

Report to Planning Committee 16 February 2023 Business Manager Lead: Lisa Hughes – Planning Development Lead Officer: Amy Davies, Planner, ext. 5851

Report Summary			
Application Number	22/02248/FUL		
Proposal	Erection of New Dwelling; Alteration of Existing Dwelling; Demolition of Existing Garage and Shed and Erection of New Garaging		
Location	11 Station Road, Collingham, NG23 7RA		
Applicant	Miss Charlotte Palmer	Agent	Mr Anthony Northcote - TOWN-PLANNING.CO.UK
Registered	22 November 2022	Target Date	17 January 2023
		Extension of Time	17 th February 2023
Recommendation	That planning permission is APPROVED subject to the Conditions set out in Section 10 of the report		

Local Ward Member Councillor Linda Dales has called-in the application for Planning Committee consideration as the Parish Council's Objection to the application is contrary to the planning officer's recommendation.

1.0 <u>The Site</u>

The application relates to the existing residential curtilage of a two-storey semi-detached dwelling located on the north side of Station Road, within the village of Collingham. The site is located near to but outside of the designated conservation area. To the north-east is the car park of the Local Centre Co-op store and to the north-west is a medical centre. The long rear gardens of Nos. 9 and 17 Station Road lie to the west and east respectively. The plot wraps behind the adjacent rear garden of No.15 Station Road (there is no No.13).

2.0 <u>Relevant Planning History</u>

Application site:

2077213 – Extension and garage to existing dwelling. Permitted 03.05.1977

Land to rear of No 5 Station Road:-

19/00537/FUL – New two storey house with built in garage, new driveway from existing access off Station Road to be shared with existing house. Refused 03.07.2019 on the following grounds:-

- 1. In the opinion of the Local Planning Authority, the proposed development is considered to be out of keeping with the general character and density of existing development and would adversely and unacceptably impact upon the historic grain, character and appearance of the designated Collingham Conservation Area village by virtue of its design, scale and plan form. As such, it fails to meet the minimum requirement in statute (Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) of preservation and rather would erode the character and appearance of this part of Station Road. Whilst amounting to less than substantial harm, in line with paragraph 196 of the NPPF, this harm is not considered to be outweighed by any public benefits of the proposal. The siting and scale of the dwelling would also result in an adverse impact upon the living conditions of the adjacent occupiers by virtue of an overbearing, loss of outlook and perceived overlooking impact. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 9 (Sustainable Design) and Core Policy 14 (Historic Environment) of the adopted Amended Core Strategy (2019) and Policy DM5 (Design) and Policy DM9 (Protecting and Enhancing the Historic Environment) of the adopted Allocations and Development Management DPD (2013).
- 2. In the opinion of the Local Planning Authority the proposal has failed to maximise opportunities for conserving existing trees on site and it has not been demonstrated that root protection areas of trees and hedgerows proposed for retention would not be indirectly harmed by the development which could result in a negative impact upon the visual amenity and biodiversity of the area. No ecological appraisal has been submitted with the planning application. As such the potential ecological impacts of the development in relation to any protected species on site (or immediately adjacent) are unknown, particularly resulting from the proposal removal of trees. As such, it is considered that the Applicant has failed to demonstrate that there would be no adverse ecological impacts arising from the development. The proposal is therefore contrary to the NPPF which forms a material consideration as well as the Development Plan namely, Core Policy 12 (Biodiversity and Green Infrastructure) of the Amended Core Strategy (adopted March 2019) and Policies DM5 (Design) and DM7 (Biodiversity and Green Infrastructure) of the Allocations and Development DPD (adopted July 2013).

Land to the rear of No. 7 Station Road:-

14/01190/FUL – Two Storey Dwelling and Garage. Refused 28.08.2014. Appeal Allowed 04.02.2015. This has been implemented.

3.0 <u>The Proposal</u>

The application proposes the erection of a new two-storey detached dwelling measuring approximately 14.2-metres by 9.4-metres with a pantile pitched roof measuring approximately 5.3-metres to eaves and 8.3-metres to the ridge. The proposed new dwelling would be constructed of bricks and clay pantiles and have a traditional character and appearance. It would include a hall, w.c., kitchen/dining room, utility, living room and study to the ground floor and four bedrooms, two with en-suites, and a bathroom to the first floor.

The application also proposes the erection of a timber garage/cart shed building to serve the existing and proposed dwelling. The proposed garage would measure approximately 13.5-metres by 7-metres and include a hipped roof measuring approximately 2.3-metres to eaves and 4.8-metres to the ridge.

The application also proposes to relocate the main entrance door from the side to the front elevation of the existing "host" dwelling (No. 11 Station Road).

4.0 <u>Departure/Public Advertisement Procedure</u>

Occupiers of nine properties have been individually notified by letter.

Site visits undertaken 08 July 2021 (pre-application visit) and 19 January 2023 (application visit)

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

- Spatial Policy 1: Settlement Hierarchy
- Spatial Policy 2: Spatial Distribution of Growth
- Spatial Policy 7: Sustainable Transport
- Core Policy 9: Sustainable Design
- Core Policy 10: Climate Change
- Core Policy 12: Biodiversity and Green Infrastructure
- Core Policy 14: Historic Environment

Allocations & Development Management DPD (adopted July 2013)

- Policy DM1 Development within Settlements Central to Delivering the Spatial Strategy
- Policy DM5 Design
- Policy DM7 Biodiversity and Green Infrastructure
- Policy DM9 Protection and Enhancing the Historic Environment
- Policy DM12 Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance (online resource)
- Newark and Sherwood Housing Needs Assessment by Arc4 2021
- Residential Cycle and Car Parking Standards and Design Guide SPD 2021
- Nottinghamshire Highway Design Guide 2021

6.0 <u>Consultations</u>

Collingham Parish Council – Object

- The Parish of Collingham has already met and exceeded its housing targets for market housing in the current plan period (to 2033);

- Design and visual impact the new dwelling would not be in-keeping with surrounding properties and constitutes inappropriate backland development;
- Should permission be granted, the garages should be conditioned to remain ancillary to the host dwellings.

1no. letter of Support has been received.

1no. letter of Objection has been received, which can be summarised as follows:

- Access is very narrow;
- Potential for noise and disturbance and water damage from use of driveway;
- Dwelling size overbearing to host dwelling and neighbouring dwellings;
- Negative impact on local distinctiveness and character;
- Vehicle parking will detract from views of garden landscape.

7.0 <u>Comments of the Business Manager – Planning Development</u>

The National Planning Policy Framework promotes the principle of a presumption in favour of sustainable development and recognises that it has a duty under the Planning Acts for planning applications to be determined in accordance with the Development Plan. Where proposals accord with the Development Plan they will be approved without delay unless material considerations indicate otherwise. The NPPF also refers to the presumption in favour of sustainable development being at the heart of the NPPF and 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 Council's Adopted Core Strategy details the settlement hierarchy that will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services.

The village of Collingham is identified as a Principal Village within the settlement hierarchy and has a defined village envelope, within which the site sits. It is a location where provision will be made for new housing to meet local housing need and support for employment to provide local jobs in order to secure the village's role as a sustainable community.

The Council's latest District Wide Housing Needs Assessment 2020 outlines the housing needs for the Collingham sub-area. In terms of the need for additional housing, the 2020 HNA outlines that Collingham needs more 3 and 4-bedroom family housing. The proposed new dwelling, by virtue of being a 4-bedroom house in scale would therefore contribute positively towards meeting the housing needs of this part of the District, as outlined in Spatial Policy 2 'Spatial Distribution of Growth' and Core Policy 3 'Housing Mix, Type and Density' of the Amended Core Strategy DPD. Notwithstanding this, it should be noted that the Council has an up-to-date plan and can demonstrate a deliverable five-year housing land supply. Collingham Parish Council has also objected to the proposed development citing the village has already met and exceeded its housing targets for market housing in the current plan period (to 2033). However, housing targets are not intended to limit the number of market houses in any given area.

Impact on character

Core Policy 9 'Sustainable Design' of the Adopted Core Strategy DPD requires new development proposals to, amongst other things, "achieve a high standard of sustainable design and layout that is capable of being accessible to all and of an appropriate form and scale to its context complementing the existing built and landscape environments" and "demonstrate an effective and efficient use of land that, when appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character".

In accordance with Core Policy 9, all proposals for new development are assessed with reference to the design criteria outlined in Policy DM5 'Design' of the Allocation and Development Management DPD, which states;

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.

Inappropriate backland and other uncharacteristic forms of development will be resisted.

The proposal would constitute backland development within a residential area. Relevant planning history indicates the LPA has not supported backland development in this area, albeit to the rear of a neighbouring properties that fall within the designated conservation area i.e., No. 5 Station Road (planning application reference 19/00537/FUL) and No. 7 Station Road (planning application reference 14/01190/FUL). There was an appeal against the LPA's decision to refuse planning application 14/01190/FUL, which was allowed at appeal and granted for a new two-storey house and garage, which has been built. In reaching their decision, the Inspector noted the following regarding backland development in Collingham:

Whilst the long linear shape of the existing plot is a characteristic of this part of Station Road, is not typical of the rest of the conservation area. The general character of the conservation area in terms of layout is of varied plot size and orientation, as the village has been subject to piecemeal infill development over time. The appeal proposal would subdivide the garden of 7 Station Road, forming a new plot and dwelling to the rear. Whilst this would result in backland development, there are other examples of backland development within Collingham, along Station Road and off High Street and Low Street within the conservation area. These indicate that backland development is in part characteristic of the way Collingham has evolved over time. Therefore, I consider that the form of development proposed, in terms of its density and layout, would be in keeping with the general character of development in this part of Collingham and the conservation area as a whole.

The application proposes a similar arrangement to the rear of the dwelling at No. 11 Station Road. However, the site is comparably larger than that to the rear of No. 7, as it includes land that wraps behind the adjacent rear garden of No.15 Station Road. The site falls outside of the designated Collingham Conservation Area boundary. The abovementioned appeal decision is a material consideration in determining the proposed application, but does not set a precedent for backland development, as each application must be determined on its individual merits. Public comments suggest the proposal is not in-keeping with the character of the area, however, it is considered the proposal has been sensitively sited and designed to respect the established character and density of development. Furthermore, whilst the proposal would constitute backland development, it is not considered such development would be inappropriate or harmful in the context of this site or the surrounding area, particularly as it has been determined that backland is a characteristic form of development in this part of Collingham. In terms of cumulative impacts, it is not considered the proposal, together with existing backland developments to the rear of No. 7 Station Road and at No. 1 Station Road, would harm the established character and appearance of the area. Any future applications for backland development would be assessed on its individual merits, at which time a further assessment of cumulative impacts would be made.

The application is supported by a Topographical Survey which illustrates fluctuating ground levels across the application site. These level changes appear to mainly result from trees and tree roots, some of which are proposed to be removed, so some levelling of the site of the proposed new dwelling will be required. However, no details of finished ground or floor levels for the proposed development have been submitted as part of the application. It is therefore considered necessary and reasonable to impose a condition requesting submission of these details prior to the commencement of development in relation to the new dwelling.

The proposed new dwelling would have a traditional appearance although there are insufficient details regarding exact materials and architectural details including windows, doors, rainwater goods and other external accretions. It is therefore considered appropriate to impose conditions on any approved application requiring details of materials, i.e., bricks and roof tiles, and architectural details, i.e., windows, doors, rainwater goods etc, to be submitted to and agreed with the LPA prior to their use in the development. Similarly, there are insufficient details regarding the treatment of areas surrounding the dwelling. Consequently, it is also considered appropriate to impose a condition on any approved application requiring details of hard and soft landscaping to be submitted to and agreed in writing with the LPA prior to occupation of the dwelling.

Regarding the proposed timber garage/cart shed building. This would essentially comprise of two two-bay open-sided garages/cart sheds positioned back-to-back, with each open side facing its respective dwelling (i.e., the existing dwelling at No. 11 Station Road and the proposed new dwelling). The proposed scale and finishing materials would ensure a subservient appearance that could assimilate well with the site and surrounding area. Consideration has been given to the Parish Council's suggestion to condition the use of the garages. However, it is not considered necessary or reasonable to do this, as any change from incidental use would be investigated as a potential breach of planning control.

Finally, the proposal to relocate the main entrance door from the side to the front elevation of the existing "host" dwelling would have no adverse impacts on the character and appearance of this property nor the wider street scene.

Subject to the recommended conditions, the proposal would not result in an unacceptable impact on the character and appearance of the area and would generally accord with Core Policy 9 and Policy DM5 of the DPD.

Impact on residential amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. New development must also be afforded an adequate standard of amenity.

The proposed block plan indicates there would be a separation distance of approximately 60-metres between the proposed new dwelling and the host dwelling to the south. The proposed garage building would also sit directly between the two dwellings ensuring no unacceptable reduction in amenity. The garden of No. 9 Station Road sits between the application site and the dwelling to the rear of No. 7 Station Road, however, it is not considered the proposal would result in unacceptably overbearing impacts or issues of overlooking / loss privacy, as the proposed new dwelling would be sited approximately 3-metres off the boundary and partially screened by several nature trees along the boundary.

The proposed elevations for the new dwelling show there would be two high-level bedroom windows to the east facing side elevation. These windows would be secondary windows and, due their high level, unlikely to cause unacceptable issues of overlooking or loss of privacy.

Occupiers of both the existing and proposed dwellings would enjoy adequate external private amenity space. The rear garden to the proposed new dwelling would be sited the other side of the boundary shared with the car park of the Lincolnshire Co-op store, which is demarcated by a mix close-boarded fencing and trees. Whilst the proposed new dwelling would be sited closer to the boundary than the existing dwelling, it is considered the proposed rear garden would provide adequate separation between the two sites to ensure no unacceptable amenity for future occupiers.

Neighbour concerns regarding noise and disturbance from shared use of the driveway have also been noted, however, it is not considered the increased use of the driveway to serve one additional dwelling would result in unacceptable issues of noise and disturbance.

Overall, it is considered there would be no adverse impact on the amenities of neighbouring residents nor future occupiers of the proposed new dwelling in accordance with the relevant provisions of Policy DM5 of the DPD.

Impact upon highway safety

Policy DM5 requires the provision of safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals that place an emphasis on non-car modes as a means of access to services and facilities.

The application has been assessed with reference to Nottinghamshire County Council's Highway Design Guide and Newark & Sherwood District Council's Residential Cycle and Car Parking Standards and Design Guide Planning Document 2021.

The proposed development would utilise the existing vehicular driveway from Station Road and include provision of four car parking spaces and secure bicycle storage, in accordance with the requirements of the abovementioned design guidance. Public comments regarding the width of the driveway have been noted, however, it is clear from the submission that the width would meet the relevant width requirements for a shared private drive. The proposal is therefore considered acceptable in highway safety terms.

Impact on Trees

Core Policy 12 of the Amended Core Strategy DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the Allocations &

Development Management DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The application is supported by a Tree Survey Report prepared by CBE Consulting dated 21 July 2022. The submitted report indicates that fruit trees within the garden – Trees T6, T8, T9 and T10 – would be removed to facilitate the proposed development. These trees are all considered to be of low quality and their removal would not harm the local landscape or visual amenity. It is also suggested that Cypress Trees T12 and T13 be removed to allow access into the rear garden. These have been categorised as Class C trees. Finally, there are two Ash – Trees T3 and T4 – that are in decline and recommended to be removed (classified as Category U (unclassified) trees). Remaining trees are described to be of reasonable quality and proposed to be protected in accordance with measures outlined in the submitted report. Whilst the loss of trees is regrettable, it is noted the abovementioned trees are sited well within the applicant's private garden and a significant distance from the public highway. Consequently, their recommended removal is considered reasonably justified in this case. Subject to a condition to secure tree protection measures and replacement planting as part of a landscaping scheme it is considered the proposed development accords with the relevant provisions of the abovementioned policies in this regard. Future new soft landscaping would also secure gains in biodiversity as required by policy.

Flood risk and drainage

The application site is located within Flood Zone 1, as shown on the Environment Agency's Flood Map for Planning and is therefore at low risk of fluvial flooding.

The application indicates that surface water would be disposed of via soakaways, which are considered a suitable drainage solution for this site.

Regarding foul water drainage, the application confirms the proposed new dwelling would connect to an existing sewer in the driveway, which is shown on the submitted topographical survey.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 <u>Conclusion</u>

The proposed development represents sustainable development that would not result in an unacceptable impact on the character and appearance of the area and would have no adverse impact on the amenities of neighbouring residents in accordance with Core Policy 9 -Sustainable Design of the Newark and Sherwood Amended Core Strategy DPD (adopted March 2019) and policies DM5 – Design and DM6 – Householder Development of the Allocations & Development Management DPD; and relevant policies and guidance contained within the National Planning Policy Framework (2021) and accompanying Planning Practice Guidance. No adverse impacts have been identified in respect of highway safety, trees and biodiversity or flood risk and drainage. It is therefore recommended that planning permission be approved, subject to the conditions and reasons shown below.

10.0 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

No part of the development in respect of the new dwelling hereby approved shall be commenced until details of proposed finished ground and floor levels 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.

Reason: In the interests of residential and visual amenity.

03

No development in relation to the following details shall be commenced until manufacturer's details and samples as required have been submitted to and approved in writing by the Local Planning Authority.

- Bricks (for infilling on the existing dwelling and construction of the new dwelling);
- Brick sample panel (for the new dwelling, showing brick bond, mortar finish and pointing technique);
- Timber cladding (for the timber garage/cart shed building);
- Roofing materials (for the new dwelling and the timber garage/cart shed building).

Development shall thereafter be carried out in accordance with the approved details and sample panel.

Reason: To ensure the development takes the form envisaged and in the interests of visual amenity.

04

No development shall be commenced in respect of the features of the new dwelling hereby approved as identified below, until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the Local Planning Authority.

• External windows, doors, and their immediate surroundings, including details of glazing and framing;

- Treatment of window and door headers and cills;
- Rainwater goods, extractor vents, flues, airbricks, soil and vent pipes;
- Eaves, verges and ridge.

Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

Reason: To ensure the development takes the form envisaged and in the interests of visual amenity.

05

Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for tree losses 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;
- existing trees and hedgerows which are to be retained as detailed within the submitted Tree Survey Report prepared by CBE Consulting dated 21 July 2022);
- details of new boundary treatments, including gates (height and appearance);
- details of any other means of enclosure;
- permeable driveway, parking and turning area materials;
- other hard surfacing materials.

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details. If within a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

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

06

Prohibited activities

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

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

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

07

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

- 1885 A 2 Block Plan;
- 1885 A 1 Plans and Elevations (New Dwelling and Garages);
- 1885 A 3 As Existing and Proposed (Host Dwelling);
- Tree Protection Measures detailed within Section 4.2 and shown on Figure 4 Root Protection Area Plan of the Tree Survey Report prepared by CBE Consulting dated 21 July 2022.

Reason: So as to define this permission.

<u>Informatives</u>

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. 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 pre-application discussions and has been approved in accordance with that advice. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

BACKGROUND PAPERS Application case file.

