

PLANNING COMMITTEE – 2 OCTOBER 2018

Application No:	18/01360/FUL
Proposal:	Variation of condition 2 attached to planning permission 17/01839/FUL to amend the approved plan so to raise the internal floor level, door and window cill level and installation of external steps
Location:	Land At Rear 37 Easthorpe, Southwell, NG25 0HY
Applicant:	Mr Jason Templeman
Registered:	01.08.2018
	Target Date: 26.09.2018
	Extension of Time Agreed Until 19.10.2018

This application is being referred to the Planning Committee for determination given the site history whereby the original application to which this Section 73 application relates was approved by Members.

The Site

The application site relates to a linear plot approximately 0.16 hectares in extent to the north of, and accessed from Easthorpe. The site is within the urban boundary of Southwell as defined by the Proposals Map in the Allocations and Development Management DPD. The access to the site is within the designated Conservation Area but the majority of the site is outside of this Area albeit the western boundary abuts the Conservation Area boundary.

The site is to the rear of 37 Easthorpe; a Grade II listed building. The majority of the properties fronting Easthorpe are listed buildings. The immediate surroundings are largely residential in nature albeit there are dispersed commercial uses such as public houses.

A small proportion of the site, including the highways access, is considered as being within Flood Zone 2 and 3 as designated by the Environment Agency. The majority of the site where built form is proposed is within Flood Zone 1.

As existing the site is currently undeveloped, although there is a small wooden outbuilding along the western boundary and piles of waste building material within the site. The boundaries to the access road are established by an attractive brick wall and the gable ends of the two properties (37 and 39) which front Easthorpe. The boundaries of the site itself are characterised by hedging (with the exception of the southern boundary shared with 37 Easthorpe which forms a recently constructed brick wall). The hedging to the western boundary is relatively dense in nature and incorporates a number of mature trees reaching a significant height. There is a slight change in land levels within the site with the residential development along Potwell Close set at a slightly lower level.

Relevant Planning History

17/01839/FUL - Demolition of shed and erection of 1 No. 4 bedroomed house. *Application approved 14th March 2018 following a committee resolution to approve (contrary to an Officer recommendation to refuse on heritage grounds).*

16/01437/FUL - Residential Development : 3(No.) Two Bedroom Bungalows. *Application withdrawn prior to determination.*

09/00496/FUL - Erection of 1 four bed roomed house. *Application withdrawn prior to determination.*

01/00018/FUL - Proposed three new dwellings. *Application refused.*

97/51763/FUL – Erect Bungalow and Garages. *Application refused.*

96/51592/RMA - Erect Bungalow. *Application refused.*

93/51557/OUT – Erect Bungalow. *Application approved.*

92/51022/OUT – Erect Bungalow. *Application refused.*

There have also been recent approvals (2013) for renovation works and a new garage at the host dwelling 37 Easthorpe.

The Proposal

The application has been submitted as a Section 73 application to vary a condition in respect to the extant permission which exists on the site for the erection of a dwelling. Condition 2 of permission 17/01839/FUL is worded as follows:

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

Site Plan - 10A / 3 / 2016 Rev. A : 30th October 2017

House Plans and Elevations - 11 / 3 / 2016

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.

The rationale behind the current submission is to substitute the plan references to allow changes to the design of the dwelling. These changes amount to increasing the internal floor level leading to a subsequent increase in eaves level and windows and doors. There would also be steps to access the dwelling externally on the west and north elevations. For the avoidance of doubt, the maximum pitch height would not change from the previously approved plans. The changes have been demonstrated through the plan references:

- Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018
- WD Elevations – 13B / 3 / 2016 Rev. B: 15th June 2018
- WD Floor Plans – 12C / 3 / 2016 Rev. C: 17th June 2018

Departure/Public Advertisement Procedure

Occupiers of 35 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

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 – Flood Resilient Design
Policy E3 – Green Infrastructure and Biodiversity
Policy E6 – Climate Change and Carbon Emissions
Policy DH1 – Sense of Place
Policy DH3 – Historic Environment
Policy TA3 – Highways Impact
Policy HE1 – Housing Type and Density

Newark and Sherwood Core Strategy DPD

Spatial Policy 1: Settlement Hierarchy
Spatial Policy 2: Spatial Distribution of Growth
Spatial Policy 6: Infrastructure for Growth
Spatial Policy 7: Sustainable Transport
Core Policy 3: Housing Mix, Type and Density
Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment
SoAP 1: Role and Setting of Southwell

Allocations & Development Management DPD

Policy So/HN/1 – Southwell Housing Need
Policy DM1- Development within Settlements Central to Delivering the Spatial Strategy
Policy DM3 – Developer Contributions and Planning Obligations
Policy DM4 – Renewable and Low Carbon Energy Generation
Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM10 – Pollutions and Hazardous Materials
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (on line resource)
- Southwell Conservation Area Appraisal 2005

Consultations

Southwell Town Council – No comments received.

Southwell Civic Society – No comments received.

NSDC Conservation – Thank you for consulting Conservation on the new plans for the proposed house to the rear of 37 Easthorpe, which lies to the rear of a Grade II listed building and partly within Southwell Conservation Area.

The principle of this house has already been approved under application 17/01839/FUL. Conservation objected to that application but given that this scheme is now approved I am now simply looking at any net impact above and beyond the approved scheme.

I do not think the proposed revisions will materially change the impact on the setting of the Listed Building or the character and appearance of the Conservation Area, above and beyond the approved scheme. The overall principle of a new dwelling here along with its established size, position and overall appearance will not change as a result of this application. The changes constitute minor alterations to the approved house's appearance, by the addition of steps (made smaller through pre-application discussions) to access the raised floor level and a slightly less steep roof pitch. I think the original approved scheme was more attractive, and while these changes would be harmful *if* this was a real historic threshing barn, as a modern pastiche the changes will be relatively minor and do not constitute a revision that could impact negatively on these heritage assets.

As such, I have no objection to this application.

NSDC Access and Equalities Officer – No comments received.

NCC Highways Authority – No comments received.

NCC Lead Local Flood Authority - No objections to the amendments subject to them still complying with the requirements of Condition 7 of 17/01839/FUL.

Environment Agency – It is not clear from the revised drawings what the new proposed finished floor level is.

The Agency has no objections, in principle, to the proposed amendments provided that the minimum finished floor levels and construction comply with Condition 7 of the Notice of Decision for application 17/01839/FUL.

Severn Trent Water – No comments received.

Anglian Water – No comments received.

Trent Valley IDB – 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.

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.

Neighbours / Interested parties – No written representations have been received.

Comments of the Business Manager

Principle of Development

The application is submitted as a Section 73 application to vary a condition on an existing permission. The principle of development in terms of the erection of a four bedroom detached dwelling has therefore already been accepted by the Local Planning Authority and remains extant.

The focus of the following is therefore purely in respect to the changes sought through the current submission which in Officers submission relates predominantly to character impacts (noting the heritage assets potentially affected) and impacts on neighbouring amenity. Furthermore it is necessary to consider whether the proposed changes facilitate meeting the objective of Condition 7 of the original permission relating to reducing flood risk as intended.

Impact on Character

The application site is set to the rear of 37 Easthorpe adjacent to the designated Conservation Area (although the access to the site falls within the Conservation Area designation). Policy DM5 confirms that, where local distinctiveness derives from the presence of heritage assets, as in the case in the context of this proposal, development will also need to satisfy Policy DM9.

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. Policy DM9 reminds us that proposals should be compatible with the fabric of historic buildings.

As Members may recall, when the original application was presented in March 2018, Officers were of the view that the proposed dwelling would be harmful in heritage terms in that it would destroy the croft element of the plot and erode the character and appearance of the Conservation Area. However, Members as the decision makers disagreed and approved the application subject to conditions, the exact wording of which were delegated to Officers. Given the extant permission which exists, it is no longer necessary, nor indeed appropriate, to debate matters of character in the depth of the assessment taken by the extant permission. It is accepted by the authority that the site can accommodate a detached dwelling without harming the heritage assets nearby to the site.

The changes to the design proposed rest on the need to increase the internal floor levels in order to satisfy a condition recommended by the Environment Agency in respect to flood risk. Members may recall that they sought clarification at the time of the last decision that the condition could be met within the original design of the dwelling. Whilst this confirmation was received by the agent prior to the decision being issued, clearly in getting to the finer details of the working drawings this position has changed.

The consequence of the increased floor levels are a change in eaves height from approximately 4m to 4.9m. This creates a roof pitch which appears squatter, notably on the gable ends. It also creates a slightly odd appearance on the gable end elevations where the height of the windows are above the height of the eaves height. The Conservation Officer has commented on the changes demonstrated with full comments listed in full above. In summary, no objection is raised (when noting the extant permission which exists). Officers would concur with this assessment. The changes presented whilst perceptible when comparing the plans directly would not be considered perceptible as built on site. The revised plans are therefore not considered to represent a detrimental character impact in comparison to the extant permission and therefore Officers consider there is no reason to resist the application on character grounds.

Impact on Flooding

Based on the latest maps of the Environment Agency, in terms of traditional flood risk (i.e. that from rivers), the majority of the site, including where the footprint of the dwelling would be, is located outside of Flood Zones 2 and 3. Notwithstanding this, it should be noted that the proposed vehicular access into the site is classed as being within Flood Zone 3. As has already been referenced, the rationale behind the current submission is to allow the proposed dwelling to meet the requirements of an Environment Agency suggested condition to increase internal floor levels to prevent flooding harm to occupiers in the event of a flood. Following receipt of the Environment Agency comments listed above, the agent has confirmed that the current proposal would allow the requirements of condition 7 to be met. On this basis the proposal is considered to improve the flood safety of the site.

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 of the proposed dwelling.

The existing site boundaries are largely comprised of dense vegetation which in some respects screens the development site on an east-west transect. The site plan submitted to accompany the application details boundary treatment of both existing hedging and new vertically boarded timber fences.

It remains the case as with the previous assessment that Officers consider that the most sensitive receptors to the development will be the single storey properties to the east of the development site along Potwell Close. The properties closest to the proposed development would be no. 5 and no. 7 Potwell Close with the closest distance between the existing dwellings and the proposed dwelling of around 21m. It remains the case on the revised plans presented through the current submission that, although the principle elevation would be east towards Potwell Close, the first floor of the property would be served by roof lights and windows on the gable ends (i.e. not towards Potwell Close). In the context that the overall pitch height of the dwelling would not increase (approximately 8.4m), Officers have not identified any additional detrimental amenity impacts in comparison to the extant dwelling design both in respect to matters of overbearing or loss of privacy through overlooking. Whilst the use of the steps to access the dwelling would create a slightly elevated platform, these steps are not external on the east elevation facing Potwell Close and therefore the existing boundaries and distances previously referred to are considered adequate to preserve neighbouring amenity.

Conclusion and Conditions

In line with the above discussion, the changes are not considered to be materially worse in either character or amenity terms when compared to the extant approval. No other detrimental impacts have been identified which would prevent the approval of the application and the proposal would assist in meeting the requirements relating to the reduction of flood risk.

Given that the application has been submitted as a Section 73 application it remains necessary to impose the original conditions of the previous approval as the current application will become a stand-alone permission. Whilst there has been a discharge of condition application submitted, this was withdrawn on the basis that the plans showed the design changes referred to by the current application. Therefore whilst no formal decision was made in respect of the discharge of condition application, the details have been provided through the original application file and therefore can be considered in the context of the current Section 73 application. Where the wording of conditions has changed, this is indicated below through underlined text.

RECOMMENDATION

That full planning permission is granted subject to the following 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 details and plans reference (some of which are contained within the application file for 17/01839/FUL):

- Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018
- WD Elevations – 13B / 3 / 2016 Rev. B: 15th June 2018
- WD Floor Plans – 12C / 3 / 2016 Rev. C: 17th June 2018
- Casement Window Frame Details – 15 / 3 / 2016
- Fixed Light Window Frame Details – 16 / 3 / 2016
- French Door and Frame Details – 17 / 3 / 2016
- Front Entrance Frame Details – 18 / 3 / 2016
- Loading Door Details – 19 / 3 / 2016
- Eaves Corbelling Detail – 20 / 3 / 2016
- Rear Door Details Door Opening D3 – 21 / 3 / 2016

For the avoidance of doubt Conservation Roof Windows shall be flush fitting and the external joinery shall be painted in a dark, brown colour with the exception of a lighter tone to the frames as follows:

- Window and door frames of Ral 1035: Pearl Beige;
- External Doors of Ral 7022: Umbra Grey.

The rainwater goods shall be of upvc manufacture with a black ‘cast iron’ finish. Rise and fall brackets shall be used to support the eaves gutters.

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

The development hereby approved shall be constructed with Wienerberger Teraa Oast Russet Sovereign Stock Brick and non-interlocking Sandtoft Old English clay pantile to the roof.

Reason: In the interests of visual amenity and to preserve the character of the adjacent designated conservation area and the setting of the listed building adjacent to the site as well as other listed buildings in close proximity to the site.

04

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure adequate parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

05

In respect to surface water drainage, the development shall be carried out in accordance with the details on plan reference Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018 and additional details submitted by email dated 30th May 2018 (in association with application 17/01839/FUL) including a letter from Sherwood Technical Services Ltd. Dated 29th November 2017 and Soakaway Calculations received by email dated 19th June 2018 unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for site drainage.

06

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2018, Reference ME/103B/FRA, Armstrong, Stokes and Clayton Limited and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 26.05m above Ordnance Datum (AOD).
2. Flood resilient construction as described in section 8.5 of the FRA to a minimum of 26.35m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants

07

The landscaping demonstrated on plan reference Site Plan – 10F / 3 / 2016 Rev. F: 17th June 2018 shall be completed during the first planting season following the occupation of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

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

08

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2011).

09

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 D - porches

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

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

Class G - chimneys, flues etc on a dwellinghouse

Class H - microwave antenna on a dwellinghouse

Or Schedule 2, Part 14:

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

Class B - installation or alteration etc of stand along 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 amenity and to preserve the character of the adjacent designated conservation area and the setting of the listed building adjacent to the site as well as other listed buildings in close proximity to the site.

Note to Applicant

01

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

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

			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	169	0	169	100	320	£19,453.24
Totals						£19,453.24

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 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 - 18/01360/FUL

