

Application No:	17/01986/FUL	
Proposal:	Construction of new 2 bed bungalow and garage	
Location:	Land Adjacent To Manor Farm, Moor Lane, East Stoke, NG23 5QD	
Applicant:	Mrs P Stevens	
Registered:	31 November 2017	Target Date: 26 December 2017 Extension of Time: 4 April 2018

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

The Site

The application site comprises a parcel of land approximately 0.08 hectares in area located within the garden area of Manor Farm. It is located on the south west side of Moor Lane which is located within the settlement of East Stoke and its Conservation Area. Manor Farmhouse is a two storey local interest building and sits side on to the road and its principle elevation faces the application site. An approximately 1 metre high brick wall forms the boundary between Manor Farm and Moor Lane. There are two separate vehicle accesses to the existing dwelling (one to the front and one to the rear) and a separate pedestrian access gate. Jays Bungalow is located to the north west of the application site. Open countryside is located to the south west of the application site.

Relevant Planning History

15/01315/FUL Householder application for single storey and gable rendering and alteration to approved vehicular access to existing wall – permission 12.10.2015

15/00200/FUL Householder application for new pitched roof to replace flat roof. New vehicular entrance from Moor Lane and new driveway. Replace entrance door to house on Moor Lane with new window – permission 01.04.2015

0977737 Alterations and extensions to form family room – permission 14.10.1977

The Proposal

The application seeks full planning permission for the erection of a 2-bed bungalow and garage (in the form of a detached car port). The dwelling would have a double-depth, m-plan roof system and the main part of the dwelling would measure 17.5m x 8.8m and the height to ridge would be 5.2m. External materials would comprise a blue/black slate roof and rendered blockwork walls. The existing vehicular access with driveway, turning area and parking would be provided off Moor Lane. A rear garden area with a depth of approximately 20 metres would also be provided.

The plans have been revised during the lifetime of the application with the original submission comprising a 3-bed chalet bungalow and attached garage. Due to concerns raised by the Conservation Officer, sketch plans were subsequently received in January 2018 amending the proposed dwelling to a 1.5 storey building. Following further discussions the final set of revised plans (which have been fully consulted upon) representing the final revision proposed by the Applicant.

Departure/Public Advertisement Procedure

Occupiers of five properties have been individually notified by letter and re consulted on the final set of revised plans received.

A site notice was posted on 7 November 2017 and a press notice was published 9 November 2017.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 3 - Housing Mix, Type and Density
Core Policy 9 - Sustainable Design
Core Policy 10 - Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 14 – Historic Environment

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Housing Market Needs Sub Area Report (2014)
Newark and Sherwood Amended Core Strategy DPD 2017
Spatial Policy 3 Guidance Note SPD

Consultations

East Stoke Parish Council: Support the proposal.

NCC Highways: The proposal is for the construction of a new dwelling within the existing curtilage of Manor Farm. There is a vehicular access in place which will serve the proposed dwelling, therefore, there are no highway objections.

NCC Lead Local Flood Authority: Having considered the application the LLFA will not be making comments on it in relation to flood risk as it falls outside of the guidance set out by Government for those applications that do require a response from the LLFA.

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

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

Tent Valley Internal Drainage Board: The site is outside 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:

Comments received 14.03.2018:

Legal and policy considerations

Section 72 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. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

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).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset(s)

The land adjacent to Manor Farm on Moor Lane is located in the East Stoke Conservation Area, first designated in 1992. The land is currently in use as domestic garden space to Manor Farm, and at the time of the visit the land was well maintained, formally landscaped, and does not appear incongruous with the surrounding area. Manor Farm is recognised as a non-designated heritage asset by virtue of well-preserved features and identification as a historic farmstead on the 1885 OS Map. It makes an important contribution to the character of the Conservation Area and merits preservation in accordance with Paragraph 135 of the NPPF.

The building presents an imposing, symmetrical, three-bay, two-storey brick frontage facing northwards out towards the application site. The gable end of the property therefore faces the street frontage and the 1885 OS Map confirms that the plot has always been adjoined by an open parcel of land to the north, in which there may originally have been an orchard.



There are a number of important historic farmsteads located in close proximity that are identified on both the 1885 and 1915 OS Maps, and the agricultural outbuildings ancillary to the original farmhouses are still in situ, located immediately fronting Moor Lane. There has been a series of insensitive late-C20 bungalow and low rise residential properties constructed in between the farmsteads on either side of Moor Lane which have negatively impacted on the character of the Conservation Area, and it is therefore considered important to ensure these mistakes are not repeated in contemporary practice.

Assessment of Proposal

Conservation has scrutinised the most recently revised plans submitted as part of 17/01986/FUL and continues to **object** to the proposal.

Conservation's previous comment submitted 31.1.18 with reference to the previous revision stated:

In seeking to address the issues raised by Conservation, the application has been revised to include a modular height dwelling with a car port at the front of the site and a central linear range of one and a half storeys with a perpendicular single storey wing. While detailed measurements have not been submitted, it is evident that the pitch of the roof is steep to accommodate additional living space above ground floor level. The revised scheme is not considered to address the original concerns raised 16.11.17. The architectural composition of the modular building range does not appear as a single storey agricultural outbuilding range and forms no association with the surrounding historic environment and appears as a discordant building to match the adjacent late C20 bungalows in close proximity. The scale, form and massing would negatively impact on the character of the conservation area when viewed from the streetscene, and undermine the significance of Manor Farm, a non-designated heritage asset.

In seeking to address the above concerns raised by conservation the applicant has submitted a revised proposal which has attempted to reduce the overall height of the dwelling. This has been realised through the inclusion of a double-depth, m-plan roof system. Conservation objects to this proposal as it would still appear highly incongruous in its setting and unduly prominent from the streetscene of the conservation area and the immediate setting of Manor Farm, a non-designated heritage asset. Furthermore the building retains its harmful modular scale and appearance, with perpendicular wings that are wholly discordant with the character of the surrounding historic buildings, and serve to emphasise the harm caused by the adjacent modern C20 bungalows to the setting of the East Stoke Conservation Area.

Conservation has continually advised the applicant that a development of the submitted intensity is not considered viable with the principles of development in a conservation area; the proposal in no way appears as a discreet, traditional cottage that may be acceptable for its sensitive location.

Paragraph 137 states that: Local planning authorities should look for opportunities for new development within Conservation and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. It is considered that the proposal would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas Act (1990) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation does not consider the proposal to preserve or enhance the character of the area, and if the development was approved it would be wholly incongruous with the character of the surrounding heritage assets, and reinforce the harm caused by the surrounding modern C20 bungalow developments. Therefore the proposal is not in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

Comments received 16.11.2017:

Legal and Policy Considerations

Section 72 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. The courts have said that these statutory requirements operate as a paramount consideration, 'the first consideration for a decision maker'.

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).

Additional advice on considering development within the historic environment is contained within the Historic England Good Practice Advice Notes (notably GPA2 and GPA3). In addition, 'Historic England Advice Note 2: making changes to heritage assets' advises that it would not normally be good practice for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of development that might be appropriate. The junction between new development and the historic environment needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.

Significance of Heritage Asset(s)

The land adjacent to Manor Farm on Moor Lane is located in the East Stoke Conservation Area, first designated in 1992. The land is currently in use as domestic garden space to Manor Farm, and at the time of the visit the land was well maintained, formally landscaped, and does not appear incongruous with the surrounding area. Manor Farm is recognised as a non-designated heritage asset by virtue of well-preserved features and identification as a historic farmstead on the 1885 OS Map. It makes an important contribution to the character of the Conservation Area and merits preservation in accordance with Paragraph 135 of the NPPF.

The building presents an imposing, symmetrical, three-bay, two-storey brick frontage facing northwards out towards the application site. The gable end of the property therefore faces the street frontage and the 1885 OS Map confirms that the plot has always been adjoined by an open parcel of land to the north, in which there was there may originally have been an orchard.

There are a number of important historic farmsteads located in close proximity that are identified on both the 1885 and 1915 OS Maps, and the agricultural outbuildings ancillary to the original farmhouses are still in situ, located immediately fronting Moor Lane. There has been a series of insensitive late-C20 bungalow and low rise residential properties constructed in between the farmsteads on either side of Moor Lane which have negatively impacted on the character of the

Conservation Area, and it is therefore considered important to ensure these mistakes are not repeated in contemporary practice.

Assessment of Proposal

Conservation **objects** the proposal for a 3 bed chalet on Moor Lane. The application is located on an important open piece of land in the Conservation Area, which makes a significant contribution to both Manor Farm (a non-designated heritage asset) and the street-scene of the Conservation Area. Paragraph 137 states that: *Local planning authorities should look for opportunities for new development within Conservation and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.* It is considered that the proposal would not make a positive contribution to the character of the Conservation Area by nature of its design, layout, inclusion of a detached garage and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane.

Section 72 (1) of the Listed Buildings and Conservation Areas Act (1990) states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation does not consider the proposal to preserve or enhance the character of the area, and if the development was approved it would be wholly incongruous with the character of the surrounding heritage assets, and reinforce the harm caused by the surrounding modern C20 bungalow developments. Therefore the proposal is not in accordance with the objective of preservation set out under sections 72, part II of the 1990 Listed Building and Conservation Areas Act, and does not comply with heritage policies and advice contained within the Council's LDF DPDs and section 12 of the NPPF.

NSDC Strategic Housing Officer: The application site is located within the village of East Stoke which is defined as an 'other village' (and not a Principal Village) in the settlement hierarchy contained within Spatial Policy 1 of the Core Strategy. Development within these areas need to be considered against Spatial Policy 3 (SP3) which states that local housing needs will be addressed by focusing housing in sustainable, accessible villages. It goes on to say that beyond Principal Villages, proposals for new development will be considered against five criteria; location, scale, need, impact and character.

Any proposed new housing in SP3 villages must meet an identified proven local need to accord with SP3. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant.

I turn to the issue of demonstrating 'proven local need' to accord with SP3. In general local need refers to a need for affordable housing; usually where the market cannot meet the needs of people who are eligible for subsidised housing such as social /affordable rented or shared ownership. East Stoke is an area where many people are unable to secure housing that is affordable as values are above the average for the Newark area.

For assessing market housing need, reference is made to a preference or demand where it may be possible to meet that preference or demand through existing housing stock i.e. it would be difficult to identify a proven local need for a three bedroom dwelling if the housing stock in East Stoke has a good supply of this type of housing and they appear on the open market for sale.

Currently there are 1 x 4 bedroom property on the open market for sale and 1 x 3 bedroom market property for sale that would meet this demand.

The applicant has not made reference in the application to evidence of local housing need (typically in the form of a housing needs survey). Therefore in terms of addressing the need criteria of SP3 I would attach limited weight to the application for the criteria of need.

NSDC Access Officer: the Applicant is advised to make separate enquires with regards to Building Regulations matters.

One written representation has been received from local residents (to the application as originally submitted albeit I consider the issues raised to remain relevant). Main issues raised include:

- The address to which the planning application refers already has an approved planning application on a previous occasion within the then existing garden of the property (02/01208/FUL). A further successful planning application would detract from the location and character of the original building in its setting.
- The village is at high risk of flash flooding from storm water (a no. of photos showing flooding in East Stoke submitted). Both grey & sewage water systems are being overwhelmed which, are constantly running close to capacity.

Comments of the Business Manager

5 Year Housing Land Supply

The Council's position is that it can demonstrate a 5 year housing supply. Following the allowed appeal at Farnsfield in 2016 where one Inspector concluded we did not have a five year housing supply, in order to address its housing requirement the Council, as it is required to do under the NPPF for both objectively assessed need (OAN) and under the Duty to Cooperate, produced a Strategic Housing Market Assessment (SHMA). The SHMA has produced an OAN for NSDC of 454 dwellings per annum (using 2013 as a base date). Moreover, this Council has now had its Plan Review DPD Examined (EIP). It is acknowledged that the OAN and consequently housing target for the District cannot attract full weight until after examination of the Development Plan. However, the OAN and issues around delivery have moved on considerably, with the EIP Inspector not raising any additional matters. This position has also been confirmed by a recent (August 2017) appeal hearing decision which has accepted that this Council has a 5 year housing land supply against a target of both 454 and 500 dwellings per annum. Even on a 550 OAN the Inspector in that case concluded that any shortfall would most likely be made up by windfall schemes. An appeal in January 2018 also confirms that this Council has a 5 year land supply.

Given this position the Council considers that limited weight should now be attached to the Farnsfield Inspector's decision from 2016. To the contrary the OAN of 454 remains robust and against this it is considered that there is a 5 year housing land supply. Consequently, the policies of the Development Plan are up-to-date (also having regard to the PAS review of the Core Strategy Policies and in attaching weight to the fact that the Allocation and Development Management DPD Policies were independently examined and found sound post NPPF adoption) for the purpose of decision making.

Principle of Residential Development

The settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration.

I am mindful of the proposed changes to SP3 as part of the on-going plan review, some of which can now be afforded weight in the decision making process. The Amended Core Strategy and evidence base documents were submitted to the Secretary of State on 29th September 2017, with the examination undertaken last month. For the purposes of paragraph 216 of the NPPF (stage of preparation, extent of unresolved objection and degree of consistency with national policy), it is considered that those areas of the emerging SP3 content not identified in the Inspector's post-hearing notes, satisfy the tests to the extent that 1) it is at an advanced stage, with the Examination taken place in February 2018 with only the modifications to be finalised and consulted upon and 2) there are no unresolved objections to aspects of the policy relevant to this proposal. Accordingly for the purposes of this proposal, I consider that weight can be attached to the emerging policy in the overall planning balance.

Location

The first criterion 'Location' currently states 'new development should be within built-up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' I am also mindful of the proposed changes to Policy SP3 as part of the plan review which can be afforded only limited weight, as this element still has unresolved objections to it. The supporting text to the emerging policy states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village'.

I consider the application site to be within the built-up area of the village and would result in the infilling of a small gap which would not result in the joining of outlying areas into the village. East Stoke has limited services and facilities itself other than a WI Hall and church. However, it is approximately 5 km from Newark and is served by regular bus routes including a regular bus route between Nottingham and Newark. Whilst there would be some reliance on use of the private motor vehicle this would not be uncommon with other, more sustainable settlements. It is not considered that the location of a dwelling in East Stoke would cause any difficulty in accessing services and facilities which exist in other relatively nearby settlements. I am also aware of the view of an Inspector in relation to an allowed appeal decision for the construction of a new dwelling in East Stoke (12/00387/FUL) who concluded that a new dwelling in East Stoke would achieve the principles of sustainable development. On balance, it is therefore considered that East Stoke is considered to be a sustainable location for a new dwelling.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume. These issues are further discussed in the Flooding and Highway Safety sections of this report.

Need

Policy SP3 currently states support could be forthcoming for new housing where it helps to meet identified proven local need. Spatial Policy 3 Guidance Note (September 2013) states that proven local need must relate to the needs of the community rather than the applicant. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing or census data where the needs relate to a particular population group. The onus is on the Applicant to provide evidence of local need. No Needs Assessment has been submitted with the application and East Stoke does not have an up to date Local Needs Survey (prepared in conjunction with the Parish Council). The Housing Market Needs Sub Area Report (2014) provides the most recent breakdown of size of property needed in the market sector for existing and concealed households. As the current application proposes 2 bedrooms, it does fulfil a need for smaller properties within the District.

I am however mindful of the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight (as set out in the principle of development section above). This states that new housing will be considered where it helps to support community facilities and local services. Supporting text to this revised policy states that this policy requires applicants to demonstrate the services it will support and the housing need within the area.

I consider the proposed bungalow likely to support community services and facilities including the church, hall and the local bus services. I am therefore satisfied in this instance that the proposal would accord with the need element of policy SP3 when attaching weight to the emerging Spatial Policy 3.

Impact

Policy SP3 states new development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. These matters are dealt with in the relevant sections below.

Character

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

Impact on Visual Amenity including the Character and Appearance of the Conservation Area and the Setting of the Local Interest Building

The site is located within East Stoke Conservation Area. 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. Consideration should also be given to the wider street setting of Manor Farm which is regarded as a non-designated heritage asset.

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. Additionally, paragraphs 59 and 60 of the NPPF seek to promote local distinctiveness and ensure that the overall scale, density and massing (amongst others) relate to neighbouring buildings and the local area more generally.

The Conservation Officers' comments are set out in full in the 'Consultations' section above and they raise an objection to the proposal as the new build would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments. I concur with this view and consider the proposal to be contrary to the character criteria of Spatial Policy 3 (Rural Areas) of the Core Strategy (adopted 2011 and emerging 2017) in addition Core Policies 9 and 14 of the Core Strategy and Policies DM5 and DM9 of the Allocations & Development Management DPD (adopted 2013).

The Applicant has been offered the opportunity to amend the scheme with advice from the Conservation Officer however a proposal that could be acceptable to this sensitive location has not been received.

Impact on Flooding

Core Policy 9 (Sustainable Design) provides that development should 'through its design, proactively manage surface water, where feasible, the use of Sustainable Drainage Systems.' CP10 seeks to mitigate the impacts of climate change whilst Policy DM5 also seeks to ensure development is safe for the intended users without increasing flood risk elsewhere. This broadly reflects the advice in the NPPF.

The site lies within Flood Zone 1 which is at lowest risk of fluvial flooding. I note from neighbour comments however that the site is at risk of surface water flooding. Consultation responses received including those from the Lead Local Flood Authority do not raise any objection to the

proposal and there is nothing to suggest that surface water cannot be adequately disposed of in a sustainable way. A condition could be recommended to ensure that details of proposed surface water and foul water drainage are submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Impact on Highways

Policy DM5 seeks to ensure adequate access and parking is provided for development and SP7 relates to sustainable transport. The proposal would utilise an existing access off Moor Lane and on this basis, the Local Highway Authority raise no objection to the proposal. As such, the proposal is not considered likely to result in any adverse impact upon highway safety in accordance with Policy DM5 and SP7.

Impact on Neighbouring Amenity

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity both in terms of existing and future occupiers.

Jays Bungalow is located immediately to the west of the application site and appears to be located at a slightly higher level than the application site (separated by a 1.8 metre high approx. close boarded fence). It contains an obscure glazed window in its side elevation which is visible from the application site. The side of the proposed bungalow would be located 1 metre away from the boundary and the majority of its length would be set back adjacent to the rear garden of Jays Bungalow. Whilst this is not ideal, due to the single storey nature of the bungalow proposed, it is not considered that any adverse impact upon the amenity of the occupier of Jays Bungalow would result by virtue of any overlooking or overbearing impacts.

In relation to Manor Farm, its front elevation would face towards the application site. There would be a separation of at least 20 metres from the front elevation of Manor Farm to the nearest window in the proposed dwelling which is considered to be an acceptable level of separation to ensure no adverse overlooking impacts. An acceptable level of private garden area for Manor House would be retained. Notwithstanding the issues raised in relation to character, careful consideration would need to be given to proposed boundary treatment which could be dealt with via the imposition of a planning condition.

An acceptable level of amenity would also be afforded to the proposed dwelling itself, with sufficient private amenity space proposed.

Subject to conditions, it is not considered that that an unacceptable impact upon the amenity by virtue of overlooking, overshadowing and loss of privacy upon the occupiers of Jays Bungalow or Manor Farm would result in accordance with Policy DM5 of the DPD.

Overall Planning Balance and Conclusion

The site is located within East Stoke and its Conservation Area where the principle of development can be considered acceptable when assessed against the criteria set out in Spatial Policy 3. Whilst the proposal is considered acceptable with regards to location, scale, need and impact the proposal is considered to result in a detrimental impact upon character. The proposal as submitted would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed

from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments.

The proposal would be acceptable in terms of flood risk, impact on residential amenity and highway safety.

It is not considered that there are any benefits to the proposal which would outweigh the harm identified within this report. For the reasons stated above, the proposal is considered to be contrary to relevant local and national planning policy and is recommended for refusal.

RECOMMENDATION

That full planning permission is refused for the following reason:

01

The application site is located within East Stoke and its Conservation Area. It is considered that the proposal as submitted would not make a positive contribution to the character of the Conservation Area by nature of its design, layout and the resultant loss of an important open space that is prominent when viewed from the street scene of Moor Lane. The proposal would not preserve or enhance the character or appearance of the Conservation Area as the proposal would be wholly incongruous with the character of the surrounding heritage assets (including Manor Farm a non-designated heritage asset) and reinforce the harm caused by the surrounding modern 20th Century bungalow developments.

The proposal therefore fails to comply with the character criterion of Spatial Policy 3 (Rural Areas) of the Core Strategy (adopted 2011 and emerging 2017) as the proposal would result in a detrimental impact on the character of the location. In addition, the proposal would be contrary to Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the Core Strategy and Policies DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the Allocations & Development Management DPD (adopted 2013). The proposal is not in accordance with the objective of preservation set out under section 72, part II of the 1990 Planning (Listed Building and Conservation Areas) Act, and does not comply with heritage guidance in the National Planning Policy Framework which is a material consideration.

Note to Applicant

01

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

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. However, the revisions received have not overcome the reason for refusal.

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

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Committee Plan - 17/01986/FUL

