

PLANNING COMMITTEE – 15 FEBRUARY 2022

Application No:	21/02336/OUT
Proposal:	Erection of two dwellings with all matters reserved.
Location:	Land Adjacent Orchard House Thorney Road Wigsley
Applicant:	Mr D Houlston
Agent:	Mr Chris Henderson - Lomas Architecture Design & Developments Ltd
Registered:	10.12.2021 Target Date: 04.02.2022
	Extension of Time Agreed Until 18.02.2022
Website Link:	<u>21/02336/OUT Erection of two dwellings, each with separate access onto Thorney Road with all matters reserved. Land Adjacent Orchard House Thorney Road Wigsley (newark-sherwooddc.gov.uk)</u>

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dales) in line with the Parish Meeting comments for the following summarized reasons:

- **SP3 focuses on housing in sustainable, accessible villages, no issue with infill development in principle but consider this application should be restricted to a single dwelling;**
- **This outline proposal is for two detached dwellings on this site and the impact of that constitutes over-intensive development which would be cramped and out of character with the existing spatial layout along Thorney Road;**
- **It would look incongruous and awkward in comparison to its immediate neighbours and to the other dwellings on Thorney Road;**
- **Furthermore, the proximity of the proposed house adjacent to Orchard House certainly looks to be too close to it.**

The Site

The site relates to a plot of land approximately 0.33 acres in extent to the west of, and accessed via Thorney Road. The site sits between two residential properties; Holly Bank to the north and Orchard House to the south. Residential properties are located to the east on the opposite site of Thorney Road and to the west (rear) is a grassed paddock, used for grazing horses.

The site falls within Flood Zone 1 according to the Environment Agency maps. There are no designated heritage assets in close proximity to the site albeit there are dwellings along Thorney Road which are considered as locally important in heritage terms, the nearest being The Chestnuts

on the opposite side of Thorney Road however having visited the site the building is largely dilapidated.

Relevant Planning History

Permission has been previously refused for residential development on parts of the site:

07/00007/OUT – Erection of a dwelling (land adjacent to Holly Bank) – Application refused February 2007 (appeal dismissed). Reason for refusal related to there being no need for housing on a green field site given the limited housing need left over the plan period and that further growth over the plan period in the village would be unsustainable.

11/00200/OUT – Erection of a dwelling and garage (land adjacent Holly Bank) – Application refused March 2011. Reason for refusal related to proposal taking the amount of development in Wigsley over what could be considered as limited, increasing the size of the village beyond a sustainable level, whereby facilities and access to public transport were extremely limited resulting in reliance on the private car.

The Proposal

The proposal seeks outline permission with all matters reserved for the erection of two dwellings. An indicative layout suggests that the properties would be detached with separate accesses from Thorney Road.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan – L-ADD-091-10;
- Block Plan - L-ADD-091-11;
- Existing Site Plan - L-ADD-091-12;
- Opportunities and Constraints Plan - L-ADD-091-13;
- Indicative Proposed Site Plan - L-ADD-091-14;
- Planning Design and Access Statement;
- Preliminary Ecological Appraisal dated December 2021.

Departure/Public Advertisement Procedure

Occupiers of 7 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 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character
Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM3 – Developer Contributions and Planning Obligations
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM9 – Protecting and Enhancing the Historic Environment

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

Consultations

Wigsley Parish Meeting - The Parish Meeting notes that this proposal falls within the remit of policy SP3 in the Amended Core Strategy which provides that local housing needs will be addressed by focusing housing in sustainable, accessible villages - which Wigsley clearly is not having no services and only limited access to public transport.

However, it is also noted that there is a further provision in the policy which states that where the locational criterion is not met, consideration will be given to the infilling of small gaps with 1 or 2 dwellings where the village is well related to villages that do satisfy the locational criterion. The only village near to Wigsley is Harby whose amenities extend to a school, pub and a village hall.

The unsustainable nature of Wigsley village has historically been used to justify a number of refusals and dismissed appeals for similar proposals in the past. However, in an abrupt change of tack, Newark and Sherwood District Council did allow a single infill dwelling elsewhere in the village under planning permission 19/01614/FUL - which the pre-application advice referenced in the Design and Access Statement appears to reflect.

The Parish Meeting has no objection in principle to a single dwelling on this parcel of land. However, it is concerned that 2 substantial dwellings on plots of modest width, as shown on the indicative site layout plan, will be at odds with the prevailing character in the heart of the village which is that of generously spaced properties on wide frontages.

Thus, the proposed development divides the parcel of land into 2 plots of approximately 15 metres wide. Compare that plot width with its neighbours:

- Holly Bank - 28 metres
- Sueanda - 28 metres
- Lindrick House - 20 metres
- Barn Owl Lodge - 21 metres
- Demo Dale - 22 metres
- Manor House - 54 metres

It can clearly be seen that plots of only 15 metres wide are significantly narrower than all of their neighbours and, with the indicative layout, will result in a cramped form of development detrimental to the rural character and appearance of the village.

We therefore, consider that the application as submitted, fails to demonstrate the site can accommodate 2 dwellings without detriment to the rural character and appearance of the village.

The parcel of land is capable of sympathetically accommodating a single larger dwelling to maintain the generous separation between dwellings. Two dwellings will only respect the character of the village if they are small enough to achieve similar separation distances.

Whilst it is acknowledged that this is an outline application with all matters reserved, it is incumbent on the applicant to demonstrate that the site can accommodate 2 dwellings without detriment to the character and appearance of the village. The indicative site layout plan fails to demonstrate that this is achievable and should be addressed by the applicant.

The Parish Meeting does not wish future purchasers of the plots to have unrealistic expectations of what is achievable based on an unchallenged indicative site layout plan at the outline planning stage.

NCC Highways Authority – There are no highway objections to the proposal subject to the applicant being able to achieve safe accesses onto the highway in line with current highway design and provision of a 2m wide footway across the whole frontage of the site and considerations of an uncontrolled dropped pedestrian crossing to ensure a safe and practical access for pedestrians.

Suggested conditions.

Natural England – No comments to make.

Representations have been received from 2 local residents/interested parties which can be summarised as follows:

- Lack of facilities in Wigsley;
- Have to telephone to request bus services;
- The road is inadequate for traffic which includes heavy farm machinery;
- Wigsley is not a sustainable village;
- Lack of facilities has been a reason to refuse previous planning applications;
- The sewer system doesn't have capacity;
- Wigsley has no mains gas;
- Placing two properties on the plot would not be in keeping with the prevailing character of the village;
- It is incumbent on the planners to ensure a future purchaser has more realistic expectations of what is possible on these plots other than relying on an unchallenged indicative site plan.

Comments of the Business Manager

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The Adopted Development Plan for the District is the Core Strategy DPD (2019) and the Allocations and Development Management Policies DPD (2013). The adopted Core Strategy details the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria within Spatial Policy 3. Direction is then given to the relevant Development Management policies in the Allocations and Development Management DPD.

The site fronts Thorney Road with residential curtilages both to the north and south (and also on the opposite side of the road). It is therefore considered that the site would fall within the village of Wigsley and would fall to be assessed against the five criteria of Spatial Policy 3.

Location

As above, the site can reasonably be assessed as being in the village. However, I am not aware that Wigsley has any local services and it has a limited public transport offer. Notwithstanding this, Spatial Policy 3 does state:

Within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village. Such development will need to comply with the scale, need, impact and character criteria of this policy.

Collingham and its associated services are accessible within a 10 minute drive from the site and Harby is even closer with some services including a primary school. Therefore I consider that the development of the site for two residential dwellings would be appropriate as an infill development.

Scale

Two dwellings would be small scale in the context of the location.

Need

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. Wiglsley falls within the Collingham sub-area where the predominant need (46.8%) is for 3 bed houses followed by 4 or more bed houses (17.9%). A residential scheme for 2 units

could potentially support the housing needs for the Collingham sub area as well as supporting the local services in nearby settlements.

Impact

The impact criteria of SP3 relates to a number of matters including local infrastructure such as drainage and sewerage systems. There is nothing to suggest that two additional dwellings could not be accommodated in the existing network.

Character

The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive. Core Policy 9 states that new development should achieve a high standard of sustainable design that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development.

It is inferred from the indicative plan that the dwellings would be two storey and broadly follow the building line of the adjacent two storey plot to the south. There appears to be scope to advance a layout of this nature particularly given that the plot to the south is already modern in nature. It is noted that the size of the plots would be smaller than the more spacious curtilages to the north (a point also raised by the Parish Meeting comments) but these are single storey in nature and therefore this is to be expected. The indicative plan shows that the plot size could conform with the two storey modern dwelling immediately to the south of the site. The width of the plot is more than double the width of the curtilage to Orchard House and therefore could in my view readily accommodate two dwellings without appearing cramped or over developed.

It would be expected at reserved matters stage that the exact design takes account of the surrounding area in terms of detailing and materials. Given the size of the site it would be expected that the dwellings would be for 3 bedrooms or less (noting the preferences of housing need above) to avoid appearing cramped in the plot.

As above, there are a number of non-designated heritage assets in the vicinity of the site. The NPPF requires a balanced approach to dealing with applications which indirectly affect non-designated assets (paragraph 203). Thus whilst impact on the setting of a non designated asset is material, it should only be given modest weight. Given that appearance is not being considered at this stage, it would be more appropriate to assess the impact on setting at reserved matters stage. There is no objection in principle from a heritage perspective (as confirmed informally with conservation colleagues).

Impact on Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development.

In the absence of detailed plans and elevations it is difficult to reach a conclusive judgement on matters of amenity but it does appear that, through careful consideration of the positioning of

windows appropriate distances could be achieved both with existing neighbouring properties and within the development plots.

Impact on Highways

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and seeks to ensure no detrimental impact upon highway safety.

Access is not for consideration at this stage albeit it is inferred that the dwellings would have separate accesses from Thorney Road. NCC Highways have commented on the proposals raising no objections subject to conditions. One of the suggested conditions relates to specific measurement etc. which I consider is more reasonable to include as an informative. In the scenario that the exact measurements cannot be provided then this would need to be weighed in the balance at consideration of reserved matters stage rather than leading to an automatic breach of condition for the outline application.

Impact on Ecology

The application has been accompanied by an ecological appraisal. This confirms that the site comprises an improved grassland field surrounded by fencing and hedgerows with small areas of scattered scrub, ruderals and scattered broadleaved trees. The summary of the report states:

The site is considered to offer habitat of low suitability for foraging and commuting bats, however bats have been recorded within 15m of the site boundary, and in order to avoid impacts on nocturnal bat activity advice on bat-friendly lighting has been provided.

No evidence of badger activity was recorded during the survey; however, the site contains suitable foraging habitat for the species such that they may venture onto the site from adjacent habitats. Vigilance for the presence of badger is recommended, along with precautions to safeguard badger and other ground mammals throughout the works.

As a precautionary measure, it is recommended that any vegetation removal works are scheduled outside of the main bird nesting season (thereby avoiding March to August, inclusive) to prevent impacts to nesting birds. Alternatively, it is recommended that the site is subjected to a pre-works nesting bird survey by an experienced ecologist

In order to enhance biodiversity on the site, appropriate native landscaping has been advised and as a positive conservation measure the installation of integrated bat and bird boxes within the new dwellings and/or garages has been recommended.

No further survey works are recommended and subject to securing the mitigation measures outlined by condition, there is no objection to the development of the site from an ecological perspective.

Conclusion

Despite being within a rural settlement, the proposed dwellings could appropriately be considered as infill development which would be catered for by the facilities of nearby Collingham and Harby

to some extent. No other harm has been identified which would prevent the approval of outline permission leaving the exact detail of the scheme for agreement at reserved matters stage.

RECOMMENDATION

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

Conditions

01

Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: This is a planning permission in outline only and the information required is necessary for the consideration of the ultimate detailed proposal.

02

Application for approval of the reserved matters shall be made to the local planning authority not 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

03

The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004

04

The formal written approval of the Local Planning Authority (LPA) is required prior to commencement of any development with regard to parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. All details submitted to the LPA for approval shall comply with the Notts County Council current Highway Design Guide and shall be implemented as approved.

Reason: In the interests of highway safety.

05

The development shall be carried out in accordance with the mitigation measures of the document 'Preliminary Ecological Appraisal dated December 2021' specifically:

- The use of a sensitive lighting plan to avoid impacts on foraging and commuting bats;

- Vigilance and best practice regarding badger and other ground mammals;
- Appropriate timings with regards to nesting birds and/or pre-works nesting bird survey before vegetation clearance;
- Provision of bird and bat boxes within the new dwellings or garages.

The positioning and number of bat and bird boxes shall be submitted to and approved in writing by the local planning authority and installed in accordance with the approved details prior to the occupation of the dwelling to which they relate. They shall thereafter be retained for the lifetime of the development.

Reason: To protect the potential ecological value of the site.

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/

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

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Details submitted pursuant to the application for approval of reserved matters consent shall indicate:

- a) a minimum access width of 3.0m for each dwelling for the first 8.0 rear of the highway boundary.
- b) a 2m wide footway across the whole frontage of the site including an uncontrolled dropped pedestrian crossing across Thorney Road.
- c) vehicular and pedestrian visibility splays in accordance with the County Council's current Highway Design Guide.
- d) any gates at the access set back minimum of 5.0m from the highway boundary.
- e) any gates at the access opening away from the highway or an ungated access.

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.

Lisa Hughes
Business Manager – Planning Development

Committee Plan - 21/02336/OUT

