

PLANNING COMMITTEE REPORT – 4 FEBRUARY 2020

Application No:	19/01701/FUL		
Proposal:	Erection of 1 No. 3 bed detached dwelling		
Location:	Cherry View, Bilsthorpe Road, Eakring, NG22 0DG		
Applicant:	Mr N Wallis and Mrs L Wiffen		
Agent:	George Machin, GraceMachin Planning and Property		
Registered:	27 September 2019	Target Date:	22 November 2019
Link to application:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PXXDM0LBLDB00		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation at the request of the Business Manager.

The Site

The site relates to the side garden to the east of Cherry View, a 19th Century Cottage, which is located on the north side of Bilsthorpe Road in the village of Eakring in the Sherwood Area of Newark and Sherwood. Access to the site is achieved off an unnamed lane to the west of the site which is a public footpath and leads off Bilsthorpe Road to the north. There is an outbuilding located to the rear of Cherry View and a number of fruit trees at the rear of the site. To the east of the site is a semi-detached pair of 19th Century cottages which are identified in the County Historical Environment Record. To the rear of the site is a paddock. Boundaries are formed by stone walls and hedges, with a close-boarded fence on top of the stone wall forming the boundary with the highway.

The site is located in Eakring Conservation Area.

The application site slopes down to the front south east roadside corner.

The site is located in Flood Zone 1

Relevant Planning History

16/01745/FUL: Land to the rear of Cherry View - Erection of two, two-bedroomed dwellings and associated access. Refused 14.12.2016. Appeal dismissed.

The Proposal

Revised plans have been submitted following discussions between the case officer, conservation officer and agent. The application would retain the existing outbuilding for use as a garage and seeks permission for the erection of a two-storey dwelling which would provide accommodation

for a kitchen, living room, W.C and store at ground floor and three bedrooms and two bathrooms at first floor. The dwelling would have dimensions 8.6m width and 8.8m length and would be stepped in at the side elevations by 1.3m for a length of 0.9m on the west elevation and 2.8m on the east elevation to form a T-shaped plan. The main roof section would be parallel and the front elevation and would be dual-pitched with a ridge height of 7.4m and an eaves height of 4.4m. The rear roof section would run at right-angles and be set at a height of 7m with an eaves height of 4.4m. Materials would consist of red clay brick walls and red clay pantiles. The dwelling would be built in a neo-traditional style with features such as segmental brick header arch lintels, double-row red plain clay tile sills, steep pitched roofs and a red clay chimney stack.

Access to the new dwelling would be achieved between the rear of Cherry View and the outbuilding and lead to two car parking spaces and a turning head to the rear of the proposed dwelling. A panel fence of 1.2m which has been erected without planning consent at the boundary with the highway is part of the application and a new timber post and rail fence would be erected between Cherry View and the proposed dwelling.

Revised plans seek to retain the existing trees on site (T5, T6 & T7 as identified in the Arboricultural Report received by the Council on 16 September 2019).

Plans:

Revised site location plan 1:1250 received on 13 December 2019

Revised block plan 1:250 received on 16 December 2019

ECV/2019/01R1: Revised proposed floor plans and elevations 1:100 received on 20 January 2020

Topographical survey 1:250 received on 13 December 2019

Existing garage elevations 1:50 received on 24 September 2019

Street scene 1:1250 received on 13 December 2019

Documents:

Design and Access Statement and Planning Statement and Appendix

Arboricultural report

Departure/Public Advertisement Procedure

Occupiers of two 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 2019)

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Core Policy 3 – Housing Mix, Type and Density

Spatial Policy 7 – Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance
- Eakring Conservation Area Appraisal

Consultations

Eakring Parish Council –

Eakring Parish Council object. Though they like the design and think it's a beautiful house they do not feel that another large property is required in the village. As has been stated a few times Eakring requires smaller properties and so they would like the house to be two smaller properties rather than one large one based upon previous documents that identified the smaller house need.

NSDC Conservation -

Site Analysis

The Eakring Conservation Area was first designated in 1974, and was extended in 1988, including the village's landscape setting to the south. The Council adopted a conservation area appraisal for the village in 2001, and this document includes a useful summary of the character and appearance of the designation.

Eakring is essentially a medieval settlement within open countryside. The landmark 15th century Church of St Andrew is a focal building at the heart of the village. The medieval street pattern of Eakring is evident in the remnants of plots in a grid layout between Kirklington Road/Main Street and Church Lane/Back Lane. In this context, the rural hinterlands of the village are an important element of the conservation areas setting.

The older, typically red brick buildings are an important feature of the conservation area (CA). Apple Cottage to the west of the proposal site is a good example of this. Cherry View, along with its outbuilding, is identified in the appraisal as a building that positively contribute to the character of the conservation area. Although the building has been altered, its traditional features are still legible. Ashcroft and to the east of the site is identified in the appraisal and on Nottinghamshire County HER. Due to the historic interest, vernacular significance and aesthetic value it is considered to be a non-designated heritage asset.

The proposal site contributes to the setting of the historic cottages in this part of the conservation area, notably Cherry view and Ashcroft. The land around Cherry view appears to have been orchard land following enclosure in the 18th century, and before that part of a medieval croft. Historic orchards, make a positive contribution to the character of the conservation area and should be retained where possible.

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).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3).

In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. The courts have said that these statutory requirements operate as 'the first consideration for a decision maker'. Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

Assessment of proposal

Although the design of the proposed dwelling reflects the vernacular character of Eakring it is considered that the infill of the plot impacts the dispersed character found at the fringe of the village.

The centre of the village has a much more dense development character, with a mix of house types and smaller plots. However, as you leave the village along Bilsthorpe Road the density of the development greatly reduces, transitioning from the fringe of the village into the countryside. The plots are noticeably larger. The infilling of this plot will alter this and therefore the character of this part of the conservation area.

The proposed dwelling is of a similar scale, although slightly further set back. This competes with the dwelling. As well as blurs the historic plot boundaries and historic orchard.

The proposal will cause harm to the character and appearance of the conservation area. 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.

NCC Highways Authority –

This proposal is for the construction of one dwelling, with vehicular access from an unnamed, unadopted lane off Bilsthorpe Road, which is also a Public Right of Way (Eakring Footpath). It is noted that the Rights of Way Officer has submitted comments for this application. This proposal includes the removal of the existing brick garage for Cherry View and a parking area provided within the site curtilage of Cherry View. The access is existing and is considered acceptable to the Highway Authority for one dwelling only. However, the access point onto Bilsthorpe Road is in poor condition and would benefit from improvement to the surfacing. Therefore, there are no highway objections to this proposal subject to the following: 1. The access from the back edge of footway shall be improved and tarmac surfaced for a minimum distance of 5m into the site and no other part of the development shall be commenced until the access has been completed in accordance with plans to be first submitted to and approved in writing by the LPA. Reason: In the interests of highway safety. 2. No part of the development hereby permitted shall be brought into use until the parking areas for both Cherry View and the proposed dwelling are provided in accordance with the block plan submitted. The parking areas shall not be used for any purpose other than the parking of vehicles. Reason: In the interests of highway safety. Note to applicant: The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

Lincolnshire County Council Archaeology –

These proposals are in area that is close to areas of known archaeology, in the form of potential house platforms, although this is undated it could possibly be medieval. Any development here could disturb this archaeology and recording it could greatly inform our knowledge of the development of this part of Eakring. Recommendation: Prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by an appropriate condition to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features. 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible.' Policy 199 National Planning Policy Framework (2018)'. An outline of the required work produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

Ramblers Association –

The track bordering the western aspect of this property is a public right of way (Eakring Footpath 22). We have no objection as long as the path remains open and safe during and after the construction process.

NCC Rights of Way –

No public rights of way are recorded over the proposed development site. This does not preclude unrecorded public rights being proven to exist at a later date. However, Eakring Footpath 22 runs adjacent to the development along the Western border, could you please make the applicant aware of the legal line of the footpath as shown on the attached plan.

The Rights of Way section has no objection to the proposal, however, the Rights of Way team would like the applicant to be advised as follows;

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed
- The existing boundary hedge/tree line directly bordering the development along the western boundary is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

No representations have been received from local residents/interested parties.

Appraisal

Principle

The Council has a 5 year housing land supply and the Development Plan is up to date for the purposes of decision making. The District's settlement hierarchy is embedded within Spatial Policies 1 & 2 of the adopted Core Strategy which aims to see the focus of the housing growth in the Sub Regional Centre, Service Centres and Principal Villages. As an 'Other Village' in the hierarchy, this application falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. This provides that in rural areas such as this new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. The proposal is assessed against this criteria below.

Location

I consider that Eakring has sustainable access into Bilsthorpe, a Principal Village located approx. 2 miles to the south and has a few local services itself, including a public house and church. I am satisfied that the site lies within the village of Eakring and the proposal accords with SP3 in this regard.

Scale

Policy SP3 requires that new development should be appropriate in scale to the proposed location and small scale in nature. The existing dwelling Cherry View and the adjacent cottages to the east are considered to be small scale. Revised plans have been submitted which have sought to address concerns about the scale of the proposed dwelling and a street view drawing illustrates the relationship of the proposed dwelling with adjacent dwellings. The width of the proposal has been reduced by 2m, the length has been reduced by 0.5m and the ridge height has been reduced by 0.35m. I consider that the proposal is of an appropriate scale. It should be noted that the street view which was submitted to the Council on 13 December 2019 shows a ridge height of 8m and I consider that the reduction to 7.4m would produce a better movement along the street from Cherry View to Ashcroft, the neighbouring cottages.

Need

Policy SP3 provides that new housing is permissible where it helps to support community facilities and local services. I consider that a single dwelling would be capable of doing this. Smaller housing and family housing reflects the District's housing needs as per Core Policy 3. I consider that a three-bedroom dwelling, as proposed, could help fulfil the need.

Character

The 'character' criteria of SP3 overlaps other relevant policies; CP9 requires a high standard of sustainable design, with an appropriate form and scale to complement its environment and DM5 requires that the character of built form should be reflected in scale, form, mass, layout, design and materials. It goes on to say that uncharacteristic forms of development will be resisted. Policy CP14 states that the Council will work with developers to secure the conservation and enhancement of the character of the district's heritage assets and historic environment including conservation areas and non-designated heritage assets. Policy DM9 states that development proposals should take account of the distinctive character and setting of individual conservation areas including open spaces.

The site is located towards the edge of the village and the edge of the Conservation Area where the spaces between buildings contribute positively towards the character of the Conservation Area. It represents the transition from the open countryside, where isolated agricultural buildings and farmsteads predominate, to the inner core of the village, which is relatively dense. The Conservation Officer is of the opinion that the proposal would cause harm to the character and appearance of the conservation area as a result of altering the density of development and blurring the historic plot boundaries and the historic orchard. However, I take the view that although the proposal would increase the density of dwellings at this point, the street scene is more dense at Ashcroft in any case where the dwellings become more tightly packed. The reduced footprint of the proposed dwelling allows for some separation and retention of open space to the

front and rear and due to the reduction in ridge height it reads as subservient to Cherry View, which is supported. I consider that the harm caused to the Conservation Area by the proposal would be less than substantial and in this case is outweighed by the public benefit of providing a small family-sized dwelling in a village which is well connected to Bilsthorpe, a Primary Village. I consider that the proposal is in conformity with the objectives of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF. The proposal is in conformity with the policies CP14 and DM9.

Impact

There are various types of impacts that I have discussed below:

Residential amenity

Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

The proposed dwelling would have a separation distance of 5 m from Cherry View. There are no windows proposed in the side (west) elevation of the proposed dwelling and as such I have no concerns regarding loss of privacy for Cherry View. There would be loss of light to the rear rooms of Cherry View at ground floor which have fenestration in the side (east) elevation, however, from what I can ascertain these do not serve a principal room and as such I have no concerns regarding harm to amenity from loss of light.

There would be a separation distance of 8m between the proposed dwelling and the boundary with the neighbouring cottage to the east, Ashcroft. The neighbouring cottage is located against this boundary. The proposed dwelling would be set forward of this (and its adjoining) cottage by approx. 3m. I consider that the separation distance is adequate to prevent loss of privacy. The land slopes down towards the neighbouring cottages which potentially raises concerns regarding loss of light and overbearing impacts. However, with the reduction in height of the dwelling and that fact that separation is as much as 8m I consider that these impacts are acceptable. I consider that the proposal is in conformity with policy in this regard.

Archaeology

Due to the known presence of archaeological remains close to the application site, prior to any groundworks the developer would be required to commission a Scheme of Archaeological Works in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This could be secured by way of a condition.

Right of Way

Nottinghamshire County Council ROW Section have no objections to the proposal subject to the public footpath to the west of the site remaining open and unobstructed during any construction works, unless through prior arrangement. An informative would be added to any consent.

Highways

The new development would have some impact on local infrastructure and is likely to increase car-borne traffic to some degree, however it is unlikely that a development of this scale would have an unacceptable impact in this regard. The Highways Authority has no objections to the proposal, subject to improvements in surfacing of the access and driveway being made.

Trees

The trees present on site are protected by virtue of the fact the site is located within Eaking Conservation Area. The arboricultural report submitted with the application identifies eight trees on site which are categorized as being of lower retention value (C category). Trees T5, T6 & T7 (a willow, plum and apple respectively) have the potential to be adversely affected by the proposed drive and turning circle. In view of this, any consent would be conditional on the submission of an Arboricultural Method Statement prior to commencement.

Conclusion

The principle of this development in this location is considered to be acceptable and accords with the Development Plan. The proposed dwelling is considered to be appropriately designed, scaled and sited so as not to detrimentally impact upon the character and appearance of the conservation area. Consideration of the proposed dwelling's impact on surrounding neighbouring amenity has been had and on balance the perceived impacts are considered to be acceptable. The proposed development would not detrimentally impact upon surrounding highway safety. I therefore recommend that planning permission be granted subject to appropriate conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references

Revised site location plan 1:1250 received by the Council on 13 December 2019

Revised block plan 1:250 received by the Council on 16 December 2019

ECV/2019/01R1: Revised proposed floor plans and elevations 1:100 received by the Council on 20 January 2020

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

No part of the development hereby permitted shall be brought into use until details (and samples upon request) of the boundary treatment materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details prior to occupation.

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

05

The access from the back edge of footway shall be tarmac surfaced for a minimum distance of 5m into the site and no part of the development shall be occupied until the access has been completed in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the parking areas for both Cherry View and the proposed dwelling are provided in accordance with the block plan submitted. The parking areas shall not be used for any purpose other than the parking of vehicles.

Reason: In the interests of highway safety.

07

Prior to the commencement of any groundworks the developer shall commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook (2016)) in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To enable heritage assets within the site to be recorded prior to their destruction.

08

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees has been submitted for approval in writing by the Local Planning Authority. This scheme shall include

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details of any special engineering required to accommodate the protection of retained trees (in connection with hard surfacing).
- d. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- e. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

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

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

Notes to Applicant

01

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

03

The development makes it necessary to improve a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with Notts County Council, tel: 0300 500 8080 to arrange for these works to be carried out.

04

Please contact Ian George at Lincolnshire County Council regarding the Scheme of Archaeological Works. Tel. 01522 554838/07990 785499 Email: Ian.George@lincolnshire.gov.uk).

05

The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the Right of Way (RoW) or materials unloaded or stored on the RoW so as to obstruct the path. There should be no disturbance to the surface of the footpath without prior authorisation from the Rights of Way team at Nottinghamshire County Council. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible. Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed. The existing boundary hedge/tree line directly bordering the development along the western boundary is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

BACKGROUND PAPERS

Application case file.

For further information, please contact Emma Fawcett on ext 5436.

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

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 19/01701/FUL



