

## PLANNING COMMITTEE – 3 AUGUST 2021

<b>Application No:</b>	<b>21/00759/FUL</b>
<b>Proposal:</b>	<b>Demolition of existing single storey outbuilding. New 1-1.5 storey dwelling to rear. Renovation of Beckett's Yard Radio and Cycle Office wall to Westgate elevation and new garage.</b>
<b>Location:</b>	<b>45 Westgate, Southwell, NG25 0LD</b>
<b>Applicant:</b>	<b>Dr &amp; Mrs Mehta</b>
<b>Agent:</b>	<b>Miss Claire Goldthorp</b>
<b>Link to Website:</b>	<a href="https://www.newark-sherwooddc.gov.uk/21/00759/FUL">21/00759/FUL   Demolition of existing single storey outbuilding. New 1-1.5 storey dwelling to rear. Renovation of Beckett's Yard Radio and Cycle Office wall to Westgate elevation and new garage.   45 Westgate Southwell NG25 0LD (newark-sherwooddc.gov.uk)</a>
<b>Registered:</b>	<b>13.04.2021</b> <b>Target Date: 07.06.2021</b>
	<b>Extension of Time Agreed until: 06.08.2021</b>

The application is before the Planning Committee for consideration as Southwell Town Council object to the application contrary to the officer recommendation of approval and the application has been referred to Planning Committee by Cllr M Brock.

### The Site

The application relates to a semi-detached dwelling and its curtilage on Westgate within the settlement and Conservation Area of Southwell. The front elevation of the host dwelling abuts the public highway and has a gated access to a rear garden to the side, enclosed to the front boundary by a brick wall.

Land levels within the site slope down gradually from north to south. The site is mainly formed by grass with some areas of bound hardstanding.

There are a number of Grade II listed buildings within the vicinity of the site, including a group of buildings to the north side of Westgate opposite the application site and the Church of Holy Trinity to the west which is a significant landmark in the area.

To the south of the site is Lees Field, a residential road off Nottingham Road which serves 3 modern dwellings, the closest of which is a minimum of 30m from the site boundary, which is well screened by mature hedgerow and trees.

The eastern boundary (walls and fencing) is shared with the rear gardens of dwellings which front Nottingham Road. Norstead (4 Nottingham Road) sits in closest proximity to the site with a

distance to the boundary of approximately 1.6m. To the west is the rear garden of the adjoining dwelling, no. 47 as well as the rear garden of no. 49, a detached dwelling to the west of no. 47.

The site lies within Flood Zone 1, at low risk of flooding according to the Environment Agency maps.

### Relevant Planning History

PREAPP/00104/20 – New dwelling and alterations to access. Negative advice offered. This scheme related to a two storey, 4 bedroom dwelling which occupied the centre of the plot for almost the entire width.

20/01311/TWCA – Reduce Ash tree by 50% approved 14.08.2020

19/01990/FUL - Householder application for replacement windows, replace hayloft door with a window and render all elevations, approved 06.02.2020.

13/01331/OUT - Outline planning application proposing four new semi-detached dwellings on land to the rear of 45 Westgate, withdrawn 13.11.2013.

5678301 – Single dwelling, refused rear of 45-47 Westgate, 02.05.1978.

### The Proposal

Full planning permission is sought for a new dwelling with garage in addition to a garage and workshop to serve the host dwelling.

The new dwelling is described as a two bedroom house and would be located rear (south) of the host dwelling in a linear arrangement. This would be a 1 ½ storey high dwelling, predominantly of brick and pantile but with a flat (sedum) roof element to accommodate the open plan kitchen/living area and porch. It would also have a utility, snug, dining room, storage, w.c at ground floor, with two bedrooms each with dressing rooms, one en-suite and one family bathroom at first floor. An attached double garage would be located to the west which has its pitch stepped down from the main roof of the house.

A separate new garage is proposed attached to an existing workshop building (which is to be restored) to serve the host property which would have a sedum green roof. This is located to the north, adjacent to the site access off Westgate which is to be altered including the provision of new brick walls either side of new gates set back on a new alignment.

The proposal involves the removal of three trees; a cherry plum, cherry and a hawthorn.

### The Submission

The scheme has been amended during the application process in an attempt to address both the concerns raised by the highways authority and conservation colleagues. It has been assessed on the basis of the following plans and documents:

Existing Site Plan, drawing no. 01B

Proposed Site Plan, drawing no. 02F

Proposed Elevations, drawing no. 03E  
Proposed Street Elevation, drawing no. 05F  
Plans, drawing no. 04D  
Proposed Workshop and Garage Elevations and Plans, drawing no. 07C  
Site Location Plan, drawing no. 06  
Highways Plan 1, SK010F  
Highways Splay Diagram, SK011C  
Highways File Note, by AJA Ltd  
Design and Access Statement  
Tree Survey, by AT2 December 2020  
Proposed Cross Section 3842\_08 (received 13.05.2021)

#### Departure/Public Advertisement Procedure

Occupiers of 15 properties have been individually notified by letter. A site notice has also been displayed near to the site and an advert has been placed in the local press expiring on 14<sup>th</sup> May 2021. Further consultation has taken place in respect of the amended plans.

#### **Planning Policy Framework**

##### **The Development Plan**

##### **Southwell Neighbourhood Plan, adopted 2016**

Policy SD1: Delivering Sustainable Development  
Policy DH1: Sense of Place  
Policy DH2 – Public Realm  
Policy DH3 – Historic Environment  
Southwell Design Guide

##### **Newark and Sherwood Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 7 - Sustainable Transport  
Core Policy 3 – Housing Mix, Type and Density  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 10A – Local Drainage Designations  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 14 – Historic Environment  
SoAP1 – Role and Setting of Southwell

##### **Allocations & Development Management DPD**

Policy So/HN/1 – Southwell Housing Need  
DM1 – Development within Settlements Central to Delivering the Spatial Strategy  
DM5 – Design  
DM6 – Householder Development  
DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment  
DM12 – Presumption in Favour of Sustainable Development

### **Other Material Considerations**

National Planning Policy Framework 2021  
National Planning Practice Guidance (online resource)  
Residential Parking Standards SPD

### **Consultations**

#### **Cllr M Brock –**

‘I request that planning application 21/00759/FUL is placed before the planning committee. The reasons are as follows.

(1) in essence, this is backland development and therefore contrary to Policy DM 5 of NSDC Allocations and Management DPD

I accept that the proposed development is situated in the rear garden of the host property where there is remaining evidence that the site was historically occupied. However, the proposed development does not replicate the historic building line of 45 Westgate. Indeed, it overruns this line by some 15 metres and extends into historic green space.

(2) I judge the proposed development to be overbearing and out of scale with the surrounding properties. It will cause some shadowing which will impact adversely on the property at 4 Nottingham Road where there will be some loss of residential amenity. This is contrary to Policy DM6.

(3) I note that the conservation advice offered for this proposed development states that “the development is acceptable and will cause no harm of significance of the Southwell Conservation Area or the setting of any other heritage asset.’

With respect, I challenge that assertion and draw attention to the conclusions reached by the Conservation Officer regarding an earlier application for this site in 2013. It was [sic] reported that “I have strong concerns that this development would erode the characteristic plan form by infilling the rear plot and would set a worrying precedence for other similar background development taking away the special character those historic plots bring to the conservation area” I think this a more accurate reflection of the situation.’

#### **Southwell Town Council – Object**

‘It is a - backland development, contrary to Allocations and Management DPD Policy DM5 paragraph 4,

Concern about the adverse effect on 4 Nottingham Road to which the development will be both overbearing and overshadowing,

Extra Surface Water will drain straight into the Potwell Dyke creating a higher risk of flooding downstream’

**NCC Highways Authority** – Initially raised objections but these have been resolved with amended plans showing a widened, ungated access and part of the wall to the frontage retained and set back. They now comment that compared with the existing situation there would be a betterment overall to driver and pedestrian safety due to the access being more prominent and with improved

visibility. Current accesses along Westgate operate in a safe manner and there are no objections subject to conditions. Last comments received 19.07.2021

**NSDC Conservation** – No objection to original plans but then objected to the scheme that involved a much widened access point. However the access width was reduced to allow some of the historic wall to be retained and some rebuilt in a canted set back which has resulted in conservation removing their objection.

**Tree Officer** - Proposals are broadly acceptable and should only result in the loss of a few low quality trees that can be mitigated through replacements. Recommend any approval has attached conditions to control this.

**Representations have been received from two local residents/interested parties (1 supports and 1 objects) which can be summarised as follows:**

#### Support

- The west-facing design reflects the orientation of past industrial/commercial buildings on the site, and takes advantage of solar gain. It is gratifying to note other eco-friendly features in the design, including green roofs and charging points for electric cars. The design style is sympathetic to the old red brick buildings of the local area;
- None of the windows overlook neighbouring properties;
- Sustainable drainage system serves to minimize possible flood risk;
- Materials for driveway should be permeable, to provide further protection from occasional heavy rainfall;
- The very large ash tree is a significant local amenity and supports much varied wildlife including a tawny owl and the holly tree is valued by several species of bird;
- The small workshop at the northern boundary of the plot has long been an eye-sore, and the proposed sympathetic restoration will greatly improve the appearance of this section of Westgate.

#### Objection

- Adverse impacts on residential amenity of 4 Nottingham Road including overbearing size and overshadowing due to its size and siting. Shadow report has been submitted to demonstrate the impacts;
- The 2 bed property is 3.5 times the size of an average 2 bed dwelling and is more akin to a four bedroom dwelling and thus should require additional parking spaces which would mean the turning area is not viable and would mean vehicles reversing onto the highway;
- Concerns that pedestrian splays are not to standard and further hindered by presence of telegraph pole.
- Concern that speed survey may be misleading given the location of the monitors and the implications of this on highway safety;
- Concern that garage won't accommodate cars for parking;
- Adverse impact on historical building line and domination of surrounding dwellings and blocking vistas of local landmarks;
- Green credentials negated based upon the loss of passive solar gains that 4 Nottingham Road currently benefit from;

- Adverse impact on character and appearance from Westgate, an ash tree and long gardens are no longer part of the street view and the green spaces can no longer be viewed from Westgate;
- Concern at removal of historic wall and negative impact on character and appearance of the CA.
- Concern at loss of barn/outbuilding and note this was not previously requested in other applications;
- Safety to the public must come first.

### Comments of the Business Manager

The Council has in excess of the required 5 year housing land supply and the Development Plan is up to date for decision making.

### The Principle

Spatial Policies 1 & 2 of the Amended Core Strategy defines Southwell as a Service Centre given its range of local facilities, good public transport and local employment. Southwell is expected to accommodate 10% of service centre residential growth over the development plan period and its function is to act as a focus for a large rural population and a rural hinterland. As such the principle of a new dwellings within the area is acceptable subject to a site specific assessment relating to matters including the impact upon the character of the area (including heritage), residential amenity, highway/parking and trees impacts. These will be assessed in detail below. The principle of a new garage to serve the host dwelling is also acceptable in accordance with Policy DM6.

### Character and Appearance

The site lies within the Southwell Conservation Area and therefore in addition to design policies DH1, DH2, CP9, DM5 and DM6, heritage policies DH3, CP14 and DM9 are also of relevance. As is embedded within Section 72 of the 1990 Act, the heritage policies of the Development Plan aim to preserve or enhance the character and appearance of the conservation area.

The SNP specifically notes that the town has received formal recognition as being one of four towns in Nottinghamshire which has an 'outstanding historic quality' and the Design Guide Criteria in the Southwell Neighbourhood Plan states that 'all new development should respond to the unique characteristics of the site and its context. Proposals should take the lead from the local vernacular of existing buildings when considering orientation, form (density, mass, height, layout, building line) and function (use) of existing development at the boundaries of the development site. Moreover, the site should consider how it reinforces the building line and streetscape. Development that is inappropriate or uncharacteristic within the context of Southwell in its design should be avoided.'

Policy DM5 states that 'Proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect of which would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.'

As the dwelling would be situated within the rear garden of the host dwelling it represents a form of backland development and thus policy DM5 as set out above is pertinent to its assessment. In

this case the proposed dwelling would be sited in an area known to have historically been occupied by outbuildings; the remnants of these are visible on the ground. Development in depth in this location is therefore not an alien form of development.

The building, as now proposed, has sought to address previous concerns raised at pre-application stage by simplifying the plan-form of the dwelling to read as a traditional service range at the rear of the row on Westgate. At one-and-half storey in height, both conservation colleagues and I agree that it would feel relatively subservient in scale to the 2 storey dwellings on Westgate and that this linear arrangement would not be out of character for the area. Whilst this development will take a traditional brick and pantile form, green roofs are used as secondary elements. The detailing is simple and the gables widths relatively modest giving an attractive design that responds to its surroundings and utilises the land contours of the site with its ridges stepping down into the site which assists in breaking up the massing of the built form. Overall I consider that this would be in keeping with its surroundings and thus accords with the policy context set out above.

The restoration of the workshop on the roadside is welcomed and will be an improvement to the appearance of the conservation area which weighs in favour of the scheme. The sense of enclosure to the streetscene is one of the things that typifies this part of the conservation area. In seeking to address highway concerns the existing front wall would be in part removed and the previous iteration of the plan attracted an objection from colleagues in Conservation. A compromise position has now been reached whereby the wall is partially retained but canted inwards and set back which has now allowed Conservation to remove their objections. The access will undoubtedly be more open than existing which is a slight negative albeit the renovation to the workshop helps to balance this out.

**Existing street scene (image from google street-view)**



**Proposed Access Arrangement**



The new garage behind is discreet and will not be unduly prominent. Overall, the development is considered to be appropriate in this context and achieves the objective of preservation to the character and appearance of the CA in accordance with policy. A number of conditions to control the finish of the buildings would be necessary and these are shown in the conditions section of this report.

### Impact on Trees

The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in policies CP12 and DM5.

There are a number of trees within the site. As such a Tree Survey has been submitted in support of the application. The majority of these trees are graded as C quality (low to average), 6 are U graded (poor trees) and 2 are B graded (good quality and life expectancy).

As can be seen from the proposed plan, three mature trees would be lost which are all poor quality trees none of which would not be worthy of ongoing protection. The best specimens would be retained and their protection during construction could be secured by condition. The loss of trees can be mitigated through replacement planting elsewhere within the site and secured by condition. The Council's Tree Officer raises no objection to the scheme.

On this basis the impact on trees is acceptable as it can be mitigated and the proposal accords with the identified policies.

### Highway Impacts

Policy DM5 requires that provision should be made for safe and inclusive access to new development. Spatial Policy 7 encourages proposals to provide for safe convenient and attractive accesses for all and to provide appropriate and effective parking provision and not create new or exacerbate existing on-street parking problems. The Council's SPD on residential parking standards builds upon these policies setting out expectations for design and quantum of parking.

Amendments have been made during the course of the application in an attempt to overcome the initial concerns of NCC Highways Authority. The proposal involves alterations to the vehicular access off Westgate. The access would be ungated and widened to 5.8m with 1m x 1m pedestrian splays either side (this has been reduced down from 2m x 2m on one side and 1.0m by 2.0m pedestrian splays the other due to objections from Conservation on the visual implications). Whilst substandard, these is the maximum splays achievable with the constraints that wouldn't attract objection from conservation and NCC have agreed these should be adequate. The amendments to the access result in the loss of some on-street parking to Westgate and as a result the double yellow line parking restrictions need to be extended to ensure that the visibility splay is kept clear.

It is noted that a neighbour has raised concerns regarding highway safety. Officers at NCC Highway have noted that the visibility to the left would still be obstructed by the on-street parking although acknowledge that as Westgate has existing on-street parking on both sides of the road outside the existing access which narrows the available carriageway width, the vehicles travelling along this part of the road would drive slower. They would also have to stop and give way to larger vehicles travelling in either direction, i.e. busses or lorries, which would slow traffic speeds further. They say that due to this situation, any drivers coming out of the proposed access would manoeuvre cautiously coming in and out of the access. Overall NCC Highways Authority conclude that considering this is a scheme for one additional dwelling, the lack of accidents, that existing accesses operate safely in this area and that there is an overall betterment to the access over the existing situation to both drivers and pedestrians due to the access being more prominent and with improved visibility, they raise no objections. This is subject to a condition to require that no works commence until traffic management works to extend the double yellow lines are undertaken as well as standard highway conditions which are considered reasonable and necessary.

In terms of parking, the host dwelling would have use of the double garage and the space in front of this which overall is sufficient to meet its parking needs. The new dwelling also has use of the proposed garage and the space immediately adjacent which is ample to meet the needs of this 2

bedroom dwelling. Occupiers of both dwellings would be able to turn within the site and leave the site in a forward gear.

### Impacts on Residential Amenity

Policy DM5 states that 'The layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy.'

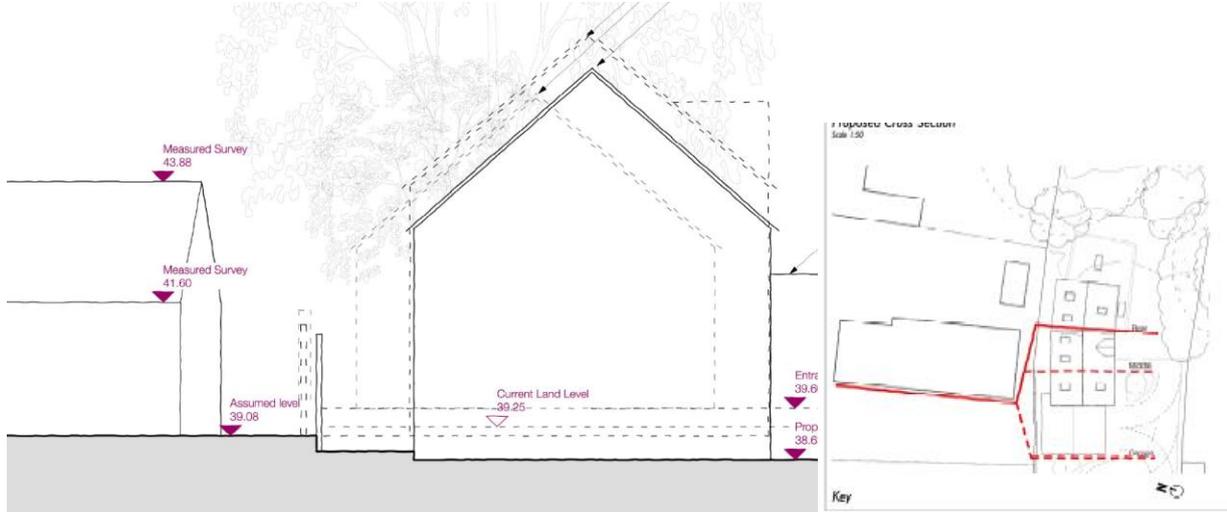
2 Nottingham Road is a two storey dwelling with its rear elevation facing the application site. However as the proposed dwelling would be located further south, I am satisfied there would be no adverse impact upon this dwelling.

The proposed dwelling is located close to the boundary with 4 Nottingham Road which is a bungalow, orientated gable end on and directly adjacent to the proposed dwelling. The gable of no. 4 is a blank side elevation facing towards the application site. It is noted that this occupier has objected to the scheme on residential amenity grounds and is concerned with overshadowing, overbearing impacts and has submitted a shadowing report in an attempt to demonstrate the impacts.

The proposed dwelling has been designed so that the height of the building steps down where the adjacent bungalow ends and continues for c5.8m then drops again to single storey. The distance to the boundary with no. 4 is c1.6m. There is currently a difference in land levels between the dwellings as it appears that no. 4 is currently set on slightly lower ground.

The nearest window on the south elevation of the bungalow serves a bedroom according to its planning history. An existing outbuilding is located close to the boundary on the neighbour's side which faces into its site which is set quite low relative to the boundary fencing. I note the content of the shadow report submitted by the neighbour, however I am not satisfied that this uses the correct measurements and no methodology has been provided to demonstrate that this has been accurately carried out such that I attach little weight to this and have relied on my own assessment. At my request a cross section has been provided by the agent to show the relationship between no. 4 and the proposed dwelling.

### **Cross section showing relationship of 4 Nottingham Road with the proposed dwelling**



This shows that the new dwelling would be set down into the ground (by excavating the land

levels) to reduce impact on the neighbour and its height would be c6.95 relative to the ground levels of the neighbouring dwelling with a relative eaves height of 3.9m. The distance between the dwellings would be c3.35m. Given the relatively low height to eaves, that the roof slopes away from the boundary, the distance from the boundary, that the nearest window serves a bedroom and given that this is not a main part of the neighbour's garden, I am minded to conclude that this would not amount to an unacceptable oppressive or overbearing impact upon the neighbour. It is acknowledged that there would be some shadowing of the space between the bungalow and the boundary in the afternoon as a result of the development and to parts of the garden nearest the site, however the existing tree [to be removed] already impacts on this and in any event this impact is to a small amount of the garden in relative context such that I do not consider it should be a reason to warrant a refusal. For these reasons I do not consider that the proposal would cause an unacceptable oppressive impact either.

Only roof lights are present along this boundary serving bedrooms and en-suite which appear to be high level to avoid overlooking. On this basis I am satisfied that the proposal would cause no unacceptable levels of amenity harm to occupiers of 4 Nottingham Road.



6 Nottingham Road is located to the south east and considering the distances between the dwellings, the level of tree cover and that the proposal drops to single storey at this point I have no concerns regarding its impact on occupiers of this dwelling.

The west elevation faces the rear garden of 40 Westgate, at a distance of just over 8m away which is sufficient to avoid adverse impacts through being overbearing. Windows at first floor on this elevation are limited to roof lights and a window serving a bathroom which would be obscure glazed and can be partially non opening (subject to condition) would avoid direct overlooking of the neighbour's private garden.

Other dwellings are too far away to have direct impact on their living conditions. The host dwelling would retain a small but adequate amount of rear private garden space commensurate with its size. The proposed garage to serve the existing dwelling would not have any harmful impact on the neighbours at no 41 given its design with the sedum roof. Overall, subject to mitigation conditions I am satisfied that the scheme would not amount to any unacceptable loss of residential amenity.

## Other Matters

### *Housing Need*

Policy So/HN/1 seeks to secure the majority of houses on windfall plots in Southwell as one or two bedroom dwellings to meet the needs of town and its demographic. Whilst the proposal is referred to as a two bedroom dwelling, it is a large two bedroom unit. However as a single plot and given that more up to date housing need information is contained within ARC4 Housing Needs Survey 2020 (which states that in the Southwell Sub Area the most needed type of accommodation are 3 bedroom units at 33.3% with 1 and 2 bedroom housing taking up just 6.6% of the overall housing need) I take the view that this need not be fatal to the scheme. This dwelling would still contribute to the housing stock of Southwell with a dwelling that is in demand.

### *Ecology*

It is noted that this scheme involves the 'conversion' of the former workshop adjacent to Westage. Whilst described as a conversion, this is really only a remnant and there is no roof such that there is no scope for the presence of bats/owls etc. It is also noted that the plans annotate the removal of an existing modest outbuilding which is in a very poor state of repair. This has open trusses and is being propped up internally to avoid collapse; its removal would not require consent and I therefore consider it wouldn't be reasonable to require a protected species survey. In any event it doesn't appear that it has potential for bats. In this regard the proposal accords with policies of CP12 and DM9.

### *Flood Risk*

The site lies within flood zone 1 at low risk of flooding and is not denoted of being at risk of surface water flooding. Whilst I noted Southwell Town Council object on drainage grounds there is no requirement for the applicant to provide either a flood risk assessment or drainage strategy with the application and equally no requirement on the LLFA to offer comment on this application in terms of flood risk as it doesn't meet their thresholds. Ensuring that the scheme adequately deals with drainage would be covered by building regulations and I do not consider it would be reasonable to impose drainage conditions on this scheme.

### Planning Balance and Conclusion

The site lies within Southwell in a location where further residential development is appropriate subject to a site specific assessment of impacts. Officers have concluded that a new dwelling in this linear arrangement would have neutral impact upon the character and appearance of the Conservation Area (CA), the loss of some of the frontage wall would have a slight negative impact and the restoration of the workshop to the site frontage would have some enhancement on the CA. Overall and in balancing heritage impacts I consider these are balanced out to neutral. As a result of the development three trees would be removed but none of these are worthy of protection and their loss could be mitigated with further replanting such that over time this impact would also have a neutral impact on the CA. The impact on neighbours has been considered and overall the impacts would not be considered so harmful as to warrant a reason for refusal on amenity grounds. The impact of the development on highway safety is considered to be an overall betterment on the existing situation. There are no other impacts that affect the planning balance. Taking all matters into account on balance I recommend approval.

### Recommendation

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

## Conditions

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

No part of the development shall be commenced until details of the existing and proposed ground and finished floor levels of the site and approved building[s] have been submitted on a single plan/or document and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

Reason: In the interests of residential and visual amenity.

03

No development shall commence until the off-site traffic management works comprising of the extension to the existing Prohibition of Waiting Traffic Regulation Order (i.e. double yellow lines) are extended as indicatively shown on the approved drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021 in accordance with details to be first submitted to and approved in writing by the Local Planning Authority to the Highway Authority's specification.

Reason: In the interest of highway safety to improve visibility splay in the critical direction.

04

No works or development shall take place until an arboricultural method statement and scheme for protection of the retained trees/hedgerows has been agreed in writing with the Local Planning Authority. This scheme shall include:

- A plan showing details and positions of the ground protection areas.
- Details and position of protection barriers.
- Details and position of underground service/drainage runs/soakaways and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on or adjacent to the application site.
- Details of any special engineering required to accommodate the protection of retained trees/hedgerows (e.g. in connection with foundations, bridging, water features, hard surfacing).
- Details of construction and working methods to be employed for the installation of drives and paths within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- Details of working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- Details of any scaffolding erection and associated ground protection within the root protection areas
- Details of timing for the various phases of works or development in the context of the tree/hedgerow protection measures.

All works/development shall be carried out in full accordance with the approved arboricultural method statement and tree/hedgerow protection scheme.

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

05

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the external facing materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out and retained in accordance with the approved details.

Reason: Insufficient details have been provided in terms of the brick type and manufacturer and the precise type of clay pantile such that this condition is necessary in order to preserve or enhance the character and appearance of the conservation area.

06

No development above damp proof course shall take place until a brick sample panel (of not less than 1 square metre) showing brick, bond, mortar and pointing technique (English Garden Wall Bond would be the ideal), has been provided on site for inspection and agreed in writing by the Local Planning Authority. The development shall be carried out and retained only in accordance with the agreed sample panel details.

Reason: To ensure the development preserves the character and appearance of the Conservation Area.

07

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.

External windows including roof windows (which are expected to be conservation type), doors and their immediate surroundings, including details of glazing and glazing bars which are expected to be timber, (including garage doors and patent glazing)

Treatment of window and door heads and cills (the use of segmental headers is encouraged)

Verges and eaves and parapets

Rainwater goods

Coping

Extractor vents

Flues

Meter boxes

Airbricks

Soil and vent pipes

Reason: In the interests of visual amenity.

08

Further details of the reconstruction of the workshop in the form of a Schedule of Works, along with more detailed plans at a scale of 1:10 (or as otherwise may be agreed) for the new boundary wall and gates at the site frontage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details and both elements shall be implemented in full prior to first occupation of the dwelling hereby approved.

Reason: Insufficient details have been provided and this condition is necessary to ensure that the amended access arrangement, frontage boundary treatment and workshop are provided at an appropriate point in the development and that they bring about enhancements the character and appearance of the conservation area and improve the highway access as advanced as part of the application to which weight has been applied in the planning balance.

09

No development shall be commenced in respect of the sedum roofs until full details of the design, specification, means of drainage and proposed planting of this 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.

Reason: Insufficient details have been provided with the application and this information is necessary in the interests of visual amenity.

010

The dwelling hereby approved shall not be first occupied until:

- a) the shared access and the driveway are widened to a minimum of 5.8 metres for a minimum distance of 8.0 metres behind the highway boundary as shown on the approved plan Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021 and have been constructed in accordance with the Highway Authority's specification to the satisfaction of the Local Planning Authority; and
- b) the access is constructed with a gradient not exceeding 1 in 20 for a distance of 5.0 m from the rear of the highway boundary and 1 in 12 thereafter; and

- c) the private driveway shall be surfaced in a bound material (not loose gravel) for a minimum distance of 8.0 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard-bound material for the life of the development; and
- d) the access driveway is constructed with provision to prevent the discharge of surface water from the driveway to the public highway. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development; and
- e) any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary;
- f) the parking areas are provided for both properties in accordance with approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. The parking areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the parking of vehicles; and
- g) the turning areas are provided in accordance with approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. The turning areas shall be maintained in the bound material for the life of the development and shall not be used for any purpose other than the turning of vehicles; and
- h) pedestrian visibility splays of 1.0 metres x 1.0 metres on both sides of the access are provided as shown on the approved Drawing no. SK010 rev. F, titled: Sketch – Highways Plan 1:100, dated: 21/05/2021. These measurements are taken from and along the highway boundary. The area of land within these splays shall be maintained free from all obstruction at all times; and
- i) No gates shall be erected at the access to the development from the public highway.

Reason: In the interest of the highway safety.

011

Ventilation of the roof space shall not be provided via tile vents. Ridge copings shall be bedded in mortar and not by a dry ridge fix system.

Reason: In order to preserve the character and appearance of the Conservation Area.

012

The following activities must not be carried out under any circumstances.

- No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- No soak-aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- 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.

013

Prior to first occupation 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 and shall seek to replace the trees that would be lost to the development;
- proposed finished ground levels or contours;
- means of enclosure; and
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity and in order to provide adequate compensation for the trees that will be removed to facilitate the development.

014

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

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

015

The first floor bathroom window opening on the west elevation shall be obscured glazed to level 3 or higher on the Pilkington scale of privacy or equivalent and shall be non-opening up to a minimum height of 1.7m above the internal floor level of the room in which it is installed. This specification shall be complied with before the development is occupied and thereafter be retained for the lifetime of the development.

Reason: To safeguard against overlooking and loss of privacy in the interests of amenity of occupiers of neighbouring properties

016

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 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 G: Chimneys, flues etc on 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) in the interests of residential and visual amenity.

017

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

Proposed Site Plan, drawing no. 02F

Proposed Elevations, drawing no. 03E

Proposed Street Elevation, drawing no. 05F

Plans, drawing no. 04D

Proposed Workshop and Garage Elevations and Plans, drawing no. 07C

Site Location Plan, drawing no. 06

Highways Plan 1, SK010F

Highways Splay Diagram, SK011C

Highways File Note, by AJA Ltd

Proposed Cross Section 3842\_08 (received 13.05.2021)

Reason: So as to define this permission.

#### Notes to Applicant

01

The applicant's attention is drawn to those conditions on the decision notice, which should be discharged before the development is commenced. It should be noted that if they are not appropriately dealt with the development may be unauthorised.

02

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).

03

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

04

Traffic Regulation Orders:

The proposed off-site highway works referred to in condition 3 require a Traffic Regulation Order before the development commences to provide safe access. The developer should note that the Order can be made on behalf of the developer by Nottinghamshire County Council at the expense of the developer. This is a separate legal process and the Applicant should contact Helen North, Improvement Manager

e-mail: [helen.north@viaem.co.uk](mailto:helen.north@viaem.co.uk)

Access and footway widening:

The development makes it necessary to widen a vehicular access over a verge of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Agent, Via East Midlands to arrange for these works to be carried out.

Email: [licences@viaem.co.uk](mailto:licences@viaem.co.uk) Tel. 0300 500 8080 and further information at:

<https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

Building Works shall not project over the highway:

No part of the proposed building/wall or its foundations, fixtures and fittings shall project forward of the highway boundary.

Prevention of Mud on the Highway:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

05

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](http://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/](http://www.newark-sherwooddc.gov.uk/cil/) or from the Planning Portal: [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil)

#### BACKGROUND PAPERS

Application case file.

For further information, please contact **Clare Walker** on ext 5834.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

**Lisa Hughes**  
**Business Manager – Planning Development**

Committee Plan - 21/00759/FUL

