site is substandard and would not allow two vehicles to pass one another. It is acknowledged that the proposed site layout demonstrates improvements to the access including an intention to widen the access to an overall width of 3.5m. However, there is no doubt that the improvements demonstrated would fall short of the required standard for a minimum width of 5.25m. The plans also suggest a hooped railing and barriers at the point where the footpath follows the southern boundary of the site. As is detailed in the comments of NCC Highways above, their view is that this should not be included and a condition suggesting a revised plan has been suggested. This has been passed to the acting agent and a revised plan demonstrating the changes sought by the Highways Authority was received on 23rd August 2018. An additional period of re-consultation has been undertaken on the basis of this plan – any comments received following agenda print will be reported to Members as a late item.

The current application would not result in a net addition of dwellings within the site. Whilst the dwellings would be larger in size, Officers would again refer to the judgement above that the extension of the existing dwellings would be acceptable in principle and therefore this is not considered fatal in principle. This is accepted by the comments of the Highways Authority which confirm that there is unlikely to be any significant increase in traffic movements.

Whilst the concerns received during consultation in respect of a potential conflict with the right of way are fully appreciated (and indeed were attributed determinative weight in the previous

proposal) Officers consider that the material change in circumstance in the current application amount to it being unreasonable to resist the current application on the same basis. The current proposal would not lead to an intensification of the highways access in numerical unit terms as acknowledged by a lack of objection from the Highways Authority. Without such an objection, Officers consider that it would be unreasonable to resist the proposal (and ultimately defend at appeal) on this basis. The current proposal is therefore considered, subject to conditions, to comply with Policy TA1 of the NP, Spatial Policy 7 of the Core Strategy and the relevant elements of Policy DM5 of the Allocations and Development Management DPD.

Impact on Flood Risk

Policy E2 of the SNP states that development proposals requiring a flood risk assessment must be designed to avoid increasing the risk of flooding both on and off site. The proposed development is located in Flood Zone 1 in accordance with Environment Agency mapping, in addition the site is not considered to be at high risk of surface water flooding and as such no flood risk assessment is required in support of the proposal. No objections have been raised by either the Environment Agency or NCC Lead Local Flood Authority and I have identified no reason why surface water management would create an issue to either the proposed occupiers or neighbouring residents.

The application has nevertheless been accompanied by a Flood Risk Assessment which acknowledges the local history in respect of flood events in Southwell. The Statement outlines that the finished floor levels of the proposed dwellings would be between 3.8m and 4.3m above the level of the Potwell Dyke and that the existing scenario whereby surface water naturally drains into the Dyke will be maintained. The proposed dwellings are intended to drain to soakaway.

The originally submitted site location plan demonstrated a Yew hedge would be planted to the northern boundary of site adjacent to the Potwell Dyke. I appreciate that Policy E2 of the SNP refers to the design of buffer strips of 8m between the bank of watercourses adjacent to sites. Whilst not technically applicable to the current application given that a FRA is not formally required matters of flooding remain a material planning consideration (and indeed a significant cause for concern in Southwell) and thus officers have again reviewed the application in the context of the proposed hedge. Trent Valley as the internal drainage board (TVIDB) have been consulted on the proposals. As the comments above reference, it has been confirmed that the Potwell Dyke does not fall within their maintenance. Officers have previously made enquiries with the TVIDB to ascertain the remit of maintenance. It is confirmed that the Potwell Dyke is in riparian ownership and therefore maintenance is subject to private arrangements. The rationale of the buffer referred to by the NP is so that watercourses can be appropriately maintained. Presumably the distance is taken from conditions which have been previously suggested by TVIDB to allow an appropriate width for machinery. Clearly, in this case, machinery would not be required for maintenance and therefore Officers continue to be of the stance that the strict application of this policy is not required.

Consultation has been received that the yew hedge originally shown to be immediately adjacent to the dyke would not establish due to the variation of land levels. The boundary treatment is also referred to by the comments of Southwell Civic Society and NSDC Conservation. The former comments refer to a previous appeal decision (2002) where an Inspector secured boundary details to ensure the preservation of land adjacent to the Dumble. Officers have discussed the northern boundary treatment with the applicant during the life of the application to ascertain the exact intentions in terms of maintenance. The agent has addressed the matter through the latest revised site location plan (received 14th August 2018) which now demonstrates that the hedge

would be set back by a minimum distance of 1.8m to allow a service margin to the dyke. It is confirmed that the hedge would be planted 2.5m above the dyke. It is noted that the latest comments of the NCC Flood refer to an aspired distance of 4m from the centreline of a watercourse to any physical boundary. When scaled from the latest submitted plan, the distance between the centre of the watercourse and the proposed Yew hedge varies between approximately 2.6m and 3.4m. Whilst this falls slightly short of the distance referred to by NCC Flood, this is purely a recommendation and it is noted that NCC Flood have not advanced to an objection. Notwithstanding that the maintenance would fall to private ownership, Officers are satisfied that the revised plan demonstrates an appropriate boundary treatment such that the flow of the dyke would not be adversely affected and therefore the proposal would not amount to adverse consequences in respect to flood risk.

Impact on Trees

Comments have been received during the consultation period that there have been recent works on the site which have removed previous trees within the site (as part of the previous application the submission was specific to the fact that the trees removed without consent were conifers). The site is within the designated Conservation Area and thus any works to trees would require the consent of the LPA. Whilst any tree removal without consent is clearly not something the LPA would advocate, it must be stated that it is likely that if a notification for removal of conifers had have been forthcoming, it would have been approved given the context of the site and the low amenity value that conifers typically offer.

As is referenced above there is an ongoing enforcement matter at the site whereby a previous hedgerow along the boundary with the public footpath has been removed and replaced with a fence which now forms part of this application. It is understood that a replacement hedgerow has also been planted. Following discussion with enforcement colleagues it appears that the fence has been lowered in height to 2m (in line with the current application submission) along the majority of its length but that there is still a small section which exceeds the height at around 2.15m. If Members are minded to approve the application then Officers will continue enforcement negotiations to reduce the entirety of the fence height in line with the application submission.

The application has been accompanied by a Method Statement for Tree Protection which is welcomed. This document outlines the methods of protection for trees to be retained around the boundaries of the site. The D&AS confirms that the development will necessitate the removal of small ornamental trees in the centre of the site but having viewed these on site it is not considered that this would be of detriment to the character of the wider designated conservation area.

Other Matters

Concern has been raised that letters sent in respect to the revised consultation period were not received by a number of properties. Officers have checked internal systems and can clarify that the letters were sent. Unfortunately the matter of whether these letters were delivered is beyond the control of the local planning authority. It has been further suggested that the period for re-consultation was inadequate in the holiday period and noting that the Council's website was unavailable at some points during this consultation. The overall formal date for the expiry of comments is August 31st 2018 but clearly any comments received after this date before the determination will still be considered and reported to Members as a late item. Officers therefore

consider that the consultation process and length meets statutory requirements and allows for a fair consideration of the application by interested parties.

Overall Planning Balance and Conclusion

The application relates to the replacement of two modest bungalows with two detached dormer bungalows of a greater scale. Notwithstanding that the proposed dormer bungalows would represent an approximate increase of 135% in respect to floor space, having carefully assessed the site circumstances, Officers consider that the increase in scale and overall built form need not be fatal in principle and that the site can accommodate the development without amounting an over intensification of development within the site. This judgement is taken in the context that Southwell is identified as a sustainable settlement where additional housing development is supported.

The above appraisal outlines the comprises of the scheme in terms of the increase in number of bedrooms (which would not be the preferred 2 bedrooms albeit neither are the existing bungalows); the amenity relationships including instances which are considered at the cusp of acceptability; and character impacts in terms of the overall increase in property scale.

It is fully acknowledged that the access road leading to the site is substandard in that it is of inadequate width to allow two vehicles to pass and the intensification of use of such a road would result in an increase in the likelihood of unacceptable danger to users of the highway. Moreover, the access forms an existing public right of way and therefore an intensified use of this access has the potential to increase conflicts between vehicular traffic and pedestrian users of the right of way.

However, as is agreed through the comments of the Highways Authority, it would not be reasonable to conclude that the current application does amount to an intensification of the vehicular access use given that it would retain the existing scenario of serving 4 dwellings.

The benefits of the scheme in terms improvements to the existing access which would serve existing residents are attached positive weight. Furthermore the design and layout of the scheme is considered satisfactory with regards to visual amenity and residential amenity overall and the proposal is not considered to raise any adverse impacts in respect of flood risk matters.

As such, the recommendation is one of approval subject to the conditions outlined below.

RECOMMENDATION

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

Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans reference:

- Proposed Site Layout – DO/HRS/P2P Rev. D (received 23rd August 2018)
- Proposed Dwelling No. 37 Plans and Elevations – HRS/P2/2 Rev. C (received 8th August 2018)
- Proposed Dwelling No. 39 Plans and Elevations – HRS-P2-1 Rev. A (received 3rd July 2018)
- Proposed Boundary Privacy Fence Plan and Elevation – HRS-P2-F Rev. A (received 3rd July 2018)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Prior to any development hereby approved above slab level details and 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

Roofing Tiles

Reason: In the interests of visual amenity

04

Prior to the occupation of the dwellings hereby approved, the access widening works shown on plan reference DO/HRS/P2P Rev. D (received 23rd August 2018) shall be implemented in accordance with the plan and retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway and pedestrian safety.

05

The approved soft landscaping demonstrated on plan reference Proposed Site Layout – DO/HRS/P2P Rev. D (received 23rd August 2018) shall be completed within 6 months of the occupation of the development hereby approved, 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. The approved hard landscaping shall be implemented on site prior to

first occupation.

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

06

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, 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 - enlargement, improvement or other alteration of a dwellinghouse

Class B - additions etc to the roof of a dwellinghouse

Class C - other alterations to the roof of a dwellinghouse

Class E - buildings etc incidental to the enjoyment of a dwellinghouse

Class F - hard surfaces incidental to the enjoyment of a dwellinghouse

Or Schedule 2, Part 2:

Class A - gates, fences, walls etc

Or Schedule 2, Part 14:

Class A - installation or alteration etc of solar equipment on domestic premises

Class B - installation or alteration etc of stand alone solar equipment on domestic premises

Class H - installation or alteration etc of wind turbine on domestic premises

Class I - installation or alteration etc of stand alone wind turbine on domestic premises

Reason: In the interests of visual and residential amenity and to preserve the setting of the Conservation Area.

07

Prior to the occupation of the development hereby permitted, the boundary treatments shown on the approved plans DO/HRS/P2P Rev. D (received 23rd August 2018) and Proposed Boundary Privacy Fence Plan and Elevation – HRS-P2-F Rev. A (received 3rd July 2018) shall be implemented on site and shall then be retained in full for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

08

The development hereby permitted shall not commence above slab level 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 as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Notes 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

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/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Community Infrastructure Levy

			A	B	C	
Dev Types (use class)	Proposed floorspace (GIA in Sq. M)	Less Existing (Demolition or Change of Use) (GIA in Sq. M) Includes % splits	Net Area (GIA in Sq. M)	CIL Rate	Indexation at date of permission	CIL Charge
Residential	540	229	311	100	320	£35,978.56
Totals						£35,978.56

02

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).

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on ext. 5907.

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

Matt Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/01258/FUL

