

PLANNING COMMITTEE – 2 NOVEMBER 2021

Application No:	21/01704/FUL	
Proposal:	Erection of 1 No. Dwelling (resubmission of 21/00851/FUL)	
Location:	The Bothy, Mill Lane, Caunton, NG23 6AJ	
Applicant:	Mr Joe Cook	
Agent:	Mr George Machin – GraceMachin Planning & Property	
Registered:	10.08.2021	Target Date: 05.10.2021
Link to Application File:	https://publicaccess.newark-sherwooddc.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QX0HR7LBGRW00	

The application was initially referred to Planning Committee on 5th October 2021 by Councillor Mrs. S Saddington on 'Health and Safety' grounds due to the access of the site running over an existing private sewer. Members resolved to defer this application to allow discussions with Environmental Health on what mitigation measures would be desirable to compensate for the concerns over drainage impact to the surrounding area. Updates to the report are included in bold throughout.

Members requested that alleged tree removal within the Conservation Area, adjacent to the proposed access be investigated. The trees directly to the west are not within the red line of this application and are not owned by the applicant. Consent was granted in November 2020 for the removal of these trees under application ref. 20/01885/TWCA and replacement with fruit trees and a Yew hedge to the front boundary. Whilst the site has been cleared of shrubs, no trees have been removed within the application site itself.

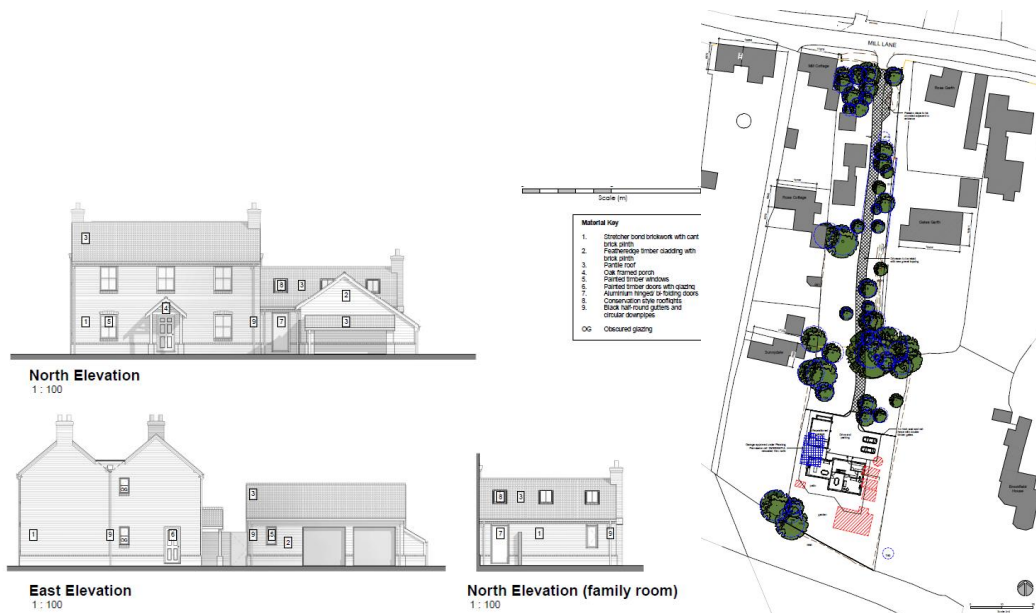
The Site

The application relates to a section of residential curtilage associated to 'The Bothy', a detached dwelling located in a back land position and accessed via a private drive off of Mill Lane. Immediately to north of the site is Orchard Croft, a detached dwelling set back from the highway. There are detached dwellings to the east and west of varying scale, design and age that also occupy back land positions in relation to the Mill Lane highway. The site falls within the village of Caunton and the Conservation Area. To the rear of the site, beyond 'The Bothy' is open countryside with a public footpath to the south offering views into the site from the public realm. A Grade II listed windmill is situated approx. 40m to the west of the site.

Relevant Planning History

21/00851/FUL - Erection of 1 No. dwelling – Withdrawn 08.07.2021

21/00289/FUL - Demolition of existing dwelling and outbuildings and erection of a replacement dwelling (Re-Submission of 20/02095/FUL) – Permitted 12.04.2021.



Approved Elevations and Site Plan of application 21/00289/FUL

20/02095/FUL - Demolition of existing dwelling and outbuildings and erection of a replacement dwelling – Withdrawn

20/00583/FUL - Householder application for detached double garage with log store and office – Granted Permission

The Proposal

The proposal seeks planning permission for the erection of a 3 bedroom detached dwelling. The proposed dwelling would have an L-shape layout and consist of both single storey and two storey design. Access would come via the existing private drive off Mill Lane which also serves The Bothy, however this is shown to be amended in layout with a widened access and spaces within the site for parking and turning.

The proposed dwelling would measure approximately 12m in width at the widest point and run for a total length of ~~20m~~ **23.5m including the attached car port**. The roof design would be dual pitched with a maximum ridge height of 5.9m along the two storey section. The external finish would be red brickwork on the elevations and red clay pantiles on the roof.

An amended parking layout has been received showing an extended driveway with 3 parking spaces and a single parking space within the proposed carport. The dwelling would be positioned approx. 2m from the boundary with Rose Cottage to the NW. There would be an area of grass between the new dwelling and the dwelling to the north and the new replacement dwelling to the south.

For the avoidance of doubt, owing to ownership queries an amended site location plan has been submitted clarifying the extent of land within the applicant's ownership as per Title Deed plans.

Plans/Documents Deposited

- Site Location Plan – Ref. 1954.001 (deposited 15.09.2021)
- Existing Site Plan – Ref. 1954-050
- Proposed Site Plan – Ref. BMLC 2021 BP2 (deposited 20.09.2021)

- Elevations as Proposed - Ref. BMLC 2021 E1
- Floor Plans and Proposed - Ref. BMLC 2021 P1
- Proposed Delivery Vehicle Swept Path Analysis for internal site turning head – Ref. MA11480 600
- Drainage Strategy – Ref. 3080/02 P1
- Planning, design and Access Statement
- Arboricultural Report and Impact Assessment - Ref. AWA3741, Dated: April 2021

Departure/Public Advertisement Procedure

Letters have been sent to 15 neighbouring residents. A site notice has also been displayed at the entrance to the site and a notice has been printed in the local press.

Planning Policy Framework

The Development Plan

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 3 – Rural Areas

Spatial Policy 7 - Sustainable Transport

Core Policy 3 – Housing Mix, Type and Density

Core Policy 9 -Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 – Historic Environment

Allocations & Development Management DPD

DM5 – Design

DM7 – Biodiversity and Green Infrastructure

DM9 – Protecting and Enhancing the Historic Environment

DM12 – Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance

The Planning (Listed Buildings and Conservation Areas) Act 1990

NSDC Parking and Design Standards SPD

Consultations

NB: As the scheme has been amended to address consultee comments only the most relevant comments have been included below. Full comments can be found on the online planning file.

Caunton Parish Council – No comment.

NSDC Conservation Officer – No objection - “Site Analysis: The site is located within the boundary of Caunton Conservation Area, which was designated in 1974. The area was designated due to its special architectural and historic interest. The boundary is drawn around the historic development of Caunton and its landscaping setting to the south. Close to the site is Caunton Windmill (LEN

1178722) which is Grade II listed. The windmill dates to the 19th century, identified in blue.



Mill Lane has many lanes running perpendicular, with many dwellings, cottages and buildings set away from the road. This follows the village’s historic development form. The site is identified in the red outline. As well as the 19th century, development there has been some 20th century development.

Assessment of Proposal

This application relates to the withdrawn application 21/00851/FUL. The conservation team had no concerns in relation to the proposed dwelling. However there were great concerns with the alteration to the access and turning head. This submission looks to address the access to the site. The width of the access has been reduced and this addresses conservations concerns. It is therefore considered the proposal will cause no harm to the character and appearance of the conservation area. The proposal therefore is in accordance with the objective of preservation required under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.”

Relevant comments from the previously withdrawn application: “The proposal is for a one and half storey dwelling designed to look like a barn conversion. The design of the building reflects something that traditionally may have been in this location. Although the site has not been previously developed the proposal follows the general pattern of development this area of Caunton. The scale of the proposed development and relation to existing development in the area is not considered the proposal will impact the listed Caunton Windmill. The success of the scheme is reliant on the detail of the scheme. I therefore recommend the following conditions which relate to trickle vents, windows/door heads/cills, external materials, roof lights and architectural features. It is considered that the proposal preserves the rural character of conservation area and setting of listed building and therefore reflects the objectives of preservation required under section 16 and 72 of the Act. In addition, the proposal follows the heritage objectives contained within the Council’s LDF DPDs and section 16 of the NPPF.”

Tree Officer – No objection subject to conditions - “Although the scheme has been slightly revised the submitted Arboricultural Method Statement refers to the previous layout and therefore does not take into account the further impact of the hard surfacing/footpath on north and west of the proposed dwelling or amended parking and turning area to the south. Recommend revisions are carried out to the AMS to reflect changes.” Conditions suggested relate to an arboricultural method statement and a scheme for protection of the retained trees/hedgerows, prohibited activities and a replacement planting scheme.

NCC Highways – No objection subject to conditions - the number of parking spaces has been increased to 3 and the width of the access has been set at 5m for 7.5m back from the end of the carriageway which has been agreed following negotiations.

- Condition 1: that the access as indicated on the drawing is provided prior to occupation
- Condition 2: that the parking and turning areas are provided and kept solely for the parking and turning of vehicles for the lifetime of the development

Environmental Health – “You should be aware that the driveway where it curves will run over a private sewer which takes septic overflow waste from a significant number of properties on Mill Lane and so the construction of the driveway must be compliant with current building regulations and not impede in any way the flow of the sewer.”

The Environment agency – No objection - “The site lies fully within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the site. However as previously indicated on our response to 21/00851/FUL the applicant will need to consider how they dispose of foul sewage. As such please refer the applicant to the below advisory note [...]”

Comments have been received from **4** interested parties that can be summarised as follows:

- Flood risk concerns: there are drainage gates on the right hand side of the lane but these are insufficient to cope with the volumes of water when heavy or prolonged rainfall occurs. Development should be directed to areas that are not at risk from flooding.
- Drainage: Gates Garth has a steep incline from Mill Lane – the proposed drawings now show rainwater and foul and sewerage waste discharging into the small existing drainage pipe which already takes rainwater and foul and sewerage waste from several properties. The proposed system for rainwater is a cellular storage system which will have little or no impact on rainwater volumes. As this part of Caunton is on a clay bed this storage system would soon fill up and run off would be as normal.
- Concerns that this dwelling will be in addition to the replacement dwelling recently approved at the south of this site.
- Concerns that the existing sewerage pipe will be damaged due to hard surfacing over its length.
- The increased driveway will increase noise disturbance to surrounding properties.
- The turning area will result in light nuisance to surrounding properties
- The widening and removal of the existing kerb will cause problems for drivers and pedestrians as Mill Lane is narrow and cars will wait along the dropped kerb to allow vehicles to pass.
- The previous planning permission granted on the Bothy site replaces a bungalow of little architectural value with another dwelling. Though overly large, it is a replacement, one dwelling for another. It was considered on its own and not as part of a bigger development plan on this site.
- This is a conservation area because it is rurally attractive and historically important – adding another dwelling will spoil the attractive leafy character of the area.
- The development proposed would be cramped, with a higher ridge than surrounding properties which would have a negative visual impact.
- Concerns over increased traffic on Mill Lane and parking congestion.
- Impact on the drainage running through the site resulting in flood sewerage issues.
- Over development of the site
- Further loss of trees
- The village is an unsustainable village with very little amenities.
- The proposed dwelling would result in an imposing structure along the full length of the neighbouring dwelling

- Harm to heritage assets and no public benefits to the scheme to offset them
- No precedent for backland development in open spaces in the conservation area.
- Confusion over ownership on land north of Orchard Croft.
- Concerns raised over the piecemeal approach to submitting planning applications and development the entire site.

Comments of the Business Manager

Principle of Development

The Council's Core Strategy sets out the settlement hierarchy which will help deliver sustainable growth and development in the District. The intentions of this hierarchy are to direct new residential development to the Sub-regional Centre, Service Centres and Principal Villages, which are well served in terms of infrastructure and services. Spatial Policy 1 (Settlement Hierarchy) of the Council's Core Strategy sets out the settlements where the Council will focus growth throughout the District. Applications for new development beyond Principal Villages as specified within Spatial Policy 2 will be considered against the 5 criteria contained within Spatial Policy 3 (SP3). Caunton is considered to be an 'Other Village' in the settlement hierarchy and I consider the site to be 'within the village' for the purposes of this policy and as such, policy SP3 is applicable. SP3 requires proposals to be assessed against five criteria: location, scale, need, impact and character:

Location - SP3 requires that in terms of location 'new development should be in villages, which have sustainable access to Newark Urban Area, Service Centres or Principal Villages and have a range of local services themselves which address day to day needs. Local services include but are not limited to Post Office/shops, schools, public houses and village halls.' I consider the site is located within the village of Caunton which benefits from a church (St Andrew's Church), a primary school (Dean Hole C of E), two public house (Caunton Beck and Plough Inn Caunton) and a shop (Caunton County Supplies). There is also a bus service to Newark Town Centre which provides further services as well as easy vehicular access to the A1. As such the location of the site would be considered to be in accordance with SP3.

Scale - The scale criterion relates to both the amount of development and its physical characteristics, the latter of which is discussed further in the Character section of the appraisal. I note the proposal is for one new dwelling which would be small scale and, notwithstanding comments received from local residents, I consider it unlikely to significantly affect local infrastructure. The proposal would therefore be considered appropriate for this settlement and meets the scale criteria of SP3.

Need - The wording of the 2019 Core Strategy requires new housing to demonstrate that it would help to support community facilities and local services. Given the facilities within Caunton itself, I am satisfied that the occupiers of the proposed dwelling would have sufficient opportunity to support and help sustain the longevity of the existing local services in the area and therefore the application would comply with this criterion of SP3.

Impact - In some respects, the impact criterion lends itself to discussion in the context of other material consideration such as the impact on the highways network and neighbouring amenity (which are discussed in further detail below but in short have been found to be acceptable). However, in respect of local infrastructure, I am satisfied that one new dwelling could be accommodated within existing infrastructure without causing a detrimental impact. Therefore subject to the more detailed highways and neighbouring amenity appraisals below the proposal could also satisfy this criteria of SP3.

The wider impact of the development on the character of the area will be discussed in further detail in the following section of this appraisal. However, it is concluded that the development would not result in any adverse impact on the character of the area. Therefore, having considered the five criteria of SP3, I consider the proposed development would be acceptable in principle in accordance with SP3 subject to considering the more site specific impacts as set out below.

Impact upon Character of Area and Heritage Matters

SP3 requires the scale of new development to be appropriate to the proposed location and the character of new development to be in keeping with the character of the location or its landscape setting. CP9 states that new development proposals should demonstrate a high standard of sustainable design that both protects the natural environment and contributes to and sustains the rich local distinctiveness of the District. Policy DM5 of the DPD states that new development should respect the rich local distinctiveness of the District's landscape and character of built form and this should be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

The site lies within the Conservation Area and to the NW of the site is the Grade II listed Caunton Mill, as such the relationship with this designated heritage asset is an important consideration. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires the Local Planning Authority (LPA) to pay special regard to the desirability of preserving listed buildings, their setting and any architectural features that they possess. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process.

Policies CP14 and DM9 of the Council's LDF DPDs, amongst other things, seek to protect the historic environment and ensure that heritage assets are managed in a way that best sustains their significance. The importance of considering the impact of new development on the significance of designated heritage assets, furthermore, is expressed in section 16 of the National Planning Policy Framework (NPPF). Paragraph 206 of the NPPF, for example, advises that the significance of designated heritage assets can be harmed or lost through alterations or development within their setting. Such harm or loss to significance requires clear and convincing justification. The NPPF also makes it clear that protecting and enhancing the historic environment is sustainable development (paragraph 8.c).

I note the new dwelling would be set behind an existing property that fronts on to Mill Lane, between it and the replacement dwelling that has recently been approved to the rear of the site. The dwelling has been designed with an L-shape and would be constructed out of traditional materials. I note the comments from the conservation officer and concur with the view that the location and position of the proposed development, while within a backland position, would follow the general pattern of development within this section of Caunton. Furthermore, it is considered that the modest height dimensions and use of traditional materials and detailing give the appearance of a traditional outbuilding which would have been found within this area.

The proximity to the listed windmill is noted, however given the level of separation and presence of intervening properties, I am satisfied that the proposal would not result in any adverse impact on the setting of the listed building.

As such, I agree with the overall conclusion made by the conservation officer, in that the proposal would preserve the rural character of the conservation area and setting of the nearby listed

building subject to conditions which have been suggested by the CO and are considered appropriate and proportionate to attach to any grant of planning permission. I therefore consider the proposal would accord with the requirements of policies SP3, CP9 and DM5 in this respect. I also consider a scheme to comply with the objective of preservation set out under Sections 66 and 72, part II of the 1990 Listed Building and Conservation Areas Act, as well as the heritage policies and advice contained within the Council's LDF DPDs and section 16 of the NPPF.

Impact upon Residential Amenity

Policy DM5 of the DPD states that development should have regard to its impact upon the amenity of surrounding land uses and neighbouring development to ensure that the amenities of neighbours and land users are not detrimentally impacted. The NPPF seeks to secure high quality design and a high standard of amenity for all existing and future occupants of land and buildings.

I am mindful of the relationship with the closest neighbouring properties, in particular Rose Cottage to the north-west of the application due to the close proximity to the shared boundary with this property. The proposed dwelling would be sited approx. 2m from the shared boundary. When considering the relative positioning, relationship and the modest height dimensions of the proposed dwelling, which range between 4.65 and 5.9m, I am satisfied that the proposal would not result in any material overbearing or overshadowing impact on neighbouring amenity which would warrant the refusal of planning permission. Similarly, given separation distances I do not consider there would be any adverse overlooking, overbearing or overshadowing impact on the property directly to the north, north-east, the replacement dwelling to the south or the property directly to the west, particularly given the design of the new dwelling, window to window relationships and the positioning of the dwelling relative to neighbouring properties private amenity spaces. The roof lights proposed on the west elevation are noted, however as these would be set at 1.8m above finish floor level, it is considered that there would be no material overlooking impact on the property to the west.

Nevertheless, acknowledging the close relationship between the proposed dwelling, the site boundaries and the positioning of neighbouring properties I do consider it reasonable to restrict the properties permitted development rights to restrict the installation of further windows/roof additions and extensions to ensure no unacceptable overlooking relationship could be introduced.

Noting the comments from local residents I am mindful that the private driveway is shown close to the boundary with Gates Garth to the north-east. However, whilst the proposal would see an intensification of the use of this driveway, as the driveway already serves an existing dwelling with vehicles already travelling along the driveway, it is considered that the slight change in layout from existing and an addition of one additional dwelling being served by this driveway would not give rise to such impact by virtue of noise and light disturbance to result in a material impact on neighbouring amenity.

I am also satisfied that there is a sufficient level of separation to the other neighbouring properties surrounding the site, to the proposed dwelling for the proposal to not result in any material impact on neighbouring amenity and that a sufficient level of external amenity space would be provided for the new dwelling (subject to restricting permitted development rights for the erection of outbuildings within the curtilage of the dwellinghouse). As such, the proposal is considered to be acceptable in this respect, in accordance with Policy DM5 and the guidance in the NPPF.

Impact upon the Highway

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems and Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

An existing access point currently serves the site and the property known as The Bothy (to the south). The submitted amended layout plan shows 3 off street parking spaces to serve the proposed dwelling (which includes the undercover carport) which accords with NSDC Parking Standards and Design SPD. I am satisfied that the proposal would include an adequate level of off street parking amenity to serve the proposed dwelling without relying upon on street parking along Mill Lane (noting the amended plans have taken on board advice from the Highways Authority) and that there would also be sufficient space to turn and manoeuvre within the application site. Initially concerns were raised by the Highway Authority about the design of the access into the site however following negotiations and the submission of an amended layout plan the Highways Authority have confirmed their support for the scheme (subject to conditions). Whilst I note other comments have been made from interested parties raising concerns relating to highway safety I note that the Highways Authority do not raise any objection in this regard. I therefore consider the development would accord with Spatial Policy 7 and Policy DM5 in terms of highway safety considerations.

Impact on Trees

Policy DM7 of the AMDDPD aims to protect, promote and enhance green infrastructure in line with Core Policy 12 of the Amended Core Strategy which seeks to conserve and enhance the biodiversity and geological diversity of the District.

A tree survey has been submitted in support of the proposal. From the submitted survey I note the trees shown for removal are T19 Blackthorn which is classified as low amenity value, T22 Elder which is classified as dead, T24 Apple with low amenity and G18 Hawthorn, Blackthorn and Elder with a moderate amenity value. While the loss of trees on site in order to accommodate the proposed development is regrettable, I am mindful that these trees have been assessed as being either, low amenity value or dead. I am also mindful that the hedge (G18) is a garden boundary hedgerow which could be removed without consent from the local planning authority. As such, this is outside of the control of this application.

In light of the above, it is considered that a condition which requires replacement planting would adequately mitigate the harm from the loss of the trees and also provide an opportunity to enhance the site though the provision of trees with a higher amenity value than those identified for removal. I also note the comments from the Tree Officer which raise no objection to the development subject to conditions relating to construction measures for tree protection.

I note comments from the tree officer were received on the previously withdrawn application in relation to the initial and repeat pruning works of Trees T17 and T3. However, I am of the view that the regular maintenance of these trees would not be an unreasonable burden for the future occupiers of the proposed dwelling and would also not be a justifiable reason for withholding planning permission.

In conclusion, with a suitably worded landscaping condition, I am of the view that the proposed development would not result in any adverse impact on the green infrastructure at the site. Furthermore, the provision of replacement planting with a high amenity value would enhance the sites biodiversity and geological diversity in accordance with the aims of Core Policy 12.

Drainage

The concerns raised by local residents in relation to the drainage running through the site and the change in layout of the private drive are noted. So too are the concerns of the local ward member. For clarity, the existing driveway runs over a private sewer which takes septic overflow waste from a number of properties on Mill Lane and discharges into an open drain. Concerns from local residents relate to altering the access into the site over this private sewer and potential implications on its capacity. However, the relevant changes in this application are limited to the realignment of the access track and the addition of 1 dwelling. Noting there is already a dwelling (The Bothy) to the south of the site which utilises this existing access point which crosses the sewer, the impact of this application would be limited to minor hard surfacing changes and adding one additional dwelling to the site.

Comments received from interested parties raise concerns about the existing capacity of the sewerage/foul water drainage in the area citing problems with overflow, smell and noise pollution and concerns that this proposal would further contribute to this issue. To this I would note that this proposal need only mitigate its own impact on the existing infrastructure (rather than alleviate existing issues). Comments from the Environment Agency and Environmental Health note the presence of the existing drain within the site and raise no objection to the proposal subject to the improved driveway being constructed in accordance with building regulations. It is considered that one additional dwelling could be accommodated at the site (in addition to the existing and approved replacement dwelling) without unduly compromising the existing drainage network. In any event, a drainage strategy can be controlled by condition to ensure an appropriate drainage strategy for the site.

I also note that the site lies within Flood Zone 1 and thus there is no requirement to assess the flood risk to the development or to apply the sequential test, despite comments received from neighbouring residents. Indicative drainage plans have also been submitted with the application which details the type of drainage system that could be put in place to adequately deal with the demand of the new dwelling.

Following discussions with the Environmental Health Officer they have advised that specialist advice would be required from Building Regulations following input from drainage and structural engineers to ensure protection of the existing drainage pipe and adequate drainage for the new dwelling. An informative note to the decision can be attached (and is recommended) to recommend the applicant engages with specialist advisors and Building Control to ensure adequate mitigation. The development would require approval from building regulations and therefore the drainage, for this dwelling, would be adequately provided for.

Other matters

The concerns raised over the piecemeal approach to the submission of applications on different areas of the wider site owner by the applicant are noted. However, it is within the applicant's gift to submit stand-alone applications. Each application is considered on its own merits and takes into account the previously approved development which also have the potential to come forward within the same time frame.

CIL

The site is located within the High Zone of the CIL charging schedule where the CIL rate is £70. The CIL charge on this application would be £11,533.82 (based on 116.8m² at GF and 45m² at FF).

Conclusion

The principle of the proposed development is considered acceptable and the location sustainable in accordance with the requirements of SP3. The design of the proposed development would preserve the character and appearance of the Conservation Area in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is also not considered that the dwelling would impact the setting of any nearby listed buildings in line with Section 66 of the Act. There have been no material adverse impacts identified in relation to neighbouring amenity, highway safety, and the green infrastructure at the site in accordance with the Development Plan and the NPPF which is a material consideration. There are also no other material considerations which indicate that the proposal should not be approved, I therefore recommend that planning permission is granted.

RECOMMENDATION

That full planning permission is approved subject to the following conditions:

Conditions

01

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

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

02

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

- Amended Site Location Plan – Ref. 1954-001 (deposited 15.09.2021)
- Proposed Site Plan – Ref. BMLC/2021/BP2 (deposited 20.09.2021)
- Elevations as Proposed - Ref. BMLC/202/E1
- Floor Plans and Proposed - Ref. BMLC/2021/P1

Reason: So as to define this permission.

03

No development above damp proof course shall take place until manufacturers details (and samples upon request) of the following external materials (including colour/finish) have been submitted to and approved in writing by the Local Planning Authority:

- Bricks
- Roof Covering
- Windows and Doors

Development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

04

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, doors and their immediate surroundings, including details of glazing and glazing bars.
- Treatment of window and door heads and cills
- Verges and eaves
- Rainwater goods
- Extractor vents (if required)
- Flues (if required)
- Meter boxes
- Airbricks
- Soil and vent pipes (if required)

Reason: In order to preserve or enhance the character and appearance of the conservation area.

05

Trickle vents shall not be inserted into the windows/doors hereby permitted.

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

06

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

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Reason: In the interests of visual amenity and biodiversity.

07

The approved landscaping scheme shall be carried out within 6 months of the first occupation of any building or completion of the development, whichever is soonest, unless otherwise agreed in

writing with the Local Planning Authority. If within a period of 7 years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size of the original shall be planted at the same place.

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

08

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. A plan showing details and positions of the ground protection areas.
- b. Details and position of protection barriers.
- c. 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.
- d. 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).
- e. 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.
- f. 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.
- g. Details of any scaffolding erection and associated ground protection within the root protection areas
- h. 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 during construction.

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

09

Prohibited activities

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

- a. No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree/hedgerow on or adjacent to the proposal site.
- b. No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site,
- c. No temporary access within designated root protection areas without the prior written approval of the District Planning Authority.
- d. No mixing of cement, dispensing of fuels or chemicals within 10 metres of any retained tree/hedgerow on or adjacent to the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.

- f. No stripping of top soils, excavations or changing of levels to occur within the root protection areas of any retained tree/hedgerow on or adjacent to the application site.
- g. 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.

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

10

No development shall be commenced until details of the means of foul drainage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

11

No part of the development hereby permitted shall be brought into use until the access to the site has been completed and surfaced in a bound material with the highway boundary clearly demarcated in accordance with approved plan reference 'Proposed Site Plan' BMLC/2021/BP2 (deposited 20.09.2021).

Reason: To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.) and in the interest of highway safety.

12

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided in accordance with the approved plan reference 'Proposed Site Plan' BMLC/2021/BP2 (deposited 20.09.2021). The parking and turning areas shall not be used for any purpose other than parking/turning/loading and unloading of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction, all in the interests of Highway safety.

13

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

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

Notes to Applicant

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 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-built 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

Note from the EA:

Government guidance contained within the national Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation)
3. Septic Tank
Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, addition to planning permission. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters.

Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not. Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply

with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

Further advice is available at: <https://www.gov.uk/permits-you-need-for-septic-tanks> and <https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

04

The development makes it necessary to alter/improve a vehicular crossing over a footway/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 Tel. 0300 500 8080 and further information at: <https://www.nottinghamshire.gov.uk/transport/licences-permits/temporary-activities>

05

The applicant is advised to seek specialist advice from Building Regulations and drainage and structural engineers to ensure the foul drainage and surface water disposal scheme for the site is developed so as to protect the existing drainage pipe within the site and to provide adequate drainage for the new dwelling.

BACKGROUND PAPERS

Application case file.

For further information, please contact Honor Whitfield on ext 5827

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

Lisa Hughes
Business Manager – Planning Development