

Report to Planning Committee 7 July 2022

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/00788/RMA		
Proposal	Application for reserved matters approval for access, appearance, landscaping, layout and scale for the development of 2 dwellings		
Location	Land Adjacent Orchard House, Thorney Road, Wigsley		
Applicant	Jenson Country Homes Ltd - Mr K Dineen	Agent	Mr Chris Henderson - Lomas Architecture Design & Developments Ltd
Web Link	<u>22/00788/RMA Application for reserved matters approval for access, appearance, landscaping, layout and scale for the development of 2 dwellings Land Adjacent Orchard House Thorney Road Wigsley (newark-sherwooddc.gov.uk)</u>		
Registered	21.04.2022	Target Date	16.06.2022 (agreed extension until 13.07.2022)
Recommendation	Approve, subject to conditions		

This application is being referred to the Planning Committee for determination by the local ward member (Cllr Dales) due to the following summarised reasons:

- Removal of the views through to the open countryside;
- The proposal does not reflect the character and appearance of the area. It will be over intensive, cramped and incongruous;
- The amendments do not address the Tree Officer concerns;
- Wigsley is an 'other village' in the ACSSP settlement hierarchy and there is no housing need which would outweigh the above concerns.

1.0 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 side 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.

2.0 Relevant Planning History

21/02336/OUT – Erection of two dwellings with all matters reserved.

Application approved by Planning Committee in February 2022 in line with the Officer recommendation.

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

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.

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.

3.0 The Proposal

The proposal seeks reserved matters for two detached four bedrooms two storey properties with associated detached garages. Each property would have its own vehicular access from Thorney Road.

Plot 1 would have an approximate footprint of 134m² and maximum pitch height of around 9.4m. The rear elevation would feature a two storey projecting gable with attached single storey element. Materials proposed are red brick and a pantile roof.

Plot 2 would also have an approximate footprint of 134m² and maximum pitch height of around 9.4m. The design of Plot 2 has been amended to broadly reflect that of Plot 1 albeit with a slate / artificial slate roof.

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

- Site Location Plan – L-ADD-125-01;
- Block Plan – L-ADD-125-02;
- Existing Site Plan – L-ADD-125-03;
- Opportunities and Constraints Plan – L-ADD-125-04;
- Proposed Site Plan – L-ADD-125-05 Rev. G;
- Plot 1 Floor Plans – L-ADD-125-06 Rev. A;
- Plot 1 Elevations – L-ADD-125-07 Rev. C;
- Plot 2 Floor Plans – L-ADD-125-08 Rev. B;
- Plot 2 Elevations – L-ADD-125-09 Rev. B;
- Plots 1 and 2 Garage Floor Plan and Elevations – L-ADD-125-10 Rev. B;
- Proposed Site Plan over marked with landscaping– L-ADD-125-05 Rev. E (received 21st June 2021);
- Landscaping Bill dated 16/06/2022;
- Proposed Thorney Road Street Elevation – L-ADD-125-12 Rev. B.

4.0 Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter.

5.0 Planning Policy Framework

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

6.0 Consultations

Wigsley Parish Council - Wigsley Parish Meeting OBJECTS to this Reserved Matters Application on the following grounds:

As feared at the outline stage, 2 substantial dwellings on plots of modest width are at odds with the prevailing character in the heart of the village which is that of generously spaced properties on wide frontages.

The plots at around 15 metres wide are narrower than the majority of their neighbours and the gaps between each other and Orchard House are significantly smaller too.

Whilst Orchard House (and garage) largely fills its plot, it has good separation from Holly Farm to the south and was granted planning permission when there was an open paddock to the north.

The proposed dwellings and garages similarly fill their respective plots but have significantly smaller separation distances from each other and from Orchard House.

Viewed from Thorney Road, the street scene will be that of 3 substantial dwellings (including Orchard House) with prominent forward positioned garages in a rather regimented row resulting in a cramped form of development detrimental to the informal rural character and appearance of the village.

The choice of materials is rather disappointing too. Concrete pantiles, artificial slate and dark grey UPVC windows, all of which are alien to traditional materials in the village.

Confirmation that the objection is sustained on the basis of the revised plans as they do not address the concerns raised previously.

The concerns raised by the Tree Officer are supported. The size and siting of the dwellings and garages mean it will not be possible to soften the visual impact of the development on the village street scene and any trees are likely to be removed in the longer term as there is insufficient space available.

NCC Highways Authority – An amended plan ref. L-ADD-125-05 rev. G, titled: Proposed Site Plan has been submitted and show the visibility splays at the proposed accesses.

A discussion between the Highway Authority (HA) and the Local Planning Authority (LPA) regarding the 2m footway requested by the HA at the outline stage has taken place, and it was agreed that the character harm in providing the footway at this point in the street scene would be greater than the highway benefits. As the development serves only 2 dwellings and there is no existing footway on this side of Thorney Road, the HA agrees with the LPA, and a provision of the new footway outside the applicant's site is no longer sought by the HA.

Subject to conditions, the HA has no objection to the proposed development.

NSDC Tree Officer – Concern that the street scene does not include large trees. The garages should be removed to allow a greater buffer of planting. The current public view of this location is of green open space. Historically going back as far as the 1800 this site has been an open spaces / orchard. The proposal will replace this significant historical open space with hard structures, having a strong negative impact on the amenity and character of the local area.

A representation has been received from 1 local resident/interested party which can be summarised as follows:

- The existing hedge at the front of the site will effectively be destroyed as will the grass verge;
- The amount of impermeable material will be totally out of character with the existing open, green, village;
- The requirement for a pedestrian footway is unnecessary and intrusive;
- Wiglsey has no facilities;
- It does not seem desirable to permit house building which will increase the level of traffic.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The principle of development has been set by the outline permission for two dwellings which required the submission of reserved matters by 16th February 2025.

Housing Needs

The District Council has commissioned a district-wide Housing Needs Survey splitting the results into sub-areas. Wiglsey 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%). The two properties would both have four bedrooms and therefore would contribute towards an identified need in the sub area which is welcomed on a windfall site of this nature (even in acknowledgement that it is not the most required need).

Impact on Character including Landscaping

The extant outline approval has accepted the principle of the residential development of the site which will clearly have fundamentally different landscape and visual characteristics to the previous open land use of the site.

Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Paragraph 126 of the NPPF (2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

The two dwellings would be of a significant scale both proposing to be four bedrooms set across two stories with maximum pitch heights over 9m. The report for the outline application set out that it would be expected that the dwellings would come forward as 3 bedrooms partly on the basis of the results of the housing needs data outlined above but also in acknowledgement that larger properties would have the potential to appear cramped in the plots. For the avoidance of doubt the outline permission did not secure the housing mix and therefore there is nothing procedurally to prevent the submission of larger four bedroom houses as has been presented.

Both dwellings would occupy a significant proportion of the widths of the plots, (Plot 2 to a lesser degree than it was through the originally submitted plans). They would broadly follow the building line of the existing modern dwelling to the south known as Orchard House but with added single storey rear elements which would increase their overall footprint in comparison to the neighbouring dwelling.

It has being carefully considered whether or not the concerns raised at outline stage have been realized in terms of the scale and size of the dwellings. However, the applicant has taken on board Officer concerns and now revised Plot 2 to broadly follow the design of Plot 1 and now also proposed construction of red brick (rather than the originally proposed buff brick). A street scene elevation has also been submitted:



The above demonstrates that the proposed dwellings would very much be read in the context of the modern dwelling to the south. The separation distances between plots is considered sufficient and therefore it is not considered reasonable to resist the application on the basis of a cramped appearance.

Each dwelling would be served by a double garage positioned at the front of the site. Whilst this isn't necessarily a design approach which is ordinarily advocated, it is noted that a precedent has been set by the modern dwelling to the south which also has a garage forward of the principle elevation. It is also relevant that on the opposite side of the road there are buildings right up to the highways verge and therefore it would be difficult to negotiate the

garages out of the proposals purely on their position (particularly noting that they have their benefits in terms of parking and cycle storage).

Landscaping details have been provided with the application and have been subject to consultation with the Council's Tree Officer. The details show hedges between plots and proposed tree planting at the end of the rear gardens as well as the retention of the majority of the existing hedge to the front boundary. As per the consultation section above, the Tree Officer has significant concerns regarding the lack of landscaping at the front of the site and has suggested that the garages should be removed from the scheme to allow a greater landscaping buffer in acknowledgement of the current open landscape which the site has. The applicant has considered the comments but chosen not to amend the scheme raising concerns that a lack of garage would make the plots difficult to sell. The agent has responded further as follows:

Furthermore we refute the comment that there are large frontage trees across this area, in fact there are no large trees that existing across the frontage of the application site, nor has there even been to the applicant's knowledge. Also there are few examples of mature frontage trees on the west side of Thorney Road from the corner where Home Farm is located all the way north to Lindrick House, which is two properties beyond the application site to the north.

The garages are currently set back between 2.5m and 4.5m from the existing rural frontage hedge which is to be retained (this echo the situation at Orchard House,) this allows for a landscaped buffer which is proposed to be planted with shrubs. A number of trees are also proposed to the rear of the site which will aid to screen the development from the open countryside beyond and coupled with the other landscaped proposals put forward, will hugely increase the biodiversity of the site when compared to the existing site, which is a grass paddock with little ecological value.

We would also point out that Orchard House (which is a comparable size to the proposed dwellings) has a garage to the plot frontage and has no mature frontage trees, nor do the neighbouring properties of Holly Bank and Sueanda to the north.

It is accepted that there are no trees as existing along the site frontage but equally I agree with the Tree Officer that the site as existing is a valued open site characterised by soft landscaping. Having taken all factors into account, I am not convinced that a lack of proposed planting at the front of the site would be enough to resist the application particularly when noting the part retention of the existing hedgerow. Whilst the decision not to amend the scheme as suggested is regrettable, the scheme would still feature landscape mitigation in the form of trees in the rear gardens; front gardens for the plots and hedgerow between the plots (which the Tree Officer has accepted are appropriate in terms of species).

Overall, the proposal is deemed acceptable in character and landscape terms.

Impact on Amenity

A consideration of amenity impacts relates both to the relationship with existing neighbouring dwellings as well as the amenity provision for the prospective occupiers. Policy DM5 states that the layout of development within sites and separation distances from neighbouring

development should be sufficient to ensure that neither suffers an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.

Plot 1 would broadly follow the building line of Orchard House to the south. There would be two first floor windows on the side gable of Plot 1 which would face what appears to be a secondary window on the neighbouring plot. However, both windows are proposed to serve a bathroom and therefore could be reasonably conditioned to be obscurely glazed (as could the side window on the other gable facing towards Plot 2). On this basis the amenity relationship with Orchard House is considered to be acceptable.

The impact from Plot 2 to the dwelling to the north is slightly more sensitive noting that the property to the north, Holly Bank, is a single storey dwelling. However due to the neighbouring dwelling being set away from the shared boundary the distance between built form would be around 9m. Plot 2 would extend further westwards than the bungalow to the north but the distance between should ensure that the windows of the bungalow would not experience an overbearing impact with any outlook towards the dwelling being at an oblique line of sight. Again the first floor windows on the side elevations of Plot 2 would serve bathrooms and therefore could be conditioned to be obscurely glazed.

Each plot would be afforded an ample rear garden and subject to the conditions for obscurely glazed windows on the side elevations there would be no adverse amenity impacts between the plots.

Overall the scheme would comply with the amenity requirements of Policy DM5.

Impact on Highways

SP7 seeks to provide that developments should provide safe and convenient accesses for all, be appropriate for the highway network in terms of volume and nature of traffic generated, to ensure highway safety, convenience and free flow of traffic using the highway are not adversely affected, provide appropriate and effective parking and servicing provision and to ensure that new traffic generated does not create new or exacerbate existing traffic problems.

The Council has recently adopted a supplement planning document (SPD) for residential cycle and car parking standards. For a four bedroom dwelling in this location, the requirement is to provide 3 car parking spaces. In order for garages to be counted towards such provision their internal dimensions should be 6m by 6m for a double garage with a minimum door width of 4.2m. The originally proposed garages fell short of these dimensions but the revised plans now show the garages would be capable of parking two cars and the remaining space on the driveway would comfortably fit another car.

The outline consent included a condition seeking details of highways arrangements including parking and turning facilities, access widths, gradients, surfacing, visibility splays and drainage. These details have been provided with the current application and the Highways Authority has raised no objections to the proposal subject to conditions to secure the details as submitted.

Outline Conditions

No conditions have been discharged since the time of the outline approval (February 2022). For the avoidance of doubt the conditions attached on the outline application would remain relevant to the delivery of the development and therefore their repetition is not necessary in any reserved matters approval.

Condition 1 – Details

The current submission includes details of all reserved matters thereby complying with this condition.

Condition 2 – Time

The reserved matters application has been received within three years of the outline decision.

Condition 3 – Implementation

In order to comply fully with this condition, development would need to commence within two years from the date of the last reserved matters approval.

Condition 4 – Highways details

The current submission includes the details referred to in this condition and as above these have been assessed by NCC Highways and found to be acceptable. Further conditions will need to be imposed on the current application to secure the delivery of the required details and for completeness.

Condition 5 – Ecological Mitigation

This condition remains for compliance including the requirement for the submission of bat and bird boxes prior to occupation.

8.0 Conclusion

The site has an extant outline permission to allow for the principle of residential delivery of the site. Amendments have been made to the proposal to address some of the concerns raised by Officers albeit there is an outstanding request from the Tree Officer for additional landscaping to the front of the site and the Parish Council continue to be concerned in relation to the proposed scale of the dwellings. As is set out above, neither of these matters are considered harmful to a degree which would justify a refusal of the application and therefore in the absence of any demonstrable harm, the recommendation is one of approval as set out below.

9.0 Conditions

That Reserved Matters approval is granted subject to the following conditions:-

01

The development hereby permitted shall not be carried out except in complete accordance with the following approved plans and documents reference:

- Site Location Plan – L-ADD-125-01;
- Block Plan – L-ADD-125-02;
- Proposed Site Plan – L-ADD-125-05 Rev. G;
- Plot 1 Floor Plans – L-ADD-125-06 Rev. A;
- Plot 1 Elevations – L-ADD-125-07 Rev. C;
- Plot 2 Floor Plans – L-ADD-125-08 Rev. B;
- Plot 2 Elevations – L-ADD-125-09 Rev. B;
- Plots 1 and 2 Garage Floor Plan and Elevations – L-ADD-125-10 Rev. B;

Reason: So as to define this permission.

02

The landscaping details shown on the following plan references:

- Proposed Site Plan over marked with landscaping– L-ADD-125-05 Rev. E (received 21st June 2021);
- Landscaping Bill dated 16/06/2022;

shall be completed during the first planting season following the first occupation of the development. Any trees/shrubs 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.

Reason: To enhance and protect the landscape value and biodiversity of the site.

03

All first floor window openings on side elevations shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

04

No part of the development hereby permitted shall be commenced until a dropped vehicular highway verge crossing and an access to the site has been completed and surfaced in a bound material for a minimum distance of 8m behind the highway boundary in accordance with

approved plan reference L-ADD-125-05 rev. G and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.

Reason: To enable vehicles to enter and leave the public highway in a slow and controlled manner and to reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) all in the interest of highway safety.

05

No part of the development hereby permitted shall be commenced until the visibility splays shown on drawing no. L-ADD-125-05 rev. G are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general Highway safety.

06

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. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

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

07

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan no. L-ADD-125-05 rev. G. The parking and turning areas shall not be used for any purpose other than parking and turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

Informatives

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/ci

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 2015 (as amended).

03

The development makes it necessary to construct a vehicular crossing over a 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 Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00788/RMA

