



Planning Report for 2019/1079



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site.
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Report to Planning Committee

Application Number:	2019/1079
Location:	Land adjacent to Plemont, Private Road, Woodborough
Proposal:	Full planning application for three detached residential properties to be accessed off Private Road.
Applicant:	Mr A Prestwick and Woodborough Property Management Limited
Agent:	Grace Machin Planning and Property
Case Officer:	Nigel Bryan

The application is referred to Planning Committee with the proposal forming part of a larger allocated site and requiring a Section 106 Legal Agreement.

1.0 Site Description

- 1.1 The application site comprises a roughly rectangular parcel of land some 40m in depth between Private Road to the north, Plemont to the east, Wyndways to the east and vacant land to the south; the application site and the vacant land to the south is all allocated for residential development. There is a relatively significant change of levels passing through the application site with the land dropping some 3.7m from Private Road to the southern edge of the site. The site is devoid of any significant features save for a modest garage/storage building close to the boundary with Plemont. A hedge marks the boundary with Private Road and whilst parts of the wider allocated site has on it a number of trees those in the application site have been removed.
- 1.2 Properties that surround the application site are mixed and include Plemont, a dwelling undergoing a number of extensions and alterations, Wyndways, a semi-detached two-storey dwelling appearing to date from the 1960's/70's. Directly opposite the application site is a red brick double fronted property whilst along Private Road there is a wider range of property styles and designs, along with a mixed palate of materials.

2.0 Relevant Planning History

- 2.1 The application site has no recent planning history.

3.0 Proposed Development

3.1 The application is submitted in full and is for the erection of 3 dwellings. Each dwelling would have a vehicular access from Private Road and there would be a mixture of materials including red brick, render, timber panelling, zinc, along with a contemporary window layout. Each dwelling would comprise two distinct parts, linked by a flat roof aspect. Plots 1 and 2 would have some elements that have accommodation over three floors, with accommodation in the roof space, whereas plot 3, adjacent to Wyndways would have accommodation over two floors only. Plots 1 and 2 would have integral garages whereas plot 3 would have parking to the front.

4.0 Consultations

4.1 A site notice has been displayed and neighbour notification letters posted. As a result of consultation undertaken 15 letters of objection have been received. A summary of the objections received are drafted below;

- The dwellings do not respect the character of the area and are too large, too modern;
- There would be a significant detrimental impact on the amenity of neighbouring properties given the scale of dwellings proposed;
- Private Road is not able to cope with the vehicle movements that the dwellings would generate, during building works and whilst occupied;
- There would be a detrimental impact on ecology in the area;
- Surface water flooding will increase to residents on Broad Close;
- Services e.g. water, gas and electric run down Private Road and will be detrimentally impacted;
- The applicant does not own Private Drive, which will serve the proposed dwellings and access should be taken from Broad Close, through the allocated site.

4.2 Woodborough Parish Council – support the application but make a number of observations too; affordable housing should be provided; replacement planting for the trees to be lost should be secured; Roe Hill and Roe Lane have known parking and traffic flow issues, which should be explored; the site should be suitably drained and comply with SUDS guidance and the dwellings should be fully compliant with disability access guidance.

4.3 Environment Agency – the site falls within flood zone 1 and make no comment on the application, although the lead flood authority should be consulted on the application.

4.4 Local Lead Flood Authority – note that the site area is below the threshold whereby they would normally make observations; however, there would be a need to ensure that surface water drainage is SUDS compliant.

4.5 Severn Trent – highlight the need to link the dwellings to the mains sewer and that surface water drainage should only access sewers if all other possible solutions have been fully explored and are not possible.

- 4.6 Highway Authority (Nottinghamshire County Council) – Note that the access is to be from a private drive that already has over 5 dwellings accessed from it. Therefore, they make no observations on the application. However, they do request a contribution toward enhancing public transport through improvements toward two bus stops in the centre of the village, in the form of raised kerbs. The total contribution sought is £6,000 for the allocated site and £1,285.71 from this application.
- 4.7 NHS (primary care) – does not request a contribution;
- NCC Education – note that the local primary school has spare capacity; however, the secondary catchment ‘Carlton Secondary Planning Area’ does not; therefore, based on a total of 14 dwelling being erected over the allocated site a total contribution of £47,750 is sought. This would equate to £10,232.14 for this application.
- 4.8 Scientific Officer – raises no objection to the application subject conditions requiring electric vehicle charging points to be installed and also the approval of Construction Environmental Management Plan (CEMP)
- 4.9 Parks and Street care – noting that the site forms part of a larger allocated site and would meet the threshold to provide contributions in lieu of on-site provision. Based on the erection of 3 dwellings, on an allocated site for the erection of 14 dwellings, the contribution sought would be £17,854.30
- 4.10 Trent Valley Internal Drainage Board – note that the application falls outside their district but is within their catchment. Surface water drainage should not increase run-off rates to a water course and the advice be sought of the Lead Flood Authority;
- 4.10 Conservation/heritage Officer – the conservation officer raises concern about the design and materials proposed for the dwellings, particularly given the elevated nature of the site. A green section to the centre of the site, to link into the remainder of the allocated site should be considered.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 The National Planning Policy Framework (2019) sets out the national objectives for delivering sustainable development. Sections 5 (Delivering a wide choice of high quality homes), 6 (building a strong and competitive economy), 9, (promoting sustainable transport) 11 (Making effective use of

land), 12 (Achieving well-designed places), 14 (Meeting the challenge of climate change, flooding and coastal change), 15 (conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly pertinent.

6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- Policy A – Presumption in favour of sustainable development
- Policy 2 – The Spatial Strategy
- Policy 10 – Design and Enhancing Local Identity
- Policy 11 – The Historic Environment
- Policy 19 - Developer Contributions

6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 3 – Managing Flood Risk
- LPD 4 – Surface Water Management
- LPD11 – Air Quality
- LPD18 – Protecting and enhancing biodiversity
- LPD 21 - Provision of New Open Space
- LPD 26 – Heritage assets
- LPD32 – Amenity
- LPD 35 – Safe, Accessible and Inclusive Development
- LPD 57 – Parking Standards
- LPD 61 – Highway Safety
- LPD70 – Housing allocations – Woodborough

6.5 For the avoidance of doubt Woodborough does not have a neighbourhood plan.

6.6 Other Guidance

Appendix D of the adopted Local Planning Document sets out parking standards for residential uses.

7.0 Planning Considerations

Principle of development

7.1 The application site forms part of a site allocated for residential development in the Local Planning Document under policy LPD70 and the site (H24) is identified as being able to supply 15 dwellings, given that the site covers an

area of some 0.75 hectares. As a result it is identified that the site would return affordable housing and contributions toward education and the Primary Care Trust, if required. Therefore, the principle of development is supported, although a major consideration for the application is that the larger allocated site is coming forward in two separate applications, the full application currently under consideration and also a separate application submitted in outline form for the erection of 11 dwellings (ref: 2019/1080). This has implications in terms of securing contributions toward making the development acceptable in planning terms, covered later in this report, but it would not affect the principle of development.

- 7.2 Having regard to the above the key planning considerations are considered to be the character of the area, residential amenity, highways matters, developer contributions and the impact on heritage assets.

Impact on the character of the area

- 7.3 Private Road is an area that is mixed in its form and has a wide range of dwellings upon it in terms of scale, materials and layout. Due to the natural topography of the area the proposed dwellings will sit lower than Private Road and have accommodation spread over a mixture of two and three-storeys, although the third floor will largely be in the roof space. The eave and ridge height of plot 3 will be similar to Wyndways, although plots 1 and 2 will have taller elements at 8.5m to the ridge to provide accommodation in the second floor.
- 7.4 All of the dwellings will have a wide mix of materials including render, red brick, zinc and some timber cladding. Whilst accepting that there are not dwellings on private Road that have such a mixture of materials a number are prevalent in the area, notably the render and red brick. Furthermore, plots 1 and 2 are taller than those either side of them; however, the accommodation in the third floor will largely be in the roof space and the taller elements will be toward the centre of the site and taking into account the change in levels it is considered that the dwellings will not be unduly prominent in the streetscape.
- 7.5 The elevation treatments will be relatively modern in appearance, reflected in the unusual window design but there is not a uniform design of dwelling along Private Road, with a number of the dwellings individually designed. More traditional red brick dwellings would greater respect the character of the area but the proposed dwellings would create a degree of diversity in the streetscene and the applicant has requested that the application as submitted be determined. Taking into account all of the above factors into consideration, and subject to ensuring that good quality materials are used in the construction of the dwellings, which can be secured by condition, it is considered that, on balance, the development would respect the character of the area and comply with guidance contained in the National Planning Policy Framework and Aligned Core Strategy Policy 10.

Impact on residential amenity

- 7.7 Whilst the dwellings will have accommodation over three floors it is considered that the impact on properties on the opposite side of Private Drive

will be negligible given the change in levels and distance between the proposed and existing dwellings, which would be in the region of 30m.

- 7.8 Therefore, the primary impact from the development is considered to be on the amenity of the neighbouring properties, Wyndways and Plemont. Plemont has been significantly extended in the recent past and it is the two-storey element of plot 1 that would be adjacent to this property. Taking into account that the first floor side window would be to an en-suite it is not considered that there would be any overlooking impacts. Furthermore, given that the buildings would be built along a similar building line it is considered that any overbearing impact would be minimal.
- 7.9 Wyndways has two windows in the first floor side elevation adjacent to the application site. One appears to be to a landing and the second possibly a bedroom. The proposed dwelling would be sat roughly along the same building line and adjacent to this dwelling, although it will extend further back by approximately 2.5m. Whilst accepting that there will be an impact on the amenity of this property having a dwelling built alongside it there would be a gap of some 5.7m between the two side elevations. Typically main habitable room windows would be orientated toward the front and rear, side windows are normally secondary, although that does not appear the case with Wyndways; however, the window in the first floor side elevation of the proposed dwelling would be obscure glazed so as to ensure no overlooking impacts. It is clear that the windows in the side elevation of Wyndways will lose a degree of light but given that they are in the side elevation and have views over third party land rather than a conventional front/rear aspect, it is considered, on balance, that the impacts on the amenity of this dwelling with regard to possible overbearing impacts would not be significant. For the avoidance of doubt, there is no right to a view and it is also noticeable that the proposed dwelling would be sited roughly along the same building line as existing dwellings on this side of Private Road. Taking into account the above, it is considered that the proposal will not have significant detrimental impact on the residential amenity of either of the neighbouring properties most likely impacted by the development. As a result the application is deemed to comply with policy LPD32.

Impact on heritage assets

- 7.10 The application site falls outside of Woodborough Conservation Area; however, given the elevated nature of the site it is apparent that there are views of the application site from Main Street, which is within the Conservation Area. The Conservation Officer notes that the design of the dwellings and their scale would be at odds with the settlement form and believes something more modest in scale and traditional in material would be preferable. However, it is apparent that the application site is approximately 130m from the Conservation Area (CA) boundary and whilst there are views from the CA to the application site, and vice versa, it is considered that there would not be any detrimental impact on its setting. The applicant has been approached about alterations to the scheme to address some of the concerns highlighted but has asked that the application be determined on its own merits having regard to the mix of properties along Private Drive. Therefore whilst some concern has been raised over the design of the scheme, it is considered

that there would be no detrimental impact on the setting of the Conservation Area given the distances involved and sporadic nature of views. Having regard to the above, the application is considered to comply with guidance contained in the NPPF and policies LPD26 and LPD31.

Highways

- 7.11 Vehicular access to the site would be from Private Road, an unadopted highway that is narrow in nature; however, roads leading up to it are adopted, Roehill and Roe Lane. The Highway Authority have raised no objection over access to the site which would be from Private Road. There would be an increase in vehicle movements in the locality but for three dwellings this would not be significant. Adequate parking is proposed to the front and within the garages proposed for the site to comply with guidance contained in appendix D of the LPD, which requires each dwelling to have 3 parking spaces. Furthermore, there is ample space for vehicles to enter and leave in a forward gear with vehicle speeds in the area particularly low given the state of Private Road.
- 7.12 A note would need to be added to any decision notice outlining that the grant of planning permission does not override civil legal matters with regard to access over a private land. Furthermore, concern has been expressed about damage to the road and inconsiderate parking of vehicles during construction, but maintenance of the road would be an issue for its owners and the delivery of materials are only temporary in nature. Taking into account all of the above factors, it is not considered that the application would be detrimental to highway safety and adequate parking would be provided, with the application deemed to comply with policies LPD57 and LPD61.

Planning obligations

- 7.13 As noted above, the application site forms part of a larger allocated site and to ensure that the contributions sought for the entire allocated site are secured it is intended to have a Section 106 Legal Agreement for this application, despite falling below the threshold for development whereby contributions would normally be sought. It is noted that the allocated site is likely to be developed at different times but given that the sites have similar ownership, form part of the same allocated site and can, on balance, be considered one development, aggregating the contributions sought is considered to be acceptable.
- 7.14 A summary of the contributions sought are outlined below. For the avoidance of doubt, no contribution toward affordable housing is sought in that the combined total number of dwellings applied for across the allocated site is below the 15 threshold where contributions are required. The Primary Care Trust have indicated that they will not be seeking a contribution.
- Education – a contribution of £10,232.14 is sought toward secondary education (no contribution is required toward primary);

- Highways (public transport) – a contribution of £1,285.71 is sought toward improvements toward bus stops within the village in the form of raised kerbs;
- Public open space – a total contribution of £17,854.30 is sought (this would equate to 12,576.10 toward play equipment within Woodborough and £5,278.20 toward its future maintenance).

The contributions sought are deemed to comply with guidance as outlined in paragraph 56 of the NPPF, which outlines the tests required to seek a planning obligation, as well as ACS19 and LPD70 and Section 122 of The Community Infrastructure Levy Regulations 2010.

Other matters

- 7.15 An ecological survey has been submitted in support of the application and identifies that there is limited opportunity for protected species on site e.g. badgers and bats, although when the site is cleared it should be done at times of the year to minimise the potential impact on nesting birds as well as scrub and log piles searched for reptiles. A condition is also recommended to ensure that there will be some ecological enhancements too. Concern has been expressed about flooding and the application form indicates surface water will be disposed of into the sewer network, which is unlikely to be acceptable unless all other options have been explored and discounted. As a result it is recommended that a condition be added so that the approval means of disposing of both foul and surface water is approved by the Local Planning Authority.

8.0 Conclusion

- 8.1 The principle of development is supported in that the site is allocated for residential development under policy LPD70. Taking into account the design of the dwelling proposed it is considered that they would provide a degree of diversity into already mixed streetscene and they would also not have a significant adverse impact on the amenity of neighbouring properties. Highway safety would not be compromised and adequate parking would be provided and the application is not considered to have an adverse impact on flooding, heritage assets or ecology. Furthermore, subject to the signing of a Section 106 Legal Agreement, the development is considered to be acceptable in planning terms with regard to impacts on services within the area.
- 8.2 The application is, therefore, deemed to comply with policies A, 2, 10, 11 and 19 of the Aligned Core Strategy; policies 3, 4, 21, 26, 32, 35, 57 61 and 70 of Local Plan Document and guidance contained within the NPPF.

Recommendation: Grant Planning Permission: Subject to the owner(s) entering into planning obligations with the Borough Council as Local Planning Authority and with the County Council as Local Education Authority for the provision of, education, bus stop improvements, off site

public open space enhancements; and subject to the conditions listed for the reasons set out in the report:

1. The development hereby permitted shall commence before the expiration of 3 years from the date of this permission.
2. This permission shall be read in accordance with the application form and following list of approved drawings:
 - Proposed Site Section A-A Drawing No: 31-00 Date: 11.02.20
 - Location and Block Plan Drawing No: 02-00 Date: 16.09.19
 - Proposed Site Plan Drawing No: P-08-00 Date: 29.07.19
 - Proposed Floor Plans for Plot 1 Drawing No: P-11-00 Date: 17.07.19
 - Proposed Floor Plans for Plot 2 Drawing No: P-11-00 Date: 17.07.19
 - Proposed Floor Plans for Plot 3 Drawing No: P-11-00 Date: 17.07.19
 - Proposed Loft Floor Plans and Roof for Plot 1 Drawing No: P-11-01 Date: 17.07.19
 - Proposed Loft Floor Plans and Roof for Plot 2 Drawing No: P-11-01 Date: 17.07.19
 - Proposed Elevations for Plot 1 Drawing No: P-21-00 Date: 17.07.19
 - Proposed Elevations for Plot 2 Drawing No: P-21-00 Date: 17.07.19
 - Proposed Elevations for Plot 3 Drawing No: P-21-00 Date: 17.07.19
 - Proposed Street Elevation Drawing No: P-22-00 Date: 29.07.19

The development shall thereafter be undertaken in accordance with these plans/details.

3. Prior to above ground works commencing, samples of all external materials to be used in the construction of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall thereafter be constructed in accordance with the material as approved.
4. No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include: a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
5. The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the current or next planting season with others of similar size and species.

6. Prior to the commencement of above ground works, details of site specific ecological mitigation and enhancement, as identified in the Primary Ecological Appraisal, shall be submitted to and approved in writing by the Local Planning Authority. The details as approved shall be implemented prior to the occupation of the dwellings hereby approved.
7. From the date of first occupation every property built on the site with one or more dedicated vehicle parking spaces and/or a garage shall be provided with access to a fully operation 3 pin socket on a dedicated 16A circuit, capable of providing a safe overnight 'trickle' charge to an electric vehicle using a mode 2 charging cable. Charging points should be provided either within garage space or via outdoor, weatherproof sockets within 3m easy access of the off road parking areas.
8. Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance produced by the Council on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP.
9. Prior to above ground works commencing, details of the means of foul drainage and surface water disposal shall be submitted to and approved in writing by the local planning authority. The development shall be carried out thereafter in accordance with the approved details.
10. The windows in the first floor side elevations of the three dwellings shall be obscured glazed to level 4 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.