PLANNING COMMITTEE – 6 NOVEMBER 2018

Application No:	**18/01616/OUT**
Proposal:	**New dwelling within the existing garden space to Rhed Cottage, with shared vehicle access**
Location:	**Rhed Cottage, Station Road, Ollerton NG22 9BN**
Applicant:	**Mr Robert Lilley**
Registered:	**03.09.2018** **Target Date: 29.10.2018** **Extension of Time Agreed Until 09.11.2018**

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Ollerton and Boughton Council has supported the application which differs to the professional officer recommendation.

The Site

The application site is a broadly rectangular plot to the north of Station Road within the urban boundary of Ollerton as well as the designated Conservation Area. The site is towards the south west of the settlement close to the A616 roundabout. The site as existing forms part of the existing residential curtilage of Rhed Cottage which is a two storey property fronting Station Road with its gable end abutting the pavement to the north east of the site. The site is surrounded by neighbouring residential curtilages of both single storey and two storey scale.

Relevant Planning History

There is no planning history of relevance to the site.

The Proposal

The application seeks outline planning consent for a single residential unit with only matters of access to be agreed. The access would be along the southern boundary of the site from Station Road with an intention to create a shared access arrangement with the host dwelling; Rhed Cottage.

Although all other matters would be agreed through reserved matters if outline approval were to be forthcoming, the application has been accompanied by an indicative site plan which demonstrates that the dwelling would be set towards the south of the site fronting Station Road and would necessitate the demolition of an existing garage.

The appraisal below is based on the assessment of the plan reference, 'Site Plan and Location Plan – 1812 Drawing No. 01' dated August 2018.

Departure/Public Advertisement Procedure

Occupiers of six 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. A second notice was posted on the site on 15th October 2018 with an expiry date for comments of 22nd October 2018 owing to concerns that the original notice was removed.

Planning Policy Framework

The Development Plan

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 9 – Sustainable Development
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

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
- Emerging Core Strategy

Consultations

Ollerton & Boughton Town Council – Support the proposal (8 support, 0 object)

NCC Highways Authority – This proposal is an outline application for the construction of a new dwelling within the existing curtilage of Rhed Cottage, served by the existing access onto Station Road.

The block plan submitted (ref. 01) shows the existing access is of insufficient width to serve two dwellings. In accordance with current guidance, a width of 5.25m (a minimum of 4.25m with 1m added if bounded by a wall, fence, hedge etc. on each side) is required, however, the existing width is significantly less than this. Therefore, two vehicles are unable to pass each other at the point of access, leading to one vehicle waiting in the carriageway whilst another exits. Also, there is insufficient space within the site for vehicles to adequately manoeuvre and exit safely.

Therefore, it is recommended that this application be refused for the following reason:
The proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to the increased use of the existing access which is of insufficient width to accommodate the proposed vehicular movements.

The proposed development fails to make adequate provision for the maneuvering of vehicles within the site resulting in an increase in the likelihood of danger to other users of the highway due to drivers having to maneuver into Station Road.

NSDC Conservation –We have been consulted on the above proposal.

Legal and Policy Considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

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

The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF – revised July 2018). When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, for example. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. LPAs should also look for opportunities to better reveal the significance of conservation areas when considering new development (paragraph 200).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Significance of Heritage Asset:

Rhed Cottage on Station Road is located in the Ollerton Conservation Area, first designated in 1977. The site is located in the heart of the Ollerton Conservation Area, and while there are no listed buildings in close proximity, the majority of the dwellings along either side of Station Road are identified as non-designated heritage assets on the historic environment record due to their age and original plan form. . The village has been encroached upon by extensive new development, however the historic core of the centre still has a strong historic character, and when the village is viewed from the North West the original strategic siting can still be identified.
Rhed Cottage is located within this historic core; the village boundary of Ollerton takes in a long and narrow tract alongside the River Maun. In the 18th and 19th centuries the land between the village and the river was largely occupied by hop yards, which made a significant contribution to the economy of the settlement, and the hop yards are clearly evidenced on the 1779 Ollerton

enclosure map as well as Sanderson's 1835 Map of Nottinghamshire. There were two fairs held annually in Ollerton for cattle, sheep and hops, discontinued in 1886. The advent of the railway had a significant detrimental impact on Ollerton which gained much prosperity from the business of coaching inns supporting the post carriages. This led to the eventual demise of the hops business, as evidenced by the 1904 Kelly's Directory which no longer makes reference to the trade among the townspeople.

Rhed Cottage was originally located on the southern part of Main Street, which became known as Station Road following the construction of the railway station in 1895. The OS Map of 1875 shows the cottage in situ, with a range of agricultural outbuildings and labourers cottages in close proximity. The majority of these outbuildings survive, including the range immediately opposite Rhed Cottage on the south side of Station Road which has been converted into residential use. Many of these traditional agricultural outbuildings, cottages and farmsteads are recognised as non-designated heritage assets on the Historic Environment Record, and as such the application site is situated in a sensitive location. Set back at a higher level on the south side of Station Road there are a number of modern C20 dwellings. These properties make a negative contribution to the intimate, rural atmosphere, where the historic buildings are set immediately onto the front of Station Road.

Assessment of Proposal:

Conservation has scrutinised the submitted outline plans and consulted with the planning officer regarding the suitability for a new dwelling in this location. It is evident with due consideration for residential and neighbour amenity that a new dwelling in this location, with the required footprint, would negatively impact on the neighbouring properties and amenity space. From a conservation viewpoint, this would also disrupt the historic settlement pattern where traditional cottages have been grouped in pairs with adequate open green space on one side.

In this instance, a new residential property may overwhelm the plot and negatively impact on the character of the conservation area. It is noted at this stage that insufficient details have been submitted to allow Conservation to comment on the design element of the new dwelling. It may be possible to mitigate the impact of the overly substantial footprint through high quality detailed design, with a new dwelling that includes traditional materials, brickwork and bond to match the adjacent historic buildings. However at this stage Conservation is unable to provide further commentary, but would be in a position to offer further advice upon receipt of the reserved matters that are not included as part of this outline application.

NSDC Access & Equalities Officer - Observations in relation to building regulations.

Representations have been received from 5 local residents/interested parties which can be summarised as follows:

- There has been no notice given near the said property
- The road cannot cope with any further driveway access
- There are issues with car parking on the road
- The road is used by people avoiding Ollerton Roundabout
- The garden is not big enough for one property never mind two
- It will make neighbouring bedrooms dark and reduce privacy
- The dwelling would be imposing to neighbouring properties

- The proposal would be infill development which will be detrimental to the Conservation Area and quality of life
- Properties in the immediate area have no off street parking which causes chaos at peak times
- The doors of the parking space would open out onto the footpath
- If there were two cars per household and visitors there would be extra parking on the street
- Ollerton has no public car park
- It would set a precedence for further developments in gardens
- The application has not been appropriately advertised and the original notice was removed

Comments of the Business Manager

Principle of Development

The application site forms part of the existing residential curtilage of the two storey property known as Rhed Cottage and is therefore considered to represent a greenfield site. Ollerton is defined by Spatial Policy 1 of both the extant and emerging Core Strategy as a Service Centre for the Sherwood Area. The function of Service Centres is to act as a focus for service provision for a large population and rural hinterland. The principle of development within the site is therefore accepted.

Notwithstanding the above, it remains necessary to assess the application against the provisions of the remainder of the Development Plan including in the heritage context noting the positioning of the site within the designated Conservation Area. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of Listed Buildings.

Impact on Highways

The application has been submitted in outline where the only matter to be agreed at this stage is the proposed access. Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The application seeks to retain an existing vehicular access but to create a shared arrangement with the host dwelling such that the use of the access would intensify. The indicative site layout submitted suggests that one car parking space would then be provided for each property. The indicative layout however does not appear to demonstrate that there would be appropriate turning facilities on site and thereby vehicles would be required to reverse onto the highway. The proposed access arrangements have been subject to consultation with NCC as the Highways Authority. Their comments are listed in full above but briefly, as well as the aforementioned issues with space to maneuver; they have raised an issue with the width of the access being inadequate to serve two dwellings. The proposed access would fall significantly short of the required 5.25m width and would therefore potentially lead to one vehicle waiting in the carriageway whilst another exits. The Highways Authority have recommend refusal on this basis. Given that access is the only matter which Officers can consider in any certainty, the lack of a safe access is considered to carry determinative weight in the proposal.

Impact on Amenity

Policy DM5 requires an assessment of likely amenity impacts both in respect of existing and neighbouring occupiers. Clearly given the outline nature of the proposal, there is a minimum level of information which is required at submission stage in order to allow a full consideration of the proposal, however, indicative relationships can be inferred from the site constraints. The indicative layout assists in this manner. On the basis of the indicative plan, it is suggested that the proposed dwelling could achieve a separation distance of just under 10m between the neighbouring dwelling to the north and the proposed dwelling. The separation distance between the gable end of the proposed dwelling and the side (principle) elevation of the host dwelling would then be around 12.6m. Clearly whilst these are indicative distances, the constraints of the site (as discussed further below) present little opportunity for these distances to be increased at reserved matters stage.

It is my view that a distance of less than 10m would in no way be acceptable for the neighbouring property if the proposed dwelling were to be two storey in that it would impose overbearing and overlooking impacts. In this context Officers contacted the agent during the life of the application to confirm the intentions in respect to the scale of the proposal. It has been suggested during the life of the application that the proposal could deliver a two bed property with first floor accommodation in the roof space served by roof lights to allow for a 'bungalow appearance'. The suggestion is that this could be achieved within the pitch height of circa 6m. It has been requested that the agent demonstrates this through scaled plan albeit Officers were clear that the costs in drawing these plans may transpire to be abortive given other issues with the application. No plan has been received and thus it falls to assess the application purely on the basis of the site location plan and indicative layout taking in good faith that a single storey property could be delivered at a height of 6m.

Even with a single storey relationship, separation distances would be tight (between 8 and 10m if based on the indicative layout). In reaching a view as to whether they would be potentially harmful enough to refuse the application I have taken account of existing site circumstances. The northern boundary features a fence. The neighbouring property does feature windows on the elevation which faces the site, but one of these is obscurely glazed and I note that the neighbouring plot extends some distance to the north such that it would be inferred that their private amenity space is on the opposite side of the property.

I do not consider that the relationship which would result from the a single storey unit would be materially worse in respect of overbearing and overlooking given the presence of the boundary fence. Any reserved matters submission if permission were to be otherwise forthcoming would need to carefully consider how this relationship works and if outline permission were to be forthcoming, it would be appropriate to condition a maximum pitch height for any reserved matters submission moving forward. It would however be inevitable that main outlook windows would be orientated towards neighbouring plots at a relatively close spatial relationship which must serve to weigh negatively in the overall planning balance regardless of whether amenity impacts would sustain a separate reason for refusal.

Impact on Character including Heritage Impacts

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. Given the outline nature of the proposal, it is not a requirement to assess the specifics of the application in terms of matters of character and design.

The comments of the Conservation Officer are listed in full above which outline the heritage value of the surrounding area confirming that Rhed Cottage is located within the historic core of Ollerton with numerous traditional agricultural outbuildings, cottages and farmsteads in proximity being considered as non-designated heritage assets.

In seeking outline permission for a single dwelling, it is possible to assess whether the site constraints would at least allow for a single dwelling in spatial terms.

The plot itself is relatively modest at just 0.2hectares approximately. The indicative site plan demonstrates that the plot could achieve a single unit with an approximate foot print of just 50m². Given the above discussion whereby Officers do not consider that a two storey dwelling would be appropriate in amenity respects, this footprint would be extremely modest to deliver a residential unit with appropriate living accommodation. The constraints of the site do not allow for any leeway to extend this footprint as it would have subsequent detrimental impacts on either the parking arrangements or neighbouring amenity impacts. Moreover, the Conservation Officer has specifically commented on the heritage implications of the proposal as repeated below:

From a conservation viewpoint, this would also disrupt the historic settlement pattern where traditional cottages have been grouped in pairs with adequate open green space on one side.
In this instance, a new residential property may overwhelm the plot and negatively impact on the character of the conservation area.

I concur with this view and in the context of the above discussion consider that a proposed dwelling would overwhelm the plot. On this basis, I do not consider that a dwelling with satisfactory living accommodation could be physically accommodated in the space available without creating a detrimental impact on the character of the area including in its heritage context.

Overall Balance and Conclusion

I appreciate that the applicant is seeking to establish the principle of development before encountering the expense of more detailed plans. However, the information provided is entirely inadequate as it fails to provide any clear indication that a property, of the scale proposed, could be accommodated on this plot. The limited details provided actually suggest the alternative.

Officers do not consider that the size of the site would be sufficient to deliver a residential unit which could achieve policy compliance in all respects. Despite an acceptance that it is not appropriate to assess the full details of the proposal given its outline nature, Officers cannot envisage a scheme which could deliver a reasonably sized residential unit which could secure appropriate highways arrangements and neighbouring amenity relationships whilst securing the heritage value of the area. Whilst the principle of development is acceptable in respect to the sustainability of the settlement, it would be inappropriate to grant outline approval for a proposal which could not achieve agreement of its finer details at reserved matters stage.

RECOMMENDATION

That planning permission is refused for the following reasons:

01
Although submitted in outline form with only matters of access to be agreed, it is the view of the Local Planning Authority that the applicant has failed to demonstrate that the plot could deliver a single residential unit with a safe vehicular access. The modest size of the plot does not allow for an adequate vehicular access width (given the proposed shared access arrangement) or parking arrangement and manoeuvrability space within the site. The proposed development would therefore result in an increase in on street parking and highways movements to the detriment of the safety of the highways network.

Despite the sustainable nature of the settlement, the Local Planning Authority does not consider that the benefits of the scheme in respect to housing delivery would outweigh the aforementioned harm identified. The proposal is therefore contrary to Core Policy 9 and Spatial Policy 7 of the Core Strategy as well as Policy DM5 of the Allocations and Development Management DPD. In addition the proposal would be contrary to the advice contained within the NPPF 2018 which forms a material planning consideration to the decision.

02
The application site is located within the historic core of the settlement in the designated Conservation Area. Moreover, there are numerous non-designated heritage assets in the vicinity of the site and as such the application site is situated in a sensitive location between exising residential dwellings.

The proposal for a single dwelling within the site would disrupt the historic settlement pattern where traditional cottages have been grouped in pairs with adequate open green space on one side. A new residential property would overwhelm the plot and negatively impact upon the character of the conservation area. The delivery of a residential dwelling within the plot (of just 0.2 hectares in size approximately) would represent overdevelopment of the site which would have subsequent detrimental amenity impacts on neighbouring dwellings, particularly the plot to the north, due to constrained separation distances.

The proposal is therefore contrary to Core Policy 9 and Core Policy 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

<u>Informative</u>

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/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02
The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to clarify the intentions of the applicant.

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 & Regeneration

Committee Plan - 18/01616/OUT