

PLANNING COMMITTEE – 4 JUNE 2019

Application No:	19/00755/FUL	
Proposal:	Erection of Dwelling (Re-submission of 18/01863/FUL)	
Location:	Land To The Rear Of 112-118, High Street, Collingham, Nottinghamshire	
Applicant:	Mr Jonathan Bailey	
Registered:	24.04.2019	Target Date: 19.06.2019

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 original 18/01863/FUL application was also determined by the Planning Committee in January 2019.

The Site

The application site is an approx. 25 m x 24 m field 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 ADMDPD.

The development site measures approximately 25m by 25m, including the access the site is around 950m².

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. A site to the rear of Billericay, 124 High Street, to the north of the application site, has planning consent for two dwellings which was granted by Members under 17/00283/FUL.

The application site is not visible from the surrounding public realm as existing built development on High Street screens it. Access is only achieved from the southern side of 112 High Street. Currently the site is used for the keeping of horses with some areas laid to lawn and hardstanding.

Relevant Planning History

18/01863/FUL – Erection of Dwelling – Refused by Members (January Planning Committee) 21.1.19

Reasons for Refusal:

1. 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.

2. 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.

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 – An objection was also raised regarding highway 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 a detached garage on the land to the rear of 112-118 High Street, Collingham.

The main bulk of the new dwelling is two storey, dropping to one and a half storeys with a cat slide roof on the western elevation. The dwelling is proposed to be c. 19.3 m x 6.7 m with linear plan form (orientated N-S) with a maximum ridge height of c.8.3 m, eaves c.5.1 m reducing to 3.6 m to the west – the northern portion of the dwelling is single storey at 4.9 m to the ridge and 2.3 m to the eaves. The two storey dwelling would be positioned approx. 5.3 m from the northernmost boundary of the site with the rear elevation following the eastern boundary line. The design of the dwelling is intended to reflect the barn vernacular but is decidedly modern in appearance with extensive contemporary glazing elements.

The detached garage is proposed to be 8.5 m x 5.4 m, 5.4 m to the ridge and 2.9 m to the eaves and approx. 1.1 m from the western boundary.

The private amenity space would be provided towards the east of the dwelling and would be approx. 6.35 m x 24 m (approx. 155.5 m²) to the east and approx. 19.9 m x 10 m to the north of the dwelling between the proposed property and the northern boundary (154.1 m²). Access would

be taken from the west from High Street to the south of 112 High Street.

The dwelling would provide a dining room, kitchen, living room, cloak room, utility room and a study/bed 4 at ground floor and four bedrooms at first floor with a bathroom and an ensuite bathroom.

The dwelling is proposed to be constricted of:

Walls - Mixture of Weinerberger Oast Russet Sovereign Stock Red stock brick at lower level, with black timber cladding (burnt cedar or ash) at upper levels and on single storey element

Roof – Slate

Windows - Aluminium in Anthracite Grey and Oak Timber casement windows with top hung rooflights in Anthracite Grey

Doors - Aluminium in Anthracite Grey and Timber along with glazing. Garage Doors – Timber personnel door and powered main door

Guttering and Downpipes – uPVC

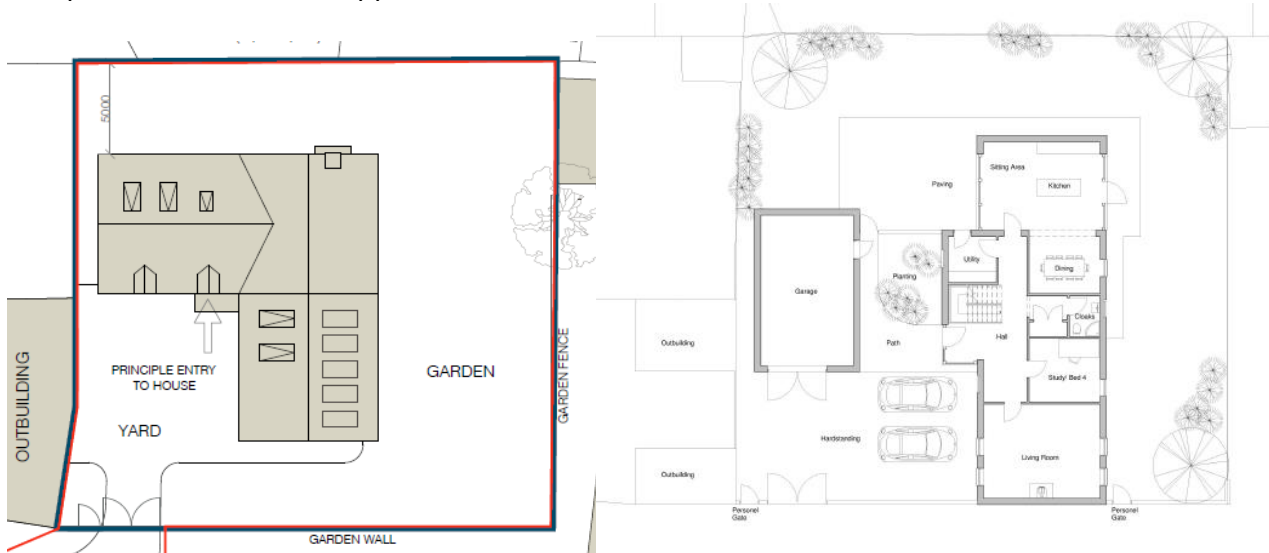
Front Wall – 1.8 m high brick wall at the front with timber gates

Eastern Fence – 1.8 m high close boarded timber

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 and a paved patio area around the northern end of the dwelling although precise details of the landscaping has not been confirmed.

Comparison with refused application:



Refused application: 18/01863/FUL

Pending Consideration

CIL – Gross Internal floor space of the new dwelling is proposed to be 260 m²

Documents deposited with the application:

- Site Location Plan
- Block Plan – T615 A-203
- Site Layout Plan - T615 A-202

- GA Plans - T615 A-200
- Revised Proposed Elevations - T615 A201 Rev A
- Composite Block Plan
- 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.

Earliest decision date - 23.05.2019

Planning Policy Framework

The Development Plan

NSDC Amended Core Strategy - Adopted 2019

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 2019

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 – “As the application is a resubmission (with a revised design) of the previous submission I repeat some of my earlier comments:

The application is still for a large family home and a detached garage 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 dwellings 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 dwellings 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 dwellings 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 two storey building, 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 and its orientation across the plot, i.e. north to south (as opposed to along the plot east to west) does not follow the alignment of the street front buildings here (which have been laid out along traditional medieval burgage plots), which exacerbates the unwanted backland character of this proposal .

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: I note the design is now overtly contemporary and with the weatherboarding I presume is to emulate an outbuilding, although the glazed gables and overall appearance is not that of a traditional barn, neither does it relate to a farmyard or farmhouse. The design is not necessarily unattractive in isolation, but neither does it carry any reference from the local area. The nod to barn architecture certainly does not reduce this to an ancillary outbuilding and in scale it is still overtly a large family home - even the detached garage is wider than the traditional street front properties directly adjacent.

As such I reiterate my earlier finding of less than substantial harm to Collingham Conservation Area.”

The agent has queried some of the Conservation Officers Comments such as A: her reference to “pre-existing modern bungalows”, B: her potentially overlooking the “large agricultural building” that was present historically on the site and her reference to the detached garage building being wider than the traditional street front properties, as such she has provided the following further clarification:

“A: This building line I refer to at this point is made of a mixture of 2, two storey buildings and one bungalow. This error aside my analysis of the modernity of this building line is correct.

B: I believe they are referring to the building marked with a question mark on the plan below. I have also marked the existing outbuilding ‘x’, which is obviously smaller than the current proposal. The building marked with a question mark is now demolished (and is shown as such on their current site plan), is not of a form that would be beneficial to replicate again and may well have been erected under pd. For these reasons I do not think this would carry much weight as a planning precedent to inform suitable development at this site. The bench mark for a decision as to whether there is any heritage harm is against the current site and surrounds.



C: This refers to a comparison of gable widths and apologies this was not clear. I have crudely annotated what I mean on the plan below, which shows the new build garage gable to be in excess of the traditional building’s gables:



The above image shows the width of the new build garage gable to be in excess of the traditional building's gables

NCC Highways – The Highways Officer has reiterated their 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.”

Additional Comments from NCC Highways 15.5.19 regarding Swept Path Plans –

“Whilst I find the swept path diagram itself lacking in veracity, the further clarification and suggested condition offered in Anthony Northcote’s email of 14 May, below, is sufficient to overcome the issue of cars turning within the site.

I think if you were to apply his suggested condition, or something similar, then there would be no further comment from this Authority.”

Email from Agent 14.5.19 “As requested please find attached a scaled plan illustrating car swept paths superimposed. These are based on swept paths that were previously agreed with Nottinghamshire County Council Highways on a farmyard conversion in Kneeton where the access, parking and manoeuvring was a key consideration because in fact the access was narrower than this site. We have used 3 colours, black and red respectively for the two parking spaces and blue which shows the ability in fact to turn around fully on the access drive just outside the gate.

For information the wider overall site of No.112 and the land & paddock is owned by the father of the applicant. Our client owns the proposed plot and has a defined right of vehicular/pedestrian access for the full width of the access to the plot. He also actually has a defined right of vehicular/pedestrian access beyond the plot gate along the land south of the full length of the plot.

It is also possible to turn around on the access immediately adjacent to the rear of No.112 but we have not illustrated this as potentially this could be occupied by a parked car associated with No.112.

You may want to consider the following condition:

“The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with the submitted plans for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site where it joins High Street in forward gear.”

NSDC Contaminated Land – “The application site was part of an earlier larger development site under application ref: 12/01581/OUTM. A contamination desktop study was carried out as part of this previous application by HSP Consulting Ltd (report ref C1650, dated 2012). This document identified several areas of potential contamination (including areas on this application site) and recommended that intrusive investigations be carried out. Given this information, I would expect the use of our full phased contamination condition.”

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. As such it is considered that the principle of new residential development, due to the siting within a sustainable settlement, is acceptable. However other material considerations should be taken on board and those are discussed further in this report.

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

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.

As stated in the previous section, the site is located just west of the MOA. Due to the proximity it is important to understand the function of 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 MOA 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 High Street and is excessive in scale it would 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 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 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 dwellings 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 dwellings 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 dwellings 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, however it is not to say that that sets a precedent for development here and each application is dealt with on its own merits; 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.

The proposal site remains to be considered to represent backland development, which is not generally supported by either national or local planning policy - 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. The supporting statements advise that the style of this new dwelling is designed to reflect the existing barn that once stood to the east (not currently on site) and the massing of the dwelling intends to reflect subservient barn structures that would typically exist behind historic properties. The conservation officer has comments on this point below however in conclusion I remain of the opinion that this new dwelling would be out of character with the surrounding character of the area. In addition, 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.

In addition to the harm on the historic urban grain of the CA the Conservation Officer also comments on the design of the new dwelling, which she stresses that any mitigation of these points would not change her in-principle objection to this proposal. The CO commented that the design is contemporary with the weatherboarding which is presumed to emulate traditional rural outbuilding. However the design with the glazed gable and overall appearance does not achieve that and the hierarchy of development is somewhat skewed. However given that the principal of this new dwelling has received a strong objection from the CO on the grounds of inappropriate backland development that would result in harm and erosion to the historic urban grain 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 remain 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 Amended 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 and no. 124 to the north and the two new dwellings approved directly to the north of the site. Whilst I acknowledge that permission has been granted for two new dwellings directly to the north of the application site, the impact on the amenity of these dwellings cannot be afforded full weight given they are yet to commence development on these dwellings however they are a material consideration in this assessment given the permission is extant.

The dwelling is proposed to be c. 19.3 m x 6.7 m with linear plan form (orientated N-S) with a maximum ridge height of c.8.3 m, eaves c.5.1 m reducing to 3.6 m to the west – the northern portion of the dwelling is single storey at 4.9 m to the ridge and 2.3 m to the eaves. The main part of the dwelling is two storey to the eastern elevation dropping to one and a half storeys with a cat slide roof on the western elevation. The dwelling would be positioned approx. 5 m from the northernmost boundary of the site with the side elevation following the northern boundary line and approx. 12.3 m from the western boundary.

The private amenity space would be provided towards the east of the dwelling and would be approx. 6.35 m x 24 m (approx. 155.5 m²) to the east and approx. 19.9 m x 10 m to the north of the dwelling between the proposed property and the northern boundary (154.1 m²). This is considered to be proportionate to the size of the dwelling proposed in this location.

From the site plan the dwelling would be positioned with its rear elevation facing east, the N side elevation would be positioned approx. 28 m away from the nearest dwelling to the north (No. 124), the dwellings approved under 17/00283/FUL would be approx. 10 m away from the side elevation of the proposed dwelling (side to rear). 116 High Street would be c. 12 m to the west of the side elevation of the detached garage with 114 High Street c. 12 m from the side elevation and 112 High Street 22 m from the side elevation of the southern projecting gable range.

The relationship with the neighbouring dwellings to the west would be close by, separated towards by the rear gardens of the dwellings that front on to the High Street and the detached single storey garage proposed along the western boundary of the site. I do note that to the west is an outbuilding range that would separate the proposed dwelling and garage from the rear elevations of the dwellings to the west. 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. The garage is proposed to be located 1 m off the boundary of these properties however, again the presence of outbuildings along the western common boundary would prevent any overbearing or overshadowing impact as a result of this garage.

In addition, given the dwelling is proposed to be linear, positioned on a N-S alignment with the dwelling screened by the detached garage I do not consider that any privacy issues would occur through overlooking to the west. The windows that would not be screened by the detached garage would be at first floor but would serve the landing void with two higher level windows serving the ensuite and entrance to one of the bedrooms. The ground floor windows would be screened by the existing boundary treatment along the western boundary such that there would be no undue impact on neighbours through overlooking. The eastern boundary is proposed to have extensive glazing however given no dwellings are present to the east and the elevation would look out onto the main open area I do not consider there would be any amenity issue to consider.

The north side elevation is proposed to have contemporary glazing up to the ridge at ground floor and one window at first floor on the two storey portion of the dwelling. I note that at present the proposed dwelling would be c.28 m from the neighbouring dwelling to the north and given the limited glazing proposed in this elevation and the positioning of the dwellings side to side I do not consider any neighbouring amenity issues would arise.

I have also considered 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 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 his application is proposed to have one window at first floor to serve a bedroom and glazing up to the ridge at ground floor to serve the kitchen sitting area. The side elevation of this new dwelling would be c. 9.6 m from the rear elevation of the approved dwellings to the north however the two storey element where this first floor window is proposed would be 5 m further south. Given that this small window on the rear elevation could be obscurely glazed and would not be the only window serving this room (with one rooflight also proposed) I am satisfied that any overlooking could be mitigated through the imposition of a suitably worded condition.

In addition, given the single storey nature of the new dwelling on the northern side and the relationship of side to rear over 14.6 m separation distance I am satisfied that these new dwellings

would not be unduly impacted, the design of the dwelling ensures that there would not be an unduly overbearing or oppressive impact.

On the basis of the above assessment, I am of the view that the proposal complies 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 - the applicant has demarcated parking bays on the site along with the detached garage building and as such I am confident that there is capacity for off street parking and turning within the site.

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 use 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, the previously refused 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.

In assessing the application the Highways Officer reiterated their comments on the initial application which are within the consultee response section within this report. However for

completeness they are summarised as the width of the access being insufficient for two cars to pass one another, and has very poor visibility for drivers wishing to emerge on to High Street. The additional traffic generated by the proposal would increase the risk of an accident. They therefore object to this proposal on the grounds that the traffic generated by the proposed development would likely 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.

Nevertheless, notwithstanding the objection from the Highway Authority, the Planning Committee previously concluded when considering this application in January 2019 that the access here was acceptable and refusal on highway grounds could not be defended based on most occupants of properties off High Street being subject to similar access arrangements. This re-submission application does not alter the access arrangements that were previously considered and therefore, notwithstanding the County Councils technical advice, the previous decision of the authority is a material planning consideration, Committee members at the time, concluded that a refusal on highways safety grounds would be unwarranted and as such I must conclude that the access arrangements are acceptable.

NCC Highways have been informed of this view and have therefore requested that the applicant demonstrate that cars can enter and leave the site in forward gear - adequate car turning space was required to be demonstrated and provided. In response the agent submitted plan ref. 'Swept Path Analysis' which has been agreed with NCC Highways to be acceptable to evidence the above. I therefore consider that based on the above conclusion and the plans provided that the development is acceptable with regards to the highways impact. I consider it reasonable to condition that the car parking spaces are laid out in accordance with the submitted plans prior to occupation to ensure vehicles can enter and exit on to the highways safely should permission be otherwise forthcoming.

Impact upon Trees and Ecology

Amended 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 scrubby 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 support 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 £70m² for

CIL purposes. Gross Internal floor space of the new dwelling is proposed to be 260 m² and as such the CIL charge on the development would be £ 18,270.

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.

As such I conclude that this application should be refused.

RECOMMENDATION

That full planning permission is refused for the following reason:

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 Amended Core Strategy (2019) and Policy DM9 (Protecting and Enhancing the Historic Environment) and Policy DM5 (Design) of the adopted Allocations and Development Management DPD.

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/

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.

Matt Lamb

Director Growth and Regeneration

Committee Plan - 19/00755/EUI

