

PLANNING COMMITTEE – 2 JULY 2019

Application No:	19/00537/FUL	
Proposal:	New two storey house with built in garage, new driveway from existing access off Station Road to be shared with existing house	
Location:	5 Oakdene Cottages, Station Road, Collingham, NG23 7RA	
Applicant:	Mr John Gelsthorpe	
Registered:	25.03.2019	Target Date: 20.05.2019
		Extension of Time Agreed: 03.07.2019

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 Site

The application site is an approx. 0.10 Ha parcel of land to the rear of No 5 Oakdene Cottages located on the north side of Station Road within the defined village envelope of Collingham. The site also lies within the Collingham Conservation Area.

The land currently forms part of the rear garden area of No 5 Oakdene Cottages and is accessed from a driveway off Station Road which currently serves No 5 Oakdene Cottages. No 1 Station Road is located to the west of the main part of the application site and a newly constructed dwelling at No 7a Station Road is located to the east. Collingham Health Centre and wider commercial centre including Co-Op store and library is located to the north of the site.

The west boundary of the site is defined by a 1.8 metre high approx. close boarded fence with the remaining boundaries predominately consisting of hedgerows and trees.

Relevant Planning History

Relevant to the site:

2077563 Building a new house for a domestic dwelling – refused August 1977

2077564 Building of new bungalow for a domestic dwelling – refused August 1977

Relevant to the adjacent site 7a Station Road:

14/01190/FUL Two Storey Dwelling and Garage – Refused under delegated powers 28.08.2014 for the following reason:

In the opinion of the local planning authority the proposal would result in backland development which is an inappropriate form of development within this area of Collingham. The proposal would significantly erode the medieval field pattern which is an established characteristic of the conservation area, in addition to detrimentally impacting upon the significance and setting of the Victorian Villa (no.7). The proposed development would be an alien and uncharacteristic addition

to the setting and it would detrimentally impact upon the character of the conservation area. As such it is considered to fail to accord with Core Policy 9 and 14 of the Adopted Core Strategy, Policy DM5 and DM9 of the Adopted Development Management DPD and the National Planning Policy Framework and Planning Practice Guidance.

The decision of the Council was appealed and allowed by the Planning Inspectorate on 04.02.2015.

The Proposal

Full planning permission is sought for the erection of a part two storey and part 1.5 storey dwelling with an integral garage on the land to the rear of 5 Oakdene Cottages. The first floor would contain a workshop for railway models, two bedrooms with en suites, a bathroom and a changing room. The ground floor would contain another workshop, living room, study, lounge, a lift and kitchen with utility room.

The dwelling would have a 'H' plan form and would measure 18.3 metres in length and 11 metres wide (at its widest point) with a maximum ridge height of 7 metres with varying eaves heights of between 2.4 - 4.5 metres high. The dwelling would be positioned approx. 1.4 metres away from the west boundary with No. 1 at its closest point and approximately 6.2 metres away from the east boundary with No. 7a. The east facing elevation of the proposed dwelling would form the dwelling main frontage and contain a porch feature.

The main area of private amenity space would be provided towards the north of the dwelling and would measure approx. 17 metres x 18 metres.

The application form states that the dwelling would be constructed from brick with plain tile roof and UPVC doors and windows. A post and rail fence would be located immediately to the north of the existing conifer line to separate the proposed plot from No. 5. All other boundaries would be retained as existing with the exception of the route of the proposed driveway which would require some tree/hedgerow loss along the east boundary of the site to accommodate the extended and widened driveway.

Officers discussed the potential for amending the proposed plans during the lifetime of the application with the Applicant and Agent. Despite the Applicant confirming that they would reduce the footprint of the building marginally, Officers advised that amendment would not go far enough to overcome the concerns raised and set out in full below. As such, the Applicant requested that the planning application be considered as originally submitted which includes the following submission documents:

- Tree Report including Tree Layout Drawing
- Design and Access/Planning Context Statement
- Site Location Plan
- Proposed Site Plan Elevations Option 13 L(08)10
- Proposed Plans Option 13 L(08)10 Rev A

Departure/Public Advertisement Procedure

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

Planning Policy Framework

The Development Plan

NSDC 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 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 14: Historic Environment

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.

NCC Highways – The existing access is to be widened and surfaced to allow two vehicles to pass one another near the entrance on to Station Road. As part of this a street light will need relocating. Drawing L(08)10 is acceptable and shows details of these measures (although the new location of the street light will be subject to further assessment by, and the agreement of the Highway Authority).

No objections are raised subject to the following conditions:

The dwelling hereby approved shall not be occupied until the vehicle access is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the public highway boundary. The surfaced access shall then be maintained in such hard bound material for the life of the development.

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

The dwelling hereby approved shall not be occupied until the existing dropped kerb footway crossing has been improved/widened; made available for use, and; constructed in accordance with

the Highway Authority specification to the satisfaction of the Local Planning Authority. For the sake of clarity this will include the relocation of a lamp column.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

Notes to Applicant:

The development makes it necessary to construct a vehicular crossing over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands tel. 0300 500 8080 to arrange for these works to be carried out.

Trent Valley Internal Drainage Board – The site is outside of the Trent Valley Internal Drainage Board district but within the Board's catchment. There are no Board maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NSDC Conservation Officer –

Legal and policy considerations

Section 72 of the Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. Key issues to consider in proposals for additions to heritage assets, including new development in conservation areas, are proportion, height, massing, bulk, use of materials, land-use, 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 2019). 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).

Significance of heritage asset(s)

Collingham is predominantly a residential village, with several commercial buildings along the High Street, and a developing range of retail and service sector facilities in a small shopping centre close to the centre of the village off the High Street. Like most Nottinghamshire villages Collingham is predominantly a red brick and pantile village. The conservation area was originally designated in

1973. The designation was reviewed in 1989 and 2006. The most recent review extended the boundary, this included the incorporation of numbers 3-7 Station Road due to their architectural and historic interest and contribution to the character of Collingham.

The application site is located in the 'Eastern Edge' character area. The appraisal describes Station Road as:

'Station Road is a wide tarmac road, giving it more in common with High Street than other side roads. The development of this road seems to be from the C19 with some attractive late Victorian and Edwardian buildings on the north side, before giving way to early C20 buildings of a standard form, many of which have lost their original detailing. Development on the south side seems to be all late C20. Unlike most of the other roads in Collingham the enclosure of the street front here is mostly provided by hedgelines'.

Assessment of proposal

Although development to the rear of properties traditionally this would have been subservient in scale, plan form and use. A building located in the rear would be ancillary to the principle/host property. For example an outbuilding as suggested in the Design and Access statement. The proposed dwelling is larger than an outbuilding and the architectural design does not reflect an ancillary building.

A modest building, such as no. 5 Station Road would have had a modest ancillary outbuilding. The proposed dwelling is of significant scale. Although the ridge line of the proposed dwelling is no higher than the host property with a footprint of 147 square metres it is considerably bigger than 128.5 square meters of no. 5 (house and detached garage).

There has been a recent approval for a dwelling in the rear of no.7 Station, the conservation team objected to the proposal due to the harm to the conservation area. The appeal decision concluded that there would be no harm on the conservation area due to the character of piecemeal development within. Notwithstanding this it has resulted in an unusual relationship where a backland development is larger than the host property, contrary to traditional development patterns and an awkward relationship that dominates a building that positively contributes to the character of the conservation area. This proposal will result in a similar awkward relationship.

The proposed dwelling is larger than the dwelling approved at no.7, which is approximately 137 square meters. The dwelling will be clearly visible from the High Street and the commercial centre of Collingham.

The proposal will harm to the character and appearance of the conservation area due to its scale. The proposal therefore is contrary to the objectives of preservation required under section 72 of the Act. In addition the proposal does not follow the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

NSDC Tree Officer - A basic tree survey has been submitted with this application but there is no constraints plan show scaled representations of trees on/adjacent to site have not been evaluated.

The only comment that can be given on the current submission is that out of the 22 trees that been surveyed 15 (10 B category and 7 C category) are to be removed. The remaining trees have recommendations within the tree survey for 3 to be felled. This leaves only 4 trees retained (3 B cat and 1 C cat) on the site none of which have RPAs shown so I cannot calculate any potential adverse impact on trees or vice versa.

I would have expected a full constraints plan (including hedgerows and any adjacent trees) to be submitted and given the scope of removal an indication of some mitigation planting.

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 visible, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that 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. An obstacle free accessible pedestrian route that is clear of parked vehicles and suitably surfaced so as to be firm, even, smooth enough to be wheeled over, is not covered with loose laid materials such as gravel and shingle, and ‘traffic free’ is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive 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 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.

Two comments from neighbours or interested parties have been received to date. Main issues raised include:

- Relevant utility connections can be delivered to the new build;
- the new boundary between the new property and No. 5 should be the existing line of tall Leylandii trees in line with the rear boundary of No. 3. Currently the back of the Leylandii tall hedge/trees is an enormous compost of a heap of lawn cuttings accumulated over the last 17 years and has been allowed to pile up against the boundary fence, ruining the fence.

Comments of the Business Manager

Principle of Development

The Council is of the view that it can robustly demonstrate a 5 year housing land supply. The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be

made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan (detailed above) is considered to be up to date for decision making purposes.

The site is located within the main built up area of Collingham. Collingham is defined within the Adopted Newark and Sherwood Core Strategy (2019) as a Principal Village where there are a good range of facilities to support further housing. In settlement terms the site is therefore considered to be in a sustainable location for a new dwelling. As such, the proposed development is considered acceptable in principle subject to an assessment of site specific considerations including the impact of the proposed dwelling upon the character and appearance of the Conservation Area, trees and ecology and the impact on the living conditions of neighbouring dwellings as explored further below.

Impact upon the Character and Appearance of the Conservation Area

The site is located within Collingham Conservation Area and Collingham Conservation Area Appraisal identifies No 5 as a Building of Local Interest. As such, the local planning authority must have regard to the desirability of preserving or enhancing the character and appearance of the area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 with special regard also given to the setting of No 5.

Policy CP14 of the Core Strategy requires continued preservation and enhancement of heritage assets. Local planning authorities need to have special regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas. This is supported by the NPPF which states that 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.

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. It further states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, the cumulative effect of which would be to harm the established character and appearance of the area.

The Conservation Officers' comments are set out in full in the 'Consultations' section above. The Conservation Officer has noted that development to the rear of properties like No. 5 would traditionally have been subservient in scale, plan form and use. The proposed dwelling is a large 2 storey/1.5 storey detached dwelling within a footprint and overall floorspace considerably larger than that at No. 5 and an architectural design that does not reflect a typical outbuilding in its design. This would result in a proposed development that would not be subservient in scale, plan form and use. On this basis, the Conservation Officer objects to the proposal and also notes that the proposed dwelling would be clearly visible from wider parts of the Conservation Area including the High Street and the commercial centre of Collingham.

I note that a new dwelling allowed at appeal was recently constructed on the adjacent plot to the east of the site and the site itself has similar characteristics to that of the application site. I agree with the view of the Inspector that *'Whilst this would result in backland development, there are other examples of backland development within Collingham, along Station Road and off High*

Street and Low Street within the conservation area'. As such, whilst I accept the principle of a backland development on this site for the same reason, I concur with the view of the Conservation Officer and consider the proposal to result in a development which is out of keeping with the general character and density of existing development of the area by virtue of its scale and plan form.

The Inspector further stated that *'I recognise that the existing substantial rear garden adds to the setting of the villa and that the proposed new dwelling would be seen from the street. However, the appeal proposals would retain a significant depth of garden for the villa, along with much of the existing mature landscaping and the new dwelling would be seen at a distance within this landscaped setting'*. He further states that *'the design of the proposed dwelling would also be sympathetic to the character and appearance of the villa and conservation area. The proposed use of a steep roof pitch, gables, bay windows, red facing bricks and brick detailing to the eaves and window and door headers reflect the style of the Victorian and Edwardian properties fronting Station Road. Accordingly, the proposed development would not cause harm to the significance or the setting of the Victorian villa'*.

However, I respectfully disagree with the view of the Inspector in coming to this particular view and agree with the view of the Conservation Officer that the adjacent *'dwelling as constructed has resulted in an unusual relationship where a backland development is larger than the host property, contrary to traditional development patterns and an awkward relationship that dominates a building that positively contributes to the character of the conservation area'*.

Whilst the proposed dwelling has a lower ridgeline than the adjacent dwelling, its larger footprint, floorspace and more complex 'H' shaped planform and mass would result in an awkward relationship that would dominate No 5. In addition, the principle elevation of No. 5 faces towards the proposed driveway serving the proposed dwelling and the segregation of the access from No 5 would result in subdivision of the plot which would further erode its setting. Whilst the plot boundaries are defined by mature hedgerows and trees, I am concerned about the potential adverse impact upon these features (as set out in more detail in the 'Impact on Trees and Ecology' section below).

In conclusion I am of the view that the proposed dwelling on land to the rear of No 5 would unduly harm the character and appearance of the surrounding conservation area and as such is contrary to Core Policy 9 and 14, Policies DM5 and DM9 of the DPD 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 Living Conditions

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 side elevation of No 1 faces towards the application site and contains what appears to be a first floor bedroom window facing into the application site at a distance of approximately 5.5 metres to the boundary. A smaller window and door are also located at ground floor level. The boundary between the application site and this dwelling is relatively open save for the single

storey outbuilding located within the rear garden of No 1 and close boarded fence that runs along the boundary. The nearest part of the side elevation of the proposed dwelling would be located approximately 7.5 metres away from the centre point of this window and its rear elevation which faces No 1 would be double the depth of this dwelling. This separation distance in my opinion falls below best practice separation distances between main habitable room windows and blank elevations which normally advise a separation gap of 11-12 metres. As such, I consider a loss of outlook and overbearing impact would result upon the occupant of No 1 by virtue of this close relationship. Whilst the windows facing No. 1 could be conditioned to be obscure glazed and non-opening, this would not reduce the perception of overlooking likely to be experienced by the occupiers of this dwelling.

The side elevation of No 7a contains an obscure glazed window at first floor level and patio doors at ground floor level and is located approximately 13 metres away from the front elevation of the proposed dwelling. The front elevation of the proposed dwelling would contain three first floor windows serving a workshop and bedrooms and two further rooflights serving an en-suite and landing area. Views towards the private amenity area of No 7a from the proposed dwelling may be achievable however it is considered likely that the existing mature hedge which runs along this boundary would screen the majority of these views.

Whilst an adequate area of private amenity space would remain to the rear of No 5, it is noted that the amenity space to the side of this dwelling would be reduced as a result of the proposed access to the new dwelling. The side elevation of No 5 also contains a number of habitable room windows and front door and it is likely that the increased number of comings and goings to the proposed dwelling would be discernable to the occupiers of No 5. However, given the low number of vehicles likely to serve a single dwelling, it is not considered that an unacceptable adverse impact upon the occupants of No 5 would result by virtue of any noise and disturbance issues.

Overall, I am of the view that the proposed dwelling proposal would result in an adverse impact upon the living conditions of neighbouring dwellings by virtue of an overbearing and perceived overlooking impact contrary to Policy DM5 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. The proposed site plan shows that there would be sufficient space within the site for a parking area and space for maneuvering within the site. The existing access would be widened and surfaced to allow two vehicles to pass one another near the entrance on to Station Road. As part of this a street light would need relocating and a small section of hedgerow removed. The Highways Officer raises no objection to the application subject to conditions relating to surfacing and improvements/widening of the existing dropped kerb.

As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety in accordance with the aims of Spatial Policy 7.

Impact upon Trees and Ecology

Mature trees and hedgerow often provide a habitat for a variety of species, some of which may be protected by law. Core Policy 12 requires proposals to take into account the need for continued protection of the District's ecological assets. Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

The site is currently used as garden and contains a number of mature trees and hedgerow along its boundaries. A basic tree survey has been submitted with this application but there is no constraints plan show scaled representations of trees and trees adjacent to site have not been evaluated. The Tree Officer raises concern in relation to the loss of the trees and states that *'out of the 22 trees that been surveyed 15 (10 B category and 7 C category) are to be removed. The remaining trees have recommendations within the tree survey for 3 to be felled. This leaves only 4 trees retained (3 B cat and 1 C cat) on the site none of which have RPAs shown so I cannot calculate any potential adverse impact on trees or vice versa'*.

Category B trees are trees of moderate quality and should be retained where possible. The trees to be removed have not been marked on the Proposed Plans and nor have the RPAs of trees or hedgerows proposed for retention. The siting and scale of the dwellings itself would necessitate the removal of one Category B tree and 3 Category C trees. All of the proposed trees along the driveway would be removed and I am not convinced that no harm to the hedgerow along the boundary would result given the lack of information submitted. Some of the trees proposed for removal are visible from Station Road and contribute positively to its setting and the character and appearance of the Conservation Area.

Given the extent of tree removal, I am also concerned there could be some adverse impact on protected species as a result and it has not been demonstrated through the submission an ecology survey in the form of a Phase 1/Walkover Survey that this would not be the case.

I am aware that paragraph 99 of Government Circular 06/2005 states that:

"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances..."

Overall, given the concerns raised in relation to the size of the proposed dwelling, I am not convinced that the proposal has maximised the opportunities for conserving existing trees on site and nor has it been demonstrated that RPAs of trees and hedgerows proposed for retention would not be indirectly harmed by the development. In addition, it is considered that the applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development contrary to Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

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 is out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue

of its design, scale and plan form. 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.

In addition, I consider the proposed dwelling to result in an unacceptable relationship with the neighbouring dwelling and would result in an adverse impact upon the living conditions of the adjacent occupiers to the west by virtue of an overbearing and perceived overlooking impact.

Furthermore, the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. The potential ecological impacts of the development in relation to its impacts upon any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposed removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development.

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

RECOMMENDATION

That full planning permission is refused for the following reasons:

01

In the opinion of the Local Planning Authority, the proposed development is considered to be out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue of its design, scale and plan form. As such, it fails 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 character and appearance of this part of Station Road. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by any public benefits of the proposal. The siting and scale of the dwelling would also result in an adverse impact upon the living conditions of the adjacent occupiers by virtue of an overbearing, loss of outlook and perceived overlooking impact. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD (2013).

02

In the opinion of the Local Planning Authority the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. No ecological appraisal has been submitted with the planning application. As such the potential ecological impacts of the development in relation to any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposed removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse

ecological impacts arising from the development. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development Management DPD (adopted July 2013).

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 Helen Marriott on ext. 5793.

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 - 19/00537/FUL

