

PLANNING COMMITTEE – 7 AUGUST 2018

Application No:	18/00394/FUL	
Proposal:	Proposed new bungalow in the grounds of 42 Lower Kirklington Road	
Location:	42 Lower Kirklington Road, Southwell	
Applicant:	Mr & Mrs Payne	
Registered:	1 March 2018	Target Date: 26 April 2018
	Extension of Time Agreed Until 10 August 2018	

The application is being referred to Planning Committee for determination by Councillor Laughton and as the Officer recommendation differs from the views of the Town Council.

The Site

The site comprises 0.11 hectares of land to the north of Lower Kirklington Road within the defined built up part of the Southwell. The application site is currently occupied by a detached dormer bungalow with detached garage set back behind the property in its long rear garden. The host dwelling has two single storey conservatory type additions to the rear. The site is currently accessed directly off Lower Kirklington Road and serves a single-width drive along the side of the house leading up to the garage on the south-eastern side of the dwelling. The site has a gentle slope, being at its highest point adjacent to the road and sloping downwards into the rear garden. The existing rear garden contains a number of trees, which are mostly fruit trees but also includes a silver birch adjacent to the north-west boundary and a large conifer and cherry tree close to the south-eastern boundary.

The site is surrounded by residential properties and their gardens which are made up of a variety of size, style and age. The properties either side of the site that front Lower Kirklington Road are two storey, the dwelling to the south-east has a conservatory attached to the side elevation that sits adjacent to the existing driveway of the application site. Properties to the rear either side of the site are predominantly single storey, apart from the property known as Four Winds, which is two-storey and has a single storey garage in close proximity to the application boundary.

Existing rear garden boundaries are currently predominantly defined by 1.6m to 1.8m high solid boarded timber fencing. There is a small timber shed located in close proximity to the rear boundary. The site is prone to surface water flooding according to the EA maps.

Relevant Planning History

PREAPP/00052/17 - Proposed new dormer bungalow, supportive in principle with some concerns relating to design and size and impact on the host property in terms of noise and disturbance from vehicular and access movements.

Proposal

Full planning permission is sought for the erection of a detached 2-bed bungalow in the rear garden of No 42. The proposal also includes the provision of a double garage centrally within the site adjacent to the north-west boundary and two additional parking spaces either side of the garage. This provides one garage and two-parking spaces to serve both the host and proposed dwelling. Access is provided through the demolition of the existing detached garage.

During the course of the application, negotiations have resulted in reductions in the size of the proposed bungalow and double garage and alterations to the design to reduce impacts on neighbouring properties.

The proposed bungalow would face the host dwelling and would be located towards the rear of the garden approx. 10.3m off the rear boundary of the site, approx. 2.4m off the south-eastern boundary of the site and 2.1m off the north-western boundary. The building would measure 12.8m wide by 10.4m deep, 3m high to eaves level and 6.4m high to ridge level. As originally submitted the bungalow had two gabled roof ends, however this was revised to a hipped design during the course of the application. There are two roof lights proposed, one in the front (south-west facing) and one in the rear (north-east facing) roofslope. The main openings are in the front and rear elevations apart from door and adjacent full height glazing unit that serves the kitchen/dining room. The accommodation comprises two bedrooms, a study, living room and kitchen/dining room. The front roofslope also indicates the position of a number of solar panels. Materials proposed is a render finish with timber cladding at high level and brick bases to windows with plain roof tiles.

The proposed garage block measures approx. 7.6m wide by 6.8m deep, 2.5m high to eaves level and 5.3m high to ridge level. It is positioned approx. 1m off the common boundary to the north-west. The garage and parking spaces are served by a permeable shared driveway that is served by a 3.2m wide access drive that runs between the host dwelling and the south-eastern boundary. This access widens to 5.25m wide adjacent to the highway.

A new 1.8m high timber fence is proposed to enclose the remaining private amenity space serving the host dwelling. The proposal will result in the loss of a Damson, Plum, Pear, Apple, Conifer and Silver Birch and the retention of a Bramley Apple Tree, Damson and Cherry.

Supporting information submitted include a Design and Access Statement, Flood Risk Assessment and additional information to supplement the Flood Risk Assessment (FRA).

The plans considered by this application are listed below:

- Site Location Plan (Drawing No: 1703 (P) 00);
- Plan: Site Plan Proposed (Drawing No: 1703 (P) 01 Rev B);
- Plan: Trees (Drawing No: 1703 (P) 07 Rev A);
- Plans: Ground and Roof (Drawing No: 1703 (P) 02 Rev A);
- Elevations: House – Sheet 1 South and East (Drawing No: 1703 (P) 03 Rev B)
- Elevations: House – Sheet 2 North and West (Drawing No: 1703 (P) 04 Rev B)
- Elevations: Garage – South, east, north and west (Drawing No: 1703 (P) 05 Rev C)
- Elevations: Context south, east, north and west (Drawing No: 1703 (P) 06 Rev B)

Departure/Public Advertisement Procedure

Occupiers of 13 properties have been individually notified by letter and a site notice has been displayed at the site expiring on 18th April 2018.

Planning Policy Framework

The Development Plan

Southwell Neighbourhood Plan (made 11 October 2016)

Policy SD1 – Delivering Sustainable Development
Policy E1 – Flood Risk Assessments and Mitigation
Policy E2 –Flood Resilient Design
Policy DH1 – Sense of Place
Policy HE1 – Housing Type and Density

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 1 : Settlement Hierarchy
Spatial Policy 2 : Spatial Distribution of Growth
Spatial Policy 6 : Infrastructure for Growth
Spatial Policy 7 : Sustainable Transport
Core Policy 3 : Housing Mix, Type and Density
Core Policy 9 : Sustainable Design
Policy So AP1 : Role and Setting of Southwell

Allocations & Development Management DPD (adopted July 2013)

Policy So/HN/1 – Southwell Housing Need
Policy So/Pv – Southwell Protected Views
Policy DM1 – Development within Settlements Central to Delivering the Spatial Strategy
Policy DM5 – Design
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance (web based resource)
- Publication Amended Core Strategy 2017

Consultations

Southwell Town Council – comments received 05.04.2018 and 07.06.2018:-

“agreed unanimously to object this proposal and to ask Cllr Bruce Laughton to call it in, for the following reasons:

It contravenes Southwell Neighbourhood Plan policies:

E1 Flood Assessment and Mitigation

E2 Flood Resilience Design – there is no flood risk assessment and has no plans for the treatment of extra surface water.

No penetration tests have been completed and the soakaway system proposed will be ineffective. It is over intensification of the area and a backland development with an overbearing gable end design causing Massing.

The paved parking area on the plans is very large for the size of the property, which could potentially add to the impact on flooding within the area.

The removal of several mature trees is unacceptable, but the felling of these trees will exacerbate the risk of flooding.

The additional vehicle movements will cause problems on the narrow access and noise levels will increase.”

NCC Highways Authority – Comments received 25.07.2018:-

“Further to our previous observations, the applicant has submitted an amended drawing. This details suitably dimensioned parking spaces.

In consideration of the above, we have no objections to the development, subject to the following conditions:

1. The development hereby approved shall not be commenced until two parking spaces for the existing property have been made available within curtilage.

Reason: to reduce the chances of the development leading to parking on highway, in the interests of general highway safety.

2. The development hereby approved shall not be brought into use until the access has been provided in a bound surface with measures to prevent the discharge of surface water to the public highway. The surfacing and drainage shall then be maintained such for the life of the development.

Reason: To reduce the chance of deleterious material and/or surface water being transferred to highway, in the interests of general highway safety.

3. The development hereby approved shall not be brought into use until the parking and turning areas as shown on drawing number 1703(P)01 Rev B have been provided. The parking and turning areas shall then be kept free for the parking and turning of vehicles for the life of the development.

Reason: to reduce the chances of the development resulting in vehicles parking on highway and to ensure that vehicles can enter and leave highway in a forward gear, in the interests of general highway safety.

Informatives

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>.

Comments received 12.06.2018:-

“Request for Amendments Prior to Determination.

These observations are given in respect to amended plans submitted for the above proposed development.

The amended plans identify the individual parking places, showing 2 parking spaces and a garage for both the existing and proposed dwellings. The garages have internal dimensions of 6m x 3m (min) and the parking spaces measure 2.55m x 5.1m each. However, the spaces for the existing dwelling are bounded on 3 sides and therefore should measure 2.9m x 5.5m. The space for the proposed dwelling adjacent to the garage should be increased to measure 2.9m x 5.5 (to account for the bin store and garage wall).

There is a risk of vehicles parking on highway to the front if the parking spaces are not useable, particularly for the existing dwelling and therefore we would be grateful if these amendments were made prior to determination.”

Comments received 21.03.2018:-

“This proposal is for the construction of a new dwelling at the rear of no. 42, both served by the existing access which will require widening, as shown on plan no. 1703 (P)01.

There are no highway objections to this application subject to the following:

1. No part of the development hereby permitted shall be brought into use until the access to the site has been completed to provide a minimum width of 5.25m for a minimum distance of 5m rear of the highway boundary and surfaced in a bound material in accordance with plan no. 1703 (P) 01. **Reason:** In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the parking/turning areas are provided in accordance with the approved plan. The parking/turning areas shall not be used for any purpose other than parking/turning of vehicles. **Reason:** To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on street parking in the area.

Note to applicant

The development makes it necessary to extend 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 VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.”

Environment Agency – Comments received 05.03.2019 and 30.05.2018:- “This application is situated in Flood Zone 1 and as such the Environment Agency has no comments to make on this application.”

Lead Local Flood Authority – Comments received 21.03.2018 and 01.06.2018:-

“No objections subject to the following comments:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.

2. The development is in an area shown at risk of surface water flooding and the developer should make themselves aware of the issues this may cause. It is recommended that the development utilises flood resilient construction techniques where possible.
3. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
4. SUDS should be considered where feasible.
5. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.”

Comments received 20.07.2018 on additional Flood Risk Information submitted:-

“The responses given by the applicant are sufficient to meet the stated requirements.”

Trent Valley Internal Drainage Board – Comments received 14.03.2018 and 07.07.2018:- “The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s catchment. There are no Board maintained watercourses in close proximity to the site. The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board’s prior written consent. The Board’s consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.”

Southwell Civic Society – “We object to this application, this is an over intensive back land development.”

NSDC, Access and Equalities Officer – Comments received 14.03.2018 and 29.05.2018:-

“As part of the developer’s considerations of inclusive access and facilities for all, with particular reference to disabled people, it is recommended that their attention be drawn to Approved Document M of the Building Regulations, which contain useful standards in respect of visitable, accessible and adaptable, and wheelchair user dwellings. The requirements of a dwelling’s occupants can change as a result of illness, accident such as sports injury for example, disability or ageing giving rise to reduced mobility or increasing sensory loss. In order to meet these changing requirements, homes need to be accessible to residents and visitors’ alike as well as meeting residents’ changing needs, both temporary and longer term. Similarly, inclusive access improves general manoeuvrability for all including access for those with push chairs and baby buggies as well as disabled people etc.

It is recommended that disabled persons and wheelchair users’ access to, into and around the new dwelling be carefully examined. External pathways to and around the site should be carefully considered and designed to accepted standards with reference to the topography of the site to ensure that they provide suitable clear unobstructed inclusive access to the proposal. In particular, ‘step-free’ access to and into the dwelling is an important consideration and an obstacle free suitably surfaced firm level and smooth ‘traffic free’ accessible route clear of parked vehicles is important to and into the dwelling from facilities such as car parking and from the site boundary. It is recommended that inclusive step free access be considered to garden areas, amenity spaces and external features.

Carefully designed 'step-free' approach, ramps, level flush thresholds, generous doorways, corridors etc. all carefully designed to facilitate easy access and manoeuvre throughout are important considerations. Switches and sockets should be located at suitable heights and design to assist those whose reach is limited to use the dwelling together with suitable accessible WC and sanitary provision etc.

It is recommended that the developer make separate enquiry regarding Building Regulations matters."

Four letters of objection have been received from interested parties/neighbours, raising the following summarised concerns:

- This is a quiet residential area on large plots and allowing this will set a precedent for others doing the same and spoiling the area as it becomes a higher density residential area;
- It is already difficult accessing Lower Kirklington Road from their lane and further vehicle accesses will not improve the situation;
- The development will create an increased demand (from 2 to 6 cars) on access to an increasingly busy road and the entrance is diagonally opposite an intersection, which adds complexity to negotiating an exit from this property;
- Increased risk of flood exposure due to increased areas of hard surfacing. It appears that water comes down The Ropewalk and further up Lower Kirklington Road and because of the gentle slope of the properties along this side of the road, the water comes through on its way to the River Greet; the loss of the garage to a gently sloping driveway will result in increased surface water run-off impacting on the properties at a lower level to the rear of the host dwelling;
- The submitted FRA is incorrect and fails to refer to the flood event in 2013 when all the properties in this area were significantly affected and puts into question the credibility of the conclusions and recommendations of the FRA;
- Soakways do not seem to be effective in our area because of the high water table and the bed of heavy clay below the ground;
- Increase in noise levels from potentially 6 cars running down the side of their property and a few metres from their patio area;
- Reduction in privacy from both a visual and auditory perspective;
- Over-development, highly intensive backland development of the plot with distances to boundaries very small and not in keeping with that of the local area, thereby destroying the character of the area;
- The removal of two large trees will impact the environment and open up the aspect from their gardens and increase risk of flooding;
- Impact on biodiversity (bats and birds) through loss of garage and trees;
- Loss of mature soft landscaping detrimental to the character of area and replaced with brick walls, tiles and solar panels, negatively impacting on the view from at least 7 nearby properties;
- There is surprise that there is no tree preservation order on the conifer tree;
- It will destroy the quiet enjoyment of rear gardens around the plot;
- It will be detrimental to views from their property;
- Colour of the proposed render should be sympathetic, as opposed to the current bright blue colour of the host dwelling; and
- The extremely minor revisions to the size of the development appear tokenism and appear to be an attempt to raise the value of the plot because of several past failed attempts to sell the existing dwelling.

Comments of the Business Manager

Principle of Development (including Housing Need)

The Council is of the view that it has and can robustly demonstrate a 5 year housing land supply which has been confirmed by a number of recent appeal decisions including the dismissal of the Farnsfield appeal (at Public Inquiry) by the Secretary of State in April 2018. I do not intend to rehearse this in full other than to say that the policies of the Development Plan are considered up to date for the purposes of decision making and thus carry significant weight in an overall planning balance.

The NPPG acknowledges that Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area, thus providing a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

Following public consultation and independent examination, at its council meeting on 11th October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The Neighbourhood Plan now forms part of the development plan for the District and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed above and are considered against the relevant aspects of the proposal in the assessment below.

Southwell is defined as a Service Centre with a good range of local facilities, good public transport and local employment, as set out in the Settlement Hierarchy defined by Spatial Policy 1 of the Core Strategy. New housing is therefore supported in principle within Service Centres where services are focused to provide for a large local population and a rural hinterland.

CP3 of the adopted Plan seeks to secure new housing that addresses the housing need of the district generally which is identified as family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. I note that CP3 in the Publication Core Strategy deletes reference to the family housing of 3 bedrooms or more, which can be afforded weight given its advanced stage and that there are no unresolved objections to this.

Policy So/HN/1 seeks to secure, subject to local site circumstances and the viability of development, the majority of new housing on allocated or windfall sites as one or two bedroom units in line with identified housing need as evidenced by the district wide HNS from 2014 by DCA. This drive to secure smaller units is a significant material consideration and remains so given that this policy is just one of two policies of its type in our District whereby it was felt necessary to intervene in the market to secure smaller dwellings. In addition Policy HE1 of the Southwell Neighbourhood Plan states that developments which provide bungalow and other types of accommodation for elderly and disabled people will be strongly supported. The National Planning Policy Framework, as revised, seeks to significantly boost the supply of homes and ensure the needs of groups with specific housing requirements are addressed.

I am satisfied that the site is located within the main built up area of a sustainable settlement and as such, there is no objection in principle to the residential development at the site. It is also acknowledged that the proposal represents a two bedrooled bungalow which reflects the need

identified within Southwell and is supported by the Neighbourhood Plan. However, the impact upon the character of the area, residential amenity of neighbouring properties, flood risk, highway matters, impact on ecology and trees will all need to be taken into consideration and are discussed below.

Impact on the character of the area

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout 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. The SNP also reflects this. The NPPF as revised states that high standard of design is a key aspect of sustainable development and that new development should be visually attractive as a result of good architecture and appropriate landscaping.

The proposal would lead to the introduction of a new dwelling sited behind the front building line of Lower Kirklington Road directly behind the host property. Policy DM5 states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area.

The location of the proposed dwelling behind the building line fronting Lower Kirklington Road within the rear garden of No. 42 is considered to be backland development. However the key issue is whether this is harmful which I consider below.

Along Lower Kirklington Road there are a variety of style, age and size of properties. There is also some evidence of backland development, for example immediately to the south-east of the application site, where "Four Winds" is located directly to the rear of Orchard Cottage and No 40 Lower Kirklington Road. In this regard, I consider it would be somewhat difficult to sustain an objection based on the backland form of the development being alien or incongruous to the existing character and appearance of the surrounding area. It is also difficult to see where the opportunity could easily be repeated and result in any harmful erosion to the character of the immediate area through allowing such development on other sites.

It is acknowledged that the proposed development would have a significant footprint and the built form sits relatively close to common boundaries. However, following the reduction in size of the proposed bungalow and garage built form, it is considered that that this need not be fatal to the scheme. The long cross section provided through the site now shows the proposed bungalow and garage would be subservient in size and height and therefore hierarchy, relative to the host dwelling which I consider is acceptable in this context.

The proposed dwelling would not be a prominent feature in the street-scene due to its location. Its form is simple with a strong hipped roof. Although the majority of roofs in the area have gabled ends, this design approach has been sought to seek to reduce massing and bulk. Given its limited appearance and presence from the public realm, this is considered to be acceptable in this case. Although the predominant building material in the area is red brick, both the host dwelling and the dwelling to the north-west have rendered finishes and therefore is not completely alien to the area. This is in contrast to the proposed timber boarding which is considered to be out of keeping within the local area and is proposed to be conditioned out of any approval. The proposed plain

tiled roof would provide a simple suitable roofing material and the additional of solar panels to the roofslope would be acceptable on such a contemporary structure. Subject to the removal of the proposed timber boarding, it is considered that the built form of the proposal accords with the Southwell Design Guide within the Neighbourhood Plan.

Policy So/PV seeks to protect views of and across the principal heritage assets of the Minster, Holy Trinity Church, Archbishop's Palace and Thurgarton Hundred Workhouse with 'view cones' having been defined on the Policies Map of the Allocations and Development Management DPD. The application site is located within a cone view, however, due to the size, location and scale of the proposal it is considered that the proposal would have no adverse impact in this regard.

The proposed layout, scale and massing of the development whilst representing backland development is not considered to result in an unacceptable harmful impact upon the character and appearance of the surrounding area. Subject to condition, the proposal is considered to accord with Core Policy 9 of the Core Strategy and policy DM5 and Policy So/PV of the DPD and Policies DH1 of the SNP.

Impact on Residential Amenities

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF, as revised, seeks to ensure a high standard of amenity for existing and future users of land and buildings.

Views from existing residential properties are not a material consideration in this case, although it is acknowledged that the proposal will alter the outlook from existing residential dwellings surrounding the site compared to the existing situation as the new roof structures would be visible above the existing boundary treatment. This is acknowledged and it given some weight.

There is a distance of approx. 24.6m between the rear elevation of the host dwelling (at its closest point – single storey element) and the front elevation of the proposed bungalow. The first floor windows would be approx. 28.4m from the front elevation of the proposed bungalow. Given that this represents principle elevations directly facing each other, this distance is considered to be acceptable in terms of the relationship between the amenities of occupiers of both dwellings, with particular emphasis on privacy. Given the scale of the proposal and the separation distance, it is not considered that the proposal would result in any over-bearing impacts or loss of light to either occupiers of these dwellings. The relationship between the proposal and the dwellings either side of the host property are somewhat similar however, at an angle and as such are considered to also be acceptable in this case.

Although not directly in line with them, the proposed bungalow is located approx. 11.5m away from the existing bungalow positioned to the north-west and is approx. 14.6m away from the bungalow to the north-east. Although these distances would be considerably shorter than that already referred to, there is no direct relationship with these existing bungalows facing the side elevations of the proposal at a significant angle. As such it is considered that with appropriate boundary treatment that the proposal would not result in any unacceptable impacts in relation to privacy, over-bearing impacts or loss of light to existing or proposed occupiers.

The side elevation of the proposed bungalow is approx. 21.4m away from the closest element of Four Winds to the south-east of the site. This is considered to be an acceptable distance between

the principle rear elevation and the proposed side elevation to prevent an unacceptable degree of over-looking on future occupiers. The single storey nature of the proposal would not create any unacceptable over-bearing impacts. There is likely to be some very limited loss of sunlight in the late afternoon to the extreme rear garden area predominantly where the existing detached garage building is located, however, this is not considered to be so detrimental to warrant refusal of planning permission on this basis.

The other impact on residential amenity to consider is the introduction of parking areas into the centre of the site and impact of the proposed access. It is inevitable that the introduction of vehicles into the site where they currently cannot access will result in some additional noise and disturbance to nearby residents due to engine noise and doors slamming. The proposal provides 6 potential parking spaces within the site. Although there would be an impact in this regard, it is considered that the impact of a max of 6 vehicles using the site at any one time is considered to be relatively small scale in nature and would not result in an unacceptable degree of noise and disturbance to warrant refusal of permission on these grounds. The proposed driveway would be positioned approx. 2m away from a number of windows in the side elevation at ground floor level of the host dwelling, two small secondary windows that serve the living room and one larger window serving the kitchen. It is proposed to erect a new 1.8m high timber fence between the windows and the driveway. In addition on the other side of the proposed driveway is a conservatory attached to the side elevation of Orchard Cottage which sits approx. 3.5m away. I am mindful however, that this area is already a driveway serving the existing garage of the host dwelling. As such I do not consider that the use of the driveway to serve the additional dwelling would result in such additional levels of noise and disturbance from vehicles over and above the existing situation to warrant refusal of permission on these grounds.

In conclusion the introduction of a new dwelling in this location has been carefully assessed and is not considered to unduly impact upon the amenity of existing residents. The proposed layout appears to provide satisfactory private amenity space for any future residents of the unit (approx. 16m by 10m rear garden). The proposal is therefore considered to accord with policy DM5 of the DPD.

Flood Risk Impacts

Core Policy 9 requires development to proactively manage surface water run-off and be adequately drained and Policy DM5 relates to flood risk and water management. Policy E1 of the Neighbourhood Plan states that FRA's should be based on up to date data and the methodology be developed in consultation with the Lead Local Flood Authority and proposals for flood mitigation must be designed to meet the requirements of other policies within the NP. Policy E2 of the Neighbourhood Plan states that development proposals requiring a FRA must be designed to avoid increasing the risk of flooding both on and off the site and any flood mitigation measures to be adopted comply with current Sustainable Drainage Systems best practice.

This site lies within Flood Zone 1 (at lowest risk of flooding from rivers) according to the Environment Agency's maps.

In terms of surface water flooding, the submitted FRA identifies that part of the rear garden is identified as being at low risk (i.e. a 1 in 1000 year event) with a very small area where the proposed rear garden being at medium risk (i.e. a 1 in 100 year event). The low risk surface water depths are shown to be between 0.00m – 0.15m in the location of the proposed dwelling. In mitigation, therefore it is proposed to raise the finished floor levels a minimum of 150mm above

the surrounding ground levels. The Assessment also states that it is important that the existing flow route from the adjacent dwelling to the east is not interrupted and that existing ground levels around the eastern boundary of the proposed dwelling will be profiled to maintain this route. Both these mitigation measures can be secured through conditions.

The FRA also identifies that according to the British Geological Survey maps, the site is located on superficial deposits of sand and gravel, which supports the use of soakaways (i.e. infiltration). This therefore accords with the cascade approach to surface water disposal of infiltration first, then watercourse, and sewer as a last resort. Additional information on flood risk has been submitted which responds to policy requirements set out in the NP. The two mitigation strategies reduce flood risk even further on the site and would not result in increased risk to existing properties. The Soakaways represent a Sustainable Drainage System in accordance with the Neighbourhood Plan. Flood resilient construction techniques are not required in this instance given the low flood risk identified, other than the raising of internal floor levels by 150mm.

I am aware and understand the significant local concern regarding flood risk from surface water in the local area over recent years. However, the Lead Local Flood Authority has raised no objection to the proposal and provided the mitigation strategies are conditioned, I can only conclude that the scheme is acceptable and would not result in unacceptable levels of surface water flooding either to the occupiers of the proposed dwelling or occupiers of existing surrounding dwellings, in compliance with Core Policy 9 of the Core Strategy, Policy DM5 of the DPD and Policies E1 and E2 of the NP.

Highway Safety

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.

The site would be accessed using the existing access serving No 42, with the width of the access adjacent to the road increasing in width to 5.25m and the proposed driveway decreasing to 3.2m in width until it opens out into the wider central hard-standing area.

Following receipt of amended plans, the Highway Authority raise no objection, subject to conditions. It should be noted that their first suggested condition has been re-written to ensure it is robust, precise and enforceable.

In conclusion it is not considered that the proposed development would have an unacceptable impact upon highway safety and the proposal is considered to accord with the requirements of SP7 of the Core Strategy and Policy DM5 of the DPD.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity, reflected also in Policy DM7 of the Allocations and Development Management DPD. Policy DM5 of the ADMDPD also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The proposed development site is part of a lawned garden such that the ecological value of the site is limited. The existing garage is in a good state of repair and completely enclosed with no

obvious holes or other openings. Taking a proportionate approach, I do not consider it necessary to require an ecological survey in this instance.

The new dwelling would involve the loss of some trees. However the majority are fruit trees and whilst the loss of the conifer and silver birch is regrettable, due to their species (certainly the conifer is non-native) and location within the rear garden they have a limited contribution to the public realm and would not be worthy of protection through a tree preservation order given their limited amenity value. As such their loss is judged to be acceptable in this case. There is scope for their replacement with more native species elsewhere within the site. In order to protect any breeding birds, vegetation removal should be outside of bird breeding season and this can be conditioned accordingly.

Other matters

It is clear from the representations received that there is local opposition to this proposal and all the points raised by the objectors have been carefully considered and taken into account. However, views from adjacent properties and the potential for increased values to the host dwelling are not material planning considerations that can be given any weight in this decision making process.

Conclusion

The proposal seeks full planning permission for an additional dwelling in Southwell. I have concluded that the scheme represents a sustainable pattern of development on the basis that Southwell is defined as a Service Centre in the settlement hierarchy where 15% of Service Centre housing growth should take place. The proposed dwelling also meets an identified local need being a genuine 2 bedroom bungalow.

Having carefully considered all the site specific impacts, including upon the character and appearance of the area, residential amenity, flood risk, trees and ecology, and impact on highway safety, I consider that the impacts are acceptable subject to mitigating conditions and the proposal would accord with the Development Plan.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

01

The development hereby permitted shall not begin later than three years from the date of this permission.

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

02

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

- Site Location Plan (Drawing No: 1703 (P) 00);
- Plan: Site Plan Proposed (Drawing No: 1703 (P) 01 Rev B);
- Plan: Trees (Drawing No: 1703 (P) 07 Rev A);
- Plans: Ground and Roof (Drawing No: 1703 (P) 02 Rev A);
- Elevations: House – Sheet 1 South and East (Drawing No: 1703 (P) 03 Rev B)
- Elevations: House – Sheet 2 North and West (Drawing No: 1703 (P) 04 Rev B)
- Elevations: Garage – South, east, north and west (Drawing No: 1703 (P) 05 Rev C)
- Elevations: Context south, east, north and west (Drawing No: 1703 (P) 06 Rev B)

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

Notwithstanding the submitted details, the proposed timber boarding is not hereby approved. No development shall be commenced until details of the external facing materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Render texture and colour

Bricks

Roofing tiles.

Reason: In the interests of the visual amenity of the area.

04

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved buildings have been submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of residential and visual amenity.

05

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.

- boundary treatments
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

06

The approved soft landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. 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 unless otherwise agreed in writing by the local planning authority. The approved hard landscaping scheme shall be implemented on site prior to first occupation unless otherwise agreed in writing by 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.

07

No development shall be commenced until details of any external lighting have been submitted to and approved in writing by the local planning authority. The details shall include location, design, levels of brightness and beam orientation, together with measures to minimise overspill and light pollution. The lighting scheme shall thereafter be carried out in accordance with the approved details and the measures to reduce overspill and light pollution retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and residential amenity.

08

No hedge or tree that is to be removed as part of the development hereby permitted shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that adequate provision is made for the protection of nesting birds on site.

09

The internal finished floor level of the proposed dwelling shall be a minimum of 150mm above the existing ground level of the site.

Reason: In order to protect future occupiers of the site from surface water flooding.

010

Prior to the commencement of development on the site, a scheme to demonstrate how the existing surface water flow route from the adjacent dwelling to the east would not be interrupted shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on the site prior to the occupation of the dwelling hereby approved.

Reason: In order to ensure existing occupiers around the site do not suffer from any potential for increased surface water flooding.

011

The development hereby approved shall not be commenced until the two parking spaces for the existing property as shown on drawing no. 1703 P01 Rev B have been made available within its curtilage. The spaces shall thereafter be retained on site for parking for the lifetime of the development.

Reason: So as not to deprive the host dwelling from parking during the construction period and thereafter in order to reduce the chances of the development leading to parking on highway, in the interests of general highway safety.

012

The development hereby approved shall not be brought into use until the access has been provided in a bound surface with measures to prevent the discharge of surface water to the public highway. The surfacing and drainage shall then be maintained such for the life of the development.

Reason: To reduce the chance of deleterious material and/or surface water being transferred to highway, in the interests of general highway safety.

013

The development hereby approved shall not be brought into use until the parking and turning areas as shown on drawing number 1703(P)01 Rev B have been provided. The parking and turning areas shall then be kept free for the parking and turning of vehicles for the life of the development.

Reason: to reduce the chances of the development resulting in vehicles parking on highway and to ensure that vehicles can enter and leave highway in a forward gear, in the interests of general highway safety.

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

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/cil

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.

03

The development makes it necessary to amend a vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. Works will be subject to a design check and site inspection for which a fee will apply. The application process can be found at: <http://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

BACKGROUND PAPERS

Application case file.

For further information, please contact Julia Lockwood on ext 5902.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

M Lamb
Business Manager Growth and Regeneration

Committee Plan - 18/00394/FUL

