

PLANNING COMMITTEE – 4 DECEMBER 2018

Application No:	18/01907/FUL	
Proposal:	Erection of three dwelling houses with revised access arrangements	
Location:	Land to the rear of the Red Lion, Southwell Road, Thurgarton	
Applicant:	Pearl Developments – Mr Richard Purewal	
Registered:	11 October 2018	Target Date: 6 December 2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Thurgarton Parish Council do not object to the application which differs to the professional officer recommendation.

The Site

The application site is located within the village of Thurgarton and is situated within a Conservation Area. The application site is located on the western side of the settlement, comprising a vacant plot of land located between The Red Lion Public House’s car park to the southeast, Priory Lane to the northwest and residential properties to the southwest and northeast. The site is also on a surface water flow path, which means that water naturally runs through the site.

The site cannot currently be accessed by vehicle but can be reached from Priory Lane to the north-west which extends into a public footpath. The land rises steeply from Southwell Road in a north-westerly direction with the gradient reducing across the application site and beyond. The site was heavily overgrown but has recently been cleared. The boundaries of the site are marked by a high strong belt of mature conifer trees along the north-eastern boundary, a mature laurel hedge along the south-eastern boundary and the south-west boundary is defined by a 1.6m high mature hedge and timber boarded picket fence interspersed by silver birch trees and north-western boundary marked with 1.5m high timber boarded picket fence and mature tree/shrub planting that is less dense. The Barn to the north is a two-storey detached dwelling, Thorns Hill to the north-east is a detached dormer bungalow and Greenbank to the south-west is a two-storey detached dwelling. Woodlands to the south of the site is a single story bungalow.

Planning permission has been granted on the land to the south-east of the site which currently forms the public house car park for residential development and Plot 3 adjacent to this application site is currently approved as a dormer bungalow but has not commenced development yet.

Relevant Planning History

The site has a long and extensive planning history with the most relevant to this application being:

17/01890/FUL – Change of use of land to two Gypsy pitches together with utility buildings and amenities – application returned and not determined due to invalid certificate.

16/01838/FUL – Construction of new bungalow (alternative design to extant permission). Approved 11/01/2017.

16/01709/NMA - Application for non-material amendment to planning permission 96/51813/FUL (for the erection of two dwellings). Application was for the amended design including roof design and fenestration of Plot A (northern-most dwelling). Refused 26/10/2016.

13/00262/DISCON – Request for confirmation to discharge condition 3 (materials) attached to planning permission 12/01637/FUL New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Closed as no fee was paid 18/09/2015.

12/01637/FUL - New site access (renewal of expired permission reference 97/52025/FUL granted on appeal). Approved 21/01/2013. Applicant states that a start was made on-site, by removing trees and planting hedge, carved out shape for the access and removing materials that weren't required.

12/01375/FUL A revised scheme to the previous application (11/01828/FUL) was refused on 23rd November 2012. It proposed amendments to the design of the proposed dwelling house and included the revised access to the north rather than through the public house's car park. The application was refused for the same reasons as the last application, with no objection being raised to the revised access.

11/01828/FUL A scheme was submitted for the replacement of the approved 'Type 2' bungalow on the southern part of the site. It also included a revision to the access so that the site was accessed from the north rather than through the public house's car park. Full planning permission was refused on 16/02/2012 for the following reasons:

- 1) The dwelling would be a dominant feature given its elevated position and by reason of its scale, form and massing it is considered that the proposal would be harmful to the character and appearance of the Thurgarton Conservation Area.
- 2) It would have an overbearing and oppressive presence upon the occupiers of 'Woodlands' due to the close proximity of the dwelling to the common boundary, and given its large scale and massing.

The application was dismissed on appeal (APP/B3030/A/12/2172349) on 10/09/2012 for similar reasons to those of the Local Planning Authority. No objection was raised to the revised access.

11/01264/FUL - Erection of 1 x residential dwelling (in place of a bungalow which has an extant planning permission). Refused 13/12/2011.

11/00793/LDC A Certificate of Lawful Existing Use was issued on 03/08/2011 in respect of the erection of two detached bungalows under planning ref: 96/51813/FUL in breach of pre-commencement Condition 3 relating to landscaping. It was confirmed that a material start had commenced on the bungalows and, whilst the pre-commencement condition in respect of landscaping had not been complied with, the evidence provided suggested that the condition had been met in substance.

97/52025/FUL Full planning permission for a new access to the site from the north, rather than through the public house's car park was refused on 30/07/1997. The application was allowed on appeal (T/APP/B3030/A/97/285185/P2) on 03/03/1998.

96/51813/FUL Full planning permission was granted to renew application 93911112 for two bungalows with access from the public house car park on 21/01/1997.

93/51737/FUL Full planning permission for 5 No. one and a half storey houses refused on 28/05/1993 and dismissed at appeal.

93911112 Reserved matters were approved to outline application 93881004 on 26/11/1991 comprising two bungalows (Type A and Type B).

93881004 The renewal of outline permission 9382540 was approved on 12/10/1988. Condition 1 was varied to state 'not more than two single storey dwellings.'

9382540 Outline permission for a residential development comprising two dwellings was approved with access from the public house car park on 10/08/1982. All other matters were reserved.

The Proposal

Full planning permission is sought for the erection of three two-storey detached dwelling houses which would share a vehicular access in the form of a private road from the A612 (Southwell Road) across land adjacent to the Red Lion Public house and beyond that would meet at the eastern corner of the application site.

The three dwellings sit in a row one behind the other, with Plot 5 sitting at the front of the site adjacent to the south-eastern boundary and Plot 7 sitting to the rear, adjacent to the footpath. Vehicular access and parking are concentrated adjacent to the north-eastern boundary with rear gardens towards the south-western side of the site.

Plot 5 comprises a three double-bedroomed Unit with sauna, en-suite, bathroom and internal lift at first floor level and snug, dining, kitchen, integral single garage, external covered area and workshop at ground floor level. There is also at ground floor level a one-bed annex with living room, kitchen/diner, bedroom and shower room which is completely self-contained from the main dwelling with its own front door and access. The main part of the dwelling is linear and narrow in form (approx. 16m (without the covered roof and workshop) x 5.5m) with a front projection (approx. 9m x 9m) which matches the main ridge height (maximum approx. 6.9m to ridge and 4.7m to eaves) with a large catslide roof on the elevation facing Plot 6. Located on sloping ground, there is a step down in ground levels and roof pitches towards the front (south-east) of the building. The building sits 12m off the boundary to the south-west, 6m off the boundary to the north-east, 0.3m off the south-eastern boundary and 2m off the proposed common boundary with Plot 6 to the north-west. There are two other on-site parking/turning facilities on the plot.

Plots 6 and 7 are identical and comprise three double bedroomed units with en-suite, dressing room and bathroom at first floor level and living room, snug, dining/kitchen, pantry, utility, cloak room and an attached double garage. The main part of the buildings are linear and narrow (approx. 19m x 4.5m - with a wider garage nearest the access road) with a front projection measuring approx. 6.2m x 5m. The main ridge rises to approx. 7m in height and 4.7m to eaves level. The lower front projection is 5.8m to the ridge and 3.4m to eaves level with a dormer window in the roof and an external chimney stack at its gable end. These buildings sit 12m off the boundary to the south-west, 5.5m off the boundary to the north-east, 0.5m off the proposed common boundaries to the south-east and 1.5m off the boundaries to the north-west with Plot 7

and 1m off the common boundary with the footpath. Although the ground slopes, the footprint of Plot 6 is all on one level and the ground occupied by Plot 7 almost appears on the brow of the slope and again is all on one level with no stepped design, according to the submitted cross-section. Both units have two parking/turning facilities on each plot.

The proposed site plan shows the laurel hedge along the south-eastern boundary of the site removed and a turning head provided for refuse/emergency services vehicles provided adjacent to this same boundary but which overlaps part of the rear garden serving the house approved on the adjacent site.

The application has been accompanied by a Design and Access Statement which states that Plot 5 is a bespoke house designed by Thurgarton residents who have lived in the village since 1999 and had 3 children. In 2013 their elderly parents moved into a purpose built annex where they could be supported through old age. They have always played an active role within the village, reviving the village hall and an active member of the hall committee and the Parish Council (the Clerk) and contributing to the drafting of the Neighbourhood Plan and edits the village magazine. They were a school Governor at Bleasby and is now an active member of the consortium who are seeking to re-open the local Red Lion pub. With the children left home they wish to downsize and want to stay in the village.

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 3529 01)
- Proposed Block Plan (Drawing No: 3529 02)
- Proposed Site Plan (Drawing No: 3529 03 Rev D)
- Plot 5 Plans and Elevations (Drawing No: 3529 04 Rev C)
- Plots 6 and 7 Plans and Elevations (Drawing No: 3529 05 Rev A)

Departure/Public Advertisement Procedure

Occupiers of seven 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

Thurgarton Neighbourhood Plan (made 16 May 2017)

Policy 1 – New Development

Policy 2 – Residential Development

Policy 3 – Transport Impact of Development

Policy 6 – Historic and Natural Environment

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 – Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 – Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 – Sustainable Design

Core Policy 10 – Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations & Development Management DPD (adopted July 2013)

Policy DM5 – Design

Policy DM7 – Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance 2014
- Publication Amended Core Strategy 2017
- Spatial Policy 3 Guidance Note 2013
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Thurgarton Conservation Area Appraisal 2008

Consultations

Thurgarton Parish Council – Do not object.

NCC Highways Authority – No comments received.

Trent Valley Internal Drainage Board – “The site is within the Trent Valley Internal Drainage Board district. 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.”

NSDC Archaeology Consultant – “This site in Thurgarton in an area not far from the former Priory site. There are a number of archaeological records in the immediate vicinity that suggest that this site is within the medieval core of the village and that it has remained undeveloped for many years. This could mean that important archaeological remains relating to the development of Thurgarton are preserved on this site.

Given this my recommendation is: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'

A brief will be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.”

NSDC Conservation – “The proposal site is located within Thurgarton Conservation Area (CA).

Legal and policy considerations

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

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, LPAs 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).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

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

The adopted Thurgarton Neighbourhood Plan (NP) (2017) seeks to protect and enhance heritage within the village.

Significance of heritage asset(s)

The CA was originally designated in 1983, and most recently amended in 2008.

The Thurgarton CA Appraisal (2008) provides a useful summary of the character and appearance of the area. Thurgarton Conservation Area can be split into 2 distinct character areas:

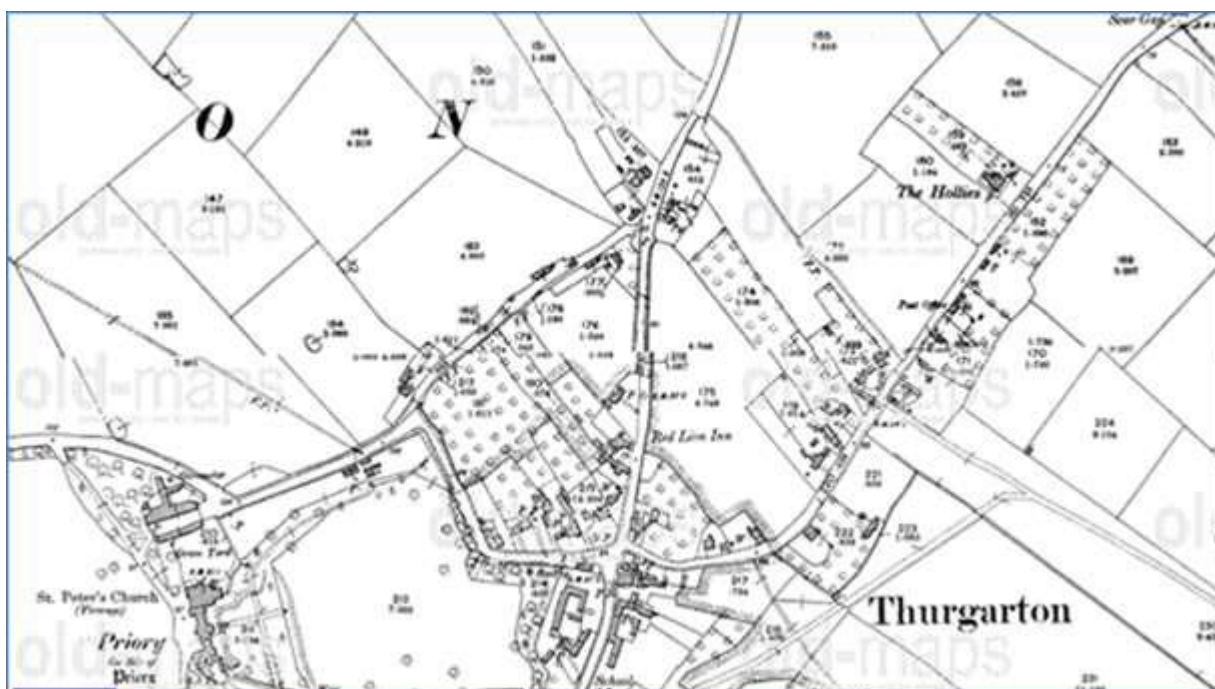
i) The Priory. The land to the west and southwest of Priory Road/Main Street is predominantly characterised by the parkland, mansion and estate lands associated with Thurgarton Priory (former Augustinian Priory; mansion built over priory remains and cellars in early 18th century) and St Peter's Church. Castle Hill and the remains of a deserted medieval village give a strong archaeological significance to the Conservation Area;

ii) The Village. The land between Priory Road/Priory Lane and Main Street and more generally on the east side of Main Street (Southwell/Nottingham Road) is characterised by the built form of the village, following historic toft and croft plots and enclosure patterns.

The significance of the CA is discussed in detail within the adopted Appraisal.

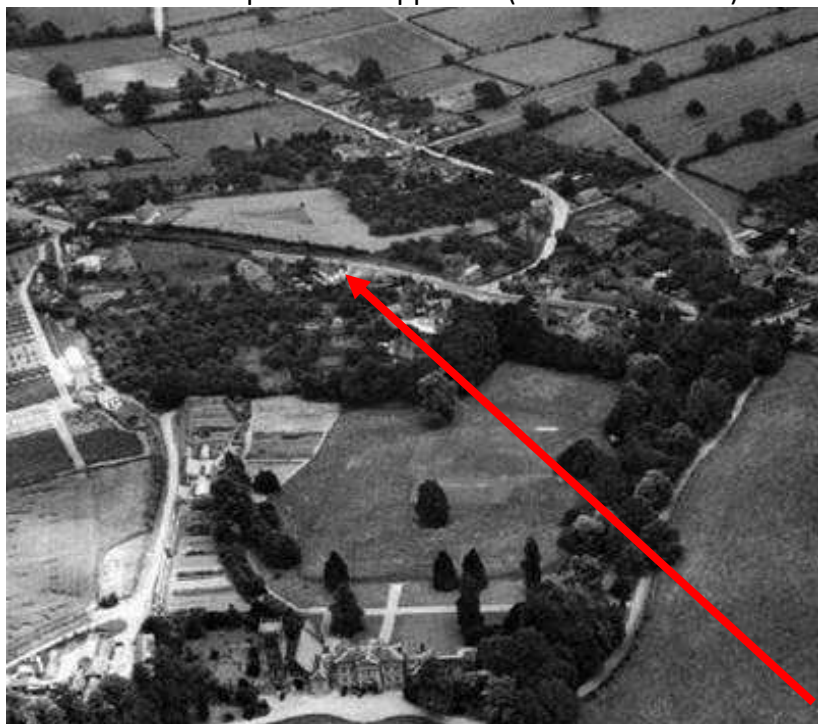
The proposed development site is located at the rear of the Red Lion Inn within The Village Character Area (see section 7 of the Appraisal, pages 12-16). This site is part of a rectilinear plot, which runs between Southwell Road and Priory Lane. Archaeological and historic settlement layout significance can be attributed to the proposal site. The Nottinghamshire Historic Environment Record suggests that the proposal site could be within the medieval core of the village, and due to the lack of disturbance, of potential archaeological interest.

The current village layout is the result of post-medieval enclosure focussed away from the Priory along the roadways between Southwell, Nottingham and Bleasby (this is summarised on page 5 of the Appraisal and in more detail on the County HER). Detailed historic maps from the two significant landowners in the 18th century, the Cooper family (Thurgarton Priory Estate) and Trinity College (Cambridge), further reveal the significance of the medieval and post-medieval field and settlement pattern of the village. The 1731 Trinity College map, for example, shows the village as clusters of buildings in rows along Bleasby Road, Priory Lane, Nottingham Road and Priory Road. These properties generally face the street within broad rectangular plots that back on to/run perpendicular to a series of early enclosures (in that they are narrow thin parallel plots running at right angles at 90 degrees to Bleasby Road, suggesting enclosure of an open strip field).



Late 19th-century map of the village. Note plot layouts and orchards between Priory Lane and Southwell Road.

Buildings that contribute positively to the CA, including the Red Lion and a cluster on Priory Lane, are marked on Map 3 of the Appraisal (extract attached).



Red Lion Inn in the 1950s. Note the landscape pattern behind the Inn.

Assessment of proposal

The proposal seeks permission for three 2 storey dwellings on the most northern part of plot at the rear of the Red Lion.

Conservation objects to the design, scale and intensity of the proposed development.

We feel that the scale of the proposed dwellings, as expressed in their height and large plan-form results in an overly dominating impact. The tandem layout is alien to the settlement pattern of the CA. Whilst we accept that the individual design of the buildings exhibits some positive architectural elements, the layout and scale of the proposal harms the significance of the CA in this case, contrary to the objective of enhancement or preservation required under section 72 of the Act.

Conservation acknowledges that development has been approved immediately behind the Red Lion (ref 18/00967/FUL), and that two single storey buildings were approved on the proposal site in the 1990s (ref 96/51813/FUL). The recently approved development to the southeast takes the form of a mews around a courtyard, which was considered to complement the layout of Main Street and setting of the Red Lion. The continuity of roof lines around the 'yard' and cottage form of the development was considered to be an important factor in determining the acceptability of the proposal, as were identified benefits in enhancing the Red Lion itself by undoing some of the modern unsympathetic interventions. Furthermore, Conservation objected to a dormer bungalow on the proposal site (12/01375/FUL), which was dismissed at appeal in part due to its scale, form and appearance. Indeed, the Inspector advised in paragraph 9 of their decision that "the height and length of the dwelling would mean that it would have considerable bulk, and that it would be a dominant feature when seen from the surrounding area".

The topography of the site, combined with the perceived impact of the large dwellings from Priory Lane are also significant factors in this case.

Recommendation/summary of opinion

Conservation objects to the proposed development and finds the design, layout and scale of the dwellings to be harmful to the significance of the Thurgarton CA. The harm identified is considered to be less than substantial (in the context of paragraphs 194 and 196 of the NPPF), but otherwise contrary to the objective of preservation required under section 72 of the Act. The proposal is also contrary to advice and guidance contained within CP14 and DM9 of the Council's LDF DPDs.

It is probable that a pair of single storey dwellings could successfully be accommodated on this site without harming the character of the CA. We recommend that the applicant withdraws the current scheme and engages with us through the pre-application process."

NSDC Environmental Health (Contaminated Land) – "The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

*based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007."

NSDC Access and Equalities Officer – "As part of the developer's considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings and that consideration be given to incorporating accessible and adaptable dwellings in the development. The requirements of a dwelling's occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors' alike as well as meeting residents' changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users' access to, into and around the dwellings be carefully examined and on all floors. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed 'vehicular free' access to the proposals. In particular, 'step-free' access to and into the dwellings is important and an obstacle free suitably surfaced firm level and smooth 'traffic free' accessible route is essential to and into the dwelling from facilities such as car parking and from the site boundary with reference to the topography of the site. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwellings together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.”

Representations have been received from 16 local residents/interested parties; 8 in support and 8 in objection which can be summarised as follows:

Support:

- Well considered proposal bringing huge benefit to the village with minimal disruption;
- Preference for 3 houses instead of two sprawling bungalows with mix of styles and no merit;
- New designs/high architectural standard are much nicer than the original two;
- Maintenance of footpath north of site is welcomed;
- Avoids need to cross much loved public footpath to the north of the site by bringing access from the south via the existing roadway;
- Better meets need of Neighbourhood Plan which supports smaller/more affordable dwellings within the village allowing residents to down size and remain in the community;
- Development of this vacant unsightly site will positively enhance the conservation village of Thurgarton;
- Approval would remove the high level of uncertainty resultant from the numerous unsuitable proposals that have been submitted over many years;
- Proposals would have the added benefit of contributing to the viability of the redevelopment of the adjacent Red Lion site, helping to secure the re-opening of the pub, a much appreciated resource and amenity for the village and wider community.

Objection:

- The increase in number and density of dwellings significantly changes the sitings and elevations compared to the existing extant permission and result in adverse impacts on neighbouring properties due to their close proximity;

Residential amenity:

- The increase in height of the development to two storey from the previously approved single storey will increase the impact on neighbour's amenity;
- Plot 7 would cast into shadow four primary windows of the property to the north, due to the distance between the two being as close as 3m;
- 11 windows of an existing dwelling would look onto the proposed houses and lose their outlook;
- The occupiers of The Barn to the north have a right to light under the Prescriptions Act of 1832;
- Two of the direct neighbouring properties are bungalows (Thorns Hill and Woodlands) who would be dominated by the two storeys proposed;
- Occupation of the annex within Plot 5 ought to be restricted to members of the applicant's family and friends to contain potential nuisance factors;
- Proposed houses are situated relatively close to site boundaries and as such would impact on neighbours in terms of noise, light/overshadowing, privacy and over bearing and dominating impacts;
- Turning and parking cars will be seen (headlights too), felt and heard and create pollution as they run alongside the western boundary of Thorns Hill and its entire rear garden;
- Lighting pollution from vehicles to occupiers of the north of the site.

Impact on character of conservation area:

- Increased density of development on the site would affect the character of the conservation area;
- There are no other properties with slate roofs and wooden cladding thus the design vernacular is not in keeping with the conservation area, or the materials of the new dwellings approved on the adjacent site;
- Proposed houses are very close together in a village where houses occupy largish open plots with significant footprints taking up a significant area of the site;
- The footprints of the proposed properties are considerably larger than The Barn (especially Plot 5), and therefore would not be subservient to it;
- The D&A Statement states that the proposals maintain a modest scale that will be subservient in appearance to the taller more elevated properties surrounding the site eg The Barn – no topographical survey has been submitted to show this;
- The proximity of the proposal to the footpath dramatically change its character from a quiet, traffic free, tree lined lane into a shaded dark walled alleyway;
- Complete loss of laurel hedge along southern boundary would be detrimental to the vistas from A612 and Priory Lane footpath, which would be through a small housing estate;
- The application states there are no trees (sycamore, hawthorn and ash) or hedges on or adjacent to the site which could influence the development, which is not true – the northern and eastern boundaries are defined by trees and the southern boundary by a hedge and plan layout suggests some would need to be cut back or removed which would significantly affect the area, footpath and neighbouring privacy;
- Plot 5 will by its very scale dominate the site when viewed from the A612;

Highway matters:

- The access from the Red Lion car park has considerable merit over the access via a farm track and across the Prior Lane and footpath approved on appeal but the on-site access road needs to comply with DfT criteria including a footpath;
- The application allows for the parking of 12 cars to serve 3 dwellings which is excessive;

Other matters:

- Proposal goes against a previously passed planning application for two bungalows on the site and ignores the points raised in that application and the requirement for this type of dwelling has not changed since this application was granted;
- As the proposed dwellings are labelled Plots 5 to 7, clearly an extension of Plots 1 to 4 on the site closer to the pub, should they not be considered under one application? As Pearl Developments own both plots would it not be more prudent to revisit layout and create a more coherent single development which makes better use of the space;
- The proposal does not represent small affordable homes – they are large luxury dwellings that no first time buyer could afford and does not encourage a diversity of age in the population of the village and is contrary to the Neighbourhood Plan;
- Housing Needs Survey identifies 1, 2 and 3 bedroom bungalows for residents wishing to downsize to smaller accommodation on one level and the need for market housing has already been far exceeded since the Survey in 2015;
- The planning history shows that an application for two houses on this site was refused on the basis of their impact on surrounding properties and the wider conservation area;
- Detailed drainage plans should be submitted to prevent surface water run-off potentially putting neighbours at risk of flooding given the topography of the site and the increased

impermeable material that would result on the site by the development (and additional dwelling), contrary to the NP;

- Over intensification of development in the village over the last 2 years with redevelopment at Coach and Horses, Priory Farm and the Red Lion sites;
- Although there is support for a local resident who wants to downsize which should be given some weight, if wider policy and practical implications are exposed, they should take precedence over all other personal considerations;
- The application is flawed and the Design and Access Statement is fraught with inaccuracies and contradictions in terms of the stated impacts to neighbouring properties;
- The site plan showing Plot 5 is inaccurate as it does not show the roof canopy between the house and the workshop;
- It could be perceived that the Parish Council have a potential conflict of interest given their other interests concerning the re-opening of the pub on the adjacent site;
- The Parish Council and NSDC have already rejected a proposal for the change of use to 2 gypsy pitches on the site;
- The land has been cleared with no consultation with the environment agency or geological assessment or survey undertaken so there is no idea what wildlife was living on the land, previously there were sightings of bats, field mice and foxes as well as providing hunting ground for hawks and owls;
- The ecological survey submitted on the adjacent site had scope for badger foraging and sett digging although no field signs such as footpaths were recorded radiating into the area from the site;
- Detrimental impact of head lights on wildlife;
- No topographical survey has been submitted making the heights and levels of the proposal uncertain and how the current slopes on the site would be managed, whether each plot would be terraced and how that affects the heights;
- No tree survey has been submitted;
- No ecology survey has been submitted;
- No Housing Needs Survey has been submitted with the application.

Comments of the Business Manager

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.

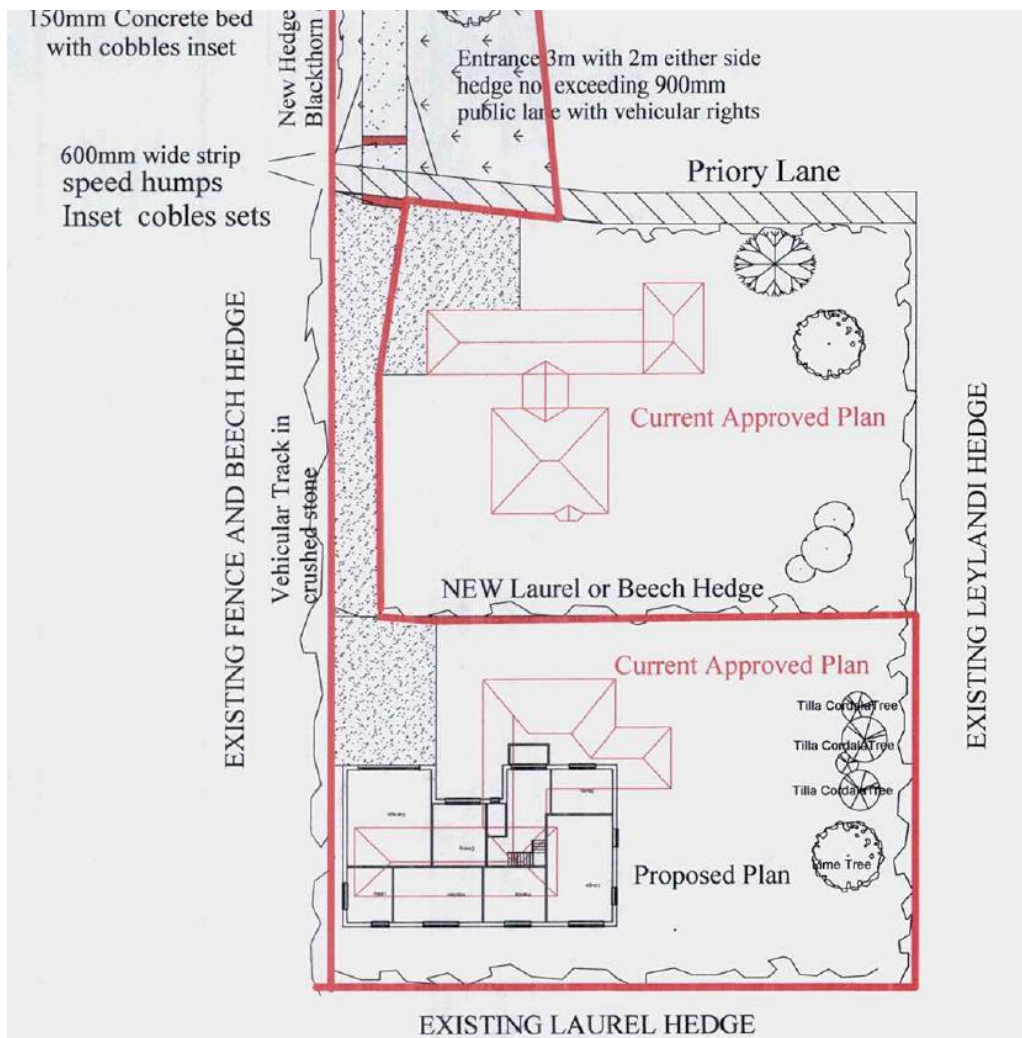
Following public consultation and independent examination, at its council meeting on 16 May 2017 Newark and Sherwood District Council adopted the Thurgarton Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Thurgarton. 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.

Background

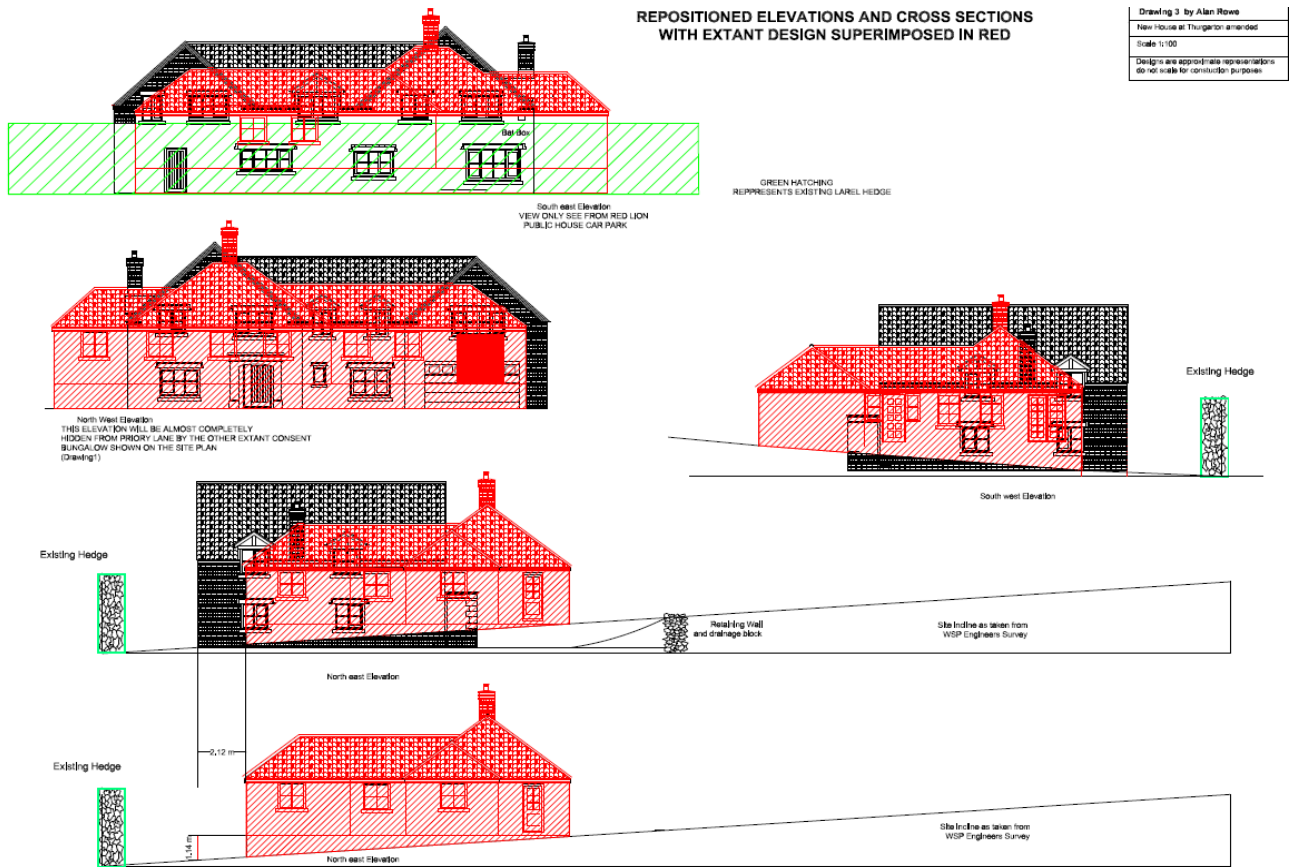
This application site has an extensive planning history. Two bungalows were approved on appeal at this site in Jan 1997 with access to serve them from the car park of the Red Lion Public House.

However an application later that same year sought to amend the point of vehicular access from Priory Lane to the north. This application was refused by the Council but allowed on appeal in March 1998. In 2011 it was accepted that a lawful start had been made to the bungalows as approved in 1997 and a certificate of lawfulness was issued, meaning that the bungalows are now extant in perpetuity. It should be noted that the previous applicant had been involved in this site for the last 20 years and had continually been unsuccessful in trying to alter the original planning approval by first trying to increase the number of dwellings on the site, then trying to increase the height of the buildings to dormer bungalows and subsequently to two-storey dwellinghouses.

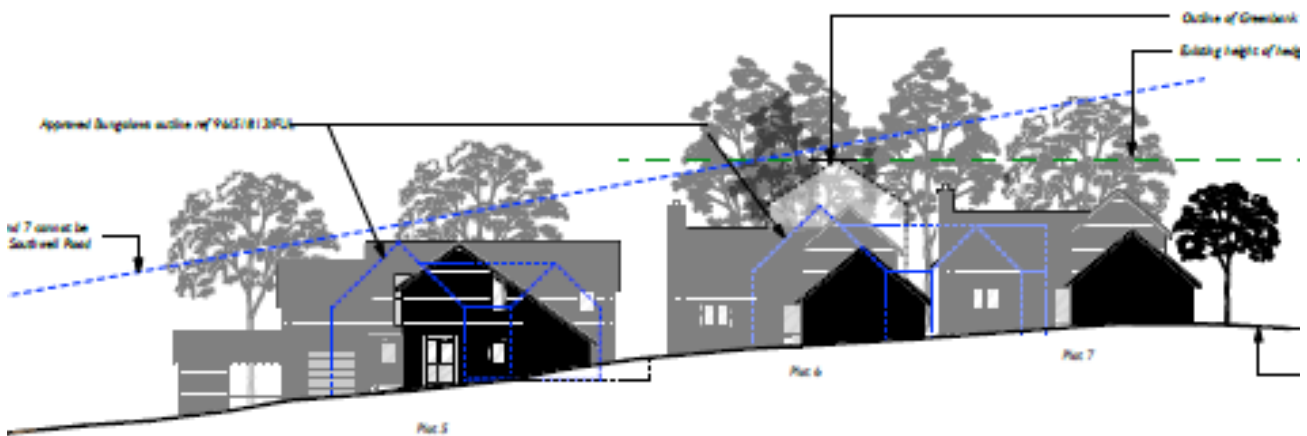
In 2012 two planning permissions were refused for the erection of a one and a half storey/dormer bungalow on the south eastern half of the site, nearest the public house on the grounds of it being a dominant feature by reason of its scale, form and massing that would cause harm to both the Conservation Area and the occupiers of Woodlands. Both were dismissed on appeal. Extract of plans of the later application (12/01375/FUL) are copied below. The red layouts show the bungalows with the extant permission, the black outline indicated the proposed new dwelling in 2012 (16.7m wide by 9.8m deep).



The red outline shows the extant bungalow silhouette with the proposed dwelling in black (on the site of Plot 5 proposed by this application).



The plan below shows the current scheme submitted for determination in black with the extant two bungalows outlined in blue.



Principle of Development

Given the above planning history and the fact that two bungalows have an extant permission which could be erected at any time, this constitutes a strong fallback position which attracts significant material weight. However, the addition of a third dwelling to the site requires careful consideration under the current national and local policy framework. It is also clear through the planning history that previous proposals for more than two dwellings or accommodation above ground level on the site have been carefully considered and found to be harmful both to the Conservation Area and residential amenities. This is also a material planning consideration that carries some weight in the determination of this application.

The Council has published that it has a 5 year housing land supply against its promoted Objectively Assessed Need undertaken on behalf of NSDC, Ashfield and Mansfield DC's. This position has also been accepted by a number of appeal decisions that have recently been considered and should therefore carry weight. It is the Council's view that paragraph 14 of the NPPF is not engaged and the Development Plan is up-to-date for the purposes of decision making.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 77 states that in rural areas, planning decisions should be responsive to local circumstances and support housing development that reflect local needs. Paragraph 78 goes on to advise that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Thurgarton is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are Location; Scale; Need; Impact and Character. The proposal is assessed against these criteria below.

The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017 for independent examination by a Planning Inspector with the examination taking place on the 2nd February 2018. The main modification document has been out to public consultation and is now with the Inspector for consideration. Accordingly for the purposes of this proposal it is considered that some weight can be attached to this emerging policy.

Location

SP3 states that new development should be within the main built-up areas of villages which have local services and access to the Newark Urban Area, Services Centres or Principal Villages. I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am satisfied that the application site is situated within the main concentration of existing development in the village and is not in an isolated position.

Thurgarton is a village with a limited range of facilities comprising a village hall and public house (which is currently vacant). Whilst it is acknowledged that this would not meet the day to day living requirements for occupiers of the one additional new dwelling on the site, there are good public transport links to other Principle villages notably Southwell and Lowdham. In light of the above, the proposal is considered to meet the locational criterion of SP3.

Need

SP3 provides that new housing must meet an identified proven local need. The Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is ordinarily on the Applicant to demonstrate a local need.

Policy 2 of the NP states that in appropriate locations, development of market housing to suit the specific needs identified in a current Housing Needs Survey will be encouraged and supported and the justification for such proposals should be clearly set out and submitted with the planning application. The supporting text to this policy refers to the Parish Housing Needs Survey undertaken in 2015 which identified demand for up to 6 market homes, which included one 3-bed house and a preference for 1, 2 and 3 bed bungalows for households wishing to downsize to smaller accommodation on one level. It states that respondents to the survey cited smaller properties, bungalows, retirement housing and affordable homes as the main shortfall in the area. However the NP acknowledges that since the survey was undertaken, planning permission has been granted for a total of 11 market properties, thus exceeding the need and therefore applications should demonstrate that the proposal responds to an identified housing need and will be considered against the latest available factual data.

The two extant bungalows are four bed units. The submitted Design and Access Statement refers to “The Neighbourhood Plan which identifies a need for homes with up to 3 bedrooms to allow local residents to downsize. The proposed dwellings are all three bedroom and smaller in footprint than the extant permitted dwellings. Their construction will therefore significantly better meet the needs of the Neighbourhood Plan.” The Statement also refers to Plot 5 being a bespoke design for a village couple who wish to downsize to the proposed dwelling with their elderly mother, as set out in the proposals section of this report above.

On the basis of the Council’s current position on housing supply, it is considered that in settlements such as Thurgarton which have some locally available facilities or good access to them that a pragmatic view in relation to the need element of policy SP3 can be reached. Three No. 3-bed houses have been completed at the former Coach and Horses site which have over-satisfied the need identified in the Survey for one No. 3-bed house and apart from the explanation provided for the proposed bespoke house on the site, the demonstration of need for a further two 3-bed dwellings has not been adequately made within the submission. However I am mindful that whilst the submission has not referred to it, in the absence of a more up to date Housing Needs Survey, the Newark and Sherwood District Council Housing Market and Needs Assessment Sub-Area Report (2014) indicates a need for three-bedroom dwellings in the Southwell Sub-Area of the District (in which Thurgarton is situated), although it is acknowledged that the need for 2 bed and 4 bed dwellings is greater and furthermore, I am satisfied that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3. The principle of the proposal is therefore considered acceptable subject to its compliance with the remaining requirements of Spatial Policy 3 and any other material considerations.

Scale and Impact

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature.

The guidance note to accompany SP3 referred to above confirms that the scale criterion relates to both the amount of development and its physical characteristics. In terms of scale, I am of the opinion that in numerical terms, the principle of the addition of 1 further dwelling (over and above the extant permission, with the occupancy of the annex controlled by condition to ensure it remains ancillary only to the main dwelling) on this site would be proportionate to the size of Thurgarton as a settlement. Physical characteristics are discussed in more detail in the character section of the report below.

As at the April 2011 Census there were 175 dwellings recorded within Thurgarton and taking into account completions (7) and commitments (13) over the development plan period (since 2006), the percentage increase in the number of dwellings would be (if all were implemented) 11.4% of housing stock. With the addition of one net dwelling, the percentage increase is 12% which is just over the 10% increase in size of the village over the plan period, used as a general guide within the plan as an upper limit for village growth that would be considered as still being in line with the strategic objectives of concentrating new housing growth in more principal villages and above. That does not, of course have regard to the fact that not all permissions are necessarily implemented, a matter which would need to be taken into account in assessing future applications (and indeed as this Council does as a matter of principle when calculating its 5YLS). The Core Strategy set what was considered to be an appropriate limit for growth such that development would not undermine the overall strategic policy for new housing to be in the most sustainable locations. On this basis, any future applications would require justification, including on the infrastructure of the village.

In terms of the current submission effectively for one additional dwelling I am of the opinion that the scheme would not have an unacceptable impact as detailed below with respect to highways, sewage and flooding/drainage.

The impact of the proposed development is considered to be acceptable and accords with this criteria of SP3 as does the principle of the numerical scale.

Scale (physical characteristics) and Impact on Character and Visual Amenities

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. Part of the consideration of the scale criteria of SP3 relates to the assessment of physical characteristics. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. The assessment overlaps with the consideration required by Policy DM5 which confirms the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Moreover, The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. Policy 1 of the Neighbourhood Plan states development should be carried out without detracting from the character and appearance of the Conservation Area.

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

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, LPAs 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).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

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

The adopted Thurgarton Neighbourhood Plan (NP) (2017) seeks to protect and enhance heritage within the village. The CA was originally designated in 1983, and most recently amended in 2008.

The Thurgarton CA Appraisal (2008) provides a useful summary of the character and appearance of the area. Thurgarton Conservation Area can be split into 2 distinct character areas:

- i) The Priory. The land to the west and southwest of Priory Road/Main Street is predominantly characterised by the parkland, mansion and estate lands associated with Thurgarton Priory (former Augustinian Priory; mansion built over priory remains and cellars in early 18th century) and St Peter's Church. Castle Hill and the remains of a deserted medieval village give a strong archaeological significance to the Conservation Area;
- ii) The Village. The land between Priory Road/Priory Lane and Main Street and more generally on the east side of Main Street (Southwell/Nottingham Road) is characterised by the built form of the village, following historic toft and croft plots and enclosure patterns.

Thurgarton is essentially a medieval settlement within open countryside. The site itself represents an historic plot which contributes to the layout and landscape interest of the Conservation Area (these historic plots relate to toft and croft plots and later enclosures which reveal the medieval and post-medieval evolution of the settlement). The village is made up of a loose arrangement of farms, crofts and cottages liberally interspersed with orchards and some paddocks. There were three large farms in the village, namely Manor Farm, Old Farm and Priory Farm which are all situated within the compact, nucleated form centred on the central crossroads.

The Council's Conservation officer objects to the design, scale and intensity of the proposed development. A view with which I concur.

The scale of the proposed dwellings, as expressed in their height and large plan-form results in an overly dominating impact. The tandem layout is alien to the settlement pattern of the CA. Whilst it is accepted that the individual design of the buildings exhibits some positive architectural

elements, the layout and scale of the proposal harms the significance of the CA in this case, contrary to the objective of enhancement or preservation required under section 72 of the Act.

It is acknowledged that development has been approved immediately behind the Red Lion (ref 18/00967/FUL), and that two single storey buildings were approved on the proposal site in the 1990s (ref 96/51813/FUL). The recently approved development to the southeast takes the form of a mews around a courtyard, which was considered to complement the layout of Main Street and setting of the Red Lion. The continuity of roof lines around the 'yard' and cottage form of the development was considered to be an important factor in determining the acceptability of the proposal, as were identified benefits in enhancing the Red Lion itself by undoing some of the modern unsympathetic interventions. Furthermore, Conservation objected to a dormer bungalow on the proposal site (12/01375/FUL), which was dismissed at appeal in part due to its scale, form and appearance. Indeed, the Inspector advised in paragraph 9 of their decision that "the height and length of the dwelling would mean that it would have considerable bulk, and that it would be a dominant feature when seen from the surrounding area."

The topography of the site, combined with the perceived impact of the large dwellings from Priory Lane are also significant factors in this case. The comments of the Archaeology consultant have been noted.

The cramped appearance, layout on the site and scale (combined height, bulk and massing) of the dwellings proposed are considered to be harmful to the significance of the Thurgarton CA. The harm identified is considered to be less than substantial (in the context of paragraphs 194 and 196 of the NPPF), but otherwise contrary to the objective of preservation required under section 72 of the Act. Whilst the provision of an additional dwelling and the economic benefits that it can bring weighs as a small short term benefit, it does not outweigh the harm identified. The proposal is also contrary to advice and guidance contained within CP14, DM9 and Policy 1 of the Development Plan and Section 16 of the NPPF.

Impact on Residential Amenity

The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy and light upon neighbouring development.

The residential property 'Greenbank' is located approx 19m to the south-west of the site boundary. 'The Barn' is located approx. 4m to the north-east of the site boundary whilst 'Thorns Hill' is located almost immediately adjacent to the east. All three properties were in existence when the extant bungalows were allowed on appeal. Plot 3 to the south-east of the site, with planning permission but not yet constructed, would be approx. 9m from the common boundary of the site.

Both the scale and siting of the proposed dwellings are considerably different to the extant permission. Plot 6 is positioned approx. 12m from the south-western boundary thus providing a distance of approx. 30m between this plot and Greenbank; this distance between proposed and existing is considered to be an acceptable one in terms of the protection of privacy and light and the creation of no over bearing impacts.

Both Plots 6 and 7 are situated approx. 5.5m off the north-eastern boundary and approx. 7.5m from Thorns Hill; the closest element is the single storey blank gable end of the garages and the two-storey element is approx. 14m away from Thorns Hill (there are no first floor windows that

would face in this direction). Whilst this distance between is relatively short, it is significantly mitigated by the solidity and height of a mature row of conifer trees along the common boundary to prevent overlooking, loss of light or over-bearing impacts. However, as raised in the third party representations, there is concern regarding the noise/disturbance as well as air and light pollution that would be created from the proposed access road that runs adjacent to the north-eastern boundary. This has been carefully considered and whilst it is acknowledged there would be some impact in this way, the potential levels created by the number of cars that are likely to be coming and going from two 3-bed houses is not considered to be sufficiently harmful to amenities to warrant refusal of planning permission. Plot 7 is less than 1m from the north-west boundary at its closest point and approx. 5.5m from the gable end of The Barn, on the other side of the footpath; the nearest element is the single storey double garage which has a ridge height of approx. 5m, however, Plot 7 then increases to 6.9m to the ridge and 4.7m to the eaves which runs along the north-western boundary of the site for a distance of approx. 12.5m. Whilst this would extend beyond the rear elevation of The Barn, it would represent significant built form and massing that would lead to an unacceptable sense of enclosure to the occupiers of The Barn. There are two windows proposed to be inserted at first floor level to serve a bathroom and en-suite. Whilst these could be conditioned to be obscurely glazed, given their close proximity and direct relationship to the private amenity space of The Barn, I do not consider this relationship could be adequately mitigated against merely by obscuring the glass and the sense intrusion and loss of privacy would persist. Given the orientation, there could also be the potential for overshadowing and loss of light however I do not consider this to be fatal in this case. The loss of outlook from windows raised within the representations is noted and has been carefully assessed but given the orientation of the rear elevation of The Barn, the main outlook is considered to be to the south-west and only at acute angles would the proposal have a direct impact and whilst the outlook from the end gable would be impacted at ground floor level by the garage, at first floor level the two storey element would be at an acute angle and so I find on balance that it would be difficult to sustain a reason for refusal on these grounds.

Plot 5 is approx. 0.5m from the south-eastern boundary at its nearest point and approx. 12m from the approved rear elevation of Plot 3. The nearest element of the proposal to Plot 3 is the single storey workshop which is approx. 4.3m high to ridge and only 3.4m wide, however, there is then an increase to 7.1m to the ridge at approx. 17m from the rear elevation of Plot 3, which then increases again in height to 8.1m at which point the width also increases to approx. 14.8m, 21m from Plot 3. All these impacts would be exacerbated because Plot 3 is situated on lower ground levels than Plot 5. In addition full height glazing doors are proposed to serve a first floor bedroom that would overlook Plot 3. It is therefore considered that Plot 5 would result in an unacceptable over-bearing impact and loss of privacy to the future occupiers of Plot 3.

In terms of the amenities created for future occupiers of these proposed dwellings, I consider them to be acceptable and there is sufficient private amenity space provided.

In conclusion, therefore the proposal is considered to be unacceptable in terms of over-bearing impacts and the creation of a sense of enclosure and loss of privacy to the existing occupiers of The Barn and the future occupiers of Plot 3 and as such is contrary to Policy DM5 and Policy 1 of the Development Plan and the NPPF.

Highway Safety

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially

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

The proposal would result in a total of 7 dwellings as well as the existing public house being serviced from this private road. It is clear from the planning history that approval has been granted in the past to allow access to the site via a private road that would lead from the pub car park, so it would appear that the principle of such an access is acceptable, however, those determinations were reached without taking into account the recent applications on the existing pub site, where the pub car park now has planning permission for the development of 4 new dwellings. The comments of the Highway Authority have not yet been received and so will be reported to Members on the Late Items and the recommendation adjusted if needs be.

Impact on Trees

The proposed development is situated very close to the north-western and north-eastern boundaries, where there are trees and other forms of important planting/hedgerow that are likely to be impacted by the proposed development. No tree survey has been submitted with the application and given the recommendation officers did not want to put the applicant to any further expense in submitting a tree survey, however, there are concerns that as a result of the development the trees along the boundaries could be lost altogether and the limited space particularly along the north-western boundary would likely mean that any loss could not be satisfactorily compensated for by a condition requiring the planting new trees along this boundary, which would have a detrimental impact on the visual amenity and character along the footpath.

Flood Risk and Drainage

Core Policy 10 of the Core Strategy requires development to be located in order to avoid both present and future flood risk. Core Policy 9 requires new development proposals to proactively manage surface water.

Whilst the site is located within Flood Zone 1 which means it is at low risk of river flooding, it is identified as being on a surface water flow path. This means that any development on the site is likely to affect the flow and attempts to protect the new dwellings from surface water flooding is likely to lead to water being diverted elsewhere and would potentially impact on other people around the site.

However, the verbal advice from the Lead Local Flood Authority is that this need not be fatal to the proposal and if members were minded to support the application, a condition could be imposed that would be able to deal with surface water disposal in an acceptable way.

Overall and in light of the above, it is considered that the proposed development would not be at significant risk of flooding, the development could be designed to be appropriately flood resistant and resilient and not increase the risk of flooding elsewhere. The proposal is therefore capable through condition to be in line with the guidance contained within Core Policy 10, DM5 and section 14 of the NPPF.

Impact on Ecology

CP12 states that applications should seek to conserve and enhance the biodiversity and geological diversity of the district and sets out a number of expectations. DM7 states that new development should protect, promote and enhance green infrastructure to deliver multi-functional benefits and contribute to the ecological network both on and off-site.

No ecological appraisal has been submitted to accompany the application. A number of local residents have raised concerns regarding the clearing of the vegetation on the site and the potential detrimental impact this could have had on ecology, which are concerns that have been noted and considered. However, given that there is an extant planning permission on the site which did not impose any conditions relating to the protection of ecology, the local planning authority had no powers to prevent the overgrown site being cleared. Any impacts to wildlife and protected species would therefore need to be enforced by other parties through the Wildlife and Countryside Act.

Planning Balance and Conclusion

The proposal which effectively results in the increase of one additional dwelling would make a modest yet positive contribution to helping to facilitate the housing needs and preferences for the wider Housing Sub-Area of Southwell, within which Thurgarton sits. This would be of benefit to both the local villagers wanting to downsize as well as the village (in seeking to support its existing facilities) and to the district council's wider housing supply.

Whilst considerations of location, need, impact, ecology, archaeology and surface water disposal are all matters that weigh pragmatically in favour of the proposal and can be adequately mitigated with appropriately worded conditions, the fundamentals of the impact on the character and appearance of the Conservation Area and the impact on the amenities of neighbours, both existing and future weigh against the proposal. It is clear from the substantial planning history on this site that acceptable forms of development in the past have been limited to two dwellings with living accommodation on ground floor level only. I concur with the decisions previously reached on this site and therefore offer a recommendation of refusal of planning permission to Members

RECOMMENDATION

That planning permission is refused for the following reasons

Reasons

01

There is a statutory presumption against development that would harm and fail to preserve or enhance the character and appearance of a Conservation Area. The NPPF makes clear 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. The more important the asset, the greater the weight should be. Equally it is clear that decision makers must attach significant weight to the benefits of a scheme.

In the opinion of the Local Planning Authority the development, by reason of its cramped appearance, layout and scale (combined height, bulk and massing) would result in harm to the significance of Thurgarton Conservation Area, a designated heritage asset through harm to its character and appearance. For the avoidance of doubt such harm is considered to be less than substantial but nevertheless statutory harm to which special regard should be paid.

In the overall planning balance it is considered that there are no wholly exceptional circumstances or public benefits of a level to outweigh this level of harm. The proposed development would therefore be contrary to the National Planning Policy Framework, the National Planning Practice Guidance, Policy 1 of the Thurgarton Neighbourhood Plan, Core Policy 14 of the Core Strategy and Policy DM9 of the Allocations and Development Management DPD and fails to accord with the objective of preservation as set out within Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02

In the opinion of the Local Planning Authority, by virtue of the siting, height, length and insertion of first floor windows in close proximity to the boundary with the adjacent dwelling to the north-east, The Barn, the proposed Plot 7 would be detrimental to the residential amenity of occupiers of this property by reason of over bearing impact to their rear private amenity area and south facing windows.

In the opinion of the Local Planning Authority, by virtue of the siting, height, length and insertion of first floor windows, exacerbated by increases in ground levels compared with the adjacent proposed dwelling to the south-east, Plot 3, the proposed Plot 5 would be detrimental to the residential amenity of occupiers of this property by reason of over bearing impact to their rear private amenity area and north-west facing windows.

As such the proposal is contrary to the aims of Policies DM5 of the Newark and Sherwood Allocations and Management Development Plan Document, and Policy 1 of the Thurgarton Neighbourhood Plan, which are compliant with the intentions of the NPPF, and which seek to ensure development is not harmful to the amenity of neighbouring properties.

Notes to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving

a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

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 - 18/01907/FUL

