



PLANNING WORKSHEET 11 – DELEGATED / PCG REPORT - GENERAL

Valid Date: 24 May 2022

Extension of time agreed till: 12 August 2022

Application Ref.	22/00696/FUL	
Site Address	Land Adjacent To The Cottage Mill Lane Normanton On Trent Newark Nottinghamshire	
Proposal	Erect Dwelling With Detached Garage and Construct New Access	
Case Officer	Jamie Elliott	
Decision Level	Delegated following referral to PCG	
Recommendation	GRANT	
Reason(s) for PCG referral	Objections received from Local Residents.	
PCG Sign off and date	 8 th August 2022	
Signature		
Date		
Case Officer	JE	04/08/2022
Authorised signing Manager		8 th August 2022

Policy Considerations	<p>Having regard to Section 54A of the Town and Country Planning Act 1990, the main policy considerations are as follows:</p> <p><u>National Planning Policy Framework 2021</u></p> <p>The National Planning Policy Framework (NPPF) sets out the Government's approach for the planning system and how these are expected to be applied.</p> <p>Paragraph 8 explains that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform an economic, social and environmental role.</p>
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	<p>Paragraph 11 explains that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted. The relevant policies are as follows:</p> <p>Part 12. Achieving well-designed places Part 14. Meeting the challenge of climate change, flooding and coastal change. Part 15. Conserving and enhancing the natural environment. Part 16. Conserving and enhancing the historic environment</p> <p><u>Bassetlaw District Council – Local Development Framework</u> Core Strategy & Development Management Policies Development Plan Document (Adopted December 2011):</p> <ul style="list-style-type: none"> • CS1 - Settlement hierarchy • CS9 – All Other Settlements • DM4 - Design & character • DM8 – The Historic Environment • DM12 - Flood risk, sewage and drainage
<p>Other relevant guidance/SPDs</p>	<p><u>Bassetlaw District Council – Successful Places:</u> A Guide to Sustainable Housing Layout and Design (Adopted December 2013)</p> <p><u>A Guide to Heritage Impact Assessments.</u> Bassetlaw District Council. http://www.bassetlaw.gov.uk/media/378862/Heritage-Impact-Assessment-Guidance-October-2013-Update.pdf</p>
<p>Relevant Planning History</p>	<p>34/04/00009. Planning permission refused to erect dwelling and construct new access. September 2004.</p> <p>34/92/00004. Planning permission granted to erect one dwelling and construct new access. June 1992.</p>
<p>Consultation date(s)</p>	<p>Consultation and Publicity Expiry Date: 30 June 2022</p>
<p>Summary of Consultation Responses</p>	<p>NCC Highways. No objections.</p> <p>The District Conservation Officer. No objections</p> <p>Environmental Health. No objections.</p> <p>Parish Council. No comments had been received at the time of drafting this report.</p>

<p>Summary of Publicity</p>	<p>This application was advertised by neighbour letter, site notice and press notice and 2 Letters have been received from Local Residents, objecting to the development on the following grounds:</p> <ol style="list-style-type: none"> 1. The proposed dwelling would be sited at the rear of the site, whilst there would appear to be space to position the dwelling further away from the property at the rear; 2. Development would result in overlooking and loss of privacy; 3. The difference in land levels would exacerbate overlooking in rear gardens; 4. Would have an adverse visual impact; 4. No measurements are shown on the drawings so establishing the true siting of the property is difficult; 5. First floor windows would overlook the adjacent property, 'the Flowerpatch'; 6. The existing trees do not provide a high level of screening.
<p>Site Context</p>	<p>The site currently forms the garden/orchard of 'the Cottage.'</p> <p>The site falls outside of any development boundary defined in the Bassetlaw Local Plan.</p> <p>'The Cottage' and outbuildings are a Grade II listed building.</p> <p>St Mathew's Church is a Grade II* listed building.</p> <p>The Hall is a Grade II listed building.</p>
<p>The Proposal</p>	<p>The application seeks full planning permission for the erection of a detached 3 bed dwelling and garage.</p>
<p>Assessment of Proposal</p>	<p><u>PRINCIPLE</u></p> <p>Paragraph 12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making.</p> <p>Policy CS1 of the Core Strategy states that until the adoption of the site allocations DPD, development in the settlements identified in the hierarchy will be restricted to the area inside defined settlement boundaries. However, additional permission may be granted where the development proposal would address a shortfall in the District's five-year housing supply.</p> <p>Policy CS8 of the council's Core Strategy identifies Dunham-on-Trent as a Rural Service Centre, a settlement that offer a range of services and facilities, and the access to public transport, that makes them suitable locations for limited rural growth</p> <p>The Core Strategy was prepared using a settlement hierarchy which included development limits to control development and does not have any new site allocations. As such it restricts the delivery of new development which is out of step with the growth that is expected to be delivered as identified in the NPPF. As such, the weight given to policy CS1 has to be reduced.</p> <p>As outlined above, due to the limited weight afforded policy CS1 of the Core Strategy, this scheme should be determined in accordance with part d) of paragraph 11 of the NPPF.</p>

This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

In relation to the supply of housing, the NPPF requires Councils to identify and update, on an annual basis, a supply of specific deliverable sites sufficient to provide for five years' worth of housing provision against identified requirements (paragraphs 74 & 75). For sites to be considered deliverable: they have to be available; suitable; achievable and viable. Under the requirements of the new NPPF, the Council can demonstrate 13.5 year worth of housing and as such, a deliverable 5 years supply of housing can be achieved. Whilst the above is the case, this does not give the Council the automatic right to refuse this scheme, as paragraph 33 of the NPPF makes it clear that development plans will be considered to be out of date where they have not been reviewed within 5 years of their adoption. As the Bassetlaw District Core Strategy which contains the Council's strategic housing delivery policies was adopted back in 2011 and has not been reviewed in this period, this means that the Council's policies are now out of date and they will carry limited weight in the determination of planning applications.

As the Core Strategy is now out of date, consideration of the application shall be carried out in accordance with the tilted balance test in paragraph 11 of the NPPF which states that permission must be granted unless the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

In such circumstances the presumption is in favour of sustainable development means that development should be granted unless consequent adverse impacts of the scheme significantly and demonstrably outweigh the benefits.

Having regards to the overall policy position as outlined above and the fact that the tilted balance test in paragraph 11 of the NPPF applies, consideration of whether this proposal constitutes sustainable development will be assessed in relation to the matters outlined below and a balanced decision will be reached in the conclusion to the report.

SUSTAINABILITY OF THE DEVELOPMENT

Paragraph 8 of the NPPF sets out three dimensions for sustainable development, economic, social and environmental:

“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

In reaching a decision on this case, the NPPF at paragraph 9 makes it clear that the objectives referred to above should play an active role in guiding development towards sustainable solutions and are not criteria against which every planning application should be judged against.

The settlement of Normanton-on Trent is a small undesignated village in a rural location with the availability of limited local services. Despite this, it can be argued that this scheme would make a very small contribution towards the rural economy by the creation of temporary construction related jobs and the on-going contribution to the local rural economy both in the village and in the surrounding area from the creation of an additional dwelling. The proposal would also contribute towards providing new housing in a rural location to help towards meeting future local need.

The requirement of paragraph 79 of the NPPF is also relevant to the consideration of whether this scheme constitutes sustainable development. It states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities and allow them to grow especially where this will support local services. Whilst Normanton-on-Trent is a small rural village with limited local facilities, it can be argued that the provision of an additional dwelling there may help to enhance and maintain the service provision in the village and also in the larger neighbouring Town of Tuxford which meets the requirements of paragraph 79 of the NPPF.

HERITAGE MATTERS

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that special regard should be given to the desirability of preserving listed buildings or their settings.

Policy DM8 of the Bassetlaw Local Development Framework states that the historic environment shall be protected and enhanced to secure its long term future and that any development that would be detrimental to the significance of the heritage asset or its setting, will not be supported. This is reiterated in paragraph 200 of Part 16 of the National Planning Policy Framework, which states that any harm to or loss of the significance of heritage assets should require clear and convincing justification.

In addition, policy DM4 of the Bassetlaw Local Development Framework states that permission will only be granted for development that is of a high quality design and which respects the character of the area. Similarly, paragraph 130 of the NPPF states that development proposals should be visually attractive and sympathetic to local character.

The proposal site relates to land adjacent to the Cottage, an area of residential garden which is currently associated with 'The Cottage', a late 18th century grade II listed dwellinghouse.

The site is also within the setting of several other designated heritage assets,

including the grade II* listed Church of St Matthew and the grade II listed Normanton Hall. The site is also within the setting of numerous non-designated heritage assets.

The key consideration is the scheme's impact upon the setting of the surrounding designated heritage assets, with particular emphasis upon the setting of the grade II listed 'Cottage'. The scheme's impact upon the setting of the surrounding non-designated heritage is also due consideration.

Principle of Development

There are two historic applications relating to this site, both of which sought approval for the provision of a single dwelling and new access. The first of which related to an outline planning application which was approved in 1992 (App Ref: 34/92/00004). The latter application was granted at appeal with conditions in 2005 (App Ref: 34/04/00009 – Appeal Ref: APP/A3010/A/04/1170951). As such, the principle of scheme is considered to be acceptable.

Design

Dwelling

The design of the proposed dwelling is grounded within a historic agricultural pastiche, replicating the appearance, form and scale of a modest 19th century farmhouse. This is considered to be appropriate given the context of the surrounding built heritage. However, there are several outlying details in regards to materials which require further clarification.

Garage

The design of the proposed garage range appears to be acceptable. The form of the building is simple, comprised of a single unit consisting of an external brick façade, open-front elevation with elements of timber framing and a gabled clay pantile roof. This design is reminiscent of historic agricultural cart-sheds, and as such is considered to be appropriate within the context of the surrounding built heritage. However, there are several outlying details in regards to materials which require further clarification.

Materials

The design of the dwelling and garage appear to be generally acceptable. However further clarification is needed in regards to materials. The application specifies that the proposed external finish will consist of 'Red Brick'. Conservation would need to know the specific type/model of the brick to be used in order to properly assess the scheme. There is also no mention of a proposed brick bond, which again would need to be clarified.

Note that a standard stretcher bond would not be supported, and instead a historic brick bond should be adopted such as 'Flemish Stretcher Bond', which appears to be the brick bond used on the adjacent listed Cottage.

Similarly, the proposed external finish for the roof is denoted as 'Clay Pantile'. Again, Conservation would require further clarification as to what brand and type of clay pantile is to be used. Conservation would recommend using a non-interlocking clay pantile.

For the reasons outlined above and subject to conditions securing facing materials

and brick bond, it is considered that the proposal would help to preserve the setting of the surrounding designated and non-designated heritage assets.

As such it is considered that the development would comply with the provisions of the policies and guidance outlined above.

VISUAL AMENITY

Policy DM4 of the Bassetlaw Local Development Framework also states that permission will only be granted for residential development that is of a high quality design, respects the character of the area and historic development patterns. Similar advice is contained in paragraph 130 of the NPPF which states that development should be sympathetic to local character including the surrounding built environment and landscape setting.

The proposal would involve the infilling of an area of undeveloped open space on the Tuxford Road frontage.

As the character of development in this part of the village is largely derived from its linear in form, it is considered that proposed siting and orientation of the proposed dwelling would reflect and therefore be sympathetic to the historic development pattern of the village.

In addition it is considered that the design and scale of the proposed dwelling would be sympathetic to and in-keeping with the traditional form of building in the settlement and is considered to occupy a proportion of the plot that would respect the existing settlement pattern.

Accordingly it is considered that the development would comply with the provision of the policies and guidance outlined above.

RESIDENTIAL AMENITY

Policy DM4 of the Core Strategy requires that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties. This requirement also forms part of paragraph 130 of the NPPF.

Concern has been raised from the occupiers of the adjacent properties to the north and west of the site regarding the impact of the proposed dwelling upon their residential amenity in terms of overshadowing and loss of privacy. However, it is considered that the proposed dwelling has been designed and orientated to ensure that it would not unduly overlook or dominate the adjacent properties.

In relation to the impact on the property to the north (2 Poole's Yard), it is considered that the dwelling would be sited a sufficient distance from the boundary to ensure that it would not result in any significant overshadowing or domination of this property or its garden.

In addition, the first floor bedroom window would be sited over 12m from the boundary and would have its outlook limited by the proposed dwelling's rear projection. As such it is considered that the proposal would have no significant detrimental impact on the amenities of the occupiers of this property

With regard to the dwelling located to the west (Flower Patch), the proposed dwelling would be sited over 3m from the boundary and largely oriented that only

one first floor window would be facing this property.

Whilst this first floor bedroom window would directly face Flower Patch, it is considered that being sited approximately 9m from the boundary and 20m from the adjacent dwelling, it would not result in any significant loss of privacy for the occupiers of this dwelling.

In addition it is considered that being sited over 15m from this dwelling, it would not result in any significant overshadowing or domination of this property.

Policy DM4 of the Bassetlaw Local Development Framework also states that permission will only be granted for residential development that is of a high quality design and which provides a decent standard of private amenity space.

The District Council's 'Successful Places' Supplementary Planning Document also states that new dwellings should normally have a minimum single area of private amenity space of 70m² for 3 bed dwellings.

The occupiers of the proposed dwelling would be provided with a private rear garden area, well in excess of the minimum standards outlined above.

On balance therefore and for the reasons outlined above it is considered that the proposed development would comply with the provisions of the policies and guidance outlined above.

HIGHWAYS MATTERS

Paragraph 110 of the NPPF states that schemes can be supported where they provide safe and suitable access for all. This requirement is also contained in policy DM4 of the Council's Core Strategy. Paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 92 of the NPPF states that all development should aim to achieve healthy, inclusive and safe places which encourage social interaction, are safe and accessible and enable and support healthy lifestyles. Paragraph 110 of the NPPF requires schemes to provide safe and suitable access for all users as well as looking at appropriate opportunities to promote sustainable transport modes.

Paragraph 112b of the NPPF requires schemes to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

Paragraph 112e of the NPPF requires schemes to be designed to enable charging of plug-in electric vehicles (EV) and other ultra-low emission vehicles (ULEV) in safe, accessible and convenient locations. As with mobility vehicles, there are currently no County standards on what provision developers must provide as part of their schemes, but this is to change soon as the County is working on such a policy and has considered it to be appropriate to request provision here in line with the requirements of paragraph 112e of the NPPF.

Following comments from the Local Highways Authority, the application has been amended to incorporate revised visibility splays at the site entrance.

The Highways Authority have indicated that subject to conditions securing, visibility splays, EV. charging points, surfacing of the driveway and a Construction

Environmental Management Plan, the proposal would have no adverse impact on highway safety.

Therefore subject to the outlined conditions the proposal would comply with the provisions of the policies and guidance outlined above.

TREES

The content of paragraph 180 of the NPPF is applicable as it states that in dealing with planning applications, councils must consider the harm of a scheme on biodiversity. Some harm to biodiversity is allowed, but it states that significant harm should be avoided, adequate mitigation should be provided or if this is not possible, the loss should be compensated for. If none of the above is possible, then permission should be refused.

The site has a number of mature trees around the edges including those in the gardens of neighbouring properties. The most prominent are located on the site frontage consisting of a Beech Tree and Spruce Tree.

Whilst the spruce tree would be removed in order to create the vehicular access, the adjacent Beech Tree which is considerably larger and of greater visual significance would be retained.

The accompanying Tree Survey, recommends that in order to safeguard the beech tree, the proposed vehicular access by carried out using a no-dig method of construction.

In addition, the submitted Tree Survey recommends that tree protection measures are put in place to safeguard retained trees prior to construction works commencing.

With regard to the removal of other trees within the site, these are all fruit trees, and are therefore of limited value or interest.

Therefore subject to the outlined mitigation measures, it is considered that the development would comply with the provisions of the policies and guidance referenced above.

CONCLUSION

Whilst the Council can demonstrate in excess of a 5 year supply of housing, it is considered that strategic policies such as that contained in the Council's Core Strategies that have not been reviewed within 5 years of their adoption are now out of date, so therefore the weight to be apportioned to the Core Strategy policies is limited in decision making.

As the Core Strategy is deemed to be out of date having regards to the contents of paragraph 33 of the NPPF, paragraph 11 of the NPPF makes it clear that the scheme should be considered under the planning balance test where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole.

The benefits of the development will include the creation of additional household help support local services and also indirectly provide construction related jobs which will be of benefit to the local area.

In addition to this, no objections have been received to this scheme from the Council's statutory consultees.

Having regards to benefits outlined above, and the scale and form of the development, it is considered that these outweigh any identified harm and as such the proposal would constitute sustainable development as defined in paragraph 11 of the NPPF and accordingly the scheme must be granted planning permission.

For the reasons outlined above, it is considered that the proposed development would comply with policies DM4, DM8 and DM9 of the Core Strategy of the Bassetlaw Local Development Framework, the 'Successful Places SPD', Parts 12, 15 and 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.