

## PLANNING COMMITTEE – 30 MARCH 2021

<b>Application No:</b>	<b>21/00257/FUL</b>
<b>Proposal:</b>	<b>Change of use from residential garden to create new pedestrian footpath from Hollies Close connected into existing footpath with 1800mm high closeboard timber fence with trellising</b>
<b>Location:</b>	<b>Land At Main Road, Boughton</b>
<b>Applicant:</b>	<b>Newark &amp; Sherwood District Council - Mr Kevin Shutt</b>
<b>Agent:</b>	<b>SGA Llp - Mrs Karolina Walton</b>
<b>Registered:</b>	<b>10.02.2021</b> <b>Target Date: 07.04.2021</b>
<b>Website Link:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/00257/FUL">21/00257/FUL   Proposed new pedestrian footpath from Hollies Close connected into existing footpath with 1200 high railing fence to the south and 1800mm high closeboard timber fence to the north.   Land At Main Road Boughton (newark-sherwooddc.gov.uk)</a>

**This application is being referred to the Planning Committee for determination as the Council is the applicant.**

### The Site

The application site relates to a narrow linear plot of land between no. 7 and no. 16 Hollies Close. The site links the end of the cul-de-sac with the recently developed extra care scheme to the north east. The site has an approximate area of 70m<sup>2</sup> and currently forms part of the residential garden of no. 7 Hollies Close.

There is a rising gradient to the site in a north easterly direction such that the cul-de-sac development of Hollies Close is set at a significantly lower level than the extra care scheme.

The site is within the urban boundary for Ollerton and Boughton as defined by the Proposals Map within the Allocations and Development Management DPD.

### Relevant Planning History

**18/01499/FULM** - Proposed Extra-Care residential development for the elderly, consisting of 30 one bedroom flats, 10 two bedroom bungalows and associated shared facilities.

*Approved December 2018.*

### The Proposal

The proposal seeks to create a tarmac footpath link between Hollies Close and the extra care scheme adjacent. The path would be bound by a gradually rising close boarded timber fence with trellising at the top with a maximum height of 1.8m. The design of the fence has been revised

during the life of the application as discussed in the appraisal section below.

The development has been assessed on the basis of the following plans:

- Proposed Site Plan – 37055 00001 C06;
- Topographical Survey and Site Location Plan for the Proposed Footpath – 37055 0002 C01;
- Sectional Elevation of Pedestrian Footpath from Hollies Close – 37055 00040 P03.

#### Departure/Public Advertisement Procedure

Occupiers of 8 properties have been individually notified by letter.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 7 - Sustainable Transport

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

##### **Allocations & Development Management DPD**

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

- National Planning Policy Framework 2019
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

#### Consultations

**Ollerton and Boughton Town Council** – Support the proposal.

**Representations have been received from 1 local residents/interested parties which can be summarised as follows:**

- Object – the footpath is unnecessary when the entrance to the new site is only a couple of hundred yards from the entrance to Hollies Close;
- Hollies Close is a quiet close and doesn't need the extra footfall;
- Bungalows are already affected by the built development with residents looking down into gardens invading privacy;

- People may be tempted to park their vehicles in Hollies Close and walk through to the new site;
- The Close already gets congested.

### Comments of the Business Manager

#### Principle of Development

Ollerton and Boughton is defined by the Spatial Strategy as a Service Centre for the Sherwood Area of the District with a large range of local facilities acting as a service provision for a large local population and a rural hinterland.

The proposal relates to the creation of a footpath which would improve overall connectivity and so would be encouraged by Spatial Policy 7 which emphasises the importance of providing links to the existing network of footways. Although there are no designated rights of way in the vicinity of the site, there is a network of informal footpaths nearby which have become established overtime (and have been incorporated into the extra care scheme adjacent). The enhanced connectivity in a sustainable settlement is therefore supported in principle.

#### Impact on Character

Policy DM5 refers to the rich local distinctiveness of the District's character of built form requiring new development proposals to reflect their local surroundings.

The extent of the development site is modest albeit the very nature of the end use would mean that the development would become part of the public realm in the area. The tarmac surfacing of the proposed footpath is functional to the end use.

The fence has been revised during the life of the application to increase the height on the northern side (as discussed in the amenity section below) but also to include trellising at the top of the fence which in turn would allow for landscaping to soften the impact of the development.

The fence would sit between residential curtilages and would not be an uncommon feature in a residential scenario. The revised scheme with trellising and associated landscaping would make the footpath more attractive to users. Whilst there would undoubtedly still be some sense of enclosure due to the overall height, the path is a short stretch in length (less than 25m) and therefore this need not be fatal in principle (particularly given the need to achieve an amenity compromise as discussed below).

The submitted plan indicates that there would be new shrubs planted alongside the fence (to the south) but this area of land is not within the red line site location plan and therefore does not form part of the proposal. Nevertheless, the fences would be between residential curtilages and would not be atypical to those associated with residential boundaries. The additional landscaping adjacent to the fence is therefore not considered necessary to make the development acceptable in character terms.

Clarification has been sought to the colour finish of the boundary fences but it has been confirmed that there is no intention to stain the panels.

### Impact on Amenity

In this case the amenity assessment required against Policy DM5 relates primarily to the two residential properties which bound the site.

The original plans showed that the boundary to the north of the footpath would be metal railing which would have gaps allowing footpath users to look into the rear garden and rear elevation of no. 7 Hollies Close.

This was raised as a cause of concern as it was considered to have a detrimental impact on the occupiers privacy particularly given the modest size of their rear garden which would be reduced in size by this development.

The revised scheme, with a maximum height of 1.8m would improve the privacy for the existing occupiers adjacent to the site ensuring that users of the path would not be able to directly overlook private garden areas. The revised scheme is therefore considered to comply with the relevant amenity criteria of Policy DM5.

### Impact on Trees and Ecology

At the time of the Officer site visit (late February 2021) it was noted that there were tree specimens on the application site at the boundary of 7 Hollies Close and the extra care scheme behind. This was queried with the agent with the intention of requesting a tree survey. However, it has since been confirmed that the site has been cleared (outside of bird breeding season). The removal of trees to facilitate development before permission has been granted is not an approach which is advocated. However, having seen the specimens before their removal, it is highly unlikely that they would have been worthy of protection. The applicant was within their right to remove the trees without prior approval (the site is not within a Conservation Area nor were the trees protected by a TPO). Again, whilst not something Officers would condone, in the context of the current application there are no longer any concerns as to the impact the development will have on trees and ecology.

### Other Matters

A neighbouring party has commented that there is no need for the proposal and that it could lead to additional car parking at Hollies Close which already becomes congested. Whilst these comments are noted, the likelihood of occurrence is considered low. The extra care scheme adjacent was approved with associated car parking and therefore it is this parking that will remain the most desirable to visitors of the scheme. The current proposal relates to a pedestrian footpath and therefore is much more likely to introduce footfall not associated with vehicles. The increase in footfall is not considered to lead to planning harm particularly given that the area is already well served by informal footpaths and connections.

### Conclusion

The proposal relates to the creation of a footpath which would increase connectivity within an area of Boughton already well served by an informal network of footpaths. There are no material planning considerations which would prevent the approval of the application subject to the conditions outlined below.

## **RECOMMENDATION**

**That planning permission is approved subject to the conditions and reasons shown below:**

### 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 accordance with the following approved plans:

- Proposed Site Plan – 37055 00001 C06;
- Topographical Survey and Site Location Plan for the Proposed Footpath – 37055 0002 C01;
- Sectional Elevation of Pedestrian Footpath from Hollies Close – 37055 00040 P03.

Reason: So as to define this permission.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

Prior to the development hereby approved being brought into use, details of additional landscaping to be applied to the trellising section of the fence shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed during the first planting season following the development being brought into use. Any landscaping which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.

Reason: In the interests of residential and visual amenity.

## Notes 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/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

### BACKGROUND PAPERS

Application case file.

For further information, please contact Laura Gardner on extension 5907.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**