



Appeal Decision

Site visit made on 12 June 2018

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2018

Appeal Ref: APP/B3030/W/18/3194923

Land off Main Street, Balderton, Nottinghamshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Roberts against the decision of Newark & Sherwood District Council.
 - The application Ref 17/00643/FUL, dated 3 April 2017, was refused by notice dated 23 October 2017.
 - The development proposed is 6 No new residential units.
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Decision

1. The appeal is allowed and planning permission is granted for 6 No new residential units at land off Main Street, Balderton, Nottinghamshire in accordance with the terms of the application, Ref 17/00643/FUL, dated 3 April 2017, subject to the conditions set out in the attached Schedule.

Main Issue

2. This is the effect of the proposal upon the character and appearance of the area.

Reasons

3. Located on the corner of Main Street and Hollowdyke Lane, the site is an undeveloped meadow that has the railway line to the north and the A1 trunk road to the east. Land levels change over the site, the highest point being adjacent to the railway bridge at the north west corner, dropping down to Hollowdyke Lane. An embankment then rises up to the A1. The area has a suburban residential character, with new housing opposite the site to the west and Balderton to the west and south.
4. The proposal is for 6, one bedroom apartments, provided over 2 floors in one building. The building would have a staggered frontage, dual pitched roof with lower height roof to both stairwells. A car parking and turning area is proposed off Hollowdyke Lane and a pedestrian access point would be provided on the west corner of the site. Owing to the topography, engineering and excavation works would take place to enable the building to be set down from Main Street, and the dwellings would have a similar height to those opposite.
5. Taking account of the site's constraints from the surrounding infrastructure, and in order to balance the needs of providing car parking to serve the future residents and provide a frontage to the building, the layout would be an efficient and effective use of land. The density of dwellings per hectare would

- be high. However, proposals for flatted dwellings will generally create a higher density of dwelling per hectare owing to the fact that they are sited on top of each other. Additionally, Core Policy 3 of the Newark & Sherwood Local Development Framework Core Strategy Development Plan Document (March 2011) (CS) sets out no maximum densities.
6. The scale and massing of the building would occupy a reasonable proportion of the site and it would be prominent from various vantage points. However, it contains architectural detailing that reduce its perceived mass and add visual interest, for example the staggered building line, varying roof heights, and off set kink in the middle giving the illusion of 3 blocks.
 7. Furthermore, the engineering works required to set down the land levels would ensure that the proposal would be of an appropriate height, form and scale commensurate with surrounding built forms. Also, samples of external facing materials and details of boundary treatments could be required by condition that would ensure the appearance reflects the district's character of built form.
 8. The Council contend that the proposal is not legible and would result in a confusing layout. However, the ground floor front doors to the dwellings would face westwards, creating an understandable and coherent frontage addressing Main Street and the housing development opposite. Additionally, a footpath is proposed from the frontage to the corner of the site, where Main Street and Hollowdyke Lane meet. To further increase connectivity and legibility, a condition could be imposed that requires this pedestrian access to be linked to the footpath from the vehicular access, which then links with the footpath on Main Street. Furthermore, a footpath could also be provided around the whole building to enable future occupiers to access their dwelling in the most convenient way, either from the car park or from the pedestrian access point.
 9. Moreover, although the parking and turning area would present a considerable area of hardstanding in comparison to the overall site, it would be located to the rear of the building and the car parking spaces are proposed to be constructed using a method by which grass could grow through. This would ameliorate the visual effect of the hardstanding. Additionally, details of hard and soft landscaping could be required by condition to ensure the proposal provides sufficient planting to successfully integrate with the surrounding area.
 10. As a consequence, the proposal would have an acceptable effect upon the character and appearance of the area. Accordingly, I find compliance with Core Policy 9 of the CS and Policy DM5 of the Newark & Sherwood Local Development Framework Allocations & Development Management Development Plan Document (July 2013). These policies seek to ensure new development demonstrates a high standard of sustainable design, reflecting local distinctiveness and built form character. I also find compliance with the National Planning Policy Framework which always seeks to secure high quality design.

Other Matters

11. I note the comments provided by the local Parish Council objecting on highway safety grounds. However, the proposal would provide sufficient car parking and an acceptable access point along with footpaths to link the proposal to Main Street. Additionally, no harm has been raised by the Council in this regard. Therefore, the proposal would have an acceptable effect upon highway safety.

Conditions

12. The approved plans are listed for certainty. A construction method statement would be necessary to ensure that the construction of the development poses no highway safety issues or inconvenience to surrounding residential properties.
13. Drainage details are necessary to ensure that foul and surface water is adequately and safely disposed of. A method statement of construction in relation to the railway is necessary in the interests of railway safety.
14. An external lighting scheme, ecology mitigation during construction and bat and bird boxes are required in the interests of biodiversity. Clearance of the site outside bird breeding season is necessary to ensure the protection of breeding birds. The car parking shall be laid out to ensure adequate parking provision.
15. Soundproofing details are necessary in the interests of protecting the future occupiers from noise associated with the railway line and A1 trunk road. The access is required to be completed and surfaced in a bound material in the interest of highway safety.
16. Pre-commencement conditions are necessary as it is fundamental to have these details agreed before work on site commences.
17. I have not included a condition regarding unregulated discharge of surface water from the access because this will be detailed in the surface water condition and thus it is unnecessary.

Conclusion

18. For the reasons above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 005 HDL A102 Rev H, 005 HDL A100 Rev C, 005 HDL A101 Rev C, 005 HDL A104 Rev C, 005 HDL A105 Rev B and 005 HDL A106 Rev B.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) No development shall take place until a scheme for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The relevant works shall be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme for the construction of off-site highway improvement works has been submitted to and approved in writing by the local planning authority. This shall include:
 - i) A footpath on each side of Hollowdyke Lane to link with the footpath on Main Street. The northern footpath on Hollowdyke Lane shall provide linked access from both the vehicular access point and the pedestrian access point.

The scheme shall be completed in accordance with the approved details prior to first occupation of any dwelling of the development hereby approved.

- 7) No development shall take place until a method statement has been submitted to and approved in writing by the local planning authority. This should include an outline of the proposed method of construction, risk assessment in relation to the railway, construction traffic management

plan and the use of any vibro-compaction machinery. The construction works shall be implemented in accordance with the approved details.

- 8) Prior to commencement of development, a scheme for all external lighting shall be submitted to and approved by the local planning authority in writing. The scheme shall follow the guidelines set out in Bats and Lighting in the UK (BCT, 2009). The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings.
- 9) Prior to commencement of development, a soundproofing scheme shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 10) Prior to commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) Provision of pedestrian access around the entire building; and
 - ii) Indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - iii) 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, densities, proposed location and approximate date of planting). The scheme shall include all external boundaries of the site, and be designed so as to enhance the nature conservation value, including the use of locally native plant species.
 - iv) Minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.

The relevant works shall be carried out in accordance with the approved details in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 11) Prior to occupation of any dwellings, a scheme for 2 bat boxes and 2 bird boxes, including details and the precise positioning, shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 12) Prior to occupation of any dwellings, a scheme of all boundary treatments, including types, height, design and materials, shall be submitted to and approved in writing by the local planning authority. The relevant works shall be carried out in accordance with the approved details prior to the occupation of any dwellings and retained thereafter.
- 13) No part of the development shall be occupied until the access to the site has been completed and surfaced in a bound material for a minimum

distance of 5m behind the highway boundary in accordance with the approved plan 0005-HDL A102 Rev. H.

- 14) No part of the development shall be occupied until the parking/turning areas are provided in accordance with the approved plan 0005-HDL A102 Rev. H. The parking/turning areas shall not be used for any purpose other than the parking/turning of vehicles.
- 15) No removal of, or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 16) The precautionary approach to ecology during construction works as outlined in paragraph 6.2.2 c of the Extended Phase I Habitat Survey by BJ Collins dated June 2017 submitted in support of this application shall be adhered to in that:
 - i) Prior to construction a pre-commencement check should be made by an ecologist to confirm that no new badger setts have become established within 30m of the site;
 - ii) During construction open trenches should be closed overnight or if left open include a sloping end or ramp to allow any badgers or other animal that may fall in to escape; and
 - iii) Any pipes over 200mm in diameter should be capped off at night to prevent animals entering.

*****End of Conditions*****