

## 6.4 Committee Report for P/2018/00036

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

|   |   |   |
|---|---|---|
| <b>Application Number</b>   | P/2018/00036  |   |
| <b>Planning Officer</b>   | Lisa Roberts  |   |
| <b>Site Address</b>   | Lawley Cottage<br>Newborough End<br>Newborough<br>Staffordshire<br>DE13 8SR   |   |
| <b>Proposal</b>   | This application seeks consent for an increase in the ridge and eaves height to facilitate the erection of a two storey side and rear extension, single storey side extension to form a conservatory, installation of rooflights to front and rear roofslopes and installation of windows and a door to the rear elevation of existing detached garage and formation of an additional parking area.   |   |
| <b>Consultation Expiry Date</b>   | 27/03/2018  |   |
| <b>Application not Determined within Statutory time Period – Reason</b> | The application was called in by Councillor Johnson for consideration by Planning Committee. Ongoing negotiations and this request have taken the application outside of the statutory time period, but the applicant has agreed an extension to the time limit until 27 <sup>th</sup> April 2018.  |   |
| <b>Details of Call-In</b>   | <p>This application was called in by Councillor Johnson for the following reasons:</p> <p>`has generated a large negative response from residents in the locality, Newborough Parish Council are also very opposed to the development,</p> <p>Parking and road traffic hazard – the house in question is on a very dangerous bend which has very poor visibility for oncoming traffic and it is difficult to understand why such a property requires an additional highway entrance. In June 1981 previous owners obtained planning approval to move an access from Yoxall Road to Moat Lane after suffering a serious accident coming out of the access on Yoxall Road just metres away from the proposed new access. The resident was warned not to use this access and to keep it dormant.</p> <p>Flood Risk – The area in question was completely flooded a few years ago, June 2012, and houses were damaged internally, drainage in this location is poor. The extension will increase the risk of flooding due to more hard-core being installed and the increased run-off. Twenty Apple trees and three established Eucalyptus trees were cut down and taken out of the garden in the summer which could also affect the drainage.</p> <p>The development is not of an appropriate design as it does not complement the local vernacular and character of the rural setting. It is not sensitive to the surrounding landscape and is taking one of the few smaller households away from the small amount in the village. It has been identified by East Staffordshire Borough Council that there is a distinct lack of smaller households in the parish and if we allow developers to buy these properties to extend to 4 bedroom properties there will not be a balanced demographic’.</p> |   |
| <b>Screening Opinion</b>  | Environmental Impact Assessment not required.   |   |
| <b>Relevant Planning Policies/Guidance</b>                              | <b>Government Documents</b>   | The National Planning Policy Framework<br>The National Planning Practice Guidance |

|                                  |  |   |
|----------------------------------|--|---|
|                                  | <b>Local Plan Policies</b>   | <p>Principle 1: Presumption in Favour of Sustainable Development</p> <p>SP1: East Staffordshire Approach to Sustainable Development</p> <p>SP24: High Quality Design</p> <p>SP25: Historic Environment</p> <p>SP26: National Forest</p> <p>SP27: Climate Change, Water Body Management and Flooding</p> <p>SP29: Biodiversity and Geodiversity</p> <p>SP35: Accessibility and Sustainable Transport</p> <p>DP1: Design of New Development</p> <p>DP3: Design of New Residential Development, Extensions and Curtilage Buildings</p> <p>DP5: Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and Archaeology</p> <p>DP6: Protecting the Historic Environment: Other Heritage Assets</p> |
|                                  | <b>Supplementary Planning Documents</b>  | <p>East Staffordshire Design Guide</p> <p>Parking Standards Supplementary Planning Document 2017</p>  |
|                                  | <b>Other Policies/Guidance</b>   | <p><b>Newborough Neighbourhood Plan:</b></p> <p>SP1: Sustainable Development</p> <p>SP2: River Management and Flood Risk</p> <p>SP4: Heritage and Design</p> <p>HE4: Design for New Development</p> <p>CF3 – Landscape and the National Forest</p> <p>TA3: Parking</p>  |
| <b>Relevant Planning History</b> | HO/11727/005 – Erection of detached garage to house motor car collection – Approved 10/07/1989   |   |
| <b>Consultation Responses</b>    | <p><b><u>Responses to first consultation</u></b></p> <p><u>SCC Highways</u></p> <p>The application should be refused as the proposed development fails to identify adequate visibility splays at the proposed new access, and therefore we are unable to determine the impact on the public highway.</p> <p><u>Cllr A Johnson</u></p> <p>Development of all kinds including change of use and extensions have a wider consequence on other factors such as parking, flood risk, biodiversity and landscape of the parish.</p> <p>It is with this in mind that I would like to object to the extension and increased highway access at Lawley Cottage, Newborough End.</p> <p><b>Parking and Road Traffic Hazard</b> - The house in question is on a very dangerous bend which has very poor visibility for oncoming traffic and I find it difficult to understand why such a property requires an additional highway entrance? The parish-plan and TA3 documents clearly recommends provision of sufficient and suitable car parking and for a 4 bedroom property a minimum of 3 car parking spaces. The plan currently shows provision for at least 2 car parking spaces in the garage and 4 on the existing drive which seems to exceed the required number by 3 and therefore I cannot understand why additional parking and entrance is required at such a dangerous place?</p> <p>In June 1981 our previous owners got planning approval to move the access from Yoxall road to Moat Lane after suffering a serious accident coming out of that access on Yoxall road, just metres away from the proposed new access. With us being warned not to use this access and to keep it dormant, I find it incomprehensible that they would ignore the risk and put danger to human life.</p> <p><b>Flood Risk</b> - The area in question was completely flooded a few years ago, June 2012,</p> |   |

|                |  |
|----------------|--|
|                | <p>and our house was destroyed with the flood internally, drainage in this location is poor. The extension will increase the risk of flooding due to more hardcore being installed and the increased run off. Twenty Apple trees and three established eucalyptus trees were cut down and taken out of the garden in the summer which could also affect the drainage.</p> <p><b>Biodiversity and Local Plan</b> - No biodiversity studies have been submitted even though the property is in the Staffordshire action Local plan area, is also close to the River Swarbourn and Moat Hall Wood, which is part of the National Forest and protected under the Local Plan, SP 26. Development that took place down the road at 'Thorntree Hall Farm, Yoxall Road' had to provide a biodiversity report looking in particular for crested newts. Why has this not been considered? An objective in the neighbourhood development plan was protection of hedgerows, trees, flora and fauna yet this development has taken 23 trees so far.</p> <p><b>Parish</b> - Having read The Newborough Neighbourhood development plan I don't believe that this development is of appropriate design as it does not complement the local vernacular and character of the rural setting. It is not sensitive to the surrounding landscape and it is taking one of the few smaller household away from the small amount that we have in the village. It has been identified by East Staffordshire County Council that there is a distinct lack of smaller households in the parish and if we allow developers to buy these properties to extend to 4 bedroom properties we will not have a balanced demographic living here.</p> <p><b><u>Responses to re-consultation following the submission of amended drawings</u></b></p> <p><u>SCC Highways</u></p> <p>There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.</li> <li>2. The development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans.</li> <li>3. The development hereby permitted shall not be brought into use until the visibility splays shown on the approved drawing have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.</li> </ol> <p>Following further discussions between the Highways Authority and the agent, the final comments from the Highways Authority were positive, recommending approval.</p> |
| Parish Council | <p><b><u>Responses to first consultation</u></b></p> <p><u>Newborough Parish Council</u></p> <p>While the application appears in the main to be consistent with the made Newborough Neighbourhood Plan, we would like to raise the following points:</p> <ul style="list-style-type: none"> <li>• Any development on this site should result in an overall <b>decrease</b> in flooding risk for this and neighbouring properties. We note that the adjacent Crossroads Cottage was the subject of severe flooding from road and field run-off in 2012. This application proposes a substantial increase in the footprint of Lawley Cottage plus some additional external areas of block paving and we would wish to see this being entirely mitigated.</li> <li>• We oppose the proposed additional highways entrance and gravel parking area at the southernmost point of the property. Yoxall Road at this point is very narrow with high hedges and these, together with the bend in the road, pose a very real road traffic risk. We are given to understand by parishioners that there has been a significant road traffic accident at this point in the past. The property already has spaces for 4 vehicles outside and a much larger number of vehicles within the garage and so additional parking is completely unnecessary. We would wish to ensure that Staffordshire County Council Highways Department make a site visit, rather than rely on maps, to reach a considered judgement on this risk.</li> <li>• The application proposes a number of additional windows, both in the cottage and garage. We would wish to ensure that these in no way impact upon the privacy of the occupiers of Crossroads Cottage.</li> <li>• The proposal to install four dormer windows to the first floor of the garage seems inconsistent with the planning permission for this building, granted in 1989 (HO/11727/005), to house a motor vehicle collection. In the event that these</li> </ul>  |

|                                   |  |
|-----------------------------------|--|
|                                   | <p>windows were permitted under this application, we would request assurance that any possible future planning application for this building would adhere to the East Staffordshire Borough Council Local Plan which does not permit a “home owner building a garage and then a few years later seeking to convert it to a dwelling”.</p> <p><u>Hoar Cross Parish Council</u></p> <ul style="list-style-type: none"> <li>• No response received</li> </ul> <p><b><u>Responses to re-consultation following the submission of amended drawings</u></b></p> <p>No responses received</p>   |
| <p><b>Neighbour Responses</b></p> | <p><b><u>Responses to first consultation</u></b></p> <p>Representations were received from eight local residents, raising the following concerns:</p> <p><u>Highways</u></p> <ul style="list-style-type: none"> <li>• The property has ample parking and garage facilities, why is more required along with an additional highway entrance? The parking on the site already exceeds the parish plans requirements.</li> <li>• Yoxall Road is a busy road, the dwelling is situated on a blind bend and visibility is poor, the proposal would require a vehicle to reverse onto the road.</li> <li>• In 1981 an access was closed within metres of the proposed access after a serious accident, a new access in the location proposed would create a hazard</li> <li>• It is unclear how high the ‘low picket fence’ will be, indicated on the block plan</li> <li>• Concerns raised as to how the visibility splays have been calculated and regarding the dimensions for the parking area, particularly the 2m from fence boundary to edge of carriageway</li> </ul> <p><u>Flood Risk</u></p> <ul style="list-style-type: none"> <li>• The area in question is an area of flood risk and was completely flooded a few years ago, drainage location is poor. The extension will increase the risk of flooding due to more hardcore being installed and the increased run-off. The established trees that were removed could also affect drainage.</li> </ul> <p><u>Biodiversity</u></p> <ul style="list-style-type: none"> <li>• No biodiversity studies have been submitted even though the property is in the Staffordshire action Local Plan area, it is close to the River Swarbourn and Moat Hall Wood, which is part of the National Forest and protected under Local Plan SP26. An objective in the Neighbourhood development plan was protection of hedgerows, trees, flora and fauna yet this development has taken 23 trees so far.</li> </ul> <p><u>Visual</u></p> <ul style="list-style-type: none"> <li>• The development is not of an appropriate design as it does not complement the local vernacular and character of the rural setting. It is not sensitive to the surrounding landscape and is taking one of the few smaller households away from the small amount in the village, unbalancing the demographic within the village.</li> <li>• The proposed new garage design, including dormer windows, is as close to being a four bed bungalow as possible without a change of use being applied for.</li> <li>• An orchard has been removed and established trees taken out in preparation for extensions, this should not have been allowed and replacement trees should be planted as part of this application particularly as Newborough is within the National Forest</li> </ul> <p><b><u>Responses to re-consultation following the submission of amended drawings</u></b></p> <p>Further representations were received from four local residents, raising the following concerns:</p> <ul style="list-style-type: none"> <li>• There is some confusion as to the Parish in which the site sits. It appears to fall in Newborough and Hoar Cross.</li> <li>• Documented evidence should be provided to show that Highways have agreed to the second access and a certified reference in relation to flood statement.</li> <li>• The visibility distance falls short of the required SCC Highways 186 metres plus</li> </ul> |

|  |   |
|--|---|
|  | <ul style="list-style-type: none"> <li>• Re-iteration of the points raised during the first consultation</li> <li>• The river plain within this area is subject to flooding, additional hardcore areas will add to potential flooding.</li> <li>• The extension, existing garage and proposed car access exceeds 50% of the total area of land around the original house which is unacceptable on the planning portal. The eaves height is also higher than permitted on the planning portal, the roof pitch does not match and a Juliet balcony is included, which are also not permitted according to the planning portal.</li> <li>• The additional parking spaces proposed are not large enough to accommodate two vehicles.</li> <li>• The additional windows and door to the garage would overlook the neighbouring property.</li> <li>• Can a caveat be applied to ensure that the garage will not be converted into housing accommodation at a later date?</li> </ul>   |
| <b>Human Rights Act Considerations</b> | <p>There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.</p>  |
| <b>Crime and Disorder Implications</b> | <p>It is considered that the proposal does not raise any crime and disorder implications.</p>   |
| <b>Equalities Act 2010</b>             | <p>Due regard, where relevant, has been taken to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>  |
| <b>Planning Officer's Assessment</b>   | <p><b><u>Site Description</u></b></p> <p>The application site consists of a two storey, detached, cottage style dwelling located on the eastern side of Yoxall Road in the Parishes of Newborough and Hoar Cross. It should be noted that the majority of the site is within Newborough Parish with just a small amount adjacent to the highway situated within Hoar Cross Parish.</p> <p>The dwelling benefits from a large detached garage which is large enough to accommodate at least 4 vehicles with hardstanding located between the dwelling and garage providing further parking for at least 2 vehicles.</p> <p>The area is predominantly agricultural in character, with some other residential properties situated on Moat Lane, Yoxall Road and Roost Hill.</p> <p><b><u>Proposals</u></b></p> <p>This application seeks consent for an increase in the ridge and eaves height to facilitate the erection of a two storey side and rear extension, single storey side extension to form a conservatory, installation of rooflights to front and rear roofslopes and installation of windows and a door to the rear elevation of existing detached garage and formation of an additional parking area.</p> <p>Negotiations have taken place during the course of the application and several sets of amended drawings submitted. The differences between the original drawings and current proposed amended drawings are as follows:</p> <ul style="list-style-type: none"> <li>• Dormer windows originally proposed to the detached garage have been removed and replaced with rooflights;</li> <li>• The ridge height of the dwelling has been reduced from approximately 9.1m high to approximately 7.4m high (the existing is approximately 7.2m high);</li> <li>• The eaves height of the dwelling has been reduced from approximately 5.4m high to approximately 4.5m high (the existing is approximately 4.2m high);</li> <li>• The two storey rear extension has been amended, the originally proposed wide gable (which increased the side elevation from approximately 6m wide to approximately 10.2m wide), has been amended to retain the existing gable width</li> </ul> |

with the gables facing the rear elevation, these are set in from the side elevations to provide a visual break;

- The conservatory roof has been re-orientated so that the roof pitch matches the pitch of the gable end; and
- A visibility splay has been provided in relation to the proposed additional parking area.

### **OFFICER ASSESSMENT**

The main considerations are the impacts on visual and residential amenities, the highway safety implications and flood risk implications.

### **Principle of the Development**

The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that 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.

Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

### **Local Plan**

East Staffordshire Local Plan Policies SP1 and SP35 aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside.

Policy SP24 of the East Staffordshire Local Plan states that development proposals must contribute positively to the area in which they are proposed and reinforce character and identify through local distinctiveness. Policy DP1 expands upon this aim with specific reference to the design of new development.

Policy DP1 states that planning permission will normally be granted for development which responds positively to the context of the surrounding area and in itself exhibits a high quality design. Policy DP3 requires householder extensions to have no materially adverse effects on neighbouring properties through issues including overlooking, loss of light to principal windows or private amenity space or create an overbearing impact. The Local Plan policies are supplemented by the East Staffordshire Design Guide and the NPPF (in paragraph 17) indicated that developments should have due regard to the future amenities of residents. This policy also requires extensions to dwellings outside settlement boundaries to be modest in relation to the existing dwelling and retain its identity.

Policy SP26 states that the Borough Council will support enhancement of built development through related landscaping, and developments should contribute towards the creation of the Forest by providing on-site or nearby landscaping that meets the National Forest development planting requirements.

Policy SP27 states that proposals in flood risk areas, or proposals which would affect such areas, will only be permitted where they would not cause unacceptable harm to the following interests:

- (i) the protection and storage capacity of the flood plain, washlands and other areas at risk from flooding;
- (ii) access to watercourses for maintenance;

- (iii) the characteristics of surface water run-off;
- (iv) the integrity of fluvial defences;
- (v) the drainage function of the natural watercourse system; or
- (vi) the necessity for additional public finances for flood defence works.

Policy SP29 states that in considering proposals for development the Council will seek to protect, maintain and enhance the biodiversity and geodiversity of the Borough.

### **Newborough Neighbourhood Plan**

Newborough Neighbourhood Plan Policy SP1 provides a list of points used to guide the delivery of sustainable development, this includes:

- The resulting development would not increase the risk of flooding from either increased run off or from building within flood risk areas and takes account of the predicted impact of climate change;
- The resulting development preserves or enhances the local biodiversity network, paying special attention to the green and blue infrastructure network, landscape and biodiversity designations and protected species;
- The resulting development would be of an appropriate design, which complements the local vernacular and character of the village and the rural setting;

Policy SP4 relates to heritage and design and requires new development to promote high quality design and offer a positive, contextually responsive contribution to the parish's historic built environment and its specific heritage assets.

Policy SP2 relates to flood risk, however, this is in relation to new housing and employment development proposals. Similarly Policy CF3 relates to the National Forest, but relates to new development proposals.

Policy HE4 requires all new development to be of the highest design quality and respond positively to the surrounding built character and landscape setting of the village.

Policy TA3 provides parking standards in relation to residential development, and states that development proposals will be permitted where parking provision accords with the standards set out.

### **Impacts on Visual and Residential Amenities**

The application seeks to increase the ridge and eaves height to facilitate the erection of a two storey side and rear extension, single storey side extension to form a conservatory, installation of rooflights to front and rear roof slopes and installation of windows and a door to the rear elevation of existing detached garage and formation of an additional parking area.

In order to access the dwelling you have to step down into it. It is noted that the two storey extensions would not appear subservient to the main dwelling, however, given the low existing ridge height, it is considered acceptable to provide an additional 'bay' to the side with a minimal increase to the ridge height in this instance, creating a more balanced front elevation. The ridge and eaves heights proposed have been significantly reduced following negotiations, and the small gable details above each front window provide some additional internal head height. The rear extensions are set in from the side elevations by approximately 0.1 of a metre in order to provide a visual break. In addition to this the proposed conservatory has been re-orientated and the roof pitch matches the pitch of the existing gable.

Concerns have been raised that the proposal would result in a dwelling significantly larger than the existing dwelling. The current drawings do indicate a dwelling with a much larger footprint, however, this enables the dwelling to appear commensurate in scale with the existing detached garage, rather than appearing somewhat subservient to it.

The alterations to the garage originally included the installation of two dormer windows to the front elevation and two to the rear elevation. These have since been removed in order to ensure that the garage appears subservient to the main dwelling. Ground floor

windows and a door to the rear elevation of the garage are considered to be acceptable, these would overlook an area of land associated with Crossroads Cottage, but not within its domestic curtilage.

The Parish Council have raised concerns regarding the impact of rear windows, in the garage and the dwelling, on the neighbouring dwelling. Ground floor windows can be installed at ground floor level in an outbuilding or dwelling under Permitted Development. The rear windows proposed in the garage would face onto an area of agricultural land containing sheds and polytunnels, which is not domestic curtilage. The windows in the rear extension would also face onto agricultural land, therefore there would be no adverse impact in terms of overlooking or loss of privacy.

The issues raised by residents in relation to the amount of development allowed according to the Planning Portal relates solely to development which can be carried out under Permitted Development Rights, i.e. without planning permission. As the extensions exceed the criteria a planning application has been submitted.

A condition is recommended to ensure that the stone heads and cills on the front elevation are retained when the dwelling is rendered.

The juxtaposition of the proposal in relation to neighbouring properties is such that it will not have an impact on occupiers of those properties by way of loss of light or privacy or by being overbearing.

The proposed extensions and alterations will integrate satisfactorily with the character of the surrounding area in accordance with Local Plan Policies DP1 and DP3, and Newborough Neighbourhood Plan Policy HE4.

#### **Highway Safety Implications**

The Council's Parking Standards SPD sets out standards for different uses and different sized dwellings including space size, accessibility and the quantity of car parking spaces required for different uses. The SPD would expect a four bedroomed dwelling to have three parking spaces as a minimum.

Policy TA3 of the Newborough Neighbourhood Plan also sets out standards for car parking for residential development. This also expects a four bedroomed dwelling to have three parking spaces.

Currently the application site has six parking spaces, four in the existing garage, which was originally constructed to house a motorcar collection and two on the hardstanding area. This exceeds the parking standards set out in the Parking Standards SPD and Newborough Neighbourhood Plan.

The application also proposes an additional parking area for two vehicles at the southern end of the site. The sizes of the parking spaces complies with the Parking Standards SPD which requires a space to be 2.5m x 5m. Highways originally objected on the grounds of lack of visibility, however, a visibility splay has been provided and the objection withdrawn subject to recommended conditions.

Given residents concern with regard to the use of the garage a condition is recommended to restrict the use of the garage as incidental to the main dwelling.

The neighbour comments received in relation to parking, visibility and highway safety have been considered, however, the proposed development exceeds parking standards and Highways are satisfied that there would be no adverse impact on highway safety. The height of boundary treatment can be secured via condition to ensure visibility splays are maintained, and if not enforced. The proposal is therefore considered to comply with Local Plan Policies SP1 and SP35, and Newborough Neighbourhood Plan Policy TA3.

#### **Impacts on Heritage Assets**

Paragraph 126 of the NPPF states the Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.



In determining planning applications with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the secretary of state shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has established that this means that considerable weight has to be given to that statutory duty when balancing the proposal against other material considerations. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

Detailed policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

Policy SP4 of the Newborough Neighbourhood Plan relates to heritage and design and requires new development to promote high quality design and offer a positive, contextually responsive contribution to the parish's historic built environment and its specific heritage assets.

The application site is approximately 702 metres away from the Hoar Cross Conservation Area and approximately 720 metres away from the Newborough Conservation Area; it is also some 457 metres from the nearest listed building, Moat Hall situated on Moat Lane to the north-east of the site. Given these separation distances, it is not considered that the proposal will have an adverse impact on views into, or those out of these designated areas, or affect any listed building and that the statutory duties under Section 66 and Section 72 are not therefore engaged.

### **Flood Risk**

A very small proportion of the site is within Flood Zone 2, with the majority of the site, including the areas where extensions and hardstanding are proposed, being situated outside of the flood risk area. Flood Zone 3, at highest risk of flooding, is situated adjacent to the site. Additionally the application is for householder development rather than an application for full planning permission as a consequence a Flood Risk Assessment is not required in this instance nor are any further details in relation to flood risk.

Neighbour comments have been provided indicating that the area has been known to flood. Therefore the applicant has provided a Flood Statement confirming that the internal floor level of the dwelling will be raised and flood proofing will be incorporated. This is appropriate in terms of Section 10 of the National Planning Policy Framework. Policy SP27 of the Local Plan and Policy SP2 of the Newborough Neighbourhood Plan are not considered relevant in this instance as they relate to new development rather than extensions to existing dwellings. This accords with the first criteria of SP1 of the Newborough Neighbourhood Plan, as the proposal would not increase the risk of flooding.

### **Biodiversity**

Concern has been raised that no protected species surveys have been provided to support the application. The application is for householder development rather than an application for full planning permission and as such surveys are not required. An informative is recommended to ensure that the applicant is aware of his responsibilities should protected species be discovered. This is considered to comply with Local Plan Policy SP29 and the second criteria of SP1 of the Newborough Neighbourhood Plan, as

|  |  |
|--|--|
|  | <p>the proposal would have no adverse impact on biodiversity.</p> <p><b>National Forest</b></p> <p>Comments have been received in relation to a number of trees being removed to the site prior to this application being submitted. The trees in question were not situated within a Conservation Area and were not subject to a Tree Preservation Order, therefore no consent was required to fell them. Residents have requested that the loss of these trees be mitigated by new tree planting as a condition of this application, however, the trees removed were not situated within the application site.</p> <p>Policy SP26 of the Local Plan and Policy SF3 of the Newborough Neighbourhood Plan are not considered relevant in this instance as they relate to new development rather than extensions to existing dwellings.</p> <p><b>Conclusion</b></p> <p>The application proposal is acceptable in principle with the development appropriate within an existing residential curtilage in a rural area. The design of the proposals enhance the existing dwelling and surrounding area, and improvements can be secured via the finish of materials. The application is acceptable in principle and of appropriate design which complements the local vernacular and the rural setting, and therefore accords with Policies SP1, SP24, SP25, SP26, SP27, SP29, SP35, DP1, DP3, DP5 and DP6 of the Local Plan and Policies SP1, SP2, SP4, HE4, CF3 and TA3 of the Newborough Neighbourhood Plan</p> <p>The highways impact of the scheme has been assessed by SCC Highways and no objections have been raised in relation to the proposal, subject to conditions. It is considered that the nature of development and proposed extensions and alterations are a sufficient distance away from the occupiers of neighbouring properties.</p> <p>The Flood Statement submitted is considered acceptable to address the flood risk implications for the site.</p> <p>There are no issues in relation to biodiversity or National Forest as part of the scheme.</p> <p>The proposed development is not within a conservation area and given the separation distances, it is not considered that the proposal would have an impact on views into, or those out of, the nearest conservation area, nor is any listed building or its setting affected. The statutory duties under Sections 66 and 72 are therefore not engaged.</p> |
| <p><b>Planning Officer's response to Parish Council and Neighbour's Comments</b></p> | <p>It is considered that the above Officer Assessment responds to the comments of the Parish Council and neighbours.</p>   |
| <p><b>RECOMMENDATION</b></p>   | <p>Accordingly, having regard to the above mentioned planning considerations the recommendation is to <b>PERMIT</b> subject to the following conditions:-</p> <ol style="list-style-type: none"> <li>1. Time limit condition (3 years) (0000001a)</li> <li>2. Compliance with the approved plans (00002)</li> <li>3. Submission of details of materials (00002f)</li> <li>4. Highways – the development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway have been completed. (bespoke)</li> <li>5. Highways – the development hereby permitted shall not be brought into use until the parking area has been provided in accordance with the approved plans. (bespoke)</li> <li>6. Highways – the development hereby permitted shall not be brought into use until the visibility splays shown on the approved drawing have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over 600mm above the adjacent carriageway level.(bespoke)</li> <li>7. Garage to remain incidental to the main dwelling. (00015b: Ancillary Accommodation)</li> </ol> <p><b>Informatives</b></p>   |

|                              |   |
|------------------------------|---|
|                              | <ol style="list-style-type: none"> <li>1. Protected species informative</li> <li>2. Flood risk informative</li> <li>3. Highways dropped crossing informative</li> <li>4. Engagement informative</li> </ol>  |
| <b>Engagement</b>            | <p>During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.</p> |
| <b>Section 106 Required?</b> | No  |
| <b>Background Papers</b>     | <p>The following papers were used in the preparation of this report:-</p> <ul style="list-style-type: none"> <li>• The Local and National Planning policies outlined above in the report.</li> <li>• All papers and drawings on the planning application file reference P/2018/00036</li> </ul>   |