

PLANNING COMMITTEE - 05 JUNE 2018

Application No:	18/00501/FUL	
Proposal:	Erection of a new detached dwelling and detached garage	
Location:	Land Adjacent Lime Tree House, Halam Hill, Halam	
Applicant:	Mr & Mrs Stuart And Christine Butler	
Registered:	09.03.2018	Target Date: 04.05.2018 Extension agreed to 07.06.2018

This application is being referred to the Planning Committee for determination as the Officer recommendation is contrary to that of the Parish Council.

The Site

The site comprises a parcel of land to the south of Halam Hill. To the east is a substantial two storey dwelling, Lime Tree House with Radley Terrace to the north-west, a row of two storey dwellings with pedestrian accesses and yards to the rear. To the south is a large open space which, together with the application site, comprises part of the rear garden of Barn Cottage, which is a Grade II Listed Building. The grade I listed church is also south of the application site, across the open garden area of Barn Cottage. The site is a rectangular piece of land with a frontage onto Halam Hill.

Relevant Planning History

97/50859 approved a dwelling.

16/01897/FUL - Proposed erection of 1no. dwelling – Permitted 21.02.2017 for an 18 month period only.

The Proposal

The application seeks consent for the erection of a new two-storey dwelling. The main body of the proposed dwelling would have footprint of c.14.4 m by 13.3 m with an additional 5 m x 4.5 m single storey conservatory to the rear (SW) and a 4.3 m x 3.5 m single storey extension to the side (NW). The dwelling is proposed to be 8.8 m to the ridge and 4.9 m to the eaves with a front facing gable to the NE (c.8 m to the ridge, c.5 m to the eaves).

The application also seeks approval for a detached double bay garage c. 6 m by 6.7 m with a ridge height of approx. 6.3 m and eaves of 2.7 m. The garage is proposed to be positioned towards the NW of the site with the dwelling orientated with its principal elevation fronting the highway to the NE positioned towards the SE common boundary with Lime Tree House. The principal elevation will project approx. 3 m further forward within the plot than Lime Tree House directly to the SE.

The accommodation at ground floor would provide a hall, kitchen and family room/day room, lounge, one bedroom and bathroom, a conservatory and a utility room associated with the kitchen. At first floor there are three bedrooms proposed with two shared en-suite bathrooms and a study.

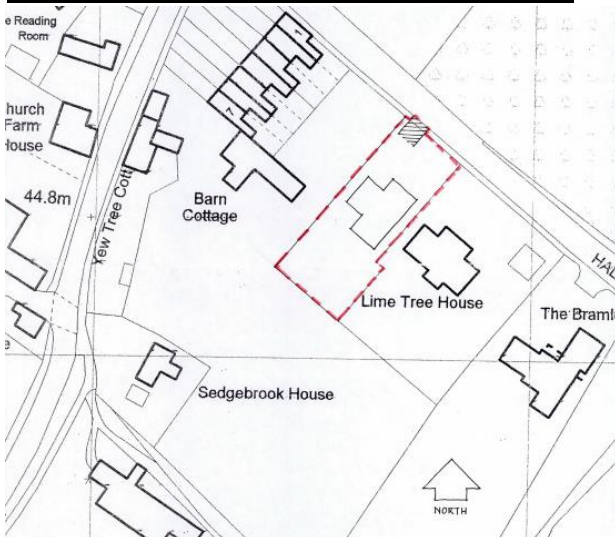
Materials – Facing brick with stone cills and flat brick arches to heads of all openings. Clay pantile roof and timber painted or coloured uPVC windows, all subject to confirmation by condition.

Comparison with 16/01897/FUL - The current application seeks to amend the level of accommodation proposed within the dwelling, increasing from 3 beds to 4, introduce a garage (which the 2016 approval does not have), re-position the footprint and adjust the red line boundary of the application site to increase the curtilage.

Access is to be taken from the NE boundary of the site on to Halam Hill Road – the access remains the same as that approved under 16/01897/FUL – minimum 2.75 m wide with 0.5 m clearance either side. Any gates are to be set back 5 m from the highway boundary and visibility splays are 2.4 m x 43 m.

The dwelling permitted in 2016 had two floors with accommodation in the roof, ridge height was 6.1 m with 2.6 m eaves. (The dwelling proposed by this application is 8.8 m to the ridge and 4.9 m to the eaves.

Departure/Public Advertisement Procedure



Block Plan **Approved** under 16/01897/FUL



Proposed Block Plan 18/00501/FUL

13 neighbours have been notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (Adopted March 2011)

- Spatial Policy 1 Settlement Hierarchy
- Spatial Policy 2 Spatial Distribution of Growth
- Spatial Policy 3 Rural Areas
- Spatial Policy 6 Infrastructure For Growth
- Spatial Policy 7 Sustainable Transport
- Core Policy 3 Housing Mix, Type and Density
- Core Policy 9 Sustainable Design
- Core Policy 14 Historic Environment

Allocations and Development Management DPD (Adopted July 2013)

Policy DM5 Design

Policy DM9 Protecting and Enhancing the Historic Environment

Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

Newark and Sherwood Amended Core Strategy DPD 2017

Spatial Policy 3 Guidance Note SPD

Consultations

Halam Parish Council – Halam Parish Council do not support the application- 5 for, 1 abstention
“there were no official objections listed, the cllrs all had different opinions -these were some of the comments from cllrs as they were talking, for some it was too big, too large for the plot, would probably be visible over the terrace and some think there is a 106 agreement on part of the land”.

Trent Valley Internal Drainage Board - “The site is outside of the Board’s district but within the extended catchment area. 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.”

NCC Highways – “This proposal is for the erection of a single dwelling on land adjacent Lime Tree House. A new vehicular access onto Halam Hill is to be constructed as part of this application, as shown on the block plan/site plan (dwg. 2017/08/02), and has been previously approved under planning application ref. 16/01897/FUL.

The block plan/site plan 2017/08/02 states that the details of the proposed access are to remain the same as previously approved under 16/01897/FUL (site layout plan 16/218-03).

Therefore, there are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan no. 16/218-03. Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstruction, structures or erections exceeding 0.6m in height.
Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.
3. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles. Reason: In the interests of highway safety.

Note to Applicant

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 VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

A lighting column and a utility pole may require relocating as part of the access works. It should be noted that this will be at the applicant's expense."

Confirmation from Highways received 04/05/2018 – "The current plan, ref. Drawing no. 2017/08/02 is acceptable."

Cadent Gas – "Should you be minded to approve this application please can the following notes be included an informative note for the Applicant

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588"

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

It is recommended that disabled persons and wheelchair users' access to, into and around the new 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 clear of parked vehicles is important to and into the dwelling from facilities such as car parking and from the site boundary. 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."

NSDC, Legal Service: The following comments were received regarding the 16/01897/FUL application from the NSDC Legal department which have been subsequently reaffirmed within this application – "I have looked at the original plan on the Agreement dated 9th September 1998 and the red line to the North West of Lime Tree House does appear to include the latest 16/01987 application site so the terms of that 1998 Agreement are relevant. Freeths are right in saying that if the LPA were to grant permission under the new application, this would not breach the 1998 Agreement. This is however, not at all unusual and in no sense can it be said that the Council has failed here. The last three lines ("... and in particular etc.") are bespoke to this Agreement but the rest of it is a standard term in most 106s. Owners of land are allowed to apply after 5 years to vary 106s and can appeal any refusal so it would be totally wrong for the Council to try to stop any future development which is subject to due consideration in the course of a new application."

NSDC Conservation – "The current proposal is an evolution of an approval for a new dwelling here under 16/01897/FUL and then preapp advice with regards to re-siting it given under PREAPP/00188/17. I had no objection to the principle of a new dwelling in this approximate site and my comments can be found on 16/01897/FUL.

With regards to the repositioning of the house and a revised footprint I repeat here my pre-app comments:

I have no objection to this revised red line and overall new footprint for the new build already approved at this site on Halam Hill.

The area is not a Conservation Area, but Halam is an attractive historic village. In addition the proposed site is next to the Grade II listed Barn Cottage and could also affect the setting of the listed parish church.

From Halam Hill the tall laurel hedge along this stretch prevents any clear vistas to the church that could otherwise be blocked or affected by creating a wider building frontage here. In views from the church the main open area around it would still remain open and this new build would be read against, and absorbed into, existing residential development along Halam Hill. As such I the setting of the church would be preserved by this alteration.

In size the revised footprint of the new build would still remain similar to its modern neighbours at Lime Tree House and The Bramley so wouldn't be out of character in terms of townscape. In footprint the proposed detached garage has been reduced to more in line with that at Lime Tree House and would hold a similar position to that at Lime Tree House.

In terms of impact on the listed building at Barn Cottage I am aware that the proposed new building would now encroach into land to its north east which is currently part of the garden area around it. The wing which faces this garden area is mostly modern, with the core of the historic building having aspects to the south east and south west. The garden area around the building is attractive, but its strongest contribution is the area to the south between the historic part of the cottage and the church, which together with the open space between forms a very attractive and in some ways unchanged composition. The view from the later wing to the north east takes in the rear of the adjacent terraced row and has a more suburbanised character than the views to the south.

Given the later age of the wing most affected, the more suburban character of the aspect this wing and the fact that there is still a good degree of 'breathing space' around this wing, I think on balance the revised footprint would retain the significance of the setting of this listed building.

Since the pre-app advice was given revised elevations have now been submitted. What is now proposed is a substantially more significant house, not just in footprint but in height and also in overall status.

However, when I found the principle of a new house here acceptable in 2016 this did not rely on this being a small bungalow as approved. I note that the design of what is submitted now is not dissimilar to the house adjacent at Lime Tree House (although it would be good to compare heights or see a street scape), and so I feel it can be accommodated here without harm to the overall townscape. Maintaining a consistent wall and hedge boundary to the front will help in assimilating this proposed new build.

Given that the proposed new build here will not stand out in townscape terms (noting first my desire to confirm similar overall heights to Lime Tree House), and given the comments about the impact of repositioning the building, given above, I do not think the enlarged elevations or detached garage will have any negative impact upon the setting of the nearby listed buildings.

Subject to confirming comparable heights to Lime Tree House I have no objection to this revised application which I believe will not harm historic Halam and will meet the test of causing no harm to the setting of the listed buildings, as laid out in S66 of the Planning (Listed Building and Conservation Areas) Act 1990."

Having seen the plans provided detailing the height comparison between the proposed dwelling and Lime Tree House the conservation officer has confirmed that they are happy with the comparable height which is not considered to unduly impact the character and appearance of Halam or the setting of the listed buildings.

Representations have been received from 1 local resident/interested party to the scheme and can be summarised as follows:

- Nature and scale of the new proposed dwelling is significantly different from that approved under 16/01897/FUL but the Design & Access Statement are the same and refer to the previous justification.

- Disingenuous statements made in the D&A statement, previous dwelling was single storey to cater for the applicants' deteriorating health needs but now the proposal is for a two storey 5 bedroom dwelling.
- Proposed dwelling is close to the existing dwelling on the land.
- Overbearing scale and position relative to Barn cottage and the surrounding environment. Proposal will impact the amenity of future residents of Barn Cottage.
- Site levels differ on the site and surrounding land which will impact neighbouring amenity and dominate Barn Cottage.

Comments of the Business Manager

Five Year Land Supply of Housing

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

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

Principle of Residential Development

Extant Permission

I note that in the site history for this application site that there is an extant permission for the erection of a dwelling (16/01897/FUL), this application seeks to amend the level of accommodation proposed within the dwelling, include a garage (which the 2016 approval does not have), re-position the footprint and adjust the red line boundary of the application site to increase the curtilage. The extant permission has a similar and overlapping position on the site to that proposed within this application. I note that a reference has been made in the D&A to revoking this application if consent is granted for the revised location. I note that the 16/01987 application was granted on 21.02.2017 with an 18 month time period for implementation, meaning that the permission expires 21.08.2018, given the positioning of the dwelling within this application overlaps that approved under 16/01987 it is not necessary for the revocation of this permission given both permissions would not be able to be implemented simultaneously.

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the development plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and sees sustainable development as a golden thread running through both plan making and decision taking. This is reflected at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the sub-regional centre, service centres and principal villages, which are well served in terms of infrastructure and services.

The Core Strategy outlines the intended delivery of growth within the District including in terms of housing. Spatial Policy 1 sets out a hierarchy which directs development toward the Sub-regional Centre, Service Centres and Principal Villages before confirming at the bottom of the hierarchy that within 'other villages' in the District, development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas).

The proposal site is located within the built settlement of Halam which is located within the Rural Area and therefore Spatial Policy 3 applies. Spatial Policy 3 of the Adopted Core Strategy states that an application for new housing would be considered against the 5 criteria - Location, Scale, Need, Impact, Character.

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 in February 2018. 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 the above five outlined criteria. The outlined criteria relate in many respects to matters which will be considered in further detail below.

The assessment of the proposal against the criteria of SP3 in this case is as follows.

Location

The site is considered to be within the built up part of Halam. Furthermore, although classed as an "other village" Halam has some local facilities including a pub and primary school, village hall, church and two hairdressers. Halam is also in relatively close proximity to Southwell which provides many services and facilities and the Principal Village of Farnsfield with an hourly bus service to these settlements and to Nottingham and Mansfield.

In taking all of the above points into consideration I find that Halam is a sustainable location where a new dwelling could be supported on a locational basis under SP3 and is in line with paragraph 55 of the NPPF as an additional dwelling which would enhance or maintain the vitality of the rural community. As such it is concluded the proposal complies with the locational criterion of Policy SP3.

Scale

The guidance to accompany SP3 referred to above confirms the scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One additional dwelling is considered small scale in numerical terms and as such is unlikely to detrimentally affect local infrastructure such as drainage and sewerage systems. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume. Given the size of Halam and the fact the proposal relates to a single dwelling the proposal is considered small scale and therefore appropriate for this settlement.

Impact/Access

These are discussed further below. However, for the reasons set out below it is considered the impact of the proposal on neighbouring properties is acceptable, the scheme is visually acceptable and adequate access could be provided. Impact on character is considered further below.

Need

Policy SP3 provides that new housing will be supported where it helps to meet identified local need. In support of the application the Design & Access statement states that "In their retirement, and due to poor health, the Applicants require bedroom accommodation at ground floor level. This cannot be achieved in their longstanding family home (Barn Cottage – west of the application site). The proposal will allow the applicants to move into more suitable accommodation without leaving their local community, by providing a dwelling with all primary accommodation at ground floor level, but with additional bedrooms at first floor level, to enhance the overall standard of accommodation. It is intended that one of the bedroom suites will have the flexibility to provide occasional accommodation for an overnight carer if and as required in the future." I note the concern raised from a local resident that the D&A makes disingenuous statements, stating how the previous dwelling was supposed to be single storey to cater for the applicants' deteriorating health needs but now the proposal is for a two storey 5 bedroom dwelling. Whilst I appreciate these comments I note that the proposed new dwelling is a four bedroom property, an increase in one bedroom from the approved 2016 proposal.

The D&A Statement goes on to state "Not only will the proposal meet the applicants' own current and future accommodation requirements and contribute to addressing the Council's five-year housing land supply, it will also result in the release of a good quality, family-sized home back into the District's rural housing stock. This will offer the opportunity for a new family to move into the village to help sustain and enhance local services and facilities in Halam and surrounding villages, and represents a much more efficient use of the District's rural housing stock in line with the Government's most recent housing agenda and initiatives.

By its very nature (allowing longstanding elderly residents to remain in the village by providing more suitable accommodation), the proposal also aligns with the Halam Housing Needs Survey 2012. In addition, the proposal will also contribute to the Council's annual requirement for self-build dwellings, a sector which the Government is actively seeking to encourage and support. The proposal will also bring local employment opportunities to the area during the period of construction."

In this statement the Agent alludes to the 2012 Halam Housing Needs Survey which relates to the provision of enabling long term residents to remain in the village. The property would also be a self-build project.

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

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

Impact on Visual Amenity and Character of the Area

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The proposal seeks to erect a dwelling adjacent to the side elevation of Lime Tree House (c.6 m). The dwelling would provide accommodation over two floors but would be of a modest height and proportions with a gable to the front and ridge line running through. There is a mix of buildings in the locality and no one defining style of dwelling. It is considered the proposal would be visually acceptable on the site. It is noted the dwelling would fill the majority of the width of the site but the massing of the property would reduce the visual impact, there is sufficient land around the dwelling to provide adequate amenity space and the proposal would not result in a cramped form of development.

The proposal would be located close to a grade II listed building, Barn Cottage. The grade I listed church is also south of the application site, across the open garden area of Barn Cottage. The proposal has the potential to affect the setting of the listed cottage and potentially also the church.

In relation to the potential impact on the setting of the church the proposed dwelling would be sited some distance from the church (80 m NE). The proposal would not obstruct any of the principal views of the church, and the visual and spatial relationship of the church within the wider street scene would be retained, where it would continue to be seen as a local landmark within the general confines of the village and surrounding area. The proposed new house would not encroach upon the pleasant open areas immediately around the church but would be seen in the context of the general domestic scale development of the wider village. It is not considered the dwelling would be intrusive or out of character and with the distance between would be considered to preserve the setting of the listed church.

To the east of the application site is Barn Cottage, which dates back to the C17. The building is predominantly vernacular in character. While it currently enjoys a very large plot the historic curtilage was much smaller and the surrounding land includes former orchards which have latterly been incorporated into the domestic curtilage of Barn Cottage.

As a vernacular dwelling within the village core it would not be out of character to see other properties within the vicinity of the listed building. The former orchard setting has now been altered and two new houses have already been built adjacent to the application site on Halam Hill. The overall density and scale of the new building reflects that of the surrounding area and the proposed dwelling would preserve the setting of the listed Barn Cottage.

In size, the revised footprint of the new dwelling would still remain similar to its modern neighbours at Lime Tree House and The Bramley so wouldn't be out of character in terms of townscape. In footprint, the proposed detached garage has been reduced to more in line with that at Lime Tree House and would hold a similar position to that at Lime Tree House. Plans submitted also detail the comparative height of the new dwelling with Lime Tree House (see below) showing that in relation to the topography of the area, the proposed dwelling would sit lower than Lime Tree House and is considered to be acceptable in this context.



elevation facing Halam Hill (north east) at 1:100 showing relationship with adjacent property, 'Lime Tree House'

The Conservation Officer has advised that in terms of impact on the listed building at Barn Cottage (W) "the proposed new building would now encroach into land to its north east which is currently part of the garden area around it. The wing which faces this garden area is mostly modern, with the core of the historic building having aspects to the south east and south west. The garden area around the building is attractive, but its strongest contribution is the area to the south between the historic part of the cottage and the church, which together with the open space between forms a very attractive and in some ways unchanged composition. The view from the later wing to the north east takes in the rear of the adjacent terraced row and has a more suburbanised character than the views to the south.

Given the later age of the wing most affected, the more suburban character of the aspect this wing and the fact that there is still a good degree of 'breathing space' around this wing, I think on balance the revised footprint would retain the significance of the setting of this listed building."

The design of what is submitted now is not dissimilar to the house adjacent at Lime Tree House, and so it is considered that the propose dwelling can be accommodated here without harm to the overall townscape. The Conservation officer has advised that maintaining a consistent wall and hedge boundary to the front will help in assimilating this proposed new build, this can be controlled by a suitably worded landscaping condition.

Given that the proposed new build here will not stand out in townscape terms (noting the desire for similar overall heights to Lime Tree House), and given the comments about the impact of repositioning the building, given above, I am of the view that the enlarged elevations and detached garage in comparison to that approved in 2016 will not have any negative impact upon the setting of the nearby listed buildings. In addition, to the NW of the proposed dwelling is a row of terrace properties on Radley Terrace that have projecting linear form towards the SE in the direction of the application site (20 m separation distance). This row of terraces fronts on to Radley Road/Church Lane where the urban grain is tighter knit than on Halam Hill which is generally characterized by larger dwellings within substantial plots, particularly to the SE. Whilst I appreciate this proposed dwelling would be closer to the Radley Terrace properties, the dwelling would assimilate well within the street scene on Halam Hill. In any case, Radley Terrace presents its rear elevation to the propose dwelling site and is separated by an approx. 2 m leylandii hedgerow that further distinguishes the change in urban form here.

In conclusion I believe the proposed dwelling will not harm historic Halam and will meet the test of causing no harm to the setting of the listed buildings, as laid out in S66 of the Planning (Listed Building and Conservation Areas) Act 1990.

The design of the proposed new house is acceptable in scale and form. It also includes some sympathetic architectural detailing, being a nod to local architectural features. Subject to the use of good quality materials this house is acceptable and can be absorbed into the historic grain of Halam, preserving the setting of the adjacent listed Barn Cottage and nearby Church.

Having regard to Policies DM5, DM9 and CP14 and the NPPF it is considered the proposed dwellings would be visually acceptable at this location in terms of the pattern of development and the visual appearance of the dwellings is also acceptable. There would also be no harm to the setting of the adjacent and nearby listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

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

There are no dwellings to the northern side of Halam Hill. To the east is Lime Tree House which has a side elevation adjacent to the proposed dwelling. Although the side elevation of the proposed dwelling would run along this boundary the dwelling is considered to be of an acceptable height with only one window above first floor level on this elevation to serve an ensuite, of which could be conditioned to be obscurely glazed to maintain privacy. The dwelling would project beyond the front elevation of Lime Tree House by approx. 3 m, but not to the point where there would be an overbearing impact. Furthermore, adequate space would remain between the buildings.

To the south and west the rear boundary of the proposed garden would border the remaining garden to serve Barn Cottage with Sedgebrook House a significant distance away. To the west the dwelling would be separated from Barn Cottage by a significant distance and there would be no windows above ground floor level. Although the site is on higher land it is not considered the proposal would have an undue adverse impact on this property.

Also to the west are the rear elevations of Radley Terrace, a number of properties which would be separated by another part of the remaining rear garden of Barn Cottage. The application site is on higher ground than these properties but the combination of separation distance, the absence of first floor windows in the proposed side elevation and the scale of the property would result in a satisfactory relationship.

The proposed first floor windows are limited to the front and rear elevations to serve a bedroom on each elevation. Although this would increase the amount of overlooking to Lime Tree House the impact would be limited and similar to many other relationships in the locality. No other property would be affected.

Taking into account the above considerations it is considered the proposal would not conflict with the amenity criteria under Policy DM5.

Highway Safety

Policy DM5 seeks to ensure adequate access and parking is provided for development and Spatial Policy 7 relates to sustainable transport.

A new vehicular access would be created onto Halam Hill and the Highway Authority raise no objection. Adequate visibility splays can be achieved and the level of additional traffic generated would be limited. Off street parking and turning can be achieved to an adequate standard within the site given the proposal includes the provision of a two-bay detached garage. Subject to appropriate conditions, the proposal would not result in any highway safety impact and accords with Spatial Policy 7 and Policy DM5.

History and S106

Reference 97/50859 approved the erection of a dwelling but was subject to a s.106 agreement. This restricted development within the site to a single dwelling with the adjacent area to remain as undeveloped open space. The site the subject of the current application falls within the area restricting development to a single dwelling; Lime Tree House, an existing dwelling, has already been erected within this site.

From assessing the plan contained within the legal agreement and the proposed site plan it is concluded the proposed dwelling would fall within the area covered by the s.106. Legal opinion has been sought and has confirmed the original plan on the Agreement dated 9th September 1998 and the red line to the North West of Lime Tree House does appear to include the approved 16/01987 and current 18/00501 application site. As such the terms of that 1998 Agreement are relevant. The applicant has supplied a legal view through Freeths who are considered correct in concluding that if the Local Planning Authority were to grant permission under the new application, this would not breach the 1998 Agreement. The Council's Legal Officer has reaffirmed their statement made in 2016 that this situation is not at all unusual and in no sense can it be said that the Council has failed. The last three lines ("... and in particular etc.") are bespoke to this Agreement but the rest of it is a standard term in most 106s. Owners of land are allowed to apply after 5 years to vary 106s and can appeal any refusal so it would be totally wrong for the Council to try to stop any future development which is subject to due consideration in the course of a new application.

As such it is not considered the development could be soundly or reasonably refused planning permission on the grounds of the legal agreement.

Planning Balance and Conclusion

There is an existing extant permission for a dwelling on this site which affords great positive weight to the principle of a new dwelling on this site.

The application has been carefully assessed against Spatial Policy 3 Rural Areas of the Development Plan along with the proposed changes to Policy SP3 as part of the plan review which given its recent examination can be afforded some weight, and the NPPF. The dwelling is considered to be sustainably located, small scale, would not result in negative impacts, including highway safety, subject to conditions, is appropriately designed, scaled and sited so as not to detrimentally impact upon the character and appearance of the area or setting of listed buildings or visual amenities of the streetscene, and would support existing facilities within the village.

Turning to residential amenity, it is considered that the site is capable of accommodating a single dwelling without causing adverse impacts including upon the occupiers of neighbouring properties.

A case for local need has been made as part of this application but in any event this now affords less weight in the planning balance when taking into account the emerging SP3 policy on need where new development is acceptable provided it supports existing facilities within the village.

For the reasons stated above, and given the extant permission on the site which is a fall back position, must be afforded great weight, the principle of development in this location is considered to comply with relevant local and national planning policy and is considered acceptable. I therefore recommend that planning permission be granted 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

- Site Location Plan
- Proposed Dwelling Details – 2018/08/01
- Proposed Block Plan and Site Plan – 2017/08/02

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 development shall be commenced until details of the external materials to be used in the construction of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interests of visual amenity.

04

No development shall be commenced until details of the boundary treatments to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details.

Reason: In the interests of visual and residential amenity.

05

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 5m behind the highway boundary in accordance with the approved plan no. 2017/08/02.

Reason: In the interests of highway safety.

06

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstruction, structures or erections exceeding 0.6m in height.

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

07

No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.

Reason: In the interests of highway safety.

08

No development shall be commenced until details of the drainage, to include sustainable surface water drainage, to be used in the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with these approved details and shall thereafter be so retained for the lifetime of the development.

Reason: To ensure the drainage is appropriate for the site and in the interests of residential amenity and the environment.

09

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:

An implementation and phasing plan;

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.

Reason: In the interests of visual amenity and biodiversity.

10

All hard and soft landscape works shall be carried out in accordance with an approved implementation and phasing plan. The works shall be carried out before any part of the development is occupied or in accordance with any approved phasing programme agreed in writing with the Local Planning Authority as part of condition 9.

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

11

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

12

The first floor window opening on the south-east side elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

Note 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/cil02

02

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).

03

As part of the considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that the developer's attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of access and facilities for disabled people together with visitable, accessible and adaptable, and wheelchair user dwellings. Occupants requirements 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 proposal be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards to ensure that they provide suitable clear unobstructed access to the proposal. Depending upon the site topography and practicality to achieve, step-free access to and into the proposal is important and a suitably surfaced firm obstacle-free level and smooth traffic free accessible route is essential to and into the proposal from facilities such as car parking and from the site boundary. Any loose laid materials such as gravel or similar, can cause difficulty for any 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, all carefully designed to facilitate easy access and manoeuvre on all floors are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the proposal together with suitable accessible WC and sanitary provision etc. It is recommended that the developer make separate enquiry regarding Building Regulation matters.

04

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 Via, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

A lighting column and a utility pole may require relocating as part of the access works. It should be noted that this will be at the applicant's expense.

Background Papers

Application Case File

For further information, please contact Honor Whitfield on ext. 5827.

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 - 18/00501/FUL

