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Wednesday, 18 January 2023

Dear Member,

Please find attached Schedule of Communication to be considered at tomorrow's Planning Committee.

Yours sincerely

Catharine Saxton
Democratic Services

Schedule of Communication Received after Printing of Agenda

Item	Correspondent	Date	Points Raised (Summary)	Officer's Response
6 22/02123/FUL Chapel Farm	Agent	13.01.2023	Email regarding draft conditions <ul style="list-style-type: none"> - Challenges Level 3 recording - Challenges removal of PD Included email at Appendix A	Noted. Discussed with Conservation Officer. Level 3 recording is considered proportionate to the heritage value (as advised by the Council's Senior Conservation Officer Oliver Scott) and guidance notes to the applicant outline the broad parameters of such a recording. In addition, it is considered the analytical record for the building already partly exists within the existing planning history but needs collating and submitting prior to demolition of the building. PD rights List of removed rights duly considered specifically in relation to this site and scheme prior to being shared with the applicant. Scheme not directly comparable to previous (that would have seen the existing dwelling retained), the scheme is finely balanced due to loss of heritage through demolition of a NDHA in a CA and scale (albeit reduced from previous). Officers are not giving a view on the potential suitability of development that would otherwise be covered by the PD rights listed but are concerned about the potential uncontrolled nature in relation to such a finely balanced scheme and consider it would be appropriate for such matters to require express consent of the LPA to enable due consideration of impacts notwithstanding the points raised by the applicant's agent.
22/02123/FUL Chapel Farm	Agent	13.01.2023	Submitted updated Site Sections REV B (showing full extent of retaining wall in the ground) and updated Proposed Site Plan REV D (showing the proposed landscaping on the overall site plan)	Noted. The revised plans show the retaining wall to scale and appropriate screening in accordance with Officer advice. Plans have been shared with relevant consultees for final comments.
22/02123/FUL Chapel Farm	Case Officer	13.01.2023	Conservation Officer: No objection to revised documents received 13.01.2023	Noted.

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6 22/02123/FUL Chapel Farm	Case Officer	13.01.2023	<p>Tree Officer comments received 12.01.2023:</p> <ul style="list-style-type: none"> - Insufficient landscaping details - Given historic density of tree coverage, it is strongly suggested that the proposed tree planting is insufficient and not in-keeping with the historical character of the area - It is suggested that orchard planting be planted on the former allotment site, in keeping with the historical character of the site 	<p>Noted.</p> <p>The applicant has revised their landscaping proposals to suitably screen the retaining wall and enhance tree cover, albeit not to the extent historically seen on site or suggested by the Tree Officer. It is not considered reasonable to insist on the suggested planting, including orchard planting, as the proposed scheme provides adequate coverage, and no objections have been raised by the Conservation Officer. Final landscaping details will be secured by condition on an approval.</p>
6 22/02123/FUL Chapel Farm	Case Officer	N/A	Conditions (see Appendix A)	<p>Noting the comments from consultees above in response to additional/amended plans, I am satisfied those matters raised can be secured by condition and the comments do not change my overall recommendation of approval. A list of conditions is attached as Appendix B.</p>
7 22/02122/HOUSE Sunray, Main Street, South Scarle	Neighbouring Resident	13.01.2023	<p>The Conservation Officer has requested specific changes, and these have not been complied with in fully, the proposal therefore still goes against what is required to protect the NDHA.</p> <p>The plans are contrary to the NPPF. If the proposal is approved there would be significant harm to heritage aspects. Sunray may require modernisation but it does not need to be extended in this way to achieve safe living standards. The scale of extension will mean the original</p>	<p>Noted. These points are covered in the Committee Report and do not alter the Officer's assessment.</p> <p>For clarity, in terms of the windows on the northern elevation, these would be c.1.9m to the top of the glazed pane, set in 1m from the boundary wall (at c. 1.8m in height) meaning any potential for overlooking from these windows would be very limited and glimpsed, not least because most of the outlook would be obscured by the boundary wall. But, in any event, given these windows would serve a utility room and a kitchen (and are therefore not main habitable room windows), there would not, in the Officers opinion, be any significant impact through overlooking.</p>

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			<p>cottage is lost and barely recognisable. It will also be overbearing and intrusive.</p> <p>The proposal will impact Wheats Cottage and Washtub Cottage which are NDHAs and will create an urbanising environment blocking valuable winter sunlight and the remaining opening in the skyline. The proposal will impact sunlight into the neighbouring garden for months at a time and will have an adverse impact on mental and physical health.</p> <p>There are no reasons for windows proposed in the rear elevation as these will overlook into the adjacent garden when stood close to the extension.</p>	
7 22/02122/HOUSE Sunray, Main Street, South Scarle	Parish Meeting	17.01.2023	The amended plans for Sunray, Main St, South Scarle 22/02122/HOUSE were on the agenda and comments were asked for but none were made and the voting was 30 FOR, 6 AGAINST and 2 ABSTENTIONS. The Parish Meeting is IN FAVOUR of the planning application.	Noted.

Amy Davies

From: mail@town-planning.co.uk
Sent: 13 January 2023 17:35
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Chapel Farm, Epperstone - Draft Conditions

[CAUTION: This email originated from outside of the organisation. Do not click on links or open attachments unless you recognise the sender and know the content is safe]

Amy

Thank you for inviting comments on the draft conditions which accords with the principles of best practice advice set out in Planning Practice Guidance and is much appreciated.

A minor point would be that in our view, given the state of the existing building and the reports already produced, including the NSDC commissioned structural report, we think that a Level 2 Historic Building Record would suffice as a descriptive record rather than a more analytical record required by Level 3.

On a more substantive point my primary comment is relating to the draft conditions is condition 8 relating to the withdrawal of permitted development rights. The proposed removal of 15 classes of permitted development rights is excessive and has no relationship to past decisions on this site under 17/01330/FUL and 20/00536/FUL. It has also come as a surprise because the Planning Committee report in no way refers to removing such an extensive list of permitted development rights.

As you are aware Parliament has seen fit to give permitted development rights to dwellings located within Conservation Areas. These rights are already more restricted in Conservation Areas and as such a blanket removal of permitted development rights is neither proportionate nor necessary. Where the LPA seeks to control matters within Conservation Areas then the correct method of doing this is through the use of Article 4 Directions.

Having read the Planning Committee report there is no discussion to demonstrate what exceptional circumstances are present to justify the withdrawal of permitted development rights. There is reference to Part 1 Class C and Class D, I'm not persuaded that the reasoning in the report justifies exceptional circumstances but we would not argue against these two classes being withdrawn. This is a replacement dwelling for a dwelling that benefits from all permitted development rights; the existing fall-back position relating to the existing dwelling and previous consents is material.

Having regard to the Planning Committee report, as presently suggested condition 8 as is proposed in the draft conditions list is unreasonable and unnecessary. The reasoning that the site lies within the Conservation Area as the LPA suggest is not a reason in itself to remove permitted development rights. Parliament has seen fit to allow for new dwellings to have permitted development rights even when constructed in Conservation Areas and within Green Belts. In fact, Parliament has not seen fit to consider that permitted development rights should be limited in any way in Green Belts or in the setting of Listed Buildings. As indicated if the LPA considers that the area requires further protection, then the correct route to follow is through an Article 4 Direction. Withdrawing permitted development rights imposes a considerable financial burden on homeowners in having to pay application fees for matters that would not normally require a planning application; there is also a financial burden associated with planning applications having to be prepared including preparation of plans.

As you will be aware Planning Practice Guidance Reference ID: 21a-017-20140306 is explicit that *"Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances."* Reading the Planning Committee report I cannot see what exceptional circumstances have been demonstrated in this case as

required by Planning Practice Guidance. Paragraph 54 of the NPPF states: *"Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so."*

You are suggesting removing permitted development rights in 15 different classes. This includes in Part 2 in relation to matters such as the provision of electrical vehicle charging, this conflicts with the provisions of the building regulations as the new dwelling will be required to have an electrical vehicle charging point. You also suggest removing the various rights under Part 14 for renewable and low carbon energy provision; this flies in the face of the climate emergency that was declared by the Council on 16 July 2019. Legislation is going to require all properties to move to low carbon energy sources by 2035, therefore in the future this property alongside all others will need to move to new low carbon and renewable energy provision. It is unreasonable to prevent this property for moving towards low carbon and renewable energy in due course, particularly given that the suggested permitted development rights to be withdrawn already have safeguards within them making them more restrictive already because of the Conservation Area status. As you will be aware in many cases permitted development rights in Conservation Areas are more restrictive towards matters on the front elevation or forward of a dwelling. Accordingly in this case those safeguards would already impose the safeguards that Parliament has seen necessary, appropriate and proportionate.

Appeal Ref: APP/B3030/W/17/3168578 at Brownlows Hill, Coddington was an appeal where the Council asked for a planning condition withdrawing permitted development rights on the reason that the site was in the Conservation Area. In that appeal the Inspector was explicit in her conclusion stating in paragraph 27 of her decision: *"In line with the Planning Practice Guidance I have not imposed a condition removing specific permitted development rights associated with the dwelling. This is because this would not meet the tests of reasonableness and necessity. Moreover, the Council has the powers under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order to enable them to withdraw permitted development rights across a defined area."*

On the basis of published Planning Committee report we would accept condition 8 removing permitted development rights under Part 1 Class C (Other Roof Alterations) and Class D (Porches) but would not accept that any justification has been demonstrated for any of the other classes suggested.

Should you wish to pursue condition 8 as you suggest then I would ask that the above comments are reported to Members in the late representations in the interest of balance.

[REDACTED]

Kind regards
Anthony

Anthony B Northcote [REDACTED]
Executive Director

TOWN-PLANNING.CO.UK

South View, 16 Hounsfield Way, Sutton on Trent, Newark, Nottinghamshire, NG23 6PX

[REDACTED]

[REDACTED]

TOWN-PLANNING.CO.UK

Appendix B Late Item Schedule - 22/02123/FUL Chapel Farm, Chapel Lane, Epperstone

Recommended 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 works of demolition hereby authorised shall not be undertaken until details of a Level 3 historic building survey, in accordance with Historic England's 'Understanding Historic Buildings: A Guide to Good Recording Practice' (2016), have first been submitted to and approved in writing by the local planning authority.

The Level 3 building survey shall thereafter be carried out prior to the commencement of development in accordance with the approved details and a digital copy deposited with the local planning authority within 28 days of the completion of the demolition phase of development.

Reason: To ensure and safeguard the recording and inspection of the existing building which has been identified as a positive building within Epperstone Conservation Area and a Non-Designated Heritage Asset.

03

Notwithstanding the submitted details, no development above damp-proof course (DPC) of either the new dwelling, detached garage or red brick facing wall (to screen the retaining wall) hereby approved shall take place until:

- manufacturers details and samples as required of the external facing materials (bricks and tiles where relevant) have been submitted to and approved in writing by the Local Planning Authority; and
- a brick sample panel, showing brick bond, mortar finish and pointing technique, has been provided on site for inspection and approved in writing by the Local Planning Authority.

Development shall thereafter be undertaken in accordance with the approved details and sample panel

Reason: To ensure the development takes the form envisaged and is of the quality required to preserve the character and appearance of the Conservation Area and the setting of the adjacent listed building.

04

Notwithstanding the submitted details, no development shall be commenced in respect of the features identified below until details of the design, specification, fixing and finish in the form of drawings and sections at a scale of not less than 1:10 have been submitted to and approved in writing by the local planning authority. Development shall thereafter be undertaken and retained for the lifetime of the development in accordance with the approved details.

- Details of all exterior joinery work including roof windows, doors and garage doors (and their immediate surroundings) including details of glazing and glazing bars;
- Treatment of window and door headers and cills;
- Rainwater goods, extractor vents, flues, airbricks, soil and vent pipes;
- Eaves including brick band, verges and ridges;
- Timber shed specification/images (including details of any windows and door);
- Details/methodology of repairs, where required, to the retained stone boundary wall, mortar mix for repointing, extent of any repairs and stone sample for any repairs.

Development shall thereafter be undertaken in accordance with the approved details

Reason: To ensure the development takes the form envisaged and is of the quality required to preserve the character and appearance of the Conservation Area and the setting of the adjacent listed building.

05

Notwithstanding the submitted details, the dwelling hereby permitted shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging 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. The scheme shall include Yew plant hedging as shown on Drawing nos. 556_2021_07 REV B Proposed Site Sections – Updated and 556_2021_03 REV D Proposed Site Layout Plan.

existing trees and hedging which are to be retained shown on Drawing nos. 556_2021_07 REV B Proposed Site Sections – Updated and 556_2021_03 REV D Proposed Site Layout Plan.

details of new boundary treatments, including gates (height and appearance) and any capping required to the stone boundary wall

details of any other means of enclosure

permeable driveway, parking and turning area materials

other hard surfacing materials

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details. If within a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of preserving the character and appearance of the Conservation Area and the setting of the adjacent Listed Building and enhancing tree cover and biodiversity.

06

The red brick facing wall and Yew plant hedging hereby approved to screen the retaining wall shall be completed and planted prior to the occupation of the new dwelling hereby approved and shall thereafter be retained for the lifetime of the development in accordance with the following details:

- The red brick facing wall shall be maintained at a height commensurate with the top of the retaining wall along its full length
- The Yew plant hedging, once established, shall be maintained at a minimum height commensurate with the top of the retaining wall and no higher than 1-metre above the top of the adjacent post and rail fence

Any part of the Yew plant hedging which is removed, dies or becomes seriously damaged or diseased shall be replaced with hedge plants in the next planting season with others of similar size and species. Variations may only be planted on written consent of the Local Planning Authority.

Reason: To ensure the retaining wall is appropriately screened for the lifetime of development, in the interests of preserving the character and appearance of the Conservation Area and the setting of the adjacent Listed Building.

07

The development hereby permitted, including the demolition hereby authorised, shall be undertaken in complete accordance with the Mitigation Strategy and enhancement measures set out in Section 6 of the Bat Survey Report (ref: 210872) prepared by Whitcher Wildlife Ltd. Ecological Consultants dated 15 September 2021, unless a revised Strategy has first been

submitted to and approved in writing by the Local Planning Authority. The mitigation measures (the bat bricks) shall be retained on site for the lifetime of the development.

Reason: In the interests of ensuring that the impact on bats is properly mitigated.

08

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

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

Class D: The erection or construction of a porch outside any external door of a dwellinghouse.

Or Schedule 2, Part 2:

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

Class B: Means of access.

Class C: The painting of the exterior of any building.

Class D: The installation, alteration or replacement within an area lawfully used for off-street parking, of an electrical outlet mounted on a wall for recharging electric vehicles

Class E: The installation, alteration or replacement within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles

Or Schedule 2, Part 14 of the Order in respect of:

Class A: The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment, on a dwellinghouse or a building situated within the curtilage of a dwellinghouse

Class B: The installation, alteration or replacement of stand-alone solar for microgeneration within the curtilage of a dwelling house.

Class C: The installation, alteration or replacement of a microgeneration ground source heat pump within the curtilage of a dwellinghouse.

Class E: The installation, alteration or replacement of a flue, forming part of a microgeneration biomass heating system, on a dwellinghouse.

Class F: The installation, alteration or replacement of a flue, forming part of a microgeneration combined heat and power system, on a dwellinghouse.

Class G: The installation, alteration or replacement of a microgeneration air source heat pump, on a dwellinghouse or within the curtilage of a dwellinghouse including on a building within that curtilage.

Class H: The installation, alteration or replacement of a microgeneration wind turbine, on a dwellinghouse or a detached building situated within the curtilage of a dwellinghouse

Class I: The installation, alteration or replacement of a stand-alone wind turbine for microgeneration within the curtilage of a dwellinghouse

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

Reason: To ensure that the local planning authority retains control over the specified classes of development normally permitted under the Town and Country Planning (General Permitted Development) Order 2015 or any amending legislation and to ensure that any proposed further alterations are sympathetic to the approved design and to preserve the character and appearance of the Conservation Area and the setting of the adjacent Listed Building.

09

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

556_2021_03 REV D Proposed Site Layout Plan
556_2021_07 REV B Proposed Site Sections – Updated

Existing Site Levels Plan

Site Location Plan
556_2021_01 Existing Site Layout Plan
556_2021_02 Existing Plans and Elevations
556_2021_04 REV C Proposed Ground Floor Plan
556_2021_05 REV C Proposed First Floor Plan
556_2021_06 REV C Proposed Elevations and Garage

Reason: So as to define this permission.

Informatives:

01

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

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

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. 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 accord Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

03

With regards to the Level 3 Building Recording, as a guide, but not limited to, the details of this Level 3 recording shall bring together existing measured floor plans and elevations of the building, internal labelled photographs of each room of the building and updated labelled external photographs of each elevation of the building. The recording shall also include labelled photographs of any additional architectural feature uncovered during demolition. The recording shall include a description of the building and an account of the building's origins, development and use, including an account of the evidence available and used to inform this. This will include, but is not limited to, drawn, photographic and historic mapping records.

04

With regards to the Yew plant hedging, as a guide, it would be expected that the Yew plants first be planted no less than 1-metre in height and no less than 2 individual plants are planted per metre to achieve the desired screening of the retaining wall.

05

Nesting birds are protected by the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally or recklessly kill, injure or take any wild bird; take, damage or destroy its nest whilst in use or being built; and/or take or destroy its eggs. Normally it is good practice to avoid work potentially affecting nesting birds during the period 1st March to 31st August in any year, although birds can nest either side of this period.

06

All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats

are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed. Natural England can be contacted at the following address: Apex Court, City Link, Nottingham, NG2 4LA (tel: 0300 060 3900).