

Application No:	18/00015/FUL
Proposal:	Erection of dwelling and widening of Crab Lane to create passing space at front of site
Location:	10 Crab Lane, North Muskham, NG23 6HH
Applicant:	Mrs T Phillips-Moul
Registered:	08.01.2018
	Target Date: 05.03.2018
	Extension of Time Agreed Until 06.04.2018

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the formal comments of North Muskham Parish Council are yet to be received but informal correspondence suggests that concerns could be raised prior to the Committee Meeting. The Officer recommendation is one of approval which would be contrary to the views of the Parish if an objection were to be received.

The Site

The application site forms an area of land approximately 0.11hectares in extent which currently forms part of the residential curtilage of no. 10 Crab Lane. The site is broadly rectangular in shape with the exception of the north eastern corner which has been excluded from the red line site boundary to allow for the retention of a separate residential curtilage to the existing dwelling. The site as existing is characterized by dispersed vegetative cover comprising individual trees and areas of dense shrubbery. The site boundaries are characterized of a combination of fencing and hedges of a varying height.

The site is within the village of North Muskham surrounded by residential curtilages. Vehicular access is gained via Crab Lane to the east of the site. The site is within Flood Zone 1 according to the Environment Agency maps albeit owing to the proximity of the River Trent to the east the margins of Flood Zone 2 are immediately adjacent to the site to a degree that the existing dwelling at 10 Crab Lane is considered to be within Flood Zone 2 as are the neighbouring properties to the east of Crab Lane. The site is considered to be at very low risk of surface water flooding. There is a public right of way in close proximity to the site (approximately 20m to the north) which connects Crab Lane with Main Street to the west but this does not affect the site itself.

Relevant Planning History

There is no planning history of relevance to the site.

Of some relevance (as discussed further in the appraisal section below) is planning history on land to the south of the site notably application reference 13/01356/FUL for the conversion of a previous public house to a residential dwelling and an additional bungalow. This application was approved in December 2013 (following an earlier approval in May 2013 reference 12/01749/FUL).

The Proposal

The original application sought full planning permission for the erection of a three bedroom two storey dwelling in the existing residential curtilage of 10 Crab Lane.

The scheme has however been revised during the life of the application owing to concerns raised by officers. The revised proposal relates to the plans received 9th March 2018 which demonstrate a three bedroom dormer bungalow. The maximum pitch height of the dwelling would be approximately 7.3m with an approximate eaves height of 2.9m. . The proposed dwelling would be sited around 31m back from Crab Lane. As with the existing dwelling, it would be located close to the northern boundary of the site, with the primary garden space located to the south of the dwelling. The footprint of the dwelling would be approximately 141m². Proposed materials are external brickwork and clay pantiles.

The application has been accompanied by an Arboricultural Survey which records 47 individual and groups of trees. The development would necessitate the removal of trees to accommodate the footprint of the dwelling. An existing detached garage would also be demolished.

The proposal also seeks to create a shared access for the proposed dwelling and the existing 10 Crab Lane. The submitted block plan annotates that each dwelling would be afforded two car parking spaces.

Departure/Public Advertisement Procedure

Occupiers of seven properties have been individually notified by letter. A site notice has also been placed at the site.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy
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 12 Biodiversity and Green Infrastructure
Core Policy 13: Landscape Character
Core Policy 14: Historic Environment

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM7 – Biodiversity and Green Infrastructure
Policy DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2012
- Planning Practice Guidance 2014
- Guidance Note on Spatial Policy 3, 2013
- Publication Amended Core Strategy 2017

Consultations

North Muskham Parish Council – No formal comments received albeit Officers have been in separate discussion with the Parish Council and it is suggested that whilst the application has been discussed at a Parish Meeting, comments are awaited on the basis that the Parish Council wish to undertake their own site visit.

NSDC Conservation -

Introduction

North Muskham is a characterful village with a number of historic buildings, notably the landmark Grade I Church of St Wilfrid and the Old Hall (Grade II). 10 Crab Lane is identified as a Local Interest building (ref M14497). The adjacent Trent Cottage is also a Local Interest building, and there are other Local Interest buildings nearby.

Legal and Policy Considerations

The historic cottage form and age of 10 Crab Lane appears to be the reason why it has been included as a Local Interest building on the County Historic Environment Record (HER). In accordance with Annex 2 of the National Planning Policy Framework (NPPF), Local Interest buildings 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.

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 heritage assets, furthermore, is expressed in the National Planning Policy Framework (NPPF). The NPPF makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 7). Good design is a key aspect of sustainable development furthermore, and is indivisible from good planning (para.56). It is also proper to seek to promote or reinforce local distinctiveness (para. 60) and therefore planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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).

Assessment of Proposal

The proposal seeks permission to erect a dwelling in the rear garden of 10 Crab Lane. Following concerns raised by the case officer, the submitted scheme has been revised so as to be less substantial in scale and form. Nevertheless, Conservation has some concerns with the scale, appearance and layout of the amended proposal.

10 Crab Lane appears to be a typical post-medieval cottage, possibly early 19th century in origin (it appears on Sanderson's 1835 map). The dwelling retains its historic cottage form, despite modern changes such as concrete roof tiles and PVC casement windows. Like many nearby historic cottages, the property derives some significance from its original plot layout and its gable end to the road position, contributing to an attractive rural lane. Like many rural worker cottages of this type, it is modestly scaled with narrow gables, steep roof pitch and integral matching ridge stacks. The cottage vernacular of Crab Lane is a positive feature of the local character and appearance.

The proposal seeks to construct a new dwelling to the rear. It has been laid out so as to continue the linear pattern of the host property. However, it has a wider gable dimension than the host property and is set further forward of the north boundary, with an additional one and half storey side wing (containing an integral garage), front facing gabled dormers and a prominent central projecting gabled element. The result of these design features is to create a slightly obtrusive addition which does not follow the traditional form or detailing of traditional cottages in the area.

In its current form, Conservation finds the development will have some modest adverse impact on the setting of 10 Crab Lane, a Local Interest building. The proposal is therefore contrary to heritage objectives contained within the Council's LDF DPDs. However, as set out under paragraph 135 of the NPPF, a balanced judgement is required. No harm is perceived to the setting of any other heritage assets in this case.

To address Conservation concerns, the proposals would need to be further revised. Traditional cottages within the area typically possess narrow gables, and the gable width of the proposal will therefore benefit from being reduced. The scheme would also benefit from being aligned more closely with the boundary edge to replicate the building line of no 10. The central gabled element should be removed to reduce the overall massing of the property, which would also help project a cottage feel so that when seen in aspect from the roadway, would appear more as a cottage mews (a central door rather than bi-fold doors would also be appropriate in this context). Changing the dormers to eaves dormers or catslide dormers might also help in this case. The chimneys are a positive addition, but would benefit from being true integral gable ridge stacks rather than projecting. In addition to the above, any means of reducing highway engineering would help lessen the impact of development, including removing the passing place as this detracts from the intimate character of the lane.

We are happy to comment on any revised plans.

NCC Highways Authority – Reservations have been previously expressed about adding further residential development to Crab Lane due to its sub-standard nature in terms of width, lack of footways and poor turning facilities.

However, in terms of the application site, the proposal offers some improvements over the current situation i.e. improved access visibility for the existing dwelling; the provision of car turning facilities within the site, and; the provision of space to allow a car to pull-over to allow another to pass on Crab Lane.

Further details to clarify the design and layout of the car pull-in area would be helpful either prior to approval, or prior to commencement. It is acknowledged that an acceptable scheme is possible.

On balance, it is considered that the application could be approved subject to the following conditions:

The shared private driveway shall be laid out to a width of not less than 4.2 metres and shall provide for vehicle parking and turning areas in accordance with approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of the proposed development leading to on-street parking problems.

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 2m behind the highway boundary.

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

No part of the development hereby permitted shall be occupied until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. (002 at the time of writing) are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, vegetation, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

No part of the development hereby permitted shall commence until further details of the car pull-in have been first submitted to and approved in writing by the LPA. Such details should include the extent of the pull-in, construction and maintenance responsibility.

Reason: In the interests of highway safety.

Notes to Applicant:

The development makes it necessary to construct/alter a vehicular crossing over a part of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands, tel. 0115 977 2275 to arrange for these works to be carried out.

NSDC Access and Equalities Officer – Observations in relation to Building Regulations.

Trent Valley Internal Drainage Board - The site is within the Trent Valley Internal Drainage Board district.

The Board maintained Muskham Fleet, an open watercourse, exists in close proximity of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

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, Tree Officer - The proposal results in the removal of a large number of trees within the site and potential adverse impact of some remaining as a result of construction activities.

Trees 5,6,12 and 14 have rooting areas within the proposed drive/hard standing.

Tree 26 is shown as retained but has 50% of its rooting area within the footprint of the new dwelling.

Although the majority of trees are of lower quality I would expect there to be some soft landscaping provision to be submitted to mitigate against tree loss.

Therefore, I would recommend any approval has attached conditions.

1. No works or development shall take place until a scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of any scaffolding erection within the root protection areas

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- The proposed dwelling would overlook neighbouring properties and gardens
- The original plan for the neighbouring property was to be two storeys but this was declined due to overlooking
- The footprint should be re-orientated and changed to a bungalow
- The proposed widening to create a passing place is not deep enough to fulfill its purpose – it should be a similar depth to that for Russett House

An additional letter has been received in respect to the revised plans submitted during the life of the application:

- The revised plans have done nothing to alter initial objections
- Neighbouring properties remain overlooked – the building should be rotated or changed to a bungalow

Comments of the Business Manager

Principle of Development

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 dpa (using 2013 as a base date), although this figure is yet to be tested through an Examination In Public (EIP). This is the first and only objective assessment of need (OAN) available in NSDC, as required by both the NPPF and the Housing White Paper. The Council is confident – with the support of the other two Authorities and its professional consultants - that the OAN target is appropriate, robust, and defensible figure. Indeed an appeal decision (for development in the green belt at Blidworth in August 2017) concluded that the Council does indeed have a 5 year supply against its OAN. Therefore paragraph 14 of the NPPF is not engaged and the policies of the Development Plan are up-to-date for the purpose of decision making.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraphs 54 - 55 state that in rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

North Muskham is not defined within the Core Strategy as a principal village or a main urban area as defined within Spatial Policies 1 and 2. As an 'Other Village' it falls to be assessed against Spatial Policy 3 (Rural Areas) of the Development Plan. Outside of principal and urban areas, new housing should be located within sustainable and accessible villages and should principally meet the five criteria as set out within Spatial Policy 3 (SP3). These are 1) Location; 2) Scale; 3) Need; 4) Impact and 5) Character. The proposal is assessed against this criteria below.

Location

SP3 states that new development should be within the main built-up areas of villages which have local services and access to the Newark Urban Area, Services Centres or Principal Villages. I have assessed the site's location taking into account the existing situation in terms of the built form of the area. I am satisfied that the application site is situated within the main concentration of existing development in the village and is not in an isolated position.

North Muskham is a village with a good range of facilities including a primary school, village hall, a public house and restaurant with access to public transport (bus stops and bus services) to Newark, Normanton-on-Trent, Grantham, Retford and the catchment secondary schools. I therefore conclude that the site meets the locational criteria of SP3.

Need

SP3 provides that new housing must meet an identified proven local need. The 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 ordinarily on the Applicant to demonstrate a local need.

The NPPF states within its core planning principles under paragraph 17 that every effort should be made objectively to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Local authorities should take account of market signals, such as land prices and housing affordability, and take account of the needs of the residential communities.

As referenced by the Planning Statement, I am already aware of the Housing Needs Survey (by Midlands Rural Housing) of March 2015 as a demonstration of housing need for the community which has been accepted as demonstrating a need for additional residential development at a number of sites within the village. The Survey concludes that there is a need for up to 6 affordable homes and a requirement for 10 open market (sale) homes for local people enabling them to be suitably housed in the community. The need for open market dwellings can be broken down into:

- 1 x 2 bed house;
- 2 x 3 bed house;
- 5 x 2 bed bungalows;
- 2 x 3 bed bungalows.

The survey was supported by this Council, its findings are not disputed and so it follows to assess whether the proposal would help to meet the identified need. In the case of social housing, need is addressed through the allocation process administered by the social landlord but with market housing the only control is at the point of sale. As the policy requirement is to 'help meet' proven local need I consider that the availability of a house on the open market which local people *could* (emphasis added) buy is sufficient to meet this.

The proposal is for a three bedroom house and one of the property types identified in the Housing Needs Survey as being in demand (i.e. one of the 10 no. open market dwellings identified). I note that the revised proposal demonstrates a dormer bungalow. The original position presented by

officers as part of the negotiations was that the revisions should show a true single storey bungalow development in order to fully satisfy the identified need for bungalows. The basis for this position was that, although the survey also showed a need for three bed houses, recent approvals in the village could already potentially satisfy (and indeed exceed) this need:

- 1 no. 3 bed dwelling at South View, Crab Lane (17/00282/FUL which supersedes the original outline to which the needs survey was generated – 15/01440/OUT)
- 1 no. 3 bed dwelling at Old Hall Farm, Main Street (15/02239/FUL)
- 3 no. 3 bed dwellings at 8 Willow Drive (16/00155/FUL)

Unfortunately the advice to present a true single storey bungalow has not been carried to the revised design presented. However, officers do not consider that this need be fatal in itself. The revised proposal is substantially smaller than the original design of the application and thus may be more akin to the desire for bungalow accommodation. I am also mindful that there is no guarantee that the other approvals will come forward to be available to the open market and thus I have attached only limited weight to their approval.

Overall, I am satisfied in in this instance a community need has been established which must attract weight. In reaching this view, I am also conscious of the revised wording of SP3 in the amended Core Strategy which somewhat relaxes the need criterion. The principle of the proposal is therefore acceptable subject to its compliance with the remaining requirements of Spatial Policy 3 and any other material considerations.

Scale and Character

SP3 sets out that new development should be appropriate to the proposed location and small scale in nature. New development should not have a detrimental impact on the character of the location or its landscape setting.

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. 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 requires the rich local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The application site falls within the built up part of the village with dwellings on Crab Lane positioned at varying distances from the boundary with the highway. Whilst not within a conservation area, this part of the village retains its traditional rural form and character assisted by the narrow lane which helps make the location feel more rural. Many properties along the lane are two storey and are unique in design. It is notable that both the host dwelling and the neighbouring building are designated as local interest buildings. Para. 135 of the NPPF, requires the effect of an application on the significance of a non-designated heritage asset to be taken into account noting that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed dwelling would be situated within the residential curtilage of no. 10 Crab Lane. It is intended for the proposed dwelling to broadly follow the host in terms of its positioning along the northern boundary of the site. This amounts to the dwelling being set back from Crab Lane by approximately 31m. In this context it is appropriate to describe the proposal as backland development.

Policy DM5 states that *'proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.'*

North Muskhams, particularly at the part of the village to which the site is positioned, is a relatively linear settlement. The properties on Crab Lane share their eastern boundaries with the residential curtilages which gain access from Main Street. There is by no means a defined urban grain in terms of setback of dwellings from the highway. Some, such as the host dwelling abut the highway's edge. Whereas others, more notably on Main Street represent a greater set back from the highway. I am mindful that to some extent backland development has already occurred on Main Street including immediately south of the current application site whereby a bungalow was approved as part of the scheme for the previous public house to be converted to a dwelling. However, having assessed the officer report accompanying this decision, there was a material difference in that weight was attached to the benefits of the scheme in terms of providing an environmental enhancement of the site. What is also materially different is that this application (granted in late 2013) allowed for the erection of a single storey dwelling. The current application seeks permission for a larger, 1.5 storey property.

Following an appraisal of aerial photographs surrounding the site (which don't include the aforementioned bungalow) officers raised a principle concern in respect to the original two storey proposal. This concern was not necessarily one of setting a precedent for further backland development which has arguably already been set by the 2013 permission even if circumstances for approval differed. Of greater concern was that the original application would not be in keeping with the general character and density of existing development as required by Policy DM5. As such it was presented to the applicant that, if the LPA were to accept this application as a backland development site, it should be done in the context of the existing backland development which now contributes to the character of the area (i.e. the scale of the dwelling should be greatly reduced).

I have already identified that there is no conformity to the design of dwellings within the immediate surroundings but it was nevertheless concluded that the original proposal was excessive in its scale to a degree which would be harmful to the established character of the area. As is already referenced, officers sought originally sought a single storey revised scheme. However, the revised plans received 9th March 2018 clearly demonstrate that the proposal for consideration here is a 1.5 storey dormer bungalow. Notwithstanding this, the applicant has clearly taken on board the concerns in respect of overall scale and the significantly reduced scale (both in height and overall bulk) is welcomed.

The comments of internal Conservation expertise as listed in full above are noted. Whilst not constituting a formal objection to the proposal, the comments make reference to a number of further suggested design amendments which it is considered would improve the relationship with the host dwelling (which is a non-designated heritage asset). It is contended that as submitted, the design features of the dwelling create a slightly obtrusive addition amounting to some modest

adverse impact on the setting of 10 Crab Lane. It is nevertheless acknowledged that a balanced judgement is required through the provisions of para. 135 of the NPPF. The comments of the Conservation Officer have been passed to the applicant for review and it is understood that consideration of some of the suggested amendments is still being undertaken. If the applicant does revise the scheme then this would of course be reported to Members as a late item and indeed would weigh positively in the overall balance. However, in assessing the current proposal, officers do not consider that the currently presented scheme is sufficiently harmful that it would allow a resistance of the proposal in heritage impacts in its own right. In reaching this judgement, the backland nature of the site somewhat assists in ensuring that the prominence of the host dwelling, including the characteristic gable end to the road is retained. Noting the modern developments which have already occurred elsewhere in the context of the wider site surroundings, on balance, the scheme as submitted is considered acceptable even without further revision.

I have already referenced that the harm arising from backland development in plan form would be limited owing to the existing site surrounding circumstances. It therefore falls as to whether the revised dwelling design would amount to harm from a visual perspective in this backland position. Given the set back from Crab Lane, the proposed dwelling would not display a degree of prominence from either Crab Lane, nor Main Street to the west. Officers have also taken the opportunity to assess the proposal from the vantage point of the nearby public right of way to the north of the site. However, given the hedged boundaries which form the right of way, it is considered that views of the proposed dwelling would be limited to a degree that character harm would not occur.

On balance, it is considered that the revised dormer bungalow would be much more akin to the scale and form of the development in the vicinity such that it would conform with the scale and character criteria of SP3.

The backland positioning of the dwelling also has other implications in terms of the necessity for tree removals and potential impact on neighbouring amenity which are discussed further below.

Impact

SP3 states new development should not generate excessive car-borne traffic from out of the area. Proposals should not have a detrimental impact on the amenity of local people nor have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. The NPPF and Development Management Policy DM5 also seek to ensure a good standard of amenity for all existing and future occupants of land and buildings whilst protecting the amenities of neighbouring occupiers. Impacts are considered further below.

Highways Impacts

Spatial Policy 7 includes that development proposals should provide safe, convenient accesses for all and provide appropriate and effective parking provision, both on and off-site, and vehicular servicing arrangements. The policy also states that proposals should ensure that vehicular traffic generated does not create new, or exacerbate existing on street parking problems, nor materially increase other traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

There is an indication from the outset of the comments received from NCC Highways that Crab Lane does not provide an efficient highways network due to its sub-standard nature in terms of width, lack of footways and poor turning facilities. However, the comments go on to acknowledge that the proposal offers some improvements over the current situation in terms of visibility and turning facilities. Whilst these are indeed a benefit of the scheme, it is my officer view that they should be afforded limited weight in the overall balance of the scheme given that the site area would allow for these improvements to be made regardless of whether another dwelling were being delivered (albeit I appreciate that this may not be an intended expenditure of the occupiers of 10 Crab Lane if approval were not granted). Nevertheless, it is concluded that the access arrangements presented are suitable for both the existing and the proposed dwelling and thus I see no legitimate reason to resist the application on highway safety grounds.

Subject to the conditions suggested by NCC Highways, the proposal would be compliant with Spatial Policy 7 and the relevant elements of Policy DM5.

Impact on Residential Amenity

Policy DM5 of the DPD states the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Protection of amenity relates both to the proposed occupiers of development as well as existing neighbouring residents. Given the nature of the application whereby the proposal seeks to divide an existing residential curtilage, regard must be had to the available amenity provision marked for retention for the host dwelling. Although the garden size of 10 Crab Lane would be modest (owing partly to the shared access arrangements) I consider that it would be sufficient to satisfy the needs of the dwelling and would achieve a degree of privacy owing to the proposed division of curtilages through a timber boundary fence.

Given the land locked nature of the site there are a number of existing neighbouring properties which would be potentially affected by the proposed development. Owing to the backland position and orientation of the dwelling the most likely impacts to occur would be overlooking to the rear gardens of neighbouring dwellings to the north and south, namely, September Cottage to the north and The New Bungalow and Crown Cottage to the south.

Matters of amenity formed part of the rationale for seeking revisions to the original proposal and indeed a request was made for the revised block plan to include the footprint of the neighbouring dwelling to the north. I have carefully considered the amenity implications of the revised proposal on site (including in the knowledge of the removal of a substantial amount of tree cover as discussed further below).

In respect of the dwelling to the north of the site; September Cottage, the revised plans demonstrate that the first floor of the northern elevation would be solely served by rooflights. Given that these would be either bathroom or secondary window roof lights I do not consider that these would present a significant opportunity for overlooking.

Moving then to assess the potential impacts to the dwellings to the south of the site it is notable that the proposed footprint of the dwelling does not align with the closest dwellings (i.e. any outlook from the first floor dormer windows towards neighbouring properties would be at an oblique line of sight). The proposed dwelling would be approximately 11.5m from the southern boundary of the site giving a built form distance to the New Bungalow of only approximately 13.5m at its closest point. This distance falls significantly short of what would ordinarily be considered acceptable. However, I am mindful of the specific site circumstances which in my view should be afforded weight in this particular case. The New Bungalow (approved in 2013) is built close to the site boundaries with a fence erected just over a metre away from the windows. The window furthest east (and thus closest to the proposed dwelling) is obscurely glazed. The next easterly window is broadly in line with the side boundary of the application site with a direct outlook towards a detached garage at a neighbouring site. This garage then forms the outlook for the majority of the side elevation of the dwelling moving westwards. Having assessed the floor plans of the planning approval, it appears that, of the three windows on the northern elevation of the neighbouring dwelling, only one serves a bedroom (the others serving bathrooms which conforms to the obscure glazing witnessed on site). The bedroom is annotated as Bedroom 3 and is notably modest in size. I fully appreciate that the distance between the proposed dwelling and this bedroom window is tight (estimated to be a window to window distance of between 17 and 18m). There therefore may be an opportunity for overlooking from the dormer window towards this window. However, as is already identified, this would be at an oblique line of site and it is my view that the amenity of this bedroom is already severely compromised by the proximity to the site boundary and the existence of the neighbouring garage. On this basis I do not consider the potential amenity impact to be so severe as to warrant a refusal of the application in its own right. I do however consider that the relationship could be improved by additional landscaping at this point of the site which could be secured through condition.

In terms of the dwelling known as Crown Cottage, again only outlook from first floor windows would be at an oblique line of sight. As is demonstrated by the proposed block plan, at the point along the shared boundary closest to the neighbouring dwelling, the intention is to retain tree cover. Having assessed this cover in the winter months I am satisfied that this will provide an adequate degree of screening between the site and the neighbouring dwelling to a degree that neighbouring amenity would be protected.

The amenity provision for the proposed occupiers, once the dense shrubbery and indicated trees have been removed would be sufficient to serve the occupiers of the dwelling.

To conclude on matters of amenity, it is fully appreciated that the backland nature of the site gives rise to marginal amenity relationships which have been carefully considered (and indeed formed part of the rationale for seeking a revised scheme). On the basis of this thorough assessment, officers do not consider that the amenity relationships created by the proposed dwelling would be sufficiently harmful to warrant a resistance of the proposal. As is confirmed above, this would be subject to a landscaping condition which could specifically focus on additional screening in the south western corner of the site.

Impact on Trees

The application has been accompanied by a Tree Survey in acknowledgement of the current character of the site which features a densely planted garden with small and medium-sized trees and several larger border plantings of shrubs and conifers. The Survey includes trees along and

outside the boundaries of the site notably an Oak and a Maple Tree in the rear garden of September Cottage.

The majority of the trees within the centre of the site are classified as Category C. However, there are 4 specimens within the site which are classified as Category B. The proposal would necessitate the removal of three of these Category B trees (two apple and one Holly tree which would need to be removed to facilitate the site access). The tree survey commentates that these trees are at the lower end of Category B and have been considered as such in order to differentiate them as being better than the other trees on the site. The other Category B tree shown to be retained is a Hazel tree along the southern boundary.

It is clear that the proposal would result in a fundamental change to the character of the site which as existing is heavily populated by vegetation. Nevertheless I am conscious that the site is not within a Conservation Area nor are the trees protected by virtue of a Tree Preservation Order and thus at present the local planning authority have no control over their longevity. Having assessed the tree cover on site, in particular the 3 Category B trees marked for removal I would concur with the conclusions of the Tree Survey that the removal of these trees and the vast majority of other trees and shrubbery within the centre of the centre would not in itself amount to character harm which would justify a resistance of the application. With the exception of the Holly Tree at the site access, the tree cover within the site is relatively discrete from the public realm and therefore would not justify protection through other means. In terms of the Holly Tree, whilst this is an attractive specimen, its removal is necessary to facilitate the site access arrangements. It is my view that improving the site access (even without the additional dwelling proposed) would be more beneficial than the retention of this specimen.

Comments have been received from the Tree Officer commissioned on behalf of the LPA. Whilst not forming an objection to the proposal, the comments refer to a number of specimens that were originally questionably marked for retention. Specifically, T26 which is a C1 Apple tree which appeared to have half its crown spread within the footprint of the dwelling. Officers sought clarification as to whether this tree could reasonably be secured for retention and indeed it is now marked for removal through the revised scheme. The latest comments of the Tree Officer are noted in terms of requesting an investigation of a greater standoff distance between the proposed dwelling and the trees close to the northern boundary of the site but on the neighbouring plot. Officers have carefully considered whether or not it would be reasonable to suggest this amendment but on balance do not consider it desirable given that moving the dwelling further southwards within the plot would inevitably have a greater impact on neighbouring amenity to the south of the plot which, as discussed above, is already at the cusp of acceptability. In reaching this judgement, I am mindful that the site plan demonstrates that the tree canopies would be set away from the built form of the proposal and indeed separated by a small element of the landscaped garden.

Whilst the level of vegetative removal is an undesirable outcome of the proposal, I am conscious that the level of planting and the vegetated boundaries marked for retention would still be broadly commensurate with that expected for a residential curtilage and I do not consider that the quality of the existing vegetation warrants protection through other means. In addition, the aforementioned amenity discussion justifies the need for further landscaping through condition which presents the opportunity to mitigate the loss proposed.

Other Matters

Despite close proximity to land within Flood Zone 2, the proposed dwelling and its access is designated as Flood Zone 1 according to the Environment Agency maps. There is therefore not a requirement for the application to be accompanied by a Flood Risk Assessment or considered against the Sequential Test and the proposal would be appropriate in flood safety terms.

Overall Conclusion and Planning Balance

North Muskham is a rural village where additional residential development requires consideration against the criteria of SP3. As is identified through the above appraisal, there has been a Housing Needs Survey within the village which the LPA have previously accepted in terms of meeting the requirement for a local housing need. The proposed dwelling would assist in delivering the desire for a three bedroom market dwelling within the settlement.

The applicant has worked with officers to address original concerns through revised plans which have been subject to careful consideration both in respect to their character and amenity relationships and found to be acceptable on balance noting the revisions and concerns which remain outstanding from conservation colleagues. Whilst the nature of Crab Lane is noted, so too are the potential improvements which would be provided to the shared access. Moreover, without an objection to the development on highways safety grounds from NCC as the relevant Highways Authority, it is considered that it would be unreasonable to resist the application on this basis.

The proposal leads to the delivery of additional residential unit which would assist in meeting an identified need in a rural settlement. This has been afforded significant positive weight in the overall balance and no other harm has been identified which would outweigh this benefit. The proposal is therefore recommended for approval subject to the conditions outlined below.

RECOMMENDATION

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

Conditions

01

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

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

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans received 9 March 2018 reference:

- Proposed Site Development Layout – 1848 – 002 Rev. C
- Ground Floor Layout – 1848 – 003 Rev. C
- First Floor Layout – 1848 – 004 Rev. C
- Proposed Elevations 1848 – 005 Rev. C

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.

03

The development hereby permitted shall be constructed entirely of the material details submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity.

04

The shared private driveway shall be laid out to a width of not less than 4.2 metres and shall provide for vehicle parking and turning areas in accordance with approved drawings. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, and to reduce the possibility of the proposed development leading to on-street parking problems.

05

No part of the development hereby permitted shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum distance of 2m behind the highway boundary.

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 occupied until a vehicular verge crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

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

07

No part of the development hereby permitted shall be occupied until the visibility splays shown on drawing no. 1848 – 002 Rev C are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, vegetation, structures or erections exceeding 0.6 metres in height.

Reason: In the interests of highway safety.

08

No part of the development hereby permitted shall commence until further details of the car pull-in have been first submitted to and approved in writing by the LPA. Such details should include the extent of the pull-in, construction and maintenance responsibility. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: In the interests of highway safety.

09

No part of the development shall be brought into use until details of all the boundary treatments proposed for the site including types, height, design and materials, have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling and shall then be retained in full for a minimum period of 5 years unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

10

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. The scheme should also focus on additional plant screening in the south western corner of the site specifically stating planting heights of the proposed specimens.

- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction. This scheme shall include:
 - a. A plan showing details and positions of the ground protection areas.
 - b. Details and position of protection barriers.
 - c. Details and position of underground service runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
 - d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, surfacing).
 - e. Details of working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - f. Details of any scaffolding erection within the root protection areas
 - g. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.
- proposed finished ground levels or contours;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;

- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

Reason: In the interests of visual and residential amenity and biodiversity.

11

The following activities must not be carried out under any circumstances:

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soakaways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the District Planning Authority.

Reason: In the interests of biodiversity.

12

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. The approved hard landscaping shall be implemented on site prior to first occupation.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

13

Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015, other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:
Class B - additions etc. to the roof of a dwellinghouse
Class C - other alterations to the roof of a dwellinghouse

Reason: In the interests of visual and residential amenity.

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

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).

03

The development makes it necessary to construct a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County council's Highways Area Office tel: (0300) 500 8080 to arrange for these works to be carried out.

Background Papers

Application Case File

For further information, please contact Laura Gardner on ext 5907.

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

Committee Plan - 18/00015/FUL

