

## PLANNING COMMITTEE - 15 JANUARY 2019

<b>Application No:</b>	<b>18/02018/FUL</b>	
<b>Proposal:</b>	<b>Demolition of existing dwelling. New dwelling with garage and entrance gates and removal and pruning of existing trees (Re-submission of 18/00924/FUL</b>	
<b>Location:</b>	<b>Court Cottage, Chapel Lane, Farnsfield, NG22 8JW</b>	
<b>Applicant:</b>	<b>Mr and Mrs Mortimer</b>	
<b>Registered:</b>	<b>29<sup>th</sup> October 2018</b>	<b>Target Date: 24<sup>th</sup> December 2018</b>
	<b>Extension of time agreed until 18<sup>th</sup> January 2019</b>	

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

### The Site

This application relates to a detached predominantly rendered bungalow (which has accommodation within its roof space) with stone quoins and a stone clad pitched roof two storey projection to the front elevation which has a small dormer to the side roof slopes. There is an attached flat roof garage to the side. The western facing gable has a first floor door leading to a balcony area over the flat roof garage enclosed by wrought iron balustrade. To the other side is a side garden area which is well screened from the highway by mature and substantial hedging.

The dwelling is located to the southern side of Chapel Lane which is one way at this section. There is a public footpath which runs between Court Cottage and the immediate adjoining neighbour to the west.

The site falls within the built up area of Farnsfield and within the Conservation Area and is generally surrounded by residential properties to 3 sides (there is an electricity substation immediately to the east beyond which are the terraced properties forming The Stackyards). Recreational open space lies to the north of the site comprising a bowling green and tennis courts beyond).

To the west is Waterstone View, a detached L shaped red brick dwelling which has a first floor obscure glazed window to the nearest side gable facing the application site and 2 no. bedroom windows towards the front of the dwelling which would also face the application site (albeit at a greater distance than the gable end).,

To the south west of this neighbour is Hill Cottage, a two storey traditional dwelling with first floor principle windows to the rear elevation facing the application site. Beyond this is Launceston House a red brick two storey dwelling which is set at a lower land level than the application site and has first floor windows to the end gable facing the site.

To the east beyond the substation is a terrace of red brick properties forming The Stackyard. To the south the site is adjoined by The Cottage (White House/West Lodge) which is a two storey white rendered dwelling with first floor windows overlooking the site, albeit this property is set at a much lower level.

The front boundary comprises a low brick wall with railings and with 2 no. access points providing in and out access onto Chapel Lane. 1.8m high fencing is provided to the front side boundary with the adjoining property to the west, Waterstone View.

To the rear immediately adjacent to the dwelling is a rased platform area with steps down to a substantial private rear garden which narrows towards the south western boundary with land levels falling approximately 1.5m. Where the garden narrows and centrally located is a small orchard of 4 fruit trees.

Boundary treatments to the rear garden comprise mature hedging (with Hill Cottage and Launceston House) circa 1.8m high timber fencing and mature hedging with Waterstone View, circa 1.8m high timber fencing and red brick wall with The Cottage and to the upper part of an outbuilding within the rear garden of the property immediately to the south which forms part of the rear boundary.

### Relevant Planning History

**18/00924/FUL** – an application was submitted on the 14<sup>th</sup> May 2018 seeking full planning permission for the demolition of the existing bungalow and the erection of a one and half storey detached dwelling and a detached double garage– Withdrawn

### The Proposal

Full planning permission is sought for the demolition of the existing bungalow and the erection of a detached two storey flat roof dwelling with an attached flat roof garage.

The dwelling would have maximum dimensions of circa 17.5m width, 12m depth and with a predominant height of 6.4m. There are 2 no. small projections (one to the front and one to the rear elevation) which would have maximum heights of circa 6.6m.

An attached single storey garage is proposed which would have maximum dimensions of 10.1m width, 7m depth and 3.3m height.

2 no. circa 1.6m high timber sliding gates supported by circa 1.7m high posts are proposed to the

Chapel Lane boundary separated by 1.6m high mesh fencing. Planting is proposed to the front of the fencing.

A row of solar panels are proposed centrally located within the flat roof of the dwelling which would have a maximum height of 0.7m.

The application also proposes the removal of several trees within the site, namely

- T1 - Laburnum (front boundary)
- T7 Holly (rear boundary)
- T10 (group) two fruit trees (rear garden)

All trees to be removed are graded as C2 with a 10+ years remaining lifespan. It is proposed that 6no. fruit trees would be planted along the rear boundaries and the existing holly tree (T7) is proposed to be replaced with 2no. fruit trees.

### Submitted Documents

The following plans have been deposited with the application for consideration:-

- Proposed Elevations Drg. No. 2209/5 Rev K received 26<sup>th</sup> October 2018
- Proposed Elevations Drg. No 2099/6 Rev G received 26th October 2018
- Proposed Floor Plans Drg. No. 2209/4 Rev K received 26th October 2018
- Proposed Sections Drg. No 2209/7 Rev A received 26th October 2018
- Existing and Proposed Elevations Drg. No. 2209/8 Rev B received 20<sup>th</sup> December 2018
- Proposed site Plan Drg. No. 2209/3 Rev L received 20<sup>th</sup> December 2018
- Proposed wall and Gates Drg. No. 2209/9 Rev A received 20th December 2018
- The application has been accompanied by the following documents:-
- Design and Access Statement
- Ecology (EMEC Ecology December 2018)
- Tree Survey (AT2 19<sup>th</sup> April 2018)

### Departure/Public Advertisement Procedure

Occupiers of 20 properties have been individually notified by letter. A site notice has also been displayed near to the site and a press notice posted.

### Planning Policy Framework

### The Development Plan

### Farnsfield Neighbourhood Plan (made October 2016)

FNP1: Housing Development within the Village envelope

FNP7: The Quality of Development

### **Newark and Sherwood Core Strategy DPD (adopted March 2011)**

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 14: Historic Environment

### **Allocations & Development Management DPD (adopted July 2013)**

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM5: Design

Policy DM9: Protecting and Enhancing the Historic Environment

Policy DM12: Presumption in Favour of Sustainable Development

### **Other Material Planning Considerations**

National Planning Policy Framework 2012

Planning Practice Guidance 2014

### **Consultations**

**Farnsfield Parish Council** – *Farnsfield Parish Council wish to object to this proposal on the following grounds,*

- *The Farnsfield Neighbourhood Plan Character Appraisal and Design Document Nov 2016 states that planning applications will be supported where it can be demonstrated that new builds are appropriate to its context and position within the village. The Planning Statement and Design and access Statement accompanying this application refers to good design and scale and size but the Parish Council dispute the assertion that this proposed dwelling set further back does not intrude upon the visual setting of the conservation area. In addition, metal transparent electronic gates on the front will have a visible negative impact on the conservation area.*
- *The statement that Court Cottage as it exists at the moment has a neutral-marginal negative impact also raises concerns because it refers to "incongruous materials that contrast with the vernacular" This cannot be used to justify a new build that also does not sit easily within the buildings either side. Brick and Pantile are the common features of these buildings and located nearby is the Parish Hall a grade 2 listed building. The design statement asserts that there are no listed buildings nearby. We refer to NPPF para 51. The*

*“importance of integrating new development into the natural, built and historic environment.”*

- *Innovation and sustainability are to be encouraged within the NP area as long as the design approach is sympathetic to the surrounding character area. This we dispute.*
- *Highway concerns. We note the objection in the previous application by Highways and also that this has now become a verbal agreement on the suitability of sliding gates on Chapel Lane. Our concerns are that access to the property while being developed will create logistical problems, with lorries and van parked on a very narrow one-way system. Should the application be approved the Parish Council will need details of how this is to be managed. The village has had experience of these issues and with a play park entrance and housing for the elderly near-by access is extremely important at all times.*

**NSDC Conservation** – *Many thanks for consulting Conservation on the above scheme. We provided advice on a previous submission (ref 18/00924/FUL) in which we raised concerns about the design of the proposal. The resubmitted scheme is an attempt to address those concerns.*

### *Introduction*

*The proposal site is located within the Farnsfield Conservation Area (CA). The host property is a modern bungalow which makes a neutral contribution to the character and appearance of the CA. Historic cottages such as Waterstone Cottage and Hill Cottage adjacent are identified as Local Interest buildings on the Nottinghamshire Historic Environment Record (HER) which contribute positively to the character and appearance of the CA. The Church Farm complex to the southeast is Grade II listed.*

### *Legal and policy considerations*

*Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.*

*Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, relationship with adjacent assets, alignment and treatment of setting.*

*The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework*

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

*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 HEGPA2 and HEGPA3). HEGPA2 for example reminds us that both the NPPF (section 12) and PPG contain detail on why good design is important and how it can be achieved, and that the significance of nearby assets and the contribution of their setting is a dynamic concept. The general character and distinctiveness of the area should be understood in its widest sense, including the general character of local buildings, spaces, public realm and the landscape, the grain of the surroundings, which includes, for example the street pattern and plot size.*

*The Council has produced a CA Appraisal for Farnsfield (adopted 2000) which contains a useful summary of the significance of the area, including architectural and historic interest. The Appraisal identifies significant non-listed buildings which contribute to the townscape, including cottages adjacent to Court Cottage.*

*In addition, the Farnsfield Neighbourhood Plan (adopted 2017) advises that new build should be appropriate to its context and position within the village.*

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

*Court Cottage is a later 20th century property located on Chapel Lane in the heart of Farnsfield CA. Chapel Lane is a narrow lane and the host dwelling is located immediately opposite the Farnsfield bowls club. To the east of Court Cottage there is a linear row of low profile later 20th century dwellings in brick and pantile. Waterstone Cottage and Hill Cottage adjacent on the west side are identified as Local Interest buildings on the HER, and comprise post-medieval cottage forms, much altered. Although well-screened from the proposal site, the late-18th century Church Farmhouse*

*complex includes a typical Georgian farmhouse with an early 19th century barn range.*

*Court Cottage contrasts significantly with the traditional vernacular brick and pantile buildings within the locality, comprising a one and a half storey dwelling faced in a combination of render, imitation dressed stone and concrete roof tiles. Overall the building is considered to make a neutral impact on the character of the CA.*

### *Assessment of proposal*

*The proposal seeks to demolish the existing bungalow, and erect a new two storey dwelling with garage and entrance gates.*

*The replacement dwelling is broadly situated within the existing footprint of Court Cottage, and comprises a flat roofed two storey modern style dwelling in render, natural stone/slate cladding panels and aluminium windows and doors. The first floor oversails, and the glazing is full height. There is an attached garage block.*

*The significance of Farnsfield CA is broadly reflected in the many post-medieval period brick and pantile cottage forms intimately arranged along streets and lanes. There are exceptions of course, with politer buildings such as The Grange, or landmark buildings such as St Michael's Church interspersed within the historic core of the village. Nevertheless, the design of the proposed dwelling is a marked contrast to the historic cottages and houses within the CA. The flat roof form of the building, for example, is a significant divergence from the many steep pantile roofs elsewhere along Chapel Lane.*

*Conservation had significant reservations with the previous proposal, both in terms of the design of the building, and the external building envelope measurements. During pre-application discussions following the withdrawal of the previous submission (18/00924/FUL), efforts were made to significantly reduce the scale of the proposed dwelling. The highest point of the new dwelling is 6.7m, and the main 2 storey element is only 6.2m high (the existing building is 6.3m). We therefore now accept that the proposed building does not result in a significant change in height when compared to the existing building. The two storey flat roof configuration, however, ensures that the gable wall is larger than the existing in terms of mass, and the bulk of the building therefore results in a greater impact on the street than the existing arrangement.*

*In the context of the existing property, we do not find the modern design to be an unacceptable approach. Whilst the new dwelling will clearly contrast with the many historic buildings along Chapel Lane, it is recognised that modern architecture can be accommodated within the historic environment without loss of significance. The proposal is clearly legible as a modern design, and the balance of fenestration and facing materials has been carefully considered so that the modular rendered form does not dominate. Indeed, the potential natural slate or stone panels and extensive glazing are framed by the main rendered blockwork rather than secondary elements, helping to minimise the overall mass and bulk of the structure. The height of the proposed dwelling is in keeping with the local cottage scale furthermore. It should also be noted that modern interventions*

*have seen render creep into the local building palette, noting a number of traditional buildings covered in render or with painted brick (presumably to cover spalled brick work or improve thermal efficiency). As a result, I do not find the use of facing materials to be obtrusive in this case.*

*The proposal is located some moderate distance from the rear of the listed Church Farm complex. Although the proposal is a contrasting form to the buildings within the listed range, the new dwelling will not be unduly prominent within their wider setting, and therefore we do not find the proposal to be harmful. It is possible that the cuboid shape of the building could be glimpsed from Main Street during parts of the year when trees are at their most denuded. However, we feel that the extent of glazing on the rear aspect will reduce some of the visual impact. Moreover, the existing concrete roof tiles are not a positive feature of the CA (traditional cottage forms typically had natural clay pantile roofs), and therefore the change in aspect is broadly neutral. Opportunities to improve the landscape cover along the rear boundary should however be considered to ensure that the new dwelling does not detract from any incidental intervisibility with Church Farmhouse.*

*The proposed gates comprise coloured metal in an overly complex double sliding configuration with a brick dwarf wall on the road side and a rendered section behind. This element of the scheme remains unsatisfactory, and we would encourage a completely green landscape boundary and less engineered gates.*

#### Recommendation

*We recommend that the gateway and section of boundary wall is re-considered. Thought should also be given to landscaping on the southern boundary towards Church Farm.*

*These issues notwithstanding, we have no fundamental objection to the proposed development. In accordance with section 72 of the Act, the LPA should consider the desirability of preserving or enhancing the character and appearance of the CA. The proposal is considered to be a neutral change to the character and appearance of the CA. It is not therefore an enhancement, but provided that it is not harmful, it accords with the principle of preservation.*

*If approved, we would anticipate that full details of all facing materials, joinery design and architectural details will all need to be conditioned.*

#### Comments received 28.12.18

*Many thanks for consulting Conservation on the amended plans.*

*The amended boundary treatment to the road addresses our concerns. The hedge and mesh green fence will further soften the impact of development on the lane, and Conservation welcomes the proposed timber gates (precise details will need to be agreed).*

*We also welcome the retention of trees T8 and T9, as well as the additional trees to be planted on the southern boundary which shall help soften the impact of the new development on the listed farm complex.*



*We have no objections to the proposed development subject to appraise conditions and safeguards.*

**Archaeology Consultant** - *No archaeological input is required.*

**Nottinghamshire County Council Highway Authority** - *The proposal includes the installation of automatic sliding gates along the site frontage. This has been verbally agreed with the Highway Authority having taken into consideration that the application site is restrictive in size resulting in difficulty positioning gates 5m from the highway boundary and also that Chapel Lane is a narrow one way road.*

*Therefore, the layout as shown on drawing no. 2209/3 Rev. K is acceptable to the Highway Authority, and as such, there are no highway objections subject to the following:*

*1. No part of the development hereby permitted shall be brought into use until the hardstanding area at each access point shown on dwg. No. 2209/3 Rev. K has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: In the interests of highway safety.*

*2. No part of the development hereby permitted shall be brought into use until the hardstanding areas are constructed/surfaced with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: To ensure surface water from the site is not deposited on the public highway causing danger to road users.*

**NSDC Tree Consultant** – *Previous comments still applicable:*

*Although the submitted tree survey does not clearly show root protection areas it is considered that the proposal can be facilitated with minimal tree loss/impact on retained trees.*

*I would recommend that any approval conditions tree protection measures and soft landscaping that mitigates against proposed tree removal.*

**Conditions:**

*1.No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:*

- a. A plan showing details and positions of the ground protection areas.*
- b. Details and position of protection barriers .*
- c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.*

- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).*
- e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- f. Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- g. Details of any scaffolding erection within the root protection areas*
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.*

*2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.*

### *3. Prohibited activities*

*The following activities must not be carried out under any circumstances.*

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.*
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,*
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.*
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.*
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.*
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.*

*4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.*

*5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the District Planning Authority.*

*Reasons: To preserve and protect existing trees and new trees which have and may have amenity value that contribute to the character and appearance of the area.*

**NSDC Access 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.*

*It is recommended that disabled persons and wheelchair users' access to, into and around dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. In particular, step-free access to and into the dwelling is important and a 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. 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 and facilities 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 dwelling together with suitable accessible WC and sanitary provision etc.*

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

**Neighbours/interested parties** - 3 Representations have been received from a local resident/interested party which can be summarised as follows:

- No ecology appraisal has been submitted;
- Some comments made in the Design and Access Statement are incorrect in relation to Listed Buildings and designated and non-designated heritage assets which do exist and in relation to visibility – the proposed dwelling would impact of views and vistas being visible from a number of view points in the Conservation Area and the wider setting;
- The proposal would result in overlooking and loss of privacy by virtue of loss of boundary treatments and changes in land levels;
- The proposed 2 storey dwelling is larger in scale than the existing dwelling;
- The proposal would result in undue impact on the Conservation area by virtue of its design, scale and materials;
- The dwelling would be out of character with the surrounding area appearing incongruous and alien;
- Concern raised over dust during construction.

## Appraisal

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 28th September 2017 Newark and Sherwood District Council adopted the Farnsfield 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 Farnsfield. 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

#### 5 Year Housing Land Supply

With regards to the Council's current position with regards to 5 year housing land supply it is relevant to acknowledge that at the present time the LPA is well advanced in the process of a plan review with an examination which took place in February 2018. For the avoidance of doubt the Council considers that it has a 5 year housing land supply against the only objectively assessed need (OAN) available and produced independently by consultants and colleague Authorities. Therefore for the purposes of decision making, the Development Plan is considered to be up to date. This has also been confirmed by Inspectors through recent appeal decisions dated April 2018.

The site is located within the village envelope of Farnsfield which is defined as a Principal village as set out in the Settlement Hierarchy, Spatial Policy 1 of the Core Strategy. The principle of new housing is therefore considered to be acceptable subject to site specific assessment. Notwithstanding this, the proposal relates to a replacement dwelling and therefore there is no net addition of housing within the site. The proposal is therefore considered to accord with Spatial Policies 1 and 2 of the Core Strategy as a matter of principle and policies FNP1 and 2 of the Farnsfield Neighbourhood Plan.

### Impact on Character and the Conservation Area

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') require the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In addition, 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.

Policy FNP7 of the Farnsfield Neighbourhood Plan relates to the quality of development and makes reference that developments should respond to Farnsfield Character Appraisal and Design Principles and the most recent Conservation Area Appraisal.

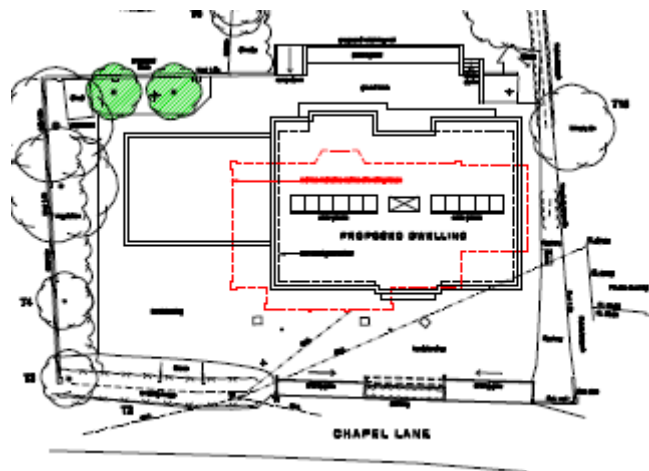
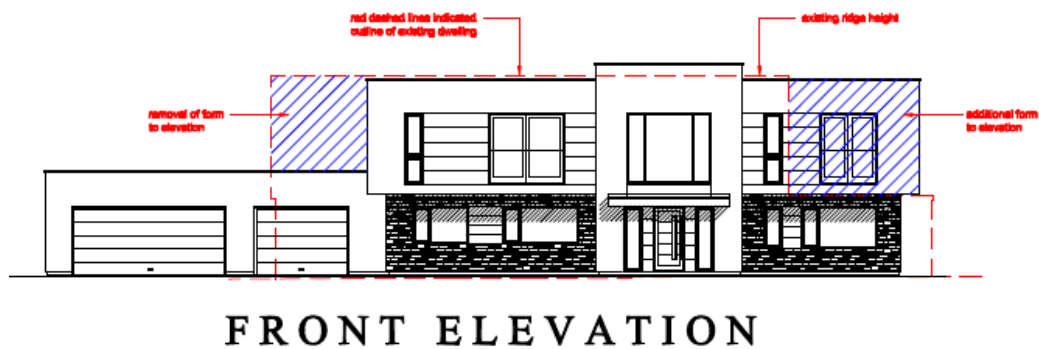
Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in 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 12 of the National Planning Policy Framework (NPPF). Paragraph 132 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in conservation areas (paragraph 137).

The comments received from the Conservation Officer detailed in the consultation section of this report are noted.

Third party representations have been received which raise concerns with regards to the scale of the proposed dwelling in proportion to the existing property on the site. The replacement dwelling would broadly sit within the footprint context of the existing dwelling.

The existing dwelling has a ridge height of 6.3m. In comparison the highest section of the proposed dwelling is 6.7m to the small projections to the front and rear and 6.2m to the main two storey element of the building, lower than the ridge height of the existing property. Given the flat roof design of the replacement dwelling it is acknowledged that this would present a larger elevation which is accepted would have a greater impact on the streetscene than existing, although this would not be so unduly harmful to justify refusal on these grounds. The plans below indicate the existing and proposed footprint and front elevation for comparison.



It is also accepted that the contemporary and flat roof design of the proposed development would be very different from other properties within the surrounding area. However this in itself is not fatal to the application. I would concur with the Conservation Officer that modern and contemporary buildings can be appropriately accommodated within a historic setting without resulting in the loss of significance of the heritage asset. In this instance the proposal would replace a fairly modern late 20<sup>th</sup> Century property which has no significant architectural merit and which makes a neutral contribution to the Conservation Area setting of the site.

The proposed dwelling would be clearly read as a modern contemporary building. The design of the fenestrations and balance between the extensive glazing and facing materials would in my view assist in reducing its prominence in the streetscene and the wider setting.

There would be glimpses of the upper floors of the development and the proposed solar panels from public view points within the Conservation Area particularly when trees have shed their leaves. However, being mindful of the extensive glazed elements which would in officer opinion reduce visual impact and given the scale and location of the solar panels such views would not be considered to be so significantly different to existing views of the host dwelling to result in undue harm.

Following concerns raised by the Conservation officer in relation to concerns expressed with regards to the proposed gates and rendered block wall to the Chapel Lane frontage revised plans have been deposited. These now propose 1.6m high timber gates rather than metal gates and green mesh fencing with planting to the front to soften any impact rather than a rendered wall in line with the Conservation officers advice.

Precise details in terms of the design and appearance of the proposed fencing and gates are not shown on the revised plans. However the comments of the Conservation officer are noted and it is considered reasonable to attach a condition requiring the submission and written approval of such details should Members be minded to grant permission to ensure that these are appropriate to the heritage setting of the site.

Additionally, the revised site layout plan now shows the retention of trees annotated as T8 and T9 along the side boundary with the garden serving The White House as well as the additional trees to be planted on the southern boundary which would assist in softening the impact of the new development on the listed farm complex.

Taking the above into account overall I would concur with the Conservation officer that although the proposed development would be substantially different to the existing dwelling in terms of its modern design and materials it would have a neutral impact on the Conservation Area and heritage setting of the site and the wider area and as such would comply with Policies CP14 and DM9 of the Council's Development Plan, Policy FNP7 of the Farnsfield Neighbourhood Plan and the NPPF in this instance.

#### Impact on Residential Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good 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 upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

I note the comments received with regards to overlooking and loss of privacy.

The single storey garage serving the proposed dwelling would be sited some 4m from the nearest shared rear boundary of the site with the raised garden serving White House (identified as The Cottage on the Site Location Plan) to the south.

The main windows (serving a dressing room and a bedroom) to the two storey element of the proposed building would be off set from this boundary and would be set circa 14m from the

nearest section of the rear boundary with this adjoining plot. The White House is an L shaped property is sited at a lower level than the proposed dwelling with ground and first floor windows to its rear elevation being between circa 42m and 48m distance from and which directly face the proposed dwelling.

There are existing mature trees and shrubs along this boundary and revised layout plans indicate that existing trees (T8 and 9) together with additional planting to the southern boundary is proposed to provide additional screening.

Taking this into account and being mindful of separation distances and that the dressing room window which would be the nearest directly overlooking window could be could reasonably be conditioned to be obscure glazed should Members be minded to grant permission, I am of the view that this relationship is acceptable.

Given the relationships and separation distances between the proposed dwelling and other adjoining plots to the south west (Hill Cottage and Launceston House) which are a minimum of 25m and maximum 50m together with existing landscape and boundary treatments I am satisfied that the proposed dwelling would not result in undue overlooking, overbearing or overshadowing impact.

Similarly, first floor windows to the rear elevation of the proposed dwelling would indirectly overlook the furthest rear area of garden of the immediate neighbouring property to the west (Waterstone View).

Although the proposed dwelling would present a full gable facing the side gable of Waterstone View which has first floor windows to the side, front and rear elevations which from planning records appear to serve an ensuite and study. There would also be a separation distance of circa 4m.

Given the nature of the window to this side gable together with the modest height of the proposed dwelling together with separation distances I am satisfied that the proposed development would not result in any undue overlooking, overbearing or overshadowing impact to justify refusal on these grounds.

Taking the above into account it is therefore considered that the proposal would accord with Policy DM5 of the DPD.

#### Impact on Highway Safety

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.



The applicant has been in discussions with the Highway authority with regards to access and the siting of the proposed gates. The Highway Authority has subsequently raised no objections to the proposed scheme as submitted subject to the recommended conditions outlined in the consultation section of this report which are considered reasonable.

It is therefore considered that the proposal would raise no parking or highway safety issues and as such would accord with policy SP7 and DM5 of the DPD.

### Impact on Trees and Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment.

The NPPF incorporates measures to conserve and enhance the natural and local environment, including through Chapter 15. Paragraph 175 of the NPPF requires that in determining planning applications LPA's should apply principles relating to, amongst other matters, appropriate mitigation and opportunities to conserve or enhance biodiversity.

The application has been accompanied by a Tree Survey. The development would result in the loss of a number of trees within and along the boundaries of the site. However these are all category C2 in terms of their grading and replacement trees are proposed. It is considered that the loss of the trees proposed to be removed would not so unduly impact on the character of the site nor its Conservation Area setting to justify refusal on these grounds. Should Members be minded to grant permission landscape conditions would ensure that replacement trees would be of an appropriate species and maturity.

The application has also been accompanied by an ecological survey which has assessed the both the dwelling to be demolished and the garden area. This concludes that no evidence of roosting bats or nesting birds was found. On this basis there is no requirement for any further surveys. There is nevertheless an outlined procedure contained at Appendix 2 of the report which details the precautions to take if a bat is discovered during works.

The trees and scrub surrounding the dwelling were considered to offer potential for nesting birds and therefore the survey considered that any vegetation clearance should be constrained by the bird breeding season i.e. March to September. Should any bird clearance be required during this period the further survey works would be required.

Subject to conditions to this effect being attached to the permission should Members be minded to grant permission, I do not consider that the proposal would detrimentally affect the ecological value of the site.

## **Overall Balance and Conclusion**

The existing dwelling by virtue of its modern 20<sup>th</sup> century design and appearance is considered to have a neutral impact on the character and appearance of the Conservation Area and nearby heritage assets. The proposed replacement dwelling, although of a contemporary flat roof design and appearance is not considered to have any greater impact than currently exists and is therefore also considered to have a neutral impact.

The proposed development is also not considered to have any significant detrimental impacts on visual or neighbouring amenity; the highways network; or the ecological value of the site. The proposal is therefore recommended for approval subject to the conditions outlined below.

## **RECOMMENDATION**

### Conditions

01

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

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

02

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

- Proposed Elevations Drg. No. 2209/5 Rev K received 26th October 2018
- Proposed Elevations Drg. No 2099/6 Rev G received 26th October 2018
- Proposed Floor Plans Drg. No. 2209/4 Rev K received 26th October 2018
- Proposed Sections Drg. No 2209/7 Rev A received 26th October 2018
- Existing and Proposed Elevations Drg. No. 2209/8 Rev B received 20th December 2018
- Proposed site Plan Drg. No. 2209/3 Rev L received 20th December 2018
- Proposed wall and Gates Drg. No. 2209/9 Rev A received 20th December 2018

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

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the local planning authority. Development shall

thereafter be carried out in accordance with the approved details.

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 and retained for the lifetime of the development in accordance with the approved details.

- External windows including details of glazing and any glazing bars and including doors and their immediate surroundings
- Rainwater goods
- Extractor vents
- Flues
- Meter boxes
- Airbricks
- Soil and vent pipes

Reason: In order to preserve or enhance the character and appearance of the Conservation Area.

05

Prior to first occupation/use of the development hereby approved 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:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme 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;
- hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the first occupation/use 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. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

07

During the construction period the following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

08

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

09

No part of the development shall be brought into use until precise details of the proposed gates and fencing to the Chapel Lane boundary including types, height, design and materials, have been

submitted to and approved in writing by the local planning authority. The development shall be carried out in complete accordance with the approved details.

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

10

No part of the development hereby permitted shall be brought into use until the hardstanding area at each access point shown on dwg. No. 2209/3 Rev. K has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11

No part of the development hereby permitted shall be brought into use until the hardstanding areas are constructed/surfaced with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

12

The dressing room window opening on the rear 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.

13

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

### **Note to Applicant**

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the

Council's website at [www.newark-sherwooddc.gov.uk](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)

02

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

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and English Nature notified so that appropriate advice can be given to prevent the bats being harmed. English Nature can be contacted at the following address: The Maltings, Wharf Road, Grantham, Lincolnshire, NG31 6BH – (tel: 01476 584800).

## **BACKGROUND PAPERS**

### **Application case file.**

For further information, please contact Bev Pearson 5840

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 - 18/02018/FUL

