

## **PLANNING COMMITTEE – 15 JANUARY 2019**

|                        |  |                                      |
|------------------------|--|--------------------------------------|
| <b>Application No:</b> | <b>18/02056/FUL</b>  |                                      |
| <b>Proposal:</b>       | <b>Construction of new 2 storey dwelling and garage</b>      |                                      |
| <b>Location:</b>       | <b>Land adjacent Roewood Lodge, Bleasby Road, Thurgarton</b> |                                      |
| <b>Applicant:</b>      | <b>Mr &amp; Mrs Grant</b>                                    |                                      |
| <b>Registered:</b>     | <b>5 November 2018</b>                                       | <b>Target Date: 31 December 2018</b> |
|                        | <b>Extension of Time of Requested</b>                        |                                      |

**This application is being referred to the Planning Committee for determination by the local ward member (Cllr R Jackson) due to concerns that the dwelling would be too large for the plot and over-intensive.**

### The Site

The application site historically formed part of the residential garden serving Roewood Lodge, situated immediately to the south west of that property but it has now been separated from the curtilage by a close boarded timber fence along the northern boundary to enclose it as a separate parcel of land. It is situated fronting Bleasby Road on the eastern edge of the settlement of Thurgarton. Roewood Lodge is a newly renovated dwelling which has been recently rendered with the appearance of being a contemporary dormer bungalow with a large dormer window situated in the front roof slope and which utilises the rear roof to provide a two storey rear addition. The Bleasby Road frontage is currently defined by a low (approx. 1.2m high) red brick wall.

To the south of the site is South Croft which is also two storey in height, detached and set within a substantial plot. The land which forms the development plot slopes up gently from the roadside from east to west with the rear of the site being steeper in incline. The proposed plot is approximately 15m in width x 45m in depth. There are a number of trees situated within the land, with a particularly large coniferous tree situated on the south eastern corner of the site. The site is designated as being within Flood Zone 1 in accordance with Environment Agency flood zone maps and is within Thurgarton Conservation Area.

### Relevant Planning History

**17/00641/FUL** - Erection of a two bedroomed dwelling and detached garage, including internal and external alterations (Revision of Approved Planning Permission 15/02291/FUL). Approved 06/12/2017. This was presented to the Planning Committee in August 2017 having been deferred from July committee to allow the applicant to relocate the garage away from frontage. However the applicant chose not to and provided additional justification as to why it was not applicable.

This application was called in to Committee by Cllr Jackson. It was approved subject to a S106 Agreement to secure the visibility splay.

**16/01503/NMA** – Application for a non-material amendment to planning permission 15/02291/FUL for Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) refused 11/10/2016 because the changes (one of which was to add in a third bedroom) were considered material.

**16/00868/FUL** - Householder Application for Extension of existing house for a larger kitchen/dining area in the Ground floor and larger bedroom in the first floor. Approve 25/07/2013

**15/02291/FUL** - Construction of two bed dwelling & integral garage (resubmission of 15/00438/FUL) approved 05/04/2016 under delegated powers.

**15/00438/FUL** - Construction of new two-storey dwelling and garage. Refused 19/05/2015 on the grounds that 1) it didn't meet a proven identified local need and was therefore unsustainable; and 2) lack of visibility splays to highway and 3) harmful impact on the amenity of neighbours by overlooking from first floor bedroom window.

### The Proposal

Full planning permission is sought for the erection of a detached two storey dwelling with a detached double garage. The proposal is an amendment to a previously approved extant application which approved a similar development in a similar position on site.

The main change over and above the previously approved scheme relates to an additional two storey element of accommodation to the rear. Whereas previously the footprint of the dwelling was a T shape, it now extends the footprint further back by c4.36m and infills this such that the footprint is almost rectangular. The roof line of the dwelling has also been raised by approximately 0.2m at the rear so that it matches that at the front.

The new dwelling accommodation would comprise the following facilities;

On the ground floor there is a hall, W.C, kitchen, lounge/dining room, snug and study. On the first floor is a substantial master bedroom with dressing area and en-suite, and 3 other rooms (which are unannotated) presumably 2 bedrooms and 1 bathroom. The applicants agent suggests in their email of 5<sup>th</sup> December 2018 that the unit remains as a two bedroom unit *"...albeit with an extended footprint to accommodate additional living space for their family to visit. The proposal has been carefully and thoroughly considered to meet N&SDC policy. The extension has been designed to have no impact on the immediate neighbours, nor on the wider village as the proposal maintains the approved street facing appearance. "*

The proposed garage is detached and located to the front of the site, set of the frontage boundary by c1.7m. This size and design is as previously approved; it has a ridge height of 5.1m, an eaves height of 2.4m and is 6.54m wide by 6.54m deep. This has one window above the garage doors.

Trees would need to be removed to accommodate the proposal, T7 (Common Silver Fir) 8 (Snowy Mespilus) and 9 (Wild Cherry). These trees have been previously identified as being in good condition and are categorised as B.1-C.1.

A new vehicular access would be created to the north of the site boundary from Bleasby Road.

### The submission

The following documents accompany the application:

- Planning, Design and Access Statement SJA1705/SK00 P1
- Planning Obligation dated 5<sup>th</sup> December 2017
- Tree Survey by Arbtech dated March 2017
- Existing Site Plan SJA/1705/SK02 P1
- Existing Site Section and Elevations SJA/1705/SK03 P1
- Proposed Site Plan SJA1705/SK13 P1
- Proposed Site Section and Elevation SJA1705/SK14 P1
- Proposed Ground Floor Plan SJA1705/SK15 P1
- Proposed First Floor Plan SJA1705/SK16 P1
- Proposed Roof Plan SJA1705/SK17 P1
- Proposed Side (Southwest) Elevation SJA1705/SK21 P1
- Proposed Section A SJA1705/SK/22 P1
- Proposed Garage SJA/1705/SK24
- Vision Splays SJA/SK25 P3
- Front (southeast) elevation SJA1705/SK18 P1
- Proposed rear (northwest) elevation SJA1705/SK19 P1
- Proposed side (northeast) elevation SJA1705/SK20 P1
- Proposed Section B SJA1705/SK23 P1

### Departure/Public Advertisement Procedure

Occupiers of three 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 2016-2026**

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 9 – Sustainable Design  
Core Policy 12 – Biodiversity & Green Infrastructure  
Core Policy 13 – Landscape Character  
Core Policy 14 – Historic Environment

### **Allocations & Development Management DPD**

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
- Thurgarton Conservation Area Appraisal 2008
- Thurgarton Housing Needs Survey 2015

### **Consultations**

**Thurgarton Parish Council** – No response received to date.

**NCC Highways Authority** – No objections:

*This proposal is for the construction of a new dwelling and garage with the construction of a new vehicular access. The layout as shown on plan SJA1705/SK13 Rev. P1 is acceptable subject to the following conditions:*

1. *No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority's specification. **Reason:** In the interests of highway safety.*

2. *No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. SJA1705/SK13 Rev. P1 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. **Reason:** To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.*
3. *No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. **Reason:** To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).*
4. *No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the access drive to the public highway in accordance with details to be first submitted to and approved in writing by the LPA. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. **Reason:** To ensure surface water from the site is not deposited on the public highway causing danger to road users.*
5. *No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the LPA. **Reason:** To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.*

Note to applicant

*The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.*

**NSDC Conservation – No objections:**

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, and 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).*

#### *Significance of the heritage asset(s)*

*The site is located within Thurgarton Conservation Area. The conservation area was originally designated in 1983 and was reviewed and extended in 2008.*

*This areas of Thurgarton is of mixed age and quality, with a core of traditional red brick 19<sup>th</sup> century farmsteads later infilled at various stages and in various styles throughout the 20<sup>th</sup> century. The spacing between buildings and the building form and materials, as well as their location in relation to the road varies, but overall the street has a fairly informal character, giving way to open countryside to the east.*

#### *Assessment of proposal*

*This site has a detailed planning history. The proposal is a variation on an already approved scheme. The most recent approved scheme being in December 2017. This scheme seeks an additional two storey element to the rear that will reflect the design of the rear elevation of the approved scheme. Therefore it will have little impact to the overall design of the dwelling from the northwest. The proposed two storey element to the rear will sit below the approved ridge line and therefore will not impact the approved streetscene.*

*Taking these factors into account conservation do not object to the proposal.”*

**NSDC Environmental Health – No objections:**

*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/m<sup>3</sup>). 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.*

**Trent Valley Internal Drainage Board** – “The site is very close to the Trent Valley Internal Drainage Board district. There are a number of Board maintained watercourses in close proximity to the site. The Board’s consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board’s district (other than directly to a main river for which the consent of the Environment Agency will be required). Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

**Representations have been received from one local resident/interested party which can be summarised as follows:**

- There is no objection to a two bedroom property – however Thurgarton doesn’t need a 4 bedroom plus dwelling see Policy 2, 4.10 of TNP;
- A four bedroom house on the site is over intensive (see 15/00438/FUL);
- The new design which incorporates 2 large rear facing windows at ground floor would impinge on neighbouring privacy, exacerbated by proposed removal of trees contrary to Policy 1 of TNP;
- Adjacent land is considerably higher;
- Loss of trees;
- Comments of housing officer are pertinent.

#### 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, the Council adopted Thurgarton Neighbourhood Plan on 16<sup>th</sup> May 2017. 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.

### Principle of development

This site already has planning permission granted under 17/00641/FUL which is extant and remains so until 5<sup>th</sup> December 2020 making this a realistic fall-back position which must be afforded significant weight. This establishes the principle of development for one dwelling on this site.

Permission is sought for a revised house type albeit it is essentially an addition to the rear over and above what has already been approved but appears the same from the frontage in terms of design, scale and massing. The introduction of a detached garage to the site frontage is already approved and is not open for debate. I therefore consider that the changes to the scheme below.

### Housing Need

One of the main changes to the scheme is that the scheme would be going from a 2 bedroom dwelling to a 3 bedroom dwelling (an assumption made based on the floor plans). The internal layout is essentially proposed to be reconfigured at ground floor to separate the kitchen out from open plan living area and make it larger and at first floor whereas it was two bedrooms with a bathroom the upstairs would now have 3 bedrooms. The increase in floor space would go from 195m<sup>2</sup> to 281m<sup>2</sup> (an increase of 86m<sup>2</sup> or c44%).

In order to assess whether this change is acceptable, it is necessary to go back to the policy context.

Spatial Policy 3 (as adopted provides) that housing will be supported where there is a proven local need. The need is expected to be a community need rather than a personal need. In considering the scheme I am mindful of the emerging SP3 as amended in the Core Strategy which can attract significant weight given its advanced stage having been through an examination in public. This provides that new housing will be supported where 'it helps to support community facilities and local services and reflects local needs in terms of both tenure and house types.'

The most up to date position with regard to housing need in Thurgarton is within the 2015 Housing Needs Survey commissioned by the Parish Council and noted within the TNP. The survey identified a need for up to two affordable homes: one 2-bed bungalow for social rent, and one 2-bed house for shared ownership. It also indicated a preference/demand for up to six market homes comprising 1 x 1 or 2 bedroom bungalows, 2 x 2 or 3 bedroom bungalows, 1 x 3-bed house



and 1 x 4 bedroom house. The survey was supported by this Council, its findings are not disputed and so it follows to assess whether the proposal would help to meet the identified need.

It should be noted that the extant scheme being a two bedroom house over two floors would not meet the identified local need exactly. In considering the original approved 2 bedroom dwelling (15/02291/FUL – granted under delegated powers) the officer made the following assessment:

*“The layout as originally submitted detailed a dwelling with an approximate floor space of 160m<sup>2</sup> and concern was raised by officers that this was not commensurate with the scale of other 2 bed dwellings approved by the authority and that furthermore 160m<sup>2</sup> was more akin to the floor space of a 3/4 bed unit. Discussions were entered into with the applicant to seek to reduce the scale of the dwelling and to seek to change the layout of the dwelling to be single storey so that it accorded with the findings of the housing needs assessment. The floor space of the dwelling has been reduced to just over 100m<sup>2</sup> but the dwelling still provides accommodation over two stories. However, the first floor element has been significantly reduced and now represents just over a quarter of the proposed total floor space.*

*There is a tension in planning terms between planning for an identified need (why identify a need if one does not plan for it) and the ability to restrict a family growing or changing their lifestyles by creating space (e.g. an extension) or expanding into space (e.g. creating a bedroom in a garage or a roof space). Guidance still exists on the need for homes to be flexible for the lifetime of occupants (to grow and shrink, such as in Lifetime Homes standards). In this particular case whilst there remains an ability for the house to be used with more bedrooms than stated, through the description of development and the recommended planning conditions and informative notes below, the Authority feels that at the point of implementation the need can be secured.*

*Given the above considerations, I am satisfied that whilst very finely balanced, the proposal would help in meeting an identified proven local need.”*

Members will see that the size of the originally approved dwellings was negotiated to be smaller in size to ensure it met the identified 2 bedroom housing need. In this case the proposal now seeks approval for a 3 bedroom dwelling. The 2015 Housing Needs Survey identifies the need for 1 x 3 bedroom dwelling. Having reviewed the approvals granted since 2015, I note that there have been some for 3 bedroom dwellings (Members will recall the houses at the former Coach and Horses Public House which were all 3 bedrooms) which have been delivered and some that haven't such as the dwellings rear of the Red Lion public house and those at Priory Farm which remains on its conversion phase to name a few. The identified need for 3 bedroom dwellings in Thurgarton has therefore been met. However I am not convinced that this is fatal to the success of the scheme as I am not convinced that one additional 3 bedroom dwelling would be so harmful as to justify a reason for refusal. I say this in the context that if the extant two bedroom dwelling was built out, then I do not consider there would be grounds to resist a householder extension in the form that

is essentially proposed. Members will note that permitted development rights are proposed to be removed so as to control extensions and alterations to the dwelling.

#### Impact on the Character and Appearance of the Conservation Area

The development site is located within Thurgarton Conservation Area and the following policy context applies.

Policy 1 (New Development) of the TNP provides that development should be carried out without detracting from the character and appearance of the Conservation Area. Policy 6 of the TNP also seeks to prevent harm to the historic environment. Core Policy 14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Core Policy 9 of the Core Strategy states that all new development proposals will be expected to contribute to and sustain the rich local distinctiveness of the District and achieve a high standard of sustainable design that is appropriate in form and scale to its context complementing the existing built and landscape environments. Policy DM5 states that the rich local distinctiveness of the District's character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The legal framework is set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that with respect to any building in a conservation area, the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

The way in which the proposed dwelling would be appreciated from the public realm would remain unchanged from the extant permission as the front elevation remains unaltered from the roadside. The main change relates to what could be described as a two storey extension at the rear to the approved dwellings had the dwelling been already in existence. As it is not, it must be considered as a revised house design.

The height of the dwelling would no longer step down as it projects back into the plot adding some additional bulk. However the dwelling would not be readily visible from the north given the way the land lies. In my opinion the changes proposed would have a neutral impact upon the character and appearance of the conservation area. I note that the Conservation Officer agrees that the proposal would have *'little impact on the overall design of the dwelling from the northwest. The proposed two storey element to the rear will sit below the approved ridge line and therefore will not impact the approved streetscene...'*

Subject to conditions being imposed to control materials as previously imposed, the development is not considered to detrimentally impact on the character of the surrounding area and would preserve the character and appearance of the Conservation Area in accordance with the policy context.

## Impact on the Residential Amenity

Policy 1 of the TNP provides that developments should be carried out without detracting from the levels of amenity that occupiers of adjacent premises may reasonably expect to enjoy. 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 NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Concern has been expressed during the course of the application that the proposal would cause harm to the amenity of surrounding occupiers. This matter has been carefully considered.

It is noted that a large two storey extension was approved to the neighbouring property known as South Croft in 2007 (planning permission 07/00096/FUL) which was implemented and has resulted in a two storey projection that projects as far back into the site as the original dwelling alongside the boundary. Along the boundary, facing the application site are two high level ground floor windows serving the integral garage which projects back the full depth of the extension and no windows at first floor facing the site.

Turning now to the proposal. It should be noted that the siting of the dwelling within the plot has not altered from the already approved permission 17/00614/FUL and 15/02291/FUL before it.

The dwelling as already approved stepped down in height from its front elevation as it projected back into the plot to 6.87m. The proposal now seeks to retain the height at c7.2m for its full depth. However the element closest to the neighbouring dwelling at South Croft would have a lower roof line at 6.65m to ridge, albeit this would project a further 4.2m back into the site than is currently approved. The dwelling would be sited c3.09m from the common boundary. However the depth of the extension would not project as far back into the site that South Croft itself, such that I do not consider that the proposal would have any adverse impact in terms of overshadowing or through being overbearing. It is noted that land levels are higher on the application site. However finished floor levels can be agreed by a suitably worded condition as was the case previously.

In terms of overlooking, it is noted that the changes proposed would result a new full height glazed window to serve an en-suite at first floor level as well as an obscure glazed window at ground floor level to serve the utility room. As these windows would face onto high level garage windows, I do not consider that there would be any loss of privacy or perception of such. A condition is recommended to ensure these windows do not open above 1.7m internally.

The new bedroom window proposed to the rear elevation would be set back into the site further than before and would not in my view introduce any harmful overlooking; this would face directly over its own private garden and slightly behind the rear facing wall of the adjacent dwelling.

The increase in height to the roofline is marginal and is not considered to cause any unacceptable impacts upon either South Croft or Rosewood Lodge.

Overall the impacts are considered acceptable, subject to conditions, and comply with the policy context set out above.

### Impact on Highway Safety

The access, parking arrangements and proposed garage to the front of the site would remain as previously approved.

Policy 3 (Transport Impact of Development) of the TNP plan states “developments should make provision for suitable levels of off-street parking for the development proposed and off-street manoeuvring space for the vehicles likely to service the proposed use.” Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Plans depicting the proposed visibility splay to the property show that this is reliant on part of the splay overlapping third party land (Roewood). Members will be aware that permission has already been granted (twice before) for a dwelling with vehicular access as approved which is a substantial material planning consideration. On the first occasion the applicants were the owners of Roewood Lodge and the ‘site plan’ contained Roewood Lodge within the land controlled by them. The last approval was on the basis of the applicant entering into a Section 106 Agreement to secure the visibility splays required which they have agreed to do again. This can achieve what is necessary.

Whilst the dwelling proposed is larger than the extant permission, I consider that there is adequate off street car parking (two spaces within the garage and hardstanding upon which to park in front of this) commensurate with the dwelling to meet its needs and this would be unlikely to lead to on-street car parking. The Highway Authority have also raised no objection to the proposal, subject to conditions.

In conclusion the proposal to create a new access to Bleasby Road is not considered to result in a detriment to highway safety subject to conditions and the execution of an appropriate S106 Agreement in accordance with Spatial Policy 7 of the Core Strategy and Policy DM5 of the ADMDPD as well as the Thurgarton Neighbourhood Plan, the NPPF and PPG which are material planning considerations.

### Flood Risk and Drainage

Flood risk and drainage has been previously considered and found to be acceptable. An assessment is set out below.

Policy 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.

The site is located within Flood Zone 1 according to the Environment Agency's flood risk maps and is therefore at low probability of flooding from river and coastal sources. Flooding within Thurgarton is a concern and the Neighbourhood plan (paragraph 2.8) states that new development must not cause other properties to be put at any greater risk and it is necessary through floor levels, rainwater and sewerage disposal and landscaping, to alleviate any future problems.

The proposal would not result in a considerable increase in the amount of hard surfacing and there would still be a significant degree of permeable surfaces into which any surface water would be able to soak away. It is therefore considered that the proposal would not unacceptably increase the surface water run-off to the detriment of the surrounding area.

Overall, the development accords with Policy Core Policy 9 and 10 of the Core Strategy.

### Impact on Trees

In accordance with the aims of Core Policy 12, Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Policy DM7 of the ADMDPD states "new development, should protect, promote and enhance green infrastructure."

The applicant has submitted a Tree Survey dated March 2017 which shows the trees within and adjacent to the site and classifies those in terms of their maturity and condition. There are four trees (T2, 7, 8 and 9) which are most affected by the construction of the dwelling and garage and which are due to be retained by the proposal. T2 is a semi-mature Cedar rated as good condition, T7 is a Common Silver Fir considered to be in good condition, T8 is a mature Snowy Mespilus rated as good condition and T9 is mature Wild Cherry also rated as good condition.

T2 and T7 have been considered previously by Officers in respect of the previous application and officers previously concluded that the trees would not be detrimentally impacted by the proposal and I would concur their assessment. No tree impact assessment has been provided but I am able to consider this based on the information provided. In relation to assessing the revised house type, I consider that the proposal would result in the removal of T8 and 9 (the Snowy Mespilus and Wild Cherry) as to retain these would very likely damage the roots and require a dis-proportionate amount of pruning. Whilst attractive and in good health I do not consider these trees to be worthy of protection by a tree preservation order and their loss can be mitigated through the planting of a tree species more native to the locality. Other trees would remain and their relationship with the building would not change from the previous approval.

Tree root protection measures are still considered necessary to protect the trees to remain throughout the construction phase which can be controlled by the landscape condition.

I consider the proposal could (with conditions) enhance the local biodiversity and the retention of the majority of trees on the site would preserve the character and appearance of the Conservation

Area. Therefore the proposal accords with the Development Plan taking into account the material planning considerations.

### Planning Balance and Conclusions

The principle of a new dwelling on this site has already been accepted as there is currently an extant planning permission for one dwelling which carries significant weight. The proposal would result in the construction of what I consider to be is more akin to a 3 bedroom dwelling as opposed to the approved two bedroom dwelling. Whilst the specific 2015 identified need for a 3 bedroom dwelling in Thurgarton has already been met, I am of the view that the provision of one slightly larger dwelling over and above the approved/extant dwelling that would not adversely affect the character and appearance of the Conservation Area should not be refused on the lack of need ground alone. No unacceptable adverse impacts upon the living conditions of neighbours have been identified. The proposal would involve the loss of three trees (two in addition to those previously assessed). Whilst regrettable, these trees are not considered so positive in terms of their contribution to the visual amenity of the area that they should be protected. Their loss can be mitigated by replacement trees of a species that are more native to the locality. There are no issues regarding highway safety subject to conditions and the signing of the S106 Agreement to secure the visibility splays necessary to make the development safe. As such the scheme is considered acceptable for the reasons set out within this report and a recommendation for approval is offered.

### RECOMMENDATION

**That planning permission is approved subject to:**

- (1) the conditions and reasons shown below; and**
- (2) the execution of a suitable S106 Agreement to ensure that the necessary highway visibility splays are provided and retained in perpetuity.**

### Conditions

01

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

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

02

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

- Proposed Site Plan SJA1705/SK13 P1
- Proposed Site Section and Elevation SJA1705/SK14 P1
- Proposed Ground Floor Plan SJA1705/SK15 P1
- Proposed First Floor Plan SJA1705/SK16 P1
- Proposed Roof Plan SJA1705/SK17 P1
- Proposed Side (Southwest) Elevation SJA1705/SK21 P1
- Proposed Section A SJA1705/SK/22 P1
- Proposed Garage SJA/1705/SK24
- Vision Splays SJA/SK25 P3
- Front (southeast) elevation SJA1705/SK18 P1
- Proposed rear (northwest) elevation SJA1705/SK19 P1
- Proposed side (northeast) elevation SJA1705/SK20 P1
- Proposed Section B SJA1705/SK23 P1

Reason: So as to define this permission.

03

No development above damp proof course shall take place until full details of the external facing materials to be used in the construction of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to preserve or enhance the character and appearance of the conservation area.

04

No development shall be commenced in respect of the features identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

External windows including roof windows, doors and their immediate surroundings, including details of glazing and glazing bars.

Treatment of window and door heads and cills

Verges and eaves

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Notwithstanding the submitted plans, no development shall take place until a topographical survey of existing ground levels, together with details of the proposed finished levels and finished flood levels

have been submitted to and approved in writing by the local planning authority. Development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

06

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation in the interests of protecting the character and amenity of the area.

07

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a hard bound material (not loose gravel) for a minimum distance of 5m behind the highway boundary. The surfaced drive shall then be maintained in such hard bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

08

No part of the development hereby permitted shall be brought into use until a dropped vehicular verge crossing is available for use and constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

09

No part of the development hereby permitted shall be brought into use until the access drive is constructed with provision to prevent the unregulated discharge of surface water from the access drive to the public highway in accordance with details to be first submitted to and approved in writing by the



Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.

010

No part of the development hereby permitted shall be brought into use until the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5m from the rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general highway safety.

011

No part of the development hereby permitted shall be brought into use until the site frontage boundary (eastern boundary) is provided at a height not to exceed 0.6m from finished ground level in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The boundary treatment shall thereafter be retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

012

Prior to first occupation full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall mitigate for tree loss and shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity and to mitigate for the tree loss.

013

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented on site prior to first occupation.

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

014

The window openings on the south-west side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties.

#### Notes to Applicant

01

The development makes it necessary to make a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

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](http://www.newark-sherwooddc.gov.uk)

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby

approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

04

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: [waste.management@nsdc.info](mailto:waste.management@nsdc.info).

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Clare Walker on extension 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Matt Lamb**

**Business Manager Growth and Regeneration**

Committee Plan - 18/02056/FUL

