

PLANNING COMMITTEE – 3rd NOVEMBER 2020

Application No: 20/01422/FUL

No:

Proposal: Erection of 2(no.) 2 storey dwellings (Scheme C)

Location: Land At Rear Of 49 & 49A The Ropewalk, Southwell

Applicant: Mr D Shaw - Ablehomes Ltd

Agent: Mr Mike Sibthorp - Mike Sibthorp Planning

Registered: 03.08.2020 **Target Date:** 28.09.2020

Extension of Time Agreed Until 06.11.2020

Website Link: <https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QEBKQULBIMH00>

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Southwell Town Council has objected to the application which differs to the professional officer recommendation. Under the Scheme of Delegation, Cllr Harris has referred the application to committee in line with the Town Council comments. The review Panel have determined that the application should come before Members given the recent planning history whereby Members previously overturned Officer recommendation.

The Site

The site comprises of 0.22 hectares 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

There is extensive planning history related to the site as summarized below.

Members will recall that three applications for different schemes on the site were refused (contrary to Officer recommendation) at the previous meeting on October 6th for the following reasons:

20/01418/FUL - Erection of 4 No. 2-storey dwellings (Scheme A)

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development on a part backland plot which is incongruous and detrimental to the character of the area. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy Development Plan Document and Policy DM5 of the Allocations and Development Management Development Plan Document as well as the National Planning Policy Framework and the design principles of the Neighbourhood Plan which form material planning considerations.

20/01421/FUL - Erection of 3 No. dwellings: 2 x 2-storey and 1 x single storey (Scheme B)

In the opinion of the Local Planning Authority, by virtue of the scale and massing of the units proposed at Plots 1 and 3, the proposal would result in an over intensive layout of development on a part backland plot which is incongruous and detrimental to the character of the area. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy Development Plan Document and Policy DM5 of the Allocations and Development Management Development Plan Document as well as the National Planning Policy Framework and the design principles of the Neighbourhood Plan which form material planning considerations.

20/01433/FUL - Erection of 5(no.) single storey dwellings (Scheme D)

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development on a part backland plot which is incongruous and detrimental to the character of the area. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy Development Plan Document and Policy DM5 of the Allocations and Development Management Development Plan Document as well as the National Planning Policy Framework and the design principles of the Southwell Neighbourhood Plan which form material planning considerations.

19/02064/FUL – Erection of 5 dwellings. *This application was refused by Members at the 28th April 2020 planning committee meeting (contrary to Officer recommendation) for the following reason:*

01

In the opinion of the Local Planning Authority, by virtue of number of units, the proposal would result in an over intensive layout of development which is incongruous and detrimental to the character of the area. The cramped nature of the development would result in insufficient private amenity space for each of the dwellings with the exception of the bungalow, separation distances for plots within the site but also to neighbouring plots namely no. 49 and 49a The Ropewalk where the massing and scale of the proposed Plot 5 would have an overbearing impact. As such the proposal is deemed contrary to Core Policy 9 of the Amended Core Strategy and Policy DM5 of the Allocations and Development Management DPD as well as the NPPF which forms a material planning consideration.

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.

E/56/1410 – Erection of two houses and five bungalows.

Planning permission granted in November 1971, the application is considered extant due to the implementation of the application through the erection of the five bungalows accessed via Nursery End.

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 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.

The Proposal

The proposal has been amended during its lifetime owing to concerns raised in relation to the original scheme which sought permission for 2, 2.5 storey dwellings.

The proposal now seeks permission for 2, 2 storey detached dwellings each with 5 bedrooms.

The footprint of each plot would be around 186m² excluding the detached double garages. The dwellings would be handed versions of one another in an L-plan form.

The properties would be approximately 7.9m to ridge height and 5.0m to eaves.

The design of the dwellings is modern in nature with large expanses of glazing in some instances served by Juliette balconies. Each dwelling would also be served by a single storey flat roof porch projection on the principle elevation.

The application has been considered on the basis of the following plans and documents:

- Site Location Plan – C 01;
- Scheme C Site Plan – C 02B;
- Scheme C Plots 1 Elevations – C 05B;
- Scheme C Plots 1 and 2 Garages – C 03;
- Scheme C Plot 1 Plans – C 06B;
- Scheme C Plot 2 Elevations – C 07B;
- Scheme C Plot 2 Plans – C 08B;
- Scheme C Cross Section – C 04B;
- Design and Access Statement Planning Statement;
- Ecological Walkover Survey by Arbtech dated November 2019.

Departure/Public Advertisement Procedure

Occupiers of 22 properties have been individually notified by letter. A period of re-consultation (which expires prior to the November 3rd meeting) has also taken place for the revised plans and any comments received will be reported to Members through the late items schedule.

Planning Policy Framework

The Development Plan

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) (ADMDDPD)

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 Council - object to this application (*based on original plans*).

- it is in contravention of the neighbourhood plan E2 Flood Resilience Design, as there are no flood mitigation measures in the application.

- the height 2.5 storeys dwelling will cause loss of privacy to surrounding residents

NCC Flood Team – No objections.

Severn Trent – No comments received.

Southwell Civic Society – object to this application (*based on original plans*).

- Although there are only two houses their height, at effectively three stories, would dominate the surrounding properties and would result in issues of privacy especially from the Juliet balconies.
- No flood mitigation measures have been put forward in the application contrary to Southwell Neighbourhood Plan Policy E2.

In respect to the original scheme, representations have been received from 5 local residents/interested parties which can be summarised as follows:

- Revised proposal is an improvement to previous scheme but still shows no visitor parking;
- The Ropewalk is chaos from badly parked cars when either the Co-op delivery or bus goes by;
- The revised plans seem sensible and a reasonable use of the site;
- The proposal is unacceptable as it is again out of keeping with the surrounding properties and the character of the area;
- The effect of the houses will increase the loss of privacy and overshadowing to 49 and 49a The Ropewalk;

- The safety of The Ropewalk is already of great concern with regard to the safety of elderly residents and school children;
- The 3 storey design is not typical of nearby properties and poses a significant risk to loss of privacy for neighbouring properties;

Comments of the Business Manager

Preliminary Matters

As is referenced above, the application was submitted at the same time as three other planning applications on the site for residential development. As referred to in the description of development, this application forms **Scheme C**.

- Scheme A: 4 dwellings – 20/01418/FUL;
- Scheme B: 3 dwellings – 20/01421/FUL;
- **Scheme C: 2 dwellings – 20/01422/FUL;**
- Scheme D: 5 dwellings – 20/01433/FUL.

The three other applications were all presented to Members at the October 6th meeting and all refused for the reasons outlined above. The reason the current application did not come before Members in October was that Officers were working on negotiations for a revised scheme to address concerns in respect to scale and massing.

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.

Consent was granted in 1971 for the development of Nursery End with 5 bungalows and 2 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 outline of the extant dwellings is shown in green on the site plan for this application. For the avoidance of doubt, the extant permission is material to the determination of this application as are the previous decisions of the LPA and the Inspector which relate to the site.

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.

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.

It is clear that the dwellings presented by the current application would not contribute towards the identified need of smaller units. Both dwellings are of a significant size and scale with 5 bedrooms each. The 2014 Housing Needs Survey report identifies just a 2.7% need for 5 bed units.

Policy So/HN/1 is one of only two policies in the ADMDPD (the other relating to Lowdham) where the District Council has sought to dictate the size of units that come forward at a settlement level (in addition to the Core Strategy requirements to consider the results of housing needs surveys). It is therefore my view that this policy must be given meaningful weight and the lack of adherence to this policy should weigh negatively in the overall planning balance.

Notwithstanding the above, it is relevant to note that the fall back position for two units does not promote smaller dwellings either (both four bed units). There is an argument to say that both the fall back and proposed scheme would represent large family homes which are not necessarily attainable to the market which Policy So/HN/1 is trying to protect.

Impact on Character

Core Policy 9 requires a high standard of sustainable design that protects and enhances the natural environment and contributes to the distinctiveness of the locality and requires development that is appropriate in form and scale to the context. Policy DM5 mirrors this. Policy DM5 goes on to state 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.

It is not considered necessary to debate the matter of backland development since this has already been accepted by the extant permission and indeed permissions on neighbouring land to the east which would essentially occupy the available development plots. Put simply, the precedent for backland development in this area has already been set and fulfilled by applications.

Notwithstanding these backland plots, the design and character of the area is mainly traditional in that properties face the highway with wide frontage plots in two storey form. 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. The design of the built form within Nursery End are mainly red brick dwellings of neutral character.

The dwellings presented for consideration in this application are modern in their character with features such as flat roof projections and porches and wide rectangular fenestration details. Specific materials have not been specified albeit the Design and Access Statement confirms that the primary materials are likely to be red brick and pantiled profile tiles (although there would be scope for elements of render and cladding).

There are still however elements of more traditional form such as the pitched roofs. This is a significant difference from the previous application on the site for two dwellings (14/02172/FUL) where Members and the Inspector considered a modern form with steeply pitched apex roofs was not appropriate for the context of the site.

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).

Although the site is land locked by residential curtilages and therefore not readily visible in the context of the public realm (with the exception of the Nursery End frontage), the originally proposed dwellings with accommodation delivered over three storeys were of a height and scale such that they would have been a dominating feature to the character of the area. In this respect

the appeal decision for a previous scheme (14/02172.FUL) is relevant. In this decision, the Inspector took account of the fall back position but found that the design style and massing of the appeal scheme was greater and ultimately harmful to the character and appearance of the area. Officers therefore raised concern with the originally submitted plans for this application and it is on this basis that the scheme has been revised.

The latest plans for consideration show that the proposed dwellings would be just under the pitch height of the extant scheme. However, as is shown by the site plan, the proposed foot print would be materially larger. The additional footprint would primarily be due to the two storey rear projections. The applicant has worked with Officers to reduce the overall massing of the rear projections with the plans now for consideration showing a dropped ridge height to the rear which assists in breaking up the bulk of the built form.

Officers are mindful of Member's concerns on the recently refused schemes namely in relation to the over intensive development of the site. However, in the case of the current application, the number of dwellings would be the same as that agreed by the extant permission. The plots would be spacious such that the two dwellings, albeit of considerable footprint, would not appear cramped within their plots. Although the footprints would undoubtedly be larger than the majority of plots in the surrounding area, with the reduced height secured through the revisions (including a dropped ridge height at the end of the rear projection), Officers do not consider that the massing itself would be harmful to the character of the area.

Impact on 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.

It is material to the current determination that matters of amenity formed part of the reason for the refusal of the scheme for 5 dwellings (19/02064/FUL) on the site and indeed was a main factor in the Inspector's deliberation on the previous scheme for two dwellings (14/02172/FUL). This was particularly in the context of the impact on no. 49 and 49a The Ropewalk.

The current application is a significantly less intensive scheme and therefore matters of amenity provision for the proposed occupiers is of no concern given that they would both be afforded ample amenity areas.

In line with the Inspector's decision on 14/02172/FUL, the greatest amenity consideration would be the relationship between Plot 2 and no. 49 and 49a The Ropewalk.

12. The outlook from the rear of Nos 49a and 49 would be towards the side elevation of Plot No 1. Both these properties have relatively short rear gardens of approximately 7.5 metres in length. Whilst there would be windows in the side elevation these would be comparatively small and would be secondary windows to principle rooms. Consequently I do not consider that the development would cause overlooking to an extent that would result in an unacceptable loss of privacy.

13. The side elevation of Plot No 1 would be sited within approximately 2 metres of the rear boundary of Nos 49a and 49. The outlook from almost the whole of the rear boundary from No 49a and half of the boundary with No 49 would be towards the proposed side elevation of Plot No 1. This would be positioned within approximately 11 metres of the rear windows of these properties and extend from a single storey mono-pitched garage to two storey side elevation of the proposed dwelling at a height of approximately 7.2 metres. In comparison, the 'fallback' scheme had a substantially reduced gable width and hence resulted in much less built development along the rear boundary of the existing properties. As a consequence of the relatively short rear gardens and the extent of built development, sited in such close proximity to the rear boundary, 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.

14. Although I have not found an unacceptable loss of privacy, there would be a detrimental impact on outlook contrary to policy DM5 of the DPD. This policy, amongst other things, seeks to ensure that new development does not result in an unacceptable loss of amenity as a consequence of inadequate separation distances and overbearing impacts.

In this case the outlook would be towards Plot 2. As with the appeal scheme, the majority of the side elevation would feature small secondary windows at first floor (which could reasonably be conditioned to be obscurely glazed). However, the latest plans show that bedroom 1 of Plot 2 would also be served by a large full height window with Juliette balcony which would be orientated towards the rear of no. 49 The Ropewalk. Although the distance between the window and the rear of no. 49 would be approximately 23.5m, Officers still consider that this relationship would lead to a perception of being overlooked due to the large expanse of glazing and the direct outlook. The applicant has agreed that they would be willing to amend the plans further by replacing the full height window with a more modestly sized window and adding an additional window to the rear elevation. The revisions could be secured by condition if Members were minded to approve.

The site plan for the application has annotated the positioning of the extant dwellings and shows that the proposed Plot 2 would be sited approximately 3m further westwards than the extant scheme giving a total distance of approximately 14.5m between the rear of the neighbouring properties and the side of Plot 2. The detached garage would be closer to the boundary and less than 10m from the rear elevation of no. 49a but it would not be set immediately behind and therefore any outlook to the single storey roof would be at a more oblique line of sight.

As with the Inspector's assessment above, it remains the case that due to the rear projection and detached garage, a significant proportion of the rear outlook for both no. 49 and 49a would be towards built form (the extant scheme would have just been the gable end albeit approximately 3m closer). Owing to the extra distance achieved, it is considered that the scheme as presented would on balance be acceptable in terms of the amenity impacts to no. 49 and 49a.

The submitted site plan has helpfully annotated the positioning of the extant approval to the rear of no. 51 The Ropewalk which forms permission for a two storey dwelling. The closest element of built form would be the rear projection of Plot 1 which notably does not feature any glazing. The distance between the rear projection and the principle elevation of the extant plot would be approximately 19m which in the absence of any windows would be sufficient to ensure neither property suffers direct overlooking. The window to window distance would be around 29m which would be a marginal increase to the extant permission.

As mentioned above, the intention is for the rear projection of Plot 2 to be revised to include first floor glazing which would overlook the end of the rear garden for the existing dwelling at no. 51 The Ropewalk and the access drive for the extant dwelling. The rear projection would still be around 11m from the shared boundary and the points at which the outlook are towards are considered less sensitive in amenity terms. Officers have therefore identified no demonstrable amenity harm to either 51 The Ropewalk or the extant proposal in the rear garden particularly in the context of the extant scheme on the site.

Other properties which surround the site include the bungalows on Nursery End. However, it is not considered that the side gable of Plot 1 (the closest element of built form approximately 28m away) would have a greater impact than the extant scheme.

There are also gradient differences in the area which mean that the proposed dwellings could impact the properties on the opposite side of the Ropewalk access (to the south west). However, the revised plans clearly show that the dwellings would be marginally lower than the extant scheme and therefore the impact on these properties would be similar to what could be built through the existing permission. This would be a principle elevation to principle elevation relationship, and owing to the distance of over 30m does not raise amenity concerns justifiable for a refusal.

Overall, the scheme is considered to comply with the amenity intentions of Policy DM5 and in doing so has overcome the previous refusals on this basis. Given the constraints of the site however, it is considered reasonable and necessary to restrict permitted development rights to allow the LPA control over any future development.

Impact on Highways

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.

Both dwellings would be served from the existing access from The Ropewalk which matches the extant permission. It therefore would not be reasonable to resist the application on the basis of the proposed access.

Comments have been received relating to a lack of visitor parking and how this could potentially affect on street parking and ultimately the efficient operation of traffic along The Ropewalk. However, Officers do not share these concerns. Both properties have been presented with double garages as well as large expanses of turning spaces within the site. Indeed, the set back from The Ropewalk is likely to mean that parking on site is a much more attractive prospect for visitors and occupiers. Even in the context of the size of the dwelling, it is considered that appropriate levels of on site parking provision have been presented. In reaching this judgement Officers are also mindful that the previous Inspector did not raise an issue with matters of highways safety in the appeal decision for 14/02172/FUL.

If permission were to be forthcoming then conditions could be attached to the permission requiring the widening of the access and the use of a hard bound material.

Flood Risk and Drainage

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. The Town Council comments refer to Neighbourhood Plan Policy E2. However this relates to development proposals which require a flood risk assessment.

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 the scheme be considered otherwise 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.

Other Matters

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.

It is notable that the current application did not originally address matters of ecology through a specific ecological survey. However, the previous application for 5 dwellings (19/02064/FUL) (submitted by the same applicant) did include a preliminary ecological appraisal which is still 'in date' having been based on site visits from November 2019. The report identified the site as being of low ecological value which allow providing a habitat for foraging did not feature any bat roosting habitats. No evidence of nesting birds were found. Ultimately the report found no ecological harm from developing the site (again relevant to state it could be developed by the extant permission in any case) but did make recommendations for ecological enhancements such as bat and bird boxes. These could be carried forward to this application by condition (the report has now been submitted to accompany this application).

Overall Balance and Conclusion

The proposal relates to two, large executive family homes within the village envelope of Southwell. Whilst the size of the dwellings does not conform with the intentions of local policy to seek smaller units, it must be taken into account that there remains a fall back position for two four bed units on the site. The above assessment has considered all material planning considerations and found that the proposal is acceptable in character and amenity terms specifically (previous reasons for resistance of development on the site). It would be extremely difficult to defend a refusal on matters of housing need alone when acknowledging the extant permission for two dwellings on the site but also the contribution that the dwellings would make towards the District Council housing stock on what is a windfall site. The recommendation is therefore one of approval subject to the conditions as outlined below.

RECOMMENDATION

That planning permission is approved subject to the following 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 approved proposed plans reference;

- Scheme C Site Plan – C 02B;
- Scheme C Plots 1 Elevations – C 05B;
- Scheme C Plots 1 and 2 Garages – C 03;
- Scheme C Plot 1 Plans – C 06B;
- Scheme C Plot 2 Elevations – C 07B;
- Scheme C Plot 2 Plans – C 08B;
- Scheme C Cross Section – C 04B;

Reason: So as to define this permission.

03

Notwithstanding the approved plans referred to the previous condition, the first floor full height window and Juliette balcony on the south eastern side elevation of Plot 2 as shown on Scheme C Plot 2 Elevations – C 07B, is not approved. Prior to the occupation of this plot, revised window details shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation and thereafter retained for the lifetime of the development. For the avoidance of doubt, any first floor windows on the south eastern side elevation of Plot 2 shall be modest in size and obscurely glazed to level 3 or higher on the Pilkington scale of privacy or equivalent.

Reason: To protect neighbouring amenity.

04

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.

05

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 shown on plan reference Scheme C Site Plan – C 02B. 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.

06

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.

07

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

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

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

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

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

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

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

Any first floor windows on the south eastern side elevation of Plot 2 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.

15

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

16

In the event that the permission hereby approved is implemented, the alternative schemes considered under references 20/01418/FUL; 20/01421/FUL and 20/01433/FUL (subject to approval in an appeal scenario) shall not be implemented.

Reason: To prevent the part implementation of different schemes which could have amenity impacts not formally considered.

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 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

05

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.

06

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 Laura Gardner on extension 5907.

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

Lisa Hughes
Business Manager – Growth and Regeneration