



V/2018/0206 - Six Dwellings and Detached Garages Including Access

Land at Hilltop Farm Back Lane Sutton in Ashfield

Skegby

Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Map sheet: SK4960NE

16th Aug 2018



Scale: 1 to 1250

COMMITTEE DATE 16/08/2018 **WARD** Skegby

APP REF V/2018/0206

APPLICANT S Toye

PROPOSAL Six Dwellings and Detached Garages Including Access

LOCATION Land at Hilltop Farm, Back Lane, Sutton in Ashfield,
Nottinghamshire, NG17 3DY

WEB LINK <https://www.google.co.uk/maps/search/Back+Lane,+Sutton+in+Ashfield/@53.4355799,1.2268907,320m/data=!3m1!1e3>

BACKGROUND PAPERS A, B, C, D, E, F, J, K

App Registered 03/04/2018 Expiry Date 28/05/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Helen-Ann Smith to discuss policy implications.

The Application

This is a full application for the erection of six dwellings, two detached garages and an access road. This site forms part of a larger site which the Council is proposing to take forward as a housing allocation (for up to 20 dwellings) in the emerging Local Plan (Site ref. SKA3k Hilltop Farm). Most recently, the site was granted outline consent, with all matters reserved, for the erection of six dwellings (V/2017/0212).

Consultations

Following the application being validated, site notices were posted together with individual notifications of surrounding residents. The application was also advertised as development which may affect the setting of a Listed Building (Grade II Listed Manor Farmhouse, Back Lane).

During the course of the application, amended plans were received and a second round of consultations undertaken. A further site notice was erected, together with individual notification of surrounding residents. Below is a summary of the responses received:

1st Round of Consultation

A.D.C Environmental Health – No objections.

A.D.C Drainage – No known drainage issues with the site.

A.D.C Tree Officer – Suggests that a condition should be applied to ensure the hedges concerned are adequately protected through the course of development.

A.D.C Conservation Officer – Object to the application. The limited views between, and the relationship of the site with the grade II listed buildings means that the development will not be substantially harmful, provided that the hedgerow is retained. However, the design and layout does little to reflect the historic agricultural character of the site and, as such does little to preserve the setting of the Grade II Manor Farm.

Nottinghamshire Wildlife Trust – No comments.

Natural England – No comments.

Historic England – No comments.

Severn Trent – Request a condition for drainage plans to be submitted.

NCC Highways – The Highways Authority has advised on all previous applications for residential development that the site is unsustainable. Back Lane is substandard in highways design terms, containing no footways along either side or even a walkable verge linking the site to the local school or shops. The nearby roads are also dimly lit. The proposal would therefore result in dangers to both pedestrians and vehicles using the public highway to gain access to the site.

NCC Rights of Way – Object to the planning application as they do not support a narrow path linking the development site to the Sutton in Ashfield Parish Foot Path No.5, which runs alongside the eastern boundary.

2nd Round of Consultation

Historic England – No comments.

NCC Highways Authority – The Highways Authority maintain an objection against this development on the grounds of sustainability and road safety. Insufficient information has also been submitted in respect of the site access - in the form of a topographical survey and visibility splays in the horizontal and vertical planes. The layout is also unacceptable, as no turning facility has been provided.

NCC Rights of Way – No objections, however request a condition that the public footpath remains unaffected.

Teversal Skegby and Stanton Hill Neighbourhood Forum –Raise concerns regarding the development affecting the setting of Manor Farm (grade II listed) and 151 Mansfield Road (a locally listed building).

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review 2002

ST1 – Development
ST4 – Remainder of the District
EV2 – Countryside
HG4 – Affordable Housing
HG5 – New Residential Development
HG6 – Public Open Space in New Residential Developments

Ashfield Local Plan Publication (2016)

S1 – Sustainable development principles
S2 – Overall Strategy for growth
SKA3 – Sutton and Kirkby Housing Allocations
EV6 – Trees, Woodland and Hedgerows
EV10 – The Historic Environment
SD2 – Amenity
SD9 – Traffic Management and Highway Safety
SD10 - Parking

Teversal, Stanton Hill and Skegby Neighbourhood Plan Area.

NP1 – Sustainable Development
NP2 – Design Principles
NP3 – Housing Type

National Planning Policy Framework (2018)

Part 4 – Decision Making
Part 5 – Delivering a sufficient supply of homes
Part 9 – Promoting a sustainable transport
Part 12 – Achieving well-designed places
Part 16 – Conserving and enhancing the historic environment.

Supplementary Planning Document – Residential Design Guide
Supplementary Planning Document – Residential Car Parking Standards

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 19

Relevant Planning History

V/1980/0111 – Site for residential development. Outline Refused 15.14.1980

V/2013/0416 – Outline application for 6 dwellings. Outline withdrawn 12.09.2013

V/2014/0075 – Outline application for 6 dwellings. Outline withdrawn 02.04.2014

V/2016/0656 – Outline application with all matters reserved for a maximum of 6 dwellings. Outline application Refused 20th January 2017

Outline application V/2016/0656 refused permission for the erection of 6 dwellings on the grounds of highway safety, the proposal representing an inappropriate form of development in the countryside, not representing sustainable development and insufficient information being submitted to enable a proper assessment of the impact of the proposal on the nearby Grade II Listed Building.

V/2017/0212 - Outline Application with All Matters Reserved for a Maximum of 6 Dwellings. Approved 31st July 2017.

The Planning Committee considered that the proposal would not adversely affect highway safety and would amount to sustainable development. It was also considered not to represent piecemeal development, or that it would adversely impact on the character and openness of the countryside.

Comment:

The main considerations in determining this application relate to the principle of development, visual amenity, residential amenity, highways safety and the impact upon the nearby Listed Building.

Principle of Development

The application site is located in the Countryside as defined by Ashfield Local Plan Review 2002. Under Policy ST4, permission will only be given for development outside the main urban areas and named settlements where it is on an allocated site or is development appropriate to the Countryside (Policy EV2).

The application site has however been allocated within the Ashfield Local Plan Publication (2016) under reference SKA3k – for a maximum of 20 dwellings. Previous outline application V/2017/0212 granted consent on this site for 6 dwellings and the principal of development is therefore considered to be acceptable.

Impact upon Listed Building

The application site is considered to be within the setting of the Grade II listed Manor Farmhouse. This property is a 17th century stone built farmhouse and associated buildings, one such building is part ruinous and sits to the back of verge along Back Lane. This building can be considered to be listed by its curtilage association with the Grade II farmhouse.

Whilst there are views between the ruinous building and the application site, the visual connection between the site and the principal listed building is much reduced due to the house being surrounded by boundary walls and screened by the ruinous building.

Manor farmhouse, as the original use of the building implies was originally set in countryside. Mid-20th century housing development however significantly encroached on the rural character of the area, but not to such an extent that it has been totally lost. Fields such as the application site, its adjacent field and land to the rear of Manor Farmhouse (quarried during the 19th century) all help to retain a rural character and contribute to the historic setting of the farmhouse.

The development of the application site for residential housing shall further erode the rural character and thus result in some harm to the setting of the house. This harm however, is not deemed substantial enough to sustain a reason to refuse planning permission, especially when considering the Planning Inspectorate's decision (Appeal Decision APP/W3005/A/13/2200723) for the neighbouring land and the impact on the setting of the listed building.

The Councils Conservation Officer initially objected to the application raising concerns over the design of the properties, potential vehicle access barrier and whether or not the hedgerow would be retained. The applicant has submitted an updated plan showing the roadside barrier removed and the majority of the hedgerow to be retained and the Conservation Officer has removed his objection. There would however be the creation of a pedestrian gated access onto Back Lane, with a section of the Hedgerow being removed to facilitate access. The details of the gates access and boundary treatments to the footpath/plots could be provided through condition.

The proposed dwellings would be of modern appearance, somewhat out of keeping with the historic agricultural character of the site, however these would be similar to those approved on the adjacent site. The limited views between, and the relationship of the site with the grade II listed building means that development at the site will not be substantially harmful to the setting of the listed building, provided that the hedgerow is retained. Bearing these factors in mind, the proposal is considered to result in much less than substantial harm to the significance of the Listed Building. In coming to this view section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies contained in section 16 of the NPPF and the Planning Inspectorate's decision on the adjacent site have been considered.

Residential Amenity

The proposed dwellings, due to their separation distance to neighbouring properties, would not result in any harmful impacts by way of them being overbearing, overshadowing or through a loss of privacy.

The internal floor area and external amenity space of each of the proposed dwellings would meet the Councils minimum required standard as set out within the Councils Supplementary Planning Guidance (2014). The development would therefore provide a good standard of living accommodation for future occupiers.

Character and Appearance

The application has been considered in accordance with Part 12 of the NPPF (2018) achieving well-designed places. The proposed house and garage design is standard in appearance and similar to those approved on the adjacent site. The majority of road side bank and hedge are shown to be retained and this would largely screen the housing from Back Lane, thereby retaining the lanes countryside character. The application site is however located at a higher level than Back Lane (approx. 1 – 2m) and details of finished floor levels need to be provided to ensure its assimilation into the street scene. Overall, there are no concerns regarding the design of the dwellings adversely harming the character and appearance of the area.

Highways Safety

The Highways Authority have objected to the planning application, raising the following issues:

The Principal of the Access from Back Lane

The proposed access to the site would be from Back Lane, which is substandard in highway design terms and would require extensive improvements to be considered safe and sustainable. There are no public footways, walkable verges or refuge points linking the site to the local school and shopping facilities. The lack of footway links to the rest of village therefore results in an unsustainable form of development.

The existing street lighting is also insufficient, and would result in pedestrians walking from the site along dimly lit stretches of the narrow carriageway, through a series of bends, where forward visibility is extremely restricted. A footpath has been proposed within the site, however this would lead out onto Back Lane, at a juncture where there is no footpath. The proposal is therefore highly likely to result in an increased likelihood of conflict between pedestrians and vehicles within the vicinity.

Access

A site access drawing has been submitted showing visibility splays in the horizontal plane. However, these pass over an existing embankment and therefore visibility has not been demonstrated.

A topographical survey of the area and visibility splays in the horizontal and vertical planes is required to demonstrate the access would be safe. Whilst it is accepted that the access is existing, the residential development may intensify the use and increase the risk of any conflict.

In order to overcome the issue of there being not footpaths provided on the main access road, the applicant has attempted to provide a private path exiting onto Back Lane. The proposed path however is very narrow and at 1.2m in width this would not allow two people to pass, especially if someone was pushing a pram, or a wheelchair user. The path is also not overlooked by any surrounding properties, nor has any lighting being proposed, therefore raising further safety concerns.

Layout

The Highways Authority advise that developments of more than 5 dwellings are required to have an internal layout to adoptable standards. However, the layout as shown is not acceptable, as there are no turning facilities within the development. This has the potential for vehicles being forced to reverse a long distance and back out on to highway. Even if the development is to remain private and a private maintenance agreement is entered in to, the ability for vehicles to enter and exit the site in a forward gear is fundamental to acceptance.

Insufficient Information

Although additional information has been requested from the Highways Authority, for the applicant to provide a turning circle and topographical survey to demonstrate visibility splays; the applicant has refused to provide such information. This is a full planning application and it is considered that the level of detail supplied is insufficient to enable a full assessment.

Overall, it is considered that proposal would be harmful to highways safety. The proposal would therefore be contrary to policy ST1 of the LP, which seeks to ensure that development will not adversely affect highway safety. It would also conflict with Emerging Plan Policy SD9, which highlights that development will be supported where (e) it is legible and provides safe, direct and effect access for pedestrians ... and (f) it is safe and convenient, and the site is well connected to the surrounding area and to public transport. The proposal would also be contrary to revised NPPF paragraphs 109 and 110.

Other Issues

Public Footpath

A public footpath runs along the eastern boundary of the site; originally the NCC Rights of Way team objected as a path from the proposed site joined directly into the public path. The NCC Rights of Way team raised crime and raising safety concerns over a narrow path running behind houses, with no overlooking.

The scheme has been altered with the pedestrian path no longer shown to be running directly into the public footpath, and now exiting onto Back Lane. No further objections have been raised from the NCC Rights of Way team.

Drainage

The site is not located within either flood zones 2 and 3 and should the principle of development be considered acceptable, a condition would be recommended for the submission of an appropriate drainage scheme.

Impact on Locally Listed Building

It has been brought to the Council's attention that the development may adversely impact upon a building, which features on the local heritage list (151 Mansfield Road). Although the proposed dwellings would be set at a higher level, these would be located approx 70m away and the separation distance is considered sufficient to mitigate any harm to the setting of the local heritage asset.

Conclusion:

It is recognised that the principal of development for six dwellings has been accepted through the Outline Consent. However, this is a full planning application and has been assessed on its planning merits. The proposed access to the site from Back Lane is substandard with no defined footpaths linking the site to the local shops. Consequently, the development, as proposed, is unsustainable. The applicant has also failed to demonstrate the acceptability of the access, with no defined turning area also being provided. The Highways Authority have objected to the application and it is considered the development would have a significant detrimental impact upon highways safety.

It is therefore considered that this application does not accord with the relevant saved policies contained within the Ashfield Local Plan Review 2002, the Ashfield Emerging Local Plan (2016) and also national policy as set out within the National Planning Policy Framework 2018. It is therefore recommended this application is refused.

Recommendation: - Refuse Planning Permission

The scheme fails to make adequate provision for safe vehicular and pedestrian access in the form of public footways, walkable verges, refuge points and street lighting for future users. The form of development being proposed is therefore unsustainable and the proposal would result in a detrimental impact on the free and safe movement of traffic and pedestrians within the locality to the detriment of highway safety. It is therefore considered that this proposal is contrary to Saved Policy ST1 of the Ashfield Local Plan Review 2002, Policy SD9 of the Ashfield Emerging Local Plan and Part 9 of the National Planning Policy Framework (2018).