

PLANNING COMMITTEE – 23 JULY 2019

Application No:	19/00982/FUL		
Proposal:	New single storey 3 bed dwelling and separate garage (Re-submission of 19/00219/FUL).		
Location:	High Vistas, 24 Robin Hood Avenue, Edwinstowe, NG21 9LG		
Applicant:	Mr Domenic Genghi		
Registered:	28.05.2019	Target Date:	23.07.2019

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Edwinstowe Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

The application site relates to an irregular shaped site of approximately 0.043 hectares in area and comprises part of the front, side and rear garden of no. 24 Robin Hood Avenue, Edwinstowe. The site is located within the settlement boundary of Edwinstowe, and on the south-eastern edge of the village. The site is located within a residential area characterised by a mix of post-war suburban single and two storey detached and semi-detached dwellings. The site borders a two storey detached dwelling to the west (no. 22), a modern single storey dwelling immediately to the northwest (no. 24 Robin Hood Avenue), and a modern dormer bungalow to the north (no. 26). The fields to the south have planning permission for the erection of 72 dwellings which are currently under construction.

The application site comprises predominantly open softly landscaped rear gardens with a number of trees located centrally and towards the eastern boundary. The application site includes a narrow strip running between nos. 22 and 24 Robin Hood Avenue. A hedgerow runs along the frontage of the site, with a mix of close boarded fencing and trees along the side boundaries with open boundaries to the fields to the rear.

Relevant Planning History

15/01716/OUT – Outline permission was sought (with all matters reserved save for the means of access) for the demolition of a garage and the proposed erection of 1 bungalow. This was approved on 23rd November 2015 under delegated powers. Condition 1 required the submission of a reserved matters application within 3 years which has not been received and therefore the permission is no longer extant.

19/00219/FUL - Construction of a new 4-bedroom dormer bungalow and separate garage on land to the rear. Application withdrawn.

The Proposal

The proposal seeks full planning permission for the erection of a single storey bungalow and detached garage, positioned to the rear of 24 Robin Hood Avenue.

The proposed access would utilise an existing dropped crossing and access onto Robin Hood Avenue that currently serves the host dwelling. The host dwelling would retain an existing separate access on to Robin Hood Avenue towards the south eastern corner of the dwellings frontage.

The submitted layout plan shows the proposed dwelling to be sited towards the south-eastern corner of the site adjacent to the side boundary with no. 22 Robin Hood Avenue and rectangular shaped turning area immediately in front. A number of large mature trees would be removed in order to accommodate the development, with new planting shown along the north-eastern boundary with No. 26.

The proposed dwelling would measure 12.7m in width and 12.4m in maximum depth. The roof design of the main dwelling would be dual pitched and incorporate front and rear facing rooflights. There is also a flat roof projection on the rear elevation with a large glazed lantern feature.

The detached garage would be positioned immediately adjacent to the front elevation of the proposed bungalow and measure 4.6m in width and 6.6m in depth. The roof would be dual pitched and measure 3.8m to the ridge.

Submission documents

18005AL(0) 002 Site Plan
18005AL_010 REV F Proposed Site Plan
18005AL_011 REV F Proposed Floor Plans
18005AL_012 REV E Proposed Elevations
18005AL_013 REV D Proposed Elevations
Tree Survey Plan from Forest Farm Tree Service
Design and Access Statement

Public Advertisement Procedure

Occupiers of eight properties have been individually notified by letter.

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 11 – Rural Accessibility

Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM1 – Development within Settlements Central to Delivering the Spatial Strategy
DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2019
- Planning Practice Guidance online resource

Consultations

Edwinstowe Parish Council – Objects to the proposal. Concerns regarding back land development, proximity of the proposal in relation to Abbey Road and the proposals boundary in relation to neighbouring property no. 22.

Tree Officer – The layout and impact on trees is similar to that in previous application 19/00219/FUL.

Given the proposed tree removals there is sufficient room to construct the planned access and dwelling.

If approval is given I would recommend conditioning of tree protection and mitigation soft landscaping.

Conditions:

1. No 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 working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
 - g. Details of any scaffolding erection and associated ground protection within the root protection areas

h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

2. All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme.

3. 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 within 10 metres of any retained tree/hedgerow on or adjacent to 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.

4. No works or development shall take place until the District Planning Authority has approved in writing the full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards

5. The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in writing with the District Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow 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 District Planning Authority.

Representations have been received from 1 local resident which can be summarised as follows:

- The proposed dwelling will be at one corner only a metre away from the boundary with adjacent property and along the whole of that elevation of the proposed property only 2.4 metres from the boundary. This does not comply with the previous condition attached to the 15/01716/OUT.

Comments of the Business Manager

The Council is of the view that it has a demonstrable 5 year housing land supply and for the purposes of decision making the development plan is up to date.

Principle of Development

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that the determination of planning applications must

be made in accordance with the development plan *unless* (emphasis added) material considerations indicate otherwise.

The site is located within the urban boundary of Edwinstowe which is defined as a Service Centre within the Settlement Hierarchy set out by Spatial Policy 1 of the Amended Core Strategy and where the provision of housing is sought to secure a sustainable community. As such, there is no objection to the principle of the development at the site subject of course to an assessment of site specific impacts.

Impact on Character and Appearance of the Area

Core Policy 9 requires proposals to demonstrate a high standard of sustainable design and that proposals should be of an appropriate form and scale to their context complementing the existing built and landscape environments. This policy also provides that applications 'demonstrate an effective and efficient use of land that, where appropriate, promotes the re-use of previously developed land and that optimises site potential at a level suitable to local character. Furthermore, The NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping

Policy DM5 states that proposals creating backland development will only be approved where they would be in keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. This is consistent with Paragraph 53 of the NPPF which states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.

Members should note that this authority granted permission in outline form for a single storey dwelling on the site in November 2015. Whilst this is no longer extant and does not represent a fallback position, it nevertheless has the ability to carry weight in the determination of this application. This is because the policy in terms of backland development has not significantly changed in adopting the new Amended Core Strategy (nor the NPPF). The weight attached is however is for the decision maker.

I am mindful of the overall conclusion made within the previous officer report on this issue of its impact upon the character and appearance of the area which was deemed to be acceptable. Whilst recognising that the development would in my view be contrasting to the clear linear patterns of houses fronting onto the estate road, I acknowledge that due to the position/set back from the highway and the utilisation of the existing access serving the host property, the proposed dwelling would not be unduly prominent. Weight was also given to the development to the rear of the site which is within the allocated site for housing and an opinion expressed that the proposed dwelling would be ameliorated into the built form to the south and therefore would not appear incongruous.

I concur with my previous colleagues' assessment on this issue to an extent. In terms of long range views of the proposed development, I agree that the existing development along Robin Hood Avenue and the development currently under construction to the rear would screen the proposed dwelling from view from the majority of long range public vantage points. However, when standing directly opposite the application site on Robin Hood Avenue, I am of the opinion that the

proposed development would be clearly visible due to the open frontage of the site and relatively small change in levels. The siting of a dwelling in this location, as previously mentioned would jar somewhat with the linear grain and pattern of development along this section of Robin Hood Avenue and while there would not be many, if any, long range views of the development, there would be a view of the development from Robin Hood Avenue, which in my opinion would result in some harm to the character and appearance of the site and wider street scene. Nevertheless, there has been a previous grant of outline planning permission for a dwelling in this position to which I attach substantial weight to and feel that an objection to the position of the proposed dwelling would be unreasonable given its site history.

In terms of Local Distinctiveness Policy DM5 (4) requires the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The previous outline scheme did not cover scale as a matter for determination, although condition 9 of this scheme set the approved parameters of the dwelling and stated that the dwelling should not exceed 1 storey in height. This parameter was set in the interests of the protecting the character and appearance of the site and surrounding area.

Whilst I am mindful that this section of Robin Hood Avenue contains dwellings which range in size, scale and design, in also bearing in mind that the existing property at the site is a single storey bungalow I am of the opinion that the proposed dwelling, which has been re-designed to have a single storey design, would appear in keeping with the scale of the existing property at the site. Furthermore, the single storey design is considered to minimise the visual harm arising from additional built form in this position.

Trees

Policy CP12 of the adopted Core Strategy states that proposals should provide for the continued protection of the Districts ecological, biological and geological assets.

The application site comprises the rear and side garden of a dwelling within a post-war residential estate which comprises predominantly manicured lawned garden with shrubs but also includes a collection of mature trees towards the northeastern boundary and centre of the rear garden. The application has been supported by an Arboricultural Survey and Arboricultural Method Statement. The survey highlights that all these trees are of fair quality.

I am mindful that the submitted layout plan identifies a number of trees that would need to be removed in order to accommodate the proposed development, including a common beech tree which is located centrally within the site and the most prominent tree at the site when viewed from Robin Hood Avenue. However, this tree has been the subject of significant pruning, therefore given its current condition, its loss, whilst regrettable, is not considered to result in significant harm to the landscape features and character of the area and nor is the tree considered to be worthy of protection with a Tree Preservation Order. Nevertheless, a condition attached to any grant of planning permission requiring a scheme for replacement planting is considered appropriate in order to mitigate for the loss of trees at the site.

The comments of the tree officer are noted, and the conditions recommended in relation to protection measures for the trees identified to be retained at the site are also considered to be appropriate.

Impact on Neighbours

Impact on amenity is a long standing material consideration of the planning process and relates both to the impact on existing development as well as the amenity created for the proposed occupiers.

Policy DM5 of the DPD provides that the 'layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy'. In addition a core planning principle of the NPPF is to 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

The submitted layout plan shows the separation distance from the proposed dwelling to No.22 Robin Hood Avenue to be approximately 23m and the closest distance between the existing property, 24 Robin Hood Avenue, to be 22m. The distance to 26 Robin Hood Avenue to the north would be in excess of 26m. Given this level of separation and the single storey design of the proposed dwelling, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact on the closest neighbouring properties. I am mindful that the submitted layout plan shows the new rear boundary of 24 Robin Hood Avenue to be set at a distance of 12m from the rooflight on the front facing elevation serving the proposed dwelling. However, as this rooflight would be recessed into the roof pitch and set at a high level from finished floor level, I am satisfied that there would be no material overlooking impact on the privacy of 24 Robin Hood Avenue from this feature. Furthermore, with the inclusion of suitable boundary treatment scheme which would prevent overlooking from the ground floor windows of the proposed dwelling, I am satisfied that the proposal would not result in any material impact on neighbouring amenity. Finally I consider that removing permitted development rights by condition in terms of alterations to the roof will protect the amenity of neighbours moving forward.

Turning to the impact on the future amenity of the occupiers of dwellings approved under application Ref. 16/01436/RMAM which are currently under construction, I am mindful that the dwellings within plots 26 and 27 of this development would share a boundary with the application site. Plot 26 would contain a 3 bedroom detached bungalow and plot 27 would contain a 3 bedroom detached two storey house. In considering the relationship with these future dwellings, including the level of separation, and the relatively small section of shared boundary with these future properties, I am satisfied that the proposal would not result in any material impact on the neighbouring amenity of these properties.

I am also satisfied that both the host dwelling and the bungalow hereby proposed would benefit from a garden of adequate size commensurate for each.

Highway Matters

Spatial Policy 7 of the Core Strategy seeks to ensure development proposals provides safe, convenient and attractive accesses for all and provide appropriate and effective parking provision, both on and off site, and vehicular servicing arrangements. Policy DM5 of the DPD reflects the aims of SP7 and adds that parking provision should be based on the scale and specific location of the development.

I note that the proposed access to the serve the new dwelling remains the same as the previously approved scheme, and I am of the view that this is an acceptable access point from a highway

safety perspective. The parking and turning area shown to serve the proposed dwelling within the site is also considered adequate and would allow vehicles to turn and exit the site in a forward gear. The dedicated driveway serving the existing property 24 Robin Hood Avenue would be retained and unaffected by the proposed development and as such I am satisfied that the proposal would not result in any material impact on highway safety.

Planning Balance and Conclusion

The principle of development within the settlement is acceptable having regard to the settlement hierarchy and spatial distribution of development.

I have concluded that the previous planning history which approved outline permission for a bungalow on this site, whilst no longer extant, should carry considerable weight given that the planning policy context has not changed significantly since that time. It is considered that the provision of a new dwelling would have a degree of harm in terms of the established character, grain and appearance of the area given there are no other backland development plots in the vicinity. Notwithstanding this I have also given weight to the fact that new housing is built in the field beyond on an allocated site and therefore would be viewed in this context. My conclusion overall on this matter that whilst there is some harm, it is outweighed by other factors including the weight to be attached to the site history.

The proposal would not result in harm to the amenity of neighbouring residents, and nor would there be an adverse impact on the safety and operation of the surrounding highway network. In addition, it is considered that subject to conditions to require mitigation there would be no significant harm caused by the loss of trees and landscape features.

On balance it is considered that the proposed development would be in accordance with identified policies of the Amended Core Strategy DPD, policies DM1, DM5, DM7 and DM12 of the Development Management Policies DPD. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

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

18005AL(0) 002 Site Plan

18005AL_010 REV F Proposed Site Plan
18005AL_011 REV F Proposed Floor Plans
18005AL_012 REV E Proposed Elevations
18005AL_013 REV D Proposed Elevations

Tree Survey Plan from Forest Farm Tree Service

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

Reason: So as to define this permission.

03

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme.
- means of enclosure;
- hard landscaping details including boundary treatments
- car parking layouts and materials;

Reason: In the interests of visual amenity and biodiversity.

04

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority. All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursery Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations. The approved hard landscaping scheme shall be completed prior to first occupation or use.

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

05

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) 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 visual amenity.

06

No 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 working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

Reason: In the interests of visual amenity and biodiversity.

07

All works/development shall be carried out in full accordance with the approved tree/hedgerow protection scheme approved as part of condition 3.

Reason: In the interests of visual amenity and biodiversity.

08

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 within 10 metres of any retained tree/hedgerow on or adjacent to 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: In the interests of visual amenity and biodiversity.

09

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (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, including extensions to the property and the insertion or replacement of doors and windows.

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.

Class E: Development within the curtilage of a dwellinghouse.

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 1995 or any amending legislation).

Notes to Applicant

01

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

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

BACKGROUND PAPERS

Application case file.

For further information, please contact Gareth Elliott on ext 5836.

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

Matt Lamb

Director Growth & Regeneration

Committee Plan - 19/00982/FUL

