

Application No:	17/02337/FUL	
Proposal:	A new dwelling infilling a vacant site between existing properties. (Re-submission)	
Location:	Land at Church Lane, Maplebeck, Nottinghamshire	
Applicant:	Mr & Mrs Kieran and Jane O'Connell	
Registered:	03.01.2018	Target Date: 28.02.2018

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as the previous application was refused by the Planning Committee and the officer recommendation for this current application differs from the determination of the previous application.

The Site

The application site is a large broadly rectangular plot of land approximately 0.59ha in extent to the north east of Church Lane but accessed from the end of Butt Lane at the northern boundary of the site. The site rises steeply in gradient from Church Lane with the south western boundary of the site forming a steep bank from the narrow lane. This boundary is heavily vegetated such that the site is largely screened from Church Lane. Butt Lane from which the site is accessed is a byway open to all traffic albeit it is narrow in nature serving three dwellings before terminating at the entrance to the site.

The site is bounded to the east and west by neighbouring residential curtilages typically occupying relatively large plots. Land to the north of the site is characterized as open countryside. In terms of geographic location, Maplebeck is surrounded by a number of other small villages such as Kersall, Winkburn and Caunton. Southwell is the nearest urban centre situated approximately 6km to the south west.

The site is within the designated Conservation Area which covers the majority of the village of Maplebeck. The Grade I listed Church of St Radegund is within the centre of the village to the south of the site. There are public footpaths in close proximity to the site. The site is within Flood Zone 1 according to the Environment Agency maps although a small portion of the site towards the south is shown as being at low risk of surface water flooding. There is also an area in the north eastern corner of the site which is considered to be at medium risk of surface water flooding.

Relevant Planning History

17/00694/FUL – Erection of 1 dwelling. Refused by Planning Committee in line with officer recommendation on 6 June 2017 on the grounds of lack of proven identified local need in an unsustainable location and scale and design. The full reasons for refusal are set out below:

01

Spatial Policy 1 (Settlement Hierarchy) of the adopted Newark and Sherwood Core Strategy Development Plan Document sets out the settlement hierarchy for the District. In respect of Maplebeck, this falls within the category of an "other village within Newark and Sherwood." This means that it does not form part of the Sub-Regional Centre, is not a Service Centre and is not a Principal Village. Spatial Policy 3 (Rural Areas) contains a number of criteria which need to be satisfied before the proposal could be considered to be in compliance. The applicant has not provided evidence to demonstrate that there is an identified proven local housing need, which is required by Spatial Policy 3. The Council is of the opinion that it has a demonstrable 5 year land supply against its Objectively Assessed Need (yet to be tested via full plan review) and that on this basis the issue of need as a material planning consideration should carry significant weight, particularly within a village such as Maplebeck which itself has limited local services.

The proposal represents an unsustainable pattern of development, contrary to Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy 2011 (Core Strategy) and the National Planning Policy Framework 2012 (NPPF). There are no material considerations that outweigh the harm; the Council is satisfied that it has 5 year housing land supply which identifies suitable locations for new dwellings across the district on more suitable and sustainable sites. Therefore the Council is not in an intensified position to allow dwellings in such unsustainable locations where there is a proven supply of adequate land in other locations throughout the District.

02

The scale of the proposed building is considered to be excessive in the context of the surrounding built form in this small rural hamlet. The cumulative impact of both the ridge height and footprint are considered to represent a substantial scheme for its location. The incorporation of design features such as a continuous band of solar panels and integral garaging on the front facing elevation are considered to be alien design features in this landscape and harmful to the character of the designated Conservation Area. The development is therefore contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Core Policy 14 of the Core Strategy, Policies DM5 and DM9 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration. There is no clear and convincing justification which has been presented to outweigh the identified heritage harm.

The Proposal

The proposal seeks full planning permission for the erection of a detached 4 bedroom single storey storey dwelling with basement level accommodation in an up-side down arrangement with bedrooms and bathroom located within the basement level and living accommodation within the ground floor level. The property has been designed to be finished with timber cladding with large glazed panels within the gable ends and front facing roof pitch. The maximum pitch height of the dwelling would vary between approximately 7m and 8m owing to the gradient within the site. The dwelling would have a depth of 7.1m and span a total of 20.5m in width.

The proposed dwelling would be set back into the site some 30m from the boundary with Church Lane and positioned 11m from the boundary with Rose Cottage to the north-west and 14m to the boundary with Church Cottage to the south-east.

The site is in an overgrown state presently and there a number of mature trees along the front of the site close to the boundary with Church Lane. No detailed information on the proposed landscaping of the site have been submitted within the application.

Vehicular access to the site would be via Butt Lane in the far north-western corner of the site, with a new private driveway proposed to run through the site and lead to the rear of the proposed dwelling.

The main changes to the proposed scheme from the previous application are a significant reduction in scale and ridge height of the proposed dwelling. This has been achieved through using the slope of the site and introducing basement level accommodation instead of the previously proposed two storey design, as well as a reduction in the amount of accommodation. The proposal is now for a 4 bedroom dwelling instead of the previous 5 bedroom and the overall width of the proposed dwelling has been reduced by 5m.

Public Advertisement Procedure

Occupiers of eleven properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 10: Climate Change

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

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, on-line facility
- Guidance Note of Spatial Policy 3, 2013
- Publication Amended Core Strategy

Consultations

Maplebeck Parish Council – Supports Application.

NCC Highways Authority – ‘This proposal is for the construction of a single dwelling served by a new vehicular access onto Butt Lane, which is public adopted highway and also a Byway Open to All Traffic. It is recommended that the Rights of Way Section, Environmental Management and Design Team, Via East Midlands be consulted for further advice.

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

No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with the Highway Authority’s specification.

Reason: In the interests of highway safety.

Note to applicant

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

NSDC Conservation – ‘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).

Introduction

The village of Maplebeck is a Conservation Area which has benefitted from minimal intervention through insensitive modern development. As such it is a small, rural location which demonstrates a clearly legible historic pattern of linear growth along the main thoroughfare, running east to west through the village. The village is dominated by the imposing Grade I listed Church of St Radegund (list entry 1045596), which has Norman origins and was restored in 1898.

The application site is located on Church Lane, on the opposing side of the road from the church to the north, and the levels change dramatically as Church Lane rises above the Church, towards the end of the cul-de-sac, with the land to the north side of Church Lane set high above the street, behind retaining walls and dense tree and foliage planting.

Flanking either side of the application plot are two dwellings, which do not make a positive contribution to the character of the Conservation Area. To the west of the application site is a modern, late C20 dwelling which has been constructed in a palette of unsympathetic materials that are not suitable for their setting, although due to screening and distance, it only marginally impacts on the setting of the Church of St Radegund. To the east of the site is a Victorian house that has been largely extended and modified with a similar brickwork treatment, however the architectural form includes a streamlined, curved single storey 'art deco' style bay that is wholly incongruous with the character of the Conservation Area and the setting of the church.

The application site itself is heavily screened by tree planting and foliage and does not form a strong relationship with the Church of St. Radegund, or the neighbouring properties which are also contained within their own plots by planting.

Assessment of Proposals

Conservation objected to the original planning application for a dwelling in this location under 17/00694/FUL. The principle issues were considered to be:

- Solar panels and integral garages which would have been prominent features when viewed from the streetscene of the conservation area
- 5 large bedrooms with an excessive ridge height that would have impacted upon the character of the conservation area
- A building that would have been overly large in scale that could not have been sufficiently screened by the hedge planting at the front of the site along Church Lane

Conservation has scrutinised the plans for a revised scheme under 17/02337/FUL and no longer objects to the proposal. The necessary amendment to the original two storey dwelling has been achieved through the inclusion of a subterranean ground floor which has significantly reduced the ridge height of the newly proposed dwelling. It will no longer be unduly prominent when viewed from the streetscene of the conservation area.

Furthermore the removal of the solar panels across the front elevation will soften the impact of the new dwelling, which includes contemporary features such as the glazed gable ends. The building would be identifiable as a modern barn style structure and the alien features of solar panels and an integral garage make the building appropriate for its location. A visibility impact assessment included by the applicant demonstrates the minimal impact of the revised ridge height on Church Lane, which is additionally obscured by banked ground and trees.

It is noted that the overall palette of materials have not been specified in the application. If the case-officer is minded to recommend the application for approval, the following pre-commencement conditions would be required:

Details of windows & doors to be agreed

Details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors in the form of drawings and sections to 1:20 and 1:1 scale shall be submitted to and approved in writing by the District Planning Authority unless otherwise agreed in writing before development commences. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

External materials to be agreed

Samples of all external materials to be used on the construction hereby permitted shall be submitted to and approved in writing before development commences. The development shall be carried out using only the agreed materials.

Reason: To safeguard the character and appearance of the conservation area'

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

NSDC Strategic Housing -

'NPPF – States that LPA's should avoid isolated homes in the countryside unless there are special circumstances. Any proposal which has a maximum floor space of more than 1,000 square metres (gross internal area) attracts an affordable housing contribution.

N&S Core Strategy – Spatial Policy 3 – Rural Areas - Reflects the NPPF and states that development away from the main built up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry.

Core Policy 2 – Rural Affordable Housing – provides for 'exception' site housing. Such sites should be in, or adjacent to the main built-up area of villages and meet the requirements set out in Spatial Policy 3 Rural Areas relating to Scale, Need, Impact and Character of Development. The applicant has not suggested that the site is an exception site.

AFFORDABLE HOUSING REQUIREMENTS

The application does not meet the Council's policy requirements to provide affordable housing on site (CP1). The site is not being promoted as an affordable housing application.

HOUSING NEED

The application site is located within the village of Maplebeck 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. Assessments should be based on factual data such as housing stock figures where the need relates to a type of housing.

A private client recently commissioned a Parish Housing Needs Survey (June 2017) to ascertain housing need to support a planning application for residential dwellings. This survey is available on the Council's Planning Portal as evidence for another planning application. The survey established a picture of housing need in the parishes of Maplebeck, Kersall and Winkburn and identified there was a preference for up to three market dwellings (1 x 2 bed house, 1 x 3 bed house and 1 x 4 bed house) across all three villages. There was no need for affordable housing. The survey identifies the preferences below:-

1 x 2 bed house	-	resides in Maplebeck
1 x 3 bed house	-	resides in Winkburn
1 x 4 bed house	-	no details provided

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. Maplebeck is a high value area where many people are unable to secure housing that is affordable. For market housing, 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 four bedroom dwelling if the housing stock in Maplebeck has a good supply of this type of housing and they appear on the open market for sale.

Currently there are no properties for sale in or close to Maplebeck giving an indication of the popularity of the village.

The survey suggests that 60% of respondents felt there was a lack of adequate housing in the village. 66% of respondents said that they would be in favour of a small number of homes to meet the needs of local people. There is a requirement/preference for one, two and three bedroom bungalows for households wishing to downsize to smaller accommodation on one level. Respondents to the survey cited smaller properties as the type of housing needed in the village. I consider the survey to be robust and valid for an evidence base in a planning application but must point out that the proposed housing is for open market sale and will not necessarily meet the preferences of the people identified in the survey.'

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

It is recommended that disabled persons and wheelchair users’ access to, into and around the dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route is important to and into the dwelling from facilities such as car parking and from the site boundary. Any loose laid materials, such as gravel or similar, can cause difficulty for wheelchair users, baby buggies or similar and should be avoided. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed ‘step-free’ approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters.’

Representations have been received from 6 local residents which can be summarised as follows:

- Concerns over highway safety and construction traffic damaging the end of Butt Lane and ‘The Hollows’
- The remaining comments received from local residents write in support of the application and include comments that the design of the proposed dwelling fits in well with the rural setting.

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 dwellings per annum (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 more recent appeal decisions received have recently 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.

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus of the sub-regional centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then subsequently to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy Spatial Policy 1 confirms that within the rest of the District, including the village of Maplebeck, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

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.

Both the extant and emerging Core Strategy confirm that the District Council will support and promote local services and facilities in rural communities. Proposals for new development will be considered against five criteria of Policy SP3.

Location

The first criterion of SP3 details that 'new development should be within the main built up areas of villages, which have local services and access to Newark Urban Area, Service Centres or Principal Villages.' The proposed development site is located between existing residential curtilages to the north of Church Lane. The junction of Church Lane forms a nodal point in the village with the Church and associated grounds adjacent. The site represents a gap in the street scene fronting Church Lane and thus, although the Lane is a quiet rural track, it is considered that the site is within the main built up area of the village.

In terms of local services, Maplebeck has limited amenities although within the settlement there is a Church, public house and a village hall which has recently undergone refurbishment and is understood from the village website that there are a series of regular events operated from the village hall facility. Reference has also been made in the D&AS to a bus services which connect Maplebeck to wider settlement however I can find no reference online to the 31A service which it is claimed to connect Maplebeck to Southwell. The 330 service to Newark only operates once inbound and once outbound on Monday to Fridays and not at all on weekends or bank holidays. The service arrives into Newark at 12:10 and departs to return to Maplebeck at 14:05. I therefore consider that this service presents limited opportunity to meet sustainability needs.

The last application was considered in the light of the lack of a proven local need combined with the unsustainable location of Maplebeck for new housing development when considered against the currently adopted Policy SP3.

The emerging Policy SP3 within the Core Strategy Review, proposed changes to this policy as part of the plan review but 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. Such development will need to comply with the scale, need, impact and character criteria of this policy.'

So the emerging policy does allow for more limited development within the main built up areas of villages that do not meet the locational criterion providing they are well-related to villages which do provide local services, which reflects the guidance within the NPPF. 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. However, there are several small villages within a 3km radius of the site that will again only provide very limited local services, namely Winkburn and Kersall which contain Churches and Village Halls and Caunton which contains 2 public houses. These facilities are not local services that can be said to address day to day needs. As such, when assessed against the locational criterion of the policy, the proposal remains to fall short. However, in the consideration of this more recent application weight can now be given to the material identification of a proven local need, referenced in detail in the need section of this report. For this reason, the failure of the proposal on locational sustainability is outweighed by the need locally for a 4-bed market property, which is set out in detail in the need section of this report.

Scale and Impact of Development

The guidance note to accompany SP3 referred to above confirms that 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.

Core Policy 10 of the Core Strategy and Policy DM5 of the Allocations and Development Management DPD state that the Council will aim to steer new development away from areas at highest risk of flooding. The site lies within flood zone 1 and is therefore within an area at low risk of flooding. It is acknowledged above that part of the site is subject to a low / medium risk of

surface water flooding but this is primarily outside of where the building footprint is proposed. I therefore do not consider that the proposal is likely to result in an increased flood risk to the local area.

Impact on the Character of the Area (including heritage)

The character criterion of SP3 states that new development should not have a detrimental impact on the character of the location or its landscaped setting. The assessment overlaps with the consideration required by Policies DM5 and DM9, which confirm the requirement for new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing.

Given the location of the site within the conservation area, comments from the conservation officer have been sought and I concur with the expressed opinion in that the re-design of the proposed dwelling, including the reduced ridge height through the inclusion of a subterranean level and omission of the integral garage and solar panels would reduce the detrimental visual impact of the proposal significantly and would no longer result in harm to the character and appearance of the Conservation Area. I also agree that the simple barn form with a contemporary appearance of the proposed dwelling would be appropriate in this location. However, the recommended conditions relating to materials and joinery details are considered necessary in order to ensure a high quality and sympathetic overall finish.

Matters of landscaping have not been addressed with the application submission. As is described in the site appraisal above, the site as existing is heavily vegetated along the south western boundary fronting Church Lane contributing to the rural character of the site. If Members were minded to approve the application then it is strongly recommended that a condition be added to ensure details of proposed landscaping are submitted. The retention of this rural character through established tree cover is considered to be both desirable and reasonable in terms of the size of the site (i.e. there would be little compromise to the amenity of the proposed occupiers).

Overall, with the conditions attached to any grant of planning permission it is considered that the proposed development would preserve the character and appearance of the conservation area in accordance with the aims Policies CP14 and DM9 and consistent with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Housing Need

Any new housing within 'other villages' must meet an identified proven local need in order to be considered acceptable against Spatial Policy 3. Spatial Policy 3 Guidance Note 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.

A housing needs survey was commissioned in June 2017 covering 3 villages within the locality – Winkburn, Maplebeck and Kersall. Across the 3 villages the survey has identified a preference for up to three market dwellings (1 x 2 bed house, 1 x 3 bed house and 1 x 4 bed house).

Winkburn is an estate village and as such there are currently no dwellings for sale. There are also no known properties for sale within Maplebeck or Kersall.

As outlined by the Strategic Housing Officer, housing needs surveys usually refer to a need for affordable rather than market housing. The area covered by the survey conducted in June 2017 is considered to be a high value area where many people struggle to secure housing that is affordable. As such the proposal put forward may not necessarily meet the needs of those identified in the survey.

I have concerns with regards to the information obtained and the small number of responses received. I appreciate that residents have shown a preference for new market dwellings but these are personal preferences based on current sizes of their dwellings and I would concur with the Strategic Housing Officer that it is difficult to quantify up/down sizing as an identified need.

However, the Strategic Housing Officer considers the survey to be robust and as such the LPA must accept the survey as proof that there is a local need for 3no. dwellings across the 3 villages including 1 no. 4-bed dwelling. On this basis, I consider that the local need could be considered to outweigh the unsustainability issues relating to the site.

I am also 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 dwelling likely to support community services and facilities within the village including the church, public house, village hall and the local bus services. I am therefore satisfied in this instance that the proposal would accord with the need element of the current policy SP3 in itself and also when attaching weight to the emerging Spatial Policy 3.

Impact on Residential Amenity

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

The proposed dwelling is orientated broadly east to west roughly in line with the building line established by Bryn Cottage and Rose Dene to the west. However, the immediately adjacent neighbours; Rose Cottage and Church Cottages, are set further southwards within their respective plots closer to Church Lane.

The re-design of the proposed dwelling has resulted in a reduced maximum ridge height although this varies due to significant changes in land levels which exist on the site and increased separation distance to the closest neighbouring properties. The site as existing is heavily overgrown and includes dense landscaping along the majority of the boundaries, nevertheless there are elements of the boundary treatments that are more sparse such that both of the immediately adjacent neighbours side gables are visible from within the site.

Dealing firstly with the neighbouring dwelling to the east; Church Cottage, there would be a separation distance of approximately 24m at the closest habitable point. I noted on site that the rear elevation of Church Cottages does not feature any first floor windows at its closest point which would be orientated towards the dwelling. Whilst there would undoubtedly be visibility of the proposed dwelling to the neighbour, I am confident that this would not amount to an overbearing impact to any principle windows. Equally the distance and aforementioned boundary treatment would restrict the ability for overlooking from the principle elevation of the proposed dwelling.

Moving then to assess the neighbouring dwelling to the west; Rose Cottage, the distance between would be much closer at approximately 13m. I have carefully assessed the likely impacts of the proposed dwelling in particular noting that Rose Cottage has a first floor window both on the gable end orientated towards the site and the rear elevation. There are no hard and fast rules to set distances which are considered to be acceptable in neighbouring amenity terms and indeed as with other matters, each application must be considered on its own merits. There are however guidelines which direct assessment. One of these guidelines is to apply a '45 degree test' to ascertain whether a development will have an overbearing impact. Having applied this test in plan form, the proposed dwelling would not breach 45 degrees from broadly the centre of the neighbouring window on the rear elevation. Given the positioning of the proposed dwelling, the outlook of the neighbouring window on the side gable would be forward of the proposed dwelling rather than at the stark built form.

I have further considered impacts such as loss of light and privacy. I am mindful that the proposed dwelling is sited to the north-east of the neighbouring plot and thus any impact on sunlight in the rear garden should be minimal and if anything limited to early hours of daylight. The windows on the north-west elevation although facing the neighbouring property are at a ground floor level. Any outlook from the rear windows would be at an oblique line of sight, at ground floor level and in any case towards the rear extremes of the neighbouring garden. Moreover, the overall dense boundaries around the site will greatly assist in protecting neighbouring privacy from these windows.

Again there is full appreciation that there will be a degree of visibility of the development from the neighbouring plots primarily due to the proposed scale but I do not consider that this would amount to a detrimental impact on neighbouring amenity which would warrant a resistance of the application in its own right.

The plot is of a substantial size to allow adequate provision of private amenity space for any proposed occupiers.

Impact on Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

I note the comments of the Highway Authority listed in full above, and I am mindful that no highway objections are raised in relation to this proposal. While I am mindful of the narrow roads and lack of visibility or vehicles emerging from Butt Lane onto The Hollows, in considering the low vehicle speeds along these narrow roads it is considered that a refusal of planning permission on highway safety grounds could not be substantiated at appeal.

I note the comments in relation to the status of Butt Lane being an adopted highway and Byway open to all traffic, however this issue was not raised within the previous scheme for a single dwelling at the site and it is felt that it would be unreasonable to delay the application further in order to carry out further consultation. However an informative advising the applicant that the Byway must not be obstructed or damaged during construction and contact information for the relevant departments is considered appropriate to be attached to any grant of planning permission.

Planning Balance and Conclusion

The above appraisal has assessed each of the 5 criterion identified by Spatial Policy 3 of the Core Strategy.

It has been concluded that the site whilst lying within the main built up area of Maplebeck, the remote location of the village is such that the development would not be considered sustainable given the lack of local services and distance to larger settlements amenities and public transport. However, the fact that there is an identified proven local need for a 4 bedroom house in the area means that this need would outweigh concerns relating to locational sustainability.

However, a housing needs survey carried out across Maplebeck, Winkburn and Kersall is considered to quantify a reasonable need for the development put forward and therefore satisfies the 'need' criterion. Weight is also given to the emerging SP3 policy in relation to need and the general favourable view for development that would support existing services and facilities.

In terms of the proposal's impact and scale, the addition of a single dwelling is considered to be an appropriate scale for the village and unlikely to have a detrimental impact upon existing services provided for the village, nor a significant increase in vehicular traffic that would have a harmful impact upon the highway network or result in unacceptable drainage/flooding issues.

Furthermore, it is welcomed that revised design has reduced the scale and bulk of the dwelling considerably to better reflect the local character and the proposed scheme is considered to not result in any harmful impact upon the character and appearance of the conservation area. The proposal is therefore considered to comply with the 'character' criterion of Spatial Policy 3.

In addition to Spatial Policy 3, the development has also been assessed against other local and national policies in respect of residential amenity, impact on character including heritage assets and highway safety, all of which are considered to be unduly impacted, subject to reasonable conditions attached to the planning permission.

Taking the above in to account, it is concluded that whilst the proposal site is not considered sustainable in accordance with Spatial Policy 3, the proposal is considered to accord with the remaining criteria of this policy, including proving an identified need for housing, as well as other relevant local and national planning policy, which are considered on balance to outweigh the sustainability issues in this instance. It is therefore recommended that the application is approved, subject to appropriate conditions.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

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

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

02

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

- 02 Rev F Proposed site plan, location plan and street elevation.
- 03 Rev C Proposed Plans and Elevations
- Submitted Design and Access Statement

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

No part of the development hereby permitted shall be brought into use until a vehicular crossing is available for use and constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

04

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;

an implementation and phasing programme;

existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction, in accordance with .

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials.

Reason: In the interests of visual amenity and biodiversity.

05

All hard and soft landscape works shall be carried out in accordance with the approved implantation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with the programme agreed with the local planning authority.

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

06

Notwithstanding the details that have been submitted with the application, no development shall be commenced until details of the material, design, specification, method of opening, method of fixing and finish of all windows and doors in the form of drawings and sections to 1:20 and 1:1 scale have been submitted to and approved in writing by the District Planning Authority unless otherwise agreed in writing. The development shall be carried out only in accordance with the agreed details.

Reason: Inadequate details of these matters have been submitted with the application and in order to ensure that the development respects the character and appearance of the conservation area.

07

Samples of all external materials to be used on the construction hereby permitted shall be submitted to and approved in writing before development commences. The development shall be carried out using only the agreed materials.

Reason: To safeguard the character and appearance of the conservation area.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (and any order revoking, re-enacting or modifying that Order), 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 A: The enlargement, improvement or other alteration of a dwellinghouse, including extensions to the property and the insertion or replacement of doors and windows.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Class E: Development within the curtilage of a dwellinghouse.

Class F: The provision or replacement of hard standing within the curtilage of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Class B: Means of access.

Class C: The painting of the exterior of any building.

Or Schedule 2, Part 40 of the Order in respect of:

Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.

Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a ground source heat pump within the curtilage of a dwellinghouse.

Class D: The installation, alteration or replacement of a water source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason : To ensure that any proposed further alterations or extensions are sympathetic to the original design and layout in this sensitive location in terms of its impact on the character and appearance of the Conservation Area and impact upon the openness of the countryside.

Notes to Applicant

01

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

02

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

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: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

03

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

04

Your attention is drawn to the comments of the Highway Authority which advises of the status of Butt Lane as a Byway open to all traffic. You are advised that Butt Lane should not be obstructed or damaged during construction works and to contact Notts County Council Rights of Way section should you have any queries regarding matters with the Byway.

Background Papers

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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 - 17/02337/FUL

