

Application No:	18/00017/OUT	
Proposal:	Outline Planning Application for the Erection of a Dwelling	
Location:	Land At Epperstone Road, Lowdham, Nottinghamshire	
Applicant:	Mr Neil Fletcher	
Registered:	05.01.2018	Target Date: 02.03.2018
		Extension of time agreed until 11.05.2018

This application is being referred to the Planning Committee for determination because the Parish Council comments are contrary to Planning Officer recommendation.

The Site

This application site forms part of a wider allocated housing site within the defined built up area of Lowdham and outside of the Green Belt. The application site forms approx. 780m² of the total 2500m² total allocated site area. The application site lies towards the east of the allocated site, close to no. 28 Epperstone Road and the built form beyond.

The east of the larger allocated site appears to be used as lawned area in association with no. 28 Epperstone Road. The west of the larger site has an existing vehicular access and hard surfacing in front of an agricultural store building which has been converted to a joinery business.

The existing dwelling at 28 Epperstone Road is a two-and-a-half storey detached brick dwelling with some main aspect windows facing the site. To the north and east of the site lie open fields within the Greenbelt. To the south of the site lies Epperstone Road with Epperstone Bypass beyond. The land is relatively flat and bound predominantly by hedgerows.

The site is, in distance terms, close to Lowdham Conservation Area but is separated from it by both Epperstone Road and the Epperstone Bypass.

Relevant Planning History

16/00673/CPRIOR - Lowdham Joinery Ltd - The Old Stables. Change of use of the barn from Agricultural Use to use for B1 Business use (Involving Joinery manufacture). Permitted Development June 2016. This is the current business at the site.

The Proposal

Outline planning permission is sought for the erection of a single dwelling. All matters except for access are reserved for later consideration, should outline planning permission be approved. Therefore it is only the principle of the proposal and the access that are being assessed as part of this current planning application. Details of appearance, landscaping, layout and scale are not being considered in detail at this stage.

A block plan has been submitted showing access taken from Epperstone Road, towards the eastern part of the site. The submitted block plan also shows an indicative footprint for a single dwelling in order to demonstrate how siting *could* be achieved.

At the request of the Local Planning Authority (LPA), the applicant has also submitted an indicative plan showing how the remainder of the allocated site could still accommodate further residential development of around 4 dwellings (as required under allocation Lo/Ho/1) if outline planning permission were to be granted for a single dwelling on this current smaller planning application site.

Departure/Public Advertisement Procedure

Occupiers of three properties have been individually notified by letter. A site notice has also been displayed near to the site giving an expiry date of 7th February 2018.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 6 Infrastructure for Growth
- Spatial Policy 7 Sustainable Transport
- Spatial Policy 9 Site Allocations
- Core Policy 3 Housing Mix, Type, and Density
- Core Policy 9 Sustainable Design
- Core Policy 10 Climate Change
- Core Policy 12 Biodiversity and Green Infrastructure
- Core Policy 13 Landscape Character
- Core Policy 14 – Historic Environment

Allocations & Development Management DPD

- Policy Lo/Ho/1 Lowdham - Housing Site 1
- Policy Lo/HN/1 Lowdham Housing Need
- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM2 Development on Allocated Sites
- 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 Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014

- Landscape Character Assessment, SPD
- Publication Core Strategy
- The Housing Market and Needs Assessment Sub Area Report (2014)

Consultations

Lowdham Parish Council – Object to proposal.

Original comments;-

“Lowdham Parish Councillors at the meeting objected to this planning application unanimously, seven Councillors present one abstained with a pecuniary interest. The plans are objected to on the grounds that any new development increases flood risks, the property is in an area already over developed and the entrance is on the bend close to a busy junction. Concerns that this could lead to further development.”

Further comments 1;-

“Further to my comments from the Lowdham Parish Council meeting it seems that I may have miss interpreted and omitted a relevant comment, I would therefore like to add to the comments –

‘The District Council have considered a previous planning application on this land and were only prepared to give outline consent on the basis that six houses were built it was felt that the land was unique in Lowdham in having capacity for more properties and it would not be right to allow just one property to be built on the site.’”

Further comments 2;-

“Lowdham Parish Council voted against this application as follows eight against and one abstention. The Parish Council have concerns about the run off from increased development on the site, incapacity of the sewage system and access and egress onto the main road.”

NSDC Planning Policy –

Initial comments;-

“The application site is part of a larger site, Lo/Ho/1, that is allocated in the Allocations and Development Management DPD for residential development providing around five dwellings. Policy Lo/HN/1 states that the majority of housing on the site should be two bedroom units to meet the needs of the local community. It is acknowledged that the Housing Market and Needs Assessment Sub Area Report (2014) found that there was a slightly greater need for three bedroomed properties than two bedroomed properties in the Nottingham Fringe Area.

It is hard to view this proposal as being in line with policy. There is nothing to indicate that any residential development will be coming forward on the other part of Lo/Ho/1 – it is currently a mixture of agricultural and B1 uses. This means that if this application was granted permission, it would be likely that only one dwelling would be delivered on Lo/Ho/1, at least in the short term. Given that there is only one other site allocated for housing in Lowdham, this risks under provision.

It is important that any application granted permission on this site does not prejudice the delivery of the rest of Lo/Ho/1 for housing. Any access arrangements should be compatible with potential future residential development on the northern portion of the site.

Conclusion - The proposal as it stands does not fully comply with the Development Plan. Therefore strong material considerations would be required to determine the application positively."

Additional comments after discussions with agent 1;-

"Lo/Ho/1 was removed from the Green Belt in order to provide around 5 dwellings. As noted in the Agent's email, the level of development proposed for Lowdham in the Amended Core Strategy has been reduced from that proposed in the Adopted Core Strategy because it was not possible to identify sufficient suitable sites through the Allocations and Development Management DPD. The District Council is therefore keen to see Lo/Ho/1 developed during the Plan period. No convincing evidence has been submitted which indicates that delivery of five dwellings on this allocation is unviable.

The existence of premises used for business purposes on the northern portion of the site may make residential development here unlikely in the short term. Any application for development elsewhere on the allocation should, nevertheless, demonstrate how it could facilitate the residential development of the rest of the site in the medium or long term. This should include the necessary provision for the access to accommodate the whole development to the satisfaction of the Highways Agency.

It is important to understand that the housing figures set out in the Adopted Core Strategy and the Amended Core Strategy are not maximums. Consents granted elsewhere in Lowdham do not preclude appropriate development on this site coming forward.

The Housing Market and Needs Assessment Sub Area Report (2014) found that, in the Nottingham Fringe Area, there was most need for three bedroomed properties, followed by two bedroomed properties. Although Policy Lo/HN/1 states that a majority of new housing in Lowdham should be two bedroomed, other mixes of housing may be considered in the light of the Sub Area Report. As previously confirmed through the pre application discussions, a scheme which includes a single four bedroomed house may be acceptable. However, since the majority of the need in the Nottingham Fringe Area is for three and two bedroomed dwellings, it is not considered unreasonable to seek two no. three bedroomed houses and two no. two bedroomed houses in this location. Since the District, including the Nottingham Fringe Area, has an aging population, seeking the provision of some single storey dwellings also does not seem unreasonable.

The District Council needs to be assured that the site can be delivered in the future. Evidence will therefore need to be provided to demonstrate that the proposed scheme will not prejudice the delivery of the rest of the allocation. Without this evidence, the District Council cannot be confident that the overall aims and criteria of the policy can be satisfactorily fulfilled over the medium to long term. This would also therefore fail to meet the requirements of Development Management Policy DM2 – Development on Allocated sites."

Additional comments 2 on additional information showing an indicative layout for 5 no. dwellings on the larger allocated site;-

“It appears that the submitted Planning Statement Addendum addresses concerns that we raised previously. It is therefore possible that the application may be considered to comply with the Development Plan.”

NSDC Conservation Officer;-

“The proposal seeks outline permission for a dwelling with all matters reserved other than access. The proposal site is allocated within the N&S Allocations and DM Policies DPD (ref Ho/Lo/1).

There are a number of designated heritage assets within the wider landscape of the proposal site, notably Lowdham Mill to the north (Grade II listed), The Old Hall to the southwest (Grade II) and the Church of St Mary to the west (Grade I). Lowdham Conservation Area (CA) encompasses the historic core of the village to the west.*

26 Epperstone Road to the east of the proposal site is identified as a Local Interest building on the County HER (ref MNT22311). The roadway to the northwest is identified as being an ancient hollow way (ref MNT10255).

Legal & Policy Considerations

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the ‘Act’) requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, ‘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.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 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 7).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, ‘Historic England Advice Note 2: making changes to heritage assets’ advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and

economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Local Interest buildings and areas of archaeological interest are formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Observations

Provided that development is suitably designed and scaled, we consider that a dwelling is capable of being erected on this site without causing harm to the historic environment. Essentially, the proposal site is sufficiently distant from designated heritage assets and therefore unlikely to cause harm to any listed building or the setting of the CA. Although the mill complex is situated in open countryside to the north, the distance between the listed building and proposal is several hundred metres and green infrastructure provides a degree of cover. At this distance, development is likely to appear as a simple continuation of the existing built environment, resulting in a neutral impact on setting. The Church and Old Hall are further away, furthermore, and there is more extensive tree cover between them.

Overall, the indicative details provided suggest that development will maintain the building line along Epperstone Road, and in this context, development is capable of sustaining the character and appearance of the area through appropriate design and facing materials.

Subject to precise details on layout, scale, design and appearance, we consider that development is acceptable in this case.”

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

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free

suitably surfaced firm level and smooth 'traffic free' accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre 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."

NCC Highways Authority – No objection.

Original comments;-

"This proposal is for the erection of a single dwelling with the construction of a new vehicular access onto Epperstone Road.

There are no highway objections to this proposal subject to the following:

- 1. No part of the development hereby permitted shall be brought into use until the access has been designed to have a minimum width of 2.75m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details. Reason: In the interests of highway safety.*
- 2. No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 2m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).*
- 3. No part of the development hereby permitted shall be brought into use until adequate parking and turning facilities are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles. Reason: To ensure adequate off street parking provision is made to reduce the possibilities of on street parking in the area.*
- 4. No part of the development hereby permitted shall be brought into use until minimum visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the LPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height. Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.*

Note to Applicant

The development makes it necessary to construct a vehicular crossing over a footway/verge 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 NCC, tel: 0300 500 8080 to arrange for these works to be carried out."

Comments on additional information showing an indicative layout for 5 no. dwellings on the larger allocated site;-

"Additional information

Further information has been submitted relating to the provision of additional dwellings. The previous comments and conditions dated 31/1/18 still apply. However, the following comments relate to possible future proposals:

- 1. Short to medium term (Phase 2) – the layout shows the proposed dwelling from this application and a further 2 semi-detached dwellings, together with the agricultural and employment building, all served from one access point. The access would be required to be widened; however, the required width is dependent upon the type and size of vehicle using the agricultural building.*
- 2. Medium to longer term (Phase 3) – the layout shows the proposed dwelling from this application with 4 semi-detached dwellings, together with the agricultural and employment building, having been relocated, all served from one access point. The access would be required to be widened; however, the required width is dependent upon the type and size of vehicle using the agricultural building."*

Further clarification requested by the case officer confirms that the access may only be required to be widened for the purpose of the agricultural building. The width of access proposed would be sufficient for 5 no. residential dwellings.

Trent Valley Internal Drainage Board – *"The site is within the Trent Valley Internal Drainage Board District. 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."*

Campaign to Protect Rural England (CPRE);-

"This application is submitted for outline development of land allocated in the District Plan for housing. The application deals mainly with road access to the site but gives limited information on the structure itself. This comment is not an objection to the proposal but seeks to ensure that the Outline Approval retains the capability of influencing other detail of the property.

The Council is asked to withhold approval on all aspects of the new building not mentioned in this outline application. Such issues as dimensions, materials, colour, external lighting, architectural style, etc. etc."

Environmental Health Officer – No comments received to date.

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

Comments of the Business Manager

The Principle

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 (emphasis added) material considerations indicate otherwise.

Notwithstanding the current process of Plan Review, at the current time the Adopted Development Plan for the District is the Core Strategy DPD (2011) and the Allocations and Development Management Policies DPD (2013). The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply. This has been rehearsed many times before and as such 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. This has been confirmed by an Inspector through recent appeal decisions dated April 2018.

The site is located in Lowdham, which is identified by the Newark and Sherwood Core Strategy (CS) as a Principal Village within the Nottingham Fringe area. The larger site is allocated in the Newark and Sherwood Allocations and Development Management Development Plan Document (ADMDDP) under allocation Lo/Ho/1 which allocates the site for around 5 dwellings. The larger allocated site has consequently been removed from the Green Belt and sits within the village envelope as defined in the ADMDDP.

Development within the village envelope of Principal Villages is considered acceptable through policies SP1 and SP2 of the CS and Policy DM1 of the ADMDDP. Furthermore, this site benefits from an allocation Lo/Ho/1 within the Plan. The principle of residential development at this site is therefore already established.

Housing Density, Mix and Need (including Whether this would Prejudice the Remainder of the Site Allocation)

CP3 expects all housing developments to normally be no lower than 30 dwellings per hectare on average, with an appropriate housing mix and which adequately addresses housing need in the district identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population.

In this particular case allocated site Lo/Ho/1 was removed from the Green Belt in order to provide around 5 dwellings, which was deemed to be an appropriate density given the site constraints. However, the level of development proposed for Lowdham in the Amended Core Strategy has been reduced from that proposed in the Adopted Core Strategy because it was not possible to identify sufficient suitable sites through the Allocations and Development Management DPD. The LPA is therefore keen to see Lo/Ho/1 developed during the current Plan period.

The existence of premises used for business purposes on the northern portion of the site may make residential development here unlikely in the short term. As such this current planning application for development on only part of the allocated site needs to demonstrate how it could facilitate the residential development of the remainder of the site in the medium or long term. This also needs to include the necessary provision for the access to accommodate the whole development to the satisfaction of the Highways Authority.

This dwelling proposed by this scheme is a market dwelling, likely to be detached with the size and number of bedrooms unknown at this stage. The application site is located adjacent to an existing detached dwelling at no. 28 Epperstone Road and equates to c780m² of land. This would leave c1720m² for the remaining site allocation of which 'around' 4 dwellings would be expected in order to accord with the allocation policy. This would leave an average of c430m² of land available if it were to be developed for 4 plots.

The Housing Market and Needs Assessment Sub Area Report (2014) found that, in the Nottingham Fringe Area, there was most need for three bedroomed properties, followed by two bedroomed properties. Although Policy Lo/HN/1 states that a majority of new housing in Lowdham should be two bedroomed, other mixes of housing may be considered in the light of the Sub Area Report. This planning application seeks outline planning permission with access being the only detail being considered at this stage. Therefore, at this stage, precise details of the size, layout and indeed number of bedrooms of the proposed single dwelling have not been submitted. However, given the size of the site (780 square metres) and the indicative block plan, it is possible that the applicants may seek for a new dwelling on this site to be larger than a two or three bed dwelling. In light of the above information, a single larger dwelling may be considered to be acceptable in principle particularly as size will be controlled at reserved matters stage.

The applicant was requested to demonstrate that this current planning application will not prejudice the delivery of the rest of the allocation. Consequently the applicant has provided additional information on how the remainder of the site might be developed to still deliver the expected number of dwellings on the allocated site. This shows that later phases could comprise two pairs of semi-detached dwellings orientated west to east (facing the current application site). These would appear to be smaller dwellings, which would be expected given the remaining land available for development would dictate a higher density. The information submitted is indicative only. However, it is considered sufficient to demonstrate that the granting of this current planning application would not prejudice the remainder of the site being able to be developed in line with the above policies at a later stage.

The applicant has indicated that the short to medium term development of the site (phase 2) could extend the proposed access into a private drive allowing a pair of two-storey semi-detached 2-bedrooms dwellings to be created. The indicative plan and supporting commentary suggests each dwelling could a gross internal floor area of 83m².

The applicant has indicated that the medium to longer term development of the site (phase 3) could see the re-location of the existing business out of the allocated site with the erection of a pair of two-storey semi-detached dwellings each with a built footprint of 100sqm and gross internal floorspace of 165sqm.

This potential site layout is indicative only. There are elements of the proposed layout plan that may not be acceptable. For example, the phase 2 dwellings have small rear garden areas but this may be able to be overcome by moving the dwellings further forward in the plot. The layout plan

also shows the existing agricultural and employment building to be relocated adjacent to the site within the Green Belt which is likely to be contrary to Green Belt planning policy. However, such details are not being considered as part of this current planning application and in any event the development of the site for residential is not reliant on the existing business relocating to within the Green Belt; it could go potentially go anywhere.

It is, however, considered that the indicative layout plan is sufficient to demonstrate that the granting of this outline planning application for a single (possibly larger) dwelling on part of the site would not prejudice the remainder of the allocated site being developed to a satisfactory manner. It is considered that sufficient space remains for a further 4 no. dwellings to be located at the site (with the needed mix of two and three bedrooms), of a sufficient size, with sufficient amenity space and sufficient separation distances. Access and parking arrangements could also be accommodated to a satisfactory standard. The Highway Authority has been consulted on the indicative plan and raised no objections in principle. I am therefore satisfied that the current scheme would not prejudice the remainder of the allocation to deliver its intended housing in line with policy expectations.

Highway Safety

Access details are to be considered as part of this planning application.

The allocation policy Lo/Ho/1 states that for this site;- *“Development on this site shall be served from a single point of access onto Epperstone Road.”*

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 states that for all development in the District;- *“Provision should be made for safe and inclusive access to new development.”*

There is an existing access point towards the south west of the site which serves the existing business. A new access point is proposed to the south east of the site to serve the proposed new dwelling. In the short term, the two accesses would run concurrently. However, as one of the access points is for the existing business at the site and not for the new residential development, this is not considered to be contrary to the above planning policy.

The indicative plans for the long term development at the site do show the existing access to be made redundant with all new residential development being served from the new single access point which would be altered into a private drive. The Highway Authority has raised no objections in principle to this arrangement, although such details are not formally being considered at this stage.

The Highway Authority has been consulted on the proposed access arrangements for this current planning application and has raised no objections to the proposed new access point subject to conditions which I consider are necessary and reasonable. The applicant has submitted an indicative plan showing that the required visibility splays can be achieved at the site. For the reasons stated above, I consider that the proposed access details are acceptable and comply with the access part of policy Lo/Ho/1 as well as SP7, CP9 and DM5.

Impact on Amenity

Appearance, scale and layout are all details reserved for later approval should this outline planning permission be granted. As such, they are cannot be considered in detail at this stage. However, the LPA need to be satisfied that the site is large enough to satisfactorily accommodate the single dwelling proposed without appearing cramped in its plot and without impacting on the residential amenity of neighbouring occupiers. This is in accordance with Core Policy 9 which states that all new development within the District must;-

“Achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments”

An indicative layout plan of the proposed single dwelling has been submitted as part of the planning application. I do have concerns with the layout proposed on the indicative plan in that the dwelling is set quite far back within the plot and leaves little private amenity area to serve the dwelling at its rear. However, this plan is indicative only and the dwelling could be moved further forward in the plot and possibly also redesigned to resolve this issue (being careful not to impact on the amenity of the adjacent property).

Policy DM5 of the ADMDPD 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.”*

With regards to impact on neighbouring properties, the only residential property in close proximity to the site is no. 28 Epperstone Road to the east. All other site boundaries are surrounded by open fields or highways and therefore there are no other neighbouring residential properties close enough to be adversely affected by the proposal.

There is an existing joinery business within the larger allocated site which is also within the ownership of the applicant. This operates from a former agricultural building which under the prior notification procedure has changed its use to a B1 business use which involves joinery manufacture. Given this business operates from a building that wasn't designed specifically for manufacturing; I consider that there is potential for the business to generate noise and disturbance impacts that could affect the proposed dwelling. Our Environmental Health Officer has been asked for their comments on the relationship and this will be reported as a late item. However it seems to me that the impacts are unlikely to be insurmountable and that measures such as noise attenuation fencing, ensuring that the dwelling is orientated such that the main aspect windows do not face the west and the level of glazing within the windows, all of which could be controlled via condition (see Condition 8) and at reserved matters stage would likely be sufficient to allay such concerns.

No. 28 Epperstone Road is within the ownership of the applicant and therefore is associated with the proposed dwelling. Notwithstanding this, the impact of the proposal on this property still requires careful consideration. No. 28 does have windows facing the site both at ground and first floor level and also at second floor within the side gable. Some of these windows light main aspect rooms. However, looking at the approved floor plans for when planning permission was granted for this neighbouring dwelling, some of these rooms also have other windows to the rear of the dwelling lighting the same rooms. The only exception to this is the open plan breakfast / kitchen / family room. Careful consideration would need to be given to the final siting, layout and design of

the proposed new dwelling to ensure that it does not have an unacceptable detrimental impact on the neighbouring property, no. 28, in particular in terms of massing / overshadowing onto these windows. However, from the information submitted, I am satisfied that the site is large enough to accommodate a single dwelling of some sort with a careful design so as to not impact on the amenity of the neighbouring dwelling in compliance with the identified policies.

Impact upon the Character and Appearance of the Area

A new access point is proposed to the south east of the site to serve the proposed new dwelling. Highway safety has already been assessed earlier in this report. However, the visual impact of the creation of an access on the character and appearance of the area also requires consideration.

The allocation policy Lo/Ho/1 states that;- *“Development on this site will be subject to the following:*

Consideration of the retention of the existing boundary hedgerows as part of the design and layout of any planning application in order to manage the transition into the main built up area.”

The proposed new access will require the removal of some hedgerow and this is not considered to be unreasonable given the need for an access point to serve the proposed residential development. In terms of location of the access and removal of hedgerow, I consider that the proposed driveway siting towards the very east of the site to be the preferred position from a visual point of view as it is closest to the built-form within the village and furthest away from the open Green Belt. This allows for a visual transition from rural to urban.

The Highway Authority has advised that visibility splays of 2.4m x 43m are required to either side of the access point. Precise details of this should be controlled by way of a planning condition should planning permission be granted. However, in order to assess the amount of hedgerow required to be removed to make way for the visibility splays, the applicant was asked to submit an indicative plan showing the visibility splays. The submitted visibility splay plan shows that hedgerow is only required to be removed to make way for the access point itself and that no hedgerow is required to be removed for the visibility splays. This is due to the wide highway corridor and slight curvature of Epperstone Road.

For the reasons stated above, the removal of part of the hedgerow to make way for the proposed access point is not considered contrary to the allocation policy Lo/Ho/1 in this respect.

Impact on Heritage Assets

There are a number of designated heritage assets within the wider landscape of the proposal site, notably Lowdham Mill to the north (Grade II listed), The Old Hall to the southwest (Grade II*) and the Church of St Mary to the west (Grade I). Lowdham Conservation Area (CA) encompasses the historic core of the village to the west. No. 26 Epperstone Road to the east of the proposal site is identified as a Local Interest building on the County HER (ref MNT22311). The roadway to the northwest is identified as being an ancient hollow way (ref MNT10255).

The site is in distance terms close to Lowdham Conservation Area but in reality this is separated from the site by both Epperstone Road and the Epperstone Bypass thus reducing the impact upon it. Nevertheless it has been considered below.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration, '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.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 12 of the National Planning Policy Framework (NPPF). Paragraph 132 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 7).

The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. Paragraph 13 of the Conservation section within the Planning Practice Guidance (PPG) advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. Paragraph 13 also reminds us that the contribution made by setting does not necessarily rely on direct intervisibility or public access.

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that the main issues to consider in proposals for additions to heritage assets, aside from NPPF requirements such as social and economic activity and sustainability, are proportion, height, massing, bulk, use of materials, durability and adaptability, use, enclosure, relationship with adjacent assets and definition of spaces and streets, alignment, active frontages, permeability and treatment of setting. Replicating a particular style may be less important, though there are circumstances when it may be appropriate. It would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting (paragraph 41).

Local Interest buildings and areas of archaeological interest are formally identified on the County Historic Environment Record (HER). In accordance with Annex 2 of the NPPF, Local Interest buildings and areas of archaeological interest are non-designated heritage assets. The impact of a proposal on the significance of a non-designated heritage asset is a material consideration, as stated under paragraph 135 of the NPPF. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Conservation Officer has assessed the proposal and commented that:-

"Provided that development is suitably designed and scaled, we consider that a dwelling is capable of being erected on this site without causing harm to the historic environment. Essentially, the proposal site is sufficiently distant from designated heritage assets and therefore unlikely to cause

harm to any listed building or the setting of the CA. Although the mill complex is situated in open countryside to the north, the distance between the listed building and proposal is several hundred metres and green infrastructure provides a degree of cover. At this distance, development is likely to appear as a simple continuation of the existing built environment, resulting in a neutral impact on setting. The Church and Old Hall are further away, furthermore, and there is more extensive tree cover between them.

Overall, the indicative details provided suggest that development will maintain the building line along Epperstone Road, and in this context, development is capable of sustaining the character and appearance of the area through appropriate design and facing materials.

Subject to precise details on layout, scale, design and appearance, we consider that development is acceptable in this case."

Precise details of appearance, landscaping, layout and scale are all reserved for later consideration and the Conservation Officer would be consulted if and when a reserved matters application were to be submitted. However, it is considered that the principle of a single dwelling at this site is acceptable from a heritage point of view.

Flood Risk

The Parish Council has raised concerns as they consider that any new development would increase flood risk in the area. However, the site is located within flood zone 1 which is at the lowest risk of flooding, albeit it is located within an area noted for surface water flooding.

Trent Valley Internal Drainage Board has commented that;-

"The site is within the Trent Valley Internal Drainage Board District. 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."

However, the Lead Local Flood Authority do not offer comments on such minor development within this area of the district. Nevertheless I am satisfied that surface water drainage is an issue that can be controlled and I consider it reasonable for the applicant to demonstrate the means of satisfactory surface water drainage prior to commencing development which can be controlled via condition 9.

Conclusion

The principle of further residential at this site is acceptable and indeed already established through site allocation Lo/Ho/1 of the ADMDPD. The applicant has submitted indicative details demonstrating that this current planning application will not prejudice the delivery of the rest of the allocation site. The proposed access arrangements are not considered to have a detrimental impact on highway safety in the area and could serve the entire allocated site in due course. The site is considered large enough to be able to accommodate a single dwelling without appearing cramped and out of keeping with its surroundings and without having a significant detrimental impact on the amenity of neighbouring occupiers. The removal of hedgerow is minimal. The proposal is not considered to have a detrimental impact on nearby heritage assets. The site is not located in a flood zone.

As such, the proposal is considered to be in accordance with the relevant planning policies and other material considerations outlined earlier in this report. Accordingly, it is recommended that outline planning permission should be granted subject to the conditions set out below.

RECOMMENDATION

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

Conditions

01

Application for approval of reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

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

02

Details of the appearance, landscaping, scale, and layout (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

03

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans;-

Site location plan, received 4th January 2018

Access details only as shown on indicative block plan, received 4th January 2018

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

04

No part of the development hereby permitted shall be brought into use until the access has been designed to have a minimum width of 2.75m for the first 5m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority and thereafter constructed in accordance with the approved details.

Reason: In the interests of highway safety.

05

No part of the development hereby permitted shall be brought into use until the access is surfaced in a bound material for a minimum distance of 2m rear of the highway boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

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

06

No part of the development hereby permitted shall be brought into use until adequate parking and turning facilities are provided in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking/turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure adequate off street parking provision is made to reduce the possibilities of on street parking in the area.

07

No part of the development hereby permitted shall be brought into use until minimum visibility splays of 2.4m x 43m are provided in accordance with details to be first submitted and approved in writing by the LPA. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height

Reason: To maintain the visibility splays throughout the life of the development and in the interests of highway safety.

08

Application for reserved matters shall be accompanied by a Noise Assessment and an attenuation scheme that demonstrates whether any mitigation against potential noise and general disturbance impacts from the adjacent business to the west will be necessary and what these should comprise. Any mitigation measures identified as being necessary shall be implemented in full and retained until such time as the building to the west ceases to be used for business purposes, in accordance with a timetable which shall be agreed in writing prior to the commencement of the dwelling hereby approved.

Reason: In the interests of providing a satisfactory standard of amenity for the future occupiers of the site.

09

The development hereby permitted shall not commence until drainage plans for the disposal of surface water have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

Informatives

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 accordance with Town and Country Planning (Development Management Procedure) Order 2010 (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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

03

The comments of the Internal Drainage Board are available to view on the electronic planning file on the Council's website.

04

The comments of the Council's Access Officer are available to view on the electronic planning file on the Council's website.

05

The development makes it necessary to construct a vehicular crossing over a footway/verge 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 NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

Background Papers

Application Case File

For further information, please contact Claire Turton on extn. 5893.

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

Matt Lamb

Business Manager – Growth & Regeneration

