



Report to Planning Committee 06 October 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Honor Whitfield, Planner, ext. 5827

Report Summary			
<b>Application Number</b>	22/01659/S73		
<b>Proposal</b>	Application for variation of conditions 8 (landscaping) and 16 (drainage design) to revise the wording of each condition attached to planning permission 21/02533/FUL.		
<b>Location</b>	Hill House, Chapel Lane, Epperstone, NG14 6AE		
<b>Applicant</b>	Mr Jonathan Mould	<b>Agent</b>	Mr Matthew Oliver
<b>Web Link</b>	<a href="https://www.newark-sherwooddc.gov.uk/22/01659/S73">22/01659/S73   Application for variation of conditions 8 (landscaping) and 16 (drainage design) to revise the wording of each condition attached to planning permission 21/02533/FUL.   Hill House Chapel Lane Epperstone NG14 6AE (newark-sherwooddc.gov.uk)</a>		
<b>Registered</b>	23.08.2022	<b>Target Date</b>	18.10.2022
<b>Recommendation</b>	That Planning Permission is <u>APPROVED</u> subject to the Conditions detailed at Section 9 and the SoS Referral		

**This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the application is a departure from the Development Plan.**

### 1.0 The Site

This application site relates to an approx. 0.9 ha parcel of land situated on the western side of Chapel Lane in the northern extremities of the village of Epperstone. The plot includes Hill House, which is a large detached dwelling (estimated at 239.75m<sup>2</sup> footprint) in addition to a garage and shed (at 45m<sup>2</sup>), a disused tennis court which lies to the south-east of the dwelling and a large formal garden area. Access is taken from the north-east corner of the site off Chapel Lane past the dwelling known as ‘The Elms’. Hill House is set back in excess of 100 m within the site and is not immediately visible from the entrance into the site. The dwelling sits on an elevated position in the landscape where the topography increases from Chapel Lane

west further into the application site, however, given existing boundary vegetation the property can only be seen in glimpsed views from the surrounding area.

The existing dwelling is of buff brick and concrete tile construction and is not considered to be of any architectural or historic merit. There are a number of mature trees within the site and along its boundaries, particularly along the north, east and south, which assist in screening the built form. The site lies within the Epperstone Conservation Area and the Nottingham-Derby Green Belt but does not lie within an area at risk of flooding. A Public Right of Way (PRoW) passes along the eastern boundary of the site in a broadly north-south direction.

## **2.0 Relevant Planning History**

**21/02533/FUL** - Erection of a replacement dwelling and associated works and landscape enhancements – Approved 16.03.2022 subject to conditions (some of which have been discharged under references: 22/01287/DISCON Condition 13, 22/01411/DISCON Condition 10, and 22/01552/DISCON Condition 14)

## **3.0 The Proposal**

The application is a Section 73 application submitted to allow the variation of Conditions 08 and 16 attached to planning permission 21/02533/FUL to amend the wording of the conditions to allow demolition and construction works to commence prior to submission of the requisite information.

Condition 08 reads:

*No development other than demolition shall take place until 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 be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and 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;*
- *proposed finished ground levels or contours (should be shown in context of existing land levels);*
- *means of enclosure;*
- *car parking layouts and materials;*
- *hard surfacing materials;*
- *minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)*

*Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.*

The Applicant seeks to amend this to read: “**Prior to occupation** full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority [...]” due to the desire to commence construction prior to defining the set details of the hard and soft landscaping to assist in developing the detailed landscaping design with better understanding of the site context during construction.

Condition 16 reads:

*No development shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.*

*Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.*

The Applicant seeks to amend this to read: “No development **other than demolition** shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority [...]” to enable them commence demolition in a timely manner before defining the detailed drainage design which requires more detailed consideration in accordance with the overarching engineering concepts and sustainability strategy for the scheme.

No physical changes are proposed to the scheme. The application seeks only to amend the wording of the abovementioned conditions as described.

#### **4.0 Departure/Public Advertisement Procedure**

Occupiers of 14 properties have been individually notified by letter, a site notice has been displayed and an advert has been placed in the local press.

The Council has also referred the application to the Secretary of State (SoS) as the original planning application represented a departure from planning policy and would result in a dwelling with floor space in excess of 1,000 square metres, in accordance with The Town and Country Planning (Consultation) (England) Direction 2021. The SoS referral period expires on 03.10.2022.

#### **5.0 Planning Policy Framework**

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

### **Epperstone Neighbourhood Plan, adopted December 2019**

EP 7: Trees and Hedgerows

EP 8: Biodiversity

EP 9: Distinctive Views and Vistas

EP 11: Design Principles

EP 16: Epperstone Conservation Area

EP 17: Epperstone Historic Character

### **NSDC Amended Core Strategy Adopted 2019**

Spatial Policy 1 – Settlement Hierarchy

Spatial Policy 2 - Spatial Distribution of Growth

Spatial Policy 4B– Green Belt Development

Spatial Policy 7 - Sustainable Transport

Core Policy 9 – Sustainable Design

Core Policy 12 – Biodiversity and Green Infrastructure

Core Policy 13 – Landscape Character

Core Policy 14 - Historic Environment

### **Newark and Sherwood Allocation and Development Management DPD, adopted 2013**

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 2021;
- Planning Practice Guidance (online resource);
- Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Landscape Character Assessment Supplementary Planning Document Dec 2013

## **6.0 Consultations**

*NB: Comments below have been summarised. Full Consultee comments can be found on the online planning file.*

**Epperstone Parish Council** – no comments received.

**Secretary of State** – *Comments to be referred to Members as a late item as the referral period expires on 03.10.2022 after the publishing of reports. For information, the SoS previously confirmed they did not wish to call-in the original planning application.*

**No comments have been received from any local residents/interested parties.**

## **7.0 Comments of the Business Manager – Planning Development**

An application under Section 73 is in effect a fresh planning application but should be determined in full acknowledgement that an existing 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 not be granted subject to the same conditions as those subject to which the previous permission was granted, the authority shall refuse the application.

The 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 are minded to grant a new planning consent. Full planning permission was granted in March 2022 subject to conditions. The conditions to be varied in this application are Conditions 08 (Hard and Soft Landscaping Scheme) and 16 (Drainage Plans) to amend the wording of the conditions to allow demolition and construction works to commence prior to submission of the requisite information as set out in the description of the proposal. The wording changes to these conditions are very minor and would not result in any additional development or physical changes to the appearance of the scheme as approved. As a result, the scope of assessment in this case is limited to whether the timing of the submission of the details required by these conditions would impact the development as a whole. Each condition will now be taken in turn.

#### Condition 08 – Hard and Soft Landscaping Scheme

Condition 08 requires the submission of the detailed hard and soft landscaping plans for the site prior to the commencement of development other than demolition works (so before any construction of the new dwelling is commenced). The Applicant seeks to amend this condition to require submission of these details '*prior to occupation*' of the replacement dwelling to allow for construction of the dwelling to be commenced prior to defining the set details of the landscaping scheme. The Applicant has explained that this is to assist them in developing the detailed landscaping design with better understanding of the site context during construction.

The landscaping strategy for the development is a key element of the scheme, this was set out in detail in the Ibboston Studios Landscape section of the Design and Access Statement dated Nov 2021 (pages 52-66) and included on the approved plans ref. 069 02A, 03A, 04A and

05. In assessing the application, the Design Midlands: Review Panel (DRP) commended the proposed landscaping strategy and Officers gave weight to this as a positive element of the overall design approach (see pages 9-10 of the original committee report<sup>1</sup>). The parameters of the landscaping approach for the development, which carried positive weight in the assessment of the overall design and visual impact of the scheme, factored into the endorsement of the scheme by the DRP and the conclusion that the proposal would represent a scheme of outstanding design sufficient to constitute the very special circumstances required to justify inappropriate development within the Green Belt, have largely been set by the details included on the approved plans and within the Ibboston Studios Landscaping strategy.

It is appreciated that the Applicant wants to have a greater understanding of the context of the new dwelling within the site before defining the full details of the hard and soft landscaping scheme. As such it is not considered that delaying the submission of the more specific and detailed information required by condition 08 (such as the full planting specification, means of enclosure, specific hard surfacing materials and design of the minor artefacts shown on the plans) until construction has commenced on the replacement dwelling would undermine or compromise the overall design of the scheme. This is particularly given the level of detail that has already been secured through the approved plans and thus the security that the development will take the form envisaged through the original application submission. As such there is no objection to the variation as proposed.

#### Condition 16 – Foul and Surface Water Drainage Plans

Condition 16 requires the submission of details of foul and surface water drainage to be submitted prior to the commencement of any development on site. The wording of this condition precludes commencement of the demolition of the existing dwelling on site and the Applicant seeks to amend the wording of the condition to allow demolition works to commence prior to submission of these details in the interest of programming works and commencing on site in a timely manner.

The condition requires the drainage plans for the site to be developed in accordance with the drainage strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy included within the Design and Access Statement dated Nov 2021 (pages 67-81) to ensure the sustainability aims of the development are delivered. The Agent has explained that the desire is to commence with demolition on site before the winter months to ensure construction programming for the replacement dwelling can followed without delays. The Applicant has discharged all other pre-commencement conditions in preparation for commencement on site and it is understood that the detailed drainage plans require more technical preparation which could delay the project if required to be submitted prior to the commencement of demolition.

Officers see no reason to require the submission of the detailed drainage plans for the new dwelling prior to the commencement of demolition works as the drainage works would only be able to be undertaken once the existing dwelling has been demolished and before construction works commence on the replacement dwelling itself. Furthermore, the drainage

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<sup>1</sup> [21\\_02533\\_FUL--1277505.pdf \(newark-sherwooddc.gov.uk\)](#)

strategy for the development has already largely been defined by the approved details (as covered in detail on pages 23-24 of the original committee report<sup>2</sup>) and set out in the Buro Happold Strategy (which is secured by condition 07) to ensure the development takes the form envisaged through the original application submission. There would be no physical or technical implications on the scheme as a result of amending the condition in the manner described by the Applicant – as such there is no objection to the variation as proposed.

### Assessment of the remaining conditions

The NPPG 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.

Following the grant of permission in March the Applicant has submitted a number of discharge of condition applications in preparation of commencement of development on site (specifically for conditions 10, 13 and 14) – given details have been agreed as part of these applications these conditions can be re-worded accordingly. For ease of reference the conditions as originally imposed are listed in full below (see section 10) with strikethrough text used to represent parts of the condition no longer required and bolded text used to indicate new wording.

## **8.0 Implications**

In writing this report and in putting forward a recommendation, Officers have considered the following implications: Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have referred to these implications and added suitable expert comment where appropriate.

## **9.0 Planning Balance and Conclusion**

Only the very narrow scope of the matters of varying the conditions imposed are open for consideration in this assessment and in this case the amendments proposed to the conditions are relatively minor. No adverse impacts have been identified that would arise from the amendments as proposed and Officers do not consider the re-wording of the conditions to require the submission of the relevant details at different stages of the development than originally set by these conditions would materially alter the development that was originally approved. As such, Officers see no justification to resist the proposal and recommend that planning permission is granted subject to the conditions outlined below.

## **10.0 Conditions**

### **01**

The development hereby permitted shall not begin later than **16 March 2025** ~~three years from the date of this permission.~~

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<sup>2</sup> [21\\_02533\\_FUL--1277505.pdf \(newark-sherwooddc.gov.uk\)](#)

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:

- Site Location Plan – Ref. 217.08.10000.LP REV P1
- North and South Building Elevations – Ref. 217.08.31000.ELE REV P1
- East and West Building Elevations – Ref. 217.08.32000.ELE REV P1
- Site Plan Proposed – Ref. 217.08.12000.SITE REV P1
- Proposed Basement Plan – Ref. 217.08.20100.GA REV P1
- Proposed Ground Floor Plan – Ref. 217.08.20200.GA REV P1
- Proposed First Floor Plan – Ref. 217.08.20300.GA REV P1
- Proposed Roof Plan – Ref. 217.08.20400.GA REV P1
- Garden Layout – Ref. 069-02A
- Garden Sections 1-3 – Ref. 069-03A
- Garden Sections 4-5 – Ref. 069-04A
- Tree Strategy – Ref. 069-05

Reason: So as to define this permission.

## **03**

No development above slab level shall take place until manufacturers details (and samples upon request) of all external materials (including colour/finish) have been submitted to and approved in writing by the local planning authority, including but not limited to:

- Bricks;
- Wall Coverings;
- Roof Coverings;
- Green Roofs (full installation and planting specifications);
- Cladding and Detailing Materials;
- Timber;
- Coping Materials;
- Balustrades;
- Windows and Doors (including glazing).

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

Reason: In the interests of visual amenity and to ensure that the development takes the form envisaged through the application submission.

## **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 any glazing bars;
- Treatment of window and door heads and cills;
- Verges and eaves;
- Rainwater goods;
- Coping;
- Balustrades;
- Extractor vents (if required);
- Flues (if required);
- Meter boxes (if required);
- Solar Panels (including number, positioning, inclination and specifications);
- Soil and vent pipes (if required);
- Any other external accretions.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

## **05**

Prior to any development above slab level full detailed elevation plans showing precise details of any brickwork and/or decorative features shall be submitted to and agreed in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the area and to ensure that the development takes the form envisaged through the application submission.

## **06**

Prior to any development above slab level brick sample panels (of no less than 1sqm) showing the brick bond, mortar specification, pointing technique, and any architectural decoration (as detailed on the plans required by condition 05) shall be provided on site for inspection and subsequently agreed through written approval by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: In recognition of the site's location within the designated conservation area and to ensure that the development takes the form envisaged through the application submission.

## **07**

The construction of the development hereby approved shall be undertaken in strict accordance with the Buro Happold Engineering Concepts and Sustainability Strategy as

detailed on pages 67-81 of the Design and Access Statement dated November 2021 submitted in support of this application.

Reason: In recognition of the very special circumstances that support this development and to ensure that the development takes the form envisaged through the application submission.

## 08

~~No development other than demolition shall take place until~~ **Prior to occupation of the dwelling 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 be in accordance with the landscape design set out in the Ibboston Studios Landscape section of the Design and Access Statement (pages 52- 66) and as shown on approved plans ref. 069 02A, 03A, 04A and 05 and 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;
- proposed finished ground levels or contours (should be shown in context of existing land levels);
- means of enclosure;
- car parking layouts and materials;
- hard surfacing materials;
- minor artefacts and structures shown on the plans (pavilion, sunken dining area, outdoor kitchen, benches, sculptures etc.)

Reason: In the interests of visual amenity, biodiversity, protecting the openness of the green belt and to ensure the development takes the form envisaged through the application submission.

## 09

The approved soft landscaping shall be completed during the first planting season following the first occupation/use of the development. 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.

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

10

**The works/development hereby permitted shall be undertaken in full accordance with the Arboricultural Method Statement and Tree Protection details approved under application 22/01411/DISCON (dated 26 August 2022) as set out in documents:**

- **Arboricultural Impact Assessment, Report No: RT-MME-156654-02, Dated: November 2021, produced by Middlemarch Environmental**
- **Arboricultural Method Statement, Report No: RT-MME-157979-03-01 Rev B, Dated: August 2022, produced by Middlemarch Environmental**
- **Email form Matthew Oliver received 25.08.2022 regarding service installation.**

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

~~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.~~

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

11

## 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.
- h. 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.

## 12

The development hereby approved shall be undertaken in strict accordance with Mitigation, Compensation, Enhancement and Further Survey Recommendations outlined at Chapter 6 (pages 34-39) of the Preliminary Ecological Appraisal, Daytime Bat Survey, Bat Activity Surveys & Biodiversity Net Gain Assessment prepared by EMEC Ecology dated November 2021 submitted in support of this application.

Reason: To ensure that wildlife and habitats are retained are protected, in the interests of nature conservation.

## 13

**The works/development hereby permitted shall be undertaken in full accordance with the Bat Mitigation Strategy approved under application 22/01287/DISCON (dated 11 July 2022) as set out in documents:**

- Letter from EMEC Ecology dated 23rd June 2022
- Confirmation of License Email from Natural England – dated 14.06.2022

**Reason: In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.**

~~No development shall take place until such time as an appropriate Bat Mitigation Strategy (BMS), agreed by Natural England, has been submitted to and approved in writing by the Local~~

Planning Authority. The approved BMS shall be implemented in full prior to any development (including demolition) taking place on site and shall be retained on site for the lifetime of the development. The BMS shall include:

- ~~Details of compensatory bat boxes/roost features to be installed on site and other compensatory features (such as roof voids etc), including their design, quantum and precise positions including the height and timings of installation;~~
- ~~A methodology of demolition~~
- ~~Details of any external lighting which shall be designed so as not impact the installed bat features or bat foraging around the site.~~

Reason: ~~In order to afford appropriate protection to bats that occupy the existing building on site in line with Policies DM7, CP12 and the NPPF.~~

14

The works/development hereby permitted shall be undertaken in full accordance with the Demolition and Construction Management Plan approved under application 22/01552/DISCON (dated 12 September 2022) as set out in documents:

- Substructure Removal – Ref. SSW.RA
- Removal of Asbestos, Mastic, Sealant, Beading, Fill, Putty or Fix – Ref. SSW.RA
- Removal of Asbestos Damp Proof Course – Ref. SSW.RA
- Removal of Asbestos Cement Products – Ref. SSW.RA
- Removal of Asbestos Gaskets and Ropes – Ref. SSW.RA
- Demolition of a Brick Built Structure – Ref. SSW.RA
- Construction Phase, Demolition Plan
- Construction Management and Traffic Plan (September 2022)
- Construction Traffic Management Plan and Health and Safety – Ref. 069 08
- Construction Traffic Management Plan and Health and Safety Management Plan

Reason: ~~In the interests of residential amenity.~~

~~No development shall be commenced, including any works of demolition or site clearance until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the demolition and construction periods. The Statement shall provide for:~~

- ~~the parking of vehicles of site operatives and visitors;~~
- ~~loading and unloading of plant and materials;~~
- ~~storage of plant and materials used in constructing the development;~~
- ~~measures to prevent the deposit of mud and materials on the highway.~~
- ~~measures to control the emission of dust and dirt during construction;~~
- ~~measures to protect pedestrians using the public right of way;~~
- ~~a scheme for recycling/disposing of waste resulting from demolition and construction works;~~
- ~~Hours of working.~~

~~Reason: In the interests of residential amenity.~~

## 15

Prior to occupation, details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed. No external lighting shall be installed otherwise than in accordance with the specifications and locations set out in the approved scheme and shall be retained and maintained thereafter. No other external lighting shall thereafter be installed.

Reason: In the interests of residential amenity.

## 16

No development **other than demolition** shall take place until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the strategy set out in the Buro Happold Engineering Concepts and Sustainability Strategy as detailed on pages 67-81 of the Design and Access Statement dated November 2021. The development shall thereafter be carried out in accordance with the approved details, unless agreed in writing by the Local Planning Authority. The dwelling shall not be occupied until the approved foul and surface water drainage has been provided.

Reason: To ensure the provision of satisfactory means of foul sewage/surface water disposal and to ensure that the development takes the form envisaged through the application submission.

## 17

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.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.
- Class G: Chimneys, flues etc on a dwellinghouse.
- Class H: Microwave antenna on a dwellinghouse.

Or Schedule 2, Part 2:

- Class A: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
- Class B: Means of access to a highway.

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

Or Schedule 2, Part 40 of the Order in respect of:

- Class A: The installation, alteration or replacement of solar PV or solar thermal equipment.
- Class B: The installation, alteration or replacement of standalone solar within the curtilage of a dwelling house.
- Class E: The installation, alteration or replacement of a flue, forming part of a biomass heating system, on a dwellinghouse.
- Class F: The installation, alteration or replacement of a flue, forming part of a combined heat and power system, on a dwellinghouse.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the Green Belt.

### 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](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)

#### **02**

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) Order 2010 (as amended).

#### **03**

Notes from NCC Rights of Way:

- The route of Epperstone Public Footpath No. 1 passes along the first section of the driveway to Hill House. The correct legal alignment of the public right of way can be checked by carrying out an official search, contact [row.landsearches@nottsc.gov.uk](mailto:row.landsearches@nottsc.gov.uk).
- The applicant will need to demonstrate how members of the public using the footpath will be kept safe during the demolition and construction phase of the proposal. 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 surface of the driveway and therefore the footpath is currently a crushed stone/gravel surface with some worn tarmac where it meets the 'adopted' Chapel Lane. The plans seem to show no indication of the proposed treatment of the driveway surface following construction. Given the sloping nature of the drive; the likely increase in volume, size and weight of vehicles using the driveway during construction; it is likely that the existing surface will experience a high degree of damage and wear.
- Any vehicular damage to the surface of the footpath will need to be repaired by yourselves. The applicant will need to indicate and obtain approval of any changes to the surface treatment of the drive/Public Footpath.
- Structures cannot be constructed on the line of the right of way without the prior authorisation of the Rights of way team. It should be noted that structures can only be authorised under certain criteria and such permission is not guaranteed.

## 04

Notes from Cadent Gas:

- Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.
- If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)
- Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.
- Your responsibilities and obligations
- Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

## 05

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

## 06



All bat species are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. This legislation makes it illegal to intentionally or recklessly kill, injure or disturb any bat, or destroy their breeding places. If bats are disturbed during the proposed works, the legislation requires that work must be suspended and Natural England notified so that appropriate advice can be given to prevent the bats being harmed.

#### BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01659/S73

