

COMMITTEE REPORT - 5 MARCH 2019

Application No:	18/02292/FUL
Proposal:	Erection of Dwelling, Demolition of Two Existing Outbuildings, Removal of Front Wall and Realignment of Front Boundary to Create Visibility Splay
Location:	Land at Sunny View, 2 Grassthorpe Road, Sutton on Trent
Applicant:	Mr & Mrs Chris & Sarah Pike
Registered:	13.12.2018
	Target Date: 07.02.2019
	Extension of time agreed until 08.03.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Sutton-on-Trent Parish Council has supported the application which differs to the professional officer recommendation.

The Site

The application site relates to a parcel of land between Sunny View at no. 2 Grassthorpe Road and no. 6 Grassthorpe Road. The site lies within the defined built up part of the village, within the designated Conservation Area and within Flood Zone 2 according to the Environment Agency maps.

The site is level in nature and predominately laid to grass, although there is an area of hard standing close to the boundary with 6 Grassthorpe Road. The site is currently used as a garden area associated to Sunny View and also contains a number of cars. There are 2 outbuildings positioned hard on the boundary with the highway as well as a traditional stone wall running along the frontage. A block work wall runs along the boundary with 6 Grassthorpe Road and a hedgerow runs along the rear boundary of the site, with open countryside beyond.

This section of Grassthorpe Road is characterised by detached dwellings, set within generous size plots and vary in the depth that they are set back from the adjacent highway. The existing property of Sunny View at no.2, is a traditional property which is orientated with the side gable facing the highway with a large garden that wraps around the property.

Relevant Planning History

No relevant planning history.

The Proposal

The proposal seeks planning permission for the erection of one 3-bedroom detached dwelling and a detached workshop/outbuilding to the rear of Sunny View. The proposed development would utilise the existing vehicular access to the site. The existing outbuilding close to the entrance into the site would be demolished, and the outbuilding close to the north-western corner would be part demolished as well as a section of the existing front boundary wall in order to create a visibility splay at the entrance point.

Following discussions with the case officer over the plan form of the proposed dwelling, revised plans have been submitted during the course of the application. The plans now show the proposed dwelling to be single storey with a U-shape plan form, with a footprint that would measure 190m² in total area. The roof design would be dual pitched and measure 5m to the ridge. The external finish would be red facing brickwork on the elevations and clay pantiles on the roof.

The proposed associated workshop building would measure 5.5m in depth and 8.3m in width. The roof design would be dual pitched and measure 5m to the ridge. A large glazed door and a pair of double timber doors would be positioned within the north elevation.

Submitted Documents

For the avoidance of doubt, the following appraisal is based on the plans listed below;

- Revised Block Plan Ref. 1804.A.2B
- Revised Elevations and Plan Ref. 1804.A.1
- Site Location Plan Visibility Splays – Ref. 1804.A.3
- Tree survey plan Ref BA5335TS
- Survey of relevant Features GR060418-001
- Flood Risk Assessment by Town-planning.co.uk dated December 2018
- Planning Statement, Design and Access Statement and Heritage Impact Assessment by Town-planning.co.uk dated December 2018

Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 - Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 - Housing Mix, Type and Density

Core Policy 9 - Sustainable Design

Core Policy 10 - Climate Change

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

Policy DM5 - Design

Policy DM7 - Biodiversity and Green Infrastructure

Policy DM9 – Protecting and Enhancing the Historic Environment

Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework (NPPF) 2019
- National Planning Policy Guidance (NPPG) 2014
- Housing Market Needs Sub Area Report (2014)
- Newark and Sherwood Amended Core Strategy DPD
- Section 72 of the Planning Act

Consultations

Sutton on Trent Parish Council – ‘I write to advise that at a meeting of the Sutton on Trent Parish Council last night all members voted to support this application. Thank you for extending the deadline on this one.’

NCC Highways Authority – ‘The applicant has followed pre-application advice to provide adequate and safe access. Therefore there are no objections subject to the following conditions:

The shared private driveway shall be laid out to a width of not less than 4.25m for at least 10 metres back from the nearside edge of carriageway and surfaced in a bound material for this length as a minimum.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and; to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).

The dwelling hereby approved shall not be occupied until the 2.4m x 43m visibility splays shown on drawing no. 1804.A.3 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.’

Environment Agency – ‘Thank you for your consultation which was received 16th January 2019. This proposal is located in flood zone 2 and classed as a 'more vulnerable' use in the planning practise guidance. Therefore this development falls within the Environment Agency's Standing Advice which the applicant should follow to ensure the development is secure in the event of a flood, please follow the below link for more information.

<https://www.gov.uk/guidance/flood-risk-assessment-standing-advice>’

NCC Flood team - ‘Thank you for inviting the Lead Local Flood Authority (LLFA) to comment on the above application. Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

As a general guide the following points are recommended for all developments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.'

Conservation Officer – (Comments received on the 5th February 2019)

'The amended plans have reduced the footprint of the proposed dwelling, however it is still deemed as an inappropriate form of development due to the scale and plan form.'

There have been a number of modern developments in Sutton-on-Trent, including to the north of this site, the fact it is a modern development is not the concern. However it is due to its location, scale, bulk and form.

This part of the conservation area is low density, with a range of long vistas, generally towards the open countryside to the north. Sutton-on-Trent is a rural settlement and its connectivity with the open countryside that surrounds is a significant characteristic of the conservation area. In regards to this site in particular, when viewing north along Grassthorpe, you are drawn to the cottage, Sunnyside, and the open site to the northeast and glimpses of the open countryside beyond.

Although the 'U' shape plan form is typical for a traditional agricultural building, it is not at the correct orientation. The open elevation would be orientated to towards the farmyard and farmhouse. In this case, you would expect it to be orientated to the west, not as proposed.

The proposed scale of the development will greatly impact this view and connectivity with the open countryside, along with the inappropriate plan form it is considered that the proposal contradicts Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'), desirability of preserving or enhancing the character and appearance of the conservation area. In addition policies CP14 and DM9 of the Council's LDF DPDs that seeks to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance.'

Original Comments received 8th January 2019

'The application is a backland development within the setting of a non-designated heritage asset and within the boundary of Sutton-on-Trent Conservation Area.'

Legal and policy considerations

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area. 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 within conservation areas are proportion, height, massing, bulk, use of materials, 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 GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new development to dominate the original asset or its setting in either scale, material or as a result of its siting.

Significance of heritage asset(s)

Sutton-on-Trent Conservation Area (CA) was designated in 1992. The boundary covers the historic core of the rural settlement and some of its surrounding open setting. It is characterised by a linear pattern of buildings along a grid of lanes adjacent to the Old Great North Road. The significant water course of the River Trent is situated to the east.

Sutton has associations with its namesake, one of the oldest and most influential of the District's historic families, giving Earls to Warwick and Leicester, and Lords to Lexington and Dudley. There is evidence of prehistoric settlement in the area. Finds dredged from the river at Sutton-on-Trent include fossilized mammoth's teeth and tusks. Spot finds on the NMR include Roman and Anglo Saxon pottery. The former medieval village at Meering on the opposite side of the Trent appears to have been lost during the medieval period, perhaps as part of a change in course of the Trent (there was a ferry crossing on the Trent to the southeast of the village). Crop marks within the proposal site are suggestive of early settlement.

The Grade I listed medieval church is an important landmark building within the Parish and provides a historic link to the medieval origins of Sutton-on-Trent. Traditional historic farms and cottages within the village typically vary from remnants of post-medieval timber frame buildings to 18th, 19th and early 20th century vernacular buildings.

Overall, the Sutton-on-Trent CA contains a variety of historic buildings and spaces considered to contribute positively to its character and appearance. The historic layout and form of the CA is predominantly characterised by rectilinear buildings that either front onto or are gable-end facing the street, often directly onto or close to the highway. The spaces and remnants of older enclosures between buildings is often an important element of significance, providing setting to historic buildings as well as contributing to the significance of the layout of the CA. Along with its listed buildings, the conservation area contains numerous unlisted buildings that contribute positively to the special interest of the conservation area.

The proposal site is situated on garden land behind Sunny View, 2 Grassthorpe Road. Due to its age and architectural appearance, Sunny View is considered to contribute positively to the character and appearance of the CA.

Sunny View is a good example of a post-medieval farm cottage and barn range, probably originating from the early 19th century following Enclosure (1808). Although remodelled in the 20th century (to include rendering, concrete roof tiles and mock-stone cladding), the narrow gables, steep roof pitch, decorative tall chimneys and cottage detailing retains legibility of its older architectural interest, and its plan-form close to the road makes it an attractive receptor when viewed along the main road. The garden setting of the cottage combined with remnants of historic barns makes it a positive example of historic vernacular within the CA.

The former Wesleyan Chapel opposite, which is 1841, also contributes to the significance of the CA, and is considered to form a visual group with Sunny View.

Assessment of proposal

The proposal is for a single storey dwelling with a 'H' planform. The DAS outlines that the design approach to the scheme is 'a simple farm range outbuilding form and appearance' located within the area to the north of the host property that historically had an agricultural function and more recently a storage use.

Historic maps reveal that the site forms part of an old enclosure comprising garden and farm curtilage to Sunny View. The enclosure probably dates to the early 19th century at least (the Sutton Enclosure map is dated 1808). In broader terms, the green space forming the proposal plot contributes positively to the street-scene, noting the setting it provides to the historic cottage and the reference to open rural landscape beyond.

In principle this design approach for a modest agricultural style building, or possible reuse/extension of the existing historic outbuilding on the site could be supported. However the design principles is not reflected in the final submitted scheme.

An agricultural building associated with a modest farmhouse of Sunny View's scale would also be modest in scale. The width of each bay is approx. 5.5 meters, the length of the building at its longest point is approx. 20 meters. This is a building of significant scale and will not be subservient to the host building. The 'H' planform does not reflect a traditional agricultural building.

It is considered that due to the scale, form and design of the proposed dwelling will harm the historic setting of Sunny View, a building that makes a positive contribution to the character of the conservation area. In addition the proposal is not in keeping with the general character of the conservation area of modest outbuilding to the rear of dwellings ancillary in scale form and design.'

Trent Valley Internal Drainage Board - No objection.

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 inclusive access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. 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, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout and 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.’

NSDC Emergency Planner – ‘Both the Environment Agency and the Flood Risk Assessment note the proposed dwelling is within a flood risk zone. The EA note the general area is flood zone 2 whilst the Risk Assessment document suggests closer detail should indicate flood zone 1. In either case there is some risk of flooding and the applicants should refer to the guidance provided by the EA.

The risk assessment refers to the availability of safe access and the ability to seek refuge within the dwelling. Both are important to protect potential vulnerable residents and avoid any increased demand upon emergency responders.’

No other representations have been received

Comments of the Business Manager

The Council is of the view that it has a demonstrable 5 year housing land supply and for the purposes of decision making the development plan is up to date.

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that the determination of planning applications must be made in accordance with the development plan *unless* (emphasis added) material considerations indicate otherwise.

The site is located within the main built up area of Sutton on Trent which is defined as a Principal village within Spatial Policy 1 of the Core Strategy and where the provision of housing is permissible. As such, there is no objection to the principle of the development at the site. However the application is also required to satisfy all other relevant sections of the Development Plan in terms of impacts etc. This includes matters such as heritage, character, and amenity impacts, as well as flood risk.

Impact on Flooding

Core Policy 9 requires new development proposals to pro-actively manage surface water. Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD along with the revised NPPF set out a sequential approach to flood risk (paras 158 onwards).

The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

The Environment Agency Flood Map identifies the entire site to be situated in Flood Zone 2. I am mindful that the applicant has submitted a topographical survey within the Flood Risk Assessment (FRA) which shows detailed levels of site and the relative areas of the site within both Flood Zone 1 and 2. This is discussed in greater detail later within this appraisal.

A Sequential Test has not been carried out by the applicant to demonstrate there are no other suitable sites available for the development at lesser risk of flooding. At a district level there are other sites at a lower risk of flooding than the application site (i.e. located in Flood Zone 1) on which new housing could be developed. For individual planning applications, the area to apply to the Sequential Test can sometimes be defined by local circumstances relating to the catchment area for the development, for example where there is a proven local need that cannot be met anywhere else and that need is considered to override the failure of the sequential test. However, the applicant has not made any specific comments in relation to any local circumstances which would dictate a reduced catchment area for a sequential test to be undertaken. The applicant instead puts forward an argument, based on the topography of the site, that the site should be treated as a site within flood zone 1 and that a sequential test approach is not relevant or required.

While I acknowledge that the individual topographical survey highlights areas of the site which are potentially not vulnerable to flood risk, I am mindful that the topographical survey also shows there to be a significant portion of the site, including an area between the entrance/exit point of the site and the proposed dwelling to be within flood zone 2. With this in mind, I note that there would be no means of creating an access/exit route between the proposed dwelling and the adopted highway, other than through an area of the site located within flood zone 2. The survey also highlights an area of the site within the footprint of the proposed dwelling to be within flood zone 2. Therefore, even with taking the individual topographical survey into account, I am not convinced that the site should be treated, in planning policy terms, as a site with a low risk of flooding and entirely within flood zone 1. Indeed, there are crucial portions of the site which have been confirmed as being within flood zone 2 and vulnerable to flooding. As such, I am of the view that the guidance within the PPG which requires a sequential test approach to be undertaken is applicable in this instance.

I am mindful of a recent appeal decision (October 2018, references 18/00599/FUL, APP/B3030/W/18/3204708) relating to a site at Holly House Farm, 8 Main Street, Sutton-on-Trent where one of the key issues related to whether the development would be in an appropriate location with respect to flood risk given that it was, like this application, located within flood zone 2. Here the Inspector concluded that the Sequential Test was failed. In that case the appellant made the case that there was a local need for the housing proposed albeit the Council argued that any local need was already being met through committed dwellings. The Inspector stated that "Consequently, I cannot find that windfall sites for market housing specifically in Sutton on Trent are necessary to meet the localised requirements of Spatial Policy 2 or the local needs which have informed the emerging Core Strategy 2013-2033..."

In assessing this application, the same conclusions are relevant; there are other sites at lower risk of flooding that could accommodate the proposed dwelling and there is no need for it to be located here. I conclude that the sequential test is failed. One therefore does not need to consider the matter of flooding any further, albeit for completeness the flood impacts and whether the development would be safe for its lifetime are discussed below.

The submitted Flood Risk Assessment (FRA) puts forward the argument that while there is no functional need for flood resilience and resistance measures to be incorporated into the development. Rather a number of recommendations for internal flood proofing build measures are suggested, as well as a recommended condition to secure a finished floor level of the proposed dwelling to be set at 9.05AOD, which is stated to be 200mm above the 1 in 1,000 year flood level.

I note that the submitted FRA refers to the fact that a proposed dwelling in Flood Zone 2 is identified as 'more vulnerable' development within the flood risk vulnerability classification and flood zone compatibility set out in the PPG and is considered to be 'appropriate' development in that respect. However, the PPG is clear that more vulnerable development should first pass the sequential test before it is considered to be appropriate; the sequential test is applied to guide development first to Flood Zone 1, then only Zones 2 and 3 if no land within Flood Zone 1 is available.

While I note the area of the site in which the proposed dwelling would be sited within an area at a low risk of surface water flooding, the site's frontage and boundary with the adjacent highway is in an area of medium risk of surface water flooding. In my opinion, this further clarifies the position that the site is in an area vulnerable to flood risk and that during a flood event, the safe access/egress at the site is likely to be prohibited by flood water. Whilst this could put pressure on the emergency services, an evacuation plan (which would be conditioned) is a way in which the matter can be controlled to make the development as safe as it can be.

In conclusion, I am of the view that the proposal fails the Sequential Test and is contrary to Core Policy 9 and Core Policy 10 of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 of the Allocations and Development Management DPD and fails the Sequential Test as set out in the National Planning Policy Framework 2018, a material consideration.

Impact on Character (including the Heritage Context)

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing. 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.

The built form of the proposed development would be set back a significant distance from Grassthorpe Road and to the rear of the host dwelling Sunny View as well No. 6 Grassthorpe Road. On this basis it is considered appropriate to consider the development as backland in nature. Policy DM5 states that proposals creating backland development will only be approved where they would be in keeping with the general character and density of the area and would not set a precedent for similar forms of development.

The applicants have drawn my attention to a number of backland developments within Sutton on Trent, along Station Road, High Street and Hemplands Lane. While I acknowledge and accept that there are a number of backland developments within the wider area, I am also mindful that none of these examples, in my view form part of the immediate street scene in which the application site is positioned and in this regard they are set within a differing context. The section of Grassthorpe Road in which the application site is located contains detached dwellings, which vary in the degree that they are set back from the highway, although all front directly onto the highway, with the exception of the host dwelling Sunny View which is positioned with side gable facing the highway. The properties on the east side of Hemplands Lane immediately to the south of the site also range in their set back from the highway however also all front directly on to the highway.

It is therefore considered that the position of the proposed dwelling to the rear of Sunny View and 6 Grassthorpe Road would not be in keeping with the general character of this section of Sutton on Trent. Furthermore, in also taking into account that sections of the proposed development would be visible from part of Hemplands Lane by virtue of the open garden and low boundary wall to the south of Sunny View, I am of the opinion that the proposal would have the potential to result in an incongruous feature within the immediate street scene, clearly reading as a new dwelling to the rear of properties and at odds with the linear pattern of development along this section Grassthorpe Road.

In terms of setting a potential future precedent, I am mindful that the properties along Grassthorpe Road are detached with significant separation distances between each property as well as large rear gardens and open countryside beyond, which presents a number of opportunities for similar development to be accommodated within neighbouring sites. I am of the view that should such development come forward, this would lead to pressure for the release of other sites for development the cumulative impact would be to the harm to the character and appearance of the immediate area from this form of development. Therefore, in this respect, it is considered that the proposal would fail to accord with the aims of Policy DM5.

In turning specifically to the impact on the character and appearance of the conservation area, I note the intentions of the design are to create a simple farm range outbuilding form and appearance. However, I share the same opinion as the conservation officer in that due to the significant scale, bulk, form and orientation of the proposed dwelling, it is considered that this design goal has not been successfully achieved. Indeed, I am mindful that the footprint of the proposed dwelling would be far greater than that of the host property Sunny View.

The submitted block plan also indicates the removal and part removal of outbuildings along the frontage of the site in order to create a larger visibility splay at the site entrance. These outbuildings, while prominent within the street scene, are not considered to be historic and therefore I do not raise an objection to this element of the proposal.

I also note that the conservation officer comments that it is typical to find ancillary outbuildings to the rear of traditional properties within the Sutton on Trent conservation area, however considers the proposed development, due to the scale and form of the dwelling, to not read as an ancillary outbuilding. I concur with this view, and having taken account of the footprint of the proposed development, I am also of the opinion, as previously expressed that this element would read as a separate dwelling.

The conservation officer also describes how the existing green space surrounding Sunny View is a positive feature of the setting of Sunny View, which together with the main property, makes a positive contribution to the character of the conservation area and is regarded as a non-designated heritage asset in its own right. I am in agreement with this view and also consider that the proposed dwelling and outbuilding, due to its scale and form as well as the resulting loss of green space at the site from the proposed development, would result in harm to the setting of the non-designated heritage asset and the character of the conservation area, which is a designated heritage asset.

I am mindful of the guidance contained within Para 196 of the NPPF in considering harm to heritage assets which states;

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

While I am mindful that the provision of a single dwelling would make a very small contribution to housing provision within the district, and bring with it a degree of wider public benefit, I am of the opinion that such a small contribution would not outweigh the clear identified harm to both the setting of Sunny View, a non-designated asset, and the character and appearance of the wider conservation area, a designated heritage asset. I therefore conclude that the development would be contrary to Para 196 of the NPPF as well as the aims of Policies, CP14 and DM9.

Impact on Residential 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.

Bearing in mind that there is over 30m between the proposed dwelling and the rear elevations of Sunny View and no. 6 Grassthorpe Road at the closest point, and 20m between the proposed workshop building and Sunny View as well as the single storey design of the proposed dwelling and workshop, I am satisfied that there is a sufficient level of separation for the proposed development to not result in any material overbearing or overbearing impact on neighbouring amenity.

Having considered the ground floor position and secondary nature of the windows on the west elevation of the proposed dwelling which broadly face Sunny View and 6 Grassthorpe Road, I am satisfied that the proposal would not result in any direct overlooking impact on neighbouring properties. While I am also mindful that there are windows on the north and south elevations of the proposed dwelling which would serve main habitable rooms and face the boundaries of Sunny View and 6 Grassthorpe Road, as these windows are at ground floor level and set in from these boundaries, I am satisfied that adequate boundary treatment would prevent any material overlooking of the rear gardens associated to these neighbouring properties.

I am mindful that the proposed development would result in the loss a large section of the current private garden associated to Sunny View. However as this property would retain a large garden to the south of the applications site, I am satisfied that the neighbouring property would retain an adequate private garden area to serve a property of this size and as such would not result in a material impact on the amenity of current and future occupiers of this property.

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.

I note that the Highway Authority have not raised any objection to the scheme and are satisfied that the proposal includes a safe access into the site. Furthermore, I am of the view that the submitted block plan shows there to be adequate provision made for off street parking to serve the proposed dwelling. The recommended conditions relating to the visibility splays and surfacing are considered appropriate, reasonable and necessary to attach to any grant of planning permission and it is considered that the proposal would be acceptable from a highway safety perspective.

Impact on Trees

Policy CP12 and DM5 seeks to protect and enhance natural features where possible. CP9 requires proposals *'to demonstrate a high standard of sustainable design that both protects and enhances the natural environment and contributes to and sustains the rich local distinctiveness of the District.'*

The trees on site are afforded protection at present by virtue of them being positioned within a designated Conservation Area. In support of the application, a Tree Survey & Constraints Plan has been submitted.

There are a number of mature trees on the site and the submitted block plan appears to show that some of the trees would be retained. However, I note that one of the best specimens (a good quality Sycamore tree, T13) appears to require removal given the siting of the dwelling. Further a number of the trees would be in close proximity to the footprint of the proposed dwelling and associated workshop.

No adequate justification has been submitted as to why the tree should be removed and in my view this layout does not protect or enhance the natural features of the site which is the starting point unless there are other reasons to outweigh the harm, of which there are none.

Planning Balance and Conclusion

The application relates to the erection of a single dwelling within the village envelope of Sutton on Trent, a principal village within the settlement hierarchy and as such the principle of development at the site is acceptable. The proposed development is also acceptable from a residential amenity and highway safety perspective.

However, the site is located within flood zone 2, a medium risk of flooding. Both national and local policies for flooding matters require the application of the sequential test, with development to be steered towards sites within the lowest flood risk area. The applicant has not supplied evidence of a sequential test approach being undertaken or detailed any local circumstances that would justify a reduced search area for a sequential test approach over a default position in which a district wide search area would be appropriate. It is considered that there are sites within the district and within the sub-regional housing area that are in areas of lower flood risk and sustainable locations capable of accommodating a development of the same scale as the development proposed within this application, and as such the development would be contrary to Core Policy 10, Policy DM5 and chapter 14 of the NPPF.

Furthermore, I have identified less than substantial harm to the character and appearance of the conservation area and the setting of Sunny View, a non-designated heritage asset by virtue of its backland position and the scale and form of the proposed dwelling and outbuilding. In this respect the proposal would fail to accord with Core Policy 14, Policy DM9 and Chapter 16 of the NPPF.

In addition the development would result in the loss of at least one good quality tree without adequate justification contrary to CP9, CP12 and DM5.

The proposal would result in the provision a single dwelling which would provide a small contribution to Districts overall housing supply and is a benefit of the scheme. However, the positive weight attached to housing delivery is not considered sufficient to outweigh the aforementioned harm in respect of Flood Risk, the setting of Sunny View, a non-designated heritage asset as well as to the character and appearance of the wider conservation area setting and the unjustified loss of trees. Accordingly it is recommended that planning permission be refused.

RECOMMENDATION

That planning permission is refused for the following reasons:

REASONS FOR REFUSAL

01

Section 9 of Policy DM5 of the adopted Allocations & Development Management Development Plan Document (2013) relates to flood risk and water management and states that the Council will steer new development away from areas at the highest risk of flooding. Development proposals within Flood Zones 2 and 3 and areas with critical drainage problems will only be considered where it constitutes appropriate development and it can be demonstrated, by application of the Sequential Test, that there are no reasonably available sites in lower risk flood zones. The site is located in Flood Zone 2. The submitted application does not outline details of a sequential test approach or justify a need for the proposed development to be located within Flood Zone 2. In the opinion of the Local Planning Authority there are other sites within the district that are available for housing that are at lower risk of flooding and the proposal therefore fails the Sequential Test. The proposal is therefore contrary to Core Policy 10 (Climate Change) of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5 (Design) of the Allocations and Development Management DPD and the National Planning Policy Framework 2018, a material consideration.

02

In the opinion of the Local Planning Authority, the proposed development would result in harm to the setting of Sunny View, Grassthorpe Road, a non-designated heritage asset and the character and appearance of the Sutton-on-Trent Conservation Area, by virtue of its backland position, design, scale, form and orientation of the proposed buildings. The positive weight attached to the small contribution to housing delivery is not considered sufficient to outweigh the identified harm and therefore the proposal is contrary to Core Policy 14 (Historic Environment) of the adopted Newark and Sherwood Core Strategy 2011, Policy DM5, and DM9 (Protecting and Enhancing the Historic Environment) of the Allocations and Development Management DPD as well as Chapter 16 of the National Planning Policy Framework 2018, a material consideration.

03

Policies CP12 (Biodiversity and Green Infrastructure), CP9 (Sustainable Design) and DM5 (Design) seek to protect and enhance natural features where possible. It appears to the Local Planning Authority that the proposal would result in the loss of at least one good quality tree and no adequate justification has been submitted as to why. In the opinion of the Local Planning Authority the proposal fails to protect or enhance the natural features of the site contrary to CP12, CP9 and DM5.

Notes to Applicant

01

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

02

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

expense.

Background Papers

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Director – Growth & Regeneration

Committee Plan - 18/02292/FUL



