

## PLANNING COMMITTEE – 15 JANUARY 2019

<b>Application No:</b>	<b>18/01863/FUL</b>	
<b>Proposal:</b>	<b>Erection of Dwelling</b>	
<b>Location:</b>	<b>Land To The Rear Of 112-118, High Street, Collingham, Nottinghamshire</b>	
<b>Applicant:</b>	<b>Mr Jonathan Bailey</b>	
<b>Registered:</b>	<b>05.10.2018</b>	<b>Target Date: 30.11.2018</b>
		<b>Extension agreed to: 7.12.18</b>

**This application is referred to the Planning Committee in line with the Council's Scheme of Delegation as the recommendation is contrary to the view of the Parish Council. The application was on the agenda for the December meeting but was deferred (without being debated) for a site visit.**

### The Site

The application site is an approx. 25m x 24m (c950m<sup>2</sup> including the access) parcel of land to the east of High Street within the defined village envelope of Collingham. The site also lies within the Collingham Conservation Area and is just outside the boundary for the Collingham Main Open Area (Co/MOA) which lies to the east, as defined by the ADMDDP.

The site is accessed from a driveway off High Street (west) which also serves the rear of 112 High Street which lies directly to the west along with the rear gardens of 112-118 High Street. The site is bounded to the east by a 2m high (approximate) hedge and vegetation, to the south by a redundant agricultural building and to the west by the rear garden fences of 112-118 High Street. Further to the east of the boundary of the site is part of the Collingham MOA and the footpath which links Woodhill Road with Swinderby Road.

The site is mainly located within a residential area with residential properties bounding the site to the west and south. To the north of the application site, two dwellings have been granted planning permission under 17/00283/FUL.

The site hidden from immediate views of High Street by existing built development that fronts on to the highway. Currently the site is used for the keeping of horses with some areas laid to lawn and some with hardstanding.

### Relevant Planning History

**PREAPP/00114/18** – Proposed dwelling – General objection on the grounds of impact on the character of the area by virtue of the proposal resulting in uncharacteristic backland development and an increase in housing density that would impact the historic urban character of the area – Objection also raised regarding highways safety.

**12/01581/OUTM** - Outline application with access, layout and scale to be considered incorporating the demolition of the existing built structures and the erection of 10 dwellings together with associated access road – Withdrawn 2013.

## The Proposal

Full planning permission is sought for the erection a 4 bedroom two storey dwelling with an integral garage on the land to the rear of 112-118 High Street, Collingham.

The dwelling is proposed to be c. 15 m x 15 m with an L plan form with a maximum ridge height of c.7.8 m and eaves height of c.4.8 m. The two storey dwelling would be positioned approx. 5 m from the northernmost boundary of the site with the rear elevation following the northern boundary line and approx. 1.2 m from the western boundary.

Fenestration: Front (S) two dormer windows at first floor, a garage door and front door at ground floor and two ground floor windows in the southern projecting gable. Side (W) two roof lights and two ground floor windows. Side (E) two windows at first floor and two at ground floor, in the projecting single storey range there is one set of patio doors and one 4 pane bi folding door. Rear (N) three roof lights and two windows at first floor, one at ground floor and a back door.

For the avoidance of doubt queries have been raised with the agent regarding the plans that have been submitted and anomalies between them – plans SK-001 and SK-002 show 5 rectangular outlines on the eastern facing roof slope which are not present on the detailed eastern elevation plan, the agent has confirmed that these are indicative PV panels that the applicant may choose to erect under 'Permitted Development' if approved. In addition, the plan SK-007 Western Elevation does not show the profile of the two dormer windows proposed and the agent has been requested to amend the plans for clarity – these are yet to be submitted but will be reported to the committee as a late item.

The private amenity space would be provided towards the east of the dwelling and would be approx. 9.6 m x 25.5 m (approx. 244.8 m<sup>2</sup>). To the north of the dwelling between the proposed property and the northern boundary would be an additional approx. 5 m x 16 m (80m<sup>2</sup>). Access would be taken from the public highway (High Street) alongside no. 112 High Street.

The dwelling would provide a dining room, kitchen/snug, living room, toilet/utility room and a garage workshop at ground floor and four bedrooms at first floor with a bathroom and an ensuite bathroom.

The dwelling is proposed to be constructed of:

- Walls - Red stock brick, with normal mortar
- Porch Structure - Oak or Douglas fir
- Roof – Red/Brown Pan tiles
- Porch Roof & Dormer Window Roof – Red/Brown Rosemary tiles
- Windows - Timber casement windows in a sage colour
- Front & Back Door & Garage Door – Timber in a brown colour
- Bi-fold Doors - Aluminium in a sage colour
- Guttering & Downpipes - Plastic antique look
- Front Wall - Brick wall at the front with timber gates
- Eastern Fence - Concrete posts and gravel boards with timber panels

A boundary wall along the southern boundary is proposed to be constructed (precise specification has not been provided) with a gated entrance for vehicles and pedestrians. The eastern boundary is proposed to have a garden fence (precise specification has not been provided).

The garden is proposed to be laid to grass with a gravel or paved area for car parking although precise details of the landscaping has not been confirmed.

**CIL** – Gross Internal floor space of the new dwelling is proposed to be 261 m<sup>2</sup>.

Documents deposited with the application:

- Site Location Plan - SK-001
- Site Plan – SK-002
- Proposed Ground Floor Plan - SK-003
- Proposed First Floor Plan - SK-004
- Proposed Roof Plan - SK-005
- Proposed South Elevation - SK-006
- Proposed West Elevation - SK-007
- Proposed North Elevation - SK-008
- Proposed East Elevation - SK-009
- Residential/Dwelling Units Supplementary Information Template
- Planning, Design and Access and Heritage Impact Statements
- CIL Determination Form

#### Departure/Public Advertisement Procedure

8 neighbours have been notified by letter, a site notice has been displayed close to the site and a notice has been placed in the local paper.

#### Planning Policy Framework

##### The Development Plan

*NSDC Core Strategy Adopted 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 14: Historic Environment

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

Policy Co/MOA: Collingham – Main Open Areas

*NSDC Allocations and Development Management DPD Adopted July 2013*

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

Policy DM3: Developer Contributions and Planning Obligations

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 Considerations

National Planning Policy Framework 2018

National Planning Practice Guidance 2014

Collingham Conservation Area Appraisal

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

### Consultations

**Collingham Parish Council** – Support the proposal.

**NSDC Conservation Officer** – “The application is for a large family home to the rear of historic buildings on High Street, within the Conservation Area of Collingham.

This application follows negative pre-application advice and as such I reiterate my earlier comments for PREAPP/00114/18. In summary, a proposal for new housing here was felt to be backland development which would harm the historic grain of this part of the Conservation Area and cause harm to the character of the Conservation Area.

Comparisons will be made to the planning history for the adjacent site (PREAPP/00081/16 & 17/00283/FUL) but there are several key differences between these two sites which are key to how to assess the different impacts of each proposal.

In the site adjacent there is no historic grain to preserve as the pre-existing modern bungalows had already been placed well back from the street frontage, so the modern historic building line had already been lost. While the new houses approved here are set back from the road, they would not be ‘backland development’ as they sit next to the modern bungalows and not behind. Indeed, we specifically negotiated out of the initial proposal an additional new house which would have created backland development. While the modern placement of the bungalows is not a positive feature, replicating this building line in this particular area caused no further harm to the character of the area here.

However, this site is quite different, being land to the rear of positive historic buildings, which sit directly adjacent to the street front, giving good street front enclosure and providing a clear and legible historic plan form and building line. This is a positive part of the character and appearance of the Conservation Area.

The proposal therefore needs to be read completely in the context of this specific site, where it would clearly be backland development, contrary to the historic grain of the village, which is a feature we should be specifically trying to conserve. I would stress that harm to character is of great importance as a Conservation Area is designated for both character and appearance. In being contrary to the grain of historic Collingham it would harm the character of Collingham Conservation Area. The minimum requirement in statute is that an application should preserve the character and appearance, which means to cause no harm to this.

I appreciate there are (and historically were) later outbuildings set behind the street front building line here, but they are/were just that – outbuildings; clearly ancillary in scale, character and appearance and do not/did not disturb this hierarchy of the principal buildings on the street front. The proposal is a substantial family home, very much a rival in status and size to the street frontage development and having no relationship with those buildings. It would be in no way a

reproduction of historic grain, as their supporting Statement suggests.

This is why I wish to reiterate my earlier concern that this is not appropriate development for Collingham and would harm the character of Collingham Conservation Area, being harmful to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considering the size and complexity of the overall Conservation Area the level of harm would be less than substantial, but be real and perceptible nonetheless.

It would also set a harmful precedent that, in a settlement like Collingham, could have a very real likelihood of coming forward.

I have the following comments on the design, but must stress that mitigation of these points would not change my in-principle objection to this proposal: the gable width is rather wide for a traditionally designed house; the use of a barge board would be better removed from the gable in favour of a simple verge and from the eaves for a brick detail with rise and fall gutters; and the rooflights are overly large and dominant on the west elevation. The concrete post and close boarded fence division across the plot is also unattractive.”

#### **NCC Highways – Object:**

***Additional Highways comments following an email from the Agent:*** “I have reviewed my comments in light of your email below.

I remain satisfied that the Authority’s objection is reasonable and justifiable.

Whilst you point to other sites and other approvals which may appear to be similar to this application, each site is unique which means that consideration has to be given by applying engineering judgement on a site by site basis. At this site the A1133 carries about 5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures). I am satisfied that the very poor access visibility, and the risk of a car having to wait on, or reverse out on to, the A1133 because of the access width and increased use, offer sufficient grounds to raise a highway safety concern such that a recommendation to refuse is sustainable.

I do not consider that there is sufficient argument to alter the Highway Authority comments dated 17 October 2018, but clearly it is the role of the Planning Authority to make the final decision.”

#### **Previous comments**

“The proposed dwelling would take access from the existing access adjacent to 112 High Street. This access is narrow in part; about 3.7m which is insufficient for two cars to pass one another, and has very poor visibility for drivers wishing to emerge on to High Street.

If a vehicle leaving the site encountered one entering the site, then there is the possibility that a car may have to wait on the A1133 High Street, or reverse out on to it.

Given the nature of this road and the volumes of traffic this is not considered acceptable.

In view of the above, the additional traffic generated by the proposal would increase the risk of an accident and therefore this Authority is likely to object to any formal planning application.

### Recommended Reason for Refusal

The traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133.”

**Archaeology Officer** - No archaeological input required.

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

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

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

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

**No comments from neighbours or interested parties have been received to date.**

### Comments of the Business Manager

I consider that the main issues in assessing the proposal to relate to (1) the principle, (2) conservation/heritage issues, (3) highway matters and (4) the impact on neighbours. Each matter is addressed in turn below:

*Principle (including position on 5 Year Housing Land Supply)*

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

The site is located within the main built up area of Collingham. Collingham is defined within the Adopted Newark and Sherwood Core Strategy (2011) as a Principal Village where there are a good range of facilities to support further housing. In settlement terms there is thus no objection in principle to housing. Notwithstanding acceptability with respect to the settlement hierarchy it is noted that site is also just west of the defined Collingham Main Open Area (Co/MOA) and within the conservation area. This is explore further below.

*Impact upon Character (including upon the Main Open Area and Heritage Impacts)*

It is important to understand the function of this main open area within the wider context of the village. The Council's view is that the principle of development within the MOA's of the district will normally be resisted, however we acknowledge that in some instances, development has occurred within the more enclosed parts of these MOAs that could prejudice future development opportunities. However it is accepted that this site lies outside of the Main Open Area and as a result is not necessarily contrary to this part of the ADMDPD.

The Co/MOA is referred to as being important within the context of views from High Street. In terms of a viewer's experience what is important is the sense of space when viewed from this area. What is clear on site is that the area is clearly defined as separate land with established boundary treatment and no public access apart from along the footpath which lies to the east of the site. Having regard to the function which the space performs I am of the opinion that given the new dwelling has been sited behind the existing build line on the High Street and it is not excessive in scale nor would it undermine the ability of the retained open area to the east to continue to perform this function.

The High Street is currently the main road through Collingham which is characterised by historic properties facing the road, notably cottages, barns and other vernacular buildings. The historic mapping indicates that the properties 110-118 High Street forms a tight-knit cluster between open fields. The historic cottages provide setting to the Grade II listed Aberdeen House which lies to the west of the application site across the highway on the Church Lane/High Street junction facing southwards. The 20th century infill development to the north of the application site, 124 and 126 are 1950s/60s in origin and appear to be police house style which offer social and historic context that contributes positively to the Conservation Area. It has been accepted that 124 High Street offers limited historic and architectural interest; nonetheless, the spaciousness of the layout to 124 is an echo of the former openness of the land to the east of the High Street. Its sharp contrast with the more compact development directly to the west of this site emphasises the original village layout.

However, it should be acknowledged that permission has been granted for the erection of 2 dwellings to the north of the application site and to the south of 124 High Street. The application site for this application is paddock land that lies directly behind the rear gardens of the tight knit dwellings and as a result a dwelling here would result in backland development behind the established line of built form on this point of the High Street.

The properties to the west on High Street present a typically linear form of development which have extended linear ranges projecting towards the east; all of the properties have extensive c. 20m curtilages and from aerial photography I am satisfied that whilst there are examples of outbuildings present in the rear gardens along High Street, it is clear that this is the end of the build line with the MOA to the east. I believe there are no other examples of dwellings having been built in the land to the rear of the residential properties in any other case other than 17/00283/FUL in which the dwellings are at a perpendicular angle (referenced within the planning statement).

The Conservation Officer has commented on this advising "Comparisons will be made to the planning history for the adjacent site (17/00283/FUL) but there is several key differences between these two sites which are key to how to assess the different impacts of each proposal.

In the site adjacent there is no historic grain to preserve as the pre-existing modern bungalows had already been placed well back from the street frontage, so the modern historic building line had already been lost. While the new houses approved here are set back from the road, they would not be 'backland development' as they sit next to the modern bungalows and not behind. Indeed, we specifically negotiated out of the initial proposal an additional new house which would have created backland development. While the modern placement of the bungalows is not a positive feature, replicating this building line in this particular area caused no further harm to the character of the area here."

I agree with these comments. It is acknowledged that permission has been granted for the erection of two dwellings in the site to the north, which do not correspond with the traditional build line of the area. The reasoning from the conservation officer above is notably different given the association of the dwellings to the west of the application site and the defined building line that would be degraded by the construction of the dwelling within this application.

Policy DM5 of the DPD requires development to reflect 'the scale, form, mass, layout, design, materials and detailing' of the surrounding built form. 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 affecting the historic environment 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). Paragraph 194 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 8.C). LPAs should also look for opportunities to better reveal the significance of heritage assets when considering development in their setting.

The proposal site is considered to represent backland development. DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. As stated above I am mindful that the built form on the southern side of the site, comprising 110-118 High Street represent linear built form which front



the highway with their principal elevations at the back edge of the pavement. These dwellings have reasonable residential curtilages which have had some linear range extensions. Other than that there are no other examples of dwellings having been built in the land to the rear of these properties.

With regards to the above, I consider that the proposal to create a dwelling to the rear of 112-118 High Street would be out of keeping with the general character and density of the surrounding area. I also consider that approval of development of this nature in this location would set a precedent for similar forms of development to occur within the paddock land and MOA to the east of High Street that would cumulatively create harm to the established character of the surrounding area by virtue of uncharacteristic and harmful backland development and an increase in housing density off High Street.

I agree with the Conservation Officer that this backland development would be harmful to the historic grain of the village and that it fails the minimum requirement in statute as it doesn't preserve the character and appearance, which means to cause no harm to this.

With regard to the design of the new dwelling, I note the comments on this made by the Conservation Officer. It is suggested that the gable width is rather wide for a traditionally designed house; the use of a barge board would be better removed from the gable in favour of a simple verge and from the eaves for a brick detail with rise and fall gutters; and the rooflights are overly large and dominant on the west elevation. The concrete post and close boarded fence division across the plot is also unattractive. I agree. However given that the principal of this new dwelling has received a strong objection on other matters the applicant has not been requested to amend the scheme in line with these additional design comments. This is because working positively and proactively with the applicants would not have afforded the opportunity to overcome the in-principal objection, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

In conclusion I am of the view that the proposal to construct a new dwelling in the land the rear of 112-118 High Street, Collingham would unduly harm the character of the surrounding area and as such is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the ADMDPD and Section 16 of the NPPF. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm. The proposal is also considered to fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Impact upon Amenity*

Policy DM5 of the Council's DPD requires new development to respect the amenities of the surrounding land uses to ensure that there is no adverse impact by virtue of overshadowing, overlooking or overbearing issues.

The properties most likely to be impacted by the development are No's. 112-116 High Street to the west, no. 124 to the north and the two new dwellings approved directly to the north of the site that would intervene the site and no. 124 once built. I acknowledge that permission has been granted for two new dwellings directly to the north of the application site and as the permission is extant I have regarded these as 'committed development' that command full weight.

The two storey dwelling would be positioned approx. 5 m from the northernmost boundary of the site with the rear elevation following the northern boundary line and approx. 1.2 m from the western boundary.

From the site plan the dwelling would be positioned with its rear elevation approx. 28m away from the nearest dwelling to the north (No. 124), the dwellings approved under 17/00283/FUL would be approx. 9.6 m away from the rear elevation of the proposed dwelling (rear to rear). 116 High Street would be c. 16 m to the west of the side elevation of the dwelling with 114 High Street c. 12 m from the side elevation and 112 High Street 20 m from the side elevation of the southern projecting gable range.

The relationship with the neighbouring dwellings to the west would be close but is separated by the rear gardens of the dwellings that front on to the High Street. I do note that to the west is an outbuilding range that is present that would separate the proposed dwelling from the rear elevations of the dwellings to the west and as a result the introduction of further built form would not have a greater impact on the enjoyment of the residential gardens to the west. In addition, given the dwelling is proposed to be L shaped with the main bulk of the dwelling positioned further eastwards the closest part to the dwellings to the west would be the gable end which is not proposed to have any windows inserted. As a result I do not consider that any privacy issues would occur to the west.

The rear elevation is proposed to have two windows at first floor and one at ground floor towards the eastern part of the dwelling as well as three rooflights in the western side of the roof slope. I note that at present the proposed dwelling would be c.24 m from the neighbouring dwelling to the north and would be at a perpendicular line of sight to the existing dwelling to the rear. This relationship is considered to be acceptable given the set back of the neighbouring dwelling (124) in comparison to the positioning of the proposed dwelling and by virtue of separation distance.

The private amenity space is considered proportionate to the size of the proposed dwelling proposed in this location.

My main concern is the relationship between the proposed new dwelling and the two dwellings granted consent under 17/00283/FUL. Whilst I acknowledge that this permission has not been implemented I would highlight that it is an extant permission granted in April 2017 with c.1 year 5 months remaining – as such I must give weight to these dwellings and the designs that have been approved. The two dwellings are proposed to be two storey and be positioned c.4.6 m from the common boundary with this application site. Both dwellings are proposed to have main habitable room windows on their rear elevation which would look onto the rear elevation of this new dwelling. The new dwelling subject to this application is proposed to have two windows at first floor, one to serve a bedroom and one to serve a bathroom and three rooflights. Given that these small windows on the rear elevation could be obscurely glazed and for the bedroom, would not be the only window serving this room I am satisfied that any overlooking could be mitigated through the imposition of a suitably worded condition.

Notwithstanding this I remain concerned about the relationship between the proposed new dwelling and the two approved northern dwellings as they would still only be 9m apart rear to rear which is considered to be insufficient to meet the needs of privacy. The new dwelling and approved dwellings are all two storey and given the close separation distance I consider the impact of this new dwelling on the two to the north would be oppressive and overbearing and have a perception of being overlooked.

On the basis of the above assessment, I am of the view that the proposal fails to comply with Policy DM6 of the DPD.

### *Impact upon Highway Safety*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The proposal is for the erection of a house served from an existing access that already serves one dwelling and the application site. The proposed site plan shows that there is sufficient space within the site for the dwelling, parking area and space for maneuvering within the site. However whilst the applicant has not demarcated any parking bays on the site I am confident that there is capacity for sufficient off street parking and there is also an integral garage proposed.

From my site visit I can conclude that the junction visibility existing on to High Street is poor, particularly to the north/right where one would hope to find a splay of 2.4m x 43m, although I note that a visibility splay plan has not been submitted to clarify whether this would be achievable in this location. Visibility is partially masked by the corner of 112 High Street. The agent has stated within the planning statement that the existing access “does not meet the modern standards that would be applied to the creation of a new access”. Whilst I accept that this is an existing access point on to the High Street I must consider the intensification of this access point and whether this would increase the risk of safety to road users.

I accept the agents statement that the site was historically used as an agricultural merchants yard, however this used ceased some time ago (c.7 years) and the agent states that prior to this use the land was used for agricultural purposes. The agent states how the agricultural merchants included lorry ownership and daily deliveries were made to the site from this access point on to the highway. Notwithstanding this I would reiterate that the land is no longer used for this purpose and has not been in the recent past.

Currently the High Street is a classified ‘A’ road that carries c.5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures provided by NCC Highways). The agent refers to a ‘HGV ban’ although I would note that this is a time restriction of access and that HGVs still use the A1133 frequently, as witnessed on my site visits as part of this application and at pre-application stage. The access point onto High Street at this site is obscured by the buildings that flank the entrance – the agent makes reference to existing properties along High Street that have similar access arrangements but these do not set a precedent for new development.

The agent comments on the ‘SLOW’ road markings and the parked cars often present on the High Street as justifications as to why this access should be acceptable as “vehicle speeds along High Street are generally low” – I would note that this is a 30mph road and as stated above, has a high capacity, with HGV use. Notwithstanding the historic use of the site, the application must be assessed on its own merit and the risk that it would present now.

The Highways Officer has objected to the scheme on highway safety grounds noting the poor visibility and stating that this increased danger to users.

The agent refers in his statement to an example in the village of Scarrington (Application 18/01075/FUL in the Borough of Rushcliffe) in which a similar access arrangement was proposed

and the highways took a different view in that “the additional traffic generated by the proposal [1 new dwelling] is minimal” and that this view should be taken in this application. I would reiterate that each development must be assessed on its own merit. Whilst the highways authority may have concluded differently in this example for this application they have considered the nature and intensification of use of the High Street which has contributed to their conclusion.

The agent also refers to a planning application in which members contested the view of the highways officer for a new bungalow at No.70 High Street in Collingham (13/00445/FUL) and resolved to approve the application. I would note that the applications are materially different in that this access is flanked by buildings and the 2013 approval was flanked by a hedge on one side and that given the passage of time the use of the High Street has intensified. In any event, it may be the case in some instances that the addition of 1 dwelling would not be significant to increase the risk to road users however there must be a limit to this justification – an additional new dwelling emerging from a sub-standard access point onto a road with high volumes of traffic (including HGV use) poses a cumulative risk to road users which cannot be overlooked. Indeed, this view is reiterated by the Highways Officer in their additional comments: “each site is unique which means that consideration has to be given by applying engineering judgement on a site by site basis. At this site the A1133 carries about 5000 vehicles per day with an HGV proportion of about 8.6% (2015 figures). I am satisfied that the very poor access visibility, and the risk of a car having to wait on, or reverse out on to, the A1133 because of the access width and increased use, offer sufficient grounds to raise a highway safety concern such that a recommendation to refuse is sustainable”.

As such, on the basis of the above assessment I consider that the application would result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133 and fails to accord with policy DM5 of the ADMDPD.

#### *Impact upon Trees and Ecology*

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District’s biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible.

The site is predominately hardstanding and scrub grassland which is occasionally used for the grazing of horses - there are no trees within the application site itself although there are a few smaller trees within the wider area. There is a single larger tree to the east of the site which is not protected by a Tree Preservation Order, but as it lies within the Conservation Area it is afforded a degree of protection against its removal without prior consent. As this lies outside of the site it is not proposed to be removed or to be affected by the proposal.

There is not considered to be any significant ecological value to the land subject to this application that would harbour any wildlife – as such the proposed development is considered to accord with the aims of policy DM7 of the DPD.

#### *Community Infrastructure Levy*

The site is located within Housing High Zone 3 of the approved Charging Schedule for the Council’s Community Infrastructure Levy. As such residential development in this area is rated at £70m<sup>2</sup> for

CIL purposes. Gross Internal floor space of the new dwelling is proposed to be 261 m<sup>2</sup> and as such the CIL charge on the development would be £21,293.09. This is not a material planning consideration and should not be taken into account for decision making purposes.

### *Conclusion*

The principle of new residential development in Collingham is acceptable as a matter of principle. However in this case I consider that this proposal would create harm to the established character of the surrounding area by virtue of uncharacteristic backland development and an increase in housing density that would unduly harm the historic urban grain and character of the area. Although the harm would be considered to be less than substantial, no clear and convincing justification has been presented and there are no public benefits that would outweigh this harm. As such the proposal is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the ADMDPD and Section 16 of the NPPF. The proposal is also considered to fail to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I also consider that approval of development of this nature in this location would set a precedent for similar forms of development to occur which would harm the character of the surrounding area and would therefore not be acceptable in principle.

In addition, by virtue of proximity to the common northern boundary and extant permission for the construction of two new dwellings which would be c.9.6m apart (rear to rear) I consider the new dwelling would result in an unacceptable relationship between dwellings to meet the needs of privacy with an unacceptable adverse impact in terms of being overbearing and oppressive as well as giving rise to a perceived impact of being overlooked upon the future occupiers of the two committed dwellings which would be contrary to Core Policy 9 of the Core Strategy, Policies DM5 and DM6 of the Allocations and Development Management DPD as well as the National Planning Policy Framework.

Finally, the application would have a harmful impact on highways safety and it has been concluded that the application would result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access & junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133 and fails to accord with policy DM5 of the ADMDPD.

In this case the harm cannot be mitigated and as such I conclude that this application should be refused.

### **RECOMMENDATION**

**That full planning permission is refused for the following reasons:**

01

In the opinion of the Local Planning Authority by virtue of its design and siting the proposal is considered to represent harmful backland development that would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village and failing to meet the minimum requirement in statute (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) of preservation and rather would erode the historic urban grain of this part of High Street. Whilst amounting to less than substantial

harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by the public benefits of the proposal, namely in respect of the contributing marginally towards the Districts Housing delivery and supporting local services. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the local Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Core Strategy and Policy DM9 (Protecting and Enhancing the Historic Environment) and Policy DM5 (Design) of the adopted Allocations and Development Management DPD.

02

As a matter of fact an extant planning permission exists in respect of land to the north of the site for two dwellings which are committed in that they could be developed without further reference to the Local Planning Authority. In the opinion of the Local Planning Authority the proposal by virtue of its proximity to the common northern boundary (being less than 10m rear elevation to rear elevation) would result in an unacceptable relationship between dwellings to meet the needs of privacy, with an unacceptable adverse impact in terms of being overbearing and oppressive as well as giving rise to a perceived overlooking impacts upon the future occupiers of the two committed dwellings. The proposal is therefore contrary to Core Policy 9 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the National Planning Policy Framework.

03

In the opinion of the Local Planning Authority the traffic generated by the proposed development would be likely to result in an unacceptable increase in danger to the users of the highway due to increased use of the existing access and junction with the A1133 which is geometrically substandard in terms of the access having insufficient width to accommodate two-way vehicular movements, and poor junction visibility with the A1133. As such the proposal is contrary to policy DM5 of the Allocations and Development Management DPD, Spatial Policy 7 (Sustainable Transport) of the Adopted NSDC Core Strategy and National Planning Policy Framework (NPPF).

## **Notes to Applicant**

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

02

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

## Background Papers

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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 & Regeneration**

Committee Plan - 18/01863/FUL





