

## PLANNING COMMITTEE – 12 APRIL 2022

<b>Application No:</b>	<b>21/02435/OUT</b>
<b>Proposal:</b>	<b>Erection of up to 3 no. detached dwellings and the re-alignment of Rolleston Public Footpath No. 5.</b>
<b>Location:</b>	<b>Land to the rear of Ullyats Cottage, Fiskerton Road, Rolleston.</b>
<b>Applicant:</b>	<b>Mrs Sara Williams</b>
<b>Agent:</b>	<b>Aspbury Planning Ltd</b>
<b>Registered:</b>	<b>17.11.2021</b> <b>Target Date: 12.01.2022</b> <b>Extension of time agreed until: 30.06.2022</b>
<b>Website Link:</b>	<a href="https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://publicaccess.newark-sherwooddc.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>

**This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation and it has been called in by the Ward Member, Councillor Blaney. The reason for call in is summarized as: due to being over-intensive development (fewer number would have a more positive relationship on the NDHA); impact on Rolleston footpath 5 with the change in character in view of the removal of the hedge and provision of a hard-surfaced footway; and given the applicant is NCC, with the level of local representation, Planning Committee’s consideration will ensure transparency.**

### The Site

The application site relates to the garden to the rear of Ullyats Cottage. This is a 2-storey detached dwelling at 90 degrees to the road with outbuildings running parallel to the dwelling.

The site is currently accessed through Ullyats Cottage from Fiskerton Road.

An unsurfaced public right of way is located to the south east of the site and runs alongside Holly Court. A large early mature beech hedge approximately 2.5m high is located parallel to Holly Court.

### Relevant Planning History

None

### The Proposal

The application seeks outline planning consent for the construction of up to 3 dwellings on the existing garden to the rear of Ullyats Cottage. The proposal is for all matters reserved (appearance, landscaping, layout and scale) apart from the access. The proposal includes the realignment of Rolleston Public Footpath No.5 along Holly Court.

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

DRWG no. 27793-ARC-XX-00-DR-A-0001 Rev P05 Application site plan;  
DRWG no. 27793-ARC-XX-XX-DR-A-AB008 Rev P02 Illustrative masterplan;  
DRWG no. (03)001 Rev A Illustrative landscape plan;  
Arboricultural Survey July 2021;  
Preliminary Ecological Appraisal (PEA) November 2021;  
Spatial Planning Design and Access Statement (ref APA/ARCPA/21/1761);

#### Departure/Public Advertisement Procedure

Occupiers of 28 properties have been individually notified by letter and a notice has been displayed at the site and in the press.

#### **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 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 9 -Sustainable Design  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment

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

DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

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

National Planning Policy Framework 2021  
Planning Practice Guidance  
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**

**Rolleston Parish Council – Object.** The proposals were deemed to represent an over intensive development of the site which would also have a detrimental impact on the setting and viability of the adjoining property, Ulliyats Cottage, which has significant local historic and cultural

importance. Wider concerns were also raised in respect of an inadequacy of safe car parking, loss of footpath amenity and the provision of adequate servicing.

**Nottinghamshire County Council Highways** – It is not envisaged that this proposal will severely compromise highway safety. We therefore do not wish to raise an objection subject to conditions being attached to any grant of consent.

**Tree Officer – 22.03.2022** Amended site plan and illustrative landscape plan are acceptable subject to conditions, following original objection 19..11.2021.

**Conservation** – Kate Greenaway has clearly got links to Rolleston and is an important historic literary figure. Information has been provided by local interest groups, although details of the academic sources have not been given.

As set out in the NPPF, ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required giving regard to the scale of any harm or loss and the significance of the heritage asset’.

Without academic sources outlining the significance of Ulllyats Cottage and its association with Kate Greenaway it is difficult to give considerable weight on the significance of the heritage asset as a non-designated heritage asset. In addition, the cottage is much altered.

The application is for up to 3 dwellings within the garden of Ulllyats Cottage. As an outline application the precise number, layout and design do not form part of the application. The indicative layout submitted shows three dwellings that have very little relationship with the dwelling. However, if the development was for 1, maybe 2, dwellings giving more space around the cottage. A design that has a more positive relationship with the cottage, such as a design approach that gives the impression they are ancillary to the cottage could alleviate any impact on the setting of the cottage.

**Nottinghamshire Building Preservation Trust (NBPT) – Object.**

1. The connection with Kate Greenaway, a national figure, a well-known artist and illustrator of children’s books. Both the design and access statement, and, surprisingly, the Heritage Advice, choose to ignore this connection. The application site is not only connected with, but also clearly recorded in illustrations by the artist. Development on the site would destroy important views, which are little altered since first illustrated by the artist.
2. The site is part of the curtilage of Ulllyats Cottage and the development of the land would clearly also have a detrimental effect on the amenity of the cottage. The significance of the cottage and the connection with Kate Greenaway is acknowledged by a blue plaque fixed to the cottage wall.

The loss of this open space and the effect on the existing public footpath, hedgerow and wildlife is unacceptable.

The Trust see this apparent change of ownership with the County Council wishing to dispose of the land (and apparently the adjoining cottage) to another, perhaps more sympathetic, owner as an opportunity to celebrate and strengthen the connection between Rolleston and Kate Greenaway. In a time when tourist opportunities are to be recognized, this is one to be encouraged, celebrated and not destroyed forever for short-term gain by an owner to the detriment of the local community.

**Nottinghamshire County Council Right of Way**- If the applicant plans for the new route to be part of the ‘adopted highway’ they will need to discuss this with ‘Highways’. If the new path is not to be

adopted highway, or this is not known, then the applicant will need to apply to legally divert the Public Footpath to the new route.

Where the design of any proposed development requires the legally recorded route of a Public Right of Way (PRoW) to be diverted because it cannot be accommodated on the legal line this can be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public rights of way affected by development. An application under this act should be made to the Local Planning Authority and is a separate application to the planning permission.

The applicant will also need to confirm who will be responsible for the ongoing maintenance of the route and new hedgerow– will maintenance of the new footway be incorporated into the general site maintenance contract?

The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions.

**Ramblers** - There is no reason for us to change our stance to the earlier application (20/00567).

It is not acceptable for Rolleston Footpath 5 (a pleasant green route from Holly Court to open country) to be replaced by a hard-surfaced footway which will be crossed by driveway entrances to the properties.

We emphasise once more that Rolleston Footpath 5 is also a feeder to the Trent Valley Way, an important tourist attraction.

**Comments from neighbouring properties/groups have been received which can be summarised below:**

- Area has been known to flood and increased risk to neighbouring houses;
- Existing character is low density, with dwellings of varying sizes, set within generous plots;
- Existing layout allows for growth of mature trees;
- Over-development of the site / density is too high;
- Ulllyats Cottage is of historical significance and if the garden destroyed it would result in loss of significance;
- Doesn't allow for additional tree planting;
- Removal of the hedge which supports wildlife;
- Increase in on street parking on to Holly Court;
- No housing need;
- Ensure sufficient parking for the number of bedrooms;
- Does not address water run-off;
- Public transport is not frequent;
- Poor visibility when emerging from Holly Court to Fiskerton Road;
- Potential loss of privacy due to the scale;
- Proposal is unsympathetic;
- Bungalows would be appropriate;
- No provision for visitor parking;
- Conflict with users of the footpath;
- The cottage would be unsaleable with less garden;
- Proposal will destroy the cultural legacy of the village;

Comments relating to Kate Greenaway

- Undermine the cottage where Kate Greenaway grew up;

- Alter the appearance and ambience of her (Kate) childhood home;
- The cottage has been the inspiration for her many illustrations and books;
- The link should be promoted through tourism;
- The land is referenced in her journals and forms part of the heritage of the village;

### Comments of the Business Manager

The Council can demonstrate in excess of a 5 year housing land supply and the development plan is up to date for decision making purposes. The starting point in decision making terms is with the development plan as set out in statute and reaffirmed by Policy DM12.

#### Principle of development

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it is a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise.

The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

The site is located within the extremities of the village settlement of Rolleston. It forms garden land associated with Ulllyats Cottage which lies to the north of the site, with the existing residential development on Holly Court to the south and east. Consent has been granted for a dwelling to the south (and outside of the application site) of the site (20/00045/FUL) which extends in to its adjoining land to 17 Holly Court (see below)



Site plan for 20/00045/FUL showing the new dwelling to 17 Holly Court which lies to the south of the proposed application site

This site would not encroach as far beyond the permitted residential curtilage as that dwelling already approved, or extend beyond the curtilage to Ulllyats Cottage, and so developing this site would not result in additional encroachment in to the open countryside, and it can therefore be considered as being within village.

Spatial Policy 1 of the Amended Core Strategy (ACS) defines the settlement hierarchy for new development across the District. Rolleston is not defined within that hierarchy and is therefore a

'Rural Area' under Spatial Policy 3 (SP3). This policy states that new development will be considered against the following criteria. Location, Scale, Need, Impact and Character.

The location and impact of the proposal as a windfall site is considered acceptable in general. SP3 of the ACS states that in assessing the scale element that the *'development should be appropriate to the location and small scale in nature'*. 3 dwellings as can be seen on the illustrative masterplan, can comfortably be accommodated on the site and would be small scale in nature. Rolleston, although it does not feature within the settlement hierarchy, is a settlement of a reasonable scale and has seen much development in recent years and 3 dwellings would contribute to that mix and would be capable of contributing towards meeting the district housing need.

The NSDC Housing Need Survey 2020 states that within the Southwell area (to which Rolleston is located), the greatest housing need is for 3 bedroom dwellings (33.3%) with 4 bedroomed houses next (24%), followed by 3 or more bedroomed bungalows (15.2%) and then 2 bedroom bungalows (14.8%). Rolleston's own housing need survey (2016) also concluded that the greatest need within Rolleston itself is for:

- 1 x 3 Bed house – open market,
- 1 x 5 Bed house – open market,
- 1 x 2 Bed bungalow – open market,
- 1 x 3 Bed bungalow – open market

Therefore the greatest need within the settlement is for 3 bedroomed dwellings. However as the scheme is in outline only with all matters reserved, the number of bedrooms is a matter to which the detailed application would advance but it is considered that up to 3 dwellings could be accommodated on the site.

The principle to develop the site with dwellings is acceptable subject to further on site assessment which is outlined below. The matter of character is further explained in the 'design' section below.

#### *Highways and parking impact*

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

Holly Court is approximately 5.4m wide at the access, with some localized narrowing to 4.5m. The access road is existing with no reported accidents. There is a narrow tarmac service strip along the western side of the carriageway and a wide grass verge along the eastern side. NCC Highways have suggested that the eastern side grass verge could be utilized for the footway as it already forms part of the highway. The verge however has been incorporated by the residents as part of their gardens and has been planted over and even fenced off. The applicant however has decided not to utilize this area but to realign the public footpath instead. However as the land still remains 'highway' land those residents are at risk of that land being incorporated back in to highway land or action being taken against them requiring removal of unlawful structures. This is a matter to which the Council could review separately as to whether it is expedient to pursue.

The new 2m wide footway to be created runs along the western edge of Holly Court to realign the existing public right of way. This involves the removal of the existing beech hedgerow and the planting of a new more native rich instant hedgerow to the back edge of the new footway which is

illustrated on the landscape plan (DRWG no. (03)001 Rev A). This would allow pedestrians and vehicles to enter the proposed house frontages and would safeguard a safe pedestrian access for the existing and future residents and users of the footway.

Dropped kerb crossings are proposed over the footway to the new properties which have been designed in consultation with Highway colleagues and includes sufficient visibility splays whilst accommodating the new hedgerow.

Residents have raised issues of highway safety from Holly Court onto Fiskerton Road. Highways have reviewed the intensification of this access point and have concluded that the visibility to the right from Holly Court is a concern as the visibility splay with a 2.4m setback from the edge of the carriageway is limited due to the Holly Court junction design, overgrown planting from third party land, and a narrow footway along Fiskerton Road. However, when a 2m setback is applied, the visibility is greatly improved and acceptable. Manual for Streets advises that the 2m setback can be considered for some very-lightly trafficked and slow speed situations where the drivers and cyclist travelling along the main road would be able to see the overhanging vehicle at the minor arm and be able to manoeuvre around it without undue difficulty. It is considered that Fiskerton Road complies with this requirement due to the geometrical alignment of the road which allows the north-westbound traffic to see and react to any vehicles waiting at Holly Court to join Fiskerton Road and react to any overhang accordingly. This road has low speeds of traffic due to the design of the road, i.e. 6.25m wide carriageway, existing frontages, narrow footways, streetlights, bends and low AADT (annual average daily traffic) of 1150 in 2019. There have also been no accidents recorded at the Holly Court and Fiskerton Road junction for over 20 years and any highway improvements to the junction would be seen unreasonable and disproportionate to the proposed scale of development.

It is not envisaged that this proposal will severely compromise highway safety and thus Highways have not objected subject to the imposition of suitable conditions.

The Council has adopted its Residential Cycle and Car Parking Standards & Design Guide SPD (2021), which provides a minimum standard expected for parking provision within sites. It also provides details of garage and parking space dimensions. As the proposal is in outline, and the number of bedrooms provided has not yet been defined it is difficult at this stage to ascertain the degree of parking provision required. However for 3 bedrooms or more, it is expected that 3 parking spaces are provided for each dwelling on site which could be achieved. Residents have raised concern about the lack of visitor parking within the site leading to parking on Holly Court. Holly Court is unrestricted in terms of parking provision and visitors would be able to park unrestricted on it regardless of this development coming forward. Notwithstanding this, due to the development being in outline and the indicative plans showing parking can be provided for each dwelling, this would not be a reason for refusal.

### *Right of Way*

Rolleston footpath No.5 is located parallel to Holly Court, although separated from the highway by the existing beech hedge and is a feeder to the Trent Valley Way. The footpath is signed from Fiskerton Road and currently runs to the south east of Ulliyats Cottage and separated by an existing wire fence. The footpath currently comprises of a trodden muddy path approximately 1m in width. The proposal would keep the footpath on a similar alignment although the position would be altered to run alongside Holly Court approximately 700mm south east and it would be a 2m wide hard surfaced footpath to adoptable standard.

The proposal would enable safe passage of users of Holly Court, as at present occupiers walk on the carriageway, and it would enable a wider footway which is accessible to all.

The proposal has raised some local objection including from the Ramblers Association, whom state to replace a greenway by a hard-surfaced footway which is crossed by driveways is unacceptable. NCC Rights of Way colleagues have provided details on practicalities for stopping up and diverting the ROW.

Although comments relating to the ROW have been given due consideration, the relocation would not result in harm to the usability of the ROW and its realignment is not so dissimilar to its current position. NCC highways have suggested conditions to enable the legal extinguishing of the footway under a S.257 of the Town and Country Planning Act 1990, which is acceptable.

### *Design considerations*

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this.

The site is not located within a conservation area and the area does not include any listed buildings. The main consideration is the siting within land which contains the property known as Ulllyats Cottage.

This cottage has been the subject of much interest from residents on the implications of the development upon the longevity of the cottage and its social history associated with Rolleston. Firstly it is pertinent to consider the condition of the cottage. The NPPF is clear on how to assess applications when Non-Designated Heritage Assets (NDHA) are in the vicinity. Paragraph 203 of the NPPF (2021) states 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing an application that directly or indirectly affects non-designated heritage assets, a balanced judgement will be required giving regard to the scale of any harm or loss and the significance of the heritage asset'.

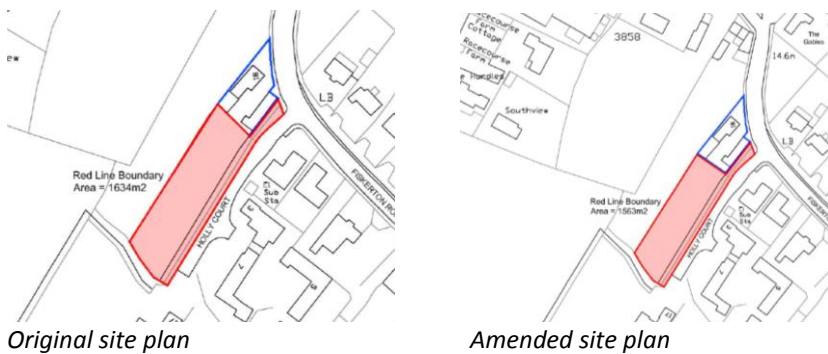
The cottage is late C18 or early C19, not listed and Officers do not consider it meets the qualifying criteria within the Council's adopted NDHA guidance, to define it as such due to its condition and degree of alterations. The original doors and windows have been replaced to uPVC, there are concrete tiles on the roof and very little remains of any stylistic detail. The brick outbuildings have been much altered too and are of no special interest. In this respect it is not considered to contain considerable significance that can be attributed weight in decision making.

The building does have a local connection with Kate Greenway, a Victorian illustrator whom from the mid C19 spent significant periods of time there. However this was not her home and she is commonly associated with London where she was born and subsequently died. Whilst this is an important connection to the village and indeed local residents have set up The Kate Greenaway Trail and a blue plaque has been awarded to Ulllyatts Cottage in her recognition, these are not overriding factors in ensuring the importance of the cottage or the surrounding land. Residents have submitted comments on the connection to Kate Greenaway, however these are not substantiated through academic sources but rely on websites for their weight. Given the alterations to the cottage and the weight already attributed to the connection with Kate



Greenaway, it is not sufficient to include this building and the surrounding land as important enough to warrant it as a NDHA.

That said, the Conservation officer has stated that the three dwellings have very little relationship with the dwelling and a reduced number of 1 or 2 dwellings, to afford more space around the cottage would result in a more positive relationship with the cottage. A design whereby they are recessive in scale to the cottage and thus improve the setting would be considered in the detailed stage. Whilst these comments have been taken on board and having informed the agent of these they do not wish to reduce the number of units but instead have reduced the site area to increase the distance from the cottage from 7m to 12m (approximately) as shown below.



Given the layout is only illustrative, it is considered that a layout could be designed which respects the scale and form of the existing cottage such as siting development to the south west of the site and limiting the height.

Therefore it is considered that the proposal in principle is acceptable and a design could be achieved which respects the original cottage.

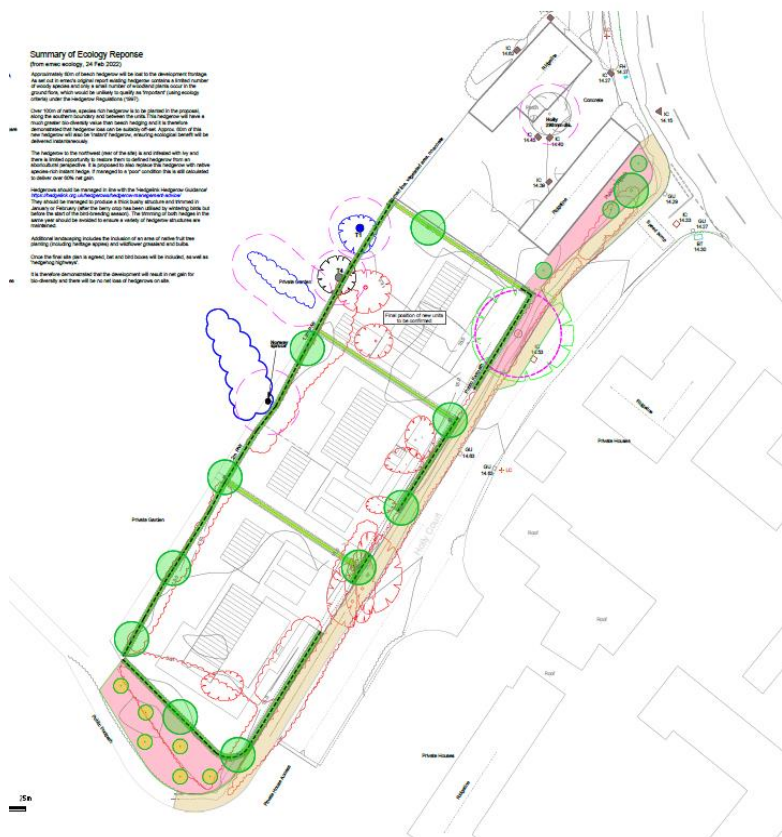
### *Trees/hedgerows*

Policy DM5 of the ADMDPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multifunctional benefits.

The proposal includes the loss of the existing beech hedgerow which bounds the carriageway of Holly Court. As well as a holly hedge, there are category B, C and U trees of varying siting within the site. Whilst these provide some visual amenity and biodiversity value they are not protected by any Tree Preservation Order and could be felled outside of the consideration of this application. Some of the trees to be felled form part of the former fruit orchard and have since been unmanaged and reached the end of their fruit bearing life.

Due to the emerging Biodiversity Net Gain (BNG) which, although it is not yet mandatory, it is a useful tool in assessing the impact of development upon the loss of features, and works to ensure appropriate mitigation/compensation is made. In this instance the applicant has submitted a BNG calculator. Which shows the inclusion of a new 100m length of native rich hedgerow which would improve the foraging when compared to the existing beech hedge. The north-west boundary will be enhanced with new trees and new hedgerow. In addition the creation of a new orchard and wildflower/grass area to the south-west of the site and to the south-east of the existing barns would seek to improve the rich biodiversity of the site. These areas (shown in pink on the plan

below), as they are outside of the areas proposed to be 'within plot' a S106 would be required to secure the delivery and further management/maintenance of it. The Council and the applicant are acceptable to the Council taking on this land subject to the agreement of terms within a legal agreement which would usually be for a minimum 10 year maintenance agreement but this is still to be confirmed.



The proposal, when using the BNG calculator, would result in a 60% net gain % change on site which is a positive for the site. This has not been corroborated by the Council as BNG is not currently mandatory and the County Ecologist has not responded to the consultation request prior to the writing of this report. However this is not the overriding consideration of the scheme and the loss of trees and hedgerows is still a material consideration. Conversely these trees and hedgerows are a mixture of species and condition, of which some are category C and U and non-native. The survey has concluded that a better species mix should be planted to improve the biodiversity, which can be controlled via a landscape scheme condition.

As a result of the development, it is necessary to remove the beech hedge adjacent to the carriageway which would be replaced with a more native diverse rich instant hedge to improve the biodiversity, as well as ensuring the trees/hedgerows felled are replaced with native species in comparable locations and an enhancement of the north western boundary to improve foraging opportunities. As such the biodiversity of the site will be improved with an uncorroborated BNG of 60%. Taking all the factors in to consideration as well as the comments of the tree officer for suggested conditions and the S106 for the maintenance of the land outside of plots, the proposal would result in an improvement to the local green infrastructure and is in accordance with policy DM5 of the ADMPD.

### Ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued

protection of the District's ecological and biological assets. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2021) states when determining planning applications LPAs should apply the following principles as stated within paragraph 180 of the NPPF. This states that if *“significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

A Preliminary Ecological Appraisal (PEA) has been submitted with the application which concludes that none of the trees on site were noted to provide features with roost potential for bats and no nesting birds were found. The surrounding hedgerows and scattered trees/woodland provided potential foraging habitat and commuting routes for bats and breeding areas for birds. In addition the site provides a limited potential habitat for reptiles or amphibians and no evidence of badgers have been found.

Due to the use of the site for bats/birds suitable compensation should be provided for. These are outlined in Section 6 of the PEA, however the measures proposed include clearance outside of birds besting season (March – September), enhancement of the existing boundary to the north-western boundary, replacement of the beech hedgerow with an instant native hedge, retention of the copper beech tree, bat friendly lighting, bat and bird boxes and hedgehog gaps within fencing etc. All these measures can be controlled by suitably worded conditions.

The proposal could therefore meet the aims of the SPD and would not result in harm to the ecology and biodiversity of the site subject to mitigation/compensation.

#### *Neighbour amenity*

Policy DM5 of the ADMDPD states development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate. The layout of development within site and separation distances from neighbouring development should be sufficient to ensure that neither existing nor future occupiers suffer from an unacceptable reduction in amenity including overbearing impacts, loss of light or privacy.

The dwellings are expected to be two storey although the detail would come from the Reserved Matters application. The position within the site compared to other surrounding dwellings, is not likely to result in harm to amenity from overbearing, loss of privacy or light impacts. Comments received during the consultation have alluded to a favourable use of bungalows or 1.5 storey dwellings which again would be appropriate here and would be more in keeping than two storey. Should Members resolve to support the proposal a condition to ensure the height of the dwellings which come through the reserved matters application are no greater than 1.5 storey could be imposed. All of the concerns raised by residents have been given due consideration however it is not Officer's opinion that the proposal would result in harm to neighbour amenity and that dwellings could be sited and designed to not cause undue harm.

### *Flooding/surface water impact*

The site is located within Flood Zone 1 as defined by the Environment Agency data maps, it is therefore at lowest risk from flooding. Nonetheless careful consideration will need to be given to the impact of surface water from the development and the use of appropriate materials and other ground materials to improve the permeability of the site to ensure the risk is not increased to the locale.

### Planning balance and conclusion

The site is a windfall site located within the built up area of Rolleston which although it has limited facilities, it is closely connected to other more sustainable areas and is serviced by public transport. Therefore the principle of development is acceptable. A restriction of the height of the buildings to 1.5 storey would ensure the buildings are not dominating to the nearby bungalows and are unlikely to result in harm to local character. The proposal would make a positive contribution to housing stock and need within the area.

The proposal would result in an alteration to the existing Rolleston no.5 footpath which is aligned adjacent to Holly Court carriageway and its condition will be upgraded to improve usability and there will be no reduction in provision as a result.

The proposal includes the loss of trees and hedgerows within the site, however a condition to ensure a like for like provision is made as well as improvements to BNG can be reasonably achieved through conditions and legal agreements.

A well designed scheme, taking in to account the height and the position of neighbouring properties would avoid any negative impacts upon residential amenity.

Matters of highway safety and ecology have been carefully considered and it is concluded that the proposal would result in no adverse harm and approval is recommended to Members subject to the following conditions and the signing of a S106 for the spaces outside of the plots which is to be taken on by the Council for the maintenance and management for a minimum 10 year period or which terms are to be agreed.

### **RECOMMENDATION**

**That planning permission be granted subject to the following conditions and the completion of a S106 requiring:**

- **Management of open space shown indicatively as wildflower grasses/bulbs on the Illustrative Landscape Plan ((03) 001 Rev A**
- Maintenance sum for management of this area for a minimum of 10 years plus (sum to be agreed)**

### **Conditions**

Application for approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

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.

02

Details of the 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.

03

No dwelling shall be greater than 1.5 storey in maximum height.

Reason: In the interests of visual and residential amenity.

05

No works shall be undertaken on or affecting any part of the land comprising the highway known as Rolleston Footpath No.5 until such time as a replacement footway has been provided to adoptable standard along Holly Court, Rolleston, and the existing public right of way legally extinguished under S.257, Town and Country Planning Act 1990, accordingly.

Reason: In the interests of highway safety and to ensure that the public minor highway is properly dealt with under S.257, Town and Country Planning Act 1990, avoiding the commission of criminal offences (which may be committed in relation to the public right of way by disturbing that highway or obstructing or otherwise impeding the lawful exercise of the public's right of way thereover) acknowledging that a) the footpath is only legally extinguished upon confirmation of such order and b) that there is a need for a suitable replacement pedestrian highway to be provided in substitution thereof.

06

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety.

07

No part of the development hereby permitted shall be brought into use until the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

08

No part of the development hereby permitted shall be brought into use until the driveway and any parking or turning areas are surfaced in a hard-bound material (not loose gravel) for a minimum of 8.0 metres behind the Highway boundary. The surfaced driveway and any parking or turning areas shall then be maintained in such hard-bound material for the life of the development.

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

09

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- a. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- e. Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. Details of working methods to be employed with the demolition/removal of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: In the interests of visual amenity and biodiversity.

10

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

Reason: In the interests of visual amenity and biodiversity.

11

#### Prohibited activities

The following activities must not be carried out under any circumstances.

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- h. No alterations or variations of the approved works or protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of biodiversity.

12

The Reserved Matters application shall include the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards.

Reason: In the interests of visual amenity and biodiversity.

13

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

14

The clearance of vegetation shall be carried out in full accordance with Para 6.1.2 of the Preliminary Ecological Appraisal which states details of using hand tools for clearance, trenches with slopes in for badgers to escape, bat friendly lighting, and no site clearance between March and September (inclusive) unless a suitably qualified ecologist has inspected the site for nesting birds.

Reason: In the interests of ecology.

**Note to Applicant**

01

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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) (England) Order 2015 (as amended).

02

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 PAYABLE on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

03

The development makes it necessary to construct a vehicular crossing over a footway/verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out. Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

**BACKGROUND PAPERS**

Application case file.

For further information, please contact Lynsey Preston on extension 5329.

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**