



Report to Planning Committee 20 April 2023

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Laura Gardner, Senior Planner, 5907

Report Summary			
Application Number	22/02176/FUL		
Proposal	Demolition of two single storey bungalows and construction of 8 dwellings that include off-street parking provision and outdoor amenity space.		
Location	Land At Greenaway, Rolleston		
Applicant	Newark And Sherwood District Council - Mr. Kevin Shutt	Agent	RG+P Ltd - Mr. Dale Radford
Web Link	22/02176/FUL Demolition of two single storey bungalows and construction of 8 dwellings that include off-street parking provision and outdoor amenity space. Land At Greenaway Rolleston (newark-sherwooddc.gov.uk)		
Registered	08.11.2022	Target Date / Extension of Time	03.01.2023 / 27.04.2023
Recommendation	Approve, subject to the conditions set out in Section 10.0		

This application is before the Planning Committee for determination, in accordance with the Council’s Constitution, because the applicant is the Council.

1.0 The Site

The application site comprises land at Greenaway which is a road to the south of Staythorpe Road within the settlement of Rolleston. The land includes two existing bungalows, a parking area located on the north side of Greenaway and a grassed area with tarmac access leading to Rolleston Village Hall located to the north east of the site. A play area with open space is also located to the north east of the site. The majority of the boundaries of the site comprise hedgerow with a number of mature trees also scattered within the site. A TPO tree is also

located close to the south west corner of the site (outside of the application boundary). Open countryside is located to the east of the site with residential properties located to the south and west.

Part of the entrance to the site is located within Flood Zones 2 and 3.

A right of way also runs through the site and runs along its south east boundary past the village hall.

2.0 Relevant Planning History

09/00001/FUL Erection of play equipment, construction of access road and hard surfaced play area/overspill car park – permission 12.03.2009

05/01775/FUL Change of use from agricultural use to playing field – permission 19.09.2005

04/00439/FUL New village hall – permission 22.04.2004

03/02850/FUL Proposed new village hall – permission 13.01.2004

5478992 Erect village hall – permission 03.10.1978

5477671 Village hall - permission 27.09.1977

5476384 2 No OAP bungalows – permission 02.06.1976

3.0 The Proposal

The application seeks full planning permission for the demolition of two existing bungalows and the erection of eight dwellings in their place and on the grassed area between the existing bungalows and the village hall site. There would be a mix of affordable dwellings and market dwellings provided as follows:

House Type	Tenure	No.
1 bed bungalow	Affordable	1
2 bed bungalow with accommodation in roof space	Affordable	2
2 bed semi-detached house	Affordable	2
3 bed detached house	Market	3

Each of the dwellings would be provided with off street car parking spaces and an area of private amenity space.

The three market dwellings would also each have a single detached garage located to the side/rear.

The existing access to the site would be utilised. Generic visitor parking which exists to the north of the access road would be retained (6 spaces).

The application has been considered on the basis of the following plans and documents, which for the avoidance of doubt have been revised during the application as discussed in more detail in the appraisal section below:

- Site Location Plan – 100-201/(P)001J;
- Proposed Plans and Elevations (M Plots 06-07) – 100-201/(P)008F;
- Boundary Treatment Plan – 100-201/(P)010L;
- Proposed Highways Plan – 100-201/(P)011G;
- Proposed Plans and Elevations (C2 Plots 01-02) – 100-201/(P)012E;
- Proposed Plans and Elevations (A3 Plot 03) – 100-201/(P)013B;
- Proposed Plans and Elevations (D Plots 04-05) – 100-201/(P)014E;
- Proposed Site Plan – 100-201/(P)019H;
- Proposed Plans and Elevations (M Plot 08) – 100-201/(P)022;
- Street Scenes – 100-201/(P)023;
- Large Refuse Vehicle Swept Path Analysis – Drawing No. 001;
- Planning Statement by rgp dated November 2022;
- Ecological Appraisal & Baseline BNG Assessment by bakerconsultants dated October 2022;
- Flood Risk Assessment & Drainage Strategy by bsp consulting – 20-0622 dated February 2021;
- Phase 1 Desk Top Study Report by collinshallgreen – ID191 dated August 2019;
- Phase 2 Ground Investigation Report by collinshallgreen – ID191 dated March 2020 Rev. A;
- Phase 2 Pre-development Arboricultural report by Wharncliffe Trees and Woodland Consultancy dated September 2022;
- Sequential Test Assessment by Town Planning Services dated February 2021;
- Covering Letter to additional information dated 27th January 2023 – 100-201/DR;
- Flood maps x3 received by email dated 27th January 2023;
- A Reaffirmation of Housing Needs Survey for Rolleston dated November 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of 13 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. An additional round of consultation has been undertaken based on the revised plans.

Site visit undertaken on 29th November 2022.

5.0 Planning Policy Framework

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

Spatial Policy 1 - Settlement Hierarchy

Spatial Policy 3 – Rural Areas

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 10 – Climate Change
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure
DM12 - Presumption in Favour of Sustainable Development

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Residential Cycle and Car Parking Standards & Design Guide SPD June 2021

6.0 Consultations

Rolleston Parish Council –

Comments on the revised scheme:

Conclude the proposed Amendments illustrated fail to address any of the material concerns raised previously (meeting held on 5 December 2022) and consequently councillors continue to oppose the application, and also wish to make the following additional comments:

- (i) The Play Park referred to in the supporting documents is owned by Rolleston Parish Council and not the Village Hall, and the hard standing (basketball Court) suggested as being suitable for overspill parking would therefore never be available for such use.
- (ii) The revised plans are likely to impact adversely on future exercise of the legal rights of way through the scheme to the field to the rear
- (iii) The revised plans show the approach road to the village hall to remain unadopted, with consequential issues relating to maintenance costs and access.
- (iv) The Housing Needs Survey referred to in the application relates to the whole of the NSDC region and not Rolleston and therefore fails the sequential test
- (v) There remains concern over the lack of provision for relocation of the Resilience Store and the size of trees proposed to be planted adjacent to a high, shaded hedge.

Original comments received:

Object for the following summarised reasons:

- i) The development would be detrimental to the amenity and viability of the adjacent village hall and it likely to cause conflict between uses. The loss of a facility would be contrary to Spatial Policies 3 and 8;
- ii) Loss of long standing amenity car parking for the village hall leading to on street parking;
- iii) Existing sewerage and drainage in the area are sub-standard with frequent pumping out required;
- iv) Density of development is over-intensive and not in keeping with a site adjoining the open countryside, would increase the population of the village by more than 10% so not small scale in accordance with Spatial Policy 3;
- v) Access road at high risk of flooding with no other means of escape;
- vi) The viability of additional social housing is questioned due to the inadequacy of bus and rail services available for new residents who are more likely to be on low incomes or elderly;
- vii) Tandem parking provision;
- viii) In addition to where indicated above, it is the view of the Parish Council that the proposed development does not comply with current planning policy in the following respects:
 - a. The proposal is not supported by Spatial Policy 1 or 2 which directs 100% of housing growth into the Newark Urban Area, Service Centres and Principal Villages;
 - b. By virtue of the scale, layout, density, and design of the proposal, it will cause harm to the character and appearance of the location and its setting, thus the proposal is in conflict with the 'Character' criteria set out in Spatial Policy 3;
 - c. The location fails to provide safe, convenient, and attractive access and thus conflicts with Spatial Policy 7;
 - d. The introduction of additional highway to adoptable standards serves to erode the environment and character of the area and thus conflicts with Spatial Policy 7;
 - e. The site would not meet the criteria to be considered a suitable site for housing allocation as set out in Spatial Policy 9 and should thus be considered inappropriate for housing development;
 - f. The proposal would constitute inappropriate backland development and thus conflicts with Policy DM5.

NCC Highways – No objections subject to conditions.

NCC Rights of Way – No objections subject to conditions.

Ramblers Association – No comments received.

NCC Flood – No comments specific to this application.

Environment Agency – No objections. Acknowledgement that the access road is at risk of flood and recommend consultation with emergency planners and emergency services.

NSDC Tree Officer – Concerns regarding potential negative impacts on T10 (protected by Tree Preservation Order) and trees shown to be retained.

Cadent Gas – No objection, informative note required.

NSDC Environmental Health (land contamination) – The site is low risk, certification of imported material should be controlled by condition.

NSDC Environmental Health (noise) – Noise attenuation would be required for the proposed dwellings given the proximity to the village hall.

NSDC Emergency Planner - No comments received.

Emergency Services - No comments received.

Strategic Housing - The proposal as presented will contribute to meeting both the affordable housing need and market demand in the local area of Rolleston and the Housing Strategy and Development fully support the proposal.

Severn Trent Water – No comments received.

22 letters of representation have been received, details of which can be summarised as follows:

Principle

- There is no evidence to suggest that the intense development of this space will address the housing needs of the village;
- Rolleston does not have a range of local services and the pub is currently closed;
- Bus and train links are infrequent;
- If the development were to go ahead it would put at risk the village hall which is being used as evidence to support it;
- Compensation should be given to the village hall for loss of revenue;
- There have been two council houses empty since 2017 – if there was a need the council would have put people in them;
- People were assured that Rolleston offered only minor infill development opportunities;
- The proposal constitutes inappropriate backland development;
- The applicant is negligent in not taking the tourism this site generates into account – every booking of an event e.g. weddings bring people from outside the District;
- If the village hall becomes unsustainable because of the development then all children will the village will have to go elsewhere for activities;

Impact on highways including footpath

- The land is used for overflow parking for the hall;
- There are many events at the hall where parking far exceeds the available space;
- The only other available alternative parking is on Staythorpe Road which would cause traffic congestion;
- Tandem parking is likely to lead to cars parking on the road;

- The hall only has 12 designated spaces in the car park which proves to be insufficient for most events in the hall;
- The existing playground could be relocated to use the space for additional parking;
- Tandem driveways are likely to lead to parking on the road limiting access to the village hall;
- Visitors will use the village hall parking spaces or be forced to park on the main road which may block driveways;
- Danger and risk to life through increased traffic at the junction;
- The stopping up of the footpath is in direct conflict with the policy to safeguard footpath networks;
- Any new development cannot be deemed to serve any sustainable transport policy;
- Footpaths help mental health;
- The access along the Haulage Way to the land adjacent will be unusable without dropped kerbs;
- Visitor parking is likely to block access to the land to the east;

Drainage and flooding

- The development would create a lot of sewerage – the sewer pipe is only a 6 inch diameter pipe which is already inadequate;
- The main road through the village recently had to be closed because the overloaded pipe exploded;
- The access road is liable to flooding meaning residents will be trapped in a flood event;
- Developments in the last 5 years have already added pressure to the pumping station in the village;
- There was a road closure in 2022 whilst the sewerage system had emergency repairs;
- STW do not have a statutory responsibility to accommodate foul flows;
- Sewerage from Averham and Staythorpe is fed into Rolleston pumping station for storage – upgrades would be a major infrastructure project requiring massive inputs of capital;
- There are many illnesses associated with overflowing sewers and the council has a duty of care for safety;
- Tankers pump through the night at the adjacent pumping station;
- Any further development will increase the problems that residents are suffering;

Impact on Amenity

- The village hall is situated in open space with views over the countryside making it attractive for celebrations – income will be lost if the development goes ahead;
- The building period will affect vehicular access to the hall;
- Rolleston has no outdoor amenities other than the village hall and church – any diminution of facilities will seriously affect the village;
- The new owners are likely to complain about noise from the village hall;
- Removing this area will be excluding those with dogs the ability to exercise their dog whilst their children can be supervised on the play area;
- Rooflights will overlook neighbouring garden and living room and remove current open views of the countryside;

- The pumping activity related to the sewerage system regularly generates noise and light disturbance at night;
- Plots 2&3 would be much closer to neighbouring boundary and increased heights;
- Plot 3 would be intrusive and overbearing to a neighbouring dining room window;
- Concern that parked cars will block existing right of access;
- The upper floor level window will overlook neighbouring amenity space;
- The solar panels will cause a possible glare;
- The loss of valuable open greenfield space will have wider detrimental amenity impacts;
- There should be acoustic surveys of village hall events;
- House type C2 has a ground floor bedroom without a boundary in front;
- The height of house C2 is more than double the existing bungalow leading to overbearing;
- There is a privacy issue from the full height glazing of house type M;
- The development would make the walk to the play park dangerous;

Impact on Character

- The scheme reduces the rural and open atmosphere of Rolleston;
- The proposals show an overly intensive development with houses very close to the boundary of the village hall;
- Dwelling M008 should be removed to allow for more open space;
- The plans would lead to a suburbanisation of a rural setting;
- Loss of trees will erode the existing distinctive character of the area;
- The scale of the development is disproportionate compared against existing development;
- The setting of Rolleston is a rural countryside location thus the development will fail to adhere to the Landscape Character Assessment policy zone;
- The proposal appears to be based on standard house types rather than responding to the site and its context;
- It is unclear how the soft landscaped area facing plots 6-8 would be maintained;

Other Matters

- The development will destroy important environmental habitat for numerous wildlife;
- The manner in which the Council has gone about trying to sneak this through in an underhand manner should be investigated by an independent reviewer;
- Great Crested Newts have been present in the area;
- Potential residents may not be aware of hedgerow regulations therefore there is a high risk of the hedge being removed;
- The land should be used for biodiversity net gain;
- No method of safe access for the play park during construction;
- Site plans appear inaccurate and encroach onto neighbouring properties;
- Other applications in Rolleston have been refused and dismissed at appeal which are comparable – 18/01592/OUT; 19/01776/OUT and 21/02435/OUT.

The following additional comments have been submitted in relation to the amended plans,

including comments from the Village Hall Management Committee:

- Amendments do not address the main objections already submitted;
- The proposed tree planting will block light into neighbouring houses;
- There will still be issues with the sewerage system;
- The introduction of rear dormer windows add additional concern to overlooking impacts and will provide outlook into neighbouring rear garden and dining room;
- The windows should be in the front roof slope not the rear or the properties should be moved so that property 03 backs onto the neighbouring plot;
- The applicant has no understanding as to how the village hall functions, ample car parking is vital to its ability to sustain this external income stream;
- New trees will overshadow neighbouring residents;
- The agents position in disputing that the proposal will cause detriment to the longevity of the village hall is naïve;
- The access to the village hall will be the responsibility of the residents and there is concern that it will become pot holed and dangerous to users;
- The hall committee will seek financial compensation for the access being blocked during construction;
- The hall is used by many organisations during the working day;
- There is a locked gate from the current hall parking area past that play area (owned by the Parish Council, not by the Hall) to prevent vehicle access and remove the danger of traffic mowing down small children;
- Adequate engagement with all interested village stakeholders has not taken place.

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

The Settlement Hierarchy within the Core Strategy outlines the intended delivery for sustainable development within the District. Primarily the intention is for further growth to focus on the Sub- Regional Centre of Newark before cascading to larger Service Centres such as Ollerton and Southwell and then to the larger villages of the District referred to as Principal Villages. At the bottom of the hierarchy are 'other villages' within which development will be considered against the sustainability criteria set out in Spatial Policy 3 (Rural Areas). The settlement of Rolleston falls into this 'other village' category. This provides that local housing need will be addressed by focusing housing in sustainable, accessible villages. The policy requires the proposal to be assessed against five criteria including location, scale, need, impact and character which are set out below.

Location

The site as existing is largely laid to grassland and visually reads as being associated with the village hall (other than the residential curtilages associated with the existing semi-detached bungalows). The eastern boundary is defined by a hedgerow which in my view represents the edge of the village. On this basis I consider it is reasonable to conclude that the site is within the main built up area of the village. Whilst Rolleston is one of the District's smaller rural villages and has limited services, it does have a public house (albeit currently closed), church and village hall and is located in relatively close proximity to Southwell and is connected to other more sustainable settlements through regular bus links.

Scale

The proposal would result in a net addition of six dwellings which is not considered to be high in numerical terms relative to the scale of Rolleston overall with further consideration of the physical characteristics of the site set out in the relevant sections below.

Need

The proposed dwellings would potentially support community facilities and local services in the local area. A further explanation of the need for the proposed dwellings is set out in the Housing Mix/Tenure section below.

Impact

This element of the policy refers to ensuring that new development does not generate excessive car borne traffic or unduly impact on local infrastructure including drainage and sewerage etc. The impact on the highways network is discussed separately below.

Locally, there is concern that the development would worsen existing issues with the sewerage system in the village. Whilst it does not fall for this proposal to fix existing issues with the sewerage system, the impact on local infrastructure is a legitimate concern which requires consideration.

National planning guidance (an online resource known as the NPPG), states that where possible, preference should be given to multi-functional sustainable drainage systems and to solutions that allow surface water to be discharged according to the following hierarchy of drainage options:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

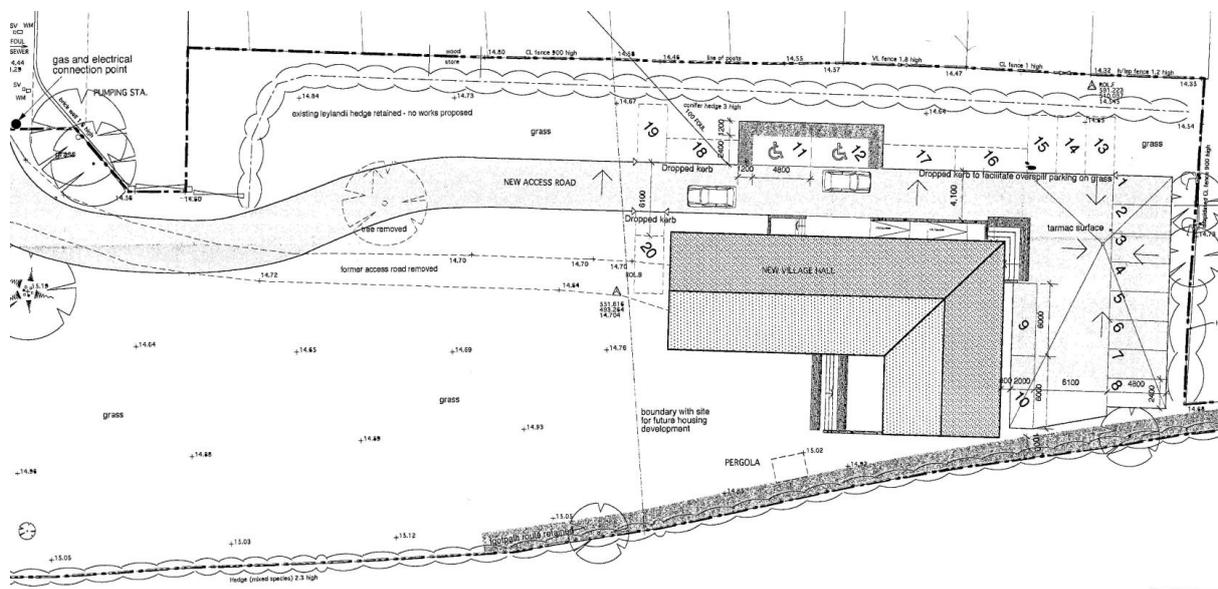
The application has been accompanied by a Drainage Strategy which confirms that based on the geology of the area, together with a potentially high water table, it is unlikely that permeable ground conditions are present at the site. As a result, the discharge of surface

water runoff by infiltration based systems has been ruled out. There are no open watercourses within the immediate vicinity of the site which could accept surface water runoff from the site and therefore the only option available for the development would be to drain surface water to the public sewer network. Surface water drainage rate and new foul public sewer connections will be subject to agreement by Severn Trent Water through a separate Section 106 (Water Industry Act 1991) application.

Given the local concerns raised, a consultation has been undertaken with Severn Trent Water but unfortunately despite several requests, no response has been received. Nevertheless, noting the drainage strategy submitted, I consider that the proposal has done enough to demonstrate that the dwellings could be adequately catered for in the existing network and ultimately any formal drainage approval would be controlled outside of the planning process.

Several neighbour comments have also raised concern regarding the impact that the proposed development would have on the village hall noting that as existing the site is informally used for overflow parking for village hall events (and thus if the site was no longer available for parking the use of the village hall would become less viable). In the context of Spatial Policy 8 and the NPPF, any detrimental impact to an existing community facility would clearly weigh negatively in the overall planning balance.

The village hall was constructed through a 2004 permission (reference 04/00439/FUL) with the approved plan indicating a total of 20 parking spaces (including 2 disabled) on land to the east of the Hall (outside of the application site for this current application):



Having visited the site, not all of the spaces have been laid out as approved albeit there would remain some land available for further parking in the areas where spaces were originally approved:



It is noted a 2009 application (09/00001/FUL) for the erection of play equipment, construction of access road and hard surfaced play area / overspill car park indicated that part of this application site would be used for overspill parking for the village hall. However, this did not fall within the red line application boundary for that application and thus these spaces did not form part of the wider proposals (and indeed have not been provided on site).

NCC Highways have considered the potential displacement of parking and agree that the parking for the village hall would be as per the relevant permissions given. Their comments also make reference to an area of overspill parking from the 2009 permission (a basketball court annotated as having potential for overspill parking) but as per the comments of the Parish Council, this is understood to *not* be available for users of the village hall. This has been discussed with NCC Highways and they have confirmed that the lack of availability for parking in this area does not change their position. Whilst I appreciate local concern in respect to this matter, in the absence of a highway safety objection, it would not be reasonable to resist the development of the site purely on the basis that the land would no longer be available for overspill parking when larger events are taking place within the hall. The parking which has been taking place on the application site is purely an informal arrangement and does not fall within the relevant permissions for the village hall.

The other potential risk to the longevity of the village hall is that if the development were to come forward then the occupiers of the dwellings (mainly plot 8) may potentially be disturbed by the noise and disturbance of events within the hall. Paragraph 187 of the NPPF states:

Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they

were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Colleagues in Environmental Health have confirmed that the village hall has a licence permitting regulated entertainment until midnight 6 days a week and until 10:30pm on Sundays. The hall could therefore reasonably be used for events such as weddings which would create noise into the evenings. The access for the hall would also clearly run in front of the dwellings meaning that the occupiers are likely to experience disturbance from comings and goings associated with the hall. There is also a play area adjacent to the village hall which could also create noise impacts.

Whilst the hall is intended to serve a village community, and is already close to residential neighbours, the occupiers of this proposed development are likely to experience a greater impact in terms of noise and disturbance given their proximity to the hall and given the access to it. Colleagues in Environmental Health have verbally advised they have not received complaints from existing nearby residents but point out that the proposed occupiers would be more impacted. They also point to the Agent of Change principle (the principle is encapsulated in the NPPF paragraph quoted above) and point out that the developer will need to provide an appropriate level of sound attenuation to mitigate as far as possible noise from the hall. No noise survey has been undertaken and indeed it would be difficult to undertake given the ad hoc nature of the use. The noise attenuation measures would likely need to comprise best endeavours to reduce the noise impacts through noise attenuating (triple) glazing for example albeit exact details could be secured by condition. In conclusion, the impact from the village hall may cause nuisance to occupiers of the new dwellings (of an unknown frequency) and not all of this can be mitigated. This will need to be weighed into the balance.

Character

The criterion character of Spatial Policy 3 states that new development should not have a detrimental impact on the character of the location or its landscape setting. The impact on character is set out in more detail in the Impact on Visual Amenity section below.

Housing Mix/Tenure

Core Policy 3 provides that development densities should normally be no lower than 30 dwellings per hectare net. Core Policy 3 also states that the LPA will seek to secure new housing which adequately addresses the housing need of the district, namely family housing of 3 bedrooms or more, smaller houses of 2 bedrooms or less and housing for the elderly and disabled population. It goes on to say that the LPA will secure an appropriate mix of housing types to reflect the local housing need.

Based on a site area of 0.37 hectares, the development for 8 dwellings would lead to a development density of around 22 dwellings per hectares thereby below Core Policy 3 aspirations. However, as is acknowledged by the submitted Planning Statement (and discussed in detail below), parts of the site are at risk of flooding which the layout has

responded to by restricting any built form outside of Flood Zone 1. A lower density proposal is not considered fatal on this basis but also in acknowledgement that the site is at the edge of the village and therefore to insist on a higher density proposal would likely disrupt the transition between the countryside and the village.

The development is partly being put forward as part of a five-year building programme by Newark and Sherwood District Council to deliver approximately 360 new affordable dwellings across the District to directly meet affordable housing need. Five out of the eight dwellings would be for affordable purposes.

In May 2020 Midlands Rural Housing conducted a follow-up survey to an original 2016 survey relating to the housing needs of Rolleston to confirm the need for affordable and open market housing that exists in the village. The results of the survey were combined with information from the housing needs register and, in total, a need was identified for 10 affordable homes and for 3 open market homes in the village.

The affordable provision forming part of this proposal would make a meaningful contribution towards the need identified in the village as well as contributing to the overall affordable housing delivery in the District. This represents a significant benefit of the proposal.

In respect to the market dwellings the survey demonstrated a need for 1 x 2-bed house, 1 x 2 bed bungalow and 1 x 3 bed bungalow. The proposal for 3 x 3-bed houses would therefore not be addressing the specific needs of the survey. However, I am mindful that housing needs evolve over time. Given that the site is within the village and the principle for market dwellings is potentially acceptable in principle (notwithstanding matters of flood risk discussed below), then I do not consider it would be reasonable to be overly prescriptive to the results of the 2020 survey. The market dwellings would make a small contribution to the overall housing needs of the District and thus again would hold positive weight in the overall planning balance (albeit not to the same degree that the affordable provision does).

Impact on Flood Risk

Core Policy 10 requires development to be adequately drained and Policy DM5 relates to flood risk and water management. The NPPF states when determining planning applications, the Local Planning Authority should ensure flood risk is not increased elsewhere. It is stated that decision makers should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, and if required the Exception Test, it can be demonstrated that development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location and development is appropriately flood resilient and resistant.

Whilst the part of the site proposed to accommodate the housing does not fall within Flood Zone 2 or 3 its access/egress arrangements do. Based on current mapping during a flood event of sufficient magnitude the part of the site proposed for development would risk being effectively cut-off from the surrounding area. I note that the public right of way passing through the site does enable a pedestrian escape route to the main road and a flood zone 1 area to the north east of the site – however this would be restricted to pedestrians as opposed to vehicles. As such, it is still necessary to apply the sequential test (an approach supported

by the Inspector in determining the appeal for application reference 20/01807/OUT where similarly the area at risk of flooding was the site access).

This is acknowledged by the application submission which includes a Sequential Test document. It is noted that the layout has changed since the version included within this document but I agree with the stance of the Planning Statement that this is not fatal to the overall conclusions.

The Planning Practice Guidance states *'Avoiding flood risk through the sequential test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the ...decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so.'* (Paragraph: 023 Reference ID: 7-023-20220825).

Applying the Sequential Test however is normally applied District wide and for that the Council has a proven 5-year housing land supply whereby it would not be reliant on the use of land at risk of flooding for the supply of housing. However, the Planning Practice Guidance states that:

For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases, it may be identified from other Plan policies. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location. (Paragraph: 027 Reference ID: 7-027-20220825).

The originally submitted Sequential Test was based on a search for sites within a search area that includes the catchment area of nearby schools considering sites with planning permission, land for sale, and development opportunities. Other than quoting advice from the PPG, there was no substantial justification as to why local schools were used to define the search radius for the Sequential Test.

Three specific planning applications were referenced; one in Southwell and two in Thurgarton. Each are discounted for various reasons but consistently that the schemes would not be suitable for the delivery of affordable housing. The report includes a small section on property web site searches concluding that there are no other development opportunities in the search area that are suitable.

It is noted that reference is made to another application in Rolleston (20/00534/FUL) where Officers did not resist an application where the access was in Flood Zone 2. However, as is stated, the circumstances of that application were materially different in that an extant

permission existed on the site. Moreover, the current application seeks a net increase of 6 residential units which is not directly comparable to the quoted application which was for a single dwelling.

Even at its restricted scale which Officers did not consider was appropriately justified, the originally submitted sequential test is light touch. If the school catchment restriction were to be accepted, then this search area should include the larger more sustainable settlement of Southwell. Southwell has various residential site allocations. Whilst some would be beyond the scope and size of the development proposed here, others are more comparable and do not appear to have been considered as part of the sequential assessment undertaken. On this basis, Officers raised concerns with the Sequential Test document to which the agent has responded during the application.

The response has changed the emphasis in comparison to the original document now stating that the Test has been restricted to Rolleston on the basis of the housing needs for the village (discussed in detail in the preceding section). Flood maps have been presented to demonstrate that 'large areas' of Rolleston are within Flood Zones 2 and 3 and therefore in the context of the PPG paragraph above, there is unlikely to be reasonable alternatives for the development within the settlement of Rolleston.



The above flood risk map covering the village does show that there is essentially an island within Flood Zone 1 with the village being surrounded by areas within Flood Zones 2 and 3. The majority of Staythorpe Road is at risk at flooding and therefore it is likely that the development of most of the area within Flood Zone 1 would have the same issue as the

application site that the access would be at risk of flooding (and therefore would be no more sequentially preferable compared to the application site).

It is notable that the District Council has resisted the restriction of the Sequential Test on the basis of housing need in the past, an approach which has been supported by the Planning Inspector (namely an application for 4 market dwellings in Sutton on Trent – 19/00868/FUL). However, I accept there are material differences here, specifically that the current proposal includes affordable housing and that the dwellings themselves would be in Flood Zone 1 (the Sutton on Trent scheme were all market properties proposed in Flood Zone 2).

It is also material that the national guidance has changed since the Sutton on Trent decision with the indication that there will be cases where local circumstances will legitimately restrict the area of the Sequential Test.

Based on the site specific factors relevant to this application (i.e. the housing needs of the village and that the dwellings themselves are within Flood Zone 1) the restriction of the revised Sequential Test to the extent of Rolleston is deemed appropriate. Given the large areas of the village affected by Flood Zones 2 and 3, it is accepted that there would be no other sites within the village which could reasonably accommodate the scale of the development proposed. The Sequential Test is therefore considered to be passed.

The proposed development is defined as ‘more vulnerable’ within Table 2 of the Technical Guidance to the NPPF. The application submission suggests that addressing the unmet need for new housing in the village is a significant benefit to the community that outweighs the identified flood risk thereby complying with the first element of the exception test. A site specific flood risk assessment sets out proposed mitigation including the setting of finished floor levels above existing ground levels and flood evacuation plans.

The Environment Agency have been consulted on the submitted Flood Risk Assessment and have raised no objections acknowledging that the proposed dwellings are not located within Flood Zone 2 or 3. Their comments do however go on to discuss the need for the authority to consider safe access and egress in a flood event, recommending consultation with emergency planners and emergency services. Whilst consultation has been undertaken with these parties, unfortunately no responses have been received. The mitigation measures set out within the Flood Risk Assessment could be secured by condition. It is accepted that there may be additional pressure on the emergency services in a flood event noting that there is no means for vehicles to exit the site without entering an area at risk of flooding but it is equally accepted that the dwellings themselves should provide safe refuge and that the public right of way passing through the site does enable a pedestrian escape route to the main road and a Flood Zone 1 area to the north east of the site.

Based on the above discussion, it is not considered reasonable to resist the proposal on flood risk grounds.

Impact on Visual Amenity

Core Policy 9 requires new development proposals to demonstrate a high standard of sustainable design of an appropriate form and scale to its context complementing the existing

built and landscape environments. Policy DM5 of the DPD requires the local distinctiveness of the District's landscape and character of built form to be reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development. Policy DM5 also states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. It also states that proposals creating backland development will only be approved where they would be in-keeping with the general character and density of existing development in the area, and would not set a precedent for similar forms of development, the cumulative effect would be to harm the established character and appearance of the area. Inappropriate backland and other uncharacteristic forms of development will be resisted.

The site is located in a mixed-use area with a range of building types and sizes. The nearest residential properties comprise a mixture of more modern brick semi-detached dwellings albeit there are some larger detached and smaller terraced properties in the vicinity.

Whilst the proposal would represent a form of backland development partially on land not previously developed, there are already examples of backland development in the vicinity including the cluster of dwellings directly to the south of the site. As such, the proposed layout and density is broadly consistent with the pattern of housing development in the vicinity.

As existing the site is predominantly an open attractive landscape. Mature trees form the focal point for the entrance into the site which through this proposal would be removed to enable to the main highways access and turning head. The vista through to the site from the Greenaway on the original scheme would have been almost entirely hardstanding forming the road as well as some of the associated car parking spaces (serving plots 4 and 5). The revised proposal has amended this slightly such that the spaces for Plot 5 have been moved to the north of the dwelling and there would be a small area of side garden next to Plot 4 but it remains a negative of the scheme that existing tree cover would be lost. This in my view represents a failure of the proposal to take account of existing features within the site albeit it is appreciated that the position of the access road is somewhat dictated by the need to retain the existing vehicular access to the village hall.

Plot 4 would in a sense represent a corner plot which has been reflected in the revised plans showing an additional living room window on the side elevation. Whilst this is still not a true dual frontage it does at least add additional opportunity for surveillance and visual interest.

At present there is a public right of way which runs along most of the eastern boundary of the site (taking access from the Greenaway). The proposal intends to divert the route of this path down the main vehicular access and to the side of Plot 8 which would be bounded by a fence, in part on both sides. Again, this is considered to be a missed opportunity to take account of the existing features within the site given that the revised route would clearly be less attractive when compared to the current route running alongside the open landscape to the east. However, the revised plan does at least show that the northern boundary of the path would have a fence with trellis which would be less obtrusive than a full height timber fence.

The dwellings themselves would have a relatively modern appearance and use of materials as well as sustainability benefits such as the inclusion of solar panels. Other benefits to the

layout and design include the retention of meaningful areas of open space (for example in the north western corner of the site).

Whilst there remain elements of the layout failing to take account of the existing opportunities within the site (namely the loss of existing trees and realignment of the footpath) the revised proposal is considered to present an acceptable layout which would not adversely affect the visual character of the area.

Impact on Ecology and Trees

Core Policy 12 of the Core Strategy and Policy DM7 of the DPD seeks to secure development that maximises the opportunities to conserve, enhance and restore biodiversity. Policy DM5 of the DPD states that natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced.

The original application was accompanied by a Tree Survey which stated that all but one of the trees (a Category C Sycamore) on the application site would need to be removed to accommodate the proposed layout. The revised plan now intends to retain a further three trees. The survey is based on a site visit undertaken in 2019 and therefore the agent has been asked to confirm that the advice remains unchanged given the intervening time. The following response from the author of the report has been provided:

The survey was completed in October 2019. This was after the end of that year's growing season. There have only been three growing seasons since the survey. Whilst the tree crowns and stems will have grown in that time they won't have grown enough to significantly change the tree dimensions on the tree constraints plans.

Of the 11 specimens surveyed, the majority were classed as Category C with only one Category B Sycamore tree (a tree on neighbouring land which is separately protected by a Tree Preservation Order) and one Category U Rowan tree. Whilst replacement planting is proposed, the suggested quantum of 5 trees would not be sufficient to mitigate for the intended loss.

The Council's Tree Officer has commented on the proposals. Their initial comments raised concerns on various matters including that the TPO tree to the south west of the site will overhang the roof and garden of Plots 1 and 2 and that retained trees, noting species and proposed works should actually be regarded as removed.

The agent has responded to the concerns raised. There is an acceptance that the tree to the south west of the site (T10, protected by a Tree Preservation Order) would create an amount of shading to the rear garden of Plot 1. However, it is contended that this will occur in the late afternoon / early evening leaving a greater proportion of the day where the south facing garden would be unaffected by the tree. Having reviewed the response, the Tree Officer remains of the view that, when future growth is taken into account, the proposed development is very likely to require the removal of the tree.

Whilst I agree with the agent's conclusions that the tree is only likely to affect the garden at certain parts of the day at the moment, I equally acknowledge that the tree will grow and the

impacts could increase in the future. However, I am conscious that there are already two bungalows in this part of the site and therefore these impacts are likely to occur for two residential properties irrespective of whether they are the existing or proposed bungalows. Taking this into account, I do not consider that it would be reasonable to resist the proposal purely on the potential impacts of this tree.

Regarding trees shown as being retained, particularly the four to the north of Plot 8, it is stated that the public footpath realignment would be hand dug and of a permeable surface to limit detriment to these specimens. This, as with other tree protection measures, could be secured by condition.

The matter remains that, even with additional landscaping which could be secured by condition, the proposal would lead to a net loss of tree cover within the site and would have potential negative impacts on retained specimens in the future. This will need to be weighed in the overall planning balance below.

An ecological appraisal has also been submitted with the application noting that the site has the potential for ecological interest. The report acknowledges that the site is largely composed of regularly mown modified grassland along with hedgerows and individual trees.

In respect to protected species, the site assessment found no features present that may accommodate bat roosts, concluding specifically in relation to the existing dwellings:

The walls, of unknown construction, have relatively recently been rendered with pebble dash, which continues to the roof, with few gaps visible between the wall and roof joint.

The roof is of metal construction base, topped with a roofing felt lined feature covering another layer of roof of unknown material (likely also to be metal). Wooden fascias surround the roof and each dwelling has a small, brick chimney on the roof. The windows and doors are composed of uPVC material, with no gaps present between the frames and walls.

Each dwelling has a brick outhouse, connected to each dwelling via a brick wall and wooden gated entrance.

The dwellings are in a good state of repair externally, with no gaps or holes present in brickwork or wooden fascias etc, although no internal inspection in either dwelling was possible due to the lack of access and the external area of the tenanted property was also not assessed for similar reasons.

One of the properties was more thoroughly inspected due to the other being tenanted at the time of the survey. The property inspected has negligible roosting potential for bats and based on the observations on site the same conclusions are drawn for the attached property, albeit it is recommended that a check prior to the works taking place is undertaken to confirm the assumptions made. The building is prefabricated and from what was assessed, showed no roosting potential for bats due to being well sealed and offering no access opportunities. A pre-commencement check is therefore considered reasonable in this case.

Other mitigation measures are suggested such as gaps in garden fences for hedgehogs and placement of bat boxes. These could be secured by condition. It is noted that a neighbouring comment has raised that the site is used for great crested newts but this was not identified within the survey (albeit it is acknowledged that there is some favourable habitat in the area with smooth newts having been found within 1km of the site). In the absence of evidence to the contrary it is not considered reasonable to resist the application based on perceived impacts to this species.

The report includes a “Baseline Biodiversity Net Gain Assessment” which identifies the value of the site as 0.81 habitat units and 1.11 hedgerow units. It appears that at the time of writing the Ecological Assessment, the layout was not fixed and therefore an assessment of the post development plans was not included (albeit areas for mitigation were highlighted). Of notable concern however, is reference to a loss of key habitats, in particular semi-mature trees which has already been highlighted as an issue and will weigh negatively in the overall planning balance below.

Impact on Highways including Public Right of Way

Spatial Policy 7 indicates that development proposals should be appropriate for the highway network in terms of the volume and nature of traffic generated and ensure the safety, convenience and free flow of traffic using the highway are not adversely affected; and that appropriate parking provision is provided. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal would rely on a single point of access from Greenaway which has been demonstrated with footpaths on either side up to Plot 6. Plots 6-8 inclusive would be served by an unadopted driveway leading to the existing access to the community hall which would be retained.

NCC have been invited to comment on the application in their capacity as the Highways Authority. Their original comments raised concerns regarding discrepancies between the submitted plans and the highway boundary records on the north east side of the access road. Site measurements have therefore been taken which essentially show that 5.5m parking bays are not available without stopping up the highway. Nevertheless, there is an acceptance that the discrepancy would be minimal and 5.4m bays would be available (these are existing spaces sought to be retained through the application) therefore no objections are raised subject to the imposition of conditions.

The Council has adopted a Supplementary Planning Document for Residential Cycling and Parking Standards. Numerically, the proposal achieves the level of parking provision required by the SPD. The revised plans show that the spaces would also meet the requirements of the SPD in terms of their size.

Reference has already been made to the intention to divert the existing footpath from its current location. Notwithstanding that this would require separate approval outside of the planning process, NCC Rights of Way team have been asked to comment on the application. No objections have been raised subject to conditions including in relation to the proposed surfacing of the re-diverted route.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of privacy upon neighbouring development. The NPPF promotes 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'.

Being at the edge of the village, the site would have limited impacts on existing neighbouring residential properties. For example, whilst strictly speaking the dwellings would be behind properties on Staythorpe Road, there would be a distance of approximately 47m from the neighbouring rear elevations to the proposed front elevations. Clearly the neighbouring dwellings outlook will change from what is currently a relatively open site but this in itself would not impose amenity harm worthy of resisting the proposal.

Despite their appearance of being single storey in nature, Plots 1 and 2 would have accommodation set across two floors with the first floor bedrooms being served by dormer windows on the rear elevation. The gable end of Plot 1 would be just 16m away from the two storey side gable of no. 12 which has two obscurely glazed windows. Given that there is only a ground floor window on the elevation facing north west this is considered to be an acceptable relationship.

The dormer window at first floor for Plot 1 would be orientated towards 1 Gorse View but there would be an approximate distance of 23m from the window to the nearest element of neighbouring built form which is a single storey part of the property. The window serving Plot 2 would be closer to neighbouring built form at around 15m away but this is towards a side gable and therefore is less sensitive in amenity terms. Owing to the distances, the dormer windows on the southern elevation are not considered to create overlooking which would amount to amenity harm.

Overall no amenity harm has been identified to neighbouring plots given in part the height of the proposed dwellings and also the distances mentioned.

Each of the dwellings would be afforded an area of garden space to the rear which would be private by the proposed use of boundary treatments. These vary in size but would be broadly commensurate with the size of the dwellings proposed. I have considered whether or not it would be appropriate to remove permitted development rights for the proposed dwellings but do not consider it to be reasonable or necessary in this case. The size of the gardens would likely restrict the desire for significant extensions in any case but I can see no automatic harm arising if individual occupiers did intend to take advantage of permitted development rights.

Overall the proposal would comply with the amenity considerations of Policy DM5.

Other Matters

The Councils Environmental Health Officer has commented on the submitted ground investigation report initially querying a lack of results for PAH analysis testing. However, later

comments have acknowledged that the site is low risk and so an overarching land contamination condition is not required. They have however requested that the certification of imported material should be controlled by condition.

Neighbour comments have referred to other applications in the village which have been refused (namely outline applications). None of these are considered directly comparable to the detailed scheme at hand here. Each application must be considered on its own merits and the previous decisions referred to are not considered material to this application.

8.0 Implications

In writing this report and in putting forward recommendations 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 made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

It is accepted that the site is within the village of Rolleston and that the residential development of the site is acceptable in principle. The proposal includes 5 affordable dwellings and 3 market dwellings, the former of which would make a meaningful contribution to the specific local housing needs of the village (the market dwellings would too to some extent albeit not necessarily in respect of their size / type).

The access to the site would be at risk of flooding but the dwellings themselves would be in Flood Zone 1 according to the Environment Agency maps. Based on the information provided to support the application, and taking account to changes within national planning guidance, Officers are satisfied that the extent of the Sequential Test can be restricted to Rolleston and that there are no other reasonably available sites within Rolleston that could deliver the development proposed. Subject to appropriate mitigation being secured by condition, matters of flooding are considered acceptable.

The application has been subject to numerous amendments which has led to some design improvements. However, as is detailed in the appraisal, there remain compromises and missed opportunities to the overall design approach. Namely, the proposal would lead to significant loss in tree cover and potential future loss as raised as a concern by the Council's appointed Tree Officer.

It is notable that there is also local concern in respect to the potential impacts on the long term usage of the village hall should this development come forward. Officers acknowledge that the proposed occupiers are likely to experience some noise and disturbance through events at the village hall due to the proximity to the site. This is a further compromise of the scheme but on balance but the impacts are likely to be reduced to an acceptable level through noise attenuation and could be secured by condition.

Other matters such as impact highways have been found to be acceptable by Officers albeit it is appreciated that there remains local concern in respect to these issues.

Taking all matters into account, whilst it is a very fine balance, I consider that the positive weight that the affordable housing brings would tip the balance towards an approval.

10.0 Conditions

01

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

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

02

No part of the development hereby permitted shall take place until details of the new road have been submitted to and approved in writing by the Local Planning Authority including longitudinal and cross-sectional gradients, street lighting, drainage and outfall proposals, construction specification, provision of and diversion of utilities services, and any proposed structural works. The development shall be implemented in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To ensure the development is constructed to adoptable standards.

03

The development will require the diversion of a public right of way and no part of the development hereby permitted, or any temporary works or structures shall obstruct the public right of way until approval has been secured and the diversion has been constructed in accordance with a detailed design and specification first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the right of way is retained in such a state that it achieves continuity with the wider rights of way and highway networks

04

Approval of the details of the surface treatment and maintenance, width of the public right of way, area of demarcation along private estate road shall be obtained from the Local Planning Authority in writing before the development commences and shall thereafter be implemented in accordance with the agreed details.

Reason: To ensure that the treatment and management of the right of way is appropriate for public safety and use and meets Equal Opportunities, and Sustainable transport objectives

05

No development shall be commenced until a Construction Environmental Management Plan (CEMP) to include precautionary methods of working and habitat creation in accordance with the recommendations of the Ecological Appraisal & Baseline BNG Assessment by bakerconsultants dated October 2022 and associated timescales for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include the siting and design of any wildlife enhancement measures including bird and boxes and details of a precautionary pre-commencement inspection of the tenanted property to confirm the negligible bat roost assessment once the property is vacant.

Development shall be carried out in accordance with the approved details and timescales embodied within the scheme.

Reason: In the interests of maintain and enhancing biodiversity.

06

Prior to the importation of any soil material into the site, the imported material shall be tested in compliance with YALPAG Verification Requirements For Cover Systems (Ver 4.1) document as evidenced through a validation report to be submitted to and agreed in writing with the Local Planning Authority. The material shall thereafter be brought onto the site in accordance with the approved details.

Reason: To ensure that matters of land contamination are adequately dealt with.

07

Details of measures to prevent the deposit of debris upon the adjacent public highway shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site. The approved measures shall be implemented prior to any other works commencing on site.

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

08

No part of the development hereby permitted shall be brought into use until the adoptable access road to the site has been completed and surfaced in a bound material in accordance with details to be first submitted and approved in writing by the the Local Planning Authority.

Reason: In the interest of highway safety.

09

No part of the development shall be brought to use until a new footway connection has been provided along the Greenaway separating the off-street parking bays with the carriageway as

shown for indicative purposes only on the attached plan ref. Proposed Highways Plan – 100-201/(P)011G to the satisfaction of the Local Planning Authority.

Reason: In the interest of pedestrian safety.

10

No part of the development hereby permitted shall be brought into use until all private drives and any parking or turning areas are provided and surfaced in a hard bound material (not loose gravel)- The surfaced drives and any parking or turning areas 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.)

11

No part of the development hereby permitted shall be brought into use until the access driveways and parking areas are constructed with provision to prevent the discharge of surface water from the driveway/parking areas to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development. Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.

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

12

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

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of new trees and hedging to compensate for losses noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species. For the avoidance of doubt, size shall be 12-14cm girth nursery stock;
- details of new boundary treatments, including gates (height and appearance);
- existing and proposed levels;
- details of any other means of enclosure;
- permeable driveway, parking and turning area materials;
- other hard surfacing materials.

The approved planting scheme shall thereafter be carried out within the first planting season following approval of the submitted details and the commencement of development. If within

a period of seven years from the date of planting any tree, shrub, hedging, or replacement is removed, uprooted, destroyed, or dies then another of the same species and size of the original shall be planted at the same place. Variations may only be planted on written consent of the Local Planning Authority.

The approved hard landscaping elements shall be provided on site prior to the occupation of the development and thereafter retained for the lifetime of the development.

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

13

Notwithstanding the submitted details, no works or development shall take place until an updated 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 runs and working methods employed should these runs be within the designated root protection area of any retained tree/hedgerow on the application site.
- d. Details of any special engineering required to accommodate the protection of retained trees/hedgerows including details of hand digging of the re-aligned footpath (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 the application site.
- f. Details of any scaffolding erection and associated ground protection within the root protection areas
- g. 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 tree/hedgerow protection scheme. The protection measures shall be retained during the development of the site.

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

14

The dwellings hereby approved shall not be occupied until details of sound insulation and attenuation measures for the dwellings have been submitted to and approved in writing by the local planning authority. The measures shall have particular regard to the noise associated with amplified music from the village hall to the north-east of the site.

The agreed details shall be implemented prior to the occupation of the dwellings hereby approved and thereafter retained for the lifetime of the development.

Reason: In the interests of residential amenity and to protect the operations of the existing adjacent commercial use.

15

The development hereby approved shall be carried out in accordance with the mitigation measures outlined in the Flood Risk Assessment & Drainage Strategy by bsp consulting – 20-0622 dated February 2021, including but not limited to:

- The prospective site management should register to receive flood warnings;
- The Flood Warning & Evacuation Plan for the site should be brought into place prior to occupation of the development.

Reason: To protect the occupiers in a flood event.

16

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

- Site Location Plan – 100-201/(P)001J;
- Proposed Plans and Elevations (M Plots 06-07) – 100-201/(P)008F;
- Boundary Treatment Plan – 100-201/(P)010L;
- Proposed Highways Plan – 100-201/(P)011G;
- Proposed Plans and Elevations (C2 Plots 01-02) – 100-201/(P)012E;
- Proposed Plans and Elevations (A3 Plot 03) – 100-201/(P)013B;
- Proposed Plans and Elevations (D Plots 04-05) – 100-201/(P)014E;
- Proposed Site Plan – 100-201/(P)019H;
- Proposed Plans and Elevations (M Plot 08) – 100-201/(P)022;

Reason: So as to define this permission.

17

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

18

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 the proposal site.
- b. No equipment, signage, fencing etc. shall be attached to or be supported by any retained tree on 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 outside of existing areas of hardstanding within the application site.
- e. No soak- aways to be routed within the root protection areas of any retained tree/hedgerow on 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 the application site.
- g. No topsoil, building materials or other to be stored within the root protection areas of any retained tree/hedgerow on 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 District Planning Authority.

Reason: To ensure that adequate protection is afforded to the existing vegetation and trees to remain on site, in the interests of visual amenity and biodiversity.

19

No site clearance works including building or shrubbery removal shall take place and no tree shall be lopped, topped, felled or otherwise removed during the bird nesting period (beginning of March to end of August inclusive) unless a precautionary pre-start nesting bird survey has been carried out by a qualified ecologist/ornithologist and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for the protection of species on site.

Informatives

01

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

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

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

02

This application has been the subject of pre-application discussions and has been approved in accordance with that advice. 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).

03

Section 38 Agreement (Highways Act 1980) – new road details

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, then the new roads/footways and any highway drainage will be required to comply with the Nottinghamshire County Council's current highway design guidance and specification for roadworks.

a) The Advanced Payments Code in the Highways Act 1980 applies and under section 219 of the Act payment will be required from the owner of the land fronting a private street on which a new building is to be erected. The developer should contact the Highway Authority with regard to compliance with the Code, or alternatively to the issue of a Section 38 Agreement and bond under the Highways Act 1980. A Section 38 Agreement can take some time to complete. Therefore, it is recommended that the developer contact the Highway Authority as early as possible.

b) It is strongly recommended that the developer contact the Highway Authority at an early stage to clarify the codes etc. with which compliance will be required in the particular circumstance, and it is essential that design calculations and detailed construction drawings for the proposed works are submitted to and approved by the County Council (or District Council) in writing before any work commences on site.

04

Section 278 Agreement (Highways Act 1980)

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act.

Correspondence with the Highway Authority regarding Section 38 and Section 278 application should be sent to Highway Development Control team's email: hdc.north@nottscc.gov.uk For further details, please contact Sarah Hancock, Principal Development Control Officer (Newark & Sherwood area), on 01158 043 168.

05

Building Works shall not project over the highway

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

06

Prevention of Mud on the Highway

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

07

Signs

Non-statutory signs are not permitted within the limits of the public highway.

08

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

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

09

It is recommended that early discussions are held with the Rights of Way Team at NCC (Via) on any impact a development might have on a right of way (surface, width, location etc) or potential change to the route, before the development commences. Contact countryside.access@nottsc.gov.uk

The proposed development requires a public right of way to be diverted because it cannot be accommodated on the legal line within the scheme then this should be addressed under the relevant provisions within the Town and Country Planning Act 1990 for the diverting/stopping up of public Rights of Way affected by development. No part of the development hereby permitted, or any temporary works shall obstruct the public right of way until an Order has been secured.

The safety of the public using the path should be observed at all times. A Temporary Traffic Regulation Order (TRO) to prevent or restrict access of the PROW may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting 2 the Rights of Way section countryside.access@nottsc.gov.uk , 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. A TRO application will only be granted on a PROW to be temporary closed and diverted as a result of the development once the application to stop up or divert the PROW under the TCPA 1990 has been accepted by the LPA.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/02176/FUL

