

Report to Planning Committee 16 March 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Helen Marriott, Senior Planner, ext. 5793

Report Summary			
<b>Application Number</b>	22/02258/FUL		
<b>Proposal</b>	Detached dwelling with integral garage and new vehicular access.		
<b>Location</b>	Land at Ossington Road, Kneesall		
<b>Applicant</b>	Mr Glenn Knight	<b>Agent</b>	Mr Brabban
<b>Registered</b>	30 November 2022	<b>Target Date</b>	25 January 2023
		<b>Extension of Time</b>	17 March 2023
<b>Link to file</b>	<a href="#">22/02258/FUL   Detached dwelling with integral garage and new vehicular access   Land At Ossington Road Kneesall (newark-sherwooddc.gov.uk)</a>		
<b>Recommendation</b>	That planning permission is APPROVED subject to the Conditions set out in Section 10 of the report		

Local Ward Member Councillor Michael has called-in the application to Planning Committee as the Parish Council’s objection to the application is contrary to the officer recommendation and due to future parking issues with the application being adjacent to Kneesall School.

### 1.0 The Site

The application site lies at the northern end of Kneesall village within the Conservation Area. At the corner of Ossington Road and School Lane, this site occupies a prominent position east of No. 42 Ossington Road, a modern bungalow. Grade I listed church of St Bartholomew can be seen approx. 200 metres away to the south of the site.

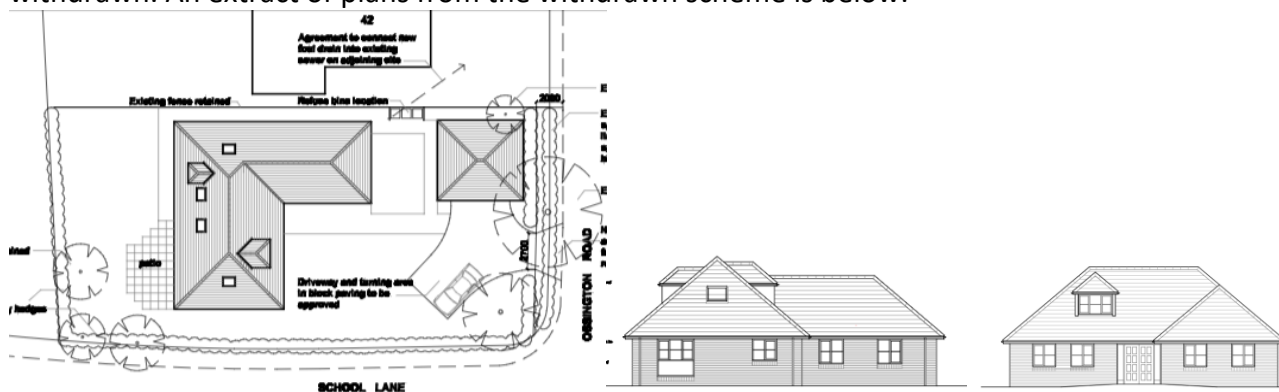
The site comprises a rectangular shaped parcel of overgrown land measuring approximately 18m wide and 37.5m in depth. This is separated from the garden serving No. 42 with 2m high approx. timber fencing. The site is relatively flat and is bound with a 2m high approx. hawthorn and rowan

hedge to all other boundaries including the two road frontages. There are a number of trees within and around the periphery of the site.

There are varied styles of dwellings in the vicinity of the site, mainly two storey properties with the exception of the adjacent bungalow. Kneesall C of E Primary School lies to the south of the site. Open countryside is located on the opposite side of School Lane to the east of the site.

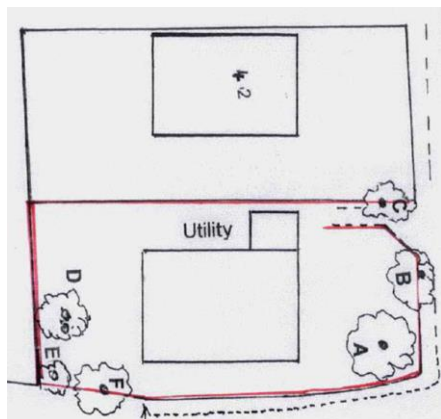
## 2.0 Relevant Planning History

**22/00331/FUL** Erect a Detached Dwelling and Detached Garage and form new vehicular access – withdrawn. An extract of plans from the withdrawn scheme is below:



**12/01258/OUT** Erection of 1 No. dwelling – refused 01.11.2012 for the following reasons (summarised):

1. *The application fails to demonstrate that there is an identified proven local need for the dwelling in this rural area.*
2. *This open site surrounded by native hedging and trees in good condition is considered to form an attractive entrance to the village from the east, positively contributing to its character and appearance. Views are afforded of the listed St. Bartholomew's Church to the south-west through the site. The erection of a dwelling to the scale parameters specified would, in the opinion of the Local Planning Authority, unacceptably erode views of the church and result in the loss of a site that plays an important part in contributing positively to the rural character and appearance of the Conservation Area. This would be particularly harmful given that the site lies at a prominent position and the entrance to the village where one would expect the densities to be lower as the village transcends into the countryside.*



*Refused indicative site plan NB details submitted also proposed a garage store not indicated on this plan.*

This decision was subsequently appealed. The Inspector agreed with the reasons and the appeal dismissed 26.06.2013.

**03/02719/FUL** Proposed Bungalow – refused 05.02.2004 for the following (summarised) reasons:

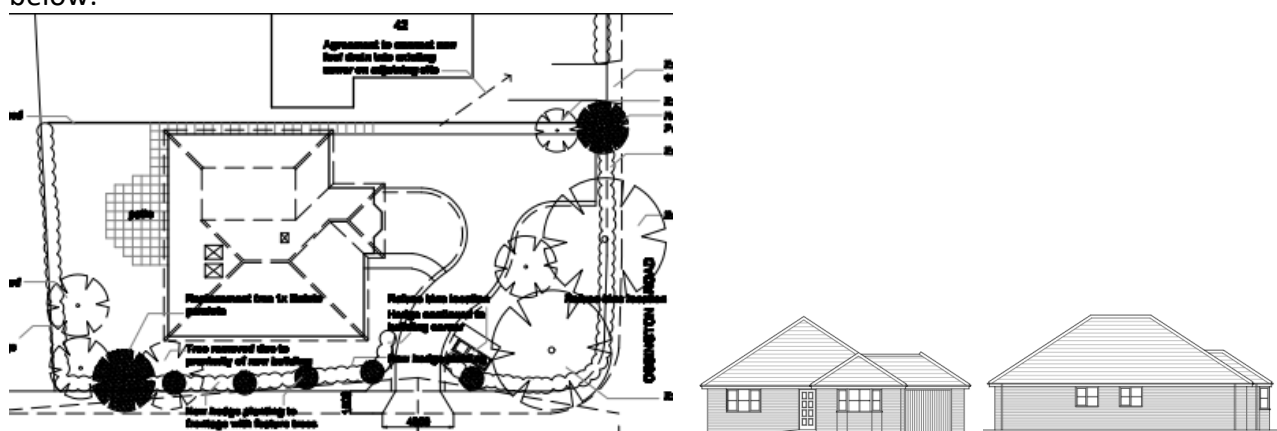
1. The siting and layout of the proposed bungalow is inappropriate and does not reflect the character of the locality in terms of layout. In addition the proposal does not respect the trees, on the eastern boundary of the site, which are important features and contribute to the character of the surrounding area.
2. The siting of the large bungalow in this prominent location and its inappropriate design would conflict with the future growth of the established trees on the eastern boundary, and would harm the character and appearance of the Conservation Area.
3. Adverse impact on trees which positively contribute to the character and appearance of the Conservation Area.

**1960's** Planning history/historic plans indicate a likely approval in the 1960s for a pair of bungalows but only one has been built out (No 42 Ossington Lane) and extant permission for a dwelling on the enquiry site no longer exists.

### 3.0 The Proposal

The application proposes the erection of a 1.5 storey dwelling with integral garage. A new access would be created off School Lane, following the withdrawal of a previous application due to concerns that the originally proposed access off Ossington Road would likely result in the loss of a mature tree and combined with the proposed dwelling design would result in an adverse impact upon the character and appearance of the Conservation Area. This access off School Lane would still require removal of a section of hedgerow, including the provision of required visibility splays.

The proposed dwelling would have a hipped roof (with a hidden flat-topped roof section over the garage area). It would contain 3 bedrooms (one at 1<sup>st</sup> floor level and 2 at ground floor level). External materials would comprise facing brickwork and a tiled roof. Windows would be a mixture of plain glazed cottage casements and bi-fold patio doors. Extracts from the proposed plans are below:



The following documents have been submitted with the application:

- Site Location Plan (received 21.11.2022)
- P22.1511.01 Rev D Proposed Plans
- P22.1511.02 Rev D Proposed Elevations, Site Plan and Access Details

- P22.1511.03 Proposed Part Street Elevation
- Speed Survey (by HAS 04.11.2022)
- Tree Survey ( by Ligna Consultancy 30.01.2023)
- Heritage Statement
- Design and Access Statement
- Preliminary Ecological Appraisal (March 2022)

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of eight properties have been individually notified by letter. A site notice was posted and the site visited on 02.12.2022. An advert was also placed in the local newspaper.

#### **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 3 - Rural Areas  
 Spatial Policy 7 - Sustainable Transport  
 Core Policy 3 - Housing Mix, Type and Density  
 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 DM5 – Design  
 Policy DM7 – Biodiversity and Green Infrastructure  
 Policy DM9 – Protecting and Enhancing the Historic Environment  
 Policy DM12 – Presumption in Favour of Sustainable Development

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

- National Planning Policy Framework
- 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 Consultations**

**Kneesall Parish Council** – The Parish Council objects to the above application and I understand that a number of Villagers have also objected to the proposal. Among the comments passed to me regarding this application include:

1. The supposed improved access is no better than the previous one and is likely to continue to cause problems during school drop off and pick up times.

2. The school pupils make regular trips by bus for swimming etc and it reverses onto School Lane to pick up children which frequently has cars parked on the Lane.
3. The travelling library also stops on School Lane to allow it's use by pupils as do delivery vehicles.
4. Ossington Road, despite being a 30mph speed limit (20mph at school pick up and drop off times), suffers from speeding motorists on a regular basis particularly at shift change times at what was Caledonian Mining Co.
5. Ossington Road residents close to the school Lane junction suffer from having their driveway access point blocked during the school drop off and pick up times.
6. Ossington Road residents have on occasions called the police as a result of obstructive parking.
7. The proposed new build is in a conservation area and it is proposed to cut down trees and also there is no mention of a reduced height building to be more in keeping with the existing property.
8. Voting-No objection 2 Against 4 Abstain 2

Further comments received 02.02.2023 as follows:

#### Revised Tree Survey

- Concerns remain over the new hedgerow around the property. The current hedgerow appears to be replaced with new hedgerow that will clearly impact on the entrance to the village. Plans submitted are not clear of the height of the hedgerow, impressions give this will be much lower than the existing 2 to 2.5m hedgerow that is currently in place. Anything lower will have a massive impact on the entrance to the village.
- Questions remain on why a new hedgerow as this will impact on wildlife and again the conservation area.
- The new proposal still removes a mature tree and replaces with something that will have a much smaller impact on the landscape.

#### Road Safety

- Concerns for road safety, in particular the Primary School users remain. Regarding the Highways Agency review dated 23rd December 2022 this has not taken into account the extreme parking issues and traffic congestion during school pick up and drop off. The proposed site always has a line of cars parked around it every day. I would urge someone to come and see it for themselves, every school day at 8:30am or at 3:25pm (Friday 2:10pm).
- Within the Highway Review it suggests the garage is only to be used for cars so that there is room to manoeuvre on the drive to leave in a forward gear. How can this be upheld? A recent study by thisismoney.co.uk suggests only 22% of garage owners use them for vehicles. So I would deem this is highly unlikely.

Further I would like to point out that this site has had a number of planning proposals for over 40 years that have been rejected. I would urge planners to consider the views of their colleagues over this time when making this decision. It is likely if this plan is approved that the site will be sold on and a developer will then propose further changes and when will this end? The village already has a number of approved sites that are currently in the process of being developed. There is no requirement for this site to be developed. All village residents surrounding the site have objected to this proposal, I would like assurances that these carefully constructed opinions have been considered. It appears the planning process offers the proposer the opportunity to revise plans but public consultation on revisions are not possible.

**Historic England** – no comment.

**NCC Highways** – The applicant has been in consultation with the Highway Authority after the planning application ref. 22/00331/FUL was withdrawn. The scheme proposed in this application is acceptable in highway safety terms; however, it is advised that the access to the site is constructed prior the works commencing on site to allow for a safe access at all times. There are no highway objections to the proposal, subject to conditions.

**NSDC Tree Officer** – No objection confirmed verbally subject to conditions requiring an arboricultural method statement and a landscape scheme (requiring 12-14 nursery hedgerow stock).

**NSDC Conservation Officer** – The revised site plans, combined with the advice of the Tree Officer, now seem to comprise an acceptable scheme with regards to site access. It is accepted that there would be a break in the roadside greenery to physically access the site off School Lane, but this is now balanced by the continuation of the hedge line in a splayed angle into the site, which from oblique views would effectively help create the sense of a continuous boundary, along with control over the species, maturity of the hedge, use of trees in this boundary which should create a strong green boundary here. These comments, together, with the Tree Officer's views of limited amenity of the existing hedge, the limited protection of hedges generally, and the character here which shows strong green boundaries but with limited openings (see school opening further down School Lane, 5 bar gates on Ossington Road), would create an impact here which would now, in the opinion of Conservation, preserve the character and appearance of the Conservation Area of Kneesall.

**4 letters of objection have been received from occupants of neighbouring properties/interest parties, which can be summarised as follows:**

- Land is not suitable for any dwelling close to the primary school and is a speculative development not needed in Kneesall;
- Too close to corner of the busy junction and would impede the safe access to the primary school which already has parking issues during school times;
- The traffic survey undertaken over a small period of time does not give an accurate picture of volumes of traffic or speeds – the roads are extremely busy particularly during school pick-up and drop-offs including school buses and/or if there has been an accident on the nearby major road network and/or during a school event;
- Cars parking along entire length of School Lane make it impossible to pass at school pick up/drop off times especially for larger vehicles. There have been a number of near misses;
- Proposal would prevent safe access for school children to the mobile library that parks on Ossington Road;
- Police intervention required due to obstruction of driveways would increase;
- The proposal would not deliver a high standard of design and would damage the character and appearance of the Conservation Area;
- Views of the Grade 1 Listed Church would be impacted, especially from front windows of dwellings long Ossington Road;
- The dwelling would be squashed and ruin the rural aspect of this part of the village;
- Mature trees and scarce species should be protected at all costs;
- Adverse impact on bats, birds and hedgehogs;
- The dwelling would be close to the boundary which would impact on light, outlook and have an overbearing impact on neighbouring bungalow. The resulting roof appears higher than the bungalow next door;
- The application contradicts the Governments drive to reduce our carbon footprint;

- The proposal refers to the original lapsed planning permission from the 1960's, assuming the school was even there then, school traffic would have been very little.

## **7.0 Comments of the Business Manager – Planning Development**

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 settlement hierarchy for the district is set out in Spatial Policy 1 whilst Spatial Policy 2 deals with the distribution of growth for the district. This identifies that the focus of growth will be in the Sub Regional Centre, followed by the Service Centres and Principal Villages. At the bottom of the hierarchy are 'other villages' which do not have defined built up areas in terms of village boundaries. Consequently given its location in a rural area, the site falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. It states that 'Beyond Principal Villages, proposals for new development will be considered against the following criteria' then lists location, scale, need, impact and character for consideration as set out below.

### *Location*

The first criterion 'Location' states 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs'. The policy further states that 'within settlements which do not meet the locational criterion of this policy but are well related to villages that do, consideration will be given to the infilling of small gaps with 1 or 2 dwellings so long as this does not result in the joining of outlying areas into the village in question, or the coalescence with another village'. I consider the site to be within the built-up area of the village of Kneesall which does contain some services to meet day to day needs.

### *Scale*

New development should be appropriate to the proposed location and small in nature. This criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section below. One additional dwelling is considered small scale.

### *Need*

New housing can be considered acceptable where it helps to support community facilities and local services. The occupants of the proposed dwelling would likely support community services and facilities including the church, school and the local bus services. Whilst the lack of local need

was previously a reason for refusing application 12/01258/OUT, this reason related to a now superseded development plan policy.

Additionally, it is worth noting that the Council's latest District Wide Housing Needs Assessment 2020 outlines the housing needs for the Sutton on Trent sub-area within which Kneesall is located. In terms of the need for additional housing, the 2020 HNA outlines that the highest need in this area is for more 3 and 4-bedroom housing. The proposed new dwelling, by virtue of being a 3-bedroom house would therefore contribute towards meeting the housing need in 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 is noted that this is a windfall site and the Council has an up-to-date plan and can demonstrate a deliverable five-year housing land supply.

### *Impact*

New development should not generate excessive car-borne traffic from out of the area. New development should not have a detrimental impact on the amenity of local people and not have an undue impact on local infrastructure, including drainage, sewerage systems and the transport network. It is also considered one additional dwelling is unlikely to materially affect the transport network in terms of increased traffic levels in volume with impact upon Highway safety also discussed in detail in the relevant section below.

### *Character*

Policy SP3 states new development should not have a detrimental impact on the character of the area. This matter is dealt with in the relevant section below.

### Impact on Visual Amenity including the Character and Appearance of the Conservation Area and the Setting of the Listed Church

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*". 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.

By virtue of its layout, scale, form and appearance, the proposed new build house and access arrangements, including tree and hedgerow removal, can impact on the character and appearance of the Kneesall Conservation Area (CA). In deciding this application the Local Planning Authority (LPA) will need to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA, as set out under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

In addition, section 66 of the Act requires the LPA to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. The setting of heritage assets is defined in the Glossary of the NPPF which advises that setting is the surroundings in which an asset is experienced. The Grade I listed Church of Bartholomew is visible within and across the site, which offers attractive glimpses of the stone church in a green setting.



Policies CP14 and DM9 of the Council's LDF DPDs both provide advice on considering impact on the historic environment. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the NPPF. The NPPF advises that the significance of designated heritage assets can be harmed or lost through new development. Such harm or loss to significance requires clear and convincing justification. LPAs should look for opportunities to enhance or better reveal the significance of heritage assets when considering development within conservation areas.

The current character of Ossington Road is more historic towards its western end, characterised primarily by farmsteads, giving way to modest C20 housing infill towards the eastern end. This latter infill is a mix of Local Authority style semi – detached, 1960s bungalow and c1980s/90s detached villa style building. While the C20 housing is of no particular architectural or historic interest, the more prominent two storey buildings have a brick and tile material palette and are of a traditional domestic style and have a narrow gable width and steep roof pitch, which help these buildings assimilate into the general vernacular character of the village.

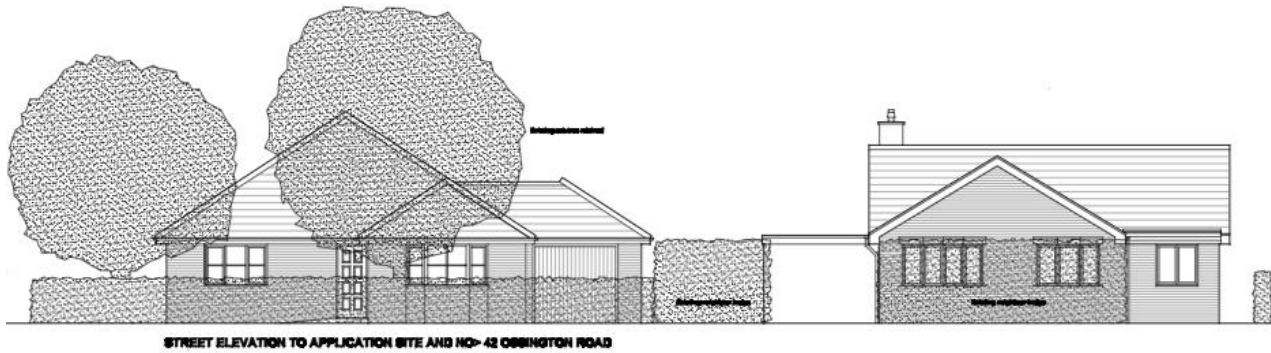
Boundaries on Ossington Road are informal and predominantly green, while School Lane has a hedgerow boundary either side. This green and informal boundary treatment helps denote the small rural village character in an edge of settlement location and is a positive feature in the CA.

As set out in the Planning History section above, an outline application 12/01258/OUT was refused and dismissed at appeal and the Inspector noted that:

*A modest-sized, single-storey dwelling, appropriately designed and located on the site, may not appear out of keeping with the surrounding dwellings or pattern of development, detract from the contribution that the site currently makes to the quality of the conservation area, or conflict with the objectives of policy C4 of the Newark and Sherwood Local Plan (1999). However, whilst all matters are reserved, I share the concerns of the Council that a dwelling of the size and height specified in the DAS would be disproportionate to the plot and out of scale with No. 42.*

Considering the in settlement location, it is agreed (with the Inspector) that the site could be suitable for development, as a general principle. The Conservation Officer also agrees with this view and considered a modest and low impact dwelling on this site would not look out of character or sprawl the village.

Whilst no elevations of the proposed dwelling were provided in relation to the dismissed appeal, the parameters proposed a dwelling and garage with a floor area of 204m<sup>2</sup> approx. and a roof ridge height of 7.2m. By comparison, this application proposes a floor area of 183 m<sup>2</sup> and a roof ridge height of 5.955m. The extract from the street scene elevation provided below shows that the proposed proportions are more akin to the adjacent bungalow. Whilst the overall ridge height is slightly higher, the visual impact is lessened through the lower height of the garage section and the use of a hipped roof which slope upwards away from Ossington Road. As such, the building reads as a small hipped bungalow, limiting its visual impact. The overall design is that of an inter-war/post-war bungalow, with the hipped roof and bay window, and in this respect matches the overall era and style of the C20 development phase of Ossington Road.



The proposed access of School Lane would result in the least harmful access position in terms of the impact upon mature trees (in comparison to the originally proposed access off Ossington Road). The site frontage contains two large mature trees that are considered to be of an amenity value worthy of retention with no space to accommodate an access and visibility spays without the removal of at least one of these trees. On the contrary, the School Lane boundary contains a hedgerow which the Tree Officer has confirmed is not currently protected (despite its Conservation Area location), through which the access to the site is proposed (albeit noting that a larger length of hedgerow removal is required including a mature tree located further to the south of the site is required to accommodate visibility splays (as discussed in more detail in the Impact on Trees and Ecology section below). The proposed access would sit between Ossington Road and the larger adjacent entrance that already exists for the adjacent school site on School Lane, as such the new entrance would not stray beyond the edge of the village development.

Even with this breakthrough the hedgerow, the site would continue to read as part of, albeit the edge of, the village, so a low impact vehicular opening would not necessarily look out of character. Even so, the Conservation Officer initially raised concerns that harm would result from the loss of the green boundary, which is a positive feature in the CA. However, revised plans have been submitted which show the continuation of the replacement hedge line with trees in a splayed angle into the site, which from oblique views would effectively help create the sense of a continuous boundary. In line with Tree Officer advice, conditions are recommended to ensure suitable species and stock sizes to ensure maturity as soon as possible to create a replacement green boundary here.

The position of the access off School Lane means that the building would be set back further from Ossington Road than the adjacent bungalow. However, setting the building further back into the plot off Ossington Road is not necessarily inappropriate here as it would this set back would soften the sense of impact on the sensitive junction.

The proposed new house would also be visible in conjunction with the listed church. In this village context it is not unusual to see the church alongside usual village development, so the structure does not need to be invisible here. Further, it is not the case that every view of a church must necessarily be preserved. In accepting the principle of development here it is understood that the views of the church would change here, but any new property here should retain some sight lines, not detract from views, not create a new landmark structure or eye catcher and would need to be of a form that assimilates well into the character and appearance of the historic village. In these respects, the Conservation Officer considers that the proposed design would achieve this, creating a building with a limited roof area from Ossington Road, allowing potential views either side of the apex of the roof and across the lower garage area. Clearly, the building would limit views in some directions, but the key element is still to allow glimpsed views across the site and this would be achieved. The overall design accords with the C20 phase of this road and the overall bulk of the

building is not unusual in the church's setting. As such, it is felt that the contribution that setting makes to the significance of the church here would not be harmed for the above reasons. Additionally, it is noted that the site boundaries are now quite overgrown but with a new house the boundaries are likely to be better kept and, despite a new building may reveal views of the church.

The proposal has been revised such that it would preserve the character and appearance of the Conservation Area and the setting of the listed church. Subject to the conditions including materials and landscaping, the proposal would not result in an unacceptable impact on the character and appearance of the area and would generally accord with Core Policies 9 and 14 and Policies DM5 and DM9 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.

The adjacent bungalow contains windows and a door on its east facing side elevation facing towards the site (these openings are partly obscured by a canopy and boundary fence). Whilst the proposed dwelling would be located close to the boundary (at 0.5 metres approx.), its set back (by 6 metres approx.) combined with an eaves height of 2.4 metres approx. of the side of the dwelling located closest to this boundary (sloping upwards and away from the boundary to a height of just over 4 metres) would ensure that no materially adverse overbearing or loss of light impacts would result, either upon existing openings or upon existing areas of private amenity space. A small rooflight window (to serve an en-suite) is proposed in the west facing side elevation of the proposed dwelling at 1<sup>st</sup> floor level. It is recommended that a condition is imposed to ensure that this window is obscure glazed and non-opening below 1.7m in height above ground level. It is not considered that the proposed rooflight windows in the south facing elevation of the proposed dwelling would result in any materially adverse overlooking issues.

An adequate area of private amenity space (garden) is proposed to serve the future occupiers of the dwellings. It is noted that the 1<sup>st</sup> floor bedroom would only be served by rooflight windows. As a main habitable room, it is important to ensure that future occupiers of this room are afforded adequate levels of light and outlook. The Agent has confirmed that the floor level to window cill level would be 1.34m approx. and the window head height would be 2.05m approx. and the amount of glazing for the room would be compliant with Building Regulations. As a result, the proposed rooflight windows would enable adequate levels light and outlook.

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

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. It also requires proposals to provide safe, and attractive accesses for all, including the elderly and disables, and others with restricted mobility. Policy DM5

is explicit in stating that provision should be made for safe and inclusive access to new development.

Parking standards would be complied with in terms of the quantum and size of proposed parking spaces.

At the request of the Highways Officer, a Speed Survey has been submitted with the application to help to assess acceptability of the proposed access and the required visibility splays. The Highways Officer raises no objection to the application and is satisfied with the results of the survey and the access to the site proposed including the visibility splays indicated.

I note the objections relating to traffic and parking issues, particularly during school drop off and pick up times. On my latest site visit, during a school day, I noted 2 cars parked adjacent to the site along school Lane and traffic in the area was relatively light. I do not doubt (from the photographic evidence provided by the Parish Council) that the area can become congested with parked cars during school drop off and pick up times, despite the presence of yellow zig-zag lines prohibiting stopping or waiting adjacent to the school access. However, this appears to be an existing issue and it is not considered that the proposed dwelling would directly result in any greater impact on the issues currently experienced i.e. if a family occupies this dwelling, they would likely walk to school given its close proximity to the school. In addition, the creation of the access (which should inhibit parking along this part of School Lane) would create an informal passing bay which might even assist with traffic flow during these times. The author of the Speed Survey has also advised that the proposed development would offer visibility enhancements for the existing Kneesall Primary School access.

Subject to the conditions recommended by the Highways Officer, the proposal is considered acceptable in highway safety terms in accordance with the requirements of Spatial Policy 7 and Policy DM5 of the DPD.

#### Impact on Trees and Ecology

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. Policy DM7 of the DPD seek to secure development that maximises the opportunities to conserve, enhance and restore biodiversity.

A tree survey has been submitted with the application to assess the impact of the proposed development on any trees and hedgerow located on or adjacent to the site. This identified 6 trees and 2 hedgerows on the site. The site is overgrown and would result in the partial loss of hedgerow (H1) and a trees (T2 and T6) to accommodate the proposed access and required visibility splays.



*T1, T2 and T3 and part of H1 School Lane*



*T4 and T5 and part of H1 Ossington Road*

All the trees and hedgerow have been identified in the Tree Survey as Category C trees. Ordinarily, these are smaller trees or ones considered to be of low quality - they may have a limited life expectancy or contribute very little to the amenity of the locality. T2 is a mature ash tree which has dense ivy and deadwood in the crown and T6 is a small horse chestnut located on the fence line boundary with the adjacent bungalow.

However, the Tree Officer considers T4 and T5 worthy of retention in particular. These trees along with T1, T3 and H2 would be retained as part of the proposed development and it is considered that the proposed development has sought to minimise the loss of natural features as a consequence whilst recognising the need to provide an access into the site. The Tree Officer raises no objection to the proposed losses subject to conditions relating to the protection of retained trees and mitigation planting in the form of a new hedgerow with trees planted inside the visibility splay. Given that the hedgerow is not currently protected, the loss is considered acceptable subject to mitigation planting.

A Preliminary Ecological Appraisal (March 2022) has been submitted. This concludes that the trees have a negligible likelihood of supporting roosting bats. In relation to birds, the submitted survey recommends that site clearance takes place outside of bird nesting season, unless a pre works survey is undertaken out by a suitably qualified ecologist. Precautionary measures are also advised in relation to amphibians and reptiles.

Overall, subject to conditions requiring the implementation of these precautionary measures and habitat creation (in the form of a construction environmental management plan (CEMP) it is considered that the proposal accords with the aims of Core Policy 12 of the Core Strategy and Policy DM7 of the DPD.

### Other Issues

I note the comments of the Parish Council in relation to the adequacy of consultation. Consultation has taken place in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015. Plans have been amended during the lifetime of the application (primarily in relation to the position of the access and landscaping) albeit not to a degree that has warranted reconsultation with the neighbours.

## **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 Conclusion**

The principle of new residential development in the village of Kneesall is acceptable as a matter of principle. The access to the proposed development would result in the loss of mature trees and hedgerow however this loss is considered acceptable subject to conditions requiring the replanting of a hedgerow and trees outside of the proposed visibility splay in order to maintain a green boundary to the site. The proposed dwelling is in keeping with the general character and density of existing development and would not adversely impact upon the character and appearance of the designated Conservation Area village or the setting of the listed church. In addition, I consider the proposed dwelling to result in an acceptable relationship with the neighbouring dwelling. No adverse impacts have been identified in respect of highway safety or ecology. 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

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

- Site Location Plan (received 21.11.2022)
- P22.1511.01 Rev D Proposed Plans
- P22.1511.02 Rev D Proposed Elevations, Site Plan and Access Details
- P22.1511.03 Proposed Part Street Elevation

Reason: So as to define this permission.

03

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

Reason: In the interest of highway safety.

04

No part of the development hereby permitted shall be brought to use until the visibility spays of 2.4m x 15m and 2.4m x 43m shown on drawing no P22.1511.02 Rev D Proposed Elevations, Site Plan and Access Details are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6 metres in height.

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

05

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material for a minimum distance of 8.0m behind the highway boundary in accordance with approved plan reference drawing no P22.1511.02 Rev D, Proposed Elevations, Site Plan and Access Details.

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

06

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

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

07

The integral garage to the dwelling hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

08

No part of the development hereby permitted shall be brought into use until pedestrian visibility splays of 2.0 meters x 2.0 meters are provided on each side of the vehicle access as shown on the drawing no P22.1511.02 Rev D Proposed Elevations, Site Plan and Access Details. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction over 0.6 meters above the carriageway level at all times.

Reason: In the interest of pedestrian safety.

09

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 drawing no. P22.1511.02 Rev D Proposed Elevations, Site Plan and Access Details. The parking/turning areas shall be maintained for the life of the development and shall not be used for any purpose other than the parking/turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area. To ensure the vehicles can enter and leave the site in forward gear; all in the interest of highway safety.

10

Notwithstanding the submitted details, no development 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
- Roofing materials

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

Reason: To ensure the development takes the form envisaged and in order to preserve the character and appearance of the Conservation Area.

11

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 including rooflight windows, doors, and their immediate surroundings, including details of glazing and framing;
- Verges and eaves;
- Any other external accretion.

Development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the development takes the form envisaged and in order to preserve the character and appearance of the Conservation Area.



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 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. For the avoidance of doubt, size shall be 12-14cm girth nursery stock;
- details of new boundary treatments, including gates (height and appearance);
- existing and proposed levels;
- 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.

#### 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.

14

Notwithstanding the submitted details, works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the District Planning Authority. This scheme shall include:

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

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

Reason: To ensure that existing trees and hedges to be retained are protected, in the interests of visual amenity and nature conservation.

15

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

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

16

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

Class A: The enlargement, improvement or other alteration of a dwellinghouse.

Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Class C: Any other alteration to the roof of a dwellinghouse.

Or Schedule 2, Part 2:

Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: In order to protect natural features and to preserve the character and appearance of the Conservation Area.

17

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the local planning authority.

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

18

No development shall be commenced until a Construction Environmental Management Plan (CEMP) to include precautionary methods of working and habitat creation in accordance with the recommendations of the Preliminary Ecological Appraisal (March 2022 by Arbtech) and associated timescales for implementation has been submitted to and approved in writing by the local planning authority. These details shall include the siting and design of any wildlife enhancement measures including bird and boxes.

Development shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintain and enhancing biodiversity.

### Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://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

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

04

Building Works shall not project over the highway - No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

05

Prevention of Mud on the Highway - It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017) (as amended). This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/02258/FUL

