

PLANNING COMMITTEE - 28 APRIL 2020

Application No:	19/02064/FUL
Proposal:	Erection of 5 new dwellings
Location:	Land rear of 49 The Ropewalk, Southwell, Nottinghamshire
Applicant:	Mr David Shaw
Registered:	02 December 2019 Target Date: 27 January 2020
	Extension of time agreed until : 15 May 2020

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as the Town Council has objected to the application which differs to the professional officer recommendation. Councillor Harris requested the application be referred to committee which has been supported by the Panel.

The reason for referral is “this is an over intensive backland development, not in keeping with the established surrounding developments. The impact on the privacy and amenity of the surrounding properties will be detrimental. The site is an unallocated windfall site proposing large houses which doesn’t accord with the need in Southwell. Vehicles would be left on the street and visitors are likely to park on the busy Ropewalk.”

The Site

The site comprises of 0.22hectares of overgrown land to the north-west of existing properties on The Ropewalk. The site also fronts Nursery End to the west of the site. The site is located within the Southwell settlement boundary as defined within the Allocations and Development Management DPD.

There is an existing vehicular access to the south of no. 49a The Ropewalk which runs along the southern boundary of the application site and serves no. 45 and 47 The Ropewalk which have their principal elevations facing in to the application site. The dwellings facing The Ropewalk and no. 45 and 47 The Ropewalk are two storey in height. Dwellings along Nursery End are mainly single storey bungalows.

The site is located within Flood Zone 1 as defined by the Environment Agency data maps and within land at risk from surface water flooding. Part of the site falls within an area defined within the Southwell Protected Views policy area as shown on the proposals map within the Allocations and Development Management DPD.

Relevant Planning History

16/01003/NMA - Application for a non-material amendment to planning application E/56/1410 for Erection of two detached dwellings – Approved 11.07.2016

14/02172/FUL - Erection of two detached dwellings – Refused by committee (contrary to officer

recommendation) 08.05.2015 *Appeal dismissed*

Reason for committee refusal

The proposed development, by reason of its scale, siting, and design would be incongruous within and detrimental to the character and appearance of the area and the residential amenities of nearby dwellings on The Ropewalk, particularly given the increased expanse of footprint and elevations compared to the extant 1971 permission. The proposal is therefore considered to be contrary to Policies DM5 and DM6 of the Allocations and Development Plan Development Plan Document (DPD) and the NPPF which forms a material consideration. There are no other material planning considerations which outweigh such identified harm.

Appeal decision reasoning (extract)

The design of the scheme has little relationship with the character of the local surroundings. It is radically different from the well established traditional design of the properties in the surrounding locality to the extent that it would be clearly 'at odds' with the prevailing character of the area and would result in an incongruous form of development.

Consequently the existence of the fallback position does not outweigh the harm that I have found in the design of the current scheme.

I consider that the proposed scheme would be overbearing and cause a significant and detrimental impact on the outlook from Nos 49a and 49 The Ropewalk. I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD.

The Proposal

The application comprises of the erection of 5 dwellings (density of 22 dwellings per hectare) within the 0.22 hectare overgrown parcel of land. The dwellings are modern in appearance with the use of brick and render.

The mix comprises of the following:

Plot	No. of bedrooms	Storeys	Parking provision
Plot 1	2	1	2 spaces on driveway side by side
Plot 2	3	2	Single garage and 2 parking spaces in tandem
Plot 3	4	2	Single garage and 2 parking spaces in tandem
Plot 4	4	2	2 space integral garage and 2 spaces side by side on driveway
Plot 5	4	2	2 space integral garage and 2 spaces side by side on driveway

List of plans/documents considered

- DRWG no. 01 Rev B Aerial view;
- DRWG no 02 Rev B Aerial view;
- DRWG no. PL01 Rev A Site location plan;
- DRWG no. PL02 Existing site plan;
- DRWG no. PL03 Rev B Proposed site plan;

DRWG no. PL04 Rev A Unit 01;
DRWG no. PL05 Rev B Unit 02;
DRWG no. PL06 Rev B Unit 03;
DRWG no. PL07 Rev B Unit 04;
DRWG no. PL08 Rev B Unit 05;
Design and Access Statement November 2019;
Planning Statement November 2019;
Ecological Walkover Survey November 2019;

Departure/Public Advertisement Procedure

Occupiers of 26 properties have been individually notified by letter.

Planning Policy Framework

Southwell Neighbourhood Plan (October 2016)

Policy SD1 Delivering Sustainable Development
Policy DH1 Sense of Place
Policy DH2 Public Realm
Policy TA3 Highways Impact
Policy TA4 Parking Standards

Development Plan

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

Spatial Policy 1 Settlement Hierarchy
Spatial Policy 2 Spatial Distribution of Growth
Spatial Policy 7 Sustainable Transport
Core Policy 3 Housing Mix, Type and Density
Core Policy 9 Sustainable Design
Core Policy 10A Local Drainage Designations
Core Policy 12 Biodiversity and Green Infrastructure

NSDC Allocations and Development Management DPD (July 2013) (ADMDDP)

So/HN/1 Southwell Housing Need
So/PV Southwell Protect Views
DM1 Development within Settlements Central to Delivering the Spatial Strategy
DM3 Developer Contributions and Planning Obligations
DM5 Design
DM7 Biodiversity and Green Infrastructure
DM12 Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Consultations

Southwell Town Council (09.03.2020) - Southwell Town Council considered application 19/02064/FUL Land to Rear of 49 The Ropewalk and agreed by majority to object to this application as it contravenes the Southwell NP as follows -E1 Flood Risk Assessments and Mitigation pg 24 due to no flood mitigation proposals -back land, over intensification which will have a direct impact on surrounding properties.

Original comments (02.01.2020) – Southwell Town Council considered application 19/02064/FUL Land to Rear of 49 The Ropewalk and agreed by majority to object to this application as it contravenes the Southwell NP as follows -E1 Flood Risk Assessments and Mitigation pg 24 due to no flood mitigation proposals - over-intensification

Trent Valley Internal Drainage Board (16.12.2019) – The site is outside of the Trent Valley Internal Drainage Board district but within the Board’s Catchment. There are no Board maintained watercourses in close proximity to the site.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

NSDC Environmental Health (23.12.2019) - I would be grateful, however, if you could place the following comments in the “informatives” as advice to the applicant:

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

NCC Flood Team (23.12.2019) - No objections subject to the following:

1. The development should not increase flood risk to existing properties or put the development at risk of flooding.
2. Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.
3. SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.
4. Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.
5. The applicant should consider the use of flood resilient construction techniques and materials where possible.

Severn Trent Water (08.01.2020) - With reference to the above planning application the Company's observations regarding sewerage are as follows.

Foul is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval.

Surface water is proposed to discharge to soakaways, which we have no comment.

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

Suggested Informative

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

Southwell Civic Trust (06.02.2020) - This is an over intensive backland development. The number scale and design of the proposed houses is not in keeping with the established surrounding developments. The impact on the privacy and amenity of the surrounding properties will be extremely detrimental.

This is an unallocated windfall site proposing large houses whereas the need in Southwell, expressed in Policy So/HN/1, is for one or two bedroom dwellings.

The drawings show parking within the property boundaries. The inline arrangements are unrealistic. Human nature and experience shows that vehicles would be left on the street. Visitors are likely to park on the busy Ropewalk.

The previous application on this site, (14/02172/FUL), was for only two houses, these were refused both by the Council and by the Inspector on Appeal. The two principal reasons being:

1. The effect of the proposal on the character and appearance of the surrounding area.
2. The effect on the living conditions of the occupiers of nearby properties with particular regard to outlook and privacy.

This application does not address these two points and is considerably worse than the previous application.

“A detailed surface water plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off-site.”

It is too late after planning permission is approved if the geometry, layout and ground conditions of a site preclude the conditions being met. It is essential that detailed engineering drawings are submitted and approved in the original application to ensure that the site can be adequately

drained without adding to the flood risk in the area.

Environment Agency (28.02.2020) – No comments to make

NCC Highways (03.03.2020) - The Highway Authority initially responded to this application in December 2019, offering no objections subject to conditions and informatives. Since then, the submitted plans have been revised, concentrating on the house designs. The Highway Authority have duly reviewed the plans, and the revisions have no impact on the highway, or access there to.

However, it is disappointing that the proposed site plan has not been updated to include the details which the Highway Authority identified as conditions; providing this detail prior to determination would forego the need for this information to be submitted at a later date and can indeed speed up the construction process.

Conditions: -

1. No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this Condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.
Reason: In the interests of highway safety.
2. No part of the development hereby permitted shall be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety.
3. No part of the development hereby permitted shall be brought into use until the dropped kerb vehicular crossings, to serve 3 dwellings, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.
Reason: In the interests of highway safety.

Informatives to Applicant: -

- The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.
- The development makes it necessary to construct two vehicular crossings over the footway of the public highway (Nursery End). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

20 letters of representation have been received in total from local residents/interested parties stating the following comments:

- Concern of lack of visitor parking space;
- Additional parking on the Ropewalk;
- Proximity of properties to the front of Nursery End not in character;

- Small plot size for plots 2 & 3 although unit 1 seems more in keeping;
- Reduce the plot numbers to give more generous plots/frontages;
- No access should be created from Nursery End to The Ropewalk;
- Overdevelopment;
- Loss of light;
- Loss of privacy;
- Planning history & appeal history dismissed 2 dwellings;
- Design of the scheme has little relationship with the character of the traditional design of the properties in the area;
- Scale and proximity of Plot 1 is still very close to the boundary with the new dwelling to the rear of no. 51 The Ropewalk;
- Insufficient separation distances leading to detrimental impacts upon future occupiers of the new house to the rear of 51 The Ropewalk;
- Materials not in keeping;
- No opportunity for biodiversity net gains;
- No 1 and 2 bedroomed dwellings on the plans;
- Too close to no. 49 & 49a The Ropewalk;
- Properties on Nursery End should be bungalows/dormer bungalows;
- Ecological survey indicates that the site is likely to be a habitat for reptiles and birds, environmental enhancements recommended and site clearance measures should be conditioned;
- Errors of land ownership;
- Disruption during construction period.

Comments were received following consultation on 26 February 2020 with amended plans, altering Plot1 to a 2 bedroomed bungalow and altering the design of Plot 4.

- Welcome Plot 1 being a bungalow;
- Still have an overbearing impact and detrimental outlook upon future living amenities of occupiers of property to the rear of no. 51 The Ropewalk;
- Use of materials inappropriate and not in keeping;
- Cramped layout;
- No change to previous concerns of density and design and privacy;
- Impact on highway safety;
- Impact on increased parking to Nursery End;
- Loss of light;

Comments of the Business Manager

Principle of Development

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

Following public consultation and independent examination, at its council meeting on 11 October 2016 Newark and Sherwood District Council adopted the Southwell Neighbourhood Plan. The

Neighbourhood Plan now forms part of the development plan for the district and its policies are a material consideration alongside other policies in the development plan and carry weight in the determination of planning applications in Southwell. In this instance the most relevant policies in the Neighbourhood Plan are listed in the policy section above and are considered against the relevant aspects of the proposal in the assessment below.

The starting point for development management decision making is S.38(6) of the Planning and Compulsory Purchase Act 2004, which states that determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The amended Core Strategy details the settlement hierarchy which 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. Spatial Policy 1 (Settlement Hierarchy) of the Council's Amended Core Strategy (ACS) sets out the settlements where the Council will focus growth throughout the District. Southwell is defined within the ACS as a Service Centre where the intention is for it to act as a focus for service provision for a large population and rural area. The Southwell Neighbourhood Plan, which also forms part of the Council's Adopted Local Plan seeks for sustainable development that has regard for the town's unique character, historic environment and landscape setting.

Therefore based on the siting of the application site within the defined settlement of Southwell and within an existing residential setting, the siting is considered acceptable. The site is also subject to an extant permission for two dwellings given lawful implementation of a wider site application for residential development through the erection of five bungalows at Nursery End. This remains a material consideration in Planning terms.

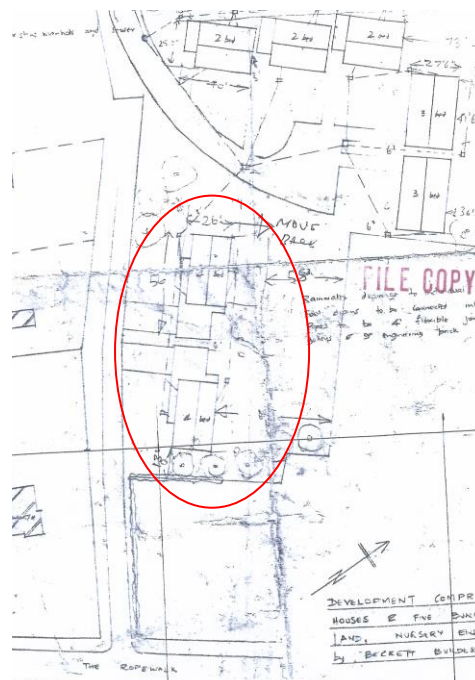
Nonetheless there are other material factors in decision making and these are considered further within this report.

Planning history

Prior to discussing the merits of this proposal it is first pertinent to discuss the planning position of the land in terms of previous consents and decisions.

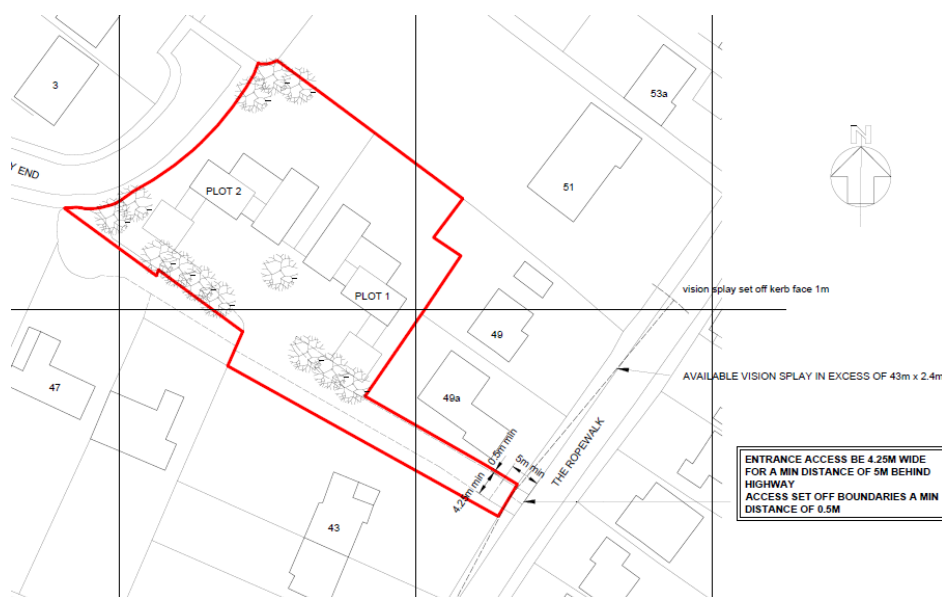
Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2no. detached 4 bedroomed houses with attached double garages, of which the two detached dwellings on this site were never constructed. The two dwellings utilised an access from the south of 49a The Ropewalk which serves two further properties, although these were constructed in the 1980s which was after the consent for the 7 dwellings. It has been shown that these two remaining dwellings could be constructed irrespective of the current application noting the extant permission which exists. The photo below shows the extant permission with the two remaining dwellings circled.

This extant permission is a material planning consideration in the planning balance.



Application reference 14/02172/FUL was submitted on the site for two dwellings in acknowledgement of the extant permission but with the intention of fundamentally changing the design of the properties.

This was presented to Members in May 2015 with a recommendation of approval, however Members resolved to refuse the application based on its scale, siting and design and impact upon neighbour amenity. This was later appealed by the applicant to which the Inspector dismissed the appeal stating the design of the scheme has little relationship with the character of the local surroundings and the increased mass would result in overbearing impacts and would result in an unacceptable outlook from no. 49 and 49a The Ropewalk. No matters of highway safety were raised. The plan below shows the layout of the refused and dismissed scheme.



14/02172/FUL Refused scheme and Appeal Dismissed

Whilst not the application site itself, it is material that there is an extant permission on neighbouring land to the north of the site (and to the east of no. 11 Nursery End), to the rear of

no. 51 The Ropewalk (19/01693/FUL) for a new 4 bedroomed dwelling with a vehicular access to the south of no. 51 The Ropewalk. This is extant until 17 November 2022, by virtue of the timeframe when the proposal was granted. The positioning of the approved dwelling has been shown on the submitted block plan which allows a thorough assessment in the amenity section below.

Housing need

Policy So/HN/1 of the ADMDPD states that the District Council would seek to secure on allocated and windfall sites, one and two bedroomed units in line with housing need. The Southwell Neighbourhood Plan states in paragraph 2.7 (housing) that the highest demand within Southwell in the market sector (of which this is proposed) for housing is for two bedroomed houses in comparison to the social sector where the requirement is for both one and two bedroomed dwellings. This is reaffirmed by the Newark and Sherwood Housing Needs Survey 2014 which states within the Southwell area the largest market sector demand is for 2 bedroomed properties followed by 4 bedroomed and then 3 bedroomed. This Needs Survey is, accepted, 6 years old and is currently being updated with new surveys having been issued across the District to establish the latest data to produce a new Needs Survey. However this is the latest data we have and until new material is produced this still forms a part of decision making.

When considering the relevance of the survey data to this scheme, the development is heavily weighted towards 4 bedroomed properties with 3 of the 5 units being 4 bedroomed, 1 unit being 3 bedroomed and 1 unit being a 2 bedroomed bungalow. Nonetheless this does represent a broad variety in the unit sizes on the site and does meet a housing need. The provision of a bungalow is also a high requirement within the Housing Needs Survey and one which the scheme delivers through positive negotiation with the developer. However a reduction in the number of bedrooms within the units has not been forthcoming.

The Southwell Neighbourhood Plan (SNP) states the housing mix on site should deliver a high proportion of 1 or 2 bedroomed 'starter homes' under Policy HE1, however this is stated only where schemes come forward for 11 dwellings or more to which this does not qualify. Therefore there is no requirement for the developer to deliver such a mix under this SNP policy, although the scheme has been amended to include this mix through positive negotiations.

It is therefore considered that although the ADMDPD policy states the Council would secure one and two bedroomed units, the latest data from the SNP states the need is more rife in the social sector for such housing requirement to which this scheme is not delivering. Nonetheless the scheme still falls short of the policy requirement within the ADMDPD as it only delivers one 2 bedroomed unit albeit this would be a sought after bungalow which is a positive benefit of the scheme. The scheme is therefore not offering a majority of one and two bed units as intended through Policy So/HN/1, a matter which would need to be balanced against in overall consideration, when taking in to account other material considerations.

Impact of design and character

Taking the above matters of the planning history position into consideration it is necessary now to consider the layout as proposed against the latest up to date policy situation. Since the last refusal and dismissed appeal, the Council has adopted a new Core Strategy DPD (2019) and Government has produced an updated NPPF (2019).

The main consideration is the impact upon the character of the surrounding area and the creation of backland development. However this has been accepted generally by the approval of the dwelling to the north of the application site (rear of no.51 The Ropewalk), and the extant permission already in existence at this site.

Policy DM5 of the ADMDPD states that the *“District’s landscape and character of built form should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development”*. In addition it states that *“inappropriate backland and other uncharacteristic forms of development will be resisted”*.

The design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. Nonetheless along The Ropewalk there are pockets of backland development stretching from the highway providing ‘infill’ development. Within the cul-de-sac of Nursery End, which was constructed by the extant permission in the 1970’s, the character is created by the spacious plots set back from the highway in the traditional 1970s-1980s design standard. This application site also fronts Nursery End whereby there is a ‘gap’ site fronted by a hard timber fence to the back of the highway boundary. This site has no frontage and is a virgin site. Naturally a built frontage to Nursery End would contribute to the wider character and add a mix to it. The design of the built form within Nursery End are mainly red brick dwellings of neutral character. The proposal put forward is for a mixture of render and brick dwellings. Whilst the buff brick isn’t a typical feature the off white render is commonly found in and around Southwell so it is not considered that this is an alien feature. The colour of the bricks and render, should Members resolve to approve the application, could be conditioned to be agreed at a later date.

The modern design is not something to which the Council are adverse to and indeed the mix of modern/contemporary approach against more traditional red brick and tile design, is a common feature which provides a diverse opportunity to influence and upgrade the character of the area. To create pastiche developments of the same character would result in a stale character and the NPPF states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”* (para 124, NPPF 2019). In addition it states that decisions should ensure developments are visually attractive and sympathetic to local character....while not preventing or discouraging appropriate innovation or change (para 127).

It is accepted that the design of the dwellings do differ from those already featuring on Nursery End, however the design is not wholly inappropriate or disadvantages the overall character of the surrounding area.

The site is not readily visible from The Ropewalk streetscene without travelling down the private driveway to the south of 49a The Ropewalk. Nonetheless the design of the dwellings would contribute to the design mix on offer whilst not being ‘at odds’ with the traditional character of the area.

The layout as proposed comprises of two detached units within the site which are in effect classed as backland development and three units form a frontage to Nursery End. The previous appeal decision Inspector did not state that the layout of the site was uncharacteristic of the area given the fall-back position but it was the ‘atypical contemporary design with mono-pitched roofs and large expanse of glazing’ which he found to cause substantial harm which would be ‘at odds’ with the prevailing character of the area resulting in an incongruous form of development. This

proposal whilst it features render, the overall design is more traditional in terms of the overall design features such as traditional roofs, glazing to wall ratios, design and scale.

Core Policy 9 of the ACS states all new development, amongst other things, should achieve a high standard of sustainable design and layout...of an appropriate form and scale to its context complementing the existing built and landscape environments and demonstrates an effective and efficient use of land.....that optimises site potential at a level suitable to local character. The Southwell Design Guide within the SNP states variations in density, height and style can help create areas with different character. Too many identical or similar house types should be avoided. In addition it states streets should be designed to have a strong building line. Policy DH1 of the SNP states that the Design Guide should not preclude innovative or contemporary design where it can be shown to support and contribute to the unique townscape of Southwell.

Concern has been expressed with regard to the cramped nature of the development. It is acknowledged that the layout does differ from the traditional grain of the area however the separation distances within and around the plots have been considered to be just acceptable to result in there not being substantial harm to the locale. The site is 0.22 hectares in area and when considering the density of the development it would constitute a density of 22 dwellings per hectare. Policy requirement on housing developments is to seek a density of no lower than an average 30 dwellings per hectare meaning 6-7 dwellings could be sited on the land to meet policy requirements. A greater density would potentially increase the number of vehicle usage within the area and intensify the relationship to Nursery End. It is therefore considered that although the layout may appear over intensive, the separation distances are just acceptable and back-land development is not uncommon in the locale to which this would contribute.

The application is accompanied by a Design and Access statement outlining the surrounding architectural form of the area which accounts for the design characteristics of the proposal and the use of materials which accords with the requirements of the Design Guide within the SNP. It shows the wide use of render, the design of the properties which is influenced by the locale and for this reasoning it is considered that the proposal in design and character, is acceptable. It is accepted that the appeal decision is in existence, and thus a material planning consideration, however that is for a much different design to that now proposed and this scheme is much improved, from a design perspective and takes in to account the surrounding characteristics. For that reason it is considered that the proposal accords with Core Policy 9 of the ACS and Policy DM5 of the ADMDPD as well as the policy DH1 of the SNP.

Highway impact

Spatial Policy 7 (Sustainable Transport) of the ACS states development proposals should provide safe, convenient and attractive accesses for all, be appropriate for the highway network in terms of the volume and nature of traffic generated, and ensure that the safety, convenience and free flow of traffic using the highway are not adversely affected. In addition it states to provide appropriate and effective parking provision, avoid highway improvements which harm the area.

Policy DM5 of the ADMDPD states provision should be made for safe and inclusive access and parking provision for vehicles and cycles should be based on the scale and specific location of the development.

Concern has been expressed from neighbours with regards to the impact of the development upon the safety of the access and use of The Ropewalk. However the junction with The Ropewalk

and the intensity of the access is not altered from the extant approval in that was for two detached dwellings with 5 bedrooms and this proposal is for two detached dwellings with 4 bedrooms (including a study on the ground floor). Therefore in terms of intensity the access point and use of the access is unlikely to be different.

Nottinghamshire County Council have suggested conditions relating to the access whereby the width would be increased to 5.25m and surfaced in a bound material for a minimum of 5m from the highway edge with suitable means of surface water disposal incorporated. In light of this and their support for the scheme, whilst the comments raised by residents are acknowledged, there is no corroborative evidence to disregard the support given by Highway colleagues in refusing the proposal for reasons of highway safety. In addition the previous decision, and the Planning Inspector, did not consider the schemes to result in harm to The Ropewalk and therefore for the same scheme, it would be inappropriate to add it as a reasoning for refusal.

The proposal would introduce three new driveways to Nursery End to support three new dwellings. Again residents have raised concern over the increased vehicular activity and potential for on street parking. Members will note that the scheme features triple parking for Plots 2 and 3. Plot 2 is proposed as 3 bedrooms and Plot 3 is 4 bedroomed. 3 bedroomed units only require 2 parking spaces whereas 4 bedroomed units would require 3, and whilst these spaces are provided for, they are in tandem, with Plot 3 reliant on the use of the garage as a parking space. Having consulted with Highways on this specific issue, as it has been raised elsewhere as a particular issue, they state that whilst they don't favour the arrangement, on this particular occasion it is only one plot with that provision and it would provide for sufficient parking. They would not be able to support a reason for refusal on this basis. Therefore whilst Members may take a differing opinion, the fact that it would only be one plot which requires 3 spaces to Nursery End, it wouldn't necessarily result in substantive harm to the surrounding highway which in turn would lead to harm to highway safety in their opinion.

Plots 4 and 5 would feature in plot side by side parking and on the plans there are shown to be 4 spaces for each plot (including 2 within the double garage), although from the site plan more space could be utilised for parking provision without reliance on the garage. Nonetheless, parking provision is provided for within the site which would not impede the existing driveway which is utilised by other dwellings.

Therefore having taken the above matters into consideration, it is considered that the proposal would not result in harm to highway safety and provides appropriate parking levels for the dwellings and number of bedrooms proposed.

Neighbour amenity

Policy DM5 of the ADMDPD states *"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 to having regard to the operation of neighbouring land uses and mitigating where necessary.

The issue of amenity has raised many concerns locally from residents expressing concern on the impact of the development upon their living amenity. Living amenity was a main factor in the Inspector's deliberation on the previous scheme for two dwellings and especially upon the living amenity of no. 49 and 49a The Ropewalk.

The scheme as now proposed is accepted that it is more intensive however when looking at the individual merits of the proposal against the Inspector's decision it is noted that there are improvements to the scheme.

Plot 1

Members will note on the site plan the siting of a dwelling to the rear of no.51 The Ropewalk. This is an extant permission for a two storey dwelling (amended under 19/01693/FUL) which has not yet commenced on site but is extant. Plot 1 of the proposal has been amended to be a single storey 2 bed roomed bungalow with a ridge height of approximately 5.7m and sited approximately 12m south-west of the proposed dwelling at 51 The Ropewalk. As the building is a single storey bungalow with no accommodation within the roofspace and the siting being adjacent to a side elevation which does not enclose along the entire boundary, it is considered that the harm caused to the future living amenities of the consented dwelling would be minimal. It is appreciated the concern raised on the specific design of the consented dwelling for solar gain, however given the distance and staggered alignment between the two dwellings it is considered unlikely to have such a harmful impact.

Plots 2, 3 and 4

Plots 3 and 4 are both 4 bedroomed properties with Plot 3 facing Nursery End and Plot 4 accessed from The Ropewalk and faces the rear of no.49a The Ropewalk. Plot 4 has been amended to improve the relationship with Plot 3 and siting the garage on the rear boundary with Plot 3 to ensure the relationship isn't overbearing or oppressive. The distance between the furthest rear elevation of Plot 3 to the rear elevation of Plot 4 is approximately 11m. This is a less than satisfactory arrangement and could result in a contrived arrangement, however when taking into consideration the juxtaposition between the two and the fact that the boundary isn't fully enclosed by the bulk and massing of Plot 4, it makes it just, on balance, reasonable although Members are entitled to take a differing opinion on this matter.

There are two first floor windows on the rear of Plot 4 which serve a stairwell and bathroom which could be conditioned to be obscurely glazed if Members resolve to approve the application. This would ensure there would be no direct overlooking impacts upon the occupiers of Plots 3 and 2.

Plot 2 is a three bedroomed unit and would overlook the rear amenity space of Plot 4 and is sited approximately 11m from the shared boundary. Again this relationship is not ideal however as these are new properties, this is a relationship whereby potential buyers would be buying into and would expect from the outset and it is not a relationship whereby the Council would ordinarily approve would the properties be existing. The relationship could be improved through the imposition of landscaping to screen part of the boundary and would be attached as a landscaping condition recommendation.

Plot 5

This is a 4 bedroomed unit with a study on the ground floor and a double flat roofed garage approximately 1m from the rear boundary with no.49 and 49a The Ropewalk. The dwelling is traditional in design with a hipped roof with a ridge of approximately 7.8m and eaves height of 5.2m. The main dwelling is located approximately 15m from the main rear elevation of the

dwelling on The Ropewalk, with a rear to side elevation arrangement with no windows at first floor facing the dwellings on The Ropewalk and only one at ground floor.

The former appeal decision cited this as the most harmful relationship however the design of that scheme was much different from that now proposed in that the plot to the rear of no. 49a effectively enclosed their rear boundary with built form. This design sees less than half of the rear boundary enclosed. It is appreciated that the development would commence approximately 1m from the boundary with a flat roofed garage approximately 2.7m to the eaves, however the main massing of the proposed dwelling is located 15m from the rear elevation of the main dwelling. The gardens are small on The Ropewalk which was acknowledged by the previous Inspector, however the differing design would not enclose the boundary to no. 49a or 49 and thus it is considered that the proposal would not result in an overbearing impact to the neighbours. I have considered the overall impact of the position of windows within plot 5 and the provision of no first floor windows facing no. 49 and 49a The Ropewalk and the existence of permitted development restrictions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to restrict additional first floor windows, it is not considered that the proposal will result in any loss of privacy.

The windows sited to the front and rear of this plot would overlooking land to the north-east and south-west. To the north-east is no. 51 The Ropewalk which is approximately 16m from the furthest rear elevation of Plot 5 to the boundary with no. 51. Whilst this elevation will feature windows, the distance and orientation of the properties is such that the harm is not considered considerable to reduce the amenity value the occupiers would experience to an unacceptable level within their private amenity space.

The elevation facing south-west features the most windows and would be sited approximately 21m from the side boundary with no.43 The Ropewalk, which is considered a reasonable distance. It is also sited approximately 30m from the dwelling at no.45 The Ropewalk which also shares the private driveway.

Neighbour amenity conclusion

Overall it is considered that although comments have been raised relating to the proximity of the development to existing properties, when consideration is given to the separation distances and the design of the dwellings, it is considered that on balance it is just acceptable and the harm caused by the former layout identified by the previous Inspector has been addressed by the revised design.

Impact on flooding and surface water

The site is located within flood zone 1 and therefore at the lowest risk from flooding and does not constitute major development classification of development as stated within the NPPF. It is not necessary for the applicant to submit a flood risk assessment, nor is it necessary to apply the sequential test approach as set out in the NPPF.

Nonetheless Core Policy 10A of the ACS identifies Lowdham and Southwell as areas of Local Drainage Designations. The assessment of this would take in to account the SNP policies concerning the management of flood risk and specific advice of the Lead Local Flood Authority.

Core Policy 10A states that new development should positively manage surface water run-off through the design and layout, in order that there will be no unacceptable impact from run-off on surrounding areas or the existing drainage regime. The SNP states however that proposals relating to drainage submission would only be required whereby the initial proposal is subject to a flood risk assessment.

The Lead Local Flood Authority have commented and stated they have no objections to the proposal subject to certain matters being achievable which would be attached as a condition on drainage should Members resolve to consider the scheme acceptable.

Therefore on the basis of the information submitted the proposal is not considered to result in unacceptable harm to local drainage issues, subject to the imposition of conditions.

Impact on ecology

Core Policy 12 states that the Council will seek to conserve and enhance the biodiversity of the District and that proposals will be expected to take into account the need for the continued protection of the District's ecological and biological assets. Traditional rural buildings often provide a habitat for a variety of species, some of which may be protected by law. Policy DM7 supports the requirements of Core Policy 12 and states that development proposals affecting sites of ecological importance should be supported by an up to date ecological assessment. Policy DM5 seeks to avoid adverse impacts upon ecological interest and protected species.

The NPPF (2019) states when determining planning application LPAs should apply the following principles as stated within paragraph 175 of the NPPF. This states that if *“significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Development whose primary objective is to enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

The surrounding area comprises of residential gardens with arable fields located further to the west and north-east and a golf course to the north-west. Surrounding areas suitable for foraging and commuting include residential gardens, tree lines and woodland copses. The Dumbles Tributary and Potwell Dyke are within the surrounding landscape providing areas also for commuting and foraging however no natural feature exists on the application site. Ponds and drainage ditches are also within the area providing important habitat for several protected species.

A Preliminary ecological appraisal and preliminary roost assessment survey has been provided by the applicant and identifies the site is of low ecological value. It provided a foraging habitat for bats although no bat roosting habitat is present on the site and recommends the installation of a minimum of two nest box company bat boxes. No evidence of nesting birds were found during the survey however birds could use the vegetation on site for nesting and therefore they suggest the installation of a minimum of two nest box company bird boxes on trees or buildings.

The site is identified as providing a small area of reptile habitat and land suitable for terrestrial amphibian habitat. Common lizards are known to be present on part of the Southwell Trail several kilometres from the site, and terrestrial habitat connectivity is limited by roads. Some ponds are located within the locality although these are more than 500m away. The report suggest creating

areas of log piles and other habitats for common reptiles positioned on the site boundaries below the existing hedgerow which is to be retained.

No badger setts have been identified on the site although the land is suitable for foraging. The report suggests planting fruit trees on the developed land.

The site is suitable for hedgehogs and gaps should be created in new boundary fences to provide commuting routes through the development for them. Hedgehog houses should be incorporated into the development and positioned beneath the boundaries.

Therefore on the basis of the above information, the site does not include species or habitats which could not be adequately mitigated for within the development and thus it is considered that the proposal, with regards to ecology, is acceptable subject to the recommendation of suitable conditions.

Other matters

Due to the confined nature of the site it is necessary to consider the development potential under the Town and Country (General Permitted Development) (England) Order 2015 (as amended) and how that would impact the living amenities of the other occupiers within the vicinity. Therefore due to the proximity of the surrounding residential properties it is considered necessary (and reasonable) for the Local Planning Authority to retain such management and due consideration to enable the local planning authority to give due consideration to the impact upon neighbour amenity. Such a condition is recommended under the recommendation section below should Members resolve to approve this application.

Conclusion

All material planning considerations have been taken in to account as set out above and appropriate weight has been given to each issue and it is concluded that the application whilst it satisfies matters relating to design, ecology, flooding/surface water and highway safety, the matter of neighbour amenity is one which is finely balanced and the separation distances are on the cusp of acceptability. Moreover, the proposal fails to offer a majority of two bed units as required by local housing needs, acknowledging this dates to 2014. The design of the dwellings and their juxtaposition to one another and surrounding properties has been taken in to consideration and has weighed favourably in the balancing judgement. Due consideration has been taken with regard to the previous appeal decision relating to application number 14/02172/FUL for 2 dwellings. However whilst comparisons have been drawn out, this scheme is very different in terms of design and proportion. Whilst the proposal is more intensive the separation between existing and proposed dwellings is considered just acceptable.

Therefore, in balancing all the material considerations of this case, a recommendation of approval to Members is proposed and the proposal although finely balanced is considered to accord with the Council's DPD and the NPPF, and there are no other material planning considerations that would outweigh this policy stance in this case.

RECOMMENDATION

That planning permission is approved subject to the following conditions:

01 - Time

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 - Plans

The development hereby permitted shall not be carried out except in complete accordance with approved proposed plans reference;

DRWG no. 01 Rev B Aerial view;
DRWG no 02 Rev B Aerial view;
DRWG no. PL01 Rev A Site location plan;
DRWG no. PL03 Rev B Proposed site plan;
DRWG no. PL04 Rev A Unit 01;
DRWG no. PL05 Rev B Unit 02;
DRWG no. PL06 Rev B Unit 03;
DRWG no PL07 Rev B Unit 04;
DRWG no. PL08 Rev B Unit 05;

Reason: So as to define this permission.

03 - Materials

No development above damp proof course/slab level 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.

04 - Highways

No part of the development hereby permitted shall be brought into use until the visibility splays of 2.4m x 43m at The Ropewalk are provided in accordance with details to be first submitted and approved in writing by the Local Planning Authority. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: In the interests of highway safety.

05 - Highways

No part of the development hereby permitted shall be brought into use until the access to the site has been completed, with a width of 5.25m, and surfaced in a bound material for a minimum distance of 5m behind the highway boundary (back edge of footway) with a suitable means of surface water disposal in accordance with details to be first submitted to and approved in writing

by the Local Planning Authority.

Reason: In the interests of highway safety.

06 - Highways

No part of the development hereby permitted shall be brought into use until the dropped kerb vehicular crossings, to serve 3 dwellings, at Nursery End are available for use and constructed in accordance with the Highway Authority's specification.

Reason: In the interests of highway safety.

07 - Landscape

Prior to first occupation/use of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

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, and structural cells. 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, together with measures for protection during construction;

proposed finished ground levels or contours;

means of enclosure;

car parking layouts and materials;

hard surfacing materials;

Reason: In the interests of visual amenity and biodiversity.

08 - Landscape

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 Local 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 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.

09 - Ecology

No dwelling on site shall be occupied until details including location of a hedgehog house and a minimum of two bat boxes and two bird nest boxes and/or bricks have been submitted to and approved in writing by the Local Planning Authority. The hedgehog houses/nest boxes/bricks shall then be installed, prior to occupation of the associated dwelling, in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: In the interests of maintain and enhancing biodiversity.

10 - Ecology

No clearance works of vegetation within the site shall take place during the bird nesting period (beginning of March to end of August inclusive).

Reason: In the interests of ecology and biodiversity enhancements.

11 - Ecology

Development shall be carried out in accordance with the submitted Ecological Walkover Survey (dated 12 November 2019) namely Section 4.2 (Evaluation) and the Enhancements section. Details and locations of these enhancements including an implementation and timescale programme shall be submitted to the Local Planning Authority in writing and such measures shall be implemented and retained for the life of the development.

Reason: In the interests of ecology and biodiversity enhancements.

12 – Landscape/Ecology

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 the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the Local Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on the application site.
- e. No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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 Local Planning Authority.

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

13 – LLFA

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Sustainable Urban Drainage Systems (SUDS) should be considered where feasible and details of maintenance and management should be submitted to the Local Planning Authority. Permeable paving should also be considered to reduce the reliance on mainstream drainage measures and other such water saving measures should be submitted to and approved by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details and implemented prior to first occupation of the first unit and retained for the lifetime of the development.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and flood prevention measures.

14 – Windows

All ensuite/bathroom/W.C window openings 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.

15 – Window for Unit 04

The first floor window opening on the north-west elevation of Unit 04 serving the stairwell, 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 dwelling 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 future occupiers of neighbouring properties.

16 - PD

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 to any unit approved under this permission 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.

Class E: Buildings etc incidental to the enjoyment 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) (England) Order 2015 (or any amending legislation) and in order to safeguard the amenity of neighbours

Notes to Applicant

01

To avoid nuisance complaints the applicant should have regard to the following:

1. Except for emergency works, to protect the amenities of occupiers of other premises in the vicinity, the hours for deliveries or for the construction of the development should be restricted to: Monday to Friday 08:00 to 18.00hrs, Saturday 08:00 to 13.00hrs and no works on site on Sundays/Bank Holidays.
2. Suitable measures must be taken to minimise dust and dirt during the construction and operation of the site using best practice methods.

02

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

03

The development makes it necessary to widen the existing vehicular crossing over the footway of the public highway (The Ropewalk). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

04

The development makes it necessary to construct two vehicular crossings over the footway of the public highway (Nursery End). These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact VIA, in partnership with NCC, tel: 0300 500 8080 to arrange for these works to be carried out.

05

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).

06

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

The proposed development has been assessed and it is the Council's view that CIL IS PAYABLE on the development hereby approved as is detailed below. Full details about the CIL Charge including, amount and process for payment will be set out in the Regulation 65 Liability Notice which will be sent to you as soon as possible after this decision notice has been issued. If the development hereby approved is for a self-build dwelling, residential extension or residential annex you may be able to apply for relief from CIL. Further details about CIL are available on the Council's website: www.newark-sherwooddc.gov.uk/cil/ or from the Planning Portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

07

Please note that the District Council no longer provides wheeled bins for residential developments free of charge. Wheeled bins can be purchased from the District Council or any other source provided they conform to appropriate standards and requirements of the Council. Enclosed is a leaflet from the District Council's Waste Management Section entitled 'Guidance for New Development – Waste Storage and Collection' which sets out these standards and requirements. If you wish to purchase wheeled bins or discuss this matter further please contact the Waste Management Officer on 01636 655677 or email: waste.management@nsdc.info.

08

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

Any discharge of surface water from the site should look at infiltration – watercourse – sewer as the priority order for discharge location.

SUDS should be considered where feasible and consideration given to ownership and maintenance of any SUDS proposals for the lifetime of the development.

Any development that proposes to alter an ordinary watercourse in a manner that will have a detrimental effect on the flow of water (eg culverting / pipe crossing) must be discussed with the Flood Risk Management Team at Nottinghamshire County Council.

The applicant should consider the use of flood resilient construction techniques and materials where possible.

BACKGROUND PAPERS

Application case file.

For further information, please contact Lynsey Preston on ext 5329.

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

Lisa Hughes

Business Manager – Planning Development

Committee Plan - 19/02064/FUL

