



Report to Planning Committee 9 June 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/00507/S73M		
Proposal	Variation of condition 3 attached to planning permission 20/00642/FULM to amend the approved boundary treatments (part retrospective)		
Location	Land Off Oldbridge Way Bilsthorpe		
Applicant	Harry George - Gleeson Homes	Agent	N/A
Web Link	22/00507/S73M Variation of condition 3 attached to planning permission 20/00642/FULM to amend the approved boundary treatments (part retrospective) Land Off Oldbridge Way Bilsthorpe (newark-sherwooddc.gov.uk)		
Registered	17.03.2022	Target Date	16.06.2022
Recommendation	Approve, subject to conditions		

This application is being presented to the Planning Committee in line with the Council’s Scheme of Delegation as Bilsthorpe Parish Council has objected to the application which differs to the professional officer recommendation.

1.0 The Site

The application site is a large, broadly linear plot approximately 8.25 hectares in extent abutting the southern edge of the village envelope of Bilsthorpe towards the west of the village. Owing to the positioning of the site adjacent to the village envelope, three of the four boundaries are shared with residential curtilages of existing properties. Land to the south is open countryside. The red line site location plan wraps around the edge of the village envelope with the exception of the exclusion of an existing playing field to the north east corner of the site. The site slopes gradually from north to south with previous agricultural

land use albeit building works have commenced in line with the residential approvals set out below.

The site is within Flood Zone 1 according to the Environment Agency maps although land outside the site, to the southern boundary, falls within Flood Zone 3. There are no designated heritage assets within the site. There are no formal rights of way within the site itself albeit it is understood from anecdotal evidence that the site was being used informally by the public for dog walking etc. prior to building works commencing.

2.0 Relevant Planning History

Outline planning permission was granted on the 28th April 2017 for the residential development of up to 113 dwellings and associated infrastructure (16/01618/OUTM) following a resolution to grant at the January 10th 2017 Planning Committee. The application was granted at a time where the Local Planning Authority (LPA) were uncertain of their position in respect to demonstrating a five year land supply and therefore were taking a pragmatic approach. Nevertheless, a shorter timeframe for the submission of a reserved matters application was imposed by condition (18 months). There was a subsequent Section 73 application to amend a condition in respect to the highways access which was approved on 1st March 2018 (17/01910/OUTM) albeit reserved matters submission was required by 28th October 2018 in order to meet the original 18 month timeframe. The reserved matters submission was received within the prescribed timeframe and granted permission on the 7th June 2019 (18/01971/RMAM). The permission was extant until 7th December 2020.

More recently, the applicant submitted an application for 120 dwellings under reference 19/01858/FULM. Despite an Officer recommendation of approval, the application was refused by Planning Committee on February 4th 2020 for the reason below.

Spatial Policy 6 (Infrastructure for Growth) and Policy DM3 (Developer Contributions and Planning Obligations) set out the approach for delivering the infrastructure necessary to support growth. It is critical that the detailed infrastructure needs arising from development proposals are identified and that an appropriate level of provision is provided in response to this. The Council's adopted Developer Contributions and Planning Obligations SPD provides the methodology for the delivery of appropriate infrastructure. In the opinion of the Local Planning Authority the proposal does not provide for the necessary affordable housing contributions in a form promoted by the Development Plan. Alternately, low costs homes are proposed. In addition to being contrary to the policies already mentioned the scheme does not comply with the requirements of Core Policy 1 (Affordable Housing) or Core Policy 2 (Rural Affordable Housing).

In addition, the proposed development would result in additional dwellings within the open countryside outside of the main built up area of Bilsthorpe, above and beyond a current fall-back position which currently exists up to December 2020. Policy DM8 (Development in the Open Countryside) strictly controls and limits the types of development in the countryside. This policy is signposted by Spatial Policy 3 (Rural Areas) and is consistent with the National Planning Policy Framework (NPPF). The additional dwellings proposed do not accord with any of the exceptions listed.

The proposal is therefore contrary to the aim of promoting a sustainable pattern of development within the District and is therefore considered to represent unsustainable development. The harm identified would not be outweighed by any benefits of the scheme contrary to Spatial Policy 3 and 6 and Core Policies 1 and 2 of the Amended Core Strategy (2019) and Policies DM3 and DM8 of the Allocations and Development Management Development Plan Document (2013) as well as being contrary to the National Planning Policy Framework (NPPF) and Planning Practice Guidance which are material planning considerations.

The latest application on the site was a re-submission for 120 dwellings submitted by the applicant but with a revised affordable offer in comparison to the aforementioned refusal. This application, reference 20/00642/FULM was presented to Members with a recommendation of approval at the Planning Committee meeting on June 30th 2020. Members were minded to approve subject to the Section 106 agreement. It is understood that it is this final application which is being implemented on site and indeed it is to this application which the current section 73 application relates.

For the avoidance of doubt, the legal agreements associated with the application confirms that if permission is granted via a section 73 application then the covenants and provisions of the original deed shall continue to apply in equal terms.

3.0 The Proposal

The application seeks to vary the approved plan condition to amend the approved boundary treatments around the existing playing field. The approved plans showed that the playing field would be bounded by a 1.8m timber fence with trellis on top but the revised plans seek to use a combination of a 450mm knee rail fence; a 1.5m timber post and rail fence and a small section of 1.8m fencing along the side boundaries with Plots 75 and 88. The changes are shown on plan references:

- Planning Layout – Sheet 1 of 2 – 1047-2/3O;
- Planning Layout – Sheet 2 of 2 – 1047-2/4J;
- 1800mm High Close Boarded Timber Fence – SD-100 Rev. F;
- 450 High Knee Rail Fence – NSD122;
- 1800mm High Timber Fence with 300mm Trellis – NSD104 Rev. C;
- 1500mm high plot division fence timber post and 4 rail – NSDC124.

4.0 Departure/Public Advertisement Procedure

Occupiers of 103 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.

5.0 Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 - Rural Areas
Spatial Policy 6 - Infrastructure for Growth
Spatial Policy 7 - Sustainable Transport
Core Policy 1 - Affordable Housing Provision
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
ShAP1 - Sherwood Area and Sherwood Forest Regional Park

Allocations & Development Management DPD

Policy DM3 - Developer Contributions and Planning Obligations
Policy DM5 - Design
Policy DM7 - Biodiversity and Green Infrastructure
Policy DM8 - Development in the Open Countryside
Policy DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

- National Planning Policy Framework 2021
- Planning Practice Guidance
- Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Bilsthorpe Parish Council – Voted to oppose due to safety for park users and security for the park area.

NCC Highways Authority – This application to amend the approved boundary treatments does not appear to negatively impact existing or proposed highway. In considering the above, the Highway Authority have no objections to the application.

Representations have been received from 1 local residents/interested party which can be summarised as follows:

- A knee high rail fence makes the play area less secure and making looking after the safety of children more difficult;
- The play park will be a short cut increasing risk to children's safety;

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning

and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that a permission exists on the site. This Section provides a different procedure for such applications for planning permission, and requires the decision maker to consider only the question of the conditions subject to which planning permission was granted. As such, the principle of the approved development cannot be revisited as part of this application.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. In determining such an application the local planning authority is only able to consider the question of the conditions subject to which planning permission should be granted, and—

- a) if the authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the authority shall grant planning permission accordingly, and
- b) if the authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The National Planning Policy Framework (NPPF) is clear that any new permission should set out all conditions related to it unless they have been discharged and that it cannot be used to vary the time limit for implementation which must remain unchanged from the original permission. Whilst the application has defined which conditions are sought to be varied, the local authority has the power to vary or remove other conditions if minded to grant a new planning permission.

The principle of the development has been established by the extant permission. The revisions to the boundary treatments proposed through this application are most likely to affect matters of character.

Impact on Character

The extant permissions on the site have established that the character of the site will fundamentally change through a large scale housing development. However, owing to the positioning of the site at the edge of the village boundary, the site area unusually includes large expanses of open space both to the south of the dwellings and also centrally within the site between the larger area of development to the east and a small pocket of dwellings to the west.

The current application seeks to amend the approved boundary treatments. To set the context, the boundary treatments for this site have been subject to numerous negotiations during the planning history. The Committee Report for application 20/00642/FULM states the following:

Officers negotiated appropriate boundary treatments during the life of the previous application consideration and it is these negotiated arrangements which have been presented as part of the current application. These include a fence with trellising on the top of the plots to the southern boundary to soften the landscape impact of the proposal. The plans show majority of in plot division to be 1.2 timber fences which is considered acceptable.

For the avoidance of doubt the boundary treatments for the plots themselves have not changed from the approved plan ensuring that the Officer negotiations secured through the original application would remain.

The change proposed relates to the boundary around the existing play area (outside of the site boundary). On the approved plans, the majority of the boundary was a 1.8m timber fence with trellis on top. However, it is now sought (and notably has already been built on site) that the majority of the play area would be bounded by a 1.5m post and rail fence and that there would be a gap in the south western corner of the play area to allow for access into the play area. Officers consider that this represents an improvement to the scheme in that it has a softer appearance in the street scene through the main spine road of the site.

Other Matters

The Parish Council and a neighbouring party have raised concerns that the revised boundary treatment would lead to safety and security issues for users of the park. However, to the contrary, the post and rail fence would increase overall natural surveillance and therefore these concerns are considered unfounded. Officers are also of the view that the revised boundary treatment has the advantage of creating a more inclusive community whereby the residents of the development will have easier access to using the play area.

8.0 Conclusion

The minor changes in respect to the approved boundary treatments are considered acceptable from a planning perspective despite the concerns raised locally. Condition 3 (albeit the numbering will change to condition 2) can therefore be amended to reflect the latest plans as shown through strike through and bolded text.

Other conditions are updated reflecting discharge of condition / non material amendment applications which have been approved since the original application was determined.

9.0 Conditions

~~01~~

~~The development hereby approved shall be commenced no later than 7th December 2020.~~

~~Reason: In acknowledgement of the fall back position which exists and to expedite the contribution towards the Districts housing supply.~~

~~02~~

01

The development hereby approved shall be carried out in accordance with the following plans and details:

- Site Location Plan - 1047-2/6- dated 20th January 2020;
- 201 Dwelling Type - 201/1G dated July.10;
- 212 Dwelling Type - 212/1- dated Feb 16;
- Detailed Landscaping Proposals - 1 of 4 - 2971/1 Rev. L received 15th May 2020;
- Detailed Landscaping Proposals - 2 of 4 - 2971/2 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals - 3 of 4 - 2971/3 Rev. K received 21st January 2020;
- Detailed Landscaping Proposals - 4 of 4 - 2971/4 Rev. K received 22nd January 2020;
- Landscape Management Specification - Rosetta Landscape Design dated 2019;
- 301 Dwelling Type - 301/1H dated July.10;
- 303 Dwelling Type - 303/1E dated July.10;
- 304 Dwelling Type - 304/1E dated July.10;
- 309 Dwelling Type - 309/1E dated Jun.11;
- 311 Dwelling Type - 311/1B dated Dec.13;
- 313 Dwelling Type - 313/1- dated Feb 2016;
- 314 Dwelling Type - 314/1- dated Feb 2016;
- 315 Dwelling Type - 315/1A dated May.18;
- 410 Dwelling Type - 401/1G dated July.10;
- 403 Dwelling Type - 403/1J dated July.10;
- 405 Dwelling Type - 405/1E dated July.10;
- 1800mm High Close Boarded Timber Fence - 0282 SD-100 Rev. F dated 13.04.11;
- 1800mm High Timber Fence with 300mm Trellis - 0282 NSD104 Rev C dated 16.05.19;
- 1200mm High Timber Fence - 0282 Rec. C NSD105 dated 16.05.19;
- **450 High Knee Rail Fence – NSD122;**
- **1500mm high plot division fence timber post and 4 rail – NSDC124;**
- Detached Single Garage Details - 0282 SD 700 Rev. C dated 22.08.12;
- Detached Double Garage Details - 0282 SD 701 rev. D dated 22.08.12;
- ~~Planning Layout – Sheet 1 of 2 – 1047-2/3K;~~
- ~~Planning Layout – Sheet 2 of 2 – 1047-2/4J;~~
- **Planning Layout – Sheet 1 of 2 – 1047-2/3O;**
- **Planning Layout – Sheet 2 of 2 – 1047-2/4J;**
- Planning Layout - 1047-2/5K.

Reason: To define the permission.

~~03~~

02

The development hereby permitted shall be carried out in accordance with the Materials Plan - 3100-02B dated 18.05.20.

Reason: In the interests of visual amenity.

04

~~No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved JOC Consultants Flood Risk Assessment (FRA) 18/035.01 Rev 02 dated 23 September 2019, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:~~

- ~~-Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.~~
- ~~-Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm 5 l/s rates for the developable area.~~
- ~~-Provision of surface water run off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA~~
- ~~-Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.~~
- ~~-For all exceedance to be contained within the site boundary without flooding new properties in a 100year+40% storm.~~
- ~~-Details of STW approval for connections to existing network and any adoption of site drainage infrastructure.~~
- ~~-Evidence of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term~~

~~Reason: A detailed surface water management plan is required to ensure that the development is in accordance with NPPF and local planning policies. It should be ensured that all major developments have sufficient surface water management, are not at increased risk of flooding and do not increase flood risk off site.~~

03

The development hereby approved shall be carried out in accordance with the surface water drawings reference M20/1000/1010 & M20/1000/1011 and the document titled '*Sustainable Urban Drainage System Management Plan*' dated August 2020 submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: To ensure that the development has appropriate surface water management and a satisfactory means of drainage.

05

~~The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.~~

~~Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.~~

06

~~No development shall commence on site (including any site clearance/preparation works), until a Construction Method Statement has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the construction period:~~

- ~~o The parking of vehicles of site operatives and visitors~~
- ~~o Loading and unloading of plant and materials~~
- ~~o Storage of oils, fuels, chemicals, plant and materials used in constructing the development~~
- ~~o The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing~~
- ~~o Wheel wash washing facilities and road cleaning arrangements~~
- ~~o Measures to control the emission of dust and dirt during construction~~
- ~~o A scheme for recycling/disposing of waste resulting from site preparation and construction works~~
- ~~o Measures for the protection of the natural environment~~
- ~~o Hours of work on site, including deliveries and removal of materials~~
- ~~o Full details of any piling technique to be employed, if relevant~~
- ~~o Location of temporary buildings and associated generators, compounds, structures and enclosures, and~~
- ~~o Routing of construction traffic.~~
- ~~o Measures to limit noise emissions from the site and from plant machinery~~

~~For the avoidance of doubt, the CEMP details should demonstrate that:~~

- ~~o The hours of operation on site will be limited to Monday to Friday 08:00 to 18.00hrs, 08:00 to 13.00hrs Saturday and no works on site on Sundays/Bank Holidays.~~
- ~~o No deliveries shall be received or dispatched from the site outside the hours of Monday to Friday 08:00 to 18.00hrs, Saturday 08.00 to 13.00 hrs nor at any time on Sundays and Bank Holidays.~~
- ~~o No piling to be undertaken or vibrating rollers to be used on site Saturday, no works Sundays or Bank Holidays. The local Authority should be notified of any Piling technique to be employed on site in advance.~~

04

The development hereby approved shall be carried out in accordance with the 'Construction Management' statement received by email dated 15th September 2020 submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: To protect the amenity of the locality, especially for people living and/or working.

07

~~No development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the Local Planning Authority. This scheme should include the following:~~

- ~~1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).~~
- ~~2. A methodology and timetable of site investigation and recording~~
- ~~3. Provision for site analysis~~
- ~~4. Provision for publication and dissemination of analysis and records~~
- ~~5. Provision for archive deposition~~
- ~~6. Nomination of a competent person/organisation to undertake the work~~

~~The scheme of archaeological investigation must only be undertaken in accordance with the approved details.~~

~~Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with the National Planning Policy Framework.~~

08

05

The archaeological site work must be undertaken only in full accordance with the approved written scheme '**Written Scheme of Investifation' Report No. 067/2020 by Trent & Peak Archaeology.** ~~referred to in the above Condition.~~ The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with the National Planning Policy Framework.

09

06

A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Nottinghamshire County Council within 3 months of the works hereby given consent being commenced.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site. This Condition is imposed in accordance with the National Planning Policy Framework.

~~010~~

07

To avoid negative impacts to nesting birds, any clearance works of vegetation on site should be conducted between October to February inclusive, outside the bird breeding season. If works are conducted within the breeding season, between March to September inclusive, a nesting bird survey must be carried out by a qualified ecologist prior to clearance. Any located nests must then be identified and left undisturbed until the young have left the nest.

Reason: In order to protect biodiversity on the site in accordance with the aims of Core Policy 12 of the Newark and Sherwood Core Strategy (2019).

~~011~~

08

Any access taken from Allandale and/or The Crescent shall serve no more than 12 dwellings in each case.

Reason: To restrict further development being served from a standard of existing access that would not support a significant increase in traffic; in the interests of safety.

~~012~~

09

Prior to the occupation of any plot hereby approved, the boundary treatments for that plot, as shown on plan references ~~Planning Layout – Sheet 1 of 2 – 1047-2/3K and Planning Layout – Sheet 2 of 2 – 1047-2/4J~~ **Planning Layout – Sheet 1 of 2 – 1047-2/3O and Planning Layout – Sheet 2 of 2 – 1047-2/4J** (with associated details on plan references 1800mm High Close Boarded Timber Fence - 0282 SD-100 Rev. F dated 13.04.11; 1800mm High Timber Fence with 300mm Trellis - 0282 NSD104 Rev C dated 16.05.19; and 1200mm High Timber Fence - 0282 Rec. C NSD105 dated 16.05.19) shall be implemented on site in full. The approved boundary treatments to the southern boundaries (i.e. the 1.8m fences with trellis on top) shall thereafter be retained for a minimum period of 10 years.

Reason: In the interests of residential and visual amenity, particularly in respect to softening the landscape impacts of the built form from the open countryside to the south.

~~013~~

10

The landscaping details shown on the following plan references:

- o Detailed Landscaping Proposals - 1 of 4 - 2971/1 Rev. L received 15th May 2020;
- o Detailed Landscaping Proposals - 2 of 4 - 2971/2 Rev. K received 21st January 2020;
- o Detailed Landscaping Proposals - 3 of 4 - 2971/3 Rev. K received 21st January 2020;
- o Detailed Landscaping Proposals - 4 of 4 - 2971/4 Rev. K received 22nd January 2020;

shall be carried out in full within 36 months of the first occupation or by 80% of the dwellings being occupied, whichever is sooner, or a period agreed subsequently in writing by the Local Planning Authority. The landscaping shall be maintained in accordance of the details within the 'Landscape Management Specification - Rosetta Landscape Design dated 2019'. For the avoidance of doubt, the mown paths shall be retained for the lifetime of the development. Any trees shown to be retained shall for a minimum of five years unless they become otherwise diseased or damaged and their removal is agreed in writing by the Local Planning Authority.

Reason: To enhance and protect the landscape value and biodiversity of the site.

~~014~~

~~Prior to any development above damp proof course level, details of bat boxes and bird nest boxes to be placed on either retained trees or new housing on the perimeters near to hedge/tree lines and a timetable of implementation shall be submitted to and approved in writing by the District Council Local Planning Authority. Once approved the bat boxes and bird nest boxes shall be erected in accordance with the approved details.~~

11

The development hereby approved shall be carried out in accordance with the document titled, '*Schedule for Bird and Bat Box Erection to Discharge Condition 14, and Construction Environmental Management Plan (Nesting Birds) to Discharge Condition 10 of Planning Consent 20/00642/FULM' Version No.2 dated September 2020* submitted through application reference 21/01622/DISCON and agreed through letter dated 16th October 2020.

Reason: In order to enhance habitats on the site in accordance with the aims of the National Planning Policy Framework (2021).

~~015~~

12

No dwelling forming part of the development hereby permitted shall be occupied until its associated drive/parking area is surfaced in a hard bound material (not loose gravel) for a minimum of 5 metres behind the Highway boundary. The surfaced drive/parking area shall then be maintained in such hard bound material for the life of the development.

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

~~016~~

13

Any garage doors shall be set back from the highway boundary a minimum distance of 5 metres for sliding or roller shutter doors, 5.5 metres for up and over doors or 6 metres for doors opening outwards.

Reason: To enable vehicles to stand clear of the highway whilst garage doors are opened/closed.

~~017~~

14

No dwelling forming part of the development hereby permitted shall be occupied until its associated access/driveway/parking area is constructed with provision to prevent the unregulated discharge of surface water from the access/driveway/parking area to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

Reason: To ensure surface water from the site is not deposited on the public highway causing dangers to road users.

~~018~~

15

Plot 92 shall not be brought into use until the visibility splays shown on drawing no. 1047-2/30 outside plot 92 are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, planting, structures or erections exceeding 0.6 metres in height.

Reason: To maintain the visibility splays throughout the life of the development and in the interests of general highway safety.

~~019~~

16

The integral garages to the dwellings hereby permitted shall be kept available for the parking of motor vehicle(s) at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

~~020~~

17

The first floor window opening on the north elevation of Plot 104 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

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/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The Rights of Way (RoW) team would like the applicant to be advised as follows:

- The footpath should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.
- There should be no disturbance to the surface of the footpath without prior authorisation the Rights of Way team.
- The safety of the public using the path should be observed at all times. A Temporary Closure of the Footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be made aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.
- The existing boundary hedge/tree line directly bordering the development and the right of way is the responsibility of the current owner/occupier of the land. On the assumption

that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuing that it is cut back so as not to interfere with right of way.

These comments have been provided by Via East Midlands Limited on behalf of Nottinghamshire County Council, in its capacity as Highway Authority, through Via's continuing role of providing operational services on behalf of the County Council'

03

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. They may obtain copies of our current guidance notes and application forms for diversions from either our website (www.stwater.co.uk).

04

The applicant should note that notwithstanding any planning permission that if any highway forming part of the development is to be adopted by the Highways Authority, the new roads and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks. Please contact david.albans@nottsc.gov.uk for further details.

05

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 accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

BACKGROUND PAPERS

Application case file.

Committee Plan - 22/00507/S73M

